



2024:DHC:8858-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5341/2007**

U.N.SAXENA

.....Petitioner

Through: Ms. Meenu Mainee and Mr.
Sahil Chopra, Advs.

versus

UOI & ORS.

....Respondents

Through: Mr. Sushil Raaja, Sr. PC for
UOI

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT (ORAL)

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14.11.2024

C. HARI SHANKAR, J.

1. Without going into the merits of the impugned order, we are of the opinion that OA 1887/2005, filed by the petitioner before the Central Administrative Tribunal¹ was itself liable to be dismissed on the ground of non-joinder of affected parties as the challenge in the OA was to the promotion of S.C. Sharma and Lakhan Lal Gupta as Chief Pharmacist-I and Chief Pharmacist-II in the North Central Railway and neither of them have been impleaded as parties.

2. For the proposition that persons whose promotion are under challenge have necessarily to be impleaded as parties, one may refer

¹ "the Tribunal", hereinafter



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to *All India SC & ST Employees Association v A. Arthur Jeen*²,
*Prabodh Verma v State of UP*³ and *A.M.S. Sushanth v M. Sujatha*⁴.

3. For reasons other than those mentioned in the impugned judgment, therefore, we find that the OA was liable to be dismissed on the ground of non-joinder of necessary parties.

4. At this distance of time, this defect cannot be remedied.

5. Accordingly, we do not propose to interfere in this writ petition which is also, therefore, dismissed.

C. HARI SHANKAR, J.

TUSHAR RAO GEDELA, J.

NOVEMBER 14, 2024/aky

Click here to check corrigendum, if any

² (2001) 6 SCC 380

³ (1984) 4 SCC 251

⁴ (2000) 10 SCC 197