

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

**ORIGINAL APPLICATION NO. 291/00678/2014
WITH
MISC. APPLICATION NOS. 291/00112/2015
&
MISC. APPLICATION NO. 291/00167/2016**

DATE OF ORDER: 03.06.2016

CORAM

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER**

Bhuwneshwari Devi W/o late Shri Ummed Singh, aged about 28 years, R/o 25, Subhash Nagar, Kunhadi, Kota - 324008 and presently working as Junior Clerk under Chief Works Manager, Wagon Repair Shop, West Central Railway, Kota Division, Kota.

....Applicant

Mr. C.B. Sharma, counsel for applicant.

VERSUS

1. Union of India through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Chief Works Manager, Wagon Repair Shop, West Central Railway, Kota Division, Kota.
3. Senior Personnel Officer, Wagon Repair Shop, West Central Railway, Kota Division, Kota.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

ORDER (Oral)

This Original Application has been filed by the applicant aggrieved with the order dated 27.11.2014 (Annexure A/1) by which the applicant has been found unfit for the typing / computer typing test and therefore to be reverted from the post of Junior Clerk cum Typist to Messenger thereby seeking the following reliefs: -



"(i) That the respondents may be directed not to revert the applicant from the post of Junior Clerk to the post of group-D by counting type test passed vide Annexure A/13 or to allow further chance for type test by quashing order dated 27/11/2014 (Annexure A/1) with all consequential benefits.

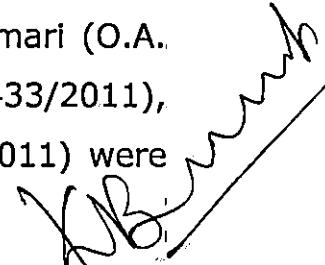
(ii) That the respondents be further directed to regularized the services of the applicant to the post of Junior Clerk pay band Rs. 5200-20200 with grade pay Rs. 1900 with all consequential benefits.

(iii) Any other order, direction or relief may be passed in favour of the applicants which may be deemed fit, just and proper under the facts and circumstances of the case.

(iv) That the costs of this application may be awarded."

2. The brief facts of the case are that earlier the applicant filed O.A. No. 291/00560/2014 (Bhuwneshwari Devi vs. Union of India & Anr.) and after hearing the counsel for applicant, vide order dated 15.10.2015 the following observations and directions were passed by this Bench of the Tribunal -

"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.

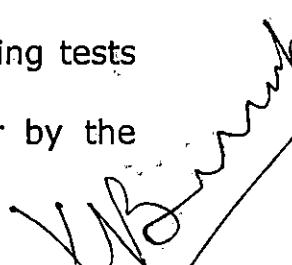
5. Learned counsel for the applicant is directed to give a copy of the paper book of the present O.A. to the respondents along with a copy of this order.

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

3. Heard the contentions of the learned counsels for both the parties and perused the record. As noted above in the earlier O.A. No. 291/00560/2014 filed by the applicant, vide order dated 15.10.2014 this Bench of the Tribunal directed the respondents to give one additional chance to the applicant to appear in typing test and further directed that 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. It is seen that in pursuance of this order of the Tribunal, the applicant was given one more chance to appear in the typing / computer typing test and as per Annexure A/1 order dated 27.11.2014, the applicant did not qualify the typing / computer typing test.



4. Counsel for applicant has pleaded that as per Annexure A/13, the applicant has got supplementary-I in the Hindi Typing Test conducted by the Ministry of Home Affairs, Department of Official Language, Central Hindi Training Institute, Hindi Word Processing / Hindi Typewriting Correspondence Course, New Delhi, the result of which was declared on 29th August, 2014 and on this basis the applicant may be allowed to continue on the post of Junior Clerk cum Typist. In this regard, it is seen that as brought out in MA No. 291/00112/2015 filed by the respondents that later on even in the supplementary typing test of January 2015 conducted by the Department of Official Language, the applicant has failed as per Annexure MA/1, which is the result of the aforesaid test. Further it is noted that as per Annexure MA/1 dated 04.04.2016 filed with MA No. 291/00167/2016 by the respondents which is the result of Hindi Typing Test conducted in January 2016 declared on 29.02.2016 that the applicant has also failed in this Hindi Typing Test conducted by the Department of Official Language. Thus, it is seen that the applicant has failed in the typing tests conducted by the Department of Official Language as well as by the respondents-department. It is clear that the as per Annexure A/1 order dated 27.11.2014, the typing/computer typing test was held in pursuance of the directions of this Tribunal in OA No.291/00560/2014 in which it was made clear that only one additional chance was to be given to the applicant to appear in the typing test and no further chance was to be granted to her. Thus, in view of the above position as the applicant has not passed any of the typing tests whether conducted by the respondents-department or by the



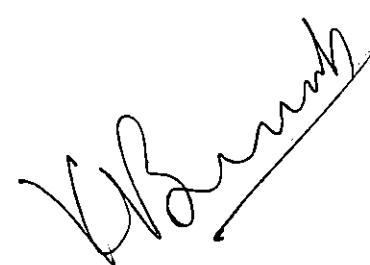
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Department of Official Language, no case whatsoever is made out for grant any relief to the applicant.

5. Therefore, the Original Application lacking merit is dismissed with no order as to costs. In view of the aforesaid order, the interim relief granted earlier stands vacated. Accordingly, both the Misc. Applications also stand disposed of.



(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER



(DR. K.B. SURESH)
JUDICIAL MEMBER

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