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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR.

Date of Order : 28.01.2002

1. O.A No. 07/2002.

Kariman son of Shri Rupan, aged about 45 years, resident of Ward No. 28, Near Happy Children School, Suratgarh, Distt. Sriganganagar, at present employed on the post of Khallasi in the office of Junior Engineer (Works), Sriganganagar, Northern Railway.

2. O.A No. 08/2002.

Ganesh Singh son of Shri Shankar Lal, aged about 52 years, resident of Pura Kutir, Koreona-ka-Mohulla Gajner Road, Bikaner, at present employed on the post of Clerk-cum-typist in the office of Sr. DMO, Divisional Hospital, Lalgarh (Bikaner, N/Rly.

... 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, Bikaner.
3. Divisional personnel Officer, Northern Railway, Bikaner Divisional, Bikaner.

... RESPONDENTS.

Mr. J.K. Kaushik, counsel for the applicants.

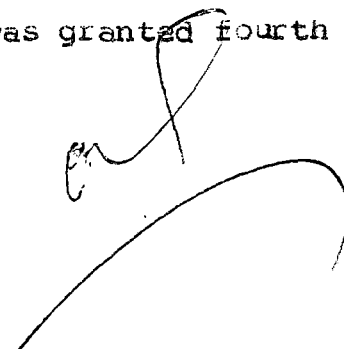
CORAM

Hon'ble Mr. Justice O.P. Garg, vice Chairman.
Hon'ble Mr. A.P. Nagrath, Administrative Member.

: O R D E R :

(per Hon'ble Mr. Justice O.P. Garg)

The grievance of the applicants in the OAs aforesaid is that inspite of the fact that Mohd. Jafar was granted fourth opportunity to appear in

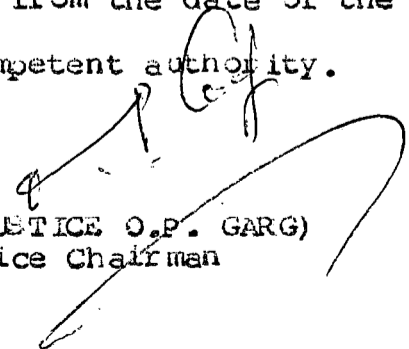


the typing test, the applicants are not being allowed to take up the fourth chance. Learned counsel for the applicants frankly conceded that as per rules, only three opportunities are to be given for the typing test. It was however, pointed out that since one Mohd. Jafar has been allowed by the respondents to take up the typing test on the fourth occasion, there was obviously no occasion for them to discriminate the applicants in the matter of benefit which was extended to Mohd. Jafar. It was also pointed out that in the similar circumstances, this Tribunal has passed an order dated 13.12.2001 in O.A. No. 168/2001, whereby the competent authority was directed to look into the matter and to decide the representation of the applicants in that case with reference to the case of Mohd. Jafar.

2. Without issuing notices on these applications to the respondents and without entering into the merits of the applications made by the applicants, we dispose of both these applications finally at the admission stage 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.



(A.P. NAGRATH)
Adm. Member



(JUSTICE O.P. GARG)
Vice Chairman

Copy sent as alog with ONK
185 Annex sent to R1 to R3
W/D - xii 66 to 68
PK 01-02-2002

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07/12/02
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Part II and III destroyed
in my presence on 21-6-07
under the supervision of
section officer 11 as per
order dated 19/5/07

Section Officer (Records)

A D Review on copy
from R1 & R2 R3 quarter
15/2/02