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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1183/95

New Delhi: this the 10th day of December, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri A.P. Tiwari,
S/o Late Shri G.D. Tiwari,

was working as Research Assistant in
Central Hindi Directorate and residing

at F-201, Moti Bagh- I,
New Delhi

.... Applicant.

(By Advocate: Shri S.C. Luthra)

Versus

1. Union of India
through
Secretary,
Ministry of Human Resources Development,
Department of Education, Shastri Bhawan,
New Delhi.

2. Secretary,
Union Public Service Commission,
Shahjahan Road,
New Delhi.

3. Director, Central Hindi Directorate,
West Block 7,
R.K. Puram,
New Delhi-66.

..... Respondents.

(By Advocate: Shri V.K. Mehta)

ORDER

BY HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' order dated 6.6.95 (Annexure-A-1) repatriating him to his parent department and seeks consideration for absorption as Research Assistant(RA) in Directorate of Hindi, Ministry of HRD.

2. Applicant who holds the post of Hindi Translator, CPWD on permanent basis, came on deputation as Research Assistant to Dte. of Hindi in HRD Ministry vide order dated 19.5.92 (Annexure-A3).

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3. While applicant was on deputation in the Dte. of Hindi, that Directorate issued a notification in Employment News dated 14-20.5.94 inviting applications for filling up certain vacant posts of Research Assistant on transfer on deputation/transfer basis (Annexure-A-6). Applications in the prescribed form was to reach the A.O. Dte. of Hindi within 2 months of the date of publication of the notification in the Employment News.
4. On 18.5.94 applicant submitted a note (Ann. A7) seeking permanent absorption in Dte. of Hindi which was strongly recommended by his superior the AEO (Coord.). Again on 2.6.94 (Annexure-A9) he addressed a letter to the Admn. Officer, Dte. of Hindi. In that letter he referred to respondents' advertisement dated 14-20th May, 1994 and his own note dated 18.5.94 and stated that he was inclined to seek permanent absorption as RA. He requested intimation whether he should apply again for the post of RA as per advertisement or his case would be considered on the basis of his previous request. In reply he was informed on 8.7.94 (Annexure-A-14) that for the present no action was being taken to absorb persons as RA. When it was considered necessary, an advertisement would be issued and hence applicant's request for absorption could not be considered. On 13.7.94 applicant submitted another representation for permanent absorption (Annexure-A-15).
5. On 12.2.95 the Dte. of Hindi wrote to OPWD (Annexure-A 17) for permission for extension of applicant's deputation, which was to expire on 3.6.95 for a further period of one year.

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6. On 10.5.95 (Annexure-A18) applicant requested the Dte. of Hindi for issue of a call letter to him for absorption as RA.

7. On 16.5.95 (Annexure-A-19) the Dte. of Hindi again wrote to CPWD for permission for extension of applicants' deputation period for one year w.e.f. 3.6.95. In this letter it was also mentioned that applicant had requested for absorption as RA and CPWD was requested to furnish various relevant documents to enable the Dte. to consider his request in consultation with UPSC. CPWD gave its no objection on 25.5.95 (Annexure-20).

8. On 22.6.95 (letter taken on record), the Dte. of Hindi forwarded applicant's name to UPSC along with relevant records for consideration of his name for absorption as RA.

9. However, the UPSC did not consider applicant's candidature due to late submission of the papers.

10. Meanwhile upon completion of applicant's tenure of deputation, he was repatriated to his parent organisation (CPWD) by impugned order dated 6.6.95.

11. We have heard applicant's counsel Shri Luthra and respondents' counsel Shri V.K.Mehta and have perused the materials on record. We have given the matter our careful consideration.

12. The sequence of events described above, clearly shows that the Dte. of Hindi could have handled the applicant's request with greater care, and in reply to his note dated 18.5.94 as well as his letters dated 2.6.94 and 13.7.94 advised him as to what he was required to do.

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However, this does not absolve applicant of his own responsibility in the matter. The advertisement dated 14-20.5.94 was specific and admitted of no ambiguity. Applicant should have taken steps to submit his application form in response to the said advertisement, together with the necessary supporting documents within the time set out for the purpose. Respondents (UPSC) cannot be faulted for not considering applicant's prayer for absorption as RA owing to the late submission of papers, and it is not denied that pursuant to the impugned order dated 6.6.95 applicant has been repatriated to his parent organisation (CPWD) and is working there since then.

13. In the result we find ourselves unable to help the applicant. The OA is dismissed. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

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(S. R. ADIGE)
VICE CHAIRMAN (A)

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