

**Central Administrative Tribunal
Principal Bench, New Delhi**

R.A.No.1/2010
M.A.No.59/2010
in
O.A.No.145/2004

This the 10th day of March 2010

**Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Dr. Veena Chhotray, Member (A)**

Munsarim Khan aged about 63 years s/o Sri Ghani Khan
r/o Moholla Azad Nagar (Gurchahi Road)
Risiya, District Behraich

..Applicant

Versus

1. Union of India through its Secretary
Ministry of Railways
Department of Railway, New Delhi
2. General Manager (Personal)
North-Eastern Railway, Gorakhpur
3. Divisional Railway Manager
North-Eastern Railway
Ashok Marg, Lucknow
4. Divisional Railway Manager (Personal)
North-Eastern Railway, Lucknow

..Respondents

O R D E R (by circulation)

Shri Shanker Raju:

MA-59/2010

MA seeking condonation of delay in filing the review petition is allowed.

RA-1/2010

This RA filed under Rule 17 of CAT (Procedure) Rules, 1987 challenges an order passed ex parte on non-appearance of applicant's counsel whereby the claim of the applicant for grant of

seniority and benefit has been turned down. In an *ex parte* order, all the contentions of the applicants were considered by us. The grounds raised by the applicant in this RA have also been considered.

2. Re-agitation has been done, as the applicant apart from two examples, which we have negated, insofar as his juniority is concerned, having not named any junior, claim is bereft of merit.

3. RA is accordingly dismissed, in circulation, in the light of the decision of Apex Court in **State of West Bengal v. Kamal Sen Gupta**, 2008 (9) SCALE 509.

Veena Chhotray
(Dr. Veena Chhotray)
Member (A)

S. Ray
(Shanker Raju)
Member (J)

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Copy of order
dated 10-3-10
Rebcarred
26-3-2010*