

J. Jose Dhanapaul

Vs

S. Thomas and Others

Civil Appeal No. 3610 of 1996

(K. Ramaswamy, G. B. Pattanaik JJ)

16.02.1996

ORDER

1. Leave granted.
2. We have heard learned counsel on both sides.
3. It appears that the appointment of the first respondent was annulled by the proceedings dated 1-12-1995 in RC No. 727 of 1993. Consequently, Shri Nagaraja, learned counsel for the first respondent states that his client has lost interest in this matter since a fresh cause of action has arisen. He is not contesting the matter in this case since it would be open to his client to take such action as is warranted under law.
4. It is not in dispute that the appellant was not a party to the impugned order dated 15-6-1993 made in OA No. 2199 of 1992 by the Tamil Nadu Administrative Tribunal at Madras. Without being impleaded as a party, appointment of Thomas was annulled by the impugned order. The Tribunal, therefore, has committed grave error of law in upsetting his appointment when he was not made a party. The impugned order is set aside as regards the appellant.
5. The appeal is accordingly allowed. No costs.