

claims to be junior to him. The applicant has produced the seniority list of Enquiry-cum-Reservation Clerks in the scale of Rs.1400-2300 as on 1.3.88. In the said list, Mr.Syed Sulaiman ^{is} ~~was~~ shown at Sl.No.8 and the applicant has been shown at Sl.No.27. The applicant now claims to figure above Mr.Syed Sulaiman. Then the applicant should have impleaded all the persons ~~from~~ respondents. In the absence of these persons, the seniority of the applicant cannot be adjudicated. The application is bad for non ~~joinder~~ parties. It is not the question of laying down mere principle in this connection. The issue involved here is to show him above the number of his erstwhile ^{senior} ~~junior~~ as per the seniority list enclosed at Page 13 of the OA. Even if a principle is ^{to be} laid down, the employees who are ~~not~~ going to be aggrieved by that principle should be given a chance to hear them. In view of what is stated above, non-join^{ing} the necessary parties is ^{fatal} ~~bad in law~~ and hence the OA is liable to be dismissed, ^{on this score.}

6. The OA is accordingly dismissed. No order as to costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]
 COURT OFFICER
 केन्द्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal
 हैदराबाद बेंच
 HYDERABAD BENCH

NOA... *MA-662/04*
 Date of Judgement... *30/4/...*
 प्र. नं. तयार किया गया दिन
 Copy Made Ready on... *2/6/97*
 अनुपात अधिकारी (नव दिक्)
 Section Officer (J)

5.4.88 a decentralised seniority list was published by the Sr.DPO, Vijayawada, that he submitted his representation against the seniority list on 17.7.88 and submitted reminders for consideration, that his claim was rejected and hence the applicant was constrained to file this OA.

4. A counter has been filed stating that the application is barred by limitation, that his representation was answered on 12.3.92 is not correct, that his representation was replied on 8.1.92, that he was working as ECRC on adhoc basis from 1977 and he was regularly absorbed during February, 1980, but the applicant claims seniority from the date of his adhoc services which is in contravention of the rules, that the seniority was reckoned only from the date of ^{his} regular absorption, that the applicant was promoted as ECRC in the scale of pay of Rs.330-560 purely on temporary basis and on stop-gap arrangement, that his name was correctly shown at Sl.No.168 of the seniority list during the year 1983, that his claim for seniority to be reckoned from 1.2.77 i.e, the date of promotion as ECRC on adhoc basis is not correct, that in the seniority list published during 1988-91, his name was correctly shown at Sl.Nos.27 and 29 respectively and his comparison with the case of Shri D.Srihari Rao and L.Ramana Rao is not tenable and the claim of the applicant for reckoning his seniority from the date of his entry into the category of ECRC on adhoc basis is not tenable and that the OA may be dismissed with costs.

4. In this OA there are no private respondents. The applicant has not even impleaded private respondents.

Pa

O.A. 663/94

Date

Office Note

Orders

①

16-2-95

Mr D. Subrahmanyam

Mr V. Blinman

The OA is disposed of
vide directions on
separate sheets
with no costs.

HARG
[MCA]

HARG
(MCA)