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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

ORIGINAL APPLICATION NO. 115/2009

Date of order: 12.11.2009

CORAM:

**HON'BLE MR. JUSTICE S.M.M. ALAM, JUDICIAL MEMBER
HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER**

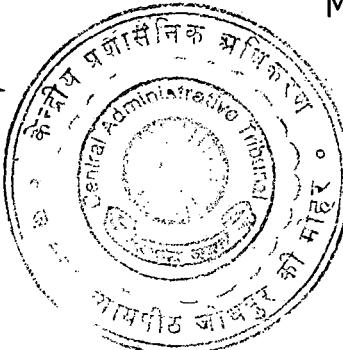
Suraja Ram S/o Shri Moda Ramji Nayak, aged about 41 years, resident of Gangashahar Road, Nayako Ka Mohalla, Goga Gate, Bikaner.

The applicant is presently working as Clerk in the Office of Senior Material Manager, North-Western Railway, Lalgarh, Bikaner.

...Applicant.

Mr. Kuldeep Mathur, counsel for applicant.

VERSUS



1. The Union of India through the General Manager, North-Western Railway, Head Quarter, Jaipur (Raj.).
2. The Dy. Chief Material Manager, North-Western Railway, Jodhpur.
3. The Senior Material Manager, North Western Railway, Bikaner.

... Respondents.

Mr. Salil Trivedi, counsel for respondents.

ORDER

Per Hon'ble Mr. Justice S.M.M. Alam, Judicial Member

It has been submitted by both the parties' counsel that this Original Application can be disposed of at the admission stage itself in view of the Annexure R/2 attached with the reply of the respondents.

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2. From the perusal of the Original Application, it is seen that the applicant Shri Suraja Ram has preferred this Original application for grant of following relief:-

(i). That impugned order dt. 08.05.2009 (Annexure A/1) may be declared illegal and the same may be quashed and set aside.

(ii). That respondents may kindly be directed to extend one more opportunity to qualify type test in favour of the petitioner as they have utterly failed to adhere the requirement of gap between type test mentioned in the Railway Board's letter dt. 07.04.2000.

(iii) Any other relief, which this Hon'ble Tribunal deems fit and proper in favour of the applicant may be granted. The Original Application may kindly be allowed with costs and all circumstantial benefits may be granted in favour of the applicant.

3. The learned advocate appearing on behalf of the respondents, during the course of hearing, submitted that the concerned authorities has already recommended that the applicant may be given one more opportunity to qualify the type test.

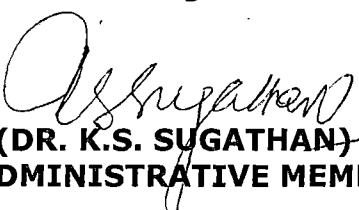
4. The learned advocate appearing on behalf of the applicant submitted that if this Tribunal issues a direction to the respondents on the basis of Annexure R/2 dated 01.06.2009 to give one more opportunity to the applicant for appearing in the type test, he has got no objection if the Original Application is disposed of at the admission stage itself.

5. Considering the submissions of both the parties, this Original Application is disposed of at the admission stage with

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the direction to the respondents that they will extend one more opportunity to the applicant to qualify the type test on the basis of recommendation made in the Annexure R/2 dated 01.06.2009. The respondents are further directed not to revert the applicant to the post of Mazdoor till such time the result of the next typing test is declared.

6. Accordingly, this Original Application is disposed of at the admission stage.


(DR. K.S. SUGATHAN)
ADMINISTRATIVE MEMBER


(JUSTICE S.M.M. ALAM)
JUDICIAL MEMBER

nlk

R/C
Done 18/11/09

R/C
Done
25/11/09
for return
HJM

Part II and III destroyed
in my presence on 25/11/09
under the supervision of
section officer () as per
order dated 07/07/2015

Section officer (Record)