

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 04th September, 2008

ORIGINATION APPLICATION NO. 59/2007

WITH

MISC. APPLICATION NO. 229/2007

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

1. Narendra Kumar aged about 34 years son of Shri Dal Chand, resident of Duliya Gaon, Agra. Presently posted as Junior Clerk in the Office of AMM Electrical Loco Shed, TKD under the control of Kota Store Division, West Central Railway, Kota.
2. Tej Singh aged about 33 years son of Shri Samunder Singh, resident of Gram Nangla Lodha, Post Barasur, Tehsil and District Bharatpur. Presently posted as Junior Clerk in the Office of AMM Electrical Loco Shed, TKD under the control of Kota Store Division, West Central Railway, Kota.
3. Virendra Singh son of Late Shri Mool Singh aged about 37 years, resident of House No. 987A New Railway Colony, Kota Junction. Presently posted as Junior Clerk in the Office of Divisional Material Manager, Store Unit, West Central Railway, Kota.

.....APPLICANTS

(By Advocate: Mr. P.P. Mathur)

VERSUS

1. Union of India through the General Manager, West Central Railway, Jabalpur.
2. The Chief Material Manager, Store Unit, Kota, West Central Railway, Kota.

.....RESPONDENTS

By Advocates : (Mr. Anupam Agarwal)

ORDER (ORAL)

In this case while issuing notices on 05.03.2007, this Tribunal has granted ex-parte Interim stay thereby staying the operation of the impugned orders of reversion dated 05.02.2007 (Annexure A/1) and 12.2.2007 (Annexure A/2), qua the applicants on the premise that in similar matters, Cat Jodhpur and Jabalpur Benches have already

granted ex-parte interim stay. It is also not disputed that the OAs before the Jodhpur and Jabalpur Benches of the Tribunal on the basis of which stay was granted has been dismissed by both the Benches.

2. Learned counsel for the applicant submits that the order of the CAT Jabalpur Bench is under challenge before the Hon'ble High Court of Madhya Pradesh in Writ Petition No. 1723/2008. Learned counsel for the applicant further submits that since the issue involved in this case is the same as is pending before the Hon'ble High Court of Madhya Pradesh, this OA can also be disposed of subject to the decision to be rendered by the Hon'ble High Court of Madhya Pradesh in the aforesaid Writ Petition.

3. We have heard the learned counsel for the parties. We are of the view that since the Jodhpur and Jabalpur Benches of the Tribunal have taken a consensus view that the applicants have failed to qualify the typing test within two year and also an additional opportunity was granted to them for the third time, as such the action of the respondents in reverting the applicants cannot be defaulted. According to us, this matter can also be disposed of in the light of the judgement rendered by the CAT Jodhpur/Jabalpur Benches. Accordingly, the present OA is dismissed. However, we wish to observe here that in case the petitioner before the Hon'ble High Court of Madhya Pradesh ultimately succeeds, we see no reason why the respondents shall not extend the similar benefit to the applicants of this OA.

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

5. In view of the order passed in the OA, no order is required to be passed in MA No. 229/2007, which is also disposed of accordingly.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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