

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(b)

PRINCIPAL BENCH: NEW DELHI

OA NO. 2626/91

DATE OF DECISION: 10.04.92.

INDER VEER SINGH

...APPLICANT

VERSUS

UNION OF INDIA

...RESPONDENTS

CORAM:-

THE HON'BLE JUSTICE RAM PAL SINGH, VICE-CHAIRMAN (J)

THE HON'BLE MR. I.P. GUPTA, MEMBER (A)

FOR THE APPLICANT SHRI VINAY GARG, COUNSEL.

FOR THE RESPONDENTS MRS. C.M. CHOPRA, COUNSEL.

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE MR. I.P. GUPTA, MEMBER (A))

Both are heard finally.

2. In this application, the learned counsel for the applicant contends that the applicant was appointed as Lower Division Clerks (LDC) in 1977 but was reverted on 31.7.1980. He has requested for the relief that the vacancy that had occurred in 1989 should be filled up by him.

2. The reversion of 31.7.80 was effective. There is no case for challenging that reversion after a lapse of a decade. However, a vacancy has arisen in 1989. The Recruitment Rules for filling the posts of LDC by promotion against 10% vacancies provide, inter alia, that the selection shall be made through an examination confined to such Class IV employees who fulfil the requirement of minimum educational qualification, viz. Matriculation or its equivalent. They should also have 5 years service in Class IV.

3. The learned counsel for the applicant contends that the applicant is a matriculate and has more than 5 years service to his credit and he is eligible for promotion. The learned counsel for the respondents argued that the applicant should pass the typewriting test for consideration for promotion to the post of LDC.

(1)

4. The recruitment rules are clear that the selection shall be made through an examination. The vacancy relates to the year 1989. We direct that the applicant along with others who were eligible for such selection in the year 1989 should be considered for selection through the prescribed examination as referred to under column 10 of the recruitment rules for Class III and Class IV in the Central Translation Bureau, Ministry of Home Affairs and in the event of his being found fit for selection according to the merit list and the availability of vacancy, he should be appointed against the post of LDC.

With the above direction, the O.A. is disposed of finally, with no order as to costs.

*I.P. Gupta*  
(I.P. GUPTA)  
MEMBER(A)  
10/4/92

*Ram Pal Singh*  
10.4.82  
(RAM PAL SINGH)  
VICE-CHAIRMAN(J)