

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

(10)

ORDERS OF THE BENCH

Date of Order: 26.04.2012

OA No. 433/2011

Mr. Nand Kishore, counsel for applicant.
Mr. Anupam Agarwal, counsel for respondents.

At the request of learned counsel for the applicant,
put up the matter on 17.05.2012 for hearing. I.R. to
continue till the next date.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K.S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

17/05/2012 COA No. 433/2011

Mr. Nand Kishore, Counsel for applicant.
Mr. Anupam Agarwal, Counsel for respondents.

Heard.

O.A. is disposed of by a separate
order on the separate-sheets for
the reasons recorded therein.

Anil Kumar
[Anil Kumar]
Member (A)

K.S. Rathore
[Justice K.S. Rathore]
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 17th day of May, 2012

ORIGINAL APPLICATION No.433/2011

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

Sushama Sharma
w/o Late Shri Rajesh Sharma,
working as Junior Clerk in Safety Branch,
Divisional Railway Manager Office,
West Central Railway, Kota,
r/o Q.No.153-!, Workshop Colony,
West Central Railway, Kota

... Applicant

(By Advocate: Shri Nand Kishore)

Versus

1. Union of India
through General Manager,
West Central Railway,
Jabalpur (MP),
2. Divisional Railway Manager,
West Central Railway,
Kota.
3. Divisional Personnel Officer,
West Central Railway,
Kota.

... Respondents

(By Advocate : Shri Anupam Agarwal)

ORDER (ORAL)

Brief facts of the case, given rise to this OA, are that the applicant was initially appointed on compassionate grounds as Carpenter in scale Rs. 3050-4590, subject to condition that she will have to pass three years' course for Carpenter. The applicant being lady requested respondent No.2 to change her category from Carpenter to Clerk. Her request was considered and she was offered appointment as Clerk in the scale of Rs. 3050-4590/5200-20200 + 1900 Grade Pay and posted in Safety Branch of DRM Office, Kota.

2. While changing the category of the applicant, the respondents have imposed a condition vide letter dated 18.5.2009 (Ann.A/5) that she will have to pass typing test within two years of her appointment either in Hindi or in English with prescribed speed, failing which she will be sent back to her original cadre i.e. Carpenter.

3. The respondents informed the applicant vide letter dated 3.3.2010 that typing test will be held on 12.3.2010 at 10 hours in DRM Office. The applicant appeared in the said test but could not pass the same. The applicant again appeared in the typing test held on 15.12.2010 but declared fail.



4. Aggrieved and dis-satisfied with the result of the typing test, the applicant has preferred this OA claiming relief that the order dated 13.9.2011 may kindly be declared bad in law, void ab-initio and be quashed and set aside and the applicant may be declared pass in type test conducted 15.12.2010 as per circular dated 4.2.2011 (Ann.A/3) issued by the Railway Board.

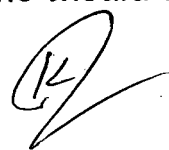
5. The applicant referred letter dated 23.8.2011 (Ann.A/2) whereby it is evident that there were six mistakes and the applicant typed total 1174 strokes. Since total strokes were 1174, as such, she could only able to type 234.80 words, which were less than the 250 words required to pass the typing test, therefore, the applicant was declared fail.

5. We have perused the paper of typing test by which passage has been given for typing to the candidates on 15.12.2010. It is not disputed that this passage contains less than 250 words, which the applicant was required to type within 10 minutes. Since the passage was itself containing less than 250 words, as such, the question does not arise to type 250 words.

6. We have also perused RBE No.113/2005 dated 4.7.2005 providing procedure for conducting typewriting test. As per the procedure, before issuance of this RBE, the employees were required to pass typewriting test at the speed of 30 words per minute in



English or 25 words per minute in Hindi within a period of two years of their promotion on provisional basis. The Railway Board considered the matter and it was decided that instead of testing the typewriting skill on typewriters, the same be tested on Personal Computers at the speed of 40 words per minutes in English or 35 words per minute in Hindi. In this RBE, it is further made clear that the procedure for taking the test on PCs and its evaluation as detailed in the Annexure may be followed. As per the Annexure, the candidates will be issued with a printed passage containing a minimum of 400 words or 2,000 strokes in English or 350 words or 1750 strokes in Hindi. The passage may preferably be the one being regularly used in the day-to-day office working like a D.O. letter, proposal for creation of a post etc. and the passage should indicate the number of strokes at the end of each line, each para and at the end of the passage. Further, the duration of the test will be 10 minutes and the candidates were required to type the given passage on the computer in a word-processing software within 10 minutes at the speed of 40 words per minutes for English or 35 words per minutes for Hindi. To arrive at the number of words typed by a candidate, 5 strokes which include spacing between words, shifting for capital letter, should be treated as one word. It is also provided that the candidates will be given additional time to the extent of 5 minutes to format the typed passage in the same way as it is in the supplied hand-out and to print the passage in the printer. The formatting features used in routine should be tested



which are mentioned in the annexure. Besides this, other procedure has been laid down in the RBE 113/2005.

7. Having considered the procedure for conducting the typewriting test and evaluation etc., it appears that the passage which was given for typewriting test on 15.12.2010 contains only about 235 words whereas as per RBE No.113/2005, there should be minimum of 400 words or 2000 strokes in English or 350 words or 1750 strokes in Hindi. It also appears that benefit of additional time to the extent of 5 minutes to format the typed passage in the same way as in the supplied hand-out and to print the passage in the printer has not been given. Further, by perusal of the paper of typing test it reveals that there is no indication of number of strokes at the end of each line, each para and at the end of the passage.

8. Be that as it may, having considered the rival submissions of the respective parties and upon careful perusal of the RBE No.113/2005 and the passage provided for the typing test, it is evident that the passage given for the typing test was containing less than 250 words whereas as per RBE 113/2005 printed passage containing a minimum of 350 words or 1750 strokes is required to be provided. Thus, while conducting the typing test, the respondents have not followed the procedure laid down in RBE No. 113/2005.



9. In view of aforesaid discussions, in our considered view, we deem it proper to direct the respondents to hold the typing test afresh, so far it relates to the applicant, strictly in accordance with the RBE No.113/205 and shall proceed further as per the result of the typing test. It is further directed that the respondents shall hold the typing test within a period of two months from the date of receipt of a copy of this order with prior intimation to the applicant about holding of the typing test.

10. With these observations, the OA stands disposed of with no order as to costs.

Anil Kumar

(ANIL KUMAR)
Admv. Member

K. S. Rathore

(JUSTICE K.S.RATHORE)
Judl. Member

R/