

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. No.1762/90

New Delhi, dated the 24th August, 1994

CORAM

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Subhash
r/o 115/20 Railway Quarter, Kishan Ganj
Delhi-6

.. Applicant

(None for the applicant)

v/s

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

.. Respondents

(None for the Respondents)

JUDGMENT (ORAL)

(Hon'ble Shri S.R. Adige, Member (A))

In this application, Shri Subhash, Gangman, PWI
Shakurbasti, Railway Station, Northern Railway, Delhi has prayed
for grant of seniority w.e.f. 23.4.70, instead of 1974.

2. None appeared for the applicant when the case was
called out. None appeared for the respondents either.

3. As this is a old case, we thought it fit to dispose it of
after perusing the material on records.

4. From the reply filed by the respondents, it appears
that no doubt he was initially appointed as Gangman w.e.f. 23.4.70
but thereafter his services were terminated because of misconduct
on 12.4.75 and he was reappointed on 17.8.1975, allowing him the
benefit of his previous service, only for the purpose of exemption
from screening. The Respondents have pointed out, in their reply,

that the applicant has concealed the fact that there was a break in service, and as the applicant counsel on 10.4.1991, specifically stated that he did not want to file any rejoinder in this case, the above averment made by the respondents remains un-challenged.

5. In the result, the applicant's case for counting his seniority from 23.4.1970 does not succeed. The applicant has also not succeeded in establishing from the material on records that persons ~~.....~~ junior to him have been promoted, and he has been subjected to hostile discrimination.

6. In the result, we see no reason to interfere in this matter and this application fails. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)

Member(J)

R. Adige
(S.R. Adige)

Member(A)