

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

MA No.3670/2018
OA No.2919/2018

Order Reserved on: 06.09.2018
Pronounced on: 10.10.2018

**Hon'ble Mr. K.N. Shrivastava, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

S.S. Gosain,
Aged 49 years,
S/o Shri G.S. Gosain,
R/o SRB-67D, Shipra Riviera,
Indirapuram, Ghaziabad (UP).

(Presently working as Assistant Accounts Officer,
National Human Rights Commission, INA, New Delhi)

(By Advocate Shri S.K. Gupta)

-Applicant

National Human Rights Commission,
Through Its Secretary General,
Manav Adhikar Bhawan,
GPO Complex, Block-C,
INA, New Delhi-110023.

-Respondent

(By Advocates Dr. Ch. Shamsudin Khan and Mrs. Harvinder Oberoi)

O R D E R

Shri K.N. Shrivastava, Member (A):

Through the medium of this Miscellaneous Application (MA) the applicant, Mrs. Jyoti Sethi, has prayed for impleading her in OA No.2919/2018 (S.S. Gosain v. NHRC).

2. Briefly, the facts are that Shri S.S. Gosain, applicant in the OA had joined National Human Rights Commission (NHRC) on the post of Accountant on deputation basis from BSF on 22.08.2015. He was later absorbed in NHRC vide order dated 18.05.2011 w.e.f. 01.03.2011.

3. The absorption of Shri Gosain was challenged by one Shri Anil Kumar in OA No.205/2012 before the Tribunal which was allowed vide order dated 18.05.2011 and the absorption order was quashed and set aside. Shri Gosain challenged the Tribunal's order dated 18.05.2011 before the Hon'ble High Court of Delhi in W.P. (C) No.3668/2014, which was allowed vide order dated 30.01.2017; SLP filed vide Diary No.14042/2017 against the order of the Hon'ble High Court dated 30.01.2017 was dismissed by the Hon'ble Supreme Court on 01.09.2017.

4. Shri Gosain was promoted as Assistant Accounts Officer (AAO) on ad hoc basis vide order dated 13.09.2012 but later vide order dated 27.07.2018 he was reverted back to the post of Accountant. Shri Gosain has challenged the reversion order in OA No.2919/2018.

5. The applicant in this MA holds the substantive post of Junior Accountant in NHRC. Consequent to the promotion of Shri Gosain to the post of AAO on ad-hoc basis, the applicant in this MA was

promoted to the post of Accountant on ad-hoc basis which was vacated by Shri Gosain on his promotion. However, after the reversion of Shri Gosain vide order dated 27.07.2018, the applicant in the MA has also been reverted from the post of Accountant (ad-hoc) to her substantive post of Junior Accountant vide order dated 14.08.2018 (Annexure MA-3).

6. After going through the contents of this MA, we find that the basic objection of the applicant is against Shri S.S. Gosain (applicant in OA No.2919/18) seeking regular promotion to the post of AAO.

7. Arguments of learned counsel for the parties were heard on 06.09.2018.

8. We have considered the arguments of the learned counsel for the parties and have also gone through the contents of the MA. This applicant has not been able to conclusively establish as to how her interest would get prejudiced if the prayer of Shri Gosain in the OA is allowed. After all, the applicant in MA is one level below in the hierarchy of NHRC. The absorption of Shri S.S. Gosain in NHRC as Accountant is already settled. The applicant in the MA in no way would be competing with Shri Gosain in promotion by virtue of her being one level below him. Hence, we are of the view that the

applicant is not a necessary party to the OA. Accordingly, this MA is rejected.

9. List OA on 29.10.2018.

(S.N. Terdal)
Member (J)

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(K.N. Shrivastava)
Member (A)