

(10)

**16.08.2007**

**OA No.19/2006**

Mr. P.P. Mathur, Counsel for applicant.  
None present for respondents.

It is a DB matter. Let the matter be listed on  
23.08.2007. IR to continue till the next date.

*[Signature]*  
**(KULDIP SINGH)**  
**VICE CHAIRMAN**

AHQ

23-08-2007

Mr. P.P. Mathur, Counsel for applicant  
Mr. V.S. Bawyer, Counsel for respondents

Heard. The OA is dispersed & by a  
separate order

*[Signature]*  
**(R.R.Bhandari)**  
**M(A)**

*[Signature]*  
**(Kuldip Singh)**  
**VIC**

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

Jaipur, the 23<sup>rd</sup> day of August, 2007.

ORIGINAL APPLICATION NO. 19/2006

**CORAM:**

HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN  
HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER

1. Smt. Usha Jain wife of Sunder Lal Ji Jain aged about 50 years, resident of 351- D A Block, Chandravardai Nagar, Ajmer.
2. Shri Narendra Kumar son of Shri Buddha Ram aged about 45 years, resident of 52/30 Ashok Nagar Bhatta, Shanti Market Prakash Road, Ajmer.
3. Ram Lal son of Shri Chotu Ram aged about 40 years, resident of Gram Pot Jhar, Tehsil Bassi, Jaipur.

All presently posted as Clerk under respondent No. 3.

By Advocate: Mr. P.P. Mathur

.....Applicant

**Versus**

1. Union of India through the General Manager, North Western Railway, Jaipur.
2. The Divisional Railway Manager, Jaipur Division, North Western Railway, Jaipur.
3. The Deputy Controller of Stores, Ajmer Division, North Western Railway, Ajmer.

By Advocate : Mr. V.S. Gurjar

.....Respondents



**ORDER (ORAL)**

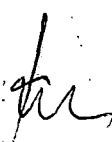
The applicants have filed this OA thereby  
praying for the following reliefs:-

- (a) Quash and set aside the order dated 26.12.2005 (Annexure A/1).
- (b) Direct the respondents to grant him opportunity to appear in the typing test on computer after due training. Respondent may also be directed to grant all consequential benefits accruing thereto.
- (c) Cost of and incidental to this original application may be awarded in favor of the applicants.
- (d) Any other order or direction, which this Hon'ble Tribunal deem fit in the facts and circumstances of the case may also be allowed in favor of the applicants"

2. Facts, in brief, are that the applicants were initially appointed as Group 'D' post. They were promoted as Clerk in the year 2003 on passing the selection test. However, they are required to pass the typing test within two years. But they failed to pass the typing test. Therefore, respondents issued the impugned order dated 26.12.2005 (Annexure A/1) again reverting them to Group 'D' post.

3. Learned counsel for the applicant submitted that in the similar matter, the Jodhpur Bench of the Tribunal, in OA Nos. 1 & 2/2006, vide its order dated 04.07.2007 held that :-

"In view of the above, we direct both the applicants to make a comprehensive representation within a period of 15 days from today to the competent authority seeking one more last opportunity to qualify in the type test. The competent authority on



receipt of such a representation shall consider the same and pass appropriate order by taking into account the order passed by the Hon'ble High Court of Rajasthan at Jodhpur in DB Civil Writ Petition No. 5208/2003 dated 14.01.2004. However, we make it clear that the decision taken by the competent authority shall be binding on the applicants. OAs are ordered in the above terms. "

4. Learned counsel for the respondents also agreed with the submissions made by the learned counsel for the applicant and submitted that both the cases are identical and the relief granted in OA Nos. 1 & 2/2007 by the Jodhpur Bench may be granted in the present case also.

5. In view of the above, we direct the applicants to make a comprehensive representation within a period of 15 days from today to the competent authority seeking one more last opportunity to qualify in the type test. The competent authority on receipt of such representation shall consider and dispose of the same within a period of two months.

5. With these observations, the OA is disposed of with no order as to costs.

*R.R.Bhandari*  
**(R.R.BHANDARI)**  
**MEMBER (A)**

*Kuldeep Singh*  
**(KULDIP SINGH)**  
**VICE CHAIRMAN**

AHQ