

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

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OA-768/87

Date of decision: 8.8.1990

Smt. Prem Vaid

Applicant

Versus

Union of India

Respondents

Shri R.K. Dahiya

Advocate for the applicant.

Shri P.P. Khurana

Advocate for the respondents.

CORAM:

THE HON'BLE MR. P. SRINIVASAN, MEMBER(A).

THE HON'BLE MR. S.R. SAGAR, MEMBER(J).

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(ORAL JUDGEMENT)

(delivered by Hon'ble Mr. P. Srinivasan, Member(A))

This application has been listed before us for hearing today. When the matter was called out, Shri R.K. Dahiya, learned counsel appeared for the applicant.

Shri K.V. Bhatiya, Assistant in the Ministry of External Affairs (Respondent No.2) appeared for the respondents. *They have been heard.*

The facts of this case lie within a narrow compass. The applicant who was working as Assistant in the Ministry of External Affairs applied for the post of Senior Hindi Translator in response to a circular dated 7.1.1976 calling for such applications. She was selected for appointment and appointed as a temporary and ad-hoc Senior Hindi Translator

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by order dated 4.3.1977. She joined duty in this post immediately i.e. 4.3.1977. The Ministry of External Affairs passed an office order on 26.10.1979 declaring ^{that} three persons ~~named herein, including the applicant appointed~~ as temporary Senior Hindi Translators ~~as they had~~ completed two years probation, ~~including the applicant~~. The said order narrated that the applicant had successfully completed her probation on 3.3.1979. She continued to hold that post thereafter. In 1981 a service known as the 'Central Secretariat Official Language Service' was constituted. The Ministry of External Affairs decided not to participate in that service at that time. However, in 1986 the Ministry of External Affairs opted to participate in the said service and thereafter the post of Senior Hindi Translator which was being held by the applicant was included in the said service. We understand that the post has now become permanent as part of the Central Secretariat Official Language ^{Service} under the control of the Department of Official Language. The applicant made a representation that she should be regularised in the post of Senior Hindi Translator from 3.3.1979 when she completed her probation. The purpose in her request was to be eventually absorbed in the Central Secretariat Official Language Service. However, by a memorandum dated 15.9.1986 the Under Secretary, Ministry of External Affairs informed the applicant that the Department of Official Languages had communicated its inability to include her name in the said service, as she was working in her post on an adhoc basis. She made another representation on 4.2.1987 to which, she complained ^{or} that she has not received any reply. Hence this application. *H*

H ~~Hence~~ Shri Dahiya submits that even though the respondents term the applicant's appointment as ad-hoc, the facts relating to her appointment clearly indicate that her's was a regular appointment. An ad-hoc appointee is not required to under-go probation. The applicant completed two years probation satisfactorily. Adhoc appointments cannot

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continue indefinitely. The applicant is even today working as Senior Hindi Translator. She has been given all increments and has been allowed two cross efficiency bar also. After so many years of service, it does not lie in the mouth of the respondents to say that she is only an ad-hoc appointee whose services cannot be regularised. ^{M He} ~~She~~, therefore, submits that the respondents be directed to consider ^{the applicant} ~~her~~ as a regular appointee in the post of Senior Hindi Translator w.e.f.

3.3.1979. Shri Bhatiya submits that the Department of Official Languages which is the cadre authority for the service and under whom the post held by the applicant falls has declined to treat the applicant as a regular appointee and to absorb her in the service. Therefore, the Ministry of External Affairs (Respondent No.2) are unable to accede ^{to} ~~her~~ request.

Respondent No.1, Department of Official Languages ^{have} ~~not~~ entered appearance and have left the matter to Respondent No.2, the Ministry of External Affairs to deal with the matter.

After hearing ^M both sides, we are of the view that the facts of the present case are covered by the rulings of the Supreme Court in Narender Chadha's case AIR 1986 S.C. 638. Ad-hoc appointments are made for short periods till the regular incumbent reports for duty. In the present case, the applicant was recruited after following a proper process of selection. She was placed on probation for two years and after two years she was declared to have completed probation successfully. The post when advertised was described as temporary, but it has ^{continued till today} ~~been a permanent~~. As pointed out in Narender Chadha's case, when a person has been recruited after following a normal process of selection and performed the duties of the post ^{Satisfactorily} ~~successfully~~ and the post

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itself is eventually made permanent, it is shocking to the conscience if he is told that his is only an ad-hoc appointment. We are told that the applicant has been performing the duties of the post satisfactorily for 14 years now and there is no intention of removing her from the post. We do not know the exact date when the post was made permanent. But the very fact that the post is encadred in the Central Secretariat Official Language Service and has been transferred to the Official Language Department shows that it is a permanent post. The applicant has been holding it all these years continuously with all the trappings of regular appointment. In view of this, we direct the respondents to treat the appointment of the applicant as regular from the date she completed probation i.e. 3.3.1979 and give her all consequential benefits.

The application is allowed, leaving the parties to bear their own costs.

(S.R. SABAR)
MEMBER(J)

(P. SRINIVASAN)
MEMBER(A)