

Supreme Court of India

J. Jose Dhanapaul vs S. Thomas & Ors on 16 February, 1996

Equivalent citations: 1996 SCC (3) 587, JT 1996 (3) 197

Author: K Ramaswamy

Bench: Ramaswamy, K.

PETITIONER:

J. JOSE DHANAPAU.

Vs.

RESPONDENT:

S. THOMAS & ORS.

DATE OF JUDGMENT: 16/02/1996

BENCH:

RAMASWAMY, K.

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RAMASWAMY, K.

G.B. PATTANAIK (J)

CITATION:

1996 SCC (3) 587 JT 1996 (3) 197

1996 SCALE (2)SP73

ACT:

HEADNOTE:

JUDGMENT:

O R D E R Leave granted.

We have heard learned counsel on both sides. 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.

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 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.