

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA 1276/2011

Reserved on : 05.05.2016
Pronounced on: 17.05.2016

**Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

Yugesh Kumar Katara
Serving as Assistant Translator
Hindi Cell, DDA,
Vikas Sadan, New Delhi ... Applicant

(Through Shri M.K. Bhardwaj, Advocate)

Versus

DDA & ors. through

1. The Vice Chairman
Delhi Development Authority
Vikas Sadan, New Delhi
2. The Commissioner (Personnel)
Delhi Development Authority
Vikas Sadan, New Delhi ... Respondents

(None appeared)

ORDER

Mr. P.K. Basu, Member (A)

This is a matter pertaining to 2011 and has been adjourned on the last three dates namely 26.11.2015, 15.02.2016 and 16.03.2016 either on the request of the counsel or as the counsel for respondents was not prepared to argue the matter. Learned counsel for the respondents did not appear even today. We are thus disposing of this OA on the basis of

pleadings and arguments of the learned counsel for the applicant.

2. Learned counsel for the applicant, Shri M.K. Bhardwaj argued that the applicant was appointed as Hindi Translator, which was an isolated post in the respondent-organization, in 1979 in the pay scale of Rs.260-425/-. He was awarded the first and second upgradation under Assured Career Progression Scheme (ACPS) in the pay scale of Rs.3250-4900 and Rs.4000-6000, respectively. The applicant's case is that he should have been given financial upgradation under ACPS in the pay scales meant for Junior Hindi Translator (JHT) and Senior Hindi Translator (SHT) in accordance with OM dated 9.08.1999 and clarification dated 14.12.2000 according to which in case of isolated posts, respondents were supposed to locate similar posts within the organization and promotional avenues for these posts and grant upgradation in the promotional posts and not in the immediate higher scales. It is stated that the post of Hindi Translator existing in Delhi Development Authority (DDA) has promotional hierarchy in the post of JHT in the pay-scale of Rs.5000-8000 and in the post of SHT in the pay-scale of Rs.5500-9000. He stated that under the ACPS, upgradations were to be given in the pay-scales of the promotional posts of the cadre and not in the next higher pay-scales. It is the case of the applicant that this provision of the ACPS read with the clarification communicated vide OM dated 14.12.2000 supports his claim.

3. In their counter, the respondents have stated that vide letter dated 17.05.1979, the applicant was appointed as Assistant Hindi Translator (AHT) in the pay-scale of Rs.260-400 (pre-revised). It is further stated that there are no promotional avenues for the post of AHT and as per the Recruitment Rules (RRs) for this, recruitment is a direct recruitment. Essential educational qualification is graduate from any recognized university with English and Hindi as subjects. In distinction with this, for JHT, method of recruitment is direct recruitment but the essential educational qualification for direct recruitment is Master Degree from recognized university in Hindi/English with Hindi/English as a compulsory/elective/main subject at the degree level.

4. The respondents have further stated in their reply that the applicant possessed Shastri Degree from Rastriya Sanskrit Sansthan, New Delhi. As such, he did not hold requisite qualification of Graduate in Hindi and English or Post Graduate in Hindi or English for JHT, copy of which has been filed by respondents with their reply.

5. From the reply filed by the respondents, three things are clear. One that the applicant was appointed against the post of AHT and not as Hindi Translator. Second, the essential qualification for the post of AHT was graduation with English and Hindi as subjects. As against this, the applicant possessed Shastri Degree from Rastriya Sanskrit Sansthan, New Delhi and as such, he did not hold the requisite qualification of Graduate in

Hindi and English or Post Graduate in Hindi or English for JHT as well. Third, the post of AHT held by the applicant cannot be compared to JHT as the essential qualifications are higher namely Masters Degree from recognized University in Hindi or English for the post of JHT.

6. In view of above facts pointed out by the respondents in their reply, we are of the opinion that this OA is completely misplaced and prayer made out does not deserve to be allowed. The OA is, therefore, dismissed. No costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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