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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA-406/93 in
OA-734/93

New Delhi this the 15th Day of September, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Mrs. Veena Joshi,
W/o Sh. B.C. Joshi,
R/o 921, Sector-IV,
R.K. Puram, New Delhi-22. Review Applicant

~~Mrs. Veena Joshi, Advocate~~

versus

1. Union of India,
through the Director of Administration,
Directorate of Extension,
Ministry of Agriculture,
West Block 8, R.K. Puram,
New Delhi.
2. Union of India,
through the Secretary to the
Govt. of India,
Ministry of Agriculture,
Department of Agriculture & Cooperation,
Krishi Bhawan,
New Delhi. Respondents

ORDER (By Circulation)
delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

This review application has been filed by Mrs. Veena Joshi for recall of our order dated 7.9.93 passed in O.A.No.734/93. She had challenged an order dated 17.3.93 for her repatriation to her parent department after having served as Junior Hindi Translator in the Directorate of Extension, Ministry of Agriculture for over three years. It was held that if the applicant is not eligible to appear in the screening test, she may be repatriated to her parent department.

The first ground taken by the review applicant is that this Tribunal has not appreciated the fact that she initially joined as Junior Hindi

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Translator on deputation basis on the basis of a test held by the respondents. Since the applicant had joined the deputation post, after going through a test, she had a right to hold the post either on deputation basis or to be considered for absorption on permanent basis at a later date. It is contended that the direction of the Tribunal taking her right for consideration for appointment is erroneous and is against the principles of natural justice and equity.

In para-7 of the afore-mentioned judgement, this Tribunal had clearly held that the appointment of review applicant was on deputation basis and after expiry of the period of three years, she could be repatriated. However, this Tribunal allowed her to continue till the result of the fresh test was declared. No new fact has been brought out to establish that this conclusion reached by the Tribunal was wrong.

Another contention is that in para-3 of the judgement dated 7.9.93, it is mentioned that the letter issued by the respondents on 22.12.1988 was not circulated. However, this letter has been sent to all the Ministries and Departments of Government of India. In view of this, the Tribunal had erred in cancelling the test held on 24.10.1991. There was no indication in the circular dated 22.12.88 that the posts/vacancies can also be filled up on transfer basis. If this would have been indicated, the number of applicants for the posts would have arisen. As

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noticed and the test conducted on 24.10.91 was treated as cancelled. It is on this ground that this Tribunal directed that a fresh test should take place after issuing a fresh advertisement. The applicant cannot, therefore, claim any benefit out of the cancelled test.

The review applicant has also raised an objection to use of the word 'advertisement' on the ground that there is no provision in the rules for issue of such advertisement. It is clear that this Tribunal meant advertisement of posts in accordance with the prescribed procedure whether it is through circulation or through publication in the Employment News. The reason for issuing such direction was clearly mentioned as below:-

"We are saying so because it appears that the earlier test was held only for the purpose of absorption of people by transfer on deputation."

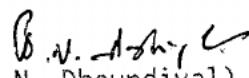
Another ground for review is that the Recruitment Rules dated 27.6.72 are meant for the post of Translator and not for the post of Junior Hindi Translator. Though in the copy of the Recruitment Rules filed by the review applicant at Annexure R-3, the name of the post is mentioned as Translator, the scale is clearly given at Rs.1400-40-1800-EB-50-2300. This scale has been

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recruitment to this post. It is clear that the Recruitment Rules pertain to a post carrying the above pay scale.

In view of the afore-mentioned considerations, the review application fails and is hereby dismissed.


(B.N. Dhondiyal)

Member(A)


(S.K. Dhaon)

Acting Chairman

/vv/

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