

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI.

OA No. 2179/91

Date of decision: 12/5/1991

Sh. Om Parkash

Applicant

versus

Union of India & ors. ... Respondents

CORAM: THE HON'BLE SH.T.S.OBEROI, MEMBER(J)  
THE HON'BLE SH.P.C.JAIN, MEMBER(A)

For the Applicant ... Sh. V. P. Sharma,  
Counsel.

For the Respondents ... Sh. N. K. Aggarwal,  
Counsel.

1. Whether local reporters may be allowed to see the judgement? Yes.
2. To be referred to the reporter or not? No.

JUDGEMENT

(DELIVERED BY HON'BLE SH.T.S.OBEROI,  
MEMBER(J) )

In this OA, filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant seeks the following reliefs:-

- "i. That the application of the applicant be allowed with costs of the application.
- ii. That the Hon'ble Tribunal may be pleased to pass an order directing the respondents to regularise the services of the applicant to the post of Typist grade Rs. 950-1500 from the date of his promotion i.e. 2.5.79 as Typist alongwith all consequential reliefs. Any other which the Hon'ble Tribunal deem fit and proper may be also granted to the applicant."

2. The applicant's case briefly is that he was appointed as a Khalasi on 31.10.75, and had been performing the duties of a typist, for quite some time, entirely to the satisfaction of his superiors. His case further is that he possessed the requisite speed of 40 words per

minute, in typing in English and of 25 words per minute in Hindi, and the very fact that he had been doing this work for <sup>a</sup> considerable time, by now, goes to show that his superior officers were entirely satisfied with his work, as a typist. He therefore, prays for regularisation of his appointment as a typist, on the basis of long spell of service put in, as such. His case further is that in spite of/being there vacancies for typists, in the office of the respondent No.2, and his case having been recommended for regularisation as a typist, as per Annexure A-2, requisite sanction of the General Manager has not been accorded, and hence, he was not regularised. On the basis of about 13 years' work as a typist, having been put in by him, he claims regularisation in that capacity.

3. The respondents in their counter have opposed the applicant's case. Their contention is that the post of a typist is a selection post, and has to be regularised, in accordance with due procedure as per rules and that though the applicant had appeared in the requisite test for the purpose, he could not qualify in the same, and, therefore, could not be empanelled for the post of a typist. They have also pleaded that granting the applicant's case would amount to appointment of the applicant as a typist,

not in accordance with the normal procedure, and hence the application deserves to be rejected.

4. We have heard the learned counsel for the parties and have carefully perused the material on record. As has been submitted on behalf of the respondents, the post of typist is a selection post and has to be filled up according to due process prescribed for the purpose. The applicant should have availed of the chances to compete for the same, and, as per averment by the respondents, he did try but failed in the speed test, and, therefore, could not come up to requisite standard. To our mind, in case applicant's prayer is granted, that would amount to accepting/regularising ~~a~~ a back-door entry. This is not warranted by law and hence, we find no occasion to grant the present OA. In result, the OA is dismissed, with no order as to costs.

(P.C.JAIN)  
MEMBER(A)

(T.S.OBEROI)  
MEMBER(J)