

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the **02nd** day of **January, 2008.**

**HON'BLE MR. A. K. GAUR, MEMBER- J
HON'BLE MR. SAILENDRA PANDEY, MEMBER- A.**

ORIGINAL APPLICATION NO. 166 OF 2006

Mahendra Pratap Singh, S/o Sri Gajraj Singh,
a/a 24 years, C/o Dr. S.P. Singh,
Mohalla- Farsauliyana Rath . P.O. Rath,
Distt. Hamirpur (U.P.).

.....Applicant.

VE R S U S

1. Union of India through the General Manager,
Central Railway, CSTM, Mumbai.
2. The Chief Personnel Officer,
Central Railway, CSTM, Mumbai.

.....Respondents

Present for the Applicant: Sri S.N. Khare
Present for the Respondents : Sri K.P. Singh

O R D E R

BY HON'BLE MR. A.K. GAUR, J.M.

According to the applicant, he deserves to be given the benefit of Railway Board Letter dated 06.10.2007 (Annexure- 1).

2. The case of the applicant, in brief, is that after being found successful, the name of the applicant was recommended for Vocational Course on Railway Commercial working (in short VCRC), Central Railway for a period of two years. After passing prescribed medical test, the applicant was sent ^{for} VCRC training . On completion of two years, he

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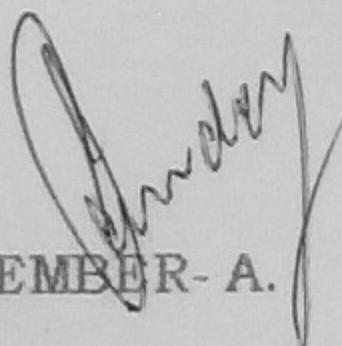
appeared in final examination of 12th standard in the year 1999 and his result was declared as failed. The applicant thereafter appeared in the main examination of the year 2003 and secured 46.8% marks in aggregate and 64% marks in Railway Commercial Working. In terms of Railway Board's instruction circulated vide letter No. E(W) 89 ed/139 (Vil. III) dated 20.05.1994, the students, who pass the vocational course with at least 55% marks (45% for SC/ST and OBC) in Railway Commercial Working as well in aggregate, are to be offered appointment in Railway as Commercial Clerk/Ticket Collector. Counsel for the applicant has further submitted that the applicant belongs to O.B.C community hence he is eligible for relaxation of minimum qualifying marks to the extent of 45% marks in aggregate.

3. The case of the respondents is that the applicant appeared for the first time in the year 1999 and could not appear for its compartment examination, nor appeared for subsequent year's main examination i.e. in the year 2000 or its compartment examination and in the year 2001 main or its compartment examination and for this reason the applicant is not eligible for appointment in Railway service as Ticket Collector/Commercial Clerk.

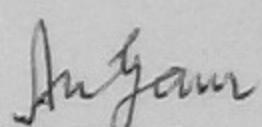
4. Sri S.N. Khare, learned counsel for the applicant, on the other hand, refuting the submissions of the counsel for the respondents, submitted that according to rules, the applicant on submission of medical certificate had been permitted to appear for ^{the} third time and declared passed and as such he should be given the benefit of Railway Board's letter dated 06.10.2003 (Annexure- 1 to the O.A).

5. Having considered the rival contentions of the parties counsel, we are of the considered view that the grievance of the applicant might be redressed , in case a direction is given to the competent authority to consider and decide the case of the applicant in accordance with Railway Board's letter dated 06.10.2003, within a period to be specified by this Tribunal. We accordingly direct the competent authority to consider and decide the representations of the applicant and pass a reasoned and speaking order ,taking in to account the Railway Board's letter dated 06.10.2003, within a period of three months from the date of receipt of order.

6. With the aforesaid observation, the O.A is disposed of finally with no order as to costs.



MEMBER- A.



MEMBER- J.

/Anand/