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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.157/93

Date of Order: 21.2.1994

BETWEEN :

1. The Secretary.
The Andhra Pradesh Rashtira
Basha Prachar Samithi,
Shamsheer Gunj,
Hyderabad.
2. Sri Gajanand Gupta,
S/o. Shri Lakshmi Nayaran,
O.L.Assistant,
Praga Tools Limited,
Balanagar,
Hyderabad.

.. Applicants

A N D

The Secretary to Government of India,
Department of Official Language,
Ministry of Home Affairs,
IInd Floor, Lok Nayak Bhavan,
Khan Market,
New Delhi - 110 003.

.. Respondents.

Counsel for the Applicants

.. Mr.U.R.S.Gurupadam

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI A.B.GORTHY : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

ORDER

¶ As per Hon'ble Shri A.B. Gorthi, Member (Admn.) ¶

The applicant No.2 is working as Official Language Assistant in Praga Tools Limited. Applicant No.1 is Secretary, The Andhra Pradesh Rashtra Bhasha Prachar Samithi, ~~the~~ representing the cause of employees similarly situated as applicant No.2. Their prayer in this application is, that employees of the Praga Tools Limited should be treated as Central Government employees for the purpose of posting on deputation as Research Officer (implementation) in the Department of Official Language, Ministry of Home Affairs, New Delhi.

2. In the notification issued by the Ministry of Home Affairs dt. 26.9.91 applications were called for from eligible candidates from amongst officers of the Central Government to fill up the post of Research Officer (implementation) on transfer on deputation basis.

Although the applicant No. 2 submitted his application for being sent on deputation as Research Officer (implementation) to the Department of Official Language his

application was not considered on the ground that applicant No.2 was not a Central Government Officer.

3. We have heard learned counsel for both the parties. Mr. U.R.S. Gurupadam learned counsel for the applicant has drawn our attention to rule 2 (b) of the Official Languages (use ^{for &} of official purposes of the Union) Rules 1976, which reads as under:-

"Central Government Office" includes:-

- i) any Ministry, Department or office of the Central Government;
- ii) any office of a Commission, Committee or Tribunal appointed by the Central Government; and
- iii) any office of a corporation or company owned or controlled by the Central Government: *

4. As the afore said definition of Central Government Offices ^{includes} ~~interpolates~~ ^{or} any office ^{by} of a corporation or company owned or Controlled the Central Government, and as Praga Tools Limited is admittedly a corporation controlled by the Central Government, learned counsel for the applicant contends that employees of Praga Tools Limited should be treated as Central Government employees for the purpose of appointment as Research Officers (implementation) in the Department of Official Language.

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5. A careful perusal of the Official Language Rules, 1976, would show that these are rules made under Section 8 read with sub-section 4 of Section 3 Official Languages Act, 1963. Sub section 4 of Section 3 of the Official Languages Act 1963 authorises the Central Government to make rules to provide for the language/ languages to be used for the official purpose of the Union including the working of any Ministry, Department section or office. Rule 8 emphasises the Central Government to "make rules of carrying out the purpose of this act." It is thus quite evident that the Official Languages Rules, 1976 and the relevant provision of the Official Languages Act 1963 provide for the use of the Official Languages. In view of this, learned counsel for the respondents contended that it would not be proper to interpret ~~to~~ rule 3 (b) of the Official Languages Rules, 1976 to mean that a corporation like the Praga Tools Limited controlled by the Central Government would become a Central Government Office for all purposes including the purpose of recruitment or posting on deputation of employees of Praga Tools Limited to the Official Languages Department. There is considerable merit in this contention of the respondents and we accept the same.

6. Learned counsel for the applicant has shown us instances where some individuals had been taken on deputation in the past under orders of the Department of Official Language. One such appointment is of

Sri Ganapat Ram Narayan, ~~Mindi~~ Officer, Dredging Corporation of India Limited, Visakhapatnam on deputation basis as Assistant Director in the Regional Implementation Office Bangalore, Department of Official Language. In this regard the explanation offered by the respondents is, that this was done under the previous recruitment rules and that as per current recruitment rules only officers of the Central Government or eligible to be posted on deputation as Research Officers.

7. Learned counsel for the applicant has also Annexed copies of several notifications issued by the other Department of the Central Government viz., the Central Translation Bureau, Ministry of Defence, Ministry of Information and Broadcasting and Ministry of Agriculture. ^{where All these} ~~all~~ indicate that the said Ministries were accepting qualified candidates, even from public sector under takings and Semi Government/Autonomous or ~~statutory~~ organisations on deputation to the said ministry. He therefore contends that there is no justification why the Ministry of Home Affairs ^{should} ~~was~~ restrict the choice of selection only to the Central Government Officers. In this regard, we may observe that it is entirely a policy matter and if the Ministry of Home Affairs have for reasons ^{best known to} ~~post none~~ of them ~~and~~ decided ^{to} ~~to~~ restrict the choice to Central Government Officers only, we cannot hold that the same is arbitrary or discriminatory.

From this point of view we find no merit in this OA.

8. Before we part with the case, we observe that it is for the Ministry of Home Affairs to consider this aspect of the matter and to take a decision keeping in view the various contentions of the applicant and our observation, ^{wherein} ~~where~~ it would be proper to allow officials similarly situated as applicant No.2 herein also to be considered for appointment as Research Officer (implementation) in the Department of Official Language.

9. No order as to costs.

(T. CHANDRASEKHARA REDDY)
MEMBER (JUDL.)

(A.B. GORTNI)
MEMBER (ADMN.)

Dated : The 21st February 94.
(Dictated in Open Court)

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Deputy Registrar(Judl.)

Copy to :-

1. The Secretary to Government of India, Department of Official Language, Ministry of Home Affairs, 11nd floor, Lok Nayak Bhavan, Khan Market, New Delhi-003.
2. One copy to Sri. U.R.S.Gurupadam, advocate, 16-9-831/12-A Sarejiniinagar, Hyd.36.
3. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.

Rsm/-

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)
AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER
(ADMN)

Dated: 21/2/1994.

ORDER/JUDGMENT:

M.A./R.A/C.A. No.

in

O.A.No.

157/93

T.A.No.

(W.P.No.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions.

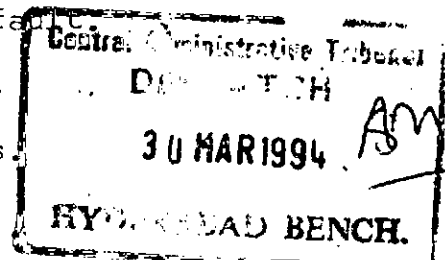
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



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2/16/93