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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.648 of 2007

Allahabad, this the 23rd of May, 2008

Hon'ble Mr. N.D. Dayal, Member-A  
Hon'ble Mr. Ashok S. Karamadi, Member-J

Gyanendra Kumar S/o Late K.S. Santoshi  
R/o C-641 Patel Nagar, Bareilly  
Presently is working in the Office  
Of the AAO BSO GE (West) Bareilly Cantt.

...Applicant

(By Advocate : Shri R.C. Pathak

Versus

1. Union of India, through the Defence Secretary, Ministry of Defence, Govt. of India, South Block D.H.Q. P.O., New Delhi-110011.
2. The Controller General of Defence Account West Block-5, Rama Krishna Puram, New Delhi-66.
3. The CDA (Army), Meerut Cantt.
4. The Assistant Account Officer GE (AF) Izatnagar, Bareilly.
5. The Assistant Account Officer BSO GE (West) Bareilly Cantt.

...Respondents.

(By Advocate : Shri S. Singh)

O R D E R

By Hon'ble Mr. N.D. Dayal, A.M. :

Learned counsel for the applicant states that the short question in this matter relates to the applicant having been being denied promotion to Auditor from the level of Clerk, despite having secured the required merit in the selection, because of not having passed typing test even though the Recruitment Rules in respect of post of Auditor do not indicate requirement of qualification in typing. He further submits that the impugned order encloses instructions regarding typing qualification relating to UDC post and evidently not for promotion to the



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post of Auditor and the Recruitment Rules of Auditor are not the same as those of UDC.

2. Learned counsel for the respondents has pointed out that the appointment letter of the applicant as Clerk, which is at Annexure-A-2 to the counter affidavit, clearly mentions in the endorsement of Copy that the individual may please be asked to acquire typing qualification in the type test as and when intimated/conducted by SSC Allahabad. It is not disputed that SSC conducted a test in 2006 but the applicant did not succeed. Learned counsel further draw attention to the contents of the counter reply to argue that the other persons were given promotion as Auditor because they were appointed as Hindi Typist and as such they were not required to pass the typing test for promotion. He also states that the applicant was appointed on compassionate ground and was required to qualify the test as clearly mentioned in his appointment letter and in DOPT instructions. Learned counsel for the applicant further submits that the applicant is well versed in computers but is unable to explain as to why he can not pass the typing test.

3. Be that as it may, we find that Recruitment Rules for the post of Auditor do not prescribe any condition for qualification of typing test. It may be that the job of Auditor does not require such proficiency in typing. It is not in dispute that the qualification of typing test was necessary as pointed out in the appointment letter of the applicant when he was inducted as a Clerk. It is not disputed that he has been working as clerk for five years and was eligible to appear for promotion to the post of Auditor. He was evidently allowed to continue on the job of clerk and also allowed to appear for the promotion as Auditor without any pre condition.

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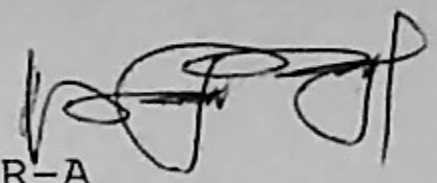
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4. In view of the above, we feel that it would not be fair and just to decline to process further the appointment of the applicant on promotion from June, 2005 as Auditor following selection on the ground that he failed to qualify typing test. The impugned order is set-aside. If in future, at any stage, it is necessary that job of Auditor needs the qualification of typing, it would be open to the respondents to take such action in that regard in respect of the Auditors as considered necessary.

5. The O.A. is allowed, as above. No costs.



MEMBER-J



MEMBER-A

RKM/-