

for O.A
16

केन्द्रीय (प्रक्रिया) नियमानुसारी दोषों के विवरण विशेषज्ञ शिवि

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH : JODHPUR

Date of order : 12.5.1998

M.A. No. 59/1998

in

O.A. No. 221/1998

Ramesh Kumar Jangid son of Shri Panna Lalji Jangid aged about 42 years, r/o. Amali Ka Bas, Shahpura, Jodhpur, presently working as Goods Supervisor, Goods Office, Northern Railway, Bhagat Ki Kothi, Jodhpur.

... Applicant.

versus

Tara Chand Meena, S/o. Shri Heera Lalji, aged about 39 years, R/o. Quarter No. T-27, Railway Station, Barmer, presently working as Goods Driver in the office of Goods Office, Northern Railway, Barmer.

Applicant in O.A.

1. The Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Jodhpur.
3. The Divisional Personnel Officer, Northern Railway, Jodhpur.
4. Shri Dhirumal, Goods Supervisor, Goods Office, Northern Railway, Bhagat Ki Kothi, Jodhpur.
5. Shri H.P. Shukla, Goods Supervisor, Goods Office, Railway Station, Nawa City, District Nagaur (Rajasthan).
6. Shri Surendra Kumar, Goods Driver, Goods Office, Northern Railway, Bhagat KI Kothi, Jodhpur.

... Respondents in O.A.

Mr. Kamal Dave, Counsel for the present applicant.

Mr. S.K. Malik, Counsel for the applicant in O.A.

Mr. R.K. Soni, Counsel for the official respondents in O.A.

Applicants No. 4 and 5 present in person.

None present for the respondent No. 6.

CORAM :

Honourable Mr. A.K. Misra, Judicial Member.

Honourable Mr. Gopal Singh, Administrative Member.

O R D E R

(Per Hon'ble Mr. A.K. Misra)

Heard the learned counsel for the parties.

2. The learned counsel for the present applicant submits that by granting the stay order dated 18.3.1998, the right of the applicant has been affected adversely and for just decision of the O.A., he is a necessary party in the main application. The learned counsel for the applicant in O.A. has opposed the contention of the learned counsel for the present applicant. The learned counsel for the official respondents has no objection if the applicant in this M.A. is made a party in the O.A.

3. We have considered the facts of the case. The applicant was declared successful in the written examination as is clear from Annexure A/3 dated 7.6.96 filed by the original applicant, but he was not empanelled as per Annexure A/1 dated 4/8.7.96 because it appears that three persons had only qualified in the viva voce test. The learned counsel for the present applicant submits that his result was not declared by the official respondents for some unknown reasons.

4. The panel Annexure A/1 was declared on 4/8.7.1996 and the applicant has moved this M.A. for making him as a party on 23.3.1998. If the rights of the applicant were adversely affected for not empanelling him what he was doing for more than 1½ years. There is no explanation for this delay. However, the learned counsel for the present applicant submits that in a similar case and similarly circumstanced an applicant has been made as party in O.A. No. 303/96, therefore, the applicant in this M.A. be made as party to the main application.

5. We have considered this prayer. In our opinion, each case is guided by its own merits and facts. At this juncture, we are not going to examine as to what were the facts which are said to be similar to this so as to make the present applicant as party to the O.A. In our view, the rights of the applicant because of the pendency of the present O.A. and in view of the interim order 18.3.1998 passed in O.A. No. 221/96 are not affected. Therefore, in our opinion, for just decision of the O.A., the present applicant is not a necessary party and the M.A. is liable to be rejected and is accordingly rejected at the stage of admission itself.

Sd/-

Sd/-

(GOPAL SINGH)
MEMBER (ADMN.)

(A.K. MISRA)
MEMBER (JUDL.)

प्रसारित

सत्य प्रतिलिपि

04/6/98.

ग्रनुगामी अधिकारी (न्यायिक)

केन्द्रीय प्रशासनिक अधिकरण

जोधपुर न्यायपीठ, जोधपुर