

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA No. 2025 of 1991

New Delhi, this the 13th day of February, 1996.

HON'BLE MR JUSTICE B.C.SAKSENA, VICE CHAIRMAN(J)
HON'BLE MR R.K.AHOOJA, MEMBER(A)

Shri Anil Bhatnagar
working as Proof Reader,
Central Translation Bureau,
Dept. of Official Language,
Ministry of Home Affairs,
Parivarjan Bhawan, CGO Complex,
Lodhi Road, New Delhi. Applicant.
(through Mr Gyan Prakash, Advocate)

Versus.

1. Union of India, through
Secretary, Deptt. of Official Language,
Ministry of Home Affairs,
North Block, New Delhi.
2. Director
Central Translation Bureau,
Department of Official Language,
Parivarjan Bhawan, CGO Complex, Lodhi Road,
New Delhi.
3. The Director, Central Hindi Directorate,
R.K.Puram W.Block I, New Delhi.
4. The Secretary, Ministry of Finance and
Expenditure, Deptt. of Expenditure North
Block, New Delhi. Respondents.
(through Mrs C.M.Cheptea, Advocate)

ORDER

(delivered by Hon'ble Mr R.K.Ahooja, Member(A))

The present application is not directed
against any specific order, as required under
Section 19 of the Administrative Tribunals Act, 1985
but as a service matter pertaining to the lack
of opportunity for promotion despite long
service of more than 25 years.

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2. The applicant was appointed as a Proof Reader in the grade of Rs.150-250 in Central Hindi Directorate, Government of India on 27.5.1968. His services were later transferred to Central Translation Bureau, Ministry of Home Affairs w.e.f. 1.3.1971 and he was placed in the grade of Rs.168-300. The Recruitment Rules for the post of 'Proof Reader' requires Matriculation or equivalent qualification with Hindi as an elective subject and experience of Proof Reading in Hindi and English for atleast one year as a desirable qualification. The Central Translation Bureau has two Wings - Technical and Administrative and the post of applicant, which is in the pay-scale of Rs.1200-2040 is included in the technical wing. Other technical posts include those of Technical Assistants (Rs.1400-2300), Senior Translator (Rs.1640-2900), Translation/Training Officer (Rs.2000-3500) and so on. While on the Administrative Side, there are the posts of L.D.Cs., U.D.Sc, Head Clerk, Office Superintendent etc. There is a provision for filling up the post of technical Assistant (Rs.1400-2300) - 10% by promotion and 90% by direct recruitment. 10% quota for promotion is for those Proof Readers, who have passed Masters Degree in Hindi/English. There are, at present, two posts of Proof Readers & 11 posts of Technical Assistants. Thus there is a provision for promotion of a Proof Reader to the post of Technical Assistant subject to the condition that he should possess a Master's degree.

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3. The grievance of the applicant is that though on the administrative side, there is no requirement for additional qualifications for promotion of L.D.C. to UDC and further up the ladder, the imposition of this condition on the technical side has effectively resulted in denial of any promotion opportunity to him.

4. The learned counsel for the applicant argued that the denial of promotional opportunities is against all tenents of personnel management. In this connection, he drew our attention to the decision of this Tribunal in Aryind Kumar Raizada vs. Union of India SLJ 1990(3) CAT P.411, Zia-Ud-Din vs. Delhi Administration, 1990(1) AT LT(CAT) 445 and B.P. Ray vs. Union of India, 1991(3)SLR(CAT) 571 to establish his case that this Tribunal as well as the Apex Court have been consistently of the view that there should be reasonable promotional opportunities to ~~govt~~ ^{govt} employees.

5. The respondents have denied the allegations of the applicant and have submitted that they have provided promotion to a number of Proof Readers to the post of Technical Assistants and further up the ladder and there have been many instances of the Proof Readers attaining high positions. They allege that the applicant is solely responsible for his non-promotion as he had made no efforts to improve his prospects by obtaining the requisite educational qualifications of a Master's degree.

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6. We have considered the arguments on both sides. Undeniably, the proper functioning of the civil services requires that ~~every~~ ^{every} employee should have reasonable prospects of promotion otherwise his motivation and efficiency would be stultified and he will make no effort to keep his performance at a level which would enable him to advance in his career.

7. The Hon'ble Supreme Court Raghunath Prasad Singh vs. Secretary, Home (Police) Department, Government of Bihar, AIR 1978 SC 1033 observed:

"reasonable promotional opportunities should be available in every wing of public service. That generates efficiency in service and fosters the appropriate attitude to grow for achieving excellence in service."

The aforesaid views were re-iterated by the Appellate Court in C.S.I.R. vs. K.G.S. Bhatt 1989(2) SCALE 395. This Tribunal has also in Zia-Udin's case (supra) suggested that a supernumerary post might be operated in the relevant cadre for the applicant in order to facilitate his promotion. In Aryind Kumar Raizada's case (supra) these views after citing above-mentioned pronouncements of the Hon'ble Supreme Court and of the Tribunal, it was directed that an isolated post of Technical Supervisor should be encadred into one of the existing cadres. We find, however, that the ratio of the aforesaid cases does not apply in the facts of the present case since the respondents have provided ^{an} avenue for promotion. The grievance of the applicant is that promotion is not possible without acquiring

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additional qualification. In these circumstances, it would have been appropriate for him to challenge the recruitment rules which he has not done. We, therefore, find that ~~since~~ there is a link provided with the post of Technical Assistant and other posts up the ladder, on fulfilling the laid down requirements of the recruitment rules. Hence the applicant is not denied further chances of promotion.

8. Before parting with the case, we would however, like to make an observation regarding the provision made by the respondents for ~~those~~ who are not able to obtain promotion after long service. The Govt. of India, Ministry of Finance vide their O.M. dated 13th September, 1991(Ann:A1) have prescribed a Scheme whereby Group 'C' and 'D' employees may get at least one promotion in their service career. The requirement for such in-situ promotion is that the employee must have started at the intitial stage of the scale and should have reached the maximum thereof. The applicant, in the present case states that he will reach the maximum of the scale i.e. Rs.2040/- in the year 2000 by which time he would have put in 32 years of service. We find that ~~this~~ ^{the} ~~became~~ the aforementioned O.M. does not provide for the changes in pay-scales on account of the recommendations of the successive pay-commissions. The pay-scale of the applicant has undergone a change with the recommendations of the Pay Commission on 1.1.1973, 1.1.86 and would very likely again undergo another change w.e.f. 1.1.96. With such revision of pay-scales, it would just not be possible for an employee to reach the maximum of the scale till the end of his his service career. We hope that the

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Government would take another look at the provisions of the aforesaid O.M. so that a realistic view is taken about the years of service put in by a government employee before he becomes eligible for in-Situ promotion.

9. With the above observation, we dispose of this Application, which is dismissed. There would be no order as to costs.

R.K.Ahooja
(R.K.Ahooja)

Member (A)

B.C.Saksena
(B.C.Saksena)
Vice Chairman (J)

/sds/