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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2164/2001

New Delhi this the 4th day of October, 2001.

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri Govindan S. Tampi, Member (A)

Sh. Vishwanath Sharma,
S/O Shri Ramjilal Sharma,
R/O Type-III/3, Schedule-'B'
President Estate, New Delhi

..Applicant

(By Advocate Ms. Arati Mahajan)

VERSUS

1. Union of India
Through Secretary to the President,
Rashtrapati Bhawan, New Delhi

2. The Under Secretary (Admn.),
President Secretariat,
Rashtrapati Bhawan, New Delhi.

..Respondents

(By Advocate Shri V.S.R. Krishna)

O R D E R (ORAL)

(Hon'ble Shri Govindan S. Tampi, Member (A))

The relief sought for by the applicant in this case is granted promotion to him to the post of Personal Assistant(PA) as per Rules in the President Secretariat w.e.f. due date 6.7.1999.

2. Heard Ms Arati Mahajan, learned counsel for the applicant and Sh. V.S.R. Krishna, learned counsel for the respondents.

3. Briefly stated the facts are that the applicant who was appointed after being promoted from the post of LDC as Stenographer Grade-D has been working in the President's Secretariat since 6.7.1994 from the date of his appointment.

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He was denied due consideration for promotion to the post of PA while one Shri Satbir Singh who was working as Steno. Grade 'C' on deputation was illegally and malafidely absorbed as PA. Aggrieved by the denial to due consideration for promotion to the post of PA, the applicant had filed an earlier OA (OA 965/2000) which was disposed of with the following directions:

" The respondents to consider the claim of the applicant for promotion to the post of PA in the aforesaid 6th post i.e. the post for which Steno. Grade 'D' (Hindi) is to be considered, in accordance with rules and instructions, subject to fulfilment of the conditions mentioned therein. This shall be done within three months from the date of receipt of a copy of this order. No order as to costs."

4. The applicant states that though specifically directed by the Tribunal, the respondents without considering him for promotion to the next higher post of PA, have directed him to appear before the Institute of Secretariat Training and Management (ISTM) for taking shorthand/typewriting test on 25.8.2001 which he has challenged. The applicant states that originally he had joined as Junior Clerk on coterminus basis in the Rajya Sabha Secretariat from where he came over as LDC in the Vice President's Secretariat and thereafter to the President's Secretariat. He was regularised in the President Secretariate as LDC w.e.f. 25.7.1992 and his seniority fixed from 28.12.1993 by office order dated 7.1.1994 (Annexure A-10).

5. Learned Counsel for the applicant states that the applicant had been given relaxation while he was posted as Stenographer Grade 'D' and therefore, for the next promotion to the post of PA also he be considered from the date he was eligible for promotion by ordering relaxation, if necessary. She also refers to O.M.14020/1/86-Estt.(D) dated 8.8.1988 (page 69 of the paper book) where it has been indicated that Certificate of having passed the typing tests conducted under Hindi Teaching

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Scheme held after 23.3.1985 would be treated as equivalent to the certificate awarded by the Staff Selection Commission having passed the typing test for the purpose of regular appointment to the post of LDC increments etc. That being the case she says that the certificates produced by the applicant (Pages 63 and 64 of the paper book) would suffice for the purposes in the shorthand examination in Hindi and, therefore, directing the applicant to appear for the test was not proper as he had fulfilled the requisite qualification for consideration to the appointment for the post of PA. Arguing on behalf of respondents, Shri Krishna, learned counsel states that the appointment of the applicant as LDC as well as Steno grade 'D' was not in relaxation of the Rules which prohibits absorption staff appointed on co-terminus basis. Further on the basis of a number of representations made by the applicants that they have passed the requisite test conducted by the Hindi Teaching Scheme, clarification was sought by the President Secretariat from the Ministry of Home Affairs (Department of Official Language). The later clarified by their letter dated 2.7.2001 that the typewriting and shorthand examinations conducted by the Hindi Training Institute are not meant for any higher promotion. That being the case, the applicant's case that he had the requisite qualification for being appointed as PA cannot be granted, unless he is tested by ISTM.

6. We have carefully considered the matter and perused the documents on record. While we observe that learned counsel has very ably canvassed the case of the applicant, regrettably we find no merit in it. The applicant has joined Rajya Sabha Secretariat on co-terminus basis and thereafter was transferred to Vice President establishment and thereafter in President Secretariat's, where he has been regularised as LDC and was also made a Stenographer 'D'. The applicant, however, does not have

any testimonial to show that he was qualified to become a PA and the certificate of Hindi Typewriting and Hindi Stenography test, conducted by the Hindi Teaching Scheme, are no qualification for betterment or elevation as Personal Assistant as duly clarified by the Department of Official Language, the nodal authority in the matter. The clarification dated 2.7.2001 reads as follows:

" हिंदी शिक्षण योजना द्वारा संचालित हिंदी आशुलिपि परीक्षा उत्तीर्ण करना किसी कर्मचारी को उच्च ग्रेड में नियुक्ति के लिए अर्हकारी परीक्षा नहीं है और न ही हिंदी शिक्षण योजना द्वारा जारी हिंदी आशुलिपि परीक्षा उत्तीर्ण प्रमाण पत्र के आधार पर किसी कर्मचारी को उच्च ग्रेड में प्रोन्नति के लिए चयन प्रक्रिया से छूटी जा सकती है। "

meaning that "passing Hindi Stenography test, conducted by Hindi Teaching Scheme does not entitle any employee to appointment to any higher grade and on the basis of the said qualification no employee can be exempted from selection process for promotion to the higher grade." That being the case, the respondents could not have promoted the applicant as Personal Assistant on the basis of having qualified the Hindi Shorthand test conducted by the Hindi Teaching Scheme. They also could have given any relaxation in the matter. As such the respondents asking the applicant to appear before ISTM had acted legally and correctly. The same has to be endorsed. This Tribunal also cannot order this relaxation from the conditions prescribed in the rules.

7. In the result, for the reasons given above, we find that this application has no merit. The same is accordingly dismissed. No order as to costs.

(Govindan S. Tampi)
Member (A)

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(Smt. Lakshmi Swaminathan)
Vice Chairman (J)