



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.6735/2020
(S.W.P. No.2413/2002)

Wednesday, this the 20th day of January, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)

1. Chand Ji, Son of Late Shri Kashi Nath, Resident of Nagbani Jammu, Teh. And Distt. Jammu. Presently posted as Translator at AWCP Headquarter, 15 Corps (DS), C/o 56 A.P.O., Aged : 39 years.
2. Mohan Lal Bhat, S/o Late Shri Srikanth Bhat, R/o Garhi, Udhapur. Presently posted as Translator at AWCP, Headquarter, 15 Corps (DS), C/o 56 APO, Aged :- 34 years.

..Applicants

(Nemo for applicants)

Versus

1. Union of India through Secretary for Defence and Personnel, Govt. of India, Ministry of Defence, New Delhi.
2. Officer Commanding, AWCP, Headquarter, k 15 Corps, C/o 56 APO.
3. Commanding Officer, 11 IW Bn, C/o 56 APO.

...Respondents

(Mr. Nigam Mehta, Advocate for Mr. Raghu Mehta, Senior
Central Government Standing Counsel)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicants were engaged as Translators for Electronic Warfare detachments in 11 IW Battalion or Headquarter 15 Corps, the third respondent herein. They filed SWP

Item No.18



No.2413/2002 before the Hon'ble High Court of Jammu & Kashmir with a prayer to direct the respondents to regularize their services as Translators. According to them, the engagement was based on selection and once they have discharged the regular duties, they are entitled to be regularized.

2. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the engagement was purely temporary in nature and there is no regular post of Translator in the cadre.

3. Today, there is no representation from the applicants. We heard Mr. Nigam Mehta for Mr. Raghu Mehta, learned Senior Central Government Standing Counsel and perused the records.

4. The applicants seek relief in the form of regularization in the post of Translator. Basically, the Tribunal cannot direct regularization of any contractual employee, unless there exists a clear vacancy in the cadre. Even while the vacancy exists, the only direction, that can be given, is to consider the cases of contractual employees for appointment as and when regular selection takes place, duly extending the benefit of relaxation of age limits. Once the post itself is not part of any cadre, the question of regularization does not arise. Nineteen years have elapsed since the SWP is filed. Nothing remains to be decided at this stage.

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5. The T.A. is accordingly dismissed. There shall be no order as to costs.



(Pradeep Kumar)
Member (A)

.(Justice L. Narasimha Reddy)
Chairman

January 20, 2021

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