

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. No.398/95

Tuesday this the 21st day of March, 1995.

CORAM:

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

K.Vasu Nair,
Junior Telecom Officer,
Telephone Bhavan,
Tellicherry,
Cannanore.

... Applicant

(By Advocate Mr.K.Karthikeya Panicker)

vs.

1. Union of India represented by the
Secretary,
Ministry of Communication,
New Delhi.
2. The Chief General Manager,
Telecom,
Kerala Telecom Circle,
Trivandrum.
3. The General Manager,
Telecom,
Telecom District,
Cannanore.

.. Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan)

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant seeks a declaration that he is :

"eligible and entitled to be promoted to the cadre of
Telecom Engineering Service Group 'B' on the basis of
his seniority above his juniors." (emphasis supplied)

2. When the application was filed, the Registry noted a
defect to the effect that the juniors Raveendran and Bharathan,
mentioned in paragraph 8 of the application, had not been
impleaded. Applicant's counsel answered:

"applicant does not want to quash the promotion of M/s.
Raveendran and Bharathan."

3. He prayed for listing the matter before us as unnumbered
for orders. We directed the Original Application to be numbered

and posted for admission. On going through the pleadings, we find that though applicant has not prayed for quashing the promotion of Raveendran and Bharathan, he has claimed seniority over Raveendran and Bharathan. The last sentence in Ground 'B' reads:

"... directions are to be issued to promote applicant to TES Group 'B' and place him above his juniors."

Ground H states:


" applicant is senior enough to be promoted to TES Group 'B' cadre. Sl.Nos. 6 and 11 in A9 are junior to applicant."

4. Sl.No.6 is Raveendran and Sl.No.11 is Bharathan whom the Registry suggested as necessary parties.

5. The statement that the relief of quashing is not sought is a glib statement, and reliefs against Raveendran and Bharathan are sought by seeking placement above them and therefore they are necessary parties. Without necessary parties before us, i.e. Raveendran and Bharathan (despite an alert made by the Registry), we cannot grant relief, as that would be a violation of the most basic principle of natural justice.

6. We dismiss the application. No costs.

Dated the 21st March, 1995.


P.V.VENKATĀKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

List of Annexures

Annexure A 9: True copy of the order ST/165/94-95/175
dated 17-8-94 issued by the 3rd respondent.