

3.8.2000

Hon. Mr. S.K.I. Naqvi, JM  
Hon. Mr. M.P. Singh, AM

None for the applicant. Sri D.C. Saxena, learned counsel for the respondents.

Sri D.C. Saxena, points out that on 31.01.2K when this matter came up before the bench in Court no.1, he raised ~~a~~ preliminary objections which includes that the U.O.I. was not properly represented as necessary parties and the necessary parties effected by the relief sought were not added in the OA. Sri D.C. Saxena, elaborates today with reference to his arguement on that date that the OA was bad for non joinder of General Manager, N.Rly. Now it was to his surprise that G.M. N. Rly., Baroda House, New Delhi is mentioned as respondent no. 2 for which neither there is any <sup>order</sup> application nor reference in the order sheet.

If the position is so the matter is very serious, as to <sup>how</sup> why this interpretation could not be made in the OA and who did all this interpretation. Registrar is directed to hold an inquiry and report within 4 weeks.

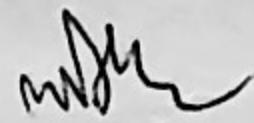
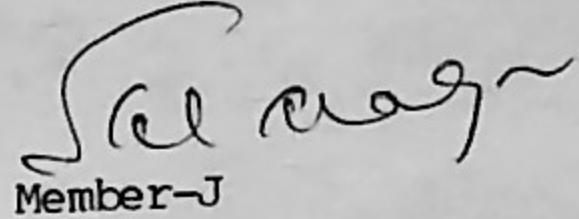
Since the applicant remain unrepresented today, we have no option but to proceed with this matter of 1993 under rule 15. Heard Shri D.C. Saxena for the respondents.

Saxena

// 2 //

Sri D.C. Saxena mentions that apart from being bad in law for non joinder of necessary party, as mentioned above and covered in the order, ~~thus the OA is also~~ not maintainable for having sought multiple relief which are not directly dependent upon each other and one relief is not consequential to one another.

We find force in the contention of Sri D.C. Saxena and find that the OA is not maintainable as per provision of rule 10 of CAT (Procedure) Rules 1987. Hence the OA is dismissed accordingly.

  
Member-A  
Member-J

/pc/