

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 405 of 2000

Jabalpur, this the 11th day of February, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri G. Shanthappa, Judicial Member

1. Om Prakash Chakravorty, aged about 32 years, son of Rameshwar Singh, R/o. C/o. Shri Amit Kumar, Subhash Colony, RB-II, 23/256, Jabalpur (MP).
2. Kamakhya Narayan Singh, aged about 28 years, son of Ram Chander Singh, R/o. C/o. Shri Amit Kumar, Subhash Colony, RB-II, 23/256, Jabalpur (MP).     ... Applicant

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India, through its Secretary, Ministry of Railways, Rail Bhawan, New Delhi (MP).
2. General Manager, Central Railways, Chhatrapati Shivaji Terminus, Mumbai.
3. Divisional Railway Manager, Central Railways, Jabalpur Division, Jabalpur (MP).     ... Respondents

(By Advocate - Shri H.B. Shrivastava)

O R D E R (Oral)

By G. Shanthappa, Judicial Member -

By filing this Original Application the applicant has claimed the following main relief :

"ii. hold that the action of the respondents in not sending the applicants for Zonal Training Institute for training/examination in Bhusawal on fourth occasion is bad in law and discriminatory in nature; consequently, direct the respondents to send the applicants for training on 4th chance unlike similarly situated employees."

2. The brief facts of the case as stated by the applicants are that the applicants are working as Assistant Station Master (Prov.). The applicants were



sent for training for the third occasion with effect from 14.9.98 and 18.9.1998 respectively. But they could not succeed in the written examination held after the training. <sup>other</sup> As certain ~~persons~~ persons who were appointed alongwith the ~~etc~~ applicants, were also dis-continued after the third attempt but they were given the fourth opportunity of training. Knowing this fact the applicants preferred representations to the Department praying to allow them to appear in the training for the fourth time. But the representations could not fetch any result. The applicants further submitted that similarly situated employee Shri Shailesh Kumar Mishra filed an Original Application before this Tribunal. The Tribunal directed Shri Shailesh Kumar Mishra to prefer a fresh representation alongwith the copy of that order, and the respondents were directed to pass a speaking order. On submission of the representation by Shri Shailesh Kumar Mishra, the respondents considered the same and he was called for training for the fourth time. The learned counsel for the applicant submitted that if such type of order is passed as passed in the case of Shri Shailesh Kumar Mishra, the applicants will be satisfied.

3. Heard the learned counsel for the applicant and the respondents and perused the records carefully.

4. We find that in OA No. 475/1999-Shailesh Kumar Mishra Vs. UOI & Ors. decided on 9th September, 1999, the following order was passed :

.....  
We think that the remedies have not been exhausted fully and as such we dispose of this OA with the direction to the applicant that he may file his representation alongwith a copy of earlier representation (Annexure A-7 to this OA) within 15 days, alongwith a copy of this order, by speed post to avoid delay, with a copy to his immediate controlling authority, to respondent No. 2 i.e. The General Manager, Central Railway, Mumbai, CST, Mumbai. If the applicant submits his representation alongwith a copy of this order to respondent No. 2, the respondent No. 2 shall have to dispose of the sam

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by speaking order, within 6 weeks from receipt of the representation and communicate the decision to applicant immediately."

The learned counsel for the respondents submitted that in this case the respondent No. 2 is to be directed to pass orders. He further submits that presently due to creation of new zones the General Manager to whom direction is to be given is having his office at Jabalpur.

5. Accordingly, we direct the applicants to submit a alongwith a copy of this order fresh representation/regarding their grievance to appear in the training for fourth occasion, within a period of one month from the date of the order, to the General Manager, West Central Railway, Jabalpur. If such a representation is submitted by the applicants then the aforesaid respondent is directed to consider the same by applying the principles of parity and to dispose of the said representation within a period of two months from the date of receipt of the representation and this order.

6. The Original Application stands disposed of accordingly. No costs.

(G. Shanthappa)  
Judicial Member

*[Signature]*  
(M.P. Singh)  
Vice Chairman

पूर्णांकन सं. ओ/न्या.....जगलपुर, दि.....  
उत्तिविधि दाये अिल:-

१६६ राज्य, राज्य व्यायालय जारी एसेविनियन, जवलामुख

(2) अपने विद्यार्थी के लिए अपनी विद्या का अध्ययन करने के काम

(2)  $\frac{1}{2} \times 500 = 250$

(3) ~~Writing~~ ~~Writing~~ ~~Writing~~ ~~Writing~~ ~~Writing~~

सूचना एवं आदरण्य कारोयाहो तत्

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