

J. JOSE DHANAPPAUL

A

v.

S. THOMAS AND ORS.

FEBRUARY 16, 1996

[K. RAMASWAMY AND G.B. PATTANAIK JJ.]

B

*Service Law :*

*Appointment—Annulled by the Tribunal without that person being impleaded as a party—Order set aside as regards that person—Tribunal committed grave error of law—Practice and procedure.*

C

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3610 of 1996.

From the Judgment and order dated 15.6.93 of the Tamil Nadu Administrative Tribunal, Madras in O.A. No. 2199 of 1992.

D

Dr. A.F. Julian and A. Mariarputham for the Appellant.

K.R. Nagaraja for the Respondents.

E

The following Order of the Court was delivered :

Leave granted.

We have heard learned counsel on both sides.

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It appears that the appointment of the first respondent was annulled by the proceedings dated December 1, 1995 in R.C. No. 727/93. 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.

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It is not in dispute that the appellant was not a party to the impugned order dated June 15, 1993 made in O.A. No. 2199/92 by the Tamil Nadu Administrative Tribunal at Madras. Without being impleaded as a party, appointment of Thomas was annulled by the impugned order. The

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A 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.

The appeal is accordingly allowed. No costs.

B G.N.

Appeal allowed.