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OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 9th day of August, 1996
Original Application No.966 of 1987

District : Kanpur Dehat

CORAM:-

Hon'ble Mr. Justice B.C. Saksena, V.C.

Hon'ble Mr. S. Das Gupta, A.M.

Krishna Kumar

S/o Gappao

R/o Village and Post- Baripal, Tehsil Ghatampur

District-Kanpur Dehat.

(By Sri S. tish Mandhyan, Advocate)

. Applicant

versus

1. Divisional Rail Manager
Central Railway,
Bombay (V.T.), Maharashtra.
2. Chief Personnel Officer,
Central Railway,
Bombay (V.T.)
Maharashtra.
3. Divisional Rail Manager (P)
Central Railway, Jhansi.
4. Asst. Engineer, Kanpur,
Central Railway,
Canning Road, Kanpur
5. Permanent Way Inspector,
Bharua Sumerpur, Central Railway,
District-Hamirpur.

(By Sri AK Gaur, Advocate)

. Respondents

B.G.R

ORDER (O-ral)

By Hon'ble Mr. Justice B.C. Saksena, V.C.

Through this OA, the applicant seeks a direction to be issued to the respondents to send the applicant for initial training at the Zonal Training School Bhusawal and for his being trained for the purposes of promotion to Class IV employee to a Class III. The facts in brief are that the applicant was sent alongwith others to an initial training course which is prescribed for the purposes of promotion of Class IV employees to Class III post. The said training course was no.299 which was likely to start at Zonal Training School, Bhushawal from 20.8.1984. Somehow the said training course was not held. The applicant thereafter was sent to Training Course No.300. The said training course started on 11-9-1984. In the mid of the said training course, the applicant had to take leave on 18/19th November, 1984. The Senior Instructor of Zonal Training School, Bhusawal granted leave to the applicant. The applicant fell ill and he remained sick from 20.11.1984 to 30.11.1984. The Asst. Divisional Medical Officer, Banda, issued sick certificate to the applicant. Thus, the applicant could not complete Training Course No.300. The applicant thereafter made several representations requesting that he may be sent for initial training course which was to take place thereafter. The applicant's request yielded no response. In the OA the necessary averments have not been controverted. The stand of the respondents, however, is that the candidate ^{are} ~~initial training~~ entitled to one chance at the initial

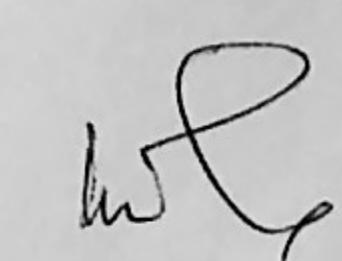
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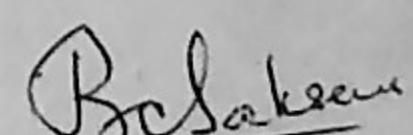
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training while the applicant maintains that he is entitled to three chances. ^{An} The order was passed by us on 20-12-1995 requiring the respondents to file Suppl. CA and to place on record the relevant provisions governing the subject. The Suppl. Counter Affidavit has been filed by the respondents. We have been taken through the contents of the Railway Board letters annexed thereto. The said letters, however, are not very relevant to the point that was required to be answered by the respondents through the Suppl. CA. These letters only lay down that if a repeat course is held for a candidate, who failed in the initial training course, they will not be entitled to stipend during the training course. These letters only provide whether stipend will be payable or not. In any event, these letters also go to show that the repeat training course is permissible without stipend. The applicant is seeking a direction for his being sent to the second initial training course..

2. We are accordingly fully satisfied that the applicant has made out a case for the grant of the relief prayed for. ^{as noted above} The respondents are directed to send the applicant at the next training course at the Zonal Training Centre, Bhusawal meant for promotion of Class IV employees to Class III post, such as ^{but without payment of stipend} Ticket Collectors/Commercial Clerks. With the above directions, the OA is ^{partly} allowed. The other reliefs are rejected ~~positively~~ ^{but}. There shall be no orders as to costs.



Member (A)



Vice Chairman

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