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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 1459/1996

New Delhi this the 15th day of July, 1996.

HON'BLE SHRI JUSTICE A. P. RAVANI, CHAIRMAN
HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Sanjeev Kumar S/O Shri
S. S. Pandey,
Assistant, Department of
Supply, Nirman Bhawan,
224-C, New Delhi.

... Applicant

(In Person)

-Versus-

1. Union of India through
Secretary, Department of
Personnel & Training, /
North Block, New Delhi.
2. Secretary, Department
of Supply, Ministry of
Commerce, Nirman Bhawan,
New Delhi.

... Respondents

ORDER (ORAL)

Shri Justice A. P. Ravani -

The applicant is serving as an Assistant. He challenges the constitutional validity of proviso to Rule 20 of Central Secretariat Services Rules, 1962. Rule 20 reads as follows :-

"20. Regulation of Pay - (1) The pay and increment of officers of the various Grades shall be regulated in accordance with the Fundamental Rules or other similar Rules relating to pay, for the time being in force:

Provided that an officer of the Assistants' Grade who does not, within a period of two years from the date of his appointment to that Grade, passes a typewriting test held by the Staff Selection Commission at the minimum speed prescribed for this purpose shall not, unless exempted by a special or general order, be entitled to draw any further increment in the Grade until he passes such test, and on his passing, or being exempted from the test, his pay shall be re-fixed as, if his increments had not

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been withheld under this proviso, but no arrears of pay shall be allowed for the period the increments had been withheld.

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2. The contention that the proviso is violative of Article 13 (2) of the Constitution has no merits. Article 13 (2) reads as follows :-

"(2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void."

3. The proviso to Rule 20 makes it obligatory for an officer of the Assistants' grade to pass a typewriting test held by the Staff Selection Commission at the minimum speed prescribed for the purpose. If the employee concerned does not pass the test, his increments may be withheld for the period he may not pass the test. After he passes the test, his pay is to be re-fixed as if his increments have not been withheld under the proviso. The proviso is not an arbitrary provision. It ^{confers} ~~gives~~ sufficient discretion ^{upon} ~~to~~ the authority concerned to grant exemption by general or special order. If a class of employees or a particular employee makes out a case for exemption, the authority concerned may consider the case for grant of such exemption. Again, the provision contained in the proviso is not harsh in consequences inasmuch as two years' time is granted to an employee to pass the typewriting test. Even after two years time, if an employee does not pass

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the typewriting test, the consequence is that his increments will be withheld for the period during which he does not pass the test. The consequence is not that he is removed from service or that he is reverted to a lower grade. Therefore, considering from all aspects, the proviso cannot be in any way ^{ms} ^{and to be} unreasonable or arbitrary so as to offend the provisions of Article 13 of the Constitution.

4. There is no fundamental right to a citizen to claim that he shall not achieve the minimum standard of efficiency prescribed for a particular post. The standard prescribed for passing the Typewriting test, that is, 30 words per minute, as stated by

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the applicant, cannot be said to be unreasonable. ^{More over} Knowledge of type-writing is certainly relevant to the purposes of discharge of duties by an ~~Assistant~~ officer of Assistant's Grade.

5. There is no substance in the application. Hence, ^{it} it is rejected.

R. K. Ahooja
(R. K. Ahooja)
Member(A)

A. P. Ravani
(A. P. Ravani)
Chairman

/as/