

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/94/2012

Jabalpur, this Thursday, the 26th day of September, 2019

**HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Smt. Archana Verma, W/o Shri Manish Verma, working as Junior Hindi Translator, In the O/o the Chief Postmaster General, Madhya Pradesh Circle, Bhopal – 462012, R/o A-72, Shahpura, Bhopal – 462016 **-Applicant**

(By Advocate – None)

V e r s u s

1. Union of India through the Secretary to Govt. of India, Ministry of Communications & Information Technology, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi 110116.
2. The Chief Post Master General, Madhya Pradesh Circle, Dak Bhawan, Bhopal – 462012 **-Respondents**

(By Advocate – Shri A.P. Khare)

O R D E R (O R A L)

By Navin Tandon, AM.

Since there is no representation on the part of the applicant on three consecutive occasions including today, provisions of Rule 15(1) of CAT (Procedure) Rules, 1987 is being invoked.

2. It is the case of the applicant that she has been selected through Staff Selection Commission as Junior Hindi Translator

on 07.02.1994 (Annexure A-1). However, she has not been promoted as Senior Hindi Translator even though she has become entitled for the same in the year 1999. Further, on 31.03.2004, due to retirement of Shri Chandrakant Darwekar, the post has fallen vacant and, therefore, she could have been promoted as Senior Hindi Translator.

3. She has sought for the following reliefs:

“8. Reliefs sought:

In view of the facts and grounds mentioned above, the Applicant prays that-

1. The Hon'ble Tribunal may be pleased to direct the respondents to consider the case of the Applicant for promotion to the post of Sr. Hindi Translator and if found fit, applicant may be granted the promotion to the post of Sr. Hindi Translator from the year 2004 along with all consequential benefits.

2. Any other efficacious relief, this Hon'ble Tribunal deems fit in the circumstances of the case including the cost.”

4. The respondents, in their reply, have submitted that there was no vacant post of Sr. Hindi Translator in the year 1999. Further, the post of Sr. Hindi Translator got vacant only in the year 30.03.2004. In terms of Office Memorandum dated 22.07.2004 (Annexure A-13), only two posts of Junior Translator are justified for 126 or more Ministerial employees in 'A' Region. Since the M.P falls in region 'A', the need to

have more than two Junior Hindi Translator is not justified. Therefore, as per letter dated 23.01.2012 (Annexure R-4), they have specifically stated that, “there is no necessity of (continuance) existence for revival/re-creation of any vacant Post of Hindi Translator in MP Circle.”.

4.1 It has also been submitted by the respondents that the applicant has already been granted financial upgradation under ACP scheme from 11.02.2006.

5. Heard learned counsel for the respondents and perused the pleadings available on record.

6. It is undisputed that there was no vacant post of Senior Hindi Translator, when the applicant completed 05 years of service in the year 1999. It is her contention that on account of superannuation of Shri Chandrakant Darwekar, on 31.03.2004, she ought to have been promoted as Senior Hindi Translator. However, the respondents have very specifically submitted in their reply that as per the Office Memorandum dated 22.07.2004 (Annexure A-13), only two posts of Junior Translator are justified for 126 or more Ministerial employees in ‘A’ Region. Since the M.P falls in region ‘A’, the need to

have more than two Junior Hindi Translator is not justified. Further, the applicant has already got financial upgradation under the ACP scheme w.e.f. 11.02.2006 on completion of 12 years of service.

7. It is a settled position of law that promotion cannot be claimed as a matter of right. If there are no vacancies, promotion cannot be granted. It is also not the case of the applicant that any junior to her from M.P region was promoted in the interregnum curtailing the right of the applicant.

8. Thus, we do not find any merit in this Original Application. Accordingly, the O.A is dismissed. No costs.

**(Ramesh Singh Thakur)
Judicial Member**

am/-

**(Navin Tandon)
Administrative Member**