

Central Administrative Tribunal
Principal Bench

O.A. No. 1508 of 1993

New Delhi, dated this the 13th September 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mr. P.C. Kannan, Member (J)

S/Shri

1. R.S. Dogra,
S/o Shri Dhara Singh,
Pharmacist,
Northern Railway Hospital Delhi Main,
R/o A-97A, Nathu Colony,
Mandoli Road, Shahdara,
Delhi-110093.
2. S.K. Gupta,
S/o Shri Bishamber Dayal Gupta,
Pharmacists,
N.R. Hospital Delhi Main,
R/o 69-B-5, Motia Bagh Railway Colony,
Delhi. ... Applicants

(By Advocate: Shri S.K. Sawhney)

Versus

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Rail Manager,
Northern Railway,
Chelmsford Road, New Delhi.
3. Shri A.K. Khan,
S/o Shri M. Khan,
Pharmacist, N.R. Health Unit,
Basant Road, New Delhi
R/o M-6, Railway Colony,
Shahdara, Delhi. ... Respondents

(By Advocate: Shri R.L. Dhawan)

O R D E R

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

Applicants impugn Respondents' order dated
26.8.91 (Ann. A-4) and dated 1.9.92 (Ann. A-1) and
seek a direction to official respondents not to fix

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the lien of R-3 in Delhi Division and restrain them from granting him promotion retrospectively from 3.1.91.

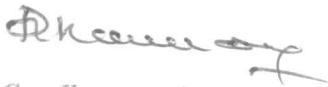
2. We have heard both sides. (2)

3. Applicants themselves state in the O.A. that Respondent No.3 was initially appointed in the Construction Division of Northern Railway on 1.7.76 and continued to work in Construction Division till he was posted in Delhi Division which is also confirmed by reply of official Respondents to Para 4.2 of the O.A. It is also admitted that he was posted at Jagadhiri in 1986. ² The Applicants contend that consequent to the posting of R-3 at Jagadhiri, and with the creation of a separate Division at Ambala in 1987 under whose jurisdiction Jagadhiri fell the lien of R-3 automatically stood transferred to Ambala Division and his lien in Delhi Division ceased to exist.

4. Merely because Jagadhiri fell in Ambala Division which was created as a separate Division in 1987, it does not necessarily follow that Respondent No.3's lien in Delhi Division stood automatically severed and he acquired lien in Ambala Division. Severance of lien against one post and acquisition of lien against another post has to be done by way of a conscious decision and an appropriate order but there is nothing to indicate that any conscious decision was taken or order passed severing R-3's lien in Delhi Division and granting him lien in Ambala Division.

6. Respondents have stated that while Respondent No. 3 was transferred to Jagadhiri in the administrative interest, he continued to retain his lien in Delhi Division, and he was later transferred to Central Hospital vice Shri Ved Prakash, against whom a vigilance case was pending who was transferred from there to Ambala Division along with his post. We see no reasons to disbelieve these averments of respondents, or conclude that merely because of to applicant's transfer to Jagadhiri in the public interest his lien in Delhi Division was severed.

7. The O.A. therefore warrants no interference and is dismissed. No costs.


(P.C. Kannan)
Member (J)


(S.R. Adige)
Vice Chairman (A)

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