

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA No.126/97

Date of order: 09.04.1999

K.C.Bhatt S/o late Shri H.L.Bhatt, aged about 45 years, r/o 12/713, Malviya Nagar, Jaipur presently working as L.D.C., E.S.I. Corporation, Panchdeep Bhawan, Bhawani Singh Road, Jaipur.

.. Applicant

Versus

1. Union of India through the Secretary to the Ministry of Labour, Government of India, New Delhi.
2. The Director General, ESI Corporation, Kotla Road, New Delhi.
3. Regional Director, ESI Corporation, Panchdeep Bhawan, Bhawani Singh Road, Jaipur.
4. Deputy Director (Administration), Regional Office, ESI Corporation, Panchdeep Bhawan, Bhawani Singh Road, Jaipur

.. Respondents

Mr. R.D.Tripathi, counsel for the applicant

Mr. U.D.Sharma, counsel for the official respondents

CORAM

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant, K.C.Bhatt, has filed this application under Section 19 of the Administrative Tribunals Act, 1985 assailing the impugned order dated 25.3.1997 at Ann. Al by which he was reverted from the post of Lower Division Clerk (LDC) to that of Record Sorter on the ground that the qualification of Prathama possessed by the applicant was not considered equivalent to Matriculation.

2. We have heard the counsel for the parties. Records of the case have been carefully perused.

3. The case of the applicant is that he was promoted as LDC on a regular basis by an order dated 27.8.93 (Ann.A5). He had completed 2 years probation period. However, subsequently, the Departmental Promotion Committee (DPC) reviewed the matter and found that the qualification of Prathama possessed by the applicant was not equivalent to Matriculation and as such the applicant was reverted from the post of LDC to that of Record Sorter.

S

Sorter. The contention of the applicant is that the applicant had passed Prathama examination from the Hindi Sahitya Sammelan, Allahabad in the year 1984 and considering his qualification equivalent to Matriculation, he was promoted on a regular basis as LDC, <sup>and</sup> the order at Ann.Al reverting him to a Group 'D' post is, therefore, arbitrary and violative of Articles 14 and 16 of the Constitution.

4. On the other hand, it is contended by the respondents that Group 'D' employees having passed the Matriculation or equivalent examination with 5 years' service were considered for promotion to the post of LDC against 10% quota. The applicant having passed the Prathama examination in the year 1984 from the Hindi Sahitya Sammelan, Allahabad, he was given promotion initially on a regular basis on the assumption that it was equivalent to Matriculation. However, it subsequently came to light that the qualification of Prathama awarded by the Hindi Sahitya Sammelan, Allahabad, on the basis of which the applicant had earned promotion as LDC was merely indicative of the Matriculation standard of Hindi and it could not be equated to Matriculation strictly. The Ministry of Human Resources Development has clarified that the qualification of Prathama is indicative of the standard of Hindi achieved by a candidate and cannot be equated to Matriculation. The learned counsel for the respondents relied on 1996 (7) SLR 384, Raju Lal Vs. State of Rajasthan, wherein it has been observed by Hon'ble the Rajasthan High Court, Jaipur Bench that the certificate of Prathama examination is not equivalent to Matriculation and the benefit of the said certificate has been made available to a candidate only for a limited purpose i.e equivalent to Hindi standard.

5. The contention of the counsel for the applicant that Ann.R2 i.e. Memorandum dated 8.10.96 has not been issued by a competent authority and, therefore, Ann.Al is without jurisdiction, does not hold good because no such plea has been raised by the applicant in the body of the application. The contention of the applicant that he fulfils the required qualifications as required in respondents' letter at Ann.R2 is not tenable, in view of Hindi Sahitya Sammelan, Allahabad letter dated 13.11.97 placed at Ann.R3 by the respondents, wherein the qualification of Prathama of Hindi Sahitya Sammelan, Allahabad has been treated as equivalent to Hindi standard of Matriculation.

6. In the result, we find no merit in this application. It stands dismissed with no order as to costs.

Gopal Singh

(GOPAL SINGH)  
Administrative Member

G.K.R.  
(GOPAL KRISHNA)  
Vice Chairman