

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 9th day of July, 2001.

CORAM:- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Orginal Application No. 1099 of 1993

J.P.N Shukla S/o Late BP Shukla
R/o Budh Nagar, Rustampur, Gorakhpur.

.....Applicant.

Counsel for the applicant :- Sri V.K. Burman

V E R S U S

1. Union of India through the General Manager,
North Eastern Railway, Gorakhpur.

2. Deputy Controller of Stores (Depot),
North Eastern Railway, Gorakhpur.

3. Controller of Stores, North Eastern Railway,
Gorakhpur.

.....Respondents.

Counsel for the respondents :- Sri V.K. Goel

O R D E R (oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under section 19 of the Administrative Tribunal's Act, 1985, applicant has prayed for a direction to respondents to promot the applicant ^{to} w.e.f 01.08.1992 and grant him all incidental and resultant benefits. The applicant at the relevant ^{time} was serving as Assistant Store Keeper (DSK-II). One post of DSK-I ^{had} fallen vacant w.e.f 01.08.1992.

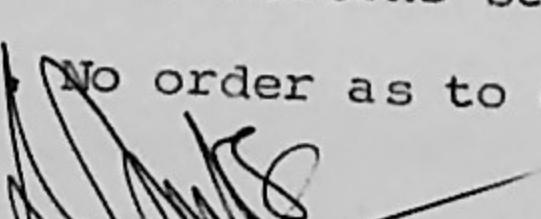
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The grievance of the applicant is that he was senior most DSK-II and promotion being non-selection he should have been promoted as DSK-I. The respondents however, illegally ignored the claim of the applicant.

2. C.A has been filed resisting the claim of the applicant inter-alia on the ground that the applicant has not impleaded S/isri H.C. Srivastava, P.C. Rai, R.D. Mal, Y.N. Chaube, Ram Nath, Brijraj Yadav, J.B. Singh, M.P. Mishra and Bhanu Pratap Singh who were promoted as DSK-I vide orders dated 14.06.1993 and 15.06.1993. It is claimed that if applicant's claim is accepted then one of the aforesaid persons will have to be reverted and as they have not been impleaded as respondents, applicant is not entitled for any relief.

3. In our opinion, the aforesaid plea raised in the CA is justified. If the applicant wanted promotion from the back date and as the posts are limited, he ought to have ~~been~~ impleaded the persons, who are likely to be effected by the order passed by this Tribunal in the O.A filed by him. As the necessary parties have not been arrayed, applicant is not entitled for the relief.

4. For the reasons stated above, OA is ~~accordingly~~ dismissed. No order as to costs.


Member-A.


Vice-Chairman.

/Anand/