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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

D.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 Haquiqat 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.Bissham Dass,
working as goods driver under Loco Foreman,
Ambala Cantt.N.Rly.
r/o 470-C Bhattachari 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

ORDER (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/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 S1.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 S1.Nos.3,5,9 and

11. In the circumstances, service of these applicants is presumed. Notice sent to the applicants at S1.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 postheld by them. This interim order has been

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

Lakshmi Swaminathan

(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)

DK
9.11.85

(N.V. KRISHNAN)
ACTING CHAIRMAN

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