

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

O.A.No.344/1994

Allahabad this the 21st day of May, 2002.

Hon'ble Mr. C.S. Chadha, A.M.  
Hon'ble Mrs. Meera Chhibber, J.M.

1. Sri Ghazi Ram S/o Kalloo,  
R/o village Ahaladpur Post  
Mudia Ahmad Nagar,  
Dist: Bareilly.
2. Abdul Shamim S/o Sattar,  
R/o Village Partapur Chaudhary  
Post Izatnagar,  
Dist: Bareilly.
3. Surendra Pal Singh S/o Krishna Pal Singh  
C/o. Krishna Pal Singh,  
C A R I, P.H.T division  
Izatnagar, Dist. Bareilly.
4. Taqveerul Hassan S/o Israr Hasan Khan,  
R/o Village Bihar Kalan,  
Post Izatnagar,  
Dist. Bareilly.

..... Applicants

(By Advocate: Sri A.S. Diwekar)

Versus

1. Union of India, through Secretary,  
Indian Council of Agricultural  
Research, Ministry of Agriculture,  
Government of India, New Delhi.
2. Director, Central Avion Research  
Institute, Izarnagar,  
Dist: Bareilly.

..... Respondents

(By Advocate: Sri N.P.Singh)

O R D E R (Oral)

Hon'ble Mr. C.S.Chadha, A.M.

The brief facts of this case are that the applicant had sought regularisation on the basis of having worked for 240 days in accordance with the OM issued by the Department

*Chadha*

of Personnel and Training on 10.9.93. However, later on the applicant filed an amendment to the OA which was allowed that the relief claimed by him is covered by the judgment of the Principal Bench of CAT in Munnalal & Ors. Vs. Union of India. According to the allowed amendment he challenged the vires of the OM of 10.9.93 issued by the Department of Personnel and Training, but he did not implead the said Department.

2. If the relief sought by the applicant is to agreed to be given the concerned department must be heard. The learned counsel for the applicant has averred that he had made Union of India a party and therefore there is no impropriety on this account. We are afraid that this argument is not valid because the concerned department must be made a party, through its Secretary. We cannot pass an order adverse to the interest of any Department without hearing that Department.

3. Although the judgment of Munnalal's case has been upheld by the Supreme Court, in an other similar case, by a judgment of this Bench in OA 377/96 dated 11.9.2001<sup>2</sup> relief had been granted to the applicant on a similar ground but the same has been challenged in the High Court of Allahabad and the operation of the said judgment has been stayed by the High Court.

4. The learned counsel for the applicant has averred that

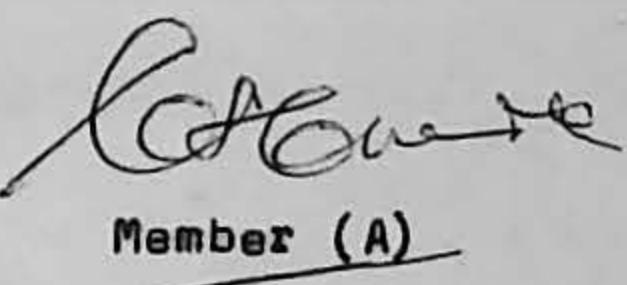
*B. S. Gopal*

the applicant's case is squarely covered by the Judgment, however that judgment has been contested by the respondents we feel that since the matter is sub-judice before the High Court, the applicant should be permitted liberty to file a fresh OA after the decision of the said High Court case.

5. In view of the above, we reject this OA on the ground that the Department of Personnel & Training has not been impleaded and no relief can be granted as regards the constitutional validity of the OM issued by that Department without hearing them.

6. The OA is accordingly disposed of with no order as to costs. The applicant shall have liberty to file a fresh OA after the decision of the case in the Hon'ble High Court in the connected case.

  
Member (J)

  
Member (A)

vtc.