

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00513/2015**

Date of Order: 30.04.2019

C O R A M
HON'BLE MR. JAYESH V. BHAIKAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Pawan Kumar Mishra, Son of Sri Dukhi Mishra, MTS Group-C, Office of the Director of Accounts (Postal), Patna GPO Campus, Patna- 800001 (Bihar).

... Applicant

- By Advocate: - Mr. M.P. Dixit

-Versus-

1. The Union of India, through the Secretary, Ministry of Communication, Department of Post, Sanchar Bhawan, New Delhi.
2. The Director General of Post, Ministry of Communication, Department of Post, Sanchar Bhawan, New Delhi.
3. The Chief Post Master General, Bihar Circle, Patna.
4. The Director, Postal Services (HQ), Office of Chief Post Master General, Bihar, Patna.
5. The Assistant Director (Rectt. & Staff), Department of Posts, office of Chief Post Master General, Bihar Circle, Patna.
6. The Director of Accounts(Postal), Patna GPO Campus, Patna (Bihar).

... Respondents.

By Advocate: - Mr. G. S. Prasad

O R D E R

Per Dinesh Sharma, A.M:- The case of the applicant is that he had appeared in the Limited Departmental Competitive Examination (LDCE) held on 17.08.2014 for promotion of MTS to LDC. He has not been empanelled after this examination despite his having secured sufficient marks in Paper- I and II for the sole reason that the respondents have evaluated Paper-III, i.e. Typing Test on the basis of provisions of clause-3 of

the letter dated 18/22.11.1996. This clause-3 is applicable for departmental examination of promotion of Class-IV and Sorters as LDC and not for the LDCE for which clause-5 of the same letter is applicable. According to this clause-5 (applicable to applicant) 40% marks are required in each paper for declaring a person successful. Applying the criteria of less than 18 mistakes in typing is wrong for promotion to the post under LDCE and hence the respondents should be directed to grant promotion to the applicant to the post of LDC by publishing the result of the LDCE, 2014 on the basis of clause 5 of the above-mentioned letter.

2. The respondents have denied the claim of the applicant. They have stated that the applicant did not qualify in Paper-III (Typing Test) due to 73 mistakes in typing test. According to them, this is as per the DTEs latest instruction and syllabus on the subject.

3. No rejoinder was filed by the applicant.

4. We have gone through the pleadings and heard the learned counsels of both the parties. During the arguments, the learned counsel for the applicant vehemently argued against applying a yardstick, which was applicable for Departmental Examination, to Limited Departmental Examination. The learned counsel for the respondents produced instructions dated 27.06.2013 from the Ministry of Communication and IT, Department of Posts where the method of conducting typing test and conditions with respect to Departmental Exam and Limited Departmental Examination are enclosed. The enclosure to this communication clearly prescribes that the number of mistakes should not exceed 18 for declaring

a candidate successful. Since the Department has considered the applicant unsuccessful on a valid ground, we find no merit in the OA. Accordingly, the OA is dismissed. No costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member