

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL No. 1046 of 2016

JUDGMENT: (*Per VRS,J*)

Aggrieved by the dismissal of his application for impleadment in a writ petition filed by Data Entry Operators employed in the Agricultural Market Committee, the Chairman of the Agricultural Market Committee has come up with the above writ appeal.

2. Heard Mr. A. K. Kishore Reddy, learned counsel for the appellant.

3. Mr. G.V.Shivaji, learned counsel takes notice for the respondents 1 to 5, who were the writ petitioners. The other respondents are only the Government and the Agricultural Market Committee. They did not oppose the application for impleadment before the learned Single Judge. Therefore, notice to them is dispensed with.

4. The main writ petition was filed by the respondents 1 to 5 herein, seeking a declaration that the letter, dated 14.07.2016, issued by the Commissioner and Director of Agricultural Marketing, to

engage Data Entry Operators through outsourcing agencies, is illegal. In the affidavit filed in support of the writ petition, the writ petitioners alleged that the Commissioner and the Director of Agricultural Marketing was politically influenced by the appellant herein to pass the orders impugned in the writ petition.

5. Upon coming to know of the allegation of bias made against him, the appellant/Chairman of the Agricultural Market Committee sought to implead himself as party to the writ petition. But, the learned single Judge dismissed the application for impleadment, on a short ground that the Agricultural Market Committee is already represented by its Secretary. Therefore, the Chairman of the Agricultural Market Committee is before us.

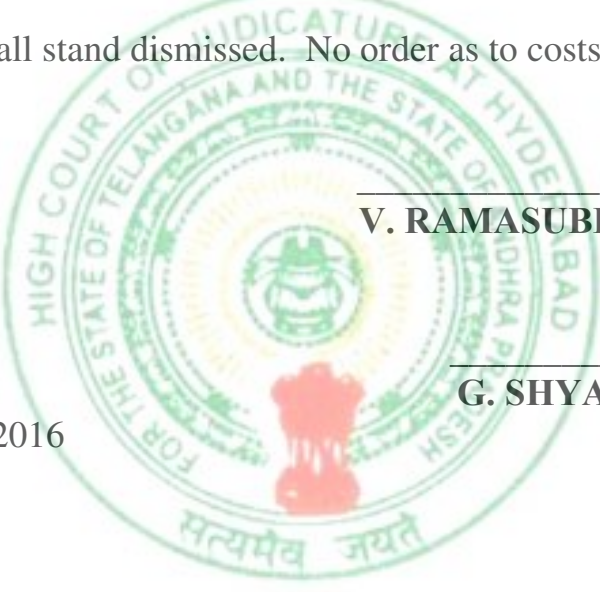
6. On first principles, a person, against whom allegations of *mala fides* are made, has to be impleaded as party to the writ petition by the writ petitioners themselves. If they do not do so, it will be at their own peril. Therefore, the rejection of the application of the appellant for impleadment cannot be found to be faulty, but for one fact.

7. After passing the interim order passed on 28.09.2016, the learned single Judge has granted an interim order in favour of the writ petitioners, after recording a finding that the stand taken by the

appellant herein was false. Such a finding could not have been recorded in the absence of the appellant. Therefore, the appellant is entitled to be impleaded as party to the writ petition.

8. Hence, this Writ Appeal is allowed, the order of the learned single Judge is set aside, and the appellant is impleaded as 8th respondent in the main writ petition. It will be open to him to file a counter and contest the writ petition.

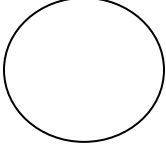
Consequently, miscellaneous petitions if any pending in the writ appeal shall stand dismissed. No order as to costs.



V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

18th October, 2016
cbs



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