

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(A)

Regn.No.(1) OA 2684/90
(2) OA 2685/90

Date of decision:22.03.1991.

1. OA 2684/1990

Ms. Vijay Kumari

....Applicant

Vs.

U.O.I. through the Director
of Printing & Another

....Respondents

2. OA 2685/1990

Shri Jitender Parshad Sonkar

....Applicant

Vs.

U.O.I. through the Director
of Printing & Another

....Respondents

For the Applicants in (1) & (2)Shri O.P. Sood, Counsel

For the Respondents in (1) & (2) ...Shri K.C. Mittal, Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *Yes*

JUDGMENT

(of the Bench delivered by Hon'ble Mr.D.K. Chakravorty,
Administrative Member)

The applicants, who have worked as Key Board Operators (Offset) in the Government of India Press, Minto Road, New Delhi, on ad hoc basis, filed these applications under Section 19 of the Administrative Tribunals Act, 1985, praying for treating them as in regular service with effect from 5.12.1988. As common question of law arise for consideration, it is proposed to deal with them in a common judgment.

2. The applicants were appointed on 5.12.1988 on ad hoc basis for a period of 3 months with the stipulation that they will have to qualify the prescribed trade test for further continuance and for appointment on regular basis. They did not qualify the requisite trade test prescribed by the respondents. They were, therefore, appointed as trainees on a consolidated stipend of Rs.1,000/- p.m. on certain terms and conditions. One of the conditions was that on completion of training, if found fit, they may be considered for the post of Key Board Operator (Offset) as per the rules subject to the availability of the vacancy.

3. The case of the applicants is that they were appointed as Key Board Operators (Offset) after they qualified the typing test conducted by the respondents at the speed of 40 words per minute in English and 35 words per minute in Hindi. They have contended that the prescription of any other test by the respondents thereafter is not legally tenable.

(b)

for a period of 3 months w.e.f. 5.12.1988 with the concurrence of and Department of Personnel & Training with the condition that they will have to qualify the test with the requisite speeds prescribed in the Recruitment Rules within a period of 3 months from the date of their appointment.

5. Subsequently, M/s Linotype Ltd., London who have installed the system of offset printing and were imparting training to the crew advised that it is not possible to take test on ordinary typewriters because of the physical differences between the ordinary typewriter and the newly installed sophisticated machines i.e. the T-400 Terminals. The persons who were learning in the normal typewriters find it very difficult to work on the terminals as they had started pressing the key buttons on the terminals very hard. The same was the case with the persons who are ~~xxxxx~~ efficient in installed operation of the newly machines. They find difficulty on normal typewriters. It was, therefore, decided with the approval of the Min. of Urban Development that pending amendment in the Recruitment Rules, trade test of the candidates may be conducted on terminals instead of ordinary typewriters as provided in the Recruitment Rules.

6. The applicants have not passed the trade test prescribed by the respondents despite several opportunities given to them. According to the respondents, passing of the trade test is a prerequisite for their regularisation.

7. We have carefully gone through the records of the case and have considered the rival contentions. The appointment of the applicants was on ad hoc basis as the respondents were contemplating the amendment of the Recruitment Rules for Key Board Operators in the context of the modernisation scheme of the Govt. of India Press. The applicants cannot, therefore, contend that they should be regularised without passing the prescribed trade test. As the applicants have worked for more than two years on ad hoc basis, we are of the view that they should be given at least two more chances

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They should also be given all facilities including special training, to qualify in the test. Till then, the respondents should continue them as trainees. In case they qualify in the test, the respondents should consider regularising them as Key Board Operators in the available vacancies. The applications are disposed of with the aforesaid directions. There will be no order as to costs.

Let a copy of this order be placed in both the case files.

D.K.Chakravorty
(D.K. CHAKRAVORTY)
MEMBER (A)

27/8/1991

Carried
(P.K. KARTHA) 22/3/91
VICE CHAIRMAN (J)