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Central Administrative Tribunal, Principal Bench

Original Application No. 1213 of 1996

New Delhi, this the 17th day of November, 1999

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. R.K. Ahooja, Member (Admnv)

Madan Lal Gupta, S/o Sh. Lazza Ram,
R/o H.No. 5775, Balbeer Nagar, Gali
No. 14, Shahdara, N. Delhi.

- Applicant

(By Advocate - None)

Versus

1. Union of India through the
Secretary, Ministry of Railway, Rail
Bhawan, New Delhi.

2. The General Manager, Northern
Railway, Baroda House, New Delhi.

3. The General Secretary, DRM's Office,
Accounts Building, New Delhi.

4. The Dy. Chief Mechanical Engineer,
Baroda House, New Delhi.

- Respondents

(By Advocate - none)

O R D E R (Oral)

By Mr. R.K. Ahooja, Member (Admnv) -

Though this is an expedited case, none has appeared for the parties. We have, however, gone through the record and are disposing of this matter on the basis of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. The case of the applicant is that after having appointed on 29.9.1965 in the Office of General Secretary, Indian Railway Conference Association (in short 'IRCA') and thereafter transferred to the Office of Carriage and Wagon, Tuglakabad, Northern Railway with effect from 26.9.1983 in the grade of Khalasi. His grievance is that even though after long service of more than 12 years in the Northern Railway the respondents have not been able to decide his relative seniority and

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as a result of which a number of his juniors have been promoted and the case of the applicant has not been considered at all.

3. The respondents despite repeated opportunities given by the Tribunal had failed to file the counter.

4. We consider that the relief sought for by the applicant is justified on the basis of the averments made in the application, which have not been controverted by the respondents. The fixation of seniority of a Government employee is essential to confer on him various rights more particularly his turn for consideration for promotion. The applicant has rendered more than 12 years service in the Northern Railway, even if his earlier service in the IRAC is not to be taken into reckoning.

5. Accordingly, we dispose of this OA with a direction to respondent no.2 to have the inter se seniority of the applicant determined within a period of four months from the date of receipt of a copy of this order and thereafter to consider his case for further promotion from the same date they may have been done in the case of any of his juniors. No order as to costs.

(Ashok Agarwal)
Chairman

(R.K. Ahooja)
Member (Admnv)