

(Open Court)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

ALLAHABAD this the 23rd day of December, 2008.

HON'BLE MR. A.K. GAUR, MEMBER - J.

REVIEW APPLICATION NO. 64 OF 2007

(On behalf of respondent No. 4)

Anil Kumar Swarnkar S/o Shree Baleshwar Ram, Senior Loco Pilot (goods)/P.R.C. Northern Railway, Loco Shed, Moradabad.

.....Applicant

V E R S U S

1. Union of India through General Manager Northern Railway, Baroda House, New Delhi.
2. The Senior Divisional Personnel Officer Northern Railway, Moradabad, U.P.
3. The Divisional Railway Manager, Northern Railway, Moradabad, U.P.
4. Suresh Singh Loco Pilot (Goods) S/o Chandar Singh C/o Crew Controleer, Chandausi, Northern Railway Chandausi, Moradabad, U.P.
5. Naimuddin Khan S/o Sri Thanvi Hussain Loco Pilot (goods) C/o Crew Controller Locoshed Northern Railway Khurja Junction, Khurja, U.P.

.....Respondents.

IN

ORIGINAL APPLICATION NO. 1146 OF 2006

Anil Kumar SwarnkarApplicant.

V E R S U S

Union of India and othersRespondents

Counsel for the Review Applicants: Sri S. Ram (Respd. No. 4)
Sri A. Tripathi (Respd. No. 1 to 3)

Counsel for Review respondent: Sri R.L. Yadav

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ORDER

Having heard learned counsel for the parties, the most glaring mistake committed in the instant case is that the Tribunal while deciding the O.A has quashed the entire panel although the persons, who were placed on the panel, were not impleaded ^{as one of the Respondents} ~~as necessary party~~. In view of the decision rendered by Hon'ble Supreme Court in Km. Rashmi Mishra's case reported in 2007 (1) SLR page 374 and AIR 1985 SC 167- Prabodh Verma, all those persons, whose names were on the panel, were necessary parties and without impleading all of them as respondents, the entire panel cannot be quashed. This is an error apparent on the face of record and on this short point Review Application can be allowed.

2. on the other hand Sri R.L. Yadav, counsel for review respondents submitted that this was not the cause of action. Actually cause of action was mutual transfer. He further submitted that it is true that cause of action of transfer was subject matter of challenge but this Tribunal has not committed any illegality in quashing the entire panel.

3. Considering the legal aspect and the decisions rendered by Hon'ble Apex Court (Supra), the Review Application is allowed. Order dated 31.05.2007 is hereby recalled.

Office is directed to list the O.A for appropriate order on 02.03.2009.

Anand
(A. K. GAUR)
MEMBER- J.

/Anand/