

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

O.A. 981/96 & 989/96

39

Date of Decision: 21/8/98

Between:

O.A. 981/96

V. Vijaya Kumar

.. Applicant

A N D

1. Union of India
through
Director General of Posts,
Department of Posts,
New Delhi.
2. Chief Post Master General,
Andhra Pradesh Postal Circle,
Hyderabad.
3. Superintendent,
RMS 'AG' Division,
Guntakal.
4. Superintendent of Post Offices,
Guntakal Postal Division,
Guntakal.
5. Superintendent of Post Offices,
Anantapur Postal Division,
Anantapur.
6. Superintendent of Post Offices,
Hindupur Postal Division,
Hindupur. .. Respondents

O.A. 989/96

Kumari D. Sarita

.. Applicant

A N D

1. Union of India
through
Director General of Posts,
Department of Posts,
New Delhi.
2. Chief Post Master General,
Andhra Pradesh Circle,
Hyderabad.
3. Superintendent of Post Offices,
Kurnool Postal Division,
Kurnool.
4. Superintendent of Post Offices,
Nandyal Postal Division, Nandyal .. Respondents

Counsel for the applicants:Mr. D. Subrahmanyam for
Mr. K.S.R. Anjaneyulu

Counsel for the respondents:Mr. K. Bhaskara Rao for
Respondents in OA 981/96

Mr.V. Bhimanna for
Respondents in OA 989/96

Coram:

Hon'ble Mr. Justice D.H. Nasir, Vice-Chairman

Hon'ble Mr. H. Rajendra Prasad, Member (A)

J U D G E M E N T

(Per Hon'ble Shri H. Rajendra Prasad, Member (A))

The applicants in these OAs were candidates for the post of Postal/Sorting Assistants in response to a notification issued by Respondent No.2 in this regard.

2. The method of selection prescribed in the notification was based on DG Post letter No.60-36/93 SPB-I dt. 28-2-95 which has been annexed to the OAs. According to the scheme, a merit list of candidates was to be drawn up on the basis of :

(a) marks upto 40% weightage at 10+2/12th class examination;

(b) 5marks for knowledge of typing at 30 wpm and 5 marks to candidates for Data Entry qualification in computers.

The candidates claiming the knowledge of typewriting and computer were required to produce the necessary certificate from a coaching institute.

A merit list was required to be prepared on the basis of marks awarded in each of the three components, and the list was to contain the names upto 5 times the

number of vacancies announced. After the list was drawn-up, the candidates were to be subjected to a test and an interview.

3. The grievance of the applicants in this OAs is that, while compiling the list of candidates eligible to be called for the typing test, the Respondents had omitted to take into consideration their typewriting and computer skills which in all probability would have given them the eligibility to appear at the said test and in support of which skills they had duly submitted the necessary certificates from recognised institutions as prescribed. This omission, according to the applicants, has resulted in their being left out of the merit list of candidates called for the objective type test/interview.

4. The OAs have been filed with a prayer to declare the non-addition of typing-and computer-qualification - marks to the marks scored by them at the intermediate examination as arbitrary and contravening the Directorate's orders in this regard and to set aside the same.

5. The Respondents have not filed any counter affidavit in OA 989/96 but have done so in OA 981/96. The facts, circumstances, pleas, grounds and prayers in both the OAs being common, the reply filed by the Respondents in OA 981/96 is taken to cover the facts in both cases and is duly taken note of in deciding them. The Respondents rely on a clarification issued by the Director General vide No.60-36/93/SPB-I dt. 4-7-1995 (R-2) in OA 981/96 in defending their action.

It is stated that the original stipulation contained in the Directorate's letter dt. 28-2-95 (pafas 2(i)(b & c) has subsequently been revised and replaced by a clarification issued at sub-para 11 on page 3 of Directorate letter dt. 4-7-1995.

6. The original stipulation in the DG's letter dt. 28-2-95 was as under :

"2.(i)(b) 5 marks would be given for knowledge of typing at the minimum speed of 30 w.p.m. provided the candidate produces a certificate to that effect from the coaching institute.

(c) another 5 marks would be awarded to a candidate for data entry qualification in computers provided he produces a certificate from a concerned coaching institute.

The points raised and the clarification given by the Directorate vide their letter dt. 4-7-95 are as under :

It has been suggested that either certificate from the recognised authority from the State Govt. for having passed Junior typewriting test be prescribed or a typing test be done to avoid any kind of misuse of provision of 5 marks. A certificate from the recognised coaching Institute for data entry qualification in computers may be prescribed.

The Deptt. will conduct a test both in typing and computers along with interview for candidates who claim proficiency in these fields, and then award marks.

The context for seeking the above clarification would indicate that the concern regarding a possible misuse of provision of 5 marks with regard to typewriting test occasioned the query. The doubt seems to have arisen on account of the fact that there may not be any measurable uniformity in the

standards of coaching and proficiency in the certificates issued by coaching institutes spread in numerous towns and cities. This was valid and entirely understandable apprehension and the Directorate, after considering the apprehensions so raised, clarified that it would be necessary to determine the proficiency of candidates not only in typing but also in Computers, at the time of conducting with the tests/interviews. The precaution to departmentally conduct a test to determine the typing and computer proficiency of candidates was obviously an essential attempt to eliminate any possible misuse of the provision of awarding marks for these skills. It was an eminently justified measure and essential precaution.

Under the circumstance the decision of the department to conduct a test, along with the interviews, was unexceptionable and was meant to serve only one purpose, and valid one, viz. making the process of selection fool-proof. This decision a later interpolation did not, however, alter the stipulation contained in the original circular of the DG., according to which a merit-list of candidates was to be drawn-up on the basis of 3 components specified in para 2(i)(a, b & c) therein. Such merit-list was to comprise the names of candidates to the extent of 5 times the number of vacancies, and was to be prepared only on the basis of the three components already specified as mentioned above. The clarification given in DG's letter dt. 4-7-95 has therefore to be viewed essentially as an additional sub-exercise of having to conduct a departmental test in typing

and computer at the time of interview. It was specifically spelt out in the clarification that such test had to be conducted in respect of candidates who claimed proficiency in these skills. This would merely appear to mean that the certificates produced by the candidate at the initial stage of applying for the post were not to be relied upon or accepted routinely but subjected to the rigour of a further departmental test. This was wholly necessary in order to eliminate undependable certificate of doubtful veracity issued by coaching institutes.

7. The above views of the matter would lead to an inference that the adoption of an additional precaution of a departmental test does not give scope to a contrary interpretation that the award of 5 marks each for typing and computer proficiency could be eliminated altogether at the initial stage of processing applications for compiling a merit-list of candidates. The original stipulation was that all three components had to be taken together while preparing a merit-list. The clarification merely laid down that the 5 marks claimed by the candidates and awarded to them at the initial stage on the basis of certificates issued by coaching/computer institutes had to be tested and subjected to further confirmation through a departmental test. We are unable to agree with the interpretation of the Respondents that the DG's clarification warranted compilation of merit lists based only on the marks scored by a candidate in 10+2/12th examination. That was not evidently the intention behind the clarification which was meant merely to clean up certain doubts

and certainly not to overturn or supplant the original stipulation in the scheme. We note in this connection that, notwithstanding the clarification issued by the DG vide No.60-63/93-SPB-I dt. 4-7-1995, the stipulation regarding the method of selecting the candidates and drawing-up a merit list contained in No.60-36/93-SPB-I dt. 28-2-1995 still remains unamended. (Para 2. the expression "A merit list of all candidates on the basis of the above 3 components " and "After the above exercise" occurring in lines 2 and 3 of (d) (i) and (ii) respectively) Unless the basic instructions dt. 28-2-95 are amended to incorporate the changes in line with the clarification issued on 4-7-95, the present stand taken by the Respondents in their counter-affidavit cannot be accepted.

8. In the light of the preceding discussion, the pleas and arguments raised on behalf of Applicants are considered to be valid and wholly acceptable. It is, therefore, held that in the light strictly of the existing orders, the omission of the names of the applicants from the merit-list drawn up by the Respondents based only on the marks secured by them at the qualifying academic examination, ignoring the 10 marks earmarked specifically for typing and computer skills, was incorrect. The contention of the Respondents that these 10 marks are to be added only at the time of the test/interview (para 5 of the counter-affidavit) is rejected.

9. In the result, the following directions are issued :

(i) The applicants in this OA shall be included for consideration -strictly on the basis contained in the DG's circular dt. 28-2-95 as interpreted above - whenever the next interview/test is held under the scheme in RMS AG Division and Guntakal, Anantapur and Hindupur Postal Divisions,

(ii) Since it is held that the applicants were wrongly excluded from consideration on the earlier occasion their eligibility in terms of age-limits (18 to 25 years) shall be suitably enhanced to the extent necessary till the next recruitment of SAs/PAs under the scheme.

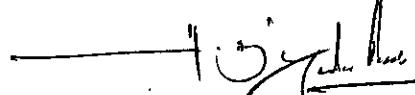
(iii) The respondents are free to test the typing and computer skills of the candidates by an independent departmental test in this regard, as envisaged in the clarification dt. 4-7-95. The applicants shall, however, not be required to produce any fresh certificate from any Institute/Coaching Centre, and the ones submitted by them already shall be the basis for conducting the departmental test.

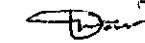
(iv) Should the applicants come out successful on the overall criteria of marks scored at the qualifying examination

plus computer/typing/interview, their name shall be included at the top of the list of selected candidates for the relevant division at the next recruitment. While doing so the academic standards and standards of performance in the objective test/viva-voce which are applied to the candidates for the next recruitment shall be made applicable to these applicants as well. This is ordered because we consider it unnecessary and impermissible to unsettle the established seniority of such other candidates who may have been recruited in these units in the meantime.

(v) Thus the OAs are disposed of.

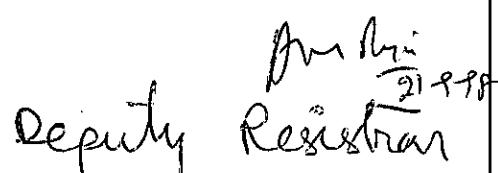
No Costs.


(H. RAJENDRA PRASAD)
Member (A)


(D.H. NASIR)
Vice-Chairman

21 SEP 98

MD


Deputy Registrar
21 SEP 98

O.A. 981 & 989/96

To

1. The Director General of Posts, Union of India,
Dept. of Posts, New Delhi,
2. The Chief Postmaster General,
A.P. Circle, Hyderabad.
3. The Superintendent of Post Offices,
Kurnool Postal Division, Kurnool.
4. The Superintendent of Post Offices,
Nandyal Postal Division, Nandyal.
5. The Superintendent, RMS 'AG' Division,
Guntakal.
6. The Superintendent of Post Offices,
Anantapur Postal Division, Anantapur.
7. The Superintendent of Post Offices,
Hindupur Postal Division, Hindupur.
8. One copy to Mr. ~~Ex-sh~~ K. S. R. Anjaneyulu, Advocate, CAT. Hyd.
9. One copy to Mr. K. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
10. One copy to Mr. V. Bhimanna, Addl. CGSC. CAT. Hyd.
11. One copy to HHRP.M. (A) CAT. Hyd.
12. One spare copy.

pvm.

(B) - The serial of post-nfd(2)
Guntakal postal division
Guntakal.

1 COURT

TYPED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE D.H.NASIR:
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

DATED: 21 - 9 - 1998.

~~ORDER/JUDGMENT~~

M.A/R.A./C.R.NO.

in

O.A.No. 981 & 989 /96

T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

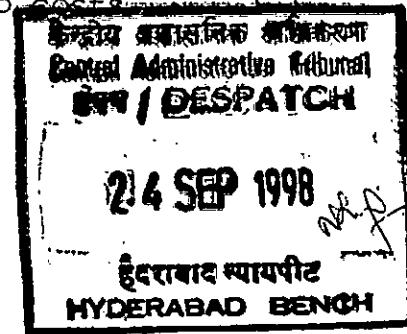
Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.



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