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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 280/1991

Date of decision 9.11.1995

Hon'ble Shri N.V.Krishnan, Acting Chairman

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

1. Shri Jagdish Chander
S/o Sh. Balram Lal,
working as Driver goods
under Loco Foreman, Saharanpur (UP)
Qr.No. 226 BC, Rly. 100 Quarter Rly.
Colony, Saharanpur, U.P.
 2. Shri Tilak Raj
S/o Sh. Ram Gopal
working as driver goods
under Loco Foreman, Saharanpur, N.Rly.
r/o B.No.468 C Rly.Qr.Bhathari Bagh,
Saharanpur (UP)
 3. Shri Shankar Dass S/o Sh.Hari Parshad,
working as Driver goods
with Loco Foreman, Saharanpur, N.Rly.
r/o Durga puri, Nehru Nagar, Saharanpur,
(U.P.)
 4. Shri Krishan Kumar s/o Sh.Raj Kishore
working as goodsdriver, under
Loco Foreman Saharanpur, N.Rly.(UP)
r/o 403-K Rly.Qrs. Khalasi Line, Saharanpur (UP)
 5. Shri Shankar Dass s/o Sh.Tolla Ram
working as Goods Driver
under Loco Foreman, Saharanpur, N.Rly.
r/o C-5 Haqiqat Nagar, Newsales Tax Office,
Saharanpur (UP)
 6. Sh.Ram Chander s/o Sh.Maroo Ram,
working as Goods Driver
under Loco Foreman Saharanpur, N.Rly.
r/o 1760/H.Chander Nagar, Saharanpur (UP)
 7. Shri Keshav Dass s/o Sh.Bisshan Dass,
working as goods driver under Loco Foreman,
Ambala Cantt.N.Rly.
r/o 470-C Bhattari Bagh, Saharanpur (UP)
 8. Sh.Chain Singh s/o Sh.Punjab Singh
working as goods driver under Loco
Foreman Ambala Cantt. N.Rly. r/o
B.No.360, Qr.No. 5 Rly.Colony. Ambala Cantt.
 9. Sh.Mam Chand s/o Shri Sundar Lall,
working as Goods driver
under Loco Foreman Ambala Cantt r/o
319 Railway Colony, Ambala Cantt.
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10. Sh.Jagmohan Lal s/o Sh.Gobind Sahai,
working as Goods Driver
with Loco Foreman Saharanpur, N.Rly.
r/o H.No.2/2/0 Gali Madho Parshad
Gurdwara Land, Saharanpur(UP)
11. Sh.Braham Singh, s/o Sh.Baru Ram
working as Goods Driver with Loco
Foreman, Saharanpur, N.Rly.U.P.
r/o 167/B Rly.Quarter, Khalasi Line,
Saharanpur, UP

(By Advocate none)

.. Applicants

Vs.

1. Union of India, service to be effected
through General Manager, Northern
Railway, Baroda House,
New Delhi.
2. General Manager, Northern Railway,
Baroda House, New Delhi.
3. Divisional Personnel Officer,
Northern Railway, Divisional Office
Ambala Division, Ambala Cantt.

(By Advocate Shri B.K.Aggarwal)

.. Respondents

O R D E R (ORAL)

(Hon'ble Shri N.V. Krishnan, Acting Chairman)

There are 11 applicants in this O.A.
which was filed on 30.1.91 through their counsel
Shri Umesh Misra. When the matter came up for
hearing on 10.1.95, it was noticed that Shri Umesh
Misra, the learned counsel for the applicants
had died earlier and accordingly, we directed
issue of notices to the applicants. Since that
date there has been ^a number of hearings when
none appeared for the applicants though Shri B.K.
Aggarwal appeared on behalf of respondents.

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2. We notice that on our directions, notices were sent by registered post, acknowledgement due to the applicants on 13.1.95. The applicants at Sl.Nos.1, 2, 4, 6 and 8 have been served but none is present. The acknowledgement due card has not been received in respect of applicants at Sl.Nos.3,5,9 and 11. In the circumstances, service of these applicants is presumed. Notice sent to the applicants at Sl.Nos. 7 and 10 to the address given in the O.A. has been returned unserved stating in the first case that address was wrong and in the second case that the applicant has left without address. In the circumstances, we hold all the applicants have been served. None is present.

3. Shri B.K. Aggarwal, the learned counsel for the respondents submits that in the circumstances, the O.A. be heard on merits. as he is of the view that it is only to be dismissed on merits. We are of the view that in the circumstances of the case, the proper course is to dismiss the O.A. in default of the presence of the applicants and we order accordingly.

4. On 1.2.91 interim direction had been issued directing the respondents not to revert the applicants from the post held by them. This interim order has been

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extended till further orders on 15.5.91. As the
D.A. has now been dismissed, interim orders are
vacated.,

Lakshmi Swaminathan

(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)

N.V. Krishnan
9.11.95

(N.V. KRISHNAN)
ACTING CHAIRMAN

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