

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD.

MA.459/97 in
OA.1064 92.

Date of order:9-5-1997-

Between:-

1. K.Nandakishore
2. Smt.Ch.Vijayalakshmi
3. Bhagwan
4. P.Raja Rao
5. Smt.E.Anasuya
6. Smt.Vasumathi Seshadri
7. Smt.Anuradha Prathabhan
8. S.Gangadhar
9. Smt.G.Rudrani
10. A.V.Ramana Murthy
11. Smt.Y.Parvathi
12. S.Suresh
13. Smt.Kiran Joshi
14. Smt.V.Leena
15. R.Sivaji Rao
16. Smt.J.R.Anuradha
17. Smt.R.Sarada
18. A.P.D'Lima.

..... Applicants/Impleading Petitioners
(Affected third parties)

A N D

1. A.Srinivasa Rao - III
2. K.Jagadeshwar
3. G.Venugopal Reddy
4. S.Madhusudan
5. V.S.R.Murthy
6. Ch.Prasada Rao
7. M.J.Subramanyaswar
8. T.Ramadevi
9. K.Narasimha Rao
10. Md.Azeez Ahmed.
11. Md.Arifuddin
12. T.Prabhu

13. L.K.Jayasree
14. N.Vimalaprasad
15. D.Satyanarayana
16. C.Satyanarayana
17. N.Rajeswari
18. R.Balasumitra
19. A.S.Lakshmi Devi
20. N.S.Ambika Devi
21. The Chief Superintendent,
Central Telegraph Office,Hyd-1.
22. The Senior Superintendent,
Telegraph Traffic Hyderabad
Division, Hyderabad-1.
23. The Chief General Manager,
Telecom, A.P.Circle,Hyd-1.
24. The General Manager,Telecom,
Hyderabad Telecom Dist,
Suryalok Complex,Hyd-33.
25. The Union of India rep.by the
Secretary, Department of
Telecommunications,Sanchar
Bhavan,New Delhi-110 001.

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| 26. P.Sivanageswara Rao | 60. Shri N.Ushe |
| 27. T.Murali | 61. Ch.Geeta Devi |
| 28. B.Satyanarayana | 62. K.R.Indira |
| 29. A.Srinivasarao | 63. M.Kameswari |
| 30. A.Narasimha Rao | 64. G.Padmavathy |
| 31. P.Rajankkanth | 65. T.Prabhavathi |
| 32. G.Rajender Kumar | 66. P.Lavanya |
| 33. A.Srinivasa Rao-II | 67. N.V.V.Sathyanarayana |
| 34. Ch.Hanumantha Rao | 68. K.Rama Rao |
| 35. M.Prabhavathi | 69. A.R.Chandrasekhar |
| 36. J.Nandkishore | |
| 37. N.Padmavathi | |
| 38. S.V.S.V.Prasada Rao | |
| 39. J.Venkateswararao. | |
| 40. K.Sita Ramamma | |
| 41. G.Jayameramma | |
| 42. G.Sadanand | |
| 43. B.Soloman Ghandass | |
| 44. Md.Anwer Pasha | |
| 45. M.A.Raheem | |
| 46. M.Krishnaiah | |
| 47. Mr P.Lakshmi Narasamama | |
| 48. Ch.V.Ramana | |
| 49. V.V.V.S.Ramalingachary | |
| 50. R.Durgavaraprasad | |
| 51. N.R.L.Kumari | |
| 52. B.Krishnakumari | |
| 53. D.Padmavathi | |
| 54. V.Mary Vijaya | |
| 55. G.V.R.Prasad | |
| 56. S.Javeed Sultana | |
| 57. P.S.Padmalatha | |
| 58. K.Bhavani | |
| 59. T.Aruna | |

.... Respondents/Respondents.
No.6 to 49.

Counsel for the Applicant: Mr.K.Venkateswara Rao
Counsel for the Respondents: Mr.N.V.Ramana, CGSC.

CORAM:

HON'BLE SHRI B.S.JAYAPARMESHWAR, MEMBER (JUDL)

HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER (ADMN.)

Hon'ble Tribunal made the following order:-

Mr.TVVS Murthy for M.A. applicants

Mr.Y.Suryanarayana for MA Respondents.

The 18 applicants herein want to implead themselves in the main OA.1064 which is required to be re-heard as per judgement dated 9.1.97 in RA.28/96.

It is submitted by Shri T.V.V. Murthy that nearly 30 officials who were adversely affected by judgment dated 10.2.55 in O.A. 1064/52 and 1084/52. Of those, 44 applicants came before this Tribunal in RA. 28/56. The 18 applicants in this M.A. did not join the other applicants in the said RA. In order to safeguard the interests they wish, as a matter of abundant caution, to implead themselves in the O.A.

This is not considered necessary at all. Shri Y. Suryanarayana who opposed drew our attention to para 20 of the judgment in GM, SC Railway vs. VVR Sidermint, AIR, 1974 SC 1752, wherein it was held as under:-

"... In the present case the relief is claimed only against the Railway which has been impleaded through representatives. No list or order fixing the seniority of the petitioners vis-a-vis particular individuals, pursuant to the impugned decision, is being challenged. The employees who are likely to be affected as a result of the re-adjustment of the petitioners' seniority in accordance with the principles laid down in the Board's decision, were, at the most, proper parties and not necessary parties and their non-joinder cannot fetter the wide petition."

The M.A. is dismissed and disposed of with an observation that the future service interests of these 18 applicants shall be regulated by the outcome of the O.A. which is now under re-hearing.

List the O.A. on 10.6.57.

BY REGISTRAR (JUDL)

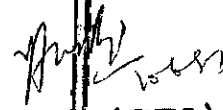
It is submitted by Shri TVVS Murthy that nearly 30 officials who were adversely affected by judgement dated 16.2.95 in O.A. 1064/92 and 1084/92. Of those, 44 applicants came before this Tribunal in RA. 28/96. The 18 applicants in this M.A. did not join the other applicants in the said RA. In order to safeguard the interests they wish, as a matter of abundant caution, to implead themselves in the O.A.

This is not considered necessary at all. Shri Y. Suryanarayana who opposed drew our attention to para 20 of the judgement in GM, SC Railway Vs. AVR Sidharthi, AIR, 1974 SC 1759, wherein it was held as under:-

".... In the present case the relief is claimed only against the Railway which has been impleaded through representatives. No list or order fixing the seniority of the petitioners vis-a-vis particular individuals, pursuant to the impugned decision, is being challenged. The employees who are likely to be affected as a result of the re-adjustment of the petitioners' seniority in accordance with the principles laid down in the Board's decision. Were, at the most, proper parties and not necessary parties and their non-joinder cannot fettle the writ petition. "

The M.A. is dismissed and disposed of with an observation that the future service interests of these 18 applicants shall be regulated by the outcome of the O.A. which is now under re-hearing.

List the O.A. on 10.6.97.


DY.REGISTRAR(JUDL)

MA 459/97

O.A.1064/92

To

1. The Chief Superintendent,
Central Telegraph Office, Hyderabad-1.
2. The Senior Superintendent,
Telegraph Traffic Hyderabad Division,
Hyderabad-1.
3. The Chief General Manager,
Telecom, A.P.Circle, Hyderabad-1.
4. The General Manager, Telecom,
Hyderabad Telecom Dist. Suryalok Complex, Hyderabad-33.
5. The Secretary, Union of India,
Dept.of Telecommunications, Sanchar Bhavan,
New Delhi-1.
6. One copy to Mr.K.Venkateswar Rao, Advocate, CAT.Hyd.
7. One copy to Mr.T.V.V.S.Murthy, Advocate, CAT.Hyd.
8. One copy to Mr.Y.Suryanarayana, Advocate, CAT.Hyd.
9. One copy to Mr.N.V.Ramana, Addl.CGSC. CAT.Hyd.
10. One spare copy.

pvm,