

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 01st day of May 2000.

Original Application no. 104 of 1994.

Hon'ble Mr. S.K.I Naqvi, Judicial Member

Hon'ble Mr. M.P. Singh, Administrative Member

A.K. Bhardwaj,
S/o Shri R.N. Sharma,
Aged about 38 Years,
R/o 407, Brahmapuri,
Muzaffar-nagar.

... Applicant

C/A Shri S. Mukherji

Versus

1. Union of India through the Director General,
of Health Services,
Directorate General of Health Services,
Government of India, Ministry of Health,
and Family Welfare,
Nirman Bhawan,
New Delhi.
 2. The Deputy Director,
Central Government of Health Scheme,
Ministry of Health and Family Welfare,
102, Soti Ganj,
Meerut.
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3. Shri Karan Nayyar,
Lower Division Clerk in the
Office of the Deputy Director,
Central Government Health Scheme,
Ministry of Health and Family Welfare,
102, Soti Ganj,
MEERUT.

.... Respondents

C/R Km. Sadhana Srivastava.

ORDER

Hon'ble Mr. S.K.I. Naqvi, Member-J.

Vide order dated 23.01.1990, copy of which has been annexed as annexure A 3, on the recommendation of D.P.C., Shri A.K. Bhardwaj, applicant, ^{who} was working as L.D.C. was appointed as Junior Hindi Translator in the pay scale of Rs. 1440 - 2300, ^{as} transfer on deputation basis and Shri A.K. Bhardwaj, joined accordingly. This period of transfer on deputation was extended from time to time and ultimately the deputation terminated vide order dated 14.01.1994, copy of which has been annexed as Annexure A and Shri A.K. Bhardwaj was reverted to the post of L.D.C. with effect from 23.01.1994 in the pay scale of Rs. 950 - 1500 which has been impugned in this Original Application alongwith communication dated 20.12.1993, copy of which has been annexed

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as annexure B, through which order on representation of Shri A.K. Bhardwaj was communicated, ^{to be effect} that the question of his absorption should come only when deputation method fails.

2. The respondents have contested the case ^{and} ~~and~~ ^{inter-alia} ~~inter-alia~~ mainly pleaded that since the applicant did not furnish his willing-ness, Therefore, his case is still pending.

3. Heard arguments placed ^{for} ~~on~~ either side and perused the record.

4. We find from annexure A-9, dated 03.05.93 through which the applicant submitted to respondent his request and ^{also his} ~~obviously~~ willingness for being observed as Junior Hindi Translator ^{which indicates his willingness as well.} This position has not been denied in the Counter Affidavit.

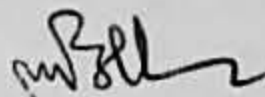
5. During the course of argument, learned counsel for the applicant pointed out that under similar circumstances the incumbents to the post of Junior Hindi Translator at Delhi and Nagpur have already been favourably considered and the discrimination is being ^{done} ~~noted~~ to the applicant.

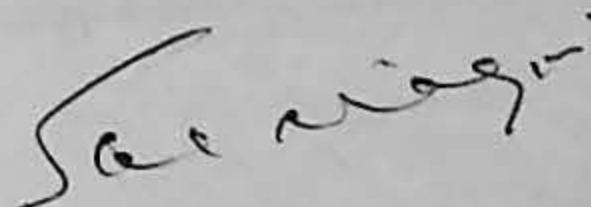
For

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6. Under the above circumstances, we find that it is fit matter to direct the respondents to reconsider the case of the applicant for absorption/regular appointment as it has been done at Delhi and Nagpur under similar circumstances ~~and it should~~^{pending,} and it should not have been kept awaiting the willingness of the applicant, which is said to have already been communicated through application dated 03.05.93, copy of which has been annexed with the Original Application as annexure A 9 and, therefore, the respondents are ^{accordingly} directed to pass detailed, speaking and reasoned order within three months from the date of communication of this order and if the applicant is found fit for absorption, as it was done in the similar circumstances at Delhi and Nagpur, his seniority be protected. The O.A. is decided with the above direction.

7. No order as to costs.


Member-A


Member-J

/pc/