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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NO.2226/89

Date of Decision: 24.10.1990.

Shri Jindal Singh Parihar

...Applicant

Versus

Union of India & Ors.

...Respondents

Shri B.S. Mainee

Counsel for the applicant.

None for the respondents.

CORAM:

THE HON'BLE MR. I.K. RASGOTRA, ADMINISTRATIVE MEMBER

THE HON'BLE MR. J.P. SHARMA, JUDICIAL MEMBER

J U D G E M E N T (ORAL)

This case was filed in the Tribunal on 7.11.1989. The first appearance of the respondents was put on 22.1.1990. Since then, time, as prayed for has been granted to the respondents for filing the counter. In our order dated 30.8.1990, it was observed that the respondents have already been allowed a period of over nine months for filing the counter. When the case came up today before the Bench, we find the counter has still not been filed nor the learned counsel for the respondents was present. We have perused the application and find that the applicant was selected for appointment as a Lower Division Clerk by the Railway Recruitment Board in 1980. He was appointed by the respondents vide letter dated 20.9.1980 vide Annexure A-1 in Allahabad Division. He also worked in Allahabad Division from 3.10.1980 to 22.10.1980. Thereafter he was transferred to Northern Railway headquarters, Baroda House and later to Railway Electrification Project. Despite the fact that he was allowed lien on the Allahabad

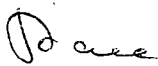
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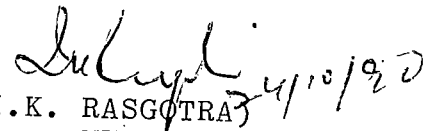
Division, his name is said to be not featuring in the seniority list of the Division. No reply was received to his various representations. The grievance of the applicant is that due to non-operation of his lien he has not received his due promotion to which he would have been entitled, had his name figured in the seniority list of the Division.

2. As the respondents have failed to file the counter, nor given a satisfactory reply to the applicant, we order and direct the respondents that the applicant shall be deemed to have been assigned the lien in Allahabad Division from the date of his appointment, subject to his having been completed probation etc. satisfactorily. He shall also be entitled for consequential benefits, consequent to operation of lien from the date of appointment as admissible under the relevant rules.

The applicant has also submitted that he has not been paid salary from 1.11.1980 to 10.12.1980. We further direct that the applicant shall submit a representation to this effect claiming his salary and allowance for the said period to Divisional Railway Manager, Allahabad Division, Respondent No.2, in the O.A. within three weeks from the date of this order and that the respondents shall finalise the said representation of the applicant within four weeks from the date the representation is registered with them.

The O.A. has been disposed of accordingly.


(J.P. SHARMA)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)