

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

**ORIGINAL APPLICATION NO. 291/00081/2014
and
ORIGINAL APPLICATION NO. 291/00637/2014**

Date of order: 29/03/2016

Coram:

**Hon'ble Dr. K.B. Suresh, Judicial Member
Hon'ble Ms. Meenakshi Hooja, Administrative Member**

(1) ORIGINAL APPLICATION NO. 291/00081/2014

Bhupender Yadav S/o Sh Vikramjeet Yadav aged about 29 years, Working as Jr Clerk in Establishment Branch under DRM Kota W.C.Railway Kota R/o 211 B Balaji Awas I Deoli Arab Road Borkhera Kota.

.....Applicant

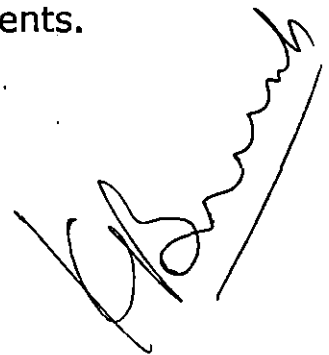
Mr. Nand Kishore, counsel for the applicant.

V/s

1. Union of India, through General Manager, West Central Railway, Jabalpur.
2. Divisional Railway Manager, West Central Railway, Kota.
3. Divisional personnel Officer, West Central Railway, Kota .

.....Respondents.

Mr. M.K. Meena counsel for the respondents.



(2) ORIGINAL APPLICATION NO. 291/00637/2014

Bhupender Yadav S/o Sh Vikramjeet Yadav aged about 29 years, Working as Junior Clerk in Establishment Branch, Division Railway Manager Office, West Central Railway Kota Resident of 211-B, Balaji Awas-I, Deoli Arab Road, Borkhera, Kota.

.....Applicant

Mr. Nand Kishore, counsel for the applicant.

V/s

1. Union of India, through General Manager, West Central Railway, Jabalpur.
2. Divisional Railway Manager, West Central Railway, Kota.
3. Divisional personnel Officer, West Central Railway, Kota .

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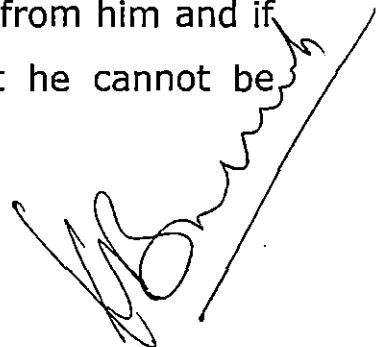
Mr. M.K. Meena counsel for the respondents

ORDER

Per : Hon'ble Dr. K.B. Suresh, Judicial Member

Heard learned counsel for the parties.

2. Applicant relies on Annexure A/8, but this relates to the promotion of Group-C staff recruited in sports quota is the fact is that unless within four years they pass the required test, they will be kept in the same level. But applicant is different. Applicant had been selected as Group-D and then promoted as Group-C on the condition that within two years he has to pass the typing test. Now the purpose of the employment is to secure some employment from him and if he is not competent for the employment he cannot be accepted at all.



3. At this point of time, learned counsel for the applicant submits that in the case of outstanding sports person exception can be granted with the approval of the Railway Board. That is for the Railway Board to decide. Anyhow regarding the question of the applicant's counsel relating the exceptional status of this person, he would say that applicant is the Captain of the Zonal Railway Cricket Team. That may not, in our humble view constitute the level of exception required for grant of this special merit so that he can earn the pay without working at all as in the other case.

4. Both the OAs are bereft of merit and dismissed.

5. At this stage, learned counsel for the applicant seeks our notice to the order of this Bench of the Tribunal in OA No. 520/2010 (Annexure-A/10) whereby this Bench had directed that one more chance may be granted to undertake the typing test, in view of the certificate issued by Govt. of India, Ministry of Home Affairs in that case. But no such document is brought to our notice in this case. However, it will be open to the Railways to decide whether or not to give him one more chance as well.



(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER



(DR. K.B. SURESH)
JUDICIAL MEMBER