

Open Court

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

Original Application No. 517 of 2001.

this the 4th day of May 2001.

HON'BLE MR. S. DAYAL, MEMBER (A)

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Ashok Kumar Bhardwaj, S/o Sro R.N. Sharma, R/o 407 Brahmputri,
Muzaffar Nagar.

Applicant.

By Advocate: Sri S.L. Misra.

Versus.

Union of India through Director General Health Services, Govt.
of India, Ministry of Health & Family Welfare Nirman Bhawan,
New Delhi.

2. Dy. Director, Central Govt. of Health Scheme, Ministry
of Health & Family Welfare 102, Sotiganj, Meerut.

3. Sri Karan Nayyar, Lower Division Clerk, in the office
of Dy. Director of Central Govt. Health Scheme, Ministry of
Health & Family Welfare, 102, Sotiganj, Meerut.

Respondents.

By Advocate : Sri Ganga Ram Gupta for Sri R.C. Joshi.

O R D E R (ORAL)

S. DAYAL, MEMBER (A)

This application has been filed for a direction
to the respondents to promote the applicant on the post of
Junior Hindi Translator in the Department and also to count
his earlier services towards seniority among other employees
similarly placed. A direction is also sought to the
respondents not to fill the post of Junior Hindi Translator
in regular manner till pendency of this O.A. A further
direction is sought to the respondents not to fill-up the

post of Office Supdt. in the Meerut Office.

2. The facts of the case are that the applicant had earlier filed O.A. no. 104/94 in which, after hearing, an order was passed on 1.5.2000. The applicant in that application had sought promotion to the post of Junior Hindi Translator. The said application was disposed of with the direction to the respondents to re-consider the case of the applicant for absorption/regular promotion as it had been done ~~ix~~ at Delhi & Nagpur under similar circumstances without waiting the willingness of the applicant. The respondents were also directed to pass a reasoned and speaking order within three months from the date of communication of the order.

3. The learned counsel for the applicant has contended before us that his case for absorption earlier, was not considered and was pending because the applicant had not furnished his willingness. The contention of the learned counsel for the applicant is that the other employees, similarly placed had been absorbed by the respondents as Junior Hindi Translator as shown in Annexure-2 to the O.A. Hence, the applicant should also be granted the similar treatment.

4. We have considered the contention of the learned counsel for the applicant. We find from the reply to the representation of the applicant dated 16.10.2000 annexed as Annexure -3 to the present O.A. that the respondents have mentioned that the post of Junior Hindi Translator was required to be filled-up by deputation/transfer failing which by direct recruitment. Sri A.K. Bhardwaj has been appointed on deputation basis initially for a period of one year and by extending the deputation, he remained ^{on} the post of total period of four years. The applicant was repatriated to his

regular post w.e.f. 23.1.1994. It has also been mentioned that the period of deputation was ordinarily three years and extendable by one more year. The respondents have stated that they are in favour of filling-up a post by the method of deputation/transfer, ^{& and} it is mandatory to give ^{vide} publicity amongst all concerned department/offices by way of circulating the vacancy and also by publishing ~~the~~ the vacancy in the "Employment News". They were not in favour of absorbing the applicant on that post, but have stated that if Sri Bhardwaj ~~is~~ applies at the time of circulation, he shall also be entitled for being considered ^{for} ~~as~~ deputation on the post of Junior Hindi Translator.

5. We find that no right accrues merely because the applicant was on deputation with the respondents. It appears that some persons were absorbed in the year 1987 and the applicant is claiming ~~the~~ similar treatment. The Rules stipulates that the post shall be filled-up by deputation/transfer and if these two methods fail, then only the post can be filled-up by direct recruitment. The respondents are within their right to fill-up the post on deputation basis. Hence, the O.A. is misconceived and is dismissed at admission stage itself. No order as to costs.

Ratnadev
MEMBER (J)

GIRISH/-

Shan
MEMBER (A)