

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**MA-702/2016 in
OA-2470/2015**

Reserved on : 22.02.2016.

Pronounced on : 25.02.2016.

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)**

Yashraj Tongia

Vs.

Union of India & Ors.

Present : Sh. Yogesh Sharma, counsel for applicant.

O R D E R on MA-702/2016

Mr. Shekhar Agarwal, Member (A)

Through this M.A. the miscellaneous applicant is seeking to be impleaded as a respondent in OA-2470/2015 (Yashraj Tongia Vs. UOI & Ors.). According to the miscellaneous applicant, the aforesaid O.A. has been filed by the OA applicant against termination of his services from the post of Director (Flying Training) in DGCA. The miscellaneous applicant has further contended that the OA applicant had been appointed to the aforesaid post in an illegal manner. Several persons had made complaints against him and have challenged his order of appointment on the basis of which an enquiry was conducted by CVO. Pursuant to the report submitted by CVO, the appointment of OA applicant (Sh. Yashraj Tongia) was held to be illegal. Several Writ Petitions as well as PILs have been filed against the OA applicant and his company M/s M/s Yash Air Limited in Lucknow Bench of the Hon'ble High Court. The miscellaneous applicant has further stated that he is apprehending that in the aforesaid OA the official respondents shall not bring to the notice of this Tribunal all the relevant facts and documents which may lead to the OA being allowed. This would seriously

affect the PILs pending against the OA applicant in Hon'ble High Court. Hence, the miscellaneous applicant was seeking to be impleaded in this OA as a respondent.

2. We have heard learned counsel for the miscellaneous applicant. On being asked whether the miscellaneous applicant was a contender for the post vacated by the OA applicant, learned counsel replied in the negative. In view of the same, we are of the opinion that miscellaneous applicant is not likely to be affected by any order passed in the OA. He, therefore, cannot be regarded as a necessary party. Moreover, his apprehension that all the relevant material shall not be placed before this Tribunal by the official respondents in the OA is also based on presumptions and surmises and cannot form basis for allowing his MA.

3. We, therefore, find no merit in this MA and the same is dismissed in limine.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

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