

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH.
JAIPUR.

O.A.No.946/89

Dt. of order: 1.12.93

Mrs.Raichel George : Applicant

Vs.

Union of India & Ors. : Respondents

Mr.R.N.Mathur : Counsel for applicant

Mr.Manish Bhandari : Counsel for respondents

CORAM:

Hon'ble Mr.Justice D.L.Mehta, Vice Chairman

Hon'ble Mr.O.P.Sharma, Member(Adm.).

PER HON'BLE MR.JUSTICE D.L.MEHTA, VICE CHAIRMAN.

Heard the learned counsel for the parties. Applicant was appointed on ad hoc basis vide Annx.A-2 dated 6.11.85 as Stenographer. For regular recruitment, applications were invited vide Annx.A-3. In the said notification, it has been mentioned that there are 9 vacancies including one each for Scheduled Castes and Scheduled Tribes.


2. The applicant passed the written test and the speed test. However, she was declared failed in the interview. The applicant has come with a case that she was suspended by one Shri Verma, who was the member of the Interview Board, against whom she represented and the authorities set aside the order of suspension on the ground that there was no case of suspension. She submitted that on account of malice of Mr.Verma, her name does not find place in the panel of interview. Mr.Manish Bhandari, counsel for the respondents, was asked to answer whether any specific reply has been given about the malice and he submitted that no reply has been given about the malice in the reply to the O.A.

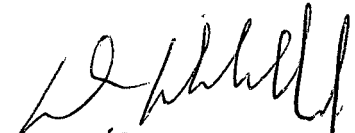
3. It was also pointed out that there is a Circular Annx.A-5 dated 7.2.76 and the Railway Board is directed that employee who have been working in the post on adhoc basis quite satisfactorily are not declared unsuitable in the interview; in particular any employee reaching the field of consideration be saved from harassment. Before

the interview, the applicant has served as Stenographer^{AL} on ad hoc basis for a period of two years and the circular dated 7.2.76 also prohibits that the applicant can ~~not~~ be declared unsuitable only on the ground of interview. Apart from that one very important fact is that a Stenographer needs the speed in the matter of taking dictation and also in typing, for which she has qualified. Apart from that there is one additional factor in her favour which is Annx.A-7 & 8, the certificates said to have been issued by her immediate officer from time to time. In these certificates, it has been mentioned that she is a good Stenographer and her performance as Stenographer is appreciable. Applicant's further contention has also not been challenged by the respondent that during the intervening period she was promoted on ad hoc basis on a temporary post of Confidential Assistant. This is a very important post and generally persons who are sincere are appointed on that post. This fact has also been accepted by the respondents. There is no reason to hold that the submissions made by the applicant are not correct. ~~_____~~

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4. In view of Annx.A-5, it is directed that the marks given for interview in that panel should not be counted for all persons for the purpose of the applicant's appointment and if the applicant finds place excluding the marks of interview on the basis of the marks obtained in the written test and speed test, then she should be placed in the panel at a place where she finds place. In case she finds place in the panel then all retrospective benefits should be extended and in case she does not find ^{place} in the panel her services should be regularised prospectively.

5. The O.A. is disposed of accordingly with no order as to costs.


(O.P.Sharma)
Member (A)


(D.L.Mehta)
Vice Chairman.