

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1144/97

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New Delhi this the 23rd day of July, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Shri R.L. Madaan,
S/o Sh. G.D. Madaan,
Sr. P.A.,
Office of the Comptroller &
Auditor General of India,
10, Bahadur Shah Zafar Marg,
New Delhi-2.

.... Applicant

(through Sh. M.K. Gupta, advocate)

versus

1. Union of India,
through Comptroller & Auditor General
of India, 10, Bahadur Shah Zafar Marg,
New Delhi-2.

2. Principal Director(Staff),
Office of the Comptroller & Auditor
General of India, 10, Bahadur Shah
Zafar Marg, New Delhi-2.

.... Respondents

(through Sh. Madhav Panikar, advocate)

ORDER(ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

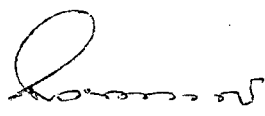
The case of the applicant is that he was appointed as Private Secretary (PS) by an order dated 28.9.90 after undergoing due process of selection. He continued to hold the said post till 23.9.94 until he was reverted from the said post on the ground of non-availability of vacancies in the P.S. grade. The vacancy for the P.S. grade has subsequently become available in the year 1994 itself but when the D.P.C. was held, the applicant was not considered on the ground that he has not passed the speed test at the rate of 100 w.p.m. vide Annexure A-I. Against the non-consideration of applicant's case by the respondents, he made a representation stating that in accordance with the rules

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he is not required to pass the speed test of 100 w.p.m. A copy of the rules is available at page 25 of the paperbook which shows that this requirement shall not to be insisted upon from those Sr. P.As. who have been otherwise found fit for promotion prior to 1.9.1990.

In response to notice, the respondents have filed a reply in which they have admitted that the applicant has been found fit prior to 1.9.90 i.e. to say ~~that~~ when the D.P.C. was held some time in the month of August, 1990. Subsequently another DPC was held and the case of the applicant was not considered. As such on the face of admitted position, we are inclined to quash the impugned orders and direct the respondents to hold a review D.P.C. against the same vacancy which arose in 1994. It goes without saying that as far as the applicant is concerned, the requirement of 100 w.p.m. shall not be insisted upon and in the event the applicant is found fit in accordance with the Recruitment Rules applicable to him at the time when the vacancy arose, all consequential benefits shall be given to him. The respondents shall complete all the formalities within a period of three months from the date of receipt of a copy of this order.

With the aforesaid directions, this O.A. is disposed of. No costs.


(S.P. Biswas)
Member(A)


(Dr. Jose P. Verghese)
Vice-Chairman(J)