

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

24.10.2011

OA No. 460/2011 with MA 310/2011

Mr. M.D. Shekhawat, Counsel for applicant.

The present OA is directed against the 23.09.2011 (Annexure A/1) passed by the respondents pursuant to the directions issued by the Rajasthan Civil Service Appellate Tribunal in the Appeal No. 1057/2011 filed by one Shri Satya Narayan Pareek. It is not disputed that Shri Satya Narayan Pareek has filed appeal before the Rajasthan Civil Service Appellate Tribunal without impleading the applicant has party respondent. It is further not disputed that applicant has moved an application before the Rajasthan Civil Service Appellate Tribunal for impleading him as a party respondents and for vacation of the ex-party interim order.

Learned counsel for the applicant is able to lay hands to the notification which shows that this Tribunal has the jurisdiction to entertain the matter and Rajasthan Civil Service Appellate Tribunal has wrongly entertain the appeal, preferred by Shri Satya Narayan Pareek. In our considered view, the applicant should redress first before the Rajasthan Civil Service Appellate Tribunal to apprise the Tribunal the jurisdiction not lies with the Rajasthan Civil Service Appellate Tribunal and it is for the Rajasthan Civil Service Appellate Tribunal to consider the petition filed by the applicant for impleadment him as party respondent. In any case, the order which has been passed by the Rajasthan Civil Service Appellate Tribunal has been complied with by the respondents. Thus at this stage without exhausting the remedy, no relief can be granted by this Tribunal.

Therefore, we are of the view that, as discussed hereinabove, the OA can be disposed of with liberty to file substantive OA, if any order is passed against the applicant by the competent authority.

(Anil Kumar)
Member (A)

(Justice K.S.Rathore)
Member (J)

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