

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNALBOMBAY BENCHORIGINAL APPLICATION NO.: 186 OF 1995.

Shri A. Paniadimai & Anr. ... Applicants
 Versus
 Union Of India & Others ... Respondents.

APPEARANCE :

1. Shri M. S. Ramamurthy,
Counsel for the applicant.
2. Shri N. K. Srinivasan,
Counsel for the respondents.
3. Shri G. S. Walia,
Counsel for party-respondents.

TRIBUNAL'S ORDER :DATED : 14.7.95

I Per.: S-hri B. S. Hegde, Member (J) I

1. The applicants in this O.A. has challenged the selection of panel declared by the Respondents vide its order dated 14.12.1994 stating that at the relevant time no vacancy existed for holding an exam and the written test was not thrown open for various categories. Though 63 people have applied, only 6 people were allowed to appear. Besides, the name of Shri Shantilal B. at Sl. No. 3 was not duly considered in accordance with the circular exhibit 'C' and 'D' and therefore, the entire list is required to be quashed, etc. When the applicants were officiating in the post of 'Bill Issuer' there was no written test then in vogue but only the practical test, etc. The respondents state that the mere fact, the petitioners name appeared in the panel does not

give them any right to be promoted till the challenge to its validity is rejected.

2. The pleadings are complete. Heard the Learned Counsel Shri M. S. Ramamurthy for the applicant and Shri N. K. Srinivasan for the respondents. In the facts and circumstances of the case, the O.A. is ADMITTED.

3. Shri G. S. Walia, appears on behalf of the intervenors i.e. the persons who are enlisted in the panel in exhibit 'A' - Shri Arunkumar Jaon and Shri Gulab H. Premana. He has filed a M.P. No. 489/95 urging the Tribunal that they should be impleaded as necessary party, as they have been selected in accordance with the rules. The Learned Counsel for the intervenors, Shri Walia, contends that it is not open to the applicants to challenge the selection after taking an opportunity to appear for the selection. It is only when they have failed, they came to this Hon'ble Tribunal and filed the present O.A., which cannot be entertained. His clients are necessary parties since their interests will be prejudicially affected if the panel dated 14.12.1994 is quashed and if the O.A. is to be admitted, they should be impleaded as party.

4. Considering the facts of this case, we are satisfied that the intervenors mentioned in the application - Shri Arunkumar Jaon and Shri Gulab H. Premana are necessary parties to be impleaded in the O.A. and accordingly the M.P. No. 489/95 is allowed. The applicants in O.A. No. 186/95 is directed to implead them as necessary parties and applicants are directed to furnish

a copy of the O.A. to the intervenors and the intervenors are directed to file their reply, if any, pursuant to this order within a period of four weeks with liberty to applicant to file a rejoinder if any, and official respondents to file an additional written statement if any. Place the matter before Registrar for completion of pleadings and then the case be kept in sine-die list.

MR Kolhatkar

(M. R. KOLHATKAR)
MEMBER (A)

B. S. Hegde

(B. S. HEGDE)
MEMBER (J).

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