

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH:
ALLAHABAD**

(THIS THE 4th DAY OF DECEMBER 2009)

PRESENT

HON'BLE MR. JUSTICE A. K YOG, MEMBER (J)
HON'BLE MR. S.N SHUKLA, MEMBER (A)

ORIGINAL APPLICATION No. 1488 OF 2000.
(Under Section 19, Administrative Tribunal Act, 1985)

Ashok Kumar Rawat aged about 42 years, son of Shri Lakhan Lal Rawat, resident of 373, Nai Basti, Jhansi.

.....Applicant.

By Advocate: Shri R.K. Nigam.

Versus

1. Union of India through General Manager, Central Railway, Mumbai CST.
2. General Manager (Shri Raj Nath), Central Railway, Mumbai CST.
3. Divisional Railway Manager, Central Railway, Jhansi.
4. Divisional Railway Manager, Central Railway, Bhopal.

..... Respondents

By Advocate: Shri Ravi Ranjan

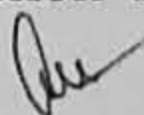
ORDER

DELIVERED BY JUSTICE A. K YOG, MEMBER (J)

Heard Shri R.K. Nigam, Advocate appearing on behalf of the Applicant and Shri P. Mathur, Advocate holding brief of Shri Ravi Ranjan, Advocate appearing on behalf of the respondents.

2. This O.A. concerned seniority apart from other consequential reliefs viz. entitlement a pass of higher class for traveling, etc.

3. The applicant had earlier approached this Tribunal by filing O.A. NO. 497/93 – Ashok Kumar Rawat Vs. Union of



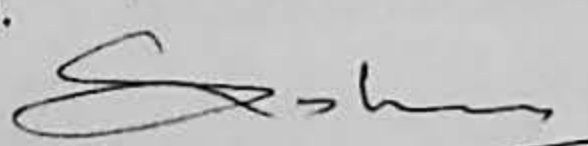
India and Ors.; this O.A. was finally disposed of vide order dated 28.7.2000; relevant para 3 of the said order reads:-

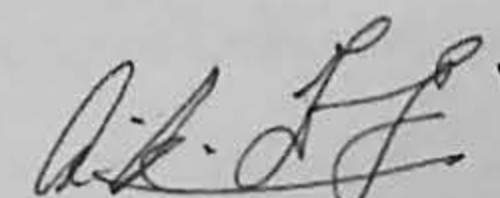
"3. Considering the case, we dispose of this application finally with the direction that the applicant shall make representation to respondent No.1, General Manager, Central Railway, Mumbai VT, alongwith the copy of this order and copy of the judgment of Jabalpur Bench and the letter of the Headquarters dated 5.1.1990. The claim of the applicant regarding the seniority shall be considered and determined in the light of the aforesaid judgment within a period of three months from the date, it is filed before the authority".

4. Learned counsel for the applicant submits that some judgments was passed by the Tribunal at Jabalpur and case of the applicant was to follow the same. This argument does not obviate requirement of impleading necessary parties.

5. In pursuance to the said order, concerned Competent Authority has passed impugned order dated 19.11.2000 (Annexure A-1/Compilation I). Perusal of the said order shows that in case impugned order is set aside and applicant is accorded seniority as claimed by him on the basis of office letter dated 5.1.1990, which shall affect seniority of others. Applicant has not impleaded any such persons, who will be affected in case relief allowed as claimed in this O.A. In absence of necessary parties, applicant cannot be allowed to pursue his remedy.

6. O.A. is misconceived and it is accordingly dismissed. No costs.


Member (A)


Member (J)

Manish/-