



**Central Administrative Tribunal  
Principal Bench, New Delhi**

**O.A. No.3877/2018**

**MA No. 4319/2018**

**MA No. 2953/2019**

**This the 13<sup>th</sup> day of January, 2021**

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. O.L. Wing Officers Welfare Association,  
Through,  
General Secretary, Sh. Rakesh Kumar,  
Flat NO. 60D, DDA,  
SFS Pocket 1,  
Sector 10, Dwarka,  
New Delhi – 110075.
2. Sh. Rakesh Kumar (Age 53 years), 'A'  
General Secretary, OL Wings Welfare Association,  
Asstt. Legislative Counsel,  
Flat NO. 60D, DDA,  
SFS Pocket 1,  
Sector 10, Dwarka,  
New Delhi – 110075.
3. Ravindra Sharma (ALC) (Age 53 years),  
Asstt. Legislative Counsel, 'A',  
S/o (L) J.P. Sharma,  
R. N. 743 'A' Wing,  
Legislative Department,  
Official Language Wing,  
ShastriBhawan, New Delhi.

... Applicants

(through Mr. K. C. Mittal with Mr. Yugansh Mittal, Advocate)

**Versus**

1. Union of India,

Through its Secretary,  
Ministry of Law and justice,  
Department of Legal Affairs,  
4<sup>th</sup> Floor, A wing,  
ShastriBhawan,  
New Delhi – 110001.



2. Secretary,  
Department of Legal Affairs,  
Ministry of Law and Justice,  
4<sup>th</sup> Floor, A wing,  
ShastriBhawan,  
New Delhi – 110001.

3. Secretary,  
Legislative Department,  
Ministry of Law and Justice,  
4<sup>th</sup> Floor, A wing,  
ShastriBhawan,  
New Delhi – 110001.

4. The Secretary,  
Department of Personnel & Training,  
Ministry of Personnel, Public Grievances & Pensions,  
Government of India,  
North Block, New Delhi – 110001.

... Respondents

(through Mr. R. K. Jain, Advocate)

### **ORDER (Oral)**

**Justice L. Narasimha Reddy, Chairman:**

This OA is filed with a prayer to declare the Official Language Wing (for short, OLW) as an integral part of the Legislative Department, and members of the applicant society, at par with the employees of Indian Legal Service



(ILS) of the Legislative Department, Ministry of Law and Justice. Further prayer is to declare that the applicants perform constitutional duties and responsibilities under Articles 343, 344 and 351 of the Constitution of India, i.e., drafting new legislations in Hindi Language and drafting/vetting/scrutinizing preparing authoritative texts etc. of existing legislations, from English language to Hindi and not to discriminate the applicants in the context of promotion, deputation etc. as members/chairpersons in various Tribunals.

2. The 1<sup>st</sup> applicant is the association of OLW officers, and the applicants No.2 and 3 are said to be its members/office bearers.

3. The brief facts, relevant to the OA are that, the Parliament enacted the Official Languages Act in 1963. Section 3 thereof mandated that for a period of 15 years from the commencement of the Constitution of India, English language may be continued to be used in addition to Hindi, and on expiry of 15 years, the principal language to be used in the transaction of business shall be in Hindi, and that English can also be used in addition to Hindi. The mechanism for translation of all the documents and

enactments into Hindi was also provided. As a sequel to that, a Presidential Order was issued on 30.12.1988, providing *inter alia*, for the use of Hindi in legal drafting, as a primary step. The OLW was constituted in the year 1976.



For some time, the OLW was made part of the Legislative Department, Ministry of Legal Affairs. However, it was discontinued thereafter. The successive Law Commissions have also submitted reports as regards the desirability or otherwise of making the OLW, as part of the cadre in the Legislative Department. While on certain occasions, it was in favour of the merger of the Legislative Department, other occasions, it was otherwise.

4. In the year 2013, the Official Language Committee of Parliament, constituted a Committee of three members viz., one Additional Secretary and two Joint Secretaries, to examine the issue, on a representation made by the Association. There was lack of unanimity in submission of the report among the members thereof. While the Additional Secretary and one Joint Secretary recommended the merger of OLW in the ILS, the 3<sup>rd</sup> member disagreed with the same. The matter was pending at that stage.

5. The applicants contend that nature of duties being discharged by the employees of the OLW are an important part of the legislative activity, and there is absolutely no basis for not making OLW a part of the ILS. They have referred to the report submitted by the Law Commission as well as the Committee, constituted for this purpose.



6. The respondents filed a detailed reply, narrating the sequence of events as regards the constitution of OLW. Reference was also made to the Reports of the Law Commission, submitted from time to time, as well as the constitution of the three-member committee, in the year 2013. It was stated that in view of lack of unanimity in the report submitted by the three member committee, matter is pending and the final decision has not been taken as yet.

7. We heard Mr. K.C. Mittal with Mr. Yugansh Mittal, learned counsel for the applicants and Mr. R.K. Jain, learned counsel for the respondents.

8. The prayers in the OA are many. The objective of the applicants seems to be to get the OLW made part of ILS, so that the various benefits that are available to the members of the ILS are extended to them.

9. A perusal of the OA as well as the counter affidavit discloses that ever since the OLW was constituted, there was demand for merger of the same with the ILS. At one stage, it was made part of the Legislative Department of the ILS. Shortly thereafter it was separated by mentioning that the nature of duties being discharged by the employees of ILS, on the one hand, and OLW, on the other, are substantially different. The pursuit however continued. The latest steps taken in this behalf are mentioned in Para 6 of the counter affidavit. The same reads as under:-



“6. That in the year 2013, again a representation from the officers of the OL Wing asking for inclusion in ILS cadre of Legislative Department was received. A three member Committee consisting of one Additional Secretary and two Joint Secretaries. Two members out of three i.e. Additional Secretary and one Joint Secretary, were of the view that demand of the officers of OL Wing for inclusion in the ILS cadre is justified. However, the third member of the Committee observed that inclusion of these officers in the ILS cadre will be contrary to the earlier decision taken by the Department before Lok Sabha. Therefore, the Committee did not reach at unanimous decision.”

10. From the above, it is evident that respondents are not able to take any decision on account of lack of unanimity among the members of the Committee. However, given the determination, the issue cannot be treated as the one that cannot be resolved at all. The existence of dissent is not uncommon. It is for the decision making authority, to

decide whether or not to accept the recommendation of the majority. Even where the Committee submits a unanimous report, the Government is free to take its own decision, and it is not necessary that the report of the Committee must be accepted in its entirety. When such is the latitude permissible in law, the government cannot feel that there is an impediment in the way of taking the decision. An early step in this behalf would give a quietus to the issue which is pending for several decades.



11. Therefore, we dispose of the OA, directing the respondents to take a decision on the question of merger of Official Language Wing with the ILS, within a period of six months from the date of receipt of a copy of this order. The report submitted by the Committee, constituted in this behalf shall also be taken into account. There shall be no order as to costs.

Pending MAs shall stand disposed of.

**(Mohd. Jamshed)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

*lg/rk/ankit/sd*