

RESERVED 87

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No. 183 of 1987

Union of India ..... Appellant

Versus

Ramji Lal ..... Respondent

Hon. Justice A. Banerji, Chairman

Hon. Ajay Johri, A.M.

(By Hon. Justice A. Banerji, Chairman)

A Suit was filed by the plaintiff Ramji Lal against the Union of India in the Court of Munsif Agra. He sought a decree for declaration that he was not liable to be reverted to the post of Attendant from the post of Foreman in the Archaeological Survey of India, Northern Circle, Agra and it be further declared that the plaintiff was working as a Foreman. The plaintiff also prayed for a declaration of the relief of Rs. 654-60 by way of difference in wages as arrears of wages. Plaintiff's case further was that he was employed in 1958 as a peon and he was promoted as Foreman on 11.5.66. In 1972 he had passed 'Hindi Pragya' Examination which was equivalent to High School Examination. The plaintiff has received a letter dated 22.10.77 by which he had been reverted as peon from the post of Foreman.

2. The defence case is that the plaintiff was never promoted as Foreman but the appointment was

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made on an ad hoc basis and further that he held the post on the condition that he had to pass the Matriculation examination or some examination equivalent to it and unless he had acquired this qualification he could not be promoted as a Foreman.

3. This suit was decreed with a declaration that the plaintiff was entitled to work as Foreman and was working as a Foreman. A decree of Rs. 654-60 was also passed in his favour.

4. The appeal was filed thereafter in the Court of District Judge, Agra and remained pending there. Subsequently, the appeal was transferred to this Tribunal and has now been renumbered as T.A. No.183 of 1987.

5. In this case we have heard the learned counsel for the parties and the short question for the consideration is that whether the 'Hindi Pragya' examination is equivalent to the matriculation examination conducted by the State Education Board. If it is equivalent to the Matriculation examination then the plaintiff would be entitled to be appointed as Foreman and he would therefore continue to act as such. In case he was found that this was not equivalent to the degree of Matriculation then in that event the plaintiff

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would be reverted as Attendant.

6. We have not been shown any paper or any material on the record which establishes that the 'Hindi Pragya' Examination was equivalent to Matriculation examination. What is evident is that the 'Pragya' examination in Hindi was not equivalent to the Matriculation examination but the standard of Hindi paper in the above examination had to be obtained for the entrance in the services under the Centre. The 'Pragya' examination has not been held to be equivalent to the Matriculation examination. On the contrary the only point established is that passing the 'Pragya' examination only showed that the candidate had the required standard of knowledge of Hindi. Except the allegations made by the plaintiff to the effect that the 'Pragya' examination was equivalent to High School Examination, there is no other material on the record. It did not establish that the other question papers in the 'Hindi Pragya' examination was equivalent to question

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papers <sup>of</sup> regarding similar subjects in the High School examination. Reference may be made to the letter dated 14.11.1979 written by the Director (Administration) for Director General Archaeological Survey of India to the Superintending Archaeologist, Archaeological Survey of India, Northern Circle, Agra wherein it has been stated :

".....the aim of Hindi teaching scheme examinations is to provide working knowledge of Hindi to the employees and as such the question of treating Pragya Examination of the Scheme as equivalent to Matriculation Examination for appointment/promotion in Govt. services does not arise."

(ii) Reference may be made to Exb. 2 which is an Appendix, Ministry of Home Affairs O.M.No.18/22/60-OL dated 22.1.62 addressed to Ministry of Railways (Railway Board), New Delhi copies endorsed to all Ministries.

Sub: Training of class III staff in Hindi medium.

".....The Hindi Teaching Scheme run by this this Ministry provides for three courses, viz Prabodh, Praveen and the Pragya, the last mentioned being equivalent to the Matriculation standard."

(iii) "It is considered that for employees in class III grade who are not ordinarily required to write any note on file or to deal with correspondence, whose standard of education is lower than ~~SSLC~~, <sup>of</sup> ~~SSLC~~, it would suffice that they ~~q~~ ualified in Hindi Prabodh standard. It seems advisable that a list of such post should be prepared and suitable

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orders issued in due course in consultation with the Ministry of Home Affairs." The above note makes it clear that the minimum knowledge of Hindi required for a class III grade employee in the Central Government established the standard of Hindi in the Pragya examination. It is an equivalent of matriculation standard in the knowledge of Hindi. This is apparent that the Pragya examination is not equivalent to the matriculation examination. Only for the purpose of Hindi it would suffice. It would be of matriculation standard. Consequently, the contention that the plaintiff had the qualification of being a matriculate because he had passed the 'Pragya' examination is untenable. His knowledge in Hindi may be so but the minimum standard for holding a post in class III grade is of having passed the matriculation examination or its equivalent. The Pragya examination was not a recognised examination except for the purpose of Hindi. We, are, therefore, unable to accept the contention of the learned counsel.

7. In view of the above, it is clear that the plaintiff did not possess the requisite qualification to be eligible to be appointed as an employee in class III grade i.e. Foreman, and his reversion

to the post of Attendant was not illegal.

8. For the reasons indicated above, this application must fail and is accordingly dismissed. However, we leave the parties to bear their own costs.

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Chairman (J)

Dated the 15<sup>th</sup> of December  
Nov., 1988.

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