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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA No. 409/86 ..

Date of decision: 28.08.92

Sh. Narain Singh Nadheria .. Applicant  
Sh. K.M. Sharma, Sr. Counsel .. Counsel for the applicant  
with Sh. D.P. Khokha  
Versus

Secretary, Department of  
Official Language, New Delhi } .... Respondents.  
and another }

Mrs. Rajkumari Chopra ..... Counsel for the respondents

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Hon'ble Sh. P.K. Kartha, Vice Chairman(J)

Hon'ble Sh. B.N. Dhoundiyal, Member (A)

1. Whether the Reporters of local papers may be allowed to see the Judgement ? *yes*
2. To be referred to the Reporters or not ? *yes*

JUDGEMENT

(Of the Bench delivered by Hon'ble Sh.B.N. Dhoundiyal,  
Member (A))

This OA has been filed by Shri Narain Singh Nadheria under Section 19 of the Central Administrative Tribunals Act, 1985, challenging the non-inclusion of his name in the list of appointments to Grade III (Assistant Director) of Central Secretariat Official Language Service (hereinafter referred to as CSOLS) published vide impugned notification dated 17.12.1985 by the Department of Official Language. He prays that his name be included at Sl.No. 55A below Shri Satguru Prasad in the above list. Before doing so, his seniority in the lower scales has to be refixed and he prays that he be declared to be holding the post of Senior Translator w.e.f. 30.7.71, Hindi Officer w.e.f. 16.1.76 and Senior Hindi Officer w.e.f. 29.6.81. Alternatively he prays for a declaration that he was holding the post of Hindi Officer (Assistant Director) w.e.f. 30.7.76.

2. The brief facts of the case are as follows:-

At the time of constitution of C.S.O.L.S. w.e.f. 19.09.1981, the applicant was working as a

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confirmed Hindi Translator in the Department of Company Affairs in the scale of Rs. 425-800 and had put in over 10 years service in equivalent posts. Prior to formation of this service, the posts of Senior Translator in various Ministries/Departments were in the scales of Rs. 550-800 and Rs. 550-900 and the Junior Translator in the scale of Rs. 425-700. The post of Hindi Assistants in some Departments were in the scale of Rs. 425-800. Equation of posts was done on the basis of the minimum of the pay scales attached with the posts and since these were same for the posts of Junior Hindi Translators and Hindi Assistants, both were inducted into Grade-V of the Services (Junior Translators) in the scale of Rs. 425-700. Only persons working in grade IV or equivalent posts i.e. posts in the pay scale of Rs. 550-800 and Rs. 550-900 were made eligible for grade III during the initial constitution.

3. The respondents have stated that the applicant was entrusted with the responsibility of controlling and supervising the typing and comparing work on 12.3.75 in their Hindi Cell and that on 7.7.84, an office order was issued making him incharge of the Hindi Cell with immediate effect. The applicant had been claiming to have worked as Hindi Officer in the Department of Company Affairs though there was no such post in existence before 1.6.85. He had represented for grant of higher scale of Rs. 550-800 and the Departmental Official Language Implementation Committee had taken a decision in its 4th Meeting to give this scale to the Hindi Translators of Department of Company Affairs. The matter relating to upgradation of the post at the time of induction had been taken up by the Department of Company Affairs with the Department of Official Language from time to time, and in D.O. letter dated 12.2.85, The Joint Secretary Shri V.K. Majotra wrote to his counter part in the Department of Official Language, in which he strongly recommended induction

of the applicant in the higher scale and emphasising the fact that he was working as a defacto Hindi Officer and discharging the duties and responsibilities to the utmost satisfaction. On 1.3.85, Shri C.G. Somiah the then Secretary, Department of Company Affairs wrote to his counter-part on the same lines specially stating that there was more than adequate justification for inclusion of the applicants' name atleast in the grade of Senior Translator in the scale of Rs. 550-800 at the time of initial constitution of the CSOLS. The applicant was appointed as Senior Translator w.e.f. 4.10.83 in the scale of Rs. 550-800 and later on 1.6.86, he was given promotion as Hindi Officer in the scale of Rs. 650-1200 against an ex-cadre post in the office of Regional Director, Company Affairs, Kanpur. On 3.3.87, he was appointed as Senior Translator on regular basis. After finalisation of the relevant Rules pertaining to the post of Hindi Officer in the Department of Company Affairs, regularly selected candidates through UPSC have been appointed to these posts. In the meantime, the Department of Official Language, who are the cadre authority of the applicant, offered to the applicant the post of Assistant Director on adhoc basis and on 10.7.89, he joined the Department of Rural Development as Assistant Director.

4. We have gone through the records of the case and heard the learned counsel for both parties. The main argument on behalf of the applicant is that he has been continuously incharge of the Hindi work in the Department of Company Affairs and he should not be made to suffer if, like other Ministries, the Department of Company Affairs did not upgrade these posts from Rs. 425-800 to Rs. 500-800 before formation of the new service (CSOLS). The persons junior to the applicant working in other Ministries have become senior to him, having been inducted to the post of Senior Hindi Translator in the newly constituted CSOLS. It has also been

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argued that the scale of Rs. 425-800 cannot be reduced to the scale of Rs. 425-700 unilaterally. The respondents have stated that at the time of initial constitution of the service, the applicant was given an option to have his grade made applicable to him till he was appointed to the next senior post. Thus, there were no violation of any fundamental rights of the applicant.

5. It is clear that when the impugned list of Assistant Directors was issued on 17.12.85, the applicant had hardly served for 2 years as a regular Senior Translator and was not eligible to be considered for promotion as Assistant Director. In fact his case had been examined by the Department of Official Language in consultation with the Department of Personnel who in their letter dated 19.4.85 regretted that no special position should be adopted in his case and in case the work allotted to the Hindi Translator was regarded as of such importance, the Department of Company Affairs should have upgraded this post in the pay scale of Rs. 550-800 before the initial constitution of the service. That was not done.

6. Appointments to the various Grades in the CSOLS have been made in accordance with the relevant recruitment rules, the validity of which has not been challenged in the present application.

7. In the facts and circumstances of the case, we hold that the applicant has no legal right to be included in the list of Assistant Directors published by the impugned notification dated 17.12.85 and that no relief can be granted to him as he was rightly inducted in CSOLS as Junior Translator at the time of the initial constitution.

6. The interim order directing the respondents to maintain status quo as regards continuance of the applicant

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as Hindi Officer passed on 28.11.89 will, however, remain in operation for a period of 90 days from the date of receipt of this order.

There will be no order as to costs.

*B.N. Dhoundiyal*  
( B.N. Dhoundiyal ) 28/8/92  
Member (A)

*P.K. Kartha*  
( P.K. Kartha )  
Vice Chairman(J)

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