

GAHC010148002019



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

Case No. : I.A.(Civil) 2745/2019
in
WP(C) 4872/2019

1:YOGENDRA NATH SINGH
S/O LATE BHARAT SINGH
VILL. HARPUR
DIST. GAZIPUR
UTTAR PRADESH
PRESENTLY SERVING AS A HAVILDAR/GD
IN THE 42 ND ASSAM RIFLES C/O 99 APO

VERSUS

1:UNION OF INDIA AND 3 ORS
REPRESENTED BY THE SECY. THE GOVT. OF INDIA
MINISTRY OF HOME AFFAIRS NEW DELHI 110001

2:THE DIRECTOR GENERAL
ASSAM RIFLES
HEAD QUARTER DIRECTORATE GENERAL
ASSAM RIFLES SHILLONG 11

3:THE COMMANDANT 42ND ASSAM RIFLES
C/O 99 APO
PIN 932042

4:NO. G/2103011 HAV/GD JAG MOHAN SINGH
42ND ASSAM RIFLES C/O 99 APO
PIN 932042

Advocate for the Petitioner : MS. S BORA
Advocate for the Respondent : C.G.C.

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

31-10-2019

Heard Ms. S. Bora, learned counsel for the applicant/writ petitioner and Mr. C. K. S. Baruah, learned Central Government Counsel for the respondent Nos. 1 to 3.

The applicant/writ petitioner is a Rifleman/ General duty in Assam Rifles. He has preferred the connected writ petition being No. WP(C) No. 4872/2019 for his promotion to the post of Warrant Officer w.e.f. 10.04.2019, the date on which, his Junior was promoted to the said post with all consequential service benefits including the benefit of MACP-III and the said writ petition, which is presently pending for disposal.

In advertently, the applicant while preferring said WP(C) No. 4872/2019 did not make the concerned Junior Officer, who supersede him as party respondent in the said proceeding.

Hence, this application by the applicant/writ petitioner for impleadment of his Junior Officer, namely, Jagmohan Singh No. G/2103011 Havildar/ General Duty, 42nd Assam Rifles C/O 99 APO as party respondent No.4 in the connected WP(C) No. 4872/2019.

Ms. Bora, learned counsel for the applicant/writ petitioner, has also placed before the Court the order dated 09.08.2019 passed in WP(C) No. 4872/2019, whereby the Court allowed the applicant to file an affidavit making the necessary correction by adding the name of Jagmohan Singh as party respondent No. 4 in the cause title.

After hearing the parties and considering that said Jagmohan Singh No. G/2103011 Havildar/ General Duty, 42nd Assam Rifles C/O 99 APO is a necessary party for proper adjudication of the connected WP(C) No. 4872/2019. The applicant is allowed to implead him as party respondent No. 4 in said WP(C) No. 4872/2019.

Accordingly, this I.A.(C) stands allowed.

JUDGE

Comparing Assistant