CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

(10)

DATE OF DECISION:7.9.1993

(1) OA No.734/93

Mrs.Veena Joshi .. Petitioner

vs.

Union of India
through
the Director of Administration
Directorate of Extension,
Ministry of Agriculture,
New Delhi & anr.

(2) OA 701/92

Shri Guman Singh Varma ... Petitioner

vs.

Union of India through
Secretary,
Ministry of Agriculture
Deptt.of Agriculture & Cooperation
& ors. ... Respondents

For the applicant in OA 734/93 ..Sh.J.P.Verghese,Counsel.

For the applicant in OA 701/92 ..Applicant in person.

For the respondents ..Ms.Protima Mittal,proxy counsel for Sh.K.C.Mittal, counsel.

CORAM:
THE HON'BLE MR.JUSTICE S.K.DHAON,VICE-CHAIRMAN
THE HON'BLE MR.B.N.DHOUNDIYAL,MEMBER(A)

JUDGEMENT(ORAL)
(BY HON'BLE MR.JUSTICE S.K.DHAON,VICE-CHAIRMAN)

The controversy in these OAs is somewhat similar. They have been heard together and they are being disposed of by a common judgement.

2. OA No.734/93 has not been admitted so far although the pleadings are complete and it is ripe for hearing. However, OA No.701/92 has been admitted. With the consent of the parties we are disposing of OA No.734/93 finally along with OA No.701/92.

3. There is only one post of Junior /Hindi Translator in the pay scale of Rs.1400-40-1800-EB-50-2300 in the Directorate of Extension which is a

subordinate office under the Department of Agriculture & Cooperation, Ministry of Agriculture.

4. The petitioner in OA No.734/93 was originally working as a Computer in the Directorate of Economics and Statistics, Ministry of Agriculture in the grade of Rs.950-1500. On 6.4.1989, she was brought on deputation in the Directorate of Extension. It was stipulated that the period of deputation should not be beyond three years. Before the expiry of the period of three years, steps were taken for the absorption of the petitioner on deputation and in that connection some correspondence ensued between the two departments. Thereafter, a test was held. However, it is the common case of the parties that the results of the test have not been announced so far. It is alleged that this could not be done on account of the pendency of this OA in this Tribunal. The net result is that no formal order absorbing the petitioner(Mrs.Veena Joshi) has been passed so far.

5. In OA No.701/92, the petitioner was brought on deputation on one of the posts of Junior Hindi Translator. He had been repatriated to his parent department. He came to this Tribunal with the principal relief that the results of the test held on 24.10.1991 may be withheld.

5. We are of the opinion that a fresh test should take place after issuing a fresh advertisement. We are saying so because it appears that the earlier test was held only for the purpose of absorption of people by transfer on deputation. The communication dated 9.4.1989 issued by the Government of India Ministry of Agriculture, a true copy of which has been

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filed before us as Annexure-IV to the reply to Misc.Petition No.2062/93 in OA No.734/93 indicates that one post of Translator has to be filled up by transfer on deputation/transfer from amongst Central Government officials. Obviously due notice was not given to all the Central Government officials who were qualified to compete in the test. This is so because by letter issued on 22.12.1988, the test was confined to transfer on deputation only.

6. We direct that the test already held shall be deemed to be cancelled. We also direct that the respondents shall issue a fresh advertisement declaring therein that a regular post of Translator has to be filled in by transfer on deputation/ transfer from amongst Central Government officials. The respondents shall complete the process within a period of six months from today. They shall issue a fresh advertisement, hold the test,make appointments and issue appoitment letters to candidates concerned.

7. Admittedly, the petitioner in OA No.734/93(Mrs.Veena Joshi) has been working as a Junior Hindi Translator in the Directorate of Extension from 6.4.1989. We have already stated that the maximum period of deputation should be three years. Obviously that period has expired. However, under the interim order of this Tribunal Mrs.Veena Joshi continued to work as Junior Hindi Translator in the Directorate of Extension. Having regard to the facts

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and circumstances of the case and in the interest of justice, we direct that the petitioner Mrs.Veena Joshi shall be allowed to continue as Junior Hindi Translator in the Directorate of Extension till the results of the test which is going to be held under our orders are declared. We, however, make it clear that it will be open to the respondents to screen the applications to be received by them in response to the advertisement to be issued by them. If they find that Mrs.Veena Joshi is not eligible to appear in the test, they will be at liberty to send her back to her parent department.

8. With these directions, these OAs are disposed of finally. There shall be no order as to costs.

(B.N.DHOUNDIYAL)
MEMBER(A)

(S.K.DHAON)
VICE-CHAIRMAN(J)

SNS

Attested true copy
Anil Srivastava
Co. Cy
10-09-93

Note: original order is in OA 734/93