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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

....
O.A. 129 of 1990

Dated New Delhi, this the 7th day of June, 1994

Hon'ble Shri J. P. Sharma, Member(J)
Hon'ble Shri B. K. Singh, Member(A)

Shri Rajbir Singh
S/o Late Puran Singh
R/o Wtr. No. B-63, Police Station
Saraswati Vihar
DELHI

... Applicant

By Advocate: Shri A. P. Grewal

VERSUS

1. Lt. Governor of Delhi, Through
Chief Secretary
Delhi Administration
DELHI

2. Commissioner of Police, Delhi
Delhi Police Headquarters
M.S.D. Building, I.P. Estate
NEW DELHI

3. Deputy Commissioner of Police/
10 Bn. D.A.P., Pitampura Lines
DELHI

... Respondents

By Advocate: Shri M. K. Giri

O R D E R
(Oral)

Shri J. P. Sharma, M(J)

The applicant was initially appointed as Head Constable(Min.) in the Delhi Police on 13.9.93. There was a specific condition in his appointment letter that he would acquire proficiency in typewriting within 6 months being the requisite qualification for appointment as Head Constable(Min.) as prescribed in Rule 10(a) of the Delhi Police (Appointment and Recruitment) Rules, 1980. The applicant was given a number of opportunities to qualify the typewriting test, but he could not qualify the same and therefore, his services were terminated on 10.3.87. However, on his

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representation, he was re-instated in service on 30.5.89 on the condition that his services will again be terminated without providing any further opportunity if he fails to qualify the prescribed typewriting test for H.O.(Min.) within six months from the date of issue of the order. The applicant, however, again could not qualify in the same test and vide impugned order dated 2.1.90, his services were terminated. The representation against the same was also rejected vide order dated 18.1.90. The impugned order terminating the services of the applicant was passed under Rule 5(i) of CCS(Temporary Service) Rules, 1965. Thereafter, aggrieved by the impugned order, the applicant filed this application in January, 1990 and he prays for the following reliefs:

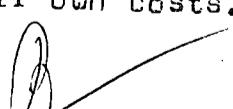
- "(i) That the order of D.C.P., 10th Bn. D.A.P., Delhi terminating the services of the applicant vide order No. 26-100/Estdt./10th Bn. D.A.P., Delhi dated 2.1.90(Annexure 'J') be quashed.
- (ii) Order No. 1047/HACR/HU dated 18.1.90(Annexure 'F') vide which representation is rejected, be also quashed.
- (iii) Cost of the application be allowed..."

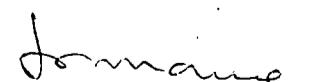
2. On notice, the respondents filed their reply contesting the application stating that the applicant is not entitled to any relief.

3. We heard the learned counsel, Shri A. S. Grewal for the applicant and Shri M. K. Giri, counsel for the respondents and perused the record of the case.

Rule 10 governs the appointment in the Ministerial cadre. For the post of Head Constable(Min.), the academic qualification is Higher Secondary or equivalent and for Head Constable there must be English Typing speed of 30 w.p.m. and Hindi Typing speed of 25 w.p.m. The applicant, of course, was directed to qualify the same within a period of six months.... Since 1987, he could not gain~~ed~~ that speed and failed in the Typewriting Speed Test. On his representation, he was again given the chance with the condition that if within a period of six months he could not qualify in the English/Hindi Typewriting Speed Test, his services will be dispensed with. But the applicant again failed. The respondents have only passed an order discharging the applicant without attaching any stigma to his career. The order is not punitive. The applicant has been discharged ~~of~~ because of having not attained the minimum eligible qualification standard in typewriting speed as prescribed under Rule 10(a) of the Delhi Police(Appointment and Recruitment)Rules, 1980. Therefore, the impugned order does not call for any interference.

4. In view of the facts and circumstances of the case as stated above, the application is dismissed as devoid of any merit, leaving the parties to bear their own costs.


(B. K. Singh)
Member(A)


(J. P. Sharma)
Member(J)

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