

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 393/2019

M.A. No. 3840/2019

M.A. No. 478/2019

M.A. No. 47/2020



New Delhi, this the 09th day of September, 2020

(Through Video Conferencing)

**Hon'ble Sh. Justice L. Narasimha Reddy, Chairman
Hon'ble Sh. A.K. Bishnoi, Member (A)**

1. Gaurav Kharb, aged about 28 years
Group C, Assistant Grade III
S/o Sh. Parvinder Singh
R/o RZ D-5, Gali No. 7
Mahavir Enclave, New Delhi-110045.
2. Ravi Kumar Meena, aged about 30 years
Group C, Assistant Grade III
S/o Hari Singh Meena
R/o Bharat Vihar Gali No. 2
Om Apartment T-3
Sec-14, Dwarka No. 78.
3. Vijay Kumar Rajpoot, aged about 31 years
Group C, Assistant Grade III
S/o Sh. Raj Kunwar Rajpoot
R/o C-53 Mohanpuri Maujpur ST-4
Delhi-110053.
4. Sohan Singh, aged about 27 years
Group C, Assistant Grade III
S/o Sh. S.S. Meena
R/o 37/8 Railway Colony Kishan Ganj
Delhi-110007.
5. Nishant Chowdhary, aged about 28 years
Group C, Assistant Grade III

S/o Sh. Kshetra Pal Singh
R/o D-23/C FF Enclave
New Delhi-110068.



6. Vijay Kumar Vats, aged about 30 years
Group C, Assistant Grade III
S/o Sh. Shiv Narain Vats
R/o WZ, 629 Naraina
New Delhi-110028. ... Applicants
(through Sh. M.K. Bhardwaj)

Versus

1. Govt. of NCT of Delhi
Through Chief Secretary, Delhi Secretariat
IP Estate, New Delhi-110002.

2. Delhi Subordinate Services Selection Board
Through Chairman
FC-18, Institutional Area
Karkardooma, Delhi-1100092.

3. Delhi Transco Limited
Through Chairman
Shakti Sadan, Kotla Marg
New Delhi-11000 ... Respondents
(through Sh. Sameer Sharma)

ORDER (ORAL)

Hon'ble Sh. A.K. Bishnoi, Member (A):

The present OA has been filed by the applicants, six in number, in relation to the selection carried out by the

respondent no. 2 for the post of Assistant Grade-III in Delhi Transco Limited.



2. The brief facts of the case are as follows:
 - (i) The applicants had applied for selection to the post of Assistant Grade III, Post Code No. 57/13 of Delhi Transco Ltd. in response to the Vacancy Notice published vide Advertisement No. 3/13 issued by the Respondent No. 2- DSSSB on 12.09.2013. The applicants appeared in the written examination held on 24.09.2017 and were declared successful.
 - (ii) Thereafter, vide notice dated 17.12.2018 the successful candidates were asked to appear in skill tests which were to be held from 04.01.2019 to 06.01.2019. As per the applicants, no standards were prescribed for the skill test. However, on 02.01.2019, another notice was issued specifying required typing speeds in English and Hindi on a computer. This was done just two days before the test.
 - (iii) The applicants contend that since in the previous advertisement, no such specifications were made, doing so after the selection process had started, amounted to arbitrariness. Especially, as this was done just before the test, it left the applicants with no option to challenge



the same and hence, they were constrained to go through the process of being tested. It has also been contended that initially only a one tier examination was prescribed and it could not be subsequently changed.

3. The applicants have thus approached this Tribunal seeking the following reliefs:

“(a) Allow the present OA and quash and set aside the Public Notice dated 17.12.2018 and 02.01.2019 issued by the Respondent.

(b) Direct the Respondent to consider the cases of the candidates for appointment as per Results dated 10.07.2018, without insisting the Speed of the skill test as mentioned in the Public Notice dated 17.12.2018 and 02.01.2019.

(c) Pass any other order(s) or further orders as may be deemed fit in the interest of justice and equity.”

The applicants have also sought the following interim relief:

“Pass an ad interim ex-parte order directing the Respondent to not to declare the result of the Advertisement No. 3/13 qua Post Code No. 57/13 or to make appointments qua Post Code No. 57/13 during the pendency of the present OA.”

4. Respondent nos. 1 and 2 in their counter reply have initially submitted basic facts which are not disputed. They have also submitted that the initial advertisement also envisaged holding of a skill test relating to Computers. They have further sought to justify the prescription of minimum typing speed by referring to



parity between the posts of Assistant Grade III with that of Grade IV (DASS) of Services Department, GNCTD, where similar stipulations are made. They have further clarified that the public notice on 17.12.2018 specifically stated that a typing test for the post under discussion shall be held between 04.01.2019 and 06.01.2019. The notice of 02.01.2019 prescribed typing speed.

5. The applicants filed a rejoinder more or less reiterating the points made in the OA. The focus in the rejoinder is that the criteria in the selection process cannot be changed once the selection process has started. To support the argument, certain pronouncements have been referred to.
6. Sh. M.K. Bhardwaj, learned counsel appeared on behalf of the applicants. Vehemently and at great length, he propounded on the submissions made in the pleadings.
7. Sh. Sameer Sharma, learned counsel appeared on behalf of the respondents. He argued, referring to reason and facts, that the selection process was duly carried out in a judicious manner and there is no occasion for the applicants to have a grievance.
8. We have carefully heard the learned counsels for the parties on both sides and have meticulously perused the pleadings on record.



9. The central, or specifically, the only issue in the present matter is whether, in the present OA, was any act of the respondents in conducting the examination, contrary to the accepted tenets of law and, as a corollary, were the applicants put to any disadvantage because of violation of any of their rights. The subject matter of the present litigation is based entirely on three documents. Let us take them one by one.

9.1. The portion relating to Advertisement Number 03/13 dated 12.09.2013 for Post Code 57/13 (Annexure A/3) reads as follows:

“POST CODE: 57/13

ASSISTANT
GRADE-III in
DELHITRAN
SCO
LIMITED

Number of Vacancies :38 (UR-02, OBC-27, ST-09) including

PH(OH)-01

Essential Qualification: (i) Graduate from a recognized University or equivalent

(ii)Knowledge of computer operation including complete knowledge of MS Office.

Note: Recruitment shall be subject to the passing of a written examination and qualifying skill test on computer.

(Emphasis supplied)

9.2. A plain reading of this leaves no scope for confusion. It has been clearly stated that besides a written examination, there shall be a qualifying skill test on computer. However, if there is



anything in any part of the Advertisement which has the potential of casting a doubt on this point, it is a well settled principle in law that a specific provision shall prevail over anything which is of a general nature. Hence, no further elucidation is required. So, no merit is found in the contention of the applicant in this regard. On the face of the record, the point that the selection for Assistant Grade – III, Post Code 57/13 was from the beginning meant to be Two Tier is well settled.

Let us now proceed to see if, in the notice of 17.12.2018 and 02.01.2019, there is any contradiction or discrepancy.

9.3. The relevant portion of the Notice dated 17.12.2018 regarding Post Code 57/13, (Annexure A/1) reads as under:

- Based on the performance in written examination held, candidates have been shortlisted provisionally and are, thus, being called for the SKILL TEST (Short hand /typing) subject to their fulfilling all conditions of eligibility and also correctness of the information furnished by the candidates in their applications.
- The Skill Test (Short-hand/Typing) of these shortlisted candidates will be held on 04.01.2019, 05.01.2019 & 06.01.2019 at Indira Gandhi Delhi Technical University for Women, Kashmere Gate, Delhi.”

9.4. The relevant portion of Public Notice dated 02.01.2019 (Annexure A/2) reads as follows:

“1. Assist Grade-III of Delhi Transco Limited (Post Code-57/13)

A typing speed of 35 w.p.m. in English or 30 w.p.m. in Hindi on computer (35 w.p.m. and 30 w.p.m. correspond to



10500KDPH/9000 KDPH on & average of 5 key depression for each word)”

9.5. The key question is whether the Public Notice dated 02.01.2019 in any way changes the criteria laid down in the Notice of 17.12.2018. The Notice of 17.12.2018 clearly states that a Skill Test (Short Hand/Typing) will be held. This, read in addition to and in conjunction with the position as specified in the Notice of 12.09.2013, puts any controversy in this regard squarely to rest.

10. A comprehensive reading of all the three documents referred above reveals an inherent consistency between them. Knowledge of computer operation cannot be independent of the ability to operate the keyboard. And this ability essentially includes the attribute of speed. Further, MS Word is a part of MS Office. And if one is required to have complete knowledge of MS Office, how can he or she shy away from MS Word, which essentially is about typing and raise the plea that typing speed is an extraneous and non-essential requirement?

11. In view of the above discussion we find no merit in the contentions of the applicants. However, in the interest of justice, fair play and for providing a level playing field it is directed that in case the respondents conduct another test of computer to fill

the remaining vacancies, the applicants shall also be permitted to take part in it. The OA is, accordingly, disposed of.



Pending MAs, if any, also stand disposed of.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/