

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH, LUCKNOW**

**ORIGINAL APPLICATION NO. 388/2010**

**This, the 5<sup>th</sup> day of October, 2010**

**Hon'ble Shri Justice Alok Kumar Singh, Member (J)**

**Hon'ble Shri S. P. Singh, Member (A)**

Lotto Ram, aged about 56 years, son of late Shri Mangarao Ram, R/oof Rakaba Jalalpur, Post Kotowa Jalalpur, P.S. Ahiroura, District Azamgarh, presently posted as Shunting Master, North Eastern Railway, Gonda.

Applicant

**By Advocate Shri Aditya Narayan**

**Versus**

1. Union of India through its Secretary, Ministry of Railways, Government of India, New Delhi.
2. General Manager, North-Eastern Railway, Gorakhpur.
3. Divisional Railway Manager (Personnel), North-Eastern Railway, Lucknow.
4. Station In charge, North-Eastern Railway, Gonda.

Respondents

**By Advocate: Shri C.B. Verma.**

**ORDER (Dictated in Open Court)**

**By Hon'ble Justice Shri Alok Kumar Singh, Member (J)**

Heard learned counsel for the applicant and Shri C..B. Verma, Railway Advocate and perused the matter on record.

2. By means of this O.A., quashing of impugned order/select list dated 11.5.2010, contained in Annexure-1 has been sought. This select list pertains to Guard Goods (5200-20100+Grade Pay of Rs. 2800) whereas, the applicant is concededly working as Shunting Master. Initially, appointed as 'Kantawala' he was promoted as Assistant Guard on 22.4.1981 in the scale of Rs. 950-1400. But in due course of time, as a result of some posts being declared as surplus vide order dated 27.7.1999(Annexure-5) in pursuance of the order dated 22.3.1999, the applicant was accommodated/adjusted as Shunting Master in the scale of Rs. 4000-6000. It is submitted on behalf of the applicant that vide Annexure -6, representation has

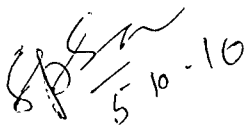
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been made by the applicant on 12.2.2002 to the higher authorities to the effect that till decision of O.A. No. 325, he may be permitted to continue as Assistant Guard.

3. Firstly, it appears that though this representation was dated 12.2.2001, but it was got received in the office of the department on 12.2.2002. It is not ascertainable as to what happened to this representation. Apparently he still continues to be working as Shunting Master. Moreover, it has been rightly pointed out by the learned counsel for the respondents that the aforesaid O.A. 325 has not been filed by the applicant. As the perusal of the aforesaid Annexure -6 itself shows the aforesaid O.A. has been filed by some Assistant Guards. Therefore, the applicant cannot derive any benefit on account of the pendency of the aforesaid O.A. Besides there does not appear to be any interim orders in that O.A.

4. Secondly, it is a cardinal principle of practice and procedure that whenever any select list is challenged, the officials/officers who are likely to be affected being necessary parties, should have been arrayed as respondents as laid down in the case (i) **Ramarao and Others Versus All India Backward Class Bank Employees Welfare Association and Others (2004) 2 SCC-76;** (ii) **Prabodh Verma and others Vs. State of Uttar Pradesh and Others, AIR 1985 SCC 167.** In the O.A. in hand they have not been made parties.

5. Finally, therefore this O.A. deserves to be and is accordingly dismissed without admission. No costs.

  
(S.P. Singh)  
Member (A)

  
(Justice Alok Kumar Singh)  
Member (J)