

GAHC010141692024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/2496/2024
in
WP(C)/3552/2024

MATTHEW JOHNSON DARA
C-411
BRIGADE COSMOPOLIS
WHITEFIELD MAIN ROAD
BANGALORE-560066

VERSUS

HINDUSTAN URVARAK AND RASAYAN LIMITED AND ORS
REP. BY THE CHAIRMAN HAVING ITS REGISTERED OFFICE AT CORE
9TH FLOOR
SCOPE MINAR
LAXMI NAGAR DIST CENTRE NEW DELHI 110092

2:UNION OF INDIA
REP. BY THE SECRETARY TO THE GOVT. OF INDIA
DEPARTMENT OF FERTILIZERS
MINISTRY OF CHEMICAL AND FERTILIZERS
SHASTRI BHAWAN
NEW DELHI-01

3:M/S BRAHMAPUTRA VALLEY FERTILIZERS CORPORATION LTD.
REP. BY THE CHAIRMAN AND MANAGING DIRECTOR

HAVING ITS REGD. OFFICE AT NAMRUP
P.O.- PARBATPUR
DIST- DIBRUGARH
ASSAM
PIN- 786623.

4:CHAIRMAN AND MANAGING DIRECTOR

BRAHMAPUTRA VALLEY FERTILIZERS CORPORATION LTD.
NAMRUP
P.O.- PARBATPUR
DIST.- DIBRUGARH
ASSAM
PIN- 786623.

5:DIRECTOR (FINANCE)
BRAHMAPUTRA VALLEY FERTILIZERS CORPORATION LTD.
NAMRUP
P.O.- PARBATPUR
DIST.- DIBRUGARH
ASSAM
PIN- 786623.

6:GENERAL MANAGER (HR)
M/S BRAHMAPUTRA VALLEY FERTILIZERS CORPORATION LTD.
NAMRUP
P.O.- PARBATPUR
DIST.- DIBRUGARH
ASSAM
PIN- 786623.

7:DEPUTYGENERAL MANAGER (HR)
M/S BRAHMAPUTRA VALLEY FERTILIZERS CORPORATION LTD.
NAMRUP
P.O.- PARBATPUR
DIST.- DIBRUGARH
ASSAM
PIN- 786623.

8:CHIEF VIGILANCE OFFICER
BRAHMAPUTRA VALLEY FERTILIZERS CORPORATION LTD.
NAMRUP
P.O.- PARBATPUR
DIST.- DIBRUGARH
ASSAM
PIN- 786623.

Advocate for : MR. D DAS SR. ADV
Advocate for : DY.S.G.I. appearing for HINDUSTAN URVARAK AND RASAYAN
LIMITED AND ORS

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

21.08.2024

Heard Shri D. Das, learned Senior Counsel assisted by Ms. P. Barua, learned counsel for the applicant. Also heard Shri B. Sarma, learned counsel appearing for the Brahmaputra Valley Fertilizer Corporation Limited (BVFCL). Ms. K. Deka, learned counsel is present on instructions of Ms. R. Devi, learned CGC.

2. By this application, impleadment of Hindustan Urvarak and Rasayan Limited (HURL) has been sought for as the respondent no. 8. It is submitted that the applicant, after his resignation from the earlier Organization - BVFCL had joined the present Organization, namely, HURL on 08.07.2024. However, since the resignation is yet to be accepted, the appointment to the applicant by the HURL has been revoked. The learned Senior Counsel accordingly submits that the impleadment of HURL would be necessary for a proper adjudication.

3. Shri B. Sarma, learned counsel for the respondent – Corporation has however submitted that the impleadment is not required as HURL is neither a necessary party nor a proper party.

4. This Court has examined the relief sought for in the connected writ petition being WP(C)/3552/224 which pertains to a proceeding initiated against the petitioner vide show-cause notice dated 12.07.2024 and also for a direction to accept his resignation dated 07.06.2024. The revocation of the offer of the appointment by HURL would constitute independent cause of action and in the considered opinion of this Court HURL is not a necessary party whose presence would be necessary for adjudication of the */is*.

5. The I.A. accordingly stands rejected.

6. The rejection of this I.A. shall not however come into the way to make an

independent challenge of the action of the revocation of the offer of appointment by the HURL.

JUDGE

Comparing Assistant