

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR**

Original Application No. 1184 of 2005

Jabalpur, this the 27th day of January, 2006

Hon'ble Shri M.K. Gupta, Judicial Member

Lakhan Singh, S/o. Randhir Singh,
Aged about 55 years, R/o. Behind
National School, Ghosipura, Guna,
Distt. Guna.

.... Applicant

(By Advocate – Shri V. Tripathi)

V e r s u s

1. Union of India, through its General
Manager, West Central Railway,
Indira Market, Jabalpur.

2. The Divisional Railway Manager,
Bhopal Division, West Central
Railway, Bhopal.

3. The Assistant Divisional Engineer,
West Central Railway, Guna.

.... Respondents

(By Advocate – Shri H.B. Shrivastava)

O R D E R (Oral)

Heard both the sides and perused the pleadings.

2. The applicant in this OA seeks quashing of order dated 27.9.2005 and 20.10.2005, being Annexure A-1 and A-2 respectively vide which he had been reverted back to his substantive post as he failed to qualify typing test which was one of the condition prescribed when he was

promoted to the post of Junior Office Clerk in the pay scale of Rs. 3050-4590/- from 2650-4000/. Vide promotion order dated 17th January, 2000 the applicant was required to pass typing test within a period of two years.

3. Shri Tripathi, learned counsel appearing for applicant states that, applicant would be satisfied if direction is issued to conduct such test at the earliest so that he could participate and clear such test and thereafter on passing such test, he can be promoted to the said post once again retrospectively.

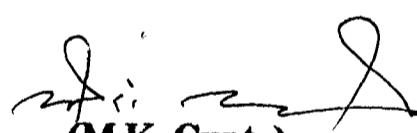
4. The respondents contested the claim laid in the OA stating that the applicant was reverted to his substantive post of Senior Gangman from 25.12.2005, since he could not pass the typing test which was the condition precedent for his promotion to Junior Office Clerk within a period of two years. Typing test was conducted on 27.2.2001 but the applicant could not appear in the said test. Later on, once again test was conducted on 2nd August, 2001. However, the applicant did not appear in such test once again. The applicant was advised to make his own arrangement to acquire typing knowledge if necessary by taking his own leave, which advice was also not heeded to. In such circumstances, since a condition of two years for passing such typing test was prescribed vide earlier order dated 1st August, 2000, which he failed to satisfy the applicant was forced to be reverted to his substantive post.

5. The applicant basically contends that he was posted to a station where such facilities were not available and despite a request to post him to a station where he could acquire such typing knowledge, needful was not done & therefore he was prevented from acquiring such knowledge

and appearing in the test. In these circumstances it was contended that he cannot be deprived of his promotion by the respondents.

6. Since the learned counsel for the applicant fairly stated that he will be satisfied if directions are issued to the respondents to conduct such test at the earliest to enable him to qualify the typing test as required under the rules for promotion to the post of Junior Office Clerk, which suggestion has not been opposed by the respondents, I deem it fit to dispose of the present OA keeping in view the fact that the applicant is due to attain superannuation in about four years time and he has been stagnating in the said post of Senior Gangman, directing the respondents to conduct such typing test for the applicant, expeditiously & in any case not later than three months from the date of receipt of copy of this order. If applicant qualifies such test, he should be considered for promotion to the said post of Junior Office Clerk, on prospective basis at the earliest. Order accordingly.

7. Accordingly, the Original Application is disposed of. No costs.


 (M.K. Gupta)
 Judicial Member

"SA"

प्रष्टांकन सं. औ/ज्या..... जवाहरपुर, दि.....
 प्रतिक्रिया अद्य दिइतः—
 (1) सरकारी, उत्तर प्रदेश राजनीतिकार्यालय, जलपुर
 (2) अपार्टमेंट, जलपुर
 (3) राजनीतिकार्यालय, जलपुर
 (4) काउंसल V-Tri Pathi A.Sv. 288
 सूचना एवं आवश्यक दस्तावेज़ देने का उत्तराल
 H.B. Srivastava,
 22/2/2007
 उप रजिस्ट्रार

FC/ed
 30/11/06