

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NO:588/1996  
DATED THE 21ST DAY OF AUGUST,2001

CORAM:HON'BLE SHRI JUSTICE ASHOK C AGARWAL, CHAIRMAN  
HON'BLE SHRI G.C.SRIVASTAVA, MEMBER(A)

Jagannath Trimbak Suralkar,  
residing at Railway Quarter,  
No.RB.II/A-14, First Floor,  
Kalwa (West), Dist.Thane.

... Applicant

By Advocate Shri G.K.Masand

V/s.

1. Union of India,  
through the General Manager,  
Central Railway, Mumbai
2. Divisional Railway Manager,  
Mumbai Division, Central Railway,  
Mumbai
3. Deputy Chief Engineer,  
(Construction) Dadar, Central  
Railway, Mumbai - 400 014.

... Respondents

By Advocate Shri Suresh Kumar

(ORAL)(ORDER)

Per Shri G.C.Srivastava, Member(A)

In this OA, the applicant has prayed for the following reliefs:-

- a) That this Hon'ble Tribunal will be pleased to hold and declare that Respondents are obliged to provide lien to the applicant with effect from 3/12/1977 when he was appointed as a substitute Khalasi after being subjected to selection by a Selection Committee headed by Dy.Chief Electrical Engineer, Workshop, Matunga and be further pleased to issue suitable directions to the Respondents for providing a lien to the applicant with effect from 3/12/1977.
- b) That this Hon'ble Tribunal will be pleased to direct the Resppondents, by a mandatory order, to regularise the applicant's services in the post of Permanent Way Maistry, scale of Rs.1400-2300 in which post applicant is working since 1982.

2. The respondents have in their reply stated that in the reply submitted in OA-21/89 instituted by the applicant earlier, it was stated as under:-

:2:

"It is however added herein on 7/12/1989 the CWM Matunga addressed a letter to DRM (P) Bombay (Divl. Railway Manager (P) Bombay VT) inter alia stating therein that the question of maintaining lien of the applicant was examined and further that the applicant will rank senior to DR Singh who was appointed as Khalasi in substation Parel with effect from 9/12/1977, in view of this it is submitted that the applicant's grievance does not survive."

3. Shri G.K.Masand, the learned counsel for applicant states that the applicant has no objection to continue in construction department provided lien is granted to him and he is placed above Shri DR Singh. Shri Suresh Kumar, the learned counsel for the Respondents submits that he has no objection if lien is extended to the applicant to continue on deputation, and he is placed above Shri D.R.Singh. However, Shri Suresh Kumar submits that as and when the applicant is repatriated to his parent department, he has a lien there and that he will be placed above Shri DR Singh, whenever selected, as per rules. They agree'y

*Cell the OA is disposed of in these terms.*  
4. In view of the above submissions of the learned counsels for both the sides, we find that no cause of action survives in the present OA and therefore the OA stands <sup>disposed</sup> of as above. No order as to costs.

*G.C. Srivastava*  
(G.C. SRIVASTAVA)  
MEMBER(A)

*Ashok C Agarwal*  
(ASHOK C AGARWAL)  
CHAIRMAN

abp