

Central Administrative Tribunal

Principal Bench

....

O.A. No. 530/95

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New Delhi, this the 17th day of Sept., 1996

Hon'ble Mr. Justice Chettur Sankaran Nair, Chairman
Hon'ble Mr. R.K. Ahooja, Member (A)

Raj Nath
s/o Shri Ram Davar,
Lower Division Clerk (Ad-hoc basis),
in the office of Chief Liason
Inspector, Railway Electrification,
Tilak Bridge,
New Delhi.

..Applicant

(By Shri B.S. Mainee, Advocate)

-versus-

Union of India: Through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Moradabad.
3. The General Manager,
Railway Electrification,
Allahabad.
4. The Chief Liason Inspector,
Railway Electrification,
Tilak Bridge,
New Delhi.

(By Shri K.K. Patel, Advocate)

..Respondents

The application having been heard on 17.9.1996
the Tribunal on the same day delivered the following:

ORDER

Chettur Sankaran Nair, J/Chairman -

Applicant seeks a direction to fix his lien/
seniority on the basis of screening held in 1978.
The matter has been pending in this Tribunal from
27.3.1995 till date, under going metamorphosis in

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various forms. Eventually, respondents submit that records pertaining to the panel of the year 1978-79 on which applicant's claim is based, are not available with the department. According to them irrespective of this, the claim is barred by limitation. We cannot accept this submission in the face of Annexure A-17 order of respondents dated 16.2.1995. The missing or losing of record can be no answer to a claim advanced by an employee. We direct respondents to fix the lien of applicant. If respondents do not have relevant records with them, then they will have to go by records of the applicant veracity of which are not in serious dispute.

We direct respondents to fix the lien and seniority of applicant and issue proper orders in that behalf within four months from today. Respondents will do well to adhere to the time limit mentioned hereinbefore.

The O.A. is disposed of as aforesaid.

Dated, the 17th day of September, 1996.

R.K. A. Moolji
(R.K.A.Moolji)
Member(A)

Chettur Sankaran Nair, J
(Chettur Sankaran Nair, J)
Chairman

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