

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDERS OF THE BENCH

Date of Order: 15.10.2014

OA No. 291/00560/2014

Mr. Nand Kishore counsel for the applicant.

Heard the learned counsel for the applicant.

O.A. is disposed of by a separate order on separate sheets.


(Dr. Murtaza Ali)
MEMBER (J)


(ANIL KUMAR)
MEMBER (A)

Vv

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 291/00560/2014

Date of order: 15.10.2014

CORAM

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER
HON'BLE DR. MURTAZA ALI, JUDICIAL MEMBER

Bhuwneshwari Devi W/o Late Shri Ummed Singh, Aged about 28 years, Working as Junior Clerk Scale 5200-20200 (Grade Pay 1900) under CWM Wagon Repair Shop, W.C. Railway Kota, R/o Plot No. 25, Subhash Nagar, Kunhadi, Kota-324008.

...Applicant

Mr. Nand Kishore, counsel for applicant.

V E R S U S

1. Union of India through General Manager, West Central Railway, Jabalpur.
2. Chief Works Manager, Wagon Repair Shop, West Central Railway, Kota.

...Respondents

O R D E R

(PER MR. ANIL KUMAR, ADMINISTRATIVE MEMBER)

The applicant has filed the present O.A. having been aggrieved by her reversion order dated 10/10/2014 (Annexure-A/1). The brief facts of the case are that the applicant was promoted on the post of the Junior Clerk cum Typist vide order dated 04/10/2012 (Annexure-A/3) with the condition that she has to pass typing test in three attempts within a period of two years from the date of joining of the promoted post. The

Anil Kumar

learned counsel for the applicant submitted that the applicant was given three chances for typing test. She failed in the first two chances. The third chance was given on 04/10/2014 but she could not appear in the typing test because she was admitted in Railway Board Hospital on 04/10/2014.

2. The learned counsel for the applicant further submitted that sufficient time was not given by the respondents to pass typing test. Therefore, he requested that a last chance may be provided to the applicant to appear in typing test as it was allowed in the case of other employees i.e. Kamlesh Kumari (O.A. No. 435/2010), Sushama Sharma (O.A. No. 433/2011), Gurudayal, Padam Singh Verma (O.A. No. 123/2011). He submitted that in all these O.As., the Tribunal has granted 4th chance to appear in typing test. The Hon'ble High Court in the D.B. C.W.P. 4911/2012 (Union of India & Ors Vs. C.A.T. Anr.) and other connected matters vide judgment dated 09/04/2013 also allowed the 4th chance to certain employees. The High Court further held that this fourth/additional chance, which the respondents shall avail to pass the Typing Test, would be the last one and no further chance shall be granted to them.

3. The learned counsel for the applicant submitted that the applicant may also be allowed one additional chance as a last chance to appear for typing test and at least 30 to 45 day's time should be allowed to the applicant to prepare for the typing test. He further prayed that in the meantime, applicant

Anil Kumar.

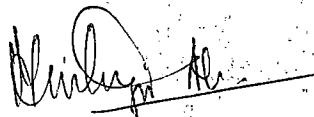
may not be reverted in pursuance to the order dated 10/10/2014 (Annexure-A/1).

4. Heard the submission of the learned counsel for the applicant and perused the documents on record. The applicant was promoted to the post of Junior Clerk cum Typist from the Group-'D'. She failed to pass the typing test within the prescribed period of two years in three attempts. Therefore, the respondents passed reversion order of the applicant dated 10/10/2014. However, in view of the fact that some other employees such as Kamlesh Kumari (O.A. No. 435/2010), Sushama Sharma (O.A. No. 433/2011), Gurudayal, Padam Singh Verma (O.A. No. 123/2011) were allowed one additional chance by the Tribunal for typing test, therefore, in the interest of justice, the applicant in the present O.A. is also allowed to appear for typing test for one more chance. The respondents are directed to give one additional chance to the applicant to appear in typing test. The respondents would give minimum 30 days time for preparation of typing test to the applicant and no further chance shall be granted to her. Respondents are directed not to implement the reversion order dated 10/10/2014 (Annexure-A/1) qua the applicant till the applicant is given one additional chance to pass the typing test.

5. Learned counsel for the applicant is directed to give a copy of the paper book of the present O.A. to the respondents along with a copy of this order.

Anil Kumar

6. With these directions the O.A. is disposed of with no order as to costs at the admission stage itself.



(DR. MURTAZA ALI)
JUDICIAL MEMBER



(ANIL KUMAR)
ADMINISTRATIVE MEMBER

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