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CENTRAL ADMINISTRATIVE TRIBUNAL

ALIAHABAD BENCH

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O.A. NO. 392 of 1987

Nihori ..... Applicant.

Versus

E.S.I. Corporation and others..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, A.M.

(By Hon'ble Mr. K. Obayya, Member (A).)

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This application has been filed with a prayer to set-aside the appointment of respondent no. 2 & 3 as Junior Hindi Translator and to regularise the services of the applicant on the post of Junior Hindi Translator w.e.f. 8.3.1985 in Employees Estate Insurance Corporation (ESIC).

2. The applicant entered service of E.S.I.C. as L.D.C. on 30.1.1980. According to him the applications were invited for the post of Junior Hindi Translator on 21.6.1984 to which he submitted his application. Vide order dated 8.3.1985 he was promoted as Junior Hindi Translator on Adhoc basis. Thereafter he continued on the post with the breaks. But in the regular selection that was held, he was not selected and the respondents no. 2 and 3 were selected. The applicant alleges that this selection and promotion is arbitrary, illegal and against the rules, in as much as the said respondents are not having the prescribed qualification and service experience.

3. The respondents have resisted the case and according to them the applicant was not promoted because he was not eligible for consideration as he did not possess the essential experience of five years in Government Office or two years as Hindi Translator.

It is also contended by them that respondent no. 2 was duly qualified and in respect of respondent no. 2 certificate of service was issued by the Medical Superintendant E.S.I. to the effect that he has experience of working in Hindi for five years from 1978 to July, 1984, whereas respondent no. 3 has eight years of experience in Hindi work as certified by Administrative Officer E.S.I.C. Head Office, Delhi.

4. The short point involved in this case is whether the applicant was passed-over in the regular selection, because he did not ful-fill the prescribed conditions. The Prescribed conditions are that one should have a degree from recognized University with English and Hindi (Literature) as elective subject and two years experience of Translation from English to Hindi and vice- versa or five years of experience in Government office in Hindi work. From the chart filed by the applicant showing the qualifications etc. of the applicant vis-a-vis the respondents no. 2 and 3, it is noticed that respondent no. 2 and 3 have fulfilled the conditions regarding the qualification and also experience. The applicant, no doubt, may be better qualified since he is M.A. in both the subjects Hindi and English, but his experience in Translation work was only of two years, at the time of notifying the post and consideration by D.P.C. The applicant has furnished his certificate dated 5.1.1980 indicating that he has five years experience as Translator in Proof Reader in a private weekly publication before entering E.S.I.C. and that experience was considered as not relevant and this decision of the authorities, in our view can not be faulted.

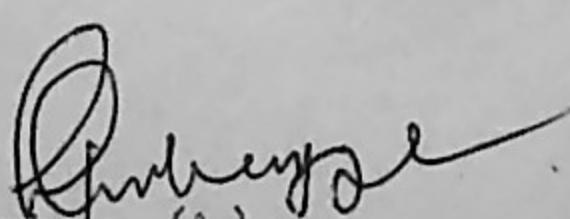
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5. So far as the merits of the case are concerned, we do not see any violation of rules in the selection of respondent no. 2 & 3 ; They satisfied the Prescribed conditions for selection and that the applicant was ~~by~~-passed only on the ground that he did not posses the prescribed condition regarding the experience. The non selection of the applicant appears to be on valid ground. That was in the year 1985. By now the applicant must have gained the experience, and it can no more be said that he is not having five years experience in Hindi work or 2 years of experience as Translator.

6. As the applicant has gained the required experience, respondents are directed to consider the case of the applicant for promotion as junior Hindi Translator in the vacancies now existing or vacancies likely to arise hereafter giving him priority and preference over those with ~~lesser~~ years of experience. The application is allowed in above terms, and parties to bear their costs.

  
Member (A).

Dt : Sept 28<sup>th</sup>, 1992.

/amp/

  
Vice-Chairman.