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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No. 644/91.

Date of decision: 8-6-95

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Harish Chander,
S/o Shri Ram Ratan Bakshi,
H.No. BE.26, Hari Nagar,
(Clock Tower),
New Delhi-110064.

.. Applicant

(By Advocate Shri D.R. Gupta)

versus:

1. Union of India through the Secretary,
Department of Administrative Reforms
and Public Grievances, Sardar Patel
Bhawan, New Delhi.

2. Department of Personnel, Public
Grievances & Pensions,
Nirvachan Sadan,
New Delhi.

3. Department of Official Languages,
Lok Nayak Bhavan,
New Delhi-110 003. .. Respondents

(By Advocate Shri P.H. Ramchandani)

D_R_D_E_R

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The grievance of the applicant in this case
is that after working in the post of Hindi Typist /
Junior Hindi Translator since 1970, he has not
received any promotion so far, despite his good record.

2. The facts in the case are not disputed and
they are briefly referred to. The applicant was
appointed as Hindi Typist on 1.8.1970 and was con-
firmed in that post with effect from 1.8.1972. This

post was created in the Department of Administrative Reforms in 1965 and is an isolated post. He has made several representations that the post of Hindi Typist should be included in the Central Secretariat Clerical Service (CSCS). The applicant, however, did not take the Clerk Grade Examination conducted by the Staff Selection Commission for this purpose. In 1985, the applicant was considered for appointment to the post of Junior Hindi Translator in the Department of Official Language and he has been holding that post on an ad hoc basis from 28.2.1986. In 1988, the applicant appeared in the examination held by the Staff Selection Commission for which the Department had granted one time relaxation of upper age limit, but failed to qualify in the same.

3. The Respondents 1 and 2, in their replies, have admitted that the post of Hindi Typist is an isolated post. The applicant has referred to the O.M. of June, 1977 (Annexure 1) in which the respondent No. 2 had recommended his case to respondent No. 3 for sympathetic consideration of his case for liberalising eligibility conditions for appointing him to the post of Junior Hindi Translator.

4. The respondent No. 3, however, in his reply, has taken a stand that he has no right to be regularised in the post of Junior Translator as he was holding

Translator with respondent No.3 in 1986 and he has no promotion prospects at all. Both the Respondents 2 and 3 have taken a stand in their replies that the applicant does not qualify to be brought into the CSCS cadre or as Junior Hindi Translator on a regular basis as he does not come within the provisions of the relevant recruitment rules administered by the Departments, respectively. Shri P.H.Ramchandani, learned counsel for the respondents has fairly conceded that this is indeed a case where the applicant has no chances of promotion as he is holding an isolated post and deserves some sympathy.

8. In Raghunath Prasad Singh v. Secretary, Home (Police) Department, Government of Bihar (AIR 1978 SC 1033) the Supreme Court has observed that:-

" 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. In the absence of promotional prospects, the service is bound to degenerate and stagnation kills the desire to serve properly."

Accordingly, the Supreme Court directed the State of Bihar to provide some promotional opportunities to the officers of the State Police in the Wireless Organisation within six months from the date of the judgement by appropriate amendments of the rules.

9. Having regard to the facts and circumstances of the case and the decisions of the Supreme Court referred to above, we are of the view that the applicant

is entitled to get some relief from the respondents and they cannot shuffle his case from one Department to another without producing any results. Accordingly, this O.A is disposed of with the following directions:-

Order

The Respondents are directed to consider the applicant's case with a view to opening suitable promotional opportunities for him in the interest of morale, motivation and performance level which will also aid in proper management, planning and development in accordance with the relevant Rules/instructions. This consideration should be completed within a period of 6 months from the date of receipt of a copy of this order and the applicant should be kept informed of the same.

10. The O.A. is accordingly disposed of. No costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

R. Adige
(S.R. Adige)
Member (A)