

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.633/2000

Jabalpur, this the 15th day of June, 2004

Hon'ble Shri M.P. Singh, Vice Chairman,
Hon'ble Shri Madan Mohan, Member (J)

Smt. Jyoti Pandey,
aged about 29 years,
W/o Sh. Pradeep Pandey,
R/o Govind Nilayam, Korighat, Hoshangabad.
Presently working as Jr. Hindi Translator Gr.II
in the Office of the Sr. Superintendent of
Post Offices, Hoshangabad,
Distt. Hoshangabad (Madhya Pradesh). ...Applicant

(By Advocate: Shri Deepak Panjwani for Sh. R.Tiwari)

-versus-

1. Union of India through
Secretary,
Dept. of Posts,
Ministry of Tele-communications,
New Delhi.
2. The Director General (Posts),
Dak Bhawan, New Delhi.
3. The Chief Post Master General,
Dak Bhawan, Hoshangabad Road,
Bhopal (MP).
4. The Director, Postal Services,
Head Office, office of the Chief Post
Master General, Dak Bhawan,
Hoshangabad Road, Bhopal (MP).
5. The Senior Superintendent of Post Offices,
Hoshangabad Division,
Hoshangabad (Madhya Pradesh)
6. Shri Nitin Kumar Joshi,
Junior Hindi Translator,
O/O Sr. Supdt. of Post Offices,
Jabalpur Division,
Jabalpur (Madhya Pradesh) ...Respondents

(By Advocate: Shri K.N. Pethia)

O R D E R

By Madan Mohan, Member (Judicial)-

By filing this original Application, the applicant
has sought the following main reliefs:-

- 1) To quash the order dated 21.7.2000 (Annexure A11)
and order dated 29.2.2000 (Annexure A-12) as
being void, arbitrary and illegal.

ii) To direct the respondents department to regularise the services of the applicant on the post of Junior Hindi Translator(Grade-II) in view of her long and continuous officiation on the post of Junior Hindi Translator(Gr.II) in the interest of justice.

2. The brief facts of the case are that the applicant was appointed as Postal Assistant vide order dated 15.10.93 in the pay scale of Rs. 975-1660/- . By Memo dated 9.6.94 a post of Jr. Hindi Translator was created in the office of respondent no. 5 and the said post was to be filled up by recruitment/staff section of Circle Office, Bhopal. On 10.12.1995, a departmental circular was issued with regard to filling up of the newly created post of Jr. Hindi Translator Gr.II. As per the circular dated 10.12.1995, the applicant being the only person having requisite qualification in the Hoshangabad Division submitted her application. Since the applicant was having service experience of only one year 8 months and 22 days, the Sr. Superintendent of Post Offices, Hoshangabad Division, Hoshangabad sought a clarification from the Chief Post Master General, Bhopal with regard to the candidature of the applicant. By order dated 18.1.1996, Chief Post Master General, Bhopal accorded the sanction to the appointment of the applicant to the post of Jr. Hindi Translator (Gr.II). Consequently, another order was issued on 22.3.1996 from the office of Chief Post Master General, Bhopal directing the respondent no. 5 to appoint the applicant as Jr. Hindi Translator (Gr.II) on ad hoc basis against the newly created post. Pursuant to the aforesaid directions, an appointment order was issued to the applicant vide memo dated 2.4.1996 for the post of Jr. Hindi Translator (Gr.II) on ad hoc basis. Accordingly, the applicant submitted her joining/charge assumption on 2.4.1996 itself.

2.1 Vide Memo dated 21.5.1999 issued by the Chief Post Master General, Bhopal, respondent no. 3, the temporary post of Jr. Hindi Translator was made permanent post. The respondent no. 6 is posted at Jabalpur in the office of respondent no. 5 as Junior Hindi Translator (Gr.II) on transfer at his own request and cost. Therefore, by the impugned order dated 21.7.2000, the respondent no. 6 has been transferred to Hoshangabad and in the same order it has been directed that the local/ad hoc arrangement shall be terminated. Even earlier the applicant had requested for her regularisation in the post of Jr. Hindi Translator (Gr.II) having become the said post as permanent. Her representation dated 15.2.2000 was rejected by the respondents on 29.2.2000 without assigning any reason apart from referring the conditions of the appointment. It is submitted that the impugned orders are passed even without affording any opportunity of hearing to the applicant. Being aggrieved by the said orders, the applicant has filed this original application seeking the aforesaid reliefs.

3. Heard the learned counsel for both the parties,
4. It is argued on behalf of the applicant that on seeking clarification by respondent no. 5 from respondent no. 3 with regard to her experience, the sanction was accorded by respondent no. 3 vide its memo dated 18.1.1996 and pursuant to that she was appointed as Jr. Hindi Translator Gr.II on 2.4.1996 and accordingly she submitted his joining report/assumption of charge on 2.4.1996 itself. Vide Memo dated 21.5.1999 issued by respondent no. 3 the said post of Jr. Hindi Translator (Gr.II) was made permanent in favour respondent no. 6 Shri Nitin Kumar Joshi, Jabalpur to who sought his transfer from Hoshangabad at his own request and cost. He was transferred from Jabalpur to Hoshangabad vide order dated 21.7.2000 with a direction that local/ad hoc arrangement shall stand terminated.

and the representation of the application for regularisation of her service was rejected vide order dated 29.2.2000 without assigning any reason and no opportunity of hearing was afforded to the applicant.

5. In reply, learned counsel for the respondents argued that the applicant was appointed as Jr. Hindi Translator (Gr.II) purely on ad hoc basis with clear understanding that as and when regular arrangement is made she will have to go to her original post of Postal Assistant and she will not claim regular absorption on the said post. Before joining the said post she was also required to give a declaration to this effect, which was given by her vide her declaration dated 2.4.1996 (Annexure R/3). Respondent no. 6, Sh. Nitin Kumar Joshi, Jr. Hindi Translator who was transferred and posted as such at his own request ^{-bad} in the post at Hoshanda/ which was occupied by the applicant on account of temporary arrangement. There is no dispute that respondent no. 6 was regularly appointed Jr. Hindi Translator (Gr.II) Therefore, the termination of ad hoc and temporary appointment of the applicant was proper on posting of said respondent no. 6 in her place. It is further argued that on perusal of A/7 it is clear that the appointment of the applicant was on ad hoc basis and it has been specifically mentioned in the said order that this order will be terminated at any time without giving any notice. The applicant herself gave an undertaking that she will not claim any right for regularisation and she will go back to her parent cadre whenever directed. It is argued that the applicant resumed her duties knowing fully well about the aforesaid conditions which are also contemplated in her appointment letter. Therefore, at this juncture she cannot claim permanent appointment on the post in question. It is clear that the creation of the post was only from 31.5.94 till 28.2.99 and, therefore, this order is of no help to the applicant. There was no need to give any hearing

to the applicant before terminating her services because it was clearly mentioned in the order on the part of the respondents does not amount to disciplinary action and nor it is in the nature of punishment. Hence, the question of affording any opportunity does not arise.

6. After hearing the learned counsel for both the parties and carefully perusing the record, we find that the applicant was appointed as Jr. Hindi Translator (Gr.II) purely on ad hoc basis vide order dated 2.4.1996 with certain conditions enumerated in the appointment letter of the applicant i.e. (i) this arrangement is purely temporary; (ii) the claim of the applicant for regular appointment will not be accepted; (iii) her appointment can be terminated at any time without giving any notice; (iv) on regular arrangement of this post, the applicant will have to go back to her parent cadre; and (v) before taking over charge of the said post, the applicant will have to submit a declaration to the effect that she will not claim for permanent absorption in the post. We have seen that all the above conditions were accepted by the applicant before joining the post of Jr. Hindi Translator Gr.II on ad hoc basis. As per requirement of the appointment, she voluntarily gave an undertaking with regard to condition no. (v) as mentioned above, which is at Annexure R-3. It is also seen that respondent no. 6, who was regularly appointed to the post of Jr. Hindi Translator Gr. II at Jabalpur, was transferred to Hoshangabad at his own request and cost, therefore, the local/ad hoc arrangement as was made by appointment of the applicant was terminated in accordance with the conditions of the appointment letter of the applicant. There is no evidence on record to show that the respondents have favoured the respondent no. 6 in any way. Mere allegation of the applicant in this regard seems to be baseless and is rejected. The contention of the applicant

that she was not given any opportunity before terminating her service as Jr. Hindi Translator does not seem to be correct as the said termination is not a punishment rather the same was known to the applicant that as and when a regular arrangement is made by the respondents on the said post, the applicant will have to be reverted to her parent grade. Hence, we are of the view that the respondents have not committed any irregularity or illegality by reverting/terminated the services of the applicant as Jr. Hindi Translator Gr.II and reverting her back to her parent grade of Postal Assistant.

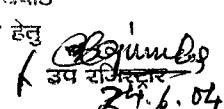
3. In the facts and circumstances of the case and in the light of the observations made above, we find that the original application is bereft of merit and deserves to be dismissed which is accordingly dismissed. No costs.


(Madan Mohan)
Member (Judicial)


(M.P. Singh)
Vice Chairman

/na/

पृष्ठांकन सं. ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि आव्योगिता:-

- (1) सचिव, उच्च व्यायालय वार एकारिसियुएट, जबलपुर
- (2) आवेदक श्री/प्रीतानी/कु.....के काउंसल R.T. Wani
- (3) प्रत्यक्षी श्री/श्रीगती/कुके काउंसल K.N. Pethkar
- (4) संघपाल, एकारिसियुएट, जबलपुर व्यावर्षीय
सूचना एवं आवश्यक कार्यवाही हेतु 
24.6.04

Issued
On 24.6.04