

**SUPREME COURT OF INDIA**

Regional Dy. Director

Vs.

P. Venkata Ramana

C.A.No.5984 of 1997

(S. Rajendra Babu and Doraiswamy Raju JJ.)

06.09.2001

**ORDER**

1. The respondent was appointed as Typist on 29-1-1992 while he was working as an attender in the office of the first appellant in terms of R. 10(a)(i) of the Andhra Pradesh State and Subordinate Service Rules indicating that the said appointment is purely temporary and is made under emergency provisions of the said Rules liable to be terminated at any time without prior notice and without assigning any reason.

2. Thereafter, another order was made by the Commissioner on 14-5-1996 stating that the respondent does not possess necessary experience of five years before he could have been appointed by transfer from the post of an attender to the post of an Typist. This order was challenged before the Tribunal. The Tribunal on consideration of the effect of R. 10(a)(i) of the said Rules held that the non-possession of the requisite qualification and experience was not taken note of inasmuch as the promotion was only temporary otherwise than in accordance with the relevant rules. Rule 10(a)(i) authorises in certain circumstances to appoint a person who does not possess the qualification prescribed for the service. When the rule clearly sets out this position on the basis of which the first appellant exercised such powers we do not think there is any need for the Commissioner to have interfered with the same. Hence the Tribunal is right in having setting aside the order made by the Commissioner. We find no merit in this appeal. Therefore it is dismissed.

Appeal dismissed.