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In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. DA-1898/89

Date: 17.4.1990.

Shri Aziz Khan & Others Applicants

Versus

Union of India & Another Respondents

For the Applicants Shri Y.R. Malhotra, Counsel

For the Respondents Smt. Raj Kumari Chopra,
Counsel

CORAM: Hon'ble Shri P.K. Kartha, Vice-Chairman (Judl.)
Hon'ble Shri D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the judgement? *Yes*
2. To be referred to the Reporter or not? *ND*

(Judgement of the Bench delivered by Hon'ble
Shri D.K. Chakravorty, Member)

The applicants, who have worked as Junior Hindi Translators in the Ministry of Agriculture, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying that their services should not be terminated in view of the impugned O.M. dated 23.9.1988, and that their services be regularised as in the case of several other deputationists. Alternatively, it has been prayed that they be given ample opportunities to qualify the S.S.C. Examination prior to termination of their services.

2. The application has not been admitted. The pleadings in this case are complete. We feel that the application could be disposed of at the admission stage itself.

17/4/90

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3. The applicants belong to the Central Secretariat Official Language Service. The first applicant was appointed in the Ministry of Agriculture on deputation basis by order dated 1st November, 1985. His deputation was extended from time to time. It was last extended upto 16.10.1989. The second applicant was similarly appointed on deputation basis by order dated 11.12.1986 and his deputation was extended from time to time and it was last extended upto 27.11.1989. Applicant No.3 was also appointed on deputation basis by order dated 23.2.1987 and his deputation was extended from time to time upto 21.2.1990. The respondents have already reverted applicants No.1 and 2.

4. According to the Central Secretariat Official Language Service (Group 'C' posts) Rules, 1981, as amended in 1983, the vacancies in the grade of Junior Translator shall be filled by direct recruitment through the Staff Selection Commission. The direct recruitment is by holding competitive examinations. Three such examinations have been held in 1984, 1987, and 1989.

5. The respondents have stated that the applicants did not either appear in the examination or did not qualify in the same. They have further contended that the post of Junior ^{Hindi} Translator is not in the direct line of promotion/appointment for LDCs, UDCs and Stenos., who have their lien and promotional avenues in their parent cadres. 2

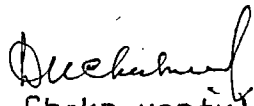
6. The grievance of the applicants is that several others like them who had gone on deputation, were

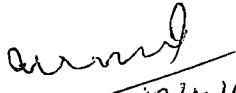
regularised by the loanee department and that they should also be given the same opportunities. By O.M. dated 23.9.1988, it was decided not to hold a special departmental examination. Instead, it was decided to grant one-time relaxation of upper age-limit beyond 40 years to the Junior Hindi Translators so as to make them eligible to appear in the examination to be held by the Staff Selection Commission in December, 1988 (vide Annexure A-13, p.31 of the paper-book). The examination was held on 8.1.1989. The applicants were at liberty to take advantage of this opportunity and appear at the examination.

7. In our opinion, a deputationist has no legal or constitutional right to hold the deputation post. The deputation could be terminated at any point of time. The deputationist has no right to be absorbed in the organisation to which he is deputed (vide R.N. Misra Vs. Delhi Administration & Others, 1985 (1) SLR 753; Amrik Singh Vs. Union of India 1986 (3) SLJ(CAT) 40; and Shambu Nath Lal Srivastava Vs. State of U.P., 1984 (2) SLJ 34).

8. In the light of the above, we see no merit in the present application and the same is dismissed at the admission stage itself.

The parties will bear their own costs.


(D.K. Chakravorty)
Administrative Member
17th April, 1990


(P.K. Kartha) 17/4/90
Vice-Chairman(Judl.)