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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 7.11.2000

OA 39/98

B.L.Bairwa, Technical Assistant (Editorial) T-II-3 in the  
o/o Central Sheep & Wool Research Institute, Avikanagar via  
Jaipur.

... Applicant

v/s

1. The Secretary, I.C.A.R., Krishi Bhawan, New Delhi.
2. Head of the Office, Central Sheep & Wool Institute,  
Avikanagar via Jaipur.
3. The Director, Central Sheep & Wool Institute,  
Avikanagar via Jaipur.

... Respondents

CORAM:

HON'BLE MR .S .K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR .GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.C.B.Sharma,  
proxy counsel for  
Mr.J.K.Kaushik

For the Respondents

... Mr.V.S.Gurjar

O R D E R

PER HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

In this application u/s 19 of the Administrative  
Tribunals Act, 1985, the applicant, B.L. Bairwa, has prayed  
for setting aside the impugned order dated 13.5.97, at  
Annexure A/1, so far as it provides the experience of 8 years  
in the post of Junior Translator/Hindi Assistant in the scale

*Gopal Singh*

of Rs.425-700/800 or equivalent and the experience of 8 years be substituted by 5 years, and for a direction to the respondents to fill up the post of Assistant Director (Official Language) as per the recruitment rules existing at the time of the vacancy arose.

2. Applicant's case is that he was initially appointed to the post of Lab Technician (T-I) on 5.7.79 in the office of respondent No.2, was further promoted as T-II-3 in the scale of Rs.1400-2300 w.e.f. 24.8.94. ~~In between~~ The applicant worked on the post of Hindi Translator during the period from 17.5.87 to 23.8.94. While working on the post of T-II-3 also he was assigned the job of translation. The respondent department had invited applications for filling up one vacant post of Assistant Director (Official Language) in the scale of Rs.2000-3500 vide advertisement No.1/1993. The post was reserved for Scheduled Caste candidate. One of the essential requirements for recruitment was 5 years and/or translation work from English to Hindi experience of terminological work in Hindi/or vice versa preferably of technical or scientific literature OR 5 years experience of teaching, research writing or journalism in Hindi, amongst other qualifications mentioned therein. The applicant had applied for the said post and accordingly he was called for interview vide respondents' letter dated 4.7.94, at Annexure A/3. It is the contention of the applicant that result of the said selection was never declared and the respondents have now invited applications

*(Signature)*

for filling up the said post on deputation basis prescribing the minimum experience of 8 years vide respondents' letter dated 13.5.97, at Annexure A/1. With the stipulation of experience of 8 years, the applicant has become ineligible to apply for the said post. Feeling aggrieved, the applicant has filed this OA.

3. Notices were issued to the respondents and they have filed their reply. It has been stated by the respondents in their reply that the applicant was initially appointed as Lab Technician T-I on 5.7.79, promoted as T-II w.e.f. 1.7.85 and was appointed to the post of Hindi Translator w.e.f. 18.5.87. Later on, the applicant left the post of Hindi Translator and he was selected to the post of Technical Assistant (T-II-3) w.e.f. 24.8.94 and since then he is continuing on the said post. It is the contention of the respondents that as per the recruitment rules experience required for promotion to the post of Assistant Director (Official Language) was all along 8 years. Though it was considered necessary to relax the condition of experience as suitable candidates were not available, the said experience was not however relaxed. It has also been stated by the respondents that eligibility condition for consideration for appointment to the post of Assistant Director (Official Language) requires that a candidate should have been holding the post of Senior Translator or Junior Translator/Hindi Assistant, whereas the applicant is presently holding the

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post of T-II-3, a technical post, and therefore he is not eligible to be considered for appointment to the said post.

4. We have heard the learned counsel for the parties and perused the records of the case.

5. It is seen from the records placed before us that the respondent department after having failed to fill up the post by promotion from amongst the eligible staff members decided to fill up the post on deputation basis and accordingly they issued notification dated 13.5.97, at Annexure A/1, to all Research Institutions/Project Directorates etc. It is seen from this notification dated 13.5.97 that eligibility for consideration for ~~xxx~~ the post of Assistant Director (Official Language) has been prescribed as under :-

- "(a) Holding the post of Senior Trans. in the pay scale of Rs.550-800/900 with three years regular service in the grade or with 8 years service in posts Jr.Trans./Hindi Asstt. in the scale of pay Rs.425-700/800 or equivalent and
- (b) Possessing the educational qualifications and experience laid down in recruitment rules."

It is very clear from the above eligibility criteria that a candidate eligible for consideration should be holding the post of Senior Translator in the scale of Rs.550-800/900 with three years regular service in the grade or 8 years service in the post of Junior Translator/Hindi Assistant. As has been mentioned by the respondents, the applicant had been ~~x~~ working on a technical post T-II-3 and, therefore,

Ex parte

we are of the view that he is not eligible for consideration for the post of Assistant Director (Official Language). It has also been stated by the respondents in their reply that in terms of the earlier advertisement No.1/1993 the candidature of the applicant was considered for the post of Assistant Director (Official Language) and he was not found suitable. Since the applicant has already been considered for the post and has not been found suitable for promotion and further the applicant has been holding a technical post presently, we do not consider that he would be entitled for consideration for promotion or appointment to the said post. Since the applicant is not holding the post of Senior Translator/Junior Translator/Hindi Assistant, we are firmly of the view that he is not entitled to be considered for the said post. We would not like to deliberate upon the period of experience required for filling up the post of Assistant Director (Official Language) at this juncture as it does not affect the applicant in any way.

6. In the light of the above discussion, we do not find any merit in this case and the same deserves to be dismissed. The OA is accordingly dismissed with no order as to costs.

Gopal Singh  
(GOPAL SINGH)

MEMBER (A)

S.K. Agarwal  
(S.K. AGARWAL)  
MEMBER (J)