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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
New Delhi

O.A. No. 1032 of 1999

New Delhi, this 20th day of the November, 2000

Hon'ble Mr. Justice Rajagopala Reddy, Vice-Chairman (J)
Hon'ble Mr. Govindan S. Tampi Member (A)

Gopal Datt Joshi
S/o Shri Jai Deo
R/o A-63, Joshi Colony
Mandavali, Delhi-110092. ... Applicant

(By Advocate: Dr. C. Vohra)

Versus

Union of India through

1. The Secretary
Union Public Service Commission
Dholepur House, Shahjahan Road,
New Delhi-110011.
2. Cadre Controlling Authority (CSCS)
Dept. of Personnel and Training
North Block, Central Sectt.
New Delhi-110011.

... Respondents

(By Advocate: Shri S.K. Gupta)

ORDER (oral)

Justice V. Rajagopala Raddy,

The applicant who is now retired from service, was appointed as a Hindi Typist in the year 1964 in UPSC, the post was not borne on a cadre. He was on ex-cadre staff. Though, the respondents have assured that the applicant and the other Hindi Typists working in the UPSC would be eventually encadred and as no action was taken, they filed earlier OA 128/1993 before this Tribunal for the relief of encadrement as LDCs under CCS(CCA) Rule 1962, which was disposed of by an order dated 10.7.1998, directing the respondents to dispose of the representations within a stipulated time. The representations were disposed of but the claim of the

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applicants were rejected. Only the applicant moved this Tribunal in this OA for the following reliefs:-

- i) to induction/encadrement into the Central Sectt. Clerical Service (CSCS) in terms of the rules and in accordance with the Government of India instructions issued from time to time for such induction/encadrement of Hindi Typists, being illegal and unconstitutional and discriminatory; and
- ii) to encadre, the applicant into the CSCS from the date of his initial appointment as Hindi Typist during 1964 with all the consequential benefits in the matter of seniority, promotion increments due to him from the date his juniors were so encadred.

2. It is the case of the respondents that the CCS(CCA) Rules are statutory and they have not provided for the induction or inclusion of ex-cadre post of Hindi Typist. the Hindi Typists in UPSC are not entitled for any such relief. The Hindi Typists are appointed under UPSC (Staff) Regulations, 1958 for the specific needs of the Commission and they are, therefore, not entitled for inclusion in the CSCS cadre.

3. We have carefully considered the contentions of both the parties and perused the records.

4. Hindi Typists in the UPSC were appointed accordance with the UPSC (Staff) Regulations, 1958. Regulation 8 (A) (3) provides for such appointment which reads as under:-

"8A(3) Hindi Typists/Copiests shall be appointed by the Deputy Secretary and shall receive the rates of pay specified against them in the said schedule II and be subject otherwise to the same conditions of service as the personnel employed in similar posts in the

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Central Secretariat and recruited at the same time."

5. As per this provision, the Hindi Typists were appointed by the Deputy Secretary of the UPSC and the Hindi Typists are entitled for the same grade of pay as specified for them in the Schedule II of the regulations where it is mentioned that they are entitled for the same conditions of the service as personnel employed in the similar posts in CSCS cadre. Hindi Typist was mentioned at serial no. 7 with a scale of pay of Rs. 110-180. These rules are, no doubt, statutory as they were passed in exercise of the powers conferred in Article 318 of the Constitution. But the question that arises in this case is whether the applicant is entitled for encadrement or induction in CSCS cadre as an LDC. Regulations under which Hindi Typists were appointed, do not provide any cadre to the Hindi Typists, they have been appointed by Deputy Secretary of the UPSC and they are ex-cadre posts. The higher posts for promotion and their scale of pay were not provided for under these regulations. The regulations, only confer upon the Hindi Typists the same scale of similar posts in the Central Secretariat. It is not disputed that the Hindi Typists are given the pay scale as given to the LDCs in the Central Secretariat. Thus their pay scales are protected. It is also brought to our notice that the Hindi Typists are given promotions of Senior Typists (Hindi) and Head Typist (Hindi) by issuing suitable instruction in this regard. In view of the above, it is difficult to accept the contentions of the applicant that he should be treated as encadred in the post of LDC, in CSCS.

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LDCs in the Central Secretariat are governed by the CCS(CCA) Rules and are appointed in accordance with the procedure prescribed in the rules. Whereas the Hindi Typists were governed by the regulations and are applied by the Dy. Secretary to UPSC. It is, however, contested by the learned counsel for the applicant, Dr. D.C. Vohra that it is permissible for induction or inclusion of Hindi Typist in CSCS which the Government, in fact, had earlier considered. In OM 223/1996, the question of inducting the existing Hindi Typists, Hindi Stenographers, Hindi Steno-Typists and Head Typists (Hindi) who did not belong to the CSSS/CSCS in the organised services was under consideration. It has, however, been decided that in view of the large number of trained personnel already available as Hindi Stenographers and Hindi Typists no ex-cadre post of Hindi Stenographer, Hindi Steno-Typist and Hindi Typist should be created hereafter. It is, therefore, clear that the issue of induction to the above posts were under consideration of the Government but it was not materialised. It should also be remembered that OM relates to the Hindi Typists working in the Secretariat and not in the UPSC, Whatever it may be, the question of induction, or merger should have to be considered only by the Government and the applicant cannot seek, as a matter of right for such encadrement in this OA. It is also stated, in the reply by the respondents that the DOPT which was the nodal authority of CSCS, had not issued any direction in this regard. We, therefore, do not find any merit in the OA. It is, however, made clear that this order will not preclude the Government,

if they desire to take any decision in regard to the induction or inclusion of CSCS encadrement in any organised service, so that the applicant (Hindi Typist) would get, the benefits of seniority, promotion, etc., after the long services they have rendered in the UPSC.

The OA fails and accordingly disposed of. No costs.


(Govindan S. Tampi)
Member(A)


(V. Rajagopala Reddy)
(Vice-Chairman(J))

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