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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of Order : 13.12.2001

O.A. No. 168/2001.

1. Surja Ram son of Shri Dhoola Ram, aged about 55 years, at present employed on the post of Clerk-cum-Typist, in Pass Section, DRM Offices, Bikaner Division, Bikaner, Northern Railway.
2. B B Bhatnagar son of Shri K B L Bhatnagar, aged about 43 years, at present employed on the post of Clerk-cum-Typist, in S & T Branch, DRM Offices, Bikaner Division, Bikaner, Northern Railway.
3. Vijay Kumar son of Shri Laxmi Narain, aged about 46 years, at present employed on the post of Clerk-cum-Typist, in Operating Branch, DRM Offices, Bikaner Division, Bikaner, Northern Railway.
4. Mustak Ali son of Shri Mohammad Ali, aged about 48 years, at present employed on the post of Clerk-cum-Typist, in Leave Cell, DRM Offices, Bikaner Division, Bikaner, Northern Railway.
5. Smt. Kanta Devi wife of Late Balveer Singh, aged about 47 years, at present employed on the post of Clerk-cum-Typist, in Engineering Branch, DRM Offices, Bikaner Division, Bikaner, Northern Railway.
6. Chandra Shekhar son of Shri Bhanwar Lal, aged about 28 years, at present employed on the post of Clerk-cum-Typist, in Operating Branch, DRM Offices, Bikaner Division, Bikaner, Northern Railway.
7. Mohar Singh son of Shri Kishan Ram, aged about 36 years, at present employed on the post of Clerk-cum-Typist, in IOW Office, Sadulpur, Northern Railway.
Address for correspondence

C/o Shri B B Bhatnagar, 5, Bhathina Building, Near Old Power House, Bikaner.

... APPLICANTS.

v e r s u s

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi
2. Divisional Railway Manager, Northern Railway, Bikaner Divisional, Manager.
3. Divisional Personnel Officer, Northern Railway, Bikaner Divisional Manager.

4. Smt. Shaila, Clerk-cum-Typist, Through Section Engineer Electrical, Delhi Sarai Rohila, Delhi, Northern Railway.
5. Shri Mahir Hussain, Northern Railway, Clerk-cum-Typist through Assistant Engineer, Northern Railway, Rewari.
6. Smt. Kamlesh Sharma, Clerk-cum-Typist, through Station Superintendent, Northern Railway, Sirsa, Haryana.

...RESPONDENTS.

Mr. J. K. Kaushik, counsel for the applicants.
Mr. Vinit Mathur, counsel for respondent No. 1 to 3.
None is present for respondent no. 4 to 6.

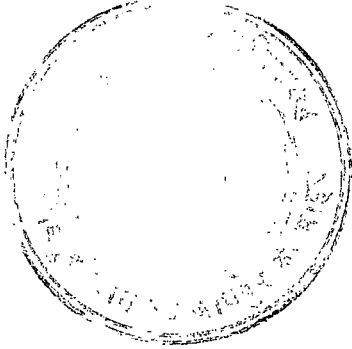
CORAM

Hon'ble Mr. Justice O.P. Garg, Vice Chairman.
Hon'ble Mr. Gopal Singh, Administrative Member.

: O R D E R :
(per Hon'ble Mr. Justice O.P. Garg)

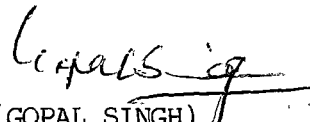
Learned counsel for the applicants urged that the applicants are seeking fourth chance to appear in the Typing test as they have failed earlier on three occasions. Shri Vinit Mathur, learned counsel for respondent No. 1 to 3, pointed out that under the rules, the applicants are entitled for only three attempts and fourth chance cannot be given. Shri J.K. Kaushik, learned counsel for the applicants, pointed out that one candidate namely Mohd. Jafar was allowed by the respondents to take up the test on the fourth occasion though he was already failed on three earlier occasions. Mr. Vinit Mathur does not dispute the fact that Mohd. Jafar was given the fourth opportunity as a special case to take up the typing test. The special circumstances or the reasons which impelled the competent authority to give fourth chance to Mohd. Jafar are not forthcoming.

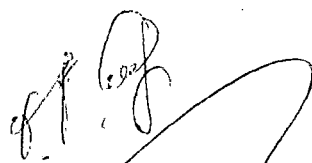
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2. We dispose of this application finally with the observation that the competent authority shall look into the matter and after taking into consideration the circumstances put forth by the applicants as well as the circumstances under which Mohd. Jafar was allowed to take up the test on the fourth occasion, appropriate speaking orders shall be passed in the case of the applicants. This exercise shall be concluded within a period of three months from the date of the service of this order to the competent authority.


(GOPAL SINGH)
Adm. Member


(JUSTICE O.P. GARG)
Vice Chairman

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Part II and III destroyed
in my presence on 28.5.07
under the supervision of
section officer () as per
order dated 13.13.12

116841
Section Officer (Records)

R/copy
on 19/12
22/12

R/copy
116841
24/12