

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 2843/2003

New Delhi this the 27th November 2003

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri Bharat Bhushan, Member (J)

Bal Krishan Sharma,
S/o Shri Sita Ram Sharma, Clerk,
General Branch,
Northern Railway
Baroda House, New Delhi. Applicant

(By Advocate: Shri B.S. Mainee)

Versus

Union of India
Through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi. Respondents
2. The Chief Personnel Officer,
Northern Railway,
Baroda House,
New Delhi. Respondents

Heard learned counsel for the applicant.

2. Applicant has challenged the following orders:-

- i) Annexure A-1 dated 30.10.2003 whereby the applicant has been reverted to his substantive post in Group 'D' from which he was promoted to Group 'C', i.e., Jamadar Peon in the grade of Rs.2610-3540/- with immediate effect; and
- ii) Annexure A-2 dated 05.11.2003 whereby the applicant has been transferred from General Branch, Baroda House to Works Branch, Baroda House, New Delhi on reversion to Group 'D' post.

3. Learned counsel has brought to our attention Annexure A-6 dated 7.4.2000 relating to possession of typing qualification by Group "D"

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employee on promotions to Group "C" posts in the Ministerial Cadre. It has been laid down therein that the concerned staff must qualify in the prescribed typewriting test within two years from the date of promotion. failing which they are liable to be reverted. It has also been stated that the concerned staff should be granted "at least three chances before completion of two years period to qualify in the typewriting test. In order to ensure that sufficient chances are availed of by the concerned staff. the Railways may arrange at least three typewriting tests with a gap of six months between tests within a period of two years from the date of promotion on provisional basis." The concerned staff should be reverted only if they fail in such test as stated above.

4. Learned counsel pointed out that the applicant had appeared for type test on 22.6.2000, 5.1.2001 and 30.7.2001 but due to some genuine reasons he could not qualify in the same. He further contended that several others, like the applicant, were allowed to appear in the fourth typing test as well in terms of circular dated 7.4.2000, as stated above. In this connection, the applicant is stated to have made a representation to the concerned authority but he is not allowed to appear in the test. Learned counsel stated that, "at least" ^{the expression would mean that} b a person can be given more than three chances to appear in the test for promotion to Group "C" posts".

5. On considering the contentions raised before us, we are of the considered view that if have been b persons, like the applicant herein, b allowed more

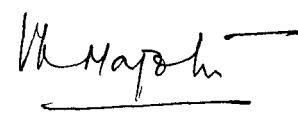
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than three chances for appearing in the typing test by the respondents, the applicant should also be afforded another chance for appearing in the typing test, particularly when he had made a representation to the respondents.

6. Accordingly, in the interest of the justice, this OA is disposed of with a direction to the respondents that if persons similar to the applicant have been allowed more than three chances to appear in typing test in terms Annexure A-6 dated 7.4.2000, the applicant should also be granted one more chance to appear in the typing test. The above exercise shall be completed by the respondents within a period of two months from the date of receipt of a copy of this order. In case, the applicant qualifies in the typing test, he should be allowed to continue to work in Group "C" against 33-1/3% quota. Further, in case the applicant has not yet been reverted, he should continue as such till another chance is provided to him as above.

Issue DASTI.


(Bharat Bhushan)
Member (J)


(V.K. Majotra)
Vice Chairman (A)

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