

AB

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 492 of 1991

A.P. Yadav Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice U.C.Srivastava,V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C.Srivastava,V.C.)

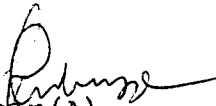
As the pleadings are complete, the case is disposed of finally.

2. The applicant who succeeded before this tribunal earlier, has approached the tribunal making a complaint that the respondents by their action have made an attempt to nullify the judgement of this tribunal in depriving him of the benefit of the said judgement. The applicant who was initially appointed as Khalasi in class IV category in the office of the Deputy Controller of Stores, Northern Railway, Lucknow. He was promoted on the post of Typist w.e.f. 20.9.1978 and continued to hold the said post till the date of his reversion i.e. on 24.12.1982, which order was challenged by him before the tribunal. The tribunal allowed his application vide its judgement and order dated 8.3.1991. The application was dismissed with the directions that two opportunities will be granted to clear the selection test and in case they succeed they will be promoted. In case any other applicant is still working against the post from which he was reverted under any other, he will not be reverted till then. In the said judgement, the applicant was allowed to appear in the written test in which he succeeded, but as he could not succeed in the typing

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test, he was not given the appointment. Merely, because the applicant could not succeed in the typing test again. The applicant is not to be deprived of the promotional post as a direction was given earlier that the applicant will be given two opportunities. The respondents are duty bound. The respondents was not challenged the said order, They are duty bound to give him yet another opportunity and that is the same instead of giving an opportunity, they have tried to justify their action again in the same terms in which they have tried to do it earlier. Accordingly, the respondents are directed to give him yet another opportunity with delay to appear in the typing test and in case, the applicant succeeds in the typing test, he may be given due promotion w.e.f. the date he is entitled to. With these observations, the application is disposed of finally. No order as to the cost.


Member (A)


Vice-Chairman

Lucknow Dated: 20.11.1992.

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