

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.OA 103 of 97

Date of order : 20.12.2004

Present : Hon'ble Mr.Mukesh Kumar Gupta, Judicial Member
Hon'ble Mr.M.K.Mishra, Administrative Member

SWARAJ SAMADDAR

VS

UNION OF INDIA & ORS.

For the applicant : None

For the respondents: Ms.U.Sanyal, counsel

O R D E R (ORAL)

Mukesh Kumar Gupta, J.M.

None appears for the applicant today despite the notice dated 20.9.04 sent to the applicant requesting to engage a lawyer to defend his case or to appear in person to argue his case on 18.10.04 as his previous counsel has expired during the pendency of this OA. On 18.10.04 also none appeared for the applicant and the matter was adjourned till today.

2. This being an old matter of 1997 we decided to proceed with the case under Rule 15(1) of the CAT (Procedure) Rules, 1987.

3. The question involved in this OA is whether the applicant is entitled to seniority based on his initial appointment or not. The necessary facts to be considered are that the penalty of compulsory retirement was imposed by initiating Disciplinary Proceeding against the applicant w.e.f. 13.5.89. Subsequently on an appeal filed by the applicant, he was reinstated in the Railway Service with bottom seniority as a fresh recruit without benefits of his previous service. Such fact was communicated to the applicant once again on 16.7.90. The said order has not been impugned in the present application.

3. We have perused the OA and heard Ms.U.Sanyal, ld.counsel for the respondents. In view of the fact that the applicant was appointed as a fresh recruit with bottom seniority and without benefits of his

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