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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.2446/89

New Delhi, this the 24th Day of May, 1994.

HON'BLE SHRI S.R. ADIGE, MEMBER (A)
HON'BLE SMT LAKSHMI SWAMINATHAN, MEMBER (J)

1. Shri Naresh Kumar Sharma,
S/o Shri Dal Chand Sharma,
R/o K-367, Gali No.6,
Marginal Bandh, Gautam Vihar,
West Gonda, Sahadra,
DELHI-110053.
2. Smt Veena Grover,
Wife of Shri S.K. Grover,
C-47, Jhilmil Colony,
Delhi. ...Applicants

By Advocate ; None

VERSUS

1. Union of India, through
The Secretary,
Dept of Youth Affairs & Sports,
Ministry of Human Resources Development,
Shastri Bhavan, New Delhi.
2. Union of India, through
the Secretary,
Dept of Arts,
Ministry of Human Resources Dev
Central Vista Mess,
Janpath, New Delhi.
3. Union of India, through
the Secretary,
Dept of Education,
Ministry of Human Resource Development
New Delhi. ...Respondents

By Advocate : None

ORDER (ORAL)

HON'BLE SHRI S.R. ADIGE, MEMBER (A)

None for the applicant, although, we waited for the entire day. None for the respondents either. This case is coming on the Cause List since 19.05.94. It is a very old case. It appears that the applicants are not interest in pursuing this case. Accordingly, this case is dismissed for default and non-prosecution.

Lakshmi Swaminathan
(SMT LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

Date	Office Report	Orders
	<p>05.08.94 R-4 O.A.2446/89</p> <p>Present : Applicant in Person. Shri VSR Krishna, Counsel for the Respondents.</p> <p>The applicant in person, states that his Counsel Shri PP Khurana, is indisposed and has asked another lawyer to convey the same before this Bench. This matter was also mentioned in the early hours today.</p> <p>2. List the matter on 19.08.94. 3. Interim order passed earlier to continue till the next date.</p> <p>P. T. Thiruvengadam Member (A)</p> <p>(J.P. Sharma) Member (J)</p> <p>sss</p>	

Date	Office Report	Orders
	<u>19.8.1994.</u>	<u>O.A. No.2446/89</u>
		<u>Present</u>
		Shri P. P. Khurana for the Applicant. Shri M.M. Sudan for the Respondent.
		Heard Shri PP. Khurana for the applicant and Shri MM. Sudan for the Respondent. Arguments to be concluded on 23.8.94.
		<i>P. J. J.</i>
		<i>Le</i>
		(P.T. THIRUVENGADAM) MEMBER (A)
		(J.P. SHARMA) MEMBER (J)
	<i>/Pup/</i>	
	<i>23/8/94</i>	<i>2-R</i>
		OA 2446/89
		Present : Sh. P. P. Khurana, counsel for applicant. Sh. M.M. Sudan, counsel for Respondent.
		Arguments heard and concluded. Judgment shall be given on 5/9/94.
	<i>MR</i>	<i>BB Richter COT/CM</i>
		(P.T. Thiruvengadam) Member (A)
		(J.P. Sharma) Member (J)
		<i>5-9-94</i>
		<i>Order pronounced today</i>
	<i>5</i>	<i>329 VSN COT</i>
	<i>Mudra</i>	

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 2446/89

New Delhi, this the 5th day of September, 1994.

HON'BLE SHRI J.P.SHARMA MEMBER (J)

HON'BLE SHRI P.T.THIRUVENGADAM MEMBER (A)

1. Shri Naresh Kumar Sharma
s/o Shri Dal Chand Sharma
r/o K-367, Gali No.6
Marginal Bandh, Gautam Vihar,
West Gonda, Shahdara, Delhi.

2. Smt. Veena Singhal
d/o Shri AK Singhal
r/o D-5, Green Park Extn.,
New Delhi.

3. Smt. Veena Grover,
w/o Shri SK Grover,
C-47, Jhilmil Colony, Delhi.
(By Shri PP Khurana, Advocate)

..Applicants

Vs.

1. Union of India, through:
Secretary,
Dept. of Youth Affairs & Sports
& Sports, M/o Human
Resource Development, Shastri
Bhavan, New Delhi.

2. Union of India, through
Secretary,
Dept. of Arts,
Min. of Human Resource Dev.,
Central Vista Mess, Janpath, New Delhi.

3. Union of India, through:
Secretary,
Dept. of Education,
Ministry of Human Resource Dev.,
New Delhi.
(By MM Sudan, Advocate)

..Respondents

ORDER

HON'BLE SHRI P.T.THIRUVENGADAM MEMBER (A)

This O.A. has been filed by three applicants. Applicant No.2 was allowed to withdraw from the O.A. vide orders passed by this Bench on 15-5-91. The case of the other two applicants, namely, applicant No.1 and applicant No.3 is that while they were functioning as regular LDCs they were posted as Junior Hindi Translators vide orders dated 12-10-84 and 21-11-83 respectively. It is their case

that applicant No.1 has been working as Junior Hindi Translator continuously ever since and applicant No.3 has also been working continuously as Junior Hindi Translator but for a break during November 1987 to March 1988. This O.A was filed in December 1989 and the applicants apprehended that they may be reposted as LDC in view of the action taken by the respondents to fill up posts of Junior Hindi Translators on a regular basis. It has been prayed in the O.A that a declaration may be issued that the applicants should be appointed regularly as Junior Hindi Translators with effect from the date of their initial appointment and for considering their case for further promotion. It was also prayed that the respondents may be restrained from filling up the posts filled by applicants by any other appointment. An interim order was passed by this Tribunal on 16-5-91 that places may be kept unfilled in favour of the applicants till the disposal of this O.A.

2. The background of the case as stated by the respondents is as under.

A total of 20 posts of Junior Hindi Translator in four departments, namely, Deptt. of Education, Deptt. of Culture, Deptt. of Youth Affairs & Sports and Deptt. of Arts of Ministry of Human Resource Development have been in existence. A separate Service was constituted on 19-9-1981 with the approval of the Cabinet, which is called the Central Secretariat Official Language Service (CSOLS). All the posts of Junior Hindi Translators are to be filled only through the examination conducted by the Staff Selection Commission (SSC) on all India basis. Pending the availability of regular candidates, the vacant posts are filled by making appointments on ad hoc/deputation basis and such

appointments are continued upto a specific period or till a regular incumbent is made available. The applicants in this O.A. are holding regular posts of LDC in their respective departments and have been appointed on ad hoc/deputation basis on the following terms and conditions:-

- i) that their appointment is on purely ad hoc/deputation basis;
- ii) that their appointment will continue upto a specific period or till regular nominees from Department of Official Language join, whichever is earlier; and
- iii) their ad hoc appointment will not by itself confer upon them any right to claim any benefit in the matter of inclusion to the CSOIS (Group 'C' posts), seniority or confirmation etc.

The applicants have been continued, periodically extending the term of deputation. Ultimately regular candidates have become available and action has already been taken for appointment^{1/2} them. Quite a few candidates (9 in number) have been appointed even by the time the reply had been filed in January 1990 and an adequate number of candidates were also available for filling up regular posts on regular basis.

3. It is the case of the respondents that the applicants were also free to compete with other candidates to sit in the examination conducted by the S.S.C from time to time for regular appointment to the posts of Junior Hindi Translator. If they did not avail the opportunities successfully, it is their fault.

4. The 1d. counsel for the respondents relied

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on the orders passed by this Bench of the Tribunal in O.A.No.1223/89, O.A.No.1386/89 and O.A.No.1459/89 decided on 25-4-1994. These O.As dealt with similar cases where the petitioners therein had been posted on ad hoc basis/deputation basis as Junior Hindi Translators which are the posts now claimed for regularisation. After a detailed discussion, those three O.As claiming for regularisation as Junior Hindi Translators were dismissed.

5. The ld. counsel for the applicants, however, relied on the orders passed by this Tribunal in O.A. No.668/89 decided on 19-4-94 and O.A.No.613/89 decided on 25-3-1994. In the O.A.No.668/89 the case of the applicant who had been appointed as Drafts'man on ad hoc basis and continued as such from 1981 was under consideration. It was noted that there are adequate vacancies. Under the circumstances of the case, a direction was given to consider the case of the applicant therein after relaxing age requirement, as a separate case or alongwith other applicants. We find there were special circumstances of this case and not on ~~for~~ ours with the present O.A. where regular candidates from open market are available for the posts of Junior Hindi Translators. In the O.A.No.613/89 decided on 25-3-94 the case of the applicant therein who had been working as ad hoc investigator for nearly 16½ years was under consideration and also there were adequate vacancies in the category of the said post. At some stage even the respondents had issued some orders to the effect that the applicant was working regularly as investigator. In the circumstances of the case, it was directed that the applicant's request for regularisation shall be considered with utmost sympathy. Here again we find that the

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that the situations in this O.A. are exactly not similar.

6. The citation quoted by the respondents, namely, the orders passed in the three O.As pertaining to those working as ad hoc Junior Hindi Translators has considerable force. The situation being identical in these O.As we do not see any reason to depart from the stand taken in the three O.As disposed of on 25-4-94, We agree with the elaborate arguments in these O.As.

7. In the circumstances, this O.A. is dismissed and the interim order passed on 16-5-1991 is vacated. No costs.

P.T.Thiru

J.P.Sharma

(P.T.THIRUVENGADAM)
Member (A)

(J.P.SHARMA)
Member (A)

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