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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A./~~2093~~ NO.2093 /1994 Decided on : 29.11.1995

Shri S.C.Lalj

... Applicant(s)

(By Shri J.K.Bali.

Advocate)

versus

Union of India & others.

... Respondent(s)

(By Shri Shyam Moorjani for Advocate)
Official respondents & Shri M.L.Sharma for the private respondents

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THE HON'BLE SHRI S.R.Adige, Member(A)

THE HON'BLE SHRI DR.A.VEDAVALLI, Member(J).

1. To be referred to the Reporter or not ?
2. Whether to be circulated to other Benches of the Tribunal ?

(DR.A.VEDAVALLI)
MEMBER(J)

Adige
(S.R.ADIGE)
MEMBER(A)

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 2093 of 1994

New Delhi, dated the 29 November, 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri S.C. Lal,
S/o Shri Ram Chander Lal Srivastava,
R/o A-3, Railway Health Unit Complex,
Anand Vihar,
Delhi-110092. APPLICANT
By Advocate Shri J.K.Bali .

VERSUS

1. Union of India through
the General Manager,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Delhi Division,
Northern Railway,
State Entry Road,
New Delhi.

3. Shri Gauhat Ram,
S/o Shri Kewal Singh (SC),
Sr. Electrical Chargeman,
DRM Office,
Northern Railway,
New Delhi.

By Shyam Moorjani for official respondents and
Shri M.L.Sharma for the respondent

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

The applicant Shri S.C. Lal, Electrician-B's grievance is with respect to impugned order dated 12.10.94 (Annexure A-1) directing that his seniority be assigned in the Tractor Distribution Cadre of Allahabad Division on his due place with all consequential benefits.

2. Shortly stated, it appears that there are four Separate Electrical Wings/seniority groups

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maintained divisionwise on Northern Railway viz. (i) General Services (ii) Rolling Station (iii) TRD and (v) EMUs. The applicant after being selected as Apprentice Asstt. Elec. Chargeman was allotted to TRD Group and given two years training in TRD after which he was posted in TRD Wing of Allahabad ^{A Division} vide orders dated 9.8.95 (Annexure R-1). Thereafter by order dated 1.11.95 (Annexure A-2) he was posted in the Construction Organisation in Delhi, because according to the applicant there was no available post in the Allahabad Division against which he could be posted on the basis of the orders dated 9.8.95. The applicant has worked continuously in the Construction Orgn. in Delhi since then, although initially he had requested for repatriation to the Allahabad Division where the applicant himself admits he holds his lien (vide his representation at Annexure A-3).

3. It appears that the case of the applicant for transfer of lien to General service/Delhi Division was considered and by letter dated 23.11.92 (Annexure A-6) he was ordered to be posted to 'G' Branch in Delhi Division on Administrative ground, but later it appears that this matter was raised in the PNM Meeting where it was urged that the applicant

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should be assigned. Seniority in General services cadre in Delhi Division on bottom seniority basis or he should be continued in TRD cadre of Allahabad Division where he holds his lien. Accordingly the respondents by impugned orders dated 12.10.94 have decided that the applicant should be assigned to TRD Cadre of Allahabad Division on his due place with all consequential benefits.

4. Lien is a right to hold a post on a substantive basis. The applicant has admitted in his representation (Annexure A-3) that he holds his lien in TRD cadre in Allahabad Division. No document has been shown to us approving his change of lien to 'General Services Branch' in Delhi Division. Because at a particular point of time there was no available post in Allahabad Div. the applicant was brought on a purely temporary basis to Construction Orgn. in Delhi Division. That does not mean that the applicant's lien has been transferred and the contents of letter dated 23.11.92 also do not state that the applicant's lien has been transferred. Under the circumstances the contents of para 311 IREM Vol. I and the ruling in AIR 1963 SC 1503 do not help the applicant. The Respondents have correctly assigned the applicant to the TRD cadre of Allahabad Div. where he was initially appointed and where he holds his lien, with all consequential

benefits and the applicant can have no legitimate grievance.

5. In the result this matter warrants no interference. The O.A. fails and is dismissed. No costs.

A. Vedavalli

(DR. A. VEDA VALLI)
Member (J)

S. R. Adige
(S. R. ADIGE)
Member (A)

/GK/