

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 766 of 2002

Jabalpur, this the 13th day of July, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

Mohd Rihan Khan S/o  
Mohd Shamim Khan, aged about  
21 years Ex Ticket Collector,  
Rly Station Gadarwara,  
Under DRM CRly Jabalpur  
Residence - Mohal Farsoliyana,  
RATH - Distt. Hamirpur(UP)

APPLICANT

(By Advocate - Shri S.N. Khare)

VERSUS

1. Union of India,  
through the General Manager,  
Central Railway,  
CSTM Mumbai.
2. The Divl. Rly Manager(P)  
Central Rly.  
Jabalpur.

RESPONDENTS

(By Advocate - Shri S.K. Jain)

O R D E R

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought the following main relief:-

"(a) To quash and set aside the impugned order No. JBP/P/Commr/MRK dt. 16/10/02 passed by (OK Gupta) for DRM(P)/JBP terminating the petitioner's service with immediate effect being nul and void."

2. Heard the learned counsel for the parties.
3. The learned counsel for the applicant states that as per rule, the applicant is required to be given 4 chances to clear vocational course on Railway Commercial(VCRC). The contention of the applicant is that he has availed only 3 chances i.e. in the year 1999, 2000 and 2001 and has cleared this examination with minimum 45 percent marks in 2001 which is required for a candidate belonging to OBC. The applicant belongs to Barber community which is recognised as OBC.

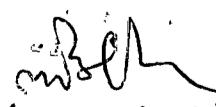
According to the applicant, no supplementary examination has

been held in the years 1999 and 2000 and that is why the applicant could not avail this opportunity of appearing in the supplementary examination during these years. He has contended that it is because of this fact that earlier the CBSE had cancelled his candidature for appearing in the examination in 2001 <sup>but 2</sup> and when this matter was brought to the notice of the CBSE, he was permitted to appear in the examination during 2001

4. The learned counsel for the respondents, on the other hand, states that supplementary examinations had been held in the years 1999 & 2000 but the applicant has not availed of the opportunity of appearing in the supplementary examinations and hence he is not eligible for appointment. He has drawn our attention to memo dated 2.11.2000 (Annexure-A-12) wherein it is clearly mentioned that those who have appeared in the examination and passed during March/August 2000 are eligible to write improvement examination in March 2001.

5. Keeping in view all the facts and circumstances of the case, we direct the applicant to submit a detailed representation to the respondents within a period of four weeks. If he complies with this, the respondents are directed to consider the case of the applicant on the basis of the fact whether supplementary examination was held in the year 2000, after consulting the CBSE and decide his case by passing a detailed, speaking and reasoned order within a period of four months from the date of receipt of such representation. <sup>2</sup>  
If no <sup>supplementary</sup> examination is held, and the applicant is found <sup>as per rules</sup> eligible and suitable, he will be ~~appointed~~ considered for appointment by the respondents.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman