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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Sahit
29.11.19

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI
....

ORDER SHEET

Original Application No : 294 / 2002
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant (s) D.C. Das

-Vs-

Respondent (s) Govt & Ors.

Advocate for the Applicant (s) Mr K. N. Choudhury, I Choudhury
Miss R. S. Choudhury

Advocate for the Respondent(s) Cuse

Notes of the Registry

Date

Order of the Tribunal

9.9.2002

List again on 23.9.2002 for admission.

[Signature]
Vice-Chairman

mb

23.9.02

Heard Ms R.S.Choudhury, learned counsel for the applicant who has stated that the impugned order dated 29.4.2002 against ^{which} the applicant has preferred this application has already been withdrawn vide order No. 22015/2/2002-Ad.IV dated 28.8.2002. A copy of the order is placed on record. In that view of the matter the application is dismissed on withdrawal.

[Signature]
Member

[Signature]
Vice-Chairman

170 YG 576824
23/8/02

[Signature]
23/8/02

Steps taken

[Signature]
6/9/02

Order dtd 23/9/02
Communicated to the
Hon'ble Commr.

[Signature]

3

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
GUWAHATI

O.A. NO. 294 OF 2002

Sri Braja Chandra Das

..... APPLICANT

-VERSUS-

Union of India & Ors.

... RESPONDENTS

I N D E X

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Filed by :


Advocate

FILED BY: The Applicant
THROUGH: Mr. R. C. Chowdhury
Advocate
6/9/02

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
GUWAHATI

(An Application under Section 19 of the Administrative
Tribunals Act, 1985)

O.A. NO. OF 2002

BETWEEN :

Sri Braja Chandra Das,
Son of Sri Gaurhari Das,
Office of the Directorate of Census Operations, Tripura,
D-210, Office Lane, Agartala,
Tripura - 799 001

..... APPLICANT

-VERSUS-

1. The Union of India, represented by the
Secretary to the Govt. of India,
Ministry of Home Affairs,
2-A, Mansingh Road,
New Delhi - 110 011.
2. The Registrar General & Census Commissioner, India
Ministry of Home Affairs, 2-A Mansingh Road,
New Delhi - 110 011.
3. The Secretary to the Govt. of India,
Department of Official Language,
Ministry of Home Affairs,
New Delhi.
4. The Director of Census Operations, Karnataka,
7th Floor, E & F Wing, Kendrya Sadan,
Koramangala, Bangalore - 560 034

.....2

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(2)

5. The Director of Census Operations, Tripura,
D-210, Office Lane,
Agartala , Tripura - 799 001

..... RESPONDENTS

"DETAILS OF APPLICATION"

1. PARTICULARS OF THE ORDER AGAINST WHICH THE
IS MADE :

The present Application is directed against the impugned Communication under reference No. 22015/2/2002/Ad.IV. dated 29.4.2002 by which the Census post of Assistant Director (Official Language) has been abolished with effect from 1.3.2002 which post was being held by the Applicant and the same was transferred to the Office of the Directorate of Census Operations, Tripura by Order under reference No. 22015/2/2002 -Ad.IV dated 25.2.2002.

2. JURISDICTION OF THE TRIBUNAL :

The Applicant declares that the subject matter in respect of which the Application is made is within the jurisdiction of this Hon'ble Tribunal.

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3. LIMITATION :

The Applicant declares that the present Application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicant is a citizen of India and as such entitled to all the rights, protections and privileges guaranteed to the citizens of India under the Constitution of India and the laws framed thereunder. The Application is entitled to protection under the Administrative Tribunals Act, 1985.

4.2 That the Applicant has been serving in the Core side officiating in his substantive post of Senior Hindi Translator in the Office of the Director of Census Operations, Karnataka since 4.1.1993.

4.3 That during October/1999, the Director of Census Operations, Karnataka sent a proposal to the Registrar General, India for creation of a post of Hindi Officer (Assistant Director, Official Language) giving full justification of work load for fulfilling the statutory obligations for implementation of Official Language Policy of the Union of India in the Directorate of Census Operations, Karnataka. This proposal was sent under letter No. Creation/23/Hindi/99-2000 dated 14.9.99.

.....4

4.4 That in pursuasion of the aforesaid letter dated 14.9.1999, 4 (Four) temporary posts of Assistant Director (Official Language) in the scale of pay of Rs. 6500-10500/- were created for Offices of the Director of Census Operations (hereinafter refer to as D.C.O.) in the States of Andhra Pradesh, Assam, Karnataka and Kerala alongwith other Hindi posts in different Offices of the D.C.Os in different States vide ORGI's letter No. E.11013/1/99- Hindi dated 8.9.2000. The posts were created for a period from 1.9.2000 to 31.12.2002.

A copy of the said letter dated 8.9.2000
is annexed herewith and marked as ANNEX-
URE - A.

4.5 That in pursuasion of the aforesaid letter dated 8.9.2000, the sanction for creation of the aforesaid posts of Assistant Director (Official Language) in the Office of the D.C.O., Karnataka was conveyed to the Pay & Accounts Officer (Census), Ministry of Home Affairs by the Office of the Registrar General of India vide letter under reference No. E. 11013/1/99-Hindi dated 27.9.00 .

A copy of the said letter dated 27.9.2000
is annexed herewith and marked as ANNEX-
URE - B.

4.6 That subsequent to the said post of the Assistant Director (Official Language) in the D.C.O., Karnataka ,

having been created vide letter dated 8.9.2000 and sanction for the said post having been conveyed vide letter dated 27.9.2000, the Applicant was promoted to the said post as Assistant Director (Official Language) on regular basis vide Order under reference No. 12011/18/2000-Ad.IV dated 20.4.2001, The Applicant immediately assumed charge of the said post of Assistant Director (Official Language) in the D.C.O., Karnataka and served in the said post with utmost sincerity and dedication to the entire satisfaction of the superior Officers concerned.

A copy of the Order of Promotion dated 20.4.2001 is annexed herewith and marked as ANNEXURE - C.

4.7 That the Applicant at this stage considers it relevant to state herein that the creation of the post of Assistant Director (Official Language) is governed by the "Norms for creation of posts for Official Language" laid down by the Ministry of Home Affairs, Department of Official Language. In terms of the said norms, a post of Assistant Director (Official Language)/ Hindi Officer can be created in and attached/sub-ordinate Office having 100 (One hundred) or more Ministerial employees. These norms were also officially circulated to all the Directorates through out the Country vide Communication under memo No. E.11013/1/2001-Hindi dated 17.4.2001 of the Office of the Registrar General of India, New Delhi.

A copy of the relevant portion of the said norms and a copy of the communication dated 17.4.2001 are annexed herewith and marked as ANNEXURE - D & E respectively.

4.8 That to the utter shock and surprise of the Applicant, vide Order under reference No. 22015/2/2002-Ad.IV dated 25.2.2002 issued by the Registrar General of India, New Delhi, the Applicant was transferred from the D.C.O., Karnataka to the D.C.O., Tripura alongwith the post of Assistant Director (Official Language) sanctioned for Census of India, 2001. Vide the same Order, the post of Senior Hindi Translator held by the Applicant in substantive capacity was also transferred ^{Karnataka} from the D.C.O. to the D.C.O., Tripura. Surprisingly, in exchange, one Sri Om Prakash Mehta, Junior Hindi Translator serving in the D.C.O., Tripura was transferred to the D.C.O., Karnataka along with the said post of Junior Hindi Translator.

A copy of the impugned Order dated 25.2.2002 is annexed herewith and marked as ANNEXURE - F.

4.9 That subsequent to the aforesaid Order of Transfer of the Applicant alongwith the said post of Assistant Director (Official Language) dated 25.2.2002, the Respondent No. 4 vide Order under memo No. ADM 64 Est.2002 relieved the Applicant of his duties from the said Directorate on the very next day, i.e. on 26.2.2002.

A copy of the Order dated 26.2.2002 is annexed herewith and marked as ANNEXURE-G.

4.10 That the Appplicant at this stage begs to state that since the aforesaid Order of transfer dated 25.2.2002 came as a complete surprise to him and mo-re particularly since the Applicant's son was to appear in the Board Examination, 10th standard in the month of March/2002, the Applicant was compelled to extend his joining time leave. The Applicant joined in his duties as Assistant Director (Official Language) in the D.C.O., Tripura on 1.4.2002.

4.11 That immediately after joining in the said post of Assistant Director,(Official Language) in the D.C.O. Tripura, the Applicant was surprised to find that the strength of the Ministerial staff in the said Directorate is much less than One hundred, which is the minimum strength prescribed by the said norms for creation of posts by the Ministry of Home Affairs, New Delhi. As such, apparently, the said post of Assistant Director (Official Language) could not have been transferred from D.C.O., Karnataka to D.C.O., Tripura. At this stage, the Applicant also considers it relevant to state herein that the D.C.O., Tripura is in fact not even eligible for a post of Senior Hindi Translator since the eligibility of such post in a Directorate requires a minimum strength of 175 (One hundred Seventyfive) Ministerial

employees in terms of said norms.

4.12 That the Applicant had barely spent a few days in the Office of the D.C.O., Tripura in the capacity of Assistant Director (Official Language) when vide impugned communication under reference No. 22015/2/2002 Ad.IV dated 29.4.2002 issued by the Office of the Registrar General, India, New Delhi, it was conveyed to the Pay & Accounts Officer, Home (Census) that the post of Assistant Director (Official Language) is no longer required in the D.C.O., Karnataka and the same accordingly stands abolished with effect from 1.3.2002. It came as a further shock to the Applicant the fact that vide the same communication, he was reverted to his substantive post of Senior Hindi Translator retrospectively with effect from 1.3.2002. Be it stated herein that the Authorities went a step further by immediately reverting him back to the scale of pay of Senior Hindi Translator and went on to recover the amount of salary so drawn in excess in the post of Assistant Director (Official Language) for the months of March/April, 2002.

A copy of the impugned Communication dated 29.4.2002 is annexed herewith and marked as ANNEXURE-H.

4.13 That being highly aggrieved by the aforesaid impugned actions of the Respondent Authorities, the

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Applicant submitted a representation before the Respondent No. 2 on 10.5.2002 stating his grievances in details and requested the Respondent No. 2 to review the aforesaid impugned action and to further allow him to continue in the post of Assistant Director (Official Language) till 31.12.2002. Having received no concrete response from the Respondent No. 2, the Applicant was compelled to submit two subsequent reminders on 10.6.2002 and 22.7.2002. However, surprisingly, the Respondents have been sitting over the matter without taking any positive steps towards redressal of the grievances of the Applicant.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS

5.1 For that the actions of the Respondent Authorities in transferring the post of Assistant Director (Official Language) from D.C.O., Karnataka to D.C.O., Tripura is apparently illegal, arbitrary and apparently beyond the jurisdiction in view of the fact that the strength of the Ministerial staff in the D.C.O., Tripura is much less than the basic prescribed number of 100. The said impugned action is in clear violation of the aforesaid norms laid down by the Ministry of Home Affairs for creation of post of Official Language.

5.2 For that the impugned action of the Respondent Authorities in having abolished the post of Assistant

Director (Official Language) from the D.C.O., Karnataka vide communication dated 29.4.2002 when the post was in fact already transferred to the D.C.O., Tripura vide Order dated 25.2.2002 is illegal, arbitrary and malafide. The same has been apparently done without any application of mind to the relevant factors.

5.3 For that the impugned action of the Respondent Authorities of reverting the Applicant to the post of Senior Hindi Translator in the D.C.O., Tripura vide communication dated 29.4.2002 with retrospective effect i.e. from 1.2.2002 when the said post of Assistant Director (Official Language) was transferred to the D.C.O., Tripura barely on 25.2.2002 is illegal, arbitrary, malafide, discriminatory and capricious. The said impugned action is a blatant abuse of Article 311 of the Constitution of India since the Applicant was promoted to the post of Assistant Director (Official Language) on regular basis.

5.4 For that the Applicant respectfully begs to submit that the Respondent Authorities have resorted to the aforesaid impugned actions with the sole purpose of causing unnecessary harassment and mental trauma to the Applicant for reasons best known to them. In the process, the Respondent Authorities by way of the aforesaid impugned actions have caused extreme humiliation to the Applicant, more particularly before the fellow

Officers serving in the Department of Census under the Ministry of Home Affairs.

5.5 For that the Applicant respectfully begs to submit that the impugned actions of the Respondent Authorities of transferring the post of Assistant Director (Official Language) from the D.C.O., Karnataka to the D.C.O., Tripura, thereafter abolishing the said post of Assistant Director (Official Language) and subsequently reverting back the Applicant to the post of Senior Hindi Translator before expiry of the term on 31.12.2002 is illegal, arbitrary and discriminatory and is in clear violation of Article 14 and 16 of the Constitution of India.

5.6 For that the in the facts and circumstances that have been narrated above, the Applicant is entitled to a reasonable opportunity of being heard or atleast a notice being served upon him before Orders in the nature of one that have been passed vide Order dated 25.2.2002 and communication dated 29.4.2002. As such, the aforesaid impugned Orders are a flagrant violation of the established principles of Natural Justice as well as the law laid down by the Hon'ble Supreme Court, Hon'ble Gauhati High Court and this Hon'ble Tribunal in a catena of judgments.

5.7 For that the Applicant respectfully begs to submit that the conditions precedent for exercise of power by the Respondents Government have not been followed in the instant case. As such, the aforesaid impugned Orders dated 25.2.2002 and dated 29.4.2002 are liable to be set aside and quashed.

5.8 For that the Applicant respectfully begs to submit that ~~xxx~~ feeling aggrieved by the aforesaid impugned Orders, he approached the competent Authority by way of the aforesaid representation for redressal of his grievances. However, the Respondent Authorities have been deliberately sitting over the matter without taking any positive/concrete steps in this regard and as such, the Applicant has been compelled to approach this Hon'ble Tribunal for redressal of his grievances.

5.9 For that the Applicant respectfully begs to submit that he has a strong prima facie case in his favour. The impugned actions of the Respondent Authorities are illegal, arbitrary, unconstitutional and in violation of law of the land. The Applicant shall suffer irreparable loss which cannot be compensated in terms of money if the aforesaid impugned Orders dated 25.2.2002 and dated 29.4.2002 are given effect to. The balance of convenience is strongly in favour of the Applicant. This is, therefore, a fit case where this Hon'ble Tribunal may be pleased to intervene into the matter and give

adequate interim relief/protection to the Applicant.

5.10 For that in any view of the matter, the impugned actions as have been narrated above, are not sustainable in law as well as in fact. In fact, the reflects malice in law as well as in fact.

The Applicant craves leave of this Hon'ble Tribunal to advance more grounds, both legal as well as factual, at the time of hearing of the instant case.

6. DETAILS OF REMEDIES EXHAUSTED :

The Applicant declares that he has no other alternative equally efficacious remedy available to him except for filing the present Application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicant declares that no other application, Writ Petition or Suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, Writ Petition or Suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

In the premises aforesaid, it is respectfully prayed that this Hon'ble Tribunal may be pleased to admit this application, call for the records and issue a Notice upon the Respondents to show-cause as to why the reliefs as prayed for in the instant application shall not be allowed and upon perusing the records and hearing the parties be further pleased to grant following Reliefs :

8.1 To set aside/quash the impugned Order issued under reference No. 22015/2/2002-Ad.IV dated 25.2.2002 (Annexure-F) and impugned communication No.22015/2/2002 Ad.IV dated 29.4.2002 (Annexure-H).

8.2 To direct the Respondent Authorities to forthwith cancel, recall, rescind, withdraw and/or otherwise forbear from giving effect to the impugned , Order dated 25.2.2002 (Annexure-F) and impugned communication dated 29.4.2002 (Annexure - H).

8.3 To direct the Respondent Authorities to allow the Applicant to continue to

(15)

serve in the post of Assistant Director (Official Language) in the Office of the Directorate of Census Operations, Karnataka till 31.12.2002 or to allow the Applicant to continue to serve in the post of Assistant Director (Official Language) in the Office of the Directorate of Census Operations, Tripura till 31.12.2002.

8.4 To direct the Respondents to allow the Applicant to continue to serve in the post of Senior Hindi Translator in the Office of the Directorate of Census Operations, Karnataka with effect from 1.1.2003.

8.5 To grant all consequential benefits including the arrears salaries upon granting reliefs sought for above.

8.6 Cost of the Application.

8.7 Any other appropriate relief/reliefs to which the Applicant is entitled to in the facts and circumstances of the instant case as this Hon'ble Tribunal may deem fit and proper.

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9. INTERIM RELIEF SOUGHT FOR :

During the pendency of the present application, the Applicant respectfully prays that this Hon'ble Tribunal may be pleased to Stay/Suspend the operation of the impugned Communication under reference No. 22015/2/2002 Ad.IV dated 29.4.2002 (Annexure - H) and to direct the Respondents to allow the Applicant to continue in the post of Assistant Director (Official Language) in the Office of the Directorate of Census Operations, Tripura and to further direct the Respondents to pay salary and allowances accordingly to the Applicant and/or to pass such further or other Order/s as this Tribunal may deem fit and proper.

10. This application is filed through my Advocate.

11. PARTICULARS OF I.P.O.

(i) I.P.O. No. : 76 57 6824.
(ii) Date :
(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES

As stated in the Index.

... VERIFICATION....

VERIFICATION

I, Shri Braja Chandra Das, son of Shri Gaurhari Das, aged about 47 years, presently residing at C/O Dr. M. C. Baral, Ramkrishna Mission Road, Agartala-799 001, Tripura, do hereby solemnly affirm and verify that I am the Applicant in the instant application and conversant with the facts and circumstances of the case. The statements made in Paragraphs 1 to 4, 6 to 12 are true to my knowledge and those made in Paragraphs — x — are true to my information derived from records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this Verification on this the 6th day of August/2002.

Braja Chandra Das

APPLICANT



भारत के जनगणना का कार्यालय
 भारत सरकार, गृह मंत्रालय, 2ए मानसिंह रोड, नई दिल्ली 110 011
OFFICE OF THE REGISTRAR GENERAL, INDIA
 (Government of India, Ministry of Home Affairs)
 2A MANSINGH ROAD, NEW DELHI 110 011

Ref. No. E.11013/1/99-Hindi

Date: 21 September, 2000.

To,

The Pay & Accounts Officer (Census),
 Ministry of Home Affairs,
 A.G.C.W. & M. Building,
 New Delhi-110 002.

Sub: Creation of temporary Group 'B' and 'C' posts in various Directorates of Census Operations in connection with 2001 Census work.

Sir,

I am directed to convey the sanction of the competent authority to the creation of the under mentioned temporary Group 'B' and 'C' posts in the Offices of the Directors of Census Operations as mentioned against each of them in connection with the 2001 Census work with effect from 01-09-2000 to 31-12-2002:

Sl. No	Designation	Scale of post	No. of posts sanctioned	DCOs for which posts sanctioned
1.	Assistant Director (OL) Group 'B' - Gazetted	Rs. 6500-10500	04(Four)	One post each for DCO. Andhra Pradesh, Karnataka, Assam and Kerala.
2.	Junior Translator Group 'C' Non-Gazetted	Rs. 5000-9000	07(Seven)	One post each for DCO. Mizoram, Goa, Jammu & Kashmir, Meghalaya, A&N Islands, Arunachal Pradesh and Lakshadweep.
3.	Hindi Typist Group 'C' - Non-Gazetted	Rs. 3050-4590	17(Seventeen)	One post each for DCO. Maharashtra, Bihar, Madhya Pradesh, Uttar Pradesh, Assam, Gujarat, Punjab, Tamilnadu, J&K, Tripura, Meghalaya, Chandigarh, Nagaland, Rajasthan, Lakshadweep, Sikkim and A&N Islands.

Certified to be true copy.

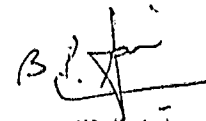
P. S. Chowdhury
 A. Chowdhury

4. Dearness and other allowances shall be admissible as per the rules and orders issued by the Government of India from time to time.

5. The expenditure involved is non-plan and is debitable to the Major Head 3454-Census, Surveys & Statistics; 01 Census; 800.02-Abstraction and Campilation; 800.02.00.01- Salaries for the year 1999-2000 and subsequent financial years subject to the expenditure being voted by the Parliament.

6. This issues with the concurrence of Home Finance vide their Dy. No. 2557/F.A.(II)/ 2000 dated 12 July, 2000.

Your's faithfully,


(B.P. Jain)
Joint Director

No. E.11013/1/99-Hindi

Copy to:

1. All concerned Directors of Census Operations. *Karnataka*
2. Home Finance, Ministry of Home Affairs, North Block, New Delhi with reference to their Dy. No. 2557/F.A.(II)/ 2000 dated 12 July, 2000.
3. JRC/Consultant/JD(I)/US(S)/US(MRS)/Accounts Officer.
4. DD(OL)
5. PS to RGI
6. Order File



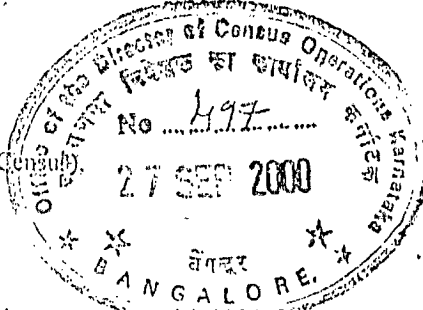
भारत के महारजिस्ट्रार का कार्यालय
भारत सरकार, गृह मंत्रालय, 2ए मानसिंह रोड, नई दिल्ली 110 011
OFFICE OF THE REGISTRAR GENERAL, INDIA
(Government of India, Ministry of Home Affairs)
2A MANSINGH ROAD, NEW DELHI 110 011

Ref. No. E.11013/1/99-Hindi.

Date: September, 2000.

To,

The Pay & Accounts Officer (Census),
Ministry of Home Affairs,
A.G.C.W. & M. Building,
New-Delhi-110 002.



Sub: Creation of Group 'B' post in connection with 2001 Census work.

Sir,

I am directed to convey the sanction of the competent authority to the creation of one temporary post of Assistant Director(OL), Group 'B' - Gazetted in the scale of pay of Rs. 6500-10500 in the Office of the Director of Census Operation, Karnataka in connection with the 2001 Census work with effect from 01-09-2000 to 31-12-2002.

2. Dearness and other allowances shall be admissible as per the rules and orders issued by the Government of India from time to time.

3. The expenditure involved is non-plan and is debitable to the Major Head 3454-Census, Surveys & Statistics; 01 Census; 800.02-Abstraction and Campilation; 800.02.00.01- Salaries for the year 1999-2000 and subsequent financial years subject to the expenditure being voted by the Parliament.

4. This issues with the concurrence of Home Finance vide their Dy. No. 2557/F.A.(H)/ 2000 dated 12 July, 2000.

Your's faithfully,

B.P. Jain
(B.P. Jain)
Joint Director

No. E.11013/1/99-Hindi
Copy to:

1. The Director of Census Operations, Karnataka, Bangalore..
2. Home Finance, Ministry of Home Affairs, North Block, New Delhi with reference to their Dy. No. 2557/F.A.(H)/ 2000 dated 12 July, 2000.
3. JRG/Consultant/US(S)/US(MRS)/Accounts Officer
4. DD(OL)
5. PS to RGI
6. Order File

Certified to be true copy.

R.S. Chowdhury
Advocate



-2/-

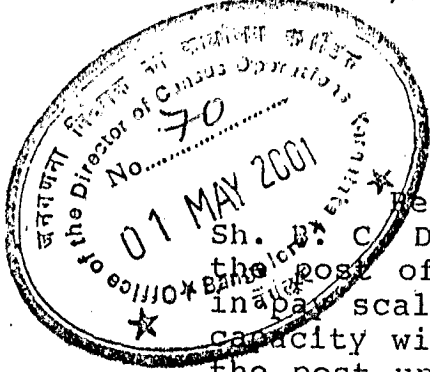
ANNEXURE C

भारत के महारजिस्ट्रार का कार्यालय
भारत सरकार, गृह मंत्रालय, 2ए मानसिंह रोड, नई दिल्ली 110 011
OFFICE OF THE REGISTRAR GENERAL, INDIA
(Government of India, Ministry of Home Affairs)
2A MANSINGH ROAD, NEW DELHI 110 011

Ref. No.: 12011/18/2000-Ad.IV

Date:

20.4.2001



ORDER

Registrar General, India is pleased to appoint Sh. B. C. Das, Senior Hindi Translator in DCO, Karnataka to the post of Assistant Director(OL) in the same directorate in a pay scale of Rs.6500-10500 on regular basis in temporary capacity with effect from the date he takes over charge of the post upto 28.2.2002 or till further order whichever is earlier.

The above promotion has been made against the purely temporary post sanctioned for Census of India 2001 and will continue only upto its sanctioned period. The above promotion order shall not bestow upon the above mentioned official any claim for regular promotion against long term vacancy or core post.

The above official shall automatically stand reverted as Senior Hindi Translator on the expiry of above referred period even if no separate order for reversion is issued.

The above official should exercise the option for fixation of pay in terms of instruction contained in DOP&T O.M. No.F.13/26/82-Estt.(Pay.I) dated 8.8.83 within one month from the date of his taking charge of the post of AD(OL).

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30/4/21

M. R. Singh
(M.R. SINGH)
UNDER SECRETARY TO THE GOVT. OF INDIA

Copy to:-

1. DCO, Karnataka, Bangalore(with one spare copy for individual).
2. PS to RGI.
3. Pay & Accounts Officer, Home(Census), New Delhi.
4. Office order folder.
5. Record Assistant.

Certified to be true copy

R.S. Chowdhury
Advocate

CHAPTER 10

CREATION OF POSTS FOR THE WORK RELATING TO OFFICIAL LANGUAGE, CRITERIA FOR MINIMUM NUMBER OF POSTS, WORK STANDARD, DUTIES OF OFFICERS & RATIO OF HINDI TYPISTS/STENOGRAPHERS

10.1 Provision of posts for Official Language work while setting-up new offices

While setting up new offices, provisions for Hindi posts should be made simultaneously with other posts for the work required to be done in Hindi in accordance with the Official Language Policy and for its implementation. This may also be kept in view while setting up a committee or commission so that their report and other papers could be prepared in Hindi and English simultaneously.

[O.M. No. 11/13017/8-75-O.L. (C), dated 3-2-1976, S. No.134]

10.2 Creation of minimum number of Hindi posts for implementation of Official Language Policy

Availability of adequate number of Hindi posts (Senior Hindi Officers, Hindi Officers, Senior Hindi Translators, Hindi Translators, Hindi Typists) in the Ministries/Departments of the Central Government and their attached and subordinate offices as also in the public sector undertakings, corporations, banks etc. is necessary for the implementation of Official Language Policy of the Central Government and to ensure strict compliance of the provisions of the Official Languages Act and Rules made thereunder, guidelines for the creation of minimum number of posts required in Ministries/Departments and in an attached/subordinate offices were given in D.O.No.11015/73-O.L. Cell, dated 6-8-1973 and were circulated vide O.M. No.13035/3 80-O.L. (C), dated 27th April, 1981 by the Department of Official Language. However, the Ministry of Finance vide their O.M. No. F. 7(1)E-(Coord)/84 dated 13-1-1984 imposed a ban on the creation of new posts and on filling up vacancies. This ban was relaxed for posts which are absolutely necessary in most exceptional circumstances including posts required for fulfilling statutory requirements vide O.M. No. F. 7 (1)E-(Coord)/84 dated 20-6-1984. Hindi posts required for ensuring compliance of the provisions of Official Languages Act and the Rules were covered by this relaxation.

In this connection the Ministry of Finance, Department of Expenditure O.M. No.10 (4)-E (Coord)/85 dated 18th June, 1988 may also be referred to, vide which the Secretaries of the Administrative Ministries, in consultation with their Financial Advisers may exercise the powers with regard to proposals for sanction of posts to implement Official Language Policy, in accordance with the guidelines that are framed and issued in this regard by the Department of Official Language in consultation with the Ministry of Finance.

New Norms :—

The following guidelines may be followed about minimum number of Hindi posts for the implementation of the Official Language Policy :—

I. For Ministries/Departments

(i) One Assistant Director (OL) in each Ministry and independent department having a full-time Secretary.

(ii) One Senior Hindi Officer, i.e., Deputy Director (O.L.) in each Ministry or Department having 100 or more ministerial employees or which has 4 or more attached/subordinate offices or undertakings, each having 100 or more ministerial employees. This post may be in lieu of the post of Assistant Director or in addition to that, keeping in view the norms prescribed under the Department of O.L. O.M. No.13017/1/81-OL(C), dated 13-4-1987. A post of Director may be allowed by taking into account the nature and quantum of work in Ministry/Department.

(iii) One Translator for less than 50 ministerial employees, two translators for 50 to 100 ministerial employees, three translators for 101 to 150 ministerial employees, three junior translators and one senior translator for 151 and more ministerial employees.

II. For Attached/Subordinate Offices

(1) One Hindi Officer (Assistant Director, (O.L.) in each attached/Subordinate Office having 100 or more ministerial employees.

राजभाषा संव
मानक, ३

10.1 नया कार्यालय
पदों का प्रा

नया कार्यालय
में किए जाने वाले कार
के लिए 'आवश्यकता'
अन्य पदों के साथ-सा
बनाते समय भी इसे
अन्य कारगज हिन्दी

[का. जा. म]

10.2 राजभाषा नी
हिन्दी पदों

राजभाषा नीति
उसके अंतर्गत अना
सुनिश्चित करने के नि
तथा उनके संबद्ध औ
निर्माणों, बेंकों आदि
अधिकारी, हिन्दी
अनुवादक, हिन्दी ट
राजभाषा विभाग द्वा
(ग). दिनांक 27 अ
संबद्ध/अधीनस्थ कार
संबंधी मार्गदर्शी नि
11015/73/रा. भा.
परिचालित किए
13-1-1984 के का.
पदों के सृजन पर
(कोआई)/84 दिनांक
लिये अपेक्षित पदों
अति आवश्यक पदों
अधिनियम तथा निय
के लिए अपेक्षित

Certified to be true copy.

R. S. Choudhary
Advocate

(2)(a) For offices located in Region 'A' (excluding Offices of Defence forces and Paramilitary forces) one Junior Translator in an office having 25 to 125 ministerial employees; two Junior Translators for 126 or more ministerial employees.

(b) For offices located in regions 'B' and 'C':—

(i) One Junior Translator in an office having 25 to 75 ministerial employees; two Junior Translators for an office having 76 to 125 ministerial employees; three Junior Translators for an office having 126 to 175 ministerial employees; three Junior Translators and one Senior Translator for an office having more than 175 ministerial employees.

(ii) These norms will also apply to those offices of Defence forces and Paramilitary forces in Region 'A' which move from one region to another.

(iii) One post of Hindi Typist may be provided in all those offices of the Central Government in Regions 'B' and 'C' which have at least 25 ministerial employees. A post of Hindi typist may also be provided in offices which are newly created in region 'A' provided they have at least 25 ministerial employees. These norms will also apply to those offices of Defence forces and Paramilitary forces in region 'A' which move from one region to another.

(3) The term 'Ministerial Employees' used in para 2 above includes all those employees and officers who have been sanctioned for ministerial duties, irrespective of the fact that they are technical or scientific employees or officers. Further, in case the technical and scientific posts are sanctioned for such work but the incumbents have been entrusted with ministerial work also, they may be taken into account for computing Hindi posts after verification of the nature of work of such employees by the I. W. S. U.

[D.O. No. E 11015/73-O.L. (Cell), dt. 6-8-1973]

[O.M. No. 13035/78-O.L. (C), dt. 27-4-1981, S. No. 635]

[O.M. No. 13035/4/88-O.L. (C), dt. 12-7-1988, Supp. S. No. 252]

[O.M. No. 13035/3/88-O.L. (C), dt. 5-4-1989]

[O.M. No. 12027/25.88-O.L. (B-2), dt. 29-7-1988, Supp. S. No. 253]

10.3 Norms for translation work

It has been decided in consultation with the Ministry of Finance (Staff Inspection Unit) that the translation work may be categorised as ordinary and 'technical' and work norms may be fixed as under:—

	Ordinary	Technical	
Translation	1750 words per day	1350 words per day	For the week of 5 working days
Verifying	5800 words per day	4000 words per day	

Considering the special nature of work in the Central Translation Bureau, the norms for translator in that Bureau will be 1300 words per translator. The translation material may be categorised as under:—

Ordinary

- Annual administrative reports.
- General orders, directives, circulars, etc.
- Parliamentary work—Parliament Questions, Assurances, Calling Attention Notices, etc.
- Routine Correspondence.
- Reports of various Commissions/Committees, etc.

Technical

- Reports on policy matters, such as Import-Export Policy.
- White papers.
- Scientific and technical literature of various Ministries.
- Scientific and technical reports, such as reports of Planning Commission and Central Water Commission.
- Manuals, Codes and other procedural literature.

10.3.1 In case of dispute as to which material falls in 'Ordinary' or 'Technical' category, the decision of the Senior Hindi Officer/Hindi Officer in the Ministry/Department shall be final, but where 25% or more of translatable work of a Department is categorised as 'Technical', study by the Internal Work Study Unit shall be necessary.

10.3.2 The nature of work in the Official Language Wing of the Legislative Department of the Ministry of Law and Justice is different from translation work in other Ministries/Depart-

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है, चाहे वे त
अतिरिक्त य
लिए स्वीकृत
गया हो तो
कर्मचारियों व
पदों के सृज

[का]

[का]

[का]

[ग. अ]

ments and therefore, these norms will not apply to the translators and vectors in that Wing.

[O.M. No. 13017/1/81-O.L. (C), dated 13-1-1987]

10.4 Duties of Hindi Translators

The posts of Senior Translators and Junior Translators have been created mainly for translation work and their services should normally be utilised for the same purpose. Though it is necessary to have an adequate number of translators to ensure compliance of section 3(3) of the Official Languages Act and other rules etc., the work connected with the implementation of Official Language Policy, compliance of directions/instructions issued by the Deptt. of O. L. from time to time in this regard, convening the meetings of the Official Language Implementation Committees etc. should be done at the level of Senior Hindi Officers/Hindi Officers and other higher officers. At the same time in offices, where the number of posts for such work is not adequate, these should be created there. On special occasions (like the meetings of Hindi Salahkar Samiti, the Official Language Implementation Committee) the help of the Junior Translators/Senior Translators may be sought. Senior Translators may also be asked to help in the implementation work, provided it does not come in the way of the translation work. The work relating to the implementation, has special significance and officers of appropriate level should pay due attention to it. Efforts should be made wherever necessary, to create additional posts for this purpose.

[O.M. No. 13016/1/80-O.L. (C), dated 6-12-1980.
Compilation No. 140]

[O.M. No. 13035/84-O.L. (C), dated 8-9-1987]

10.5 Duties of Hindi Officers and to entrust them only the prescribed work

In order to fulfil the requirements for which Hindi Officers' posts have been created it would be proper to entrust the following duties to the Hindi Officers :-

- (1) The translation work from English to Hindi and vice-versa and vetting thereof.
- (2) To acquaint the officers and staff of the concerned departments with the provisions of the O. L. Act, Government rules & orders relating to official language and Hindi training and to help them in implementing the same.

- (3) To ensure proper compliance of the provisions of the Official Languages Act and the orders pertaining to Hindi Teaching Scheme and Official Language Policy in their department and subordinate offices, sections, companies and corporations etc.
- (4) To work as the Secretary of the Official Language Implementation Committee of their department/office and to convene its meetings from time to time, to prepare the agenda and minutes of the meetings and to co-ordinate the action taken on the decisions taken in the meetings.
- (5) To make suggestions from time to time for promoting the progressive use of Hindi and to keep liaison with the Department of Official Language through proper channel.
- (6) To prepare the reference and help literature to organise Hindi workshops and to assist the officers and staff in learning Hindi and using Hindi in official business.
- (7) The services of the Hindi Officers/Translators should, as far as possible, be utilised for translation and Official Language Implementation work only for which these posts have been created. In case in any office the required Hindi work is completed in accordance with the targets of the Annual Programme only then the officers/employees working against Hindi posts should, provided they get time, be entrusted any other work in addition to the work pertaining to translation and implementation of Official Language Policy.

10.5.1 The responsibility of implementation of orders pertaining to Hindi has been vested with Senior Officers of the departments and this responsibility will continue as such. The services of Hindi officers should be utilised for rendering assistance in the discharge of that responsibility.

[O.M. No. 11/13019/75-O.L. (C), dated 31-12-1975,
S. No. 139]

[O.M. No. 13035/11/87-O.L. (C), dated 8-9-1987]
[O.M. No. 13017/4/88-O.L. (C), dt. 8-6-1988
Supp. S. No. 255]

10.6 Norms pertaining to the quantum of work of Hindi typists and comparers

After studying the Hindi typewriting work being done in the various Ministries/Depart-

से विन्न प्रकार
कर रहे अनुवाद

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10.4 हिंदी स

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कार्य कराया जान
धारा 3(3) और स
लिए अनुवादकों
राजभाषा नीति के
किए गए निर्देश
समिति की बैठकों
अधिकारी/हिन्दी
किया जाना चाहिए
समुचित पद नहीं
अवसरों पर (हिन्
आदि की बैठकों के
सहायता ली जा स
संबंधी कार्य में भी
कार्य की अवहेलना
है और समुचित र
दिया जाना चाहिए
सृजन के लिए भी

[य.ल.]

[य.ल.]

10.5 हिन्दी अधि कार्य ही नि

जिन आवश्यक
पद बनाए गए हैं
अधिकारियों को नि

(1) अंग्रेजी
काम

(2) विभाग
अधीन
राजभाषा
उनके

problems connected therewith it has been decided in consultation with the Ministry of Finance (Staff Inspection Unit, Department of Expenditure) that the following norms be fixed for Hindi typists and comparers :-

(1) Standard of workload for Hindi Typists

- (a) Taking the minimum typing speed of 25 words per minute and after making an allowance for factors like breaks, interruptions, fatigue, subsidiary process etc., a Hindi typist should give an output of 5400 words per day.
- (b) In the case of letters etc., the number of words in the body of the letter should be counted. An addition of 60 words may be made for addresses and salutation etc., in respect of each letter.
- (c) The above standard would apply to straight typing for running matter. To convert other kinds of typing on this basis, the following allowances may be added :-

(i) Cutting Stencils	25% (ie. 100 words to be treated as 125 words).
(ii) When three or more copies have to be taken out by inserting carbon papers.	25%
(iii) Manuscript matter	25%
(iv) Statements	100%

Note :- For newly recruited typists a norm of 5000 words per day may be adopted for the first year of their service. The same norms may also be adopted for typists engaged in English & Hindi Typing simultaneously.

(2) Comparison of typed matter

Two comparers may be allowed for every three typists.

[O.M. No. 11034/9/73-O.L. Cell, dated 10-1-1975, S. No. 142]

10.7 Utilisation of services of Hindi typists and Hindi stenographers

The services of the trained Hindi Typists/Trained Typists in stenography/trained stenographers should be utilised in Hindi work regularly so that they could maintain their practice and the use of Hindi could be promoted.

[O.M. No. 12017/12/78-O.L. (A-1), dated 16-8-1978, S. No. 143]

10.8 Responsibility to do work of Hindi Typing/Stenography by the employees trained in Hindi Typing/Hindi Stenography

Some employees trained in Hindi Typing/Hindi stenography avoid to take dictation in

of Government expenditure is involved in imparting training in Hindi typing and Hindi stenography under Hindi Teaching Scheme to English typists/stenographers. The training is imparted free of cost during office hours only and the trained employees are also given incentives at prescribed rates. A few Typists, Stenographers are recruited only on the basis of qualifying Hindi typing/stenography test. Thus, it is the duty of the employees trained in Hindi Typing/stenography not to refuse the Hindi typing/stenography work whenever asked. It is the duty of an employee who is trained in Hindi Typing/Stenography as well as English Typing/Stenography to perform the job allotted to him irrespective of the fact whether it is in Hindi or in English. Any employee trained in Hindi Typing/Stenography has no right to say that he will not do Hindi Typing/Stenography work. According to the Rule No. 8 (1) of the Official Language Rules, 1976, employees have the option to write any note or minute in Hindi or in English, but they do not have the option of not doing Hindi typing or stenography work inspite of being trained in Hindi typing or stenography.

10.8.1 If there are a few such typists in a particular Government Office who had undergone training in Hindi Typing long ago and due to lack of practice have lost the acquired knowledge then in such circumstances the concerned office would spare some Hindi typewriters separately for such employees and after making their list would ask them to practice in Hindi Typing during stipulated period of 5-6 days. Afterwards these employees will do the Hindi typing work as allotted to them.

[O.M. No. 21034/23/87-O.L. (D), dated 21-9-1987]

10.9 To introduce condition to the effect that the possession of the knowledge of a regional language would be a desirable qualification in the recruitment rules pertaining to the posts of Hindi Translators

The question of amending the recruitment rules for the posts of Hindi Translator for introducing a condition to the effect that the possession of the knowledge of a regional language be a "desirable qualification" should be considered. This condition may not be applicable where such posts are filled by promotion or departmental examination etc.

[O.M. No. 11034/11/74-O.L. (C), dated 21-6-1974, S. No. 144]

[O.M. No. 11034/11/74-O.L. (C), dated 27-6-1975, S. No. 145]

समस्याओं
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10.7 हि
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भारत सरकार
भारत के महारजिस्ट्रार का कार्यालय
गृह मंत्रालय,
OFFICE OF THE REGISTRAR GENERAL, INDIA
(Government of India, Ministry of Home Affairs)
North Wing, Sewa Bhawan, R.K. Puram

No. E.11013/1/2001-Hindi

Dated: 17.4.2001
New Delhi

To

All Directors of Census Operations

Sub : Creation of Hindi Posts in Directorates of Census Operations.

Sir/Madam,

I am directed to say that to comply with the orders issued by the Department of Official Language under the Official Language Act, 1963 and Rules made thereunder it is essential to strengthen the facilities of translation in different Directorates of Census Operations. The following norms have been fixed by the Deptt. of Official Language for creation of minimum number of Hindi Posts in Central Government offices :-

1. One Hindi Officer (Assistant Director, (OL)) in each attached/subordinate office having 100 or more ministerial employees.
- 2.(a) For offices located in Region 'A' one Junior Translator in an office having 25 to 125 ministerial employees.
- (b) For offices located in Region 'B' and 'C'.
 - (1) One Junior Translator in an office having 25 to 75 ministerial employees.
Two Junior Translators for an office having 76 to 125 ministerial employees.
Three Junior Translators for an office having 126 to 175 ministerial employees. Three Junior Translators and one Senior Translator for an office having more than 175 ministerial employees.

Certified to be true copy.

R.S. Chowdhury
Advocate



- (2) One post of Hindi Typist may be provided in all those offices of Central Government in Region 'B' and 'C' which have atleast 25 ministerial employees. A post of Hindi Typist may also be provided in offices which are newly created in region 'A' provided they have atleast 25 ministerial employees.

It is proposed to review the position of availability of Hindi Posts in different Directorates of Census Operations in the light of above norms. It is requested that a proposal for creating minimum Hindi Posts may please be sent keeping in view the above norms indicating number of Officers/employees employed in Directorate of Census Operations (excluding Group 'D' employees), number of ministerial employees out of them, number of existing Hindi Posts and number of additional Hindi Posts required with their justification so that the matter could be considered further.

The term 'Ministerial Employees' includes all those employees and officers who have been sanctioned for ministerial duties irrespective of the fact they are technical or scientific employees or officers. Broadly it means that officers/employees doing noting/drafting and ministerial work be considered Ministerial.

Your proposal must reach this office on or before 15th May, 2001 in the Proforma enclosed. Responsibility to comply with the OL Act and Rules made thereunder rests entirely with you.

Yours faithfully,

G. S. Raina
17.4.2001

(Smt Suresh Raina)
Deputy Director (OL)

CONFIDENTIAL

Office of the Registrar General, India
(Government of India, Ministry of Home Affairs)
2/A, Mansingh Road, New Delhi-110011.

Ref. No.: 22015/2/2002-Ad.IV

Date: 25th Feb'2002ORDER

Sh. B.C. Das, Assistant Director (OL) is hereby transferred from DCO, Karnataka to DCO, Tripura alongwith the post of Assistant Director (OL) sanctioned for Census of India 2001. The post of Senior Hindi Translator held by Sh. Das in substantive capacity will also be treated as transferred from DCO, Karnataka to DCO, Tripura.

2. Sh. Om Prakash Mehta, Junior Hindi Translator in DCO, Tripura is transferred to DCO, Karnataka alongwith the post of Junior Hindi Translator which he is holding at present.

3. The above transfer order shall be implemented with immediate effect.

(B. MALLIK)

Joint Registrar General, India

Certified to be true copy.

R. S. Chowdhury
Advocate

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Copy to: -

1. DCO, Karnataka, Bangalore. He is requested to relieve Sh. B.C. Das, AD (OL) immediately and direct him to join DCO, Tripura.
2. DCO, Tripura, Agartala. He is requested to relieve Sh. O.P. Mehta, Junior Hindi Translator and direct him to join DCO, Karnataka.
3. PAO Home (Census), AGCW&M Building, New Delhi.
4. DD (OL) O/o RGI, R.K. Puram, New Delhi.
5. US Ad.II Section.
6. Record Assistant.
7. Office order folder.

0381 - 32 - 2225

एच. शशिधर भा प्र से

निदेशक

H. Shashidhar I A S

Director

भारत सरकार

GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS

जनगणना निदेशक का कार्यालय, कर्नाटक

OFFICE OF THE DIRECTOR OF CENSUS
OPERATIONS, KARNATAKA

केंद्रीय सदन, '७' वॉ तल, 'एफ' विंग,
Kendriya Sadan 7th Floor, 'F' Wing,

कोरमंगला, बेंगलूर - 560 034

Koramangala BANGALORE - 560 034

सं / No.

No. ADM 64 Est. 2002



- 30 -

ANNEXURE - 4
CENSUS - भारत

मुख्य कार्यालय/Main Office

दूरभाष/फैक्स/Tel/Fax : 080-5538973

दूरभाष (सा) Tel [Gen] : 080-5520352

ई-मेल/e-mail : dcokar@vsnl.com

अन्य कार्यालय/Other Offices

सीधा आंकड़े प्रविष्टि प्रणाली

Direct Data Entry System

दूरभाष/Tel : 080-2223306

केन्द्रीय रिकार्ड अनुभाग

Central Record Section

दूरभाष/Tel : 080-2261716

दिनांक/Date :

Dated 26th February, 2002

ORDER

In pursuance of the order No. 22015/2/2002 Ad IV dated 25th February 2002 (copy enclosed) of the Registrar general India, Shri B.C. Das, Assistant Director (OL) of this Directorate is relieved of his duties from this directorate on the afternoon of 26th February, 2002 with direction to report before the Director of Census Operations, Tripura.

He is directed to handover all the files, registers, keys and any other documents pertaining to this Directorate to Smt. Veena, Hindi Typist immediately.

(H. Shashidhar)

DIRECTOR OF CENSUS OPERATIONS
KARNATAKA

To

Shri B.C. Das

Asst. Director (OL)

Certified to be true copy.

R.S. Choudhury
Advocate





भारत के महारजिस्ट्रार का कार्यालय
भारत सरकार, गृह मंत्रालय, 2ए मन्सिंग रोड, नई दिल्ली 110 011
OFFICE OF THE REGISTRAR GENERAL, INDIA
(Government of India, Ministry of Home Affairs)
2A MANSINGH ROAD, NEW DELHI 110 011

Date: 29.4.2002

Ref. No.: No. 22015/2/2002 Ad IV

To

The Pay & Accounts Officer,
Home (Census),
AGCW & M Building, T.T.O.
New Delhi.

Sub: Abolition of one census post of A.D(OL) created for
DCO, Karnataka.

Sir,

I am directed to refer to this office letter No.E.11013/1/99
Hindi dated September 2000 (copy enclosed) creating one post of AD
(OL) each for DCO, Andhra Pradesh, Karnataka, Assam and Kerala upto
31.12.2002 and to say that on review it is found that the census post
of AD (OL) created for DCO, Karnataka is not required further.
Accordingly, the same stands abolished with effect from 1.3.2002.
Sh.B.C.Das is hereby reverted to his substantive post of Sr.Hindi
Translator w.e.f 1.3.2002.

Yours faithfully,

M.R. Singh
(M.R. SINGH)

UNDER SECRETARY TO THE GOVT. OF INDIA.

Copy to:

1. IXCO, Karnataka, Bangalore.
2. IXCO, Tripura, Agartala. Sh.B.C.Das, AD(OL) may
be treated as reverted to his permanent post of
Sr.Hindi Translator w.e.f. 1.3.2002.
3. DD (OL) ORGI, R.K.Puram New Delhi.
4. US (Adm.).
5. JDCO (Sh.Jain) ORGI.
6. Office Order folder.

No.A.19020/1/2002-Estt.
Government of India
Ministry of Home Affairs
Director of Census Operations
Tripura.

Dated the 8th May, 2002

Copy to :- Shri B.C.Das, Sr.Hindi Translator for information.

K.D. Nath
(K.D. Nath)
Director.

Certified to be true copy.
R. S. Chowdhury
Advocate