

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 549 of 1999

Jabalpur, this the 8th day of September, 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Shri Anwar Azim Khan
S/o Shri Abdul Azim Khan
Aged 48 years P/o House No. 183
Jinsi, Near Ramoba Cinema
Bhopal (MP)

APPLICANT

(By Advocate - Shri S.P. Rai holding brief of Smt. S. Menon)

VERSUS

1. Union of India
Through The Secretary
Ministry of Communications
Sanchay Bhawan, New Delhi.
2. The Director (Official Languages)
Government of India
Department of Telecommunications
Room No. 108-A, Dak Bhawan,
New Delhi - 1.
3. The Chief General Manager
(Telecom), MP Telecom Circle
Hoshangabad Road, Bhopal.
4. The Director Telecom
Dept of Telecommunications
Bhopal.

(By Advocate - Shri B. da.Silva)

O.R.D.E.R. (ORAL)

By D.C. Verma, Vice Chairman (Judicial) -

The applicant has claimed regularisation/confirmation on the post of Hindi Translator Grade-II retrospectively and to quash the correspondence dated 4.8.1997/17.9.1999.

2. The brief facts of the case is that the applicant was initially appointed as a Time Scale Clerk in the Department of Tele-communication at Bhopal on 22.11.1976. In the year 1988 a regular departmental post of Hindi Translator Grade-II fell vacant in the office of Director, Telecom, Bhopal. The General Manager, Telecom, Bhopal called for applications of eligible departmental employees vide letter dated 9.3.1988 (Annexure-A-1). The applicant applied

for the same and was finally selected. The applicant was appointed vide Annexure-A-2 dated 27.3.1990 as Hindi Translator Grade-II temporarily on adhoc basis and joined the said post on 30.5.1990(Annexure-A-3). After 8 years of successful service the applicant claims to have applied for being made regular on the post of Hindi Translator Grade-II as similarly placed persons regularised in the Department of Posts though they had served on adhoc basis for four years only (copy Annexure-A-4). The circular issued by the Department of Posts for regularisation of such adhoc employees is Annexure-A-5. By a further clarification Annexure-A-6 it was provided that for regularisation a regular appointment to the post is considered irrespective of their age provided that fulfil the other conditions as to the educational qualifications etc laid down in the Recruitment Rules. The submission is that Annexure-A-6 was issued with respect to adhoc Hindi Translators working in the subordinate formation of Department of Posts and Department of Telecom. The applicant has earlier preferred OA No.353 of 1999 which was disposed of by the Tribunal vide its order dated 29.7.1999 directing the respondents to dispose of the representation. The respondents rejected the applicant's claim. The applicant was informed vide Annexure-A-28 dated 17.9.1999 that the recruitment of Hindi Translator Grade III is by direct recruitment and Hindi Translator Grade II is non-selection post and recruitment is made 50% by direct recruitment and 50% by promotion, failing which by transfer on deputation and failing both by direct recruitment. The applicant was advised to apply against the regular post of Hindi Translator called for by the Directorate. Hence the applicant has approached this Tribunal for the relief mentioned above.

3. The respondents have contested the claim of the applicant for regularisation on the post of Hindi Translator

Grade-II on the point that the applicant's appointment on the said post was only on adhoc basis and it was specifically mentioned in the order that the applicant would not be entitled to regularisation. Further submission is that the rules with regard to appointment on the post of Hindi Translators Grade II and Grade-III etc. have been finalised and conveyed vide letter dated 19.10.1996 (Annexure-R-1). Prior to the said date there were no recruitment rules for the post of Hindi Translators. Further submission is that the Circulars Annexures A-5 & A-6 do not apply to the respondent-department as they were issued by the Postal Department. There is a further submission that the applicants do not fulfil the eligibility criteria and, therefore, he is not entitled to continue on the post.

4. By an interim order granted by this Tribunal the applicant is working on the post of Hindi Translator.

5. Counsel for the parties have been heard at length.

6. The fact is not denied that the applicant is working on the post of Hindi Translator Grade-II since March, 1990. It is also admitted to the parties that when the applicant's selection for the post was held, there were no recruitment rules for the post and the General Manager, Telecom after calling applications for eligible departmental employees had made a selection. It is also not denied that as per the rules notified in 1996 for the post of Translator Grade-II there is element of direct recruitment up to 50% and the other 50% recruitment is to be made by promotion failing which by transfer on deputation and failing both by direct recruitment. Thus, the post of Hindi Translator Grade-II has the element of direct recruitment. Consequently, the applicant's claim can be considered under this quota. The respondents have by order Annexure-A-28 rejected the applicant's claim on

the ground that the applicant's appointment to the post of Hindi Translator was purely on adhoc and temporary basis and so he has no claim of regularisation. The other ground is that the applicant can apply for regular post of Hindi Translator whenever the vacancy is notified.

7. The fact that the applicant's initial appointment in 1990 was on temporary and adhoc basis only is not denied by the applicant. The claim of the applicant is that his appointment on the post of Hindi Translator was made after due selection as he fulfilled the eligibility criteria at the time of selection. The applicant gained experience and has also earned merits and awards for working on such post. Consequently taking that into consideration, the applicant's claim for appointment on the post of Hindi Translator under the Recruitment Rules of 1996 is valid.

8. After counsel for the parties have been heard and on the basis of the facts mentioned above we are of the view that the claim of the applicant for appointment on the post of Hindi Translator Grade-II cannot be rejected merely on the ground that he was earlier appointed on adhoc basis. The applicant has worked for quite a long period. Consequently his claim for appointment under the 1996 recruitment rules is made out, in case he fulfills the educational qualifications prescribed under the rules.

9. In view of the above, the OA is allowed. The respondents are directed to regularise the appointment of the applicant on the post of Hindi Translator Gr.II under the direct recruitment quota after granting relaxation in respect of age, in case the applicant fulfills the educational qualifications prescribed for the post. The compliance of this order shall be

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made by the respondents within a period of two months
from the date of receipt of a copy of this order.
Costs easy.

Anand Kumar Bhatt

(Anand Kumar Bhatt)
Administrative Member

D.C.Verma

(D.C.Verma)
Vice Chairman(Judicial)

rkv.

प्रांतिक राज्य संघ/व्या.पत्रिलिपि अधिकारी, जबलपुर, दि.....
(1) सचिव, जन्म व्यापार विभाग, जबलपुर, जबलपुर
(2) व्यापार विभाग, जबलपुर, जबलपुर
(3) व्यापार विभाग, जबलपुर, जबलपुर
(4) व्यापार विभाग, जबलपुर, जबलपुर
सूचना दिया गया व्यापारिक कार्यकारी द्वारा

Smt. S. Mehta Adm
B. Chaitanya Adm

Abhishek
26/9/03

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26/9/03