CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1467/2004 with OA No.539/2004

New Delhi, this the 25th day of February, 2005

Hon'ble Shri Justice V.S.Aggarwal, Chairman
Hon'ble Shri S.K.Naik, Member(A)

OA No.1467/2004

1. Smt. Kiran Kohli
   Plot No.43, Sector 1,Vaishali
   Ghaziabad
2. Prem Singh
   X/3237, Gali No.4
   Raghubar Pura
   2, Gandhi Nagar, Delhi-31
3. Ram Saran
   Vill. PO Nilothi, Delhi-43 .. Applicants

OA No.539/2004

Smt. Darshana Gera
APP 42-C, Pitam Pura, Delhi .. Applicant

(Shri Rajeev Kumar, Advocate)

versus

Government of NCT of Delhi, through

1. Secretary
   IP Estate, New Delhi
2. Dy. Secretary(Services), ~~II~~ Department
   5th Level, A Wing, IP Estate, New Delhi / III Deptt.7th Floor,Wing- B (in OA 1467/2004
3. Dy. Controller of Accounts (Admn.)
   Principal Accounts Office
   A Block, vikas Bhawan, New Delhi .. Respondents

(Shri Vijay Pandita with Rishi Parkash, Advocates)

ORDER(oral)

Shri S.K. Naik

We have heard the learned counsel for the parties. The admitted facts are that the applicants who were working in the Delhi Energy Development Agency (DEDA), an autonomous body, were declared surplus vide orders dated 30.11.99 and on humanitarian grounds were deployed as Grade IV(DASS)/LDC in the respondent-department under CCS (Redeployment of Surplus Staff) Rules, 1990, vide order dated 25.1.2000 and posted in the Principal Accounts Office (PAO). A policy decision was taken by the respondents vide order dated 17.2.1989 to authorize the Directorate of Training & Technical Education (DTTE) to hold typewriting test for such LDCs for the purpose of drawal of increments/Quasi-Permanency/confirmation. On verification of the service books of the applicants by the PAO, it was found that there was no entry regarding their passing the typewriting test as required under Rules and the applicants were accordingly

advised to pass this test conducted by DTTE, vide letter dated 27.8.2002, followed by another letter dated 26.12.2002. But the applicants have chosen to make representation to the effect that they have already passed the typing test conducted by the Employment Exchange before joining DEDA and therefore they may be allowed to draw increments. However, PAO vide its letter dated 6.10.2003 has informed the Pay & Accounts Officer-XI, enclosing therewith the training programme for typing starting from 6.10.2003 and stating that the applicants do not posses the type test qualification. Applicants, instead of attending the training programme, have approached this Tribunal challenging these communications.

2. The main ground that is advanced by the learned counsel for the applicants is that when the applicants had already passed the typing test conducted by the Employment Exchange before joining DEDA, they should not be compelled to take the test again for the purpose of drawal of increments etc. We are unable to accept this contention of the learned counsel because, as has been explained by the learned counsel for the respondents, typing test conducted by the Employment Exchange authority at the time of registering the names of the applicants, for the purpose of registration, cannot be equated with the typing test for acquiring proficiency on the job which is a pre-requisite for release of annual increment etc. In the case of the applicants, they were declared surplus and as a measure of rehabilitation they have been appointed to the organization of the present respondents and, therefore, they cannot claim exemption on the basis of typing test they might have undergone at the time of enrolling themselves with the Employment Exchange for the purpose of registration.

3. Learned counsel for the applicants thereafter raised the point of discrimination by contending that similarly placed candidates like the applicants had been regularized/granted the benefit of increments etc. without being forced to undergo typing test in some sister organization. There again we are of the view that this argument will not entitle them to be exempted. Even if it is rue that some other organization has exempted some similar surplus employees rightly or wrongly, that benefit cannot be extended to the applicants as a wrong cannot be made the basis of perpetuating it. Further, we find that the respondent-department has advised the applicants time and again by giving opportunity of undergoing pre-training to undertake the test. Under the circumstances, the applicants would have no case to harp on the exemption.

4. Resultantly, we find no merit in the present OA and the same is accordingly dismissed.

(S.K. Naik)
Member(A)

(V.S.Aggarwal)
Vice-Chairman(J)

/gtv/