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Central Administrative Tribunal  
Principal Bench

O.A.774/2001

New Delhi this the 21st day of September, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).  
Hon'ble Shri S.A.T. Rizvi, Member(A).

Shri Krishan Yadav,  
S/o Shri Daryao Singh,  
R/o RZ 35, A-1 Dharam Pura,  
Najafgarh, Delhi-43.

... Applicant.

(By Advocate Shri Raj Singh)

Versus

1. Govt. of NCT of Delhi,  
through its Chief Secretary,  
5, Sham Nath Marg, Delhi.
2. The Commissioner,  
Sales Tax,  
Bikri Kar Bhawan, I.P. Estate,  
New Delhi.

... Respondents.

(By Advocate Shri Vijay Pandita)

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).

In this application, the applicant has impugned the order passed by the respondents dated 5.10.2000 by which his pay has been refixed. In this order, it has been stated, inter alia, that the applicant has not passed the typewriting test either in Hindi or English. Hence, the annual increments granted to him have been withdrawn from the date of next but one increment after redeployment.

2. The facts and issues raised in this case are similar to the case of M.L. Bhatt Vs. Delhi Administration and Anr. (OA 1852/98), decided on 13.10.1999 (copy placed on record). Consequent upon winding up of the Delhi State Mineral Development Corporation (DSMDC), the applicant was rendered surplus.

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He was re-deployed in the Department of Education and later transferred to the office of Commissioner of Sales Tax - Respondent 2 and taken on their strength by order dated 11.4.2000. Shri Raj Singh, learned counsel, has submitted that the applicant has made three genuine attempts to qualify in the typewriting test which Respondent 2 has totally ignored while passing the impugned order in terms of the DOP&T order dated 29.9.1992. He has submitted that under the DOP&T O.M. exemption should be granted to the applicant on this ground. He has also submitted that the impugned order has been passed without giving an opportunity of hearing the applicant.

3. We have perused the documents on record and heard Shri Raj Singh, learned counsel for the applicant and Shri Vijay Pandita, learned counsel for the respondents. Both learned counsel for the parties have submitted that the present case is fully covered by the order dated 13.10.1999 in M.L. Bhatt's case (supra).

4. In the facts and circumstances of the case and having regard to the aforesaid order of the Tribunal dated 13.10.1999 in M.L. Bhatt's case (supra), the O.A. is disposed of with the following directions:

- (1) The impugned order dated 5.10.2000 is quashed and set aside;
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(ii) Respondents are directed to verify from the competent authority the genuineness of the attempts made by the applicant to pass the typewriting test in the erstwhile DSMDC in consultation with the Staff Selection Commission;

(iii) Thereafter, the respondents shall proceed to take a final decision in the matter, in accordance with the provisions of paragraph 2 (2) (c) of the DOP&T O.M. dated 29.9.1992;

(iv) The aforesaid action shall be taken by the respondents within three months from the date of receipt of a copy of this order.

No order as to costs.



(S.A.T. Rizvi)  
Member(A)

'SRD'



(Smt. Lakshmi Swaminathan)  
Vice Chairman (J)