

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 295/89

199

T.A. NO:

DATE OF DECISION 12-11-1991

Jagadamba Prasad Mishra

Petitioner

Mr.D.V.Gangal

Advocate for the Petitioners

Versus

Union of India & Ops.

Respondent

Ar.A.I.Bhatkar

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C.Srivastava, Vice-Chairman

The Hon'ble Mr. M.Y.Priolkar, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

MD
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(U.C.SRIVASTAVA)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.295/89

Shri Jagadamba Prasad Mishra,
Junior Hindi Translator,
Films Division,
Govt. of India,
24, Dr. G. Deshmukh Marg,
Bombay - 400 026.

.. Applicant

vs.

1. Union of India
through
Secretary,
Ministry of Information &
Broadcasting,
Shastry Bhavan,
New Delhi.

2. Secretary,
Ministry of Information &
Broadcasting,
Shastry Bhavan,
New Delhi.

3. Chief Producer,
Films Division,
24, Dr. G. Deshmukh Marg,
Bombay - 400 026.

.. Respondents

Coram: Hon'ble Shri Justice U.C. Srivastava,
Vice-Chairman

Hon'ble Shri M.Y. Priolkar,
Member(A)

Appearances:

1. Mr. D.V. Gangal
Advocate for the
Applicant.

2. Mr. A.I. Bhatkar
Advocate for the
Respondents.

ORAL JUDGMENT: Date: 12-11-1991
(Per U.C. Srivastava, Vice-Chairman)

The applicant who entered the
Films Division, Ministry of Information &
Broadcasting in the year 1960 as Lower Division
Clerk was upgraded to the post of Hindi Steno-
grapher in the year 1963. He was appointed as
Junior Hindi Translator on ad-hoc basis w.e.f.
4-12-1978. When the said appointment was made
no statutory rules were in existence and it
appears that the statutory rules were under the

stage of preparation. Two posts of Hindi Translator were created in Films Division, Bombay in the year 1978 and the applicant was appointed against one of the posts, as Junior Hindi Translator on 4-12-1978. The recruitment rules for this post were notified on 15th May, 1980. The posts of Junior Hindi Translator were required to be filled by direct recruitment only under these rules. The applicant continued to officiate as Junior Hindi Translator on ad-hoc basis.

2. The Staff Selection Commission recommended appointment of two candidates. While one was appointed to the post in the month of August, 1980 the other one was not appointed as that candidate did not possess academic the essential qualification. The Staff Selection Commission could not nominate any other candidate for few years and a fresh requisition was sent to the Staff Selection Commission on 25-2-1984. The Staff Selection Commission issued an advertisement in the month of July, 1984. They selected one candidate and ^{he} was appointed on 2-3-1985 but the applicant was allowed to continue. In the meantime one more vacancy fell vacant as the incumbent to the said post was promoted. As such the vacancy still continued, the applicant was allowed to continue in the said post without any break. The recruitment rules were subsequently amended in the month of July, 1984. This amendment provided the appointment to the post in question by way of transfer on deputation/transfer or by direct recruitment and educational and other qualifications were also prescribed. One of the essential qualifications as per amended recruitment

rules reads as under:

"Master's Degree of a recognised University in Hindi-English with English/Hindi as a compulsory elective subject or as medium of examination at Degree level

OR

Master's Degree of a recognised University in any subject other than Hindi/English with Hindi/English as a compulsory/elective subject or as medium of examination at Degree level

OR

Bachelor's Degree of a recognised University with Hindi and English as a compulsory/elective subjects or either of the two as medium of examination and the other as a compulsory/elective subject plus a recognised Diploma/Certificate course in translation from Hindi to English and vice versa or two years' experience of translation work from Hindi to English and vice versa in Central/State Government of India undertakings."

3. The applicant has passed the intermediate Arts examination and thereafter he passed Madhyama and Uttama examination of Hindi Sahitya Sammelan. As the applicant was not possessing any University Degree the applicant's case was referred to the Ministry of Personnel and the Ministry of Personnel with reference to a press note of the year 1970 decided that the Hindi exams - Madhyama and Uttama of Hindi Sahitya Sammelan are equivalent of Hindi standard of B.A and B.A(Hons.). However, these two examinations have not been recognised as fullfledged degrees equivalent to the degree conferred by the Indian Universities.

4. The decision was given in the year 1970 and it is not known whether this decision was subsequently changed or not. It is true that the applicant has passed examination in the Hindi Subject from Sahitya Sammelan which is equivalent to BA or BA(Hons) ^{been} but he has not appointed as the Degrees of Hindi Sahitya Sammelan has not yet been accepted as Degrees of recognised University and that is why the applicant was reverted by the impugned order dtd. 27-3-1989.

5. Although the applicant does not possess university degree but obviously so far as Hindi subject is concerned his qualifications are equivalent to a Degree in BA(Hons) in the Hindi subject. The applicant for one reason or the other was allowed to continue to hold the post for eleven years and there appears to be no ~~xxxxxx~~ complaint regarding his translation work is concerned. It was a fit case in which the question of relaxation of qualification of the applicant should have been considered but that was not done. ~~As~~ Accordingly although we are not ourselves directing for regularisation of the applicant's service but the respondents are directed to consider the case of the applicant afresh for relaxing the qualification of the applicant in the light of experience and the degree which he possess and to regularise him in case there is no insurmountable legal difficulty

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for the same. Let his matter may be considered for the next vacancy.

6. The application is disposed off accordingly with no order as to costs.


(M.Y.PRIOLKAR)
Member(A)


(U.C.SRIVASTAVA)
Vice-Chairman

MD