

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.766/1989

Date of the order: 16-2-1990.

Between

Miss Aparna Mukherjee

... APPLICANT

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1. Project Director,
Directorate of Rice Research,
Indian Council of Agricultural Research,
Rajendernagar, Hyderabad-30.
2. Administrative Officer,
Directorate of Rice Research,
Indian Council of Agricultural Research,
Rajendranagar, Hyderabad-30.

... RESPONDENTS

Appearance:

For the applicant : Mr.P.Krishna Reddy, Adccocate

For the Respondents : Mr.C.V.Mohan Reddi, Advocate

CORAM:

The Hon'ble Mr.B.N.Jayasimha, Vice-Chairman

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The Hon'ble Mr.D.Surya Rao, Member (Judicial)

(JUDGMENT OF THE TRIBUNAL DELIVERED BY THE HON'BLE
MR.D.SURYA RAO, MEMBER (JUDICIAL)).

The applicant herein had applied for the post of
Junior Stenographer pursuant to an advertisement issued
by the first Respondent and after a written and oral test
she was given appointment order on 11-11-1987. It is

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her case that initially she was never informed that she should qualify in a test for stenography conducted by the Andhra Pradesh State Board of Technical Education. However, by a subsequent memorandum she was informed that she should pass the test conducted by the said Board. Initially six months time was granted to her. Thereafter the time was extended upto 31-3-1988 by Memo. dated 16-12-1988. She states that thereafter, the second respondent has issued office order No.1/89-90 dated 1-4-1989 intimating her that her services were terminated as Junior Stenographer since she could not pass the Stenography test and that she was appointed as junior clerk for a term of 6 months. The applicant has been working as Junior Clerk ever since. She states that she made several representations seeking continuance of her in service. She states that she was constrained to accept the post of Junior Clerk for fear of losing both the posts. She filed the present Application stating that she learnt that the respondents are not going to continue the applicant even as a Junior Clerk and therefore she seeks ~~for~~ a direction to declare the action of the respondents in reverting the applicant from the post of Junior Stenographer to the post of Junior Clerk on the ground that she has not passed the stenography test conducted by the A.P. State Board of Technical Education as illegal and a further direction to declare the action of the Respondents in seeking to terminate her services as Junior Clerk with effect from 1-10-1989 as illegal.

2. The Respondents have filed a counter alleging that under the Recruitment Rules for appointment to the post of Junior Stenographer, a person must possess a speed of 100/80 words per minute in shorthand and that this is also the basic requirement for a person seeking

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recruitment in the Government. It is stated that the applicant did not possess this qualification and at the test conducted she did not qualify in the speed test of 100/80 w.p.m. in shorthand. It is stated that time was given to her to qualify herself in the examination conducted by the A.P. State Board of Technical Education, a pass in which and a certificate issued thereof would satisfy with the basic requirement as contained in the recruitment rules. She was called upon to pass the said test when it was realised that she did not possess the proficiency in shorthand and also did not possess the required standard of proficiency. Initially six months time was granted and the time was further extended by four more months. She was also informed that no further extension of time would be granted. Despite her not qualifying herself within the stipulated time, once again time was extended on her request to acquire the necessary qualification. It is stated that on 29-3-1989 the applicant stated that she could not pass the Technical Board's examination and requested the first Respondent to consider her for appointment as Lower Division Clerk till she acquires the requisite qualification, ^{and as a} ~~on~~ humanitarian gesture, she was appointed to a provisional post as Junior Clerk with effect from 1-4-1989. This order clearly mentioned that her appointment was temporary and on provisional basis. The applicant accepted these conditions. Therefore, it is contended that there are ^{present} no merits in the ~~the~~ application filed by the applicant.

3. We have heard the learned counsel for the applicant Shri P. Krishna Reddy and Shri C.V. Mohan Reddy, the learned standing counsel for the I.C.A.R.

30/4/89

To:

1. The Project Director, Directorate of Rice Research,
Indian Council of Agricultural Research, Rajendranagar,
Hyderabad-500 030.
2. The Administrative officer, Directorate of Rice research,
Indian council of Agricultural research, Rajendranagar,
Hyderabad-500 030.
3. One copy to Mr.P.Krishna Reddy, Advocate, 3-5-899,
Himayatnagar, Hyderabad.
4. One copy to Mr.C.V.Mohan Reddy, Advocate, 1-10-249/2,
Ashok Nagar Extn. Hyderabad-500 020.
5. One spare copy.

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4. From the facts narrated above, it is clear that the Department has afforded opportunity to the applicant to pass the A.P.State Board of Technical Education's examination. The applicant could not pass the examination and has explained that due to certain difficulties she could not concentrate and get through the examination. Shri Krishna Reddy states that having regard to the circumstances in the case the department should extend one more chance to the applicant to pass the examination and in the event of her not passing the examination it would be open for the department to terminate her services. The applicant is an young lady and would cause a considerable hardship to her if she is terminated from service on the ground of her not having passed the test. We think that the ends of justice would be met by directing the respondents to give her one more chance to pass the examination which test, it is stated, is due to be held in the month of May or June 1990. Accordingly we direct that the respondents may give the applicant another chance to pass the examination conducted by the A.P.State Board of Technical Education, in shorthand, to be held in May/June 1990 and to continue her in service as Junior Clerk till the results of the said examinations are announced. If the applicant seeks any leave for preparation to the said examination the same may be granted to the extent leave available to her and for the period beyond that, if any, the same shall be on loss of pay.

5. The application is disposed of with the above direction, but in the circumstances there shall be no order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice-Chairman

D. Surya Rao
(D. SURYA RAO)
Member(J)

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(Dictated in open court)