

APR 1981

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.

Registration O.A. No. 202 of 1991

D.K. Banerjee Applicant.

Versus

The General Manager, (P) Northern Railway
Baroda House, New Delhi and another ... Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

As a short question is involved in this case and pleadings of the case are complete, we have heard the applicant in person and the learned counsel for the Respondents and disposed it of finally. Admit.

2. By means of this application, the applicant who was promoted as Typist in Grade 260-400 (Rs.) against $33\frac{1}{3}\%$ of class-IV quota and is working since 16 years back on the said post has prayed for regularisation. Now according to the applicant the vacancy occurred sometime in the year 1975, the applicant who had learnt the type-writing, applied for being appointed as a typist. He was tested for the said post along with others and on the test he succeeded, he was appointed as adhoc typist. Since then, the applicant has been working as a bilingual typist in English and Hindi. His performance as typist is satisfactory. He has also passed Hindi Type writing examination of the year 1977 conducted by Director of Education and secured 1st Class when result declared on 22.12.1978. The applicant has been claiming regularisation but the regularisation has not been done. In view of the Railway Board's letter dated 12.9.1965 which provides that whenever any posts of Hindi

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typists or Hindi Stenographer are created or fall vacant, direct recruitment to such posts should be discouraged and staff already trained in Hindi typing and / or Hindi shorthand considered for appointment against such posts, and according to the applicant, this has not been done. The respondents have made a reference to a case decided by this Tribunal in T.A. No. 1900 of 1987 on 18.2.1991 and in the said case the Tribunal ~~has~~ took the view that the appointment of the typist is by selection either through direct recruitment or by promotion from serving and eligible Class-IV employees. The petitioner being eligible for departmental selection from amongst Class-IV employee was called for the selection tests, but he failed to qualify in the selection therefore he acquired no right for regularisation in the post of typist. Since he is yet to become a regular typist, the question of promotion to the post of Senior typist does not arise. As such, the said judgment being binding on the applicant. According to which for regularisation also the very same process is to be undergone and no observation in this behalf can be made. Any how, the applicant may be given ^{two} ~~two~~ more chances to appear in the examination and in case he succeeds, he may be regularised and so long, these two chances are not available, he will not be reverted from the said post. In case, he succeeds in the same, he may be considered in the senior grade also. The application is disposed of with the above observations. Parties to bear their own costs.

Shanayya
Member (A)

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Vice-Chairman

Dated: 10.12.1991

(n.u.)