

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: December 02, 2009*

+ **L.P.A. 350/2000**

HARKESH MEENA SI (STENO) Appellant
Through: Kunwar C.M.Khan, Mr.Ramesh Kumar
Koli and Mr.Rajesh Kumar, Advocates.

versus

DIRECTOR GENERAL, CRPF & ORS. Respondents
Through: Mr.Amit Bansal, Advocate.

CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MR. JUSTICE SURESH KAIT

1. Whether the Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not? No
3. Whether the judgment should be reported in the Digest? No

PRADEEP NANDRAJOG, J.

1. The impugned order dated 12.6.2000 reads as under:-

“Heard learned counsel for the petitioner.

The petitioner has challenged the order dated 28.3.2000, wherein it has been shown that he has not been able to fulfill the conditions of appointment, namely that he should have acquired requisite typing/shorthand speed as early as possible. Since the petitioner was on temporary service, which was to be regularized only upon his fulfilling the conditions contained in the appointment letter and he having not

fulfilled the same, he has been issued a notice dated 28.3.2000, which he challenges.

I find no infirmity in the impugned notice.

Dismissed.”

2. On 30.12.1997, a letter of appointment offering the post of SI (Steno) was issued by the DIG CRPF clearly indicating that the post offered to the appellant was on purely temporary capacity. Vide clause-vii of the said letter it was informed to the appellant:

“You must acquire requisite typing/shorthand speed as early as possible. You will not be allowed to draw increment or considered for confirmation/promotion to next unless you obtain the requisite typing/shorthand speed.”

3. It is apparent that the confirmation of the appellant was contingent upon obtaining the requisite typing/shorthand speed. Thus, it can be said that till confirmed, the status of the appellant was akin to a probationer.

4. On 28.3.2000, the services of the appellant were discontinued informing him that after one month his employment would cease.

5. The reason thereof is that the appellant failed to attain the requisite typing/shorthand speed.

6. It has been urged by learned counsel for the appellant that the impugned order dated 28.3.2000 has been

passed after two years of employment and thus the appellant has to be treated as a confirmed employee.

7. What is the basis of the said submission has remained a mystery.

8. It is settled law that unless the rule prescribes to the contrary a person appointed on probation or on a temporary basis cannot claim permanency upon being continued in service beyond the initial prescribed period of probation or temporary engagement.

9. It is next urged that the employer sent the appellant for duty to Manipur where business was not being transacted in Hindi and thus the appellant could not acquire skill in shorthand/typing in Hindi. It is urged that a test was held on 7.1.2000 to test the proficiency of the persons appointed as Steno-Typist in which the appellant failed. Attributing the reason of failure to the respondents it is urged that in terms of the circular dated October 1998 it was the duty of the respondents to impart at least six months training to the appellant.

10. It may be noted that the appellant has done his schooling in Hindi medium and would be expected to be proficient in Hindi. As regards the circular dated October 1998 which is annexed as Annexure P-10 it simply states that job

training for six months under the direct supervision of the head of office be imparted. The circular does not require the candidates to be sent to any training institutes. The circular only requires that the candidate should be under the direct supervision of the head of office. Further, the said circular is not general in nature but is addressed to the Commandant 92nd Bn. CRPF at Varanasi.

11. Thus, we find no scope to grant any benefit to the appellant and concur with the view taken by the learned Single Judge.

12. The appeal is dismissed.

PRADEEP NANDRAJOG, J.

SURESH KAIT, J.

December 02, 2009
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