

Central Administrative Tribunal
Principal Bench

O.A.No.1688/2003

Hon'ble Shri V.K.Majotra, Member(A)
Hon'ble Shri Kuldip Singh, Member(J)

New Delhi, this the 14th day of August, 2003

Shri Baldev Krishan
s/o Shri Jiya Lal
r/o B4-153, Sectr-7
Rohini,
Delhi - 110 085.

... Applicant

(By Advocate: Sh. Keshav Kaushik)

vs.

1. Union of India
through Secretary
Ministry of Chemicals and Fertilizers
Dept. of Chemicals and Petrochemicals
Shastri Bhawan
New Delhi.

2. Ministry of Home Affairs
through Secretary
Department of Official Language
Lok Nayak Bhawan
Khan Market
New Delhi.

3. Under Secretary (Estt.)
Ministry of Chemicals and Fertilizers
Dept. of Chemicals and Petrochemicals
Shastri Bhawan
New Delhi.

... Respondents

(By Advocate: Sh. Rajeev Bansal)

O R D E R (Oral)

By Shri V.K.Majtra, Member(A):

Applicant has assailed Annexure P-4 dated 14.5.2003 whereby he has been reverted from the post of Junior Hindi Translator (on deputation) to his substantive post of Stenographer and repatriated to his parent cadre, i.e., Department of Fertilizer w.e.f. 5.5.2003 (F/N).

2. Learned counsel of applicant maintained that applicant was appointed as Junior Hindi Translator on ad hoc basis as a direct recruit through



the Limited Departmental Competitive Examination (LDCE) vide order dated 17.4.1990 (Annexure P-2). Applicant has continued to function as Junior Hindi Translator on ad hoc basis on ~~an~~ extension of his appointment from time to time till he has been ordered to be reverted by the impugned order. Learned counsel of applicant stated that applicant was on leave from 5.5.2003 to 27.6.2003 during which period he was ordered to be reverted and repatriated. Learned counsel relied upon Central Secretariat Official Language Service (Group 'C' Posts) Rules, 1981, contending that applicant had been promoted to Group V under 25% direct recruitment quota to be filled up through a LDCE. He further stated that applicant fulfils all eligibility conditions for appointment as Junior Hindi Translator and has been functioning as such since 1990.


3. On the other hand, learned counsel of respondents stated that applicant was appointed as Junior Hindi Translator on ad hoc basis initially for a period of 120 days from 4.4.1990 by inviting applications from the eligible employees in the Departments of Fertilizers, Chemicals and Petrochemicals. Candidates were subjected to a Hindi translation test on local basis by the officers of respondent No.1's department, whereafter ad hoc appointment was made which has been extended from time to time in the exigency of work/public interest since no regular Junior Hindi Translator nominated by the Department of Official Language became available to respondents. He stated that under the Rules Junior

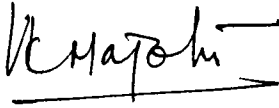
Hindi Translators are appointed 100% through Staff Selection Commission, out of which 75% through direct recruitment and 25% through LDCE. The department has recently received dossier of a selected person for regular appointment and as such ad hoc appointment of applicant has been finally terminated w.e.f. 5.5.2003 and he has been repatriated to the Department of Fertilizers on his substantive post. While he had been sanctioned leave for 54 days from 5.5.2003 to 27.6.2003, his application for extension of leave upto 27.7.2003, received on 11.7.2003 has been forwarded to his parent department.

4. As per Annexure P-6, which are recruitment rules for the Group 'C' posts, including Junior Hindi Translator, for Central Secretariat Official Language Service while 75% recruitment has to be made by direct recruitment through Staff Selection Commission, 25% recruitment has to be made through a LDCE. These rules had come into force w.e.f. 19.9.1981 when notification Annexure P-6 was published. Applicant had been appointed vide Annexure P-2 dated 17.4.1990 by the Department itself. He was not recruited through a LDCE. Claim of applicant in this regard has not been established. Obviously, he had been appointed to officiate as Junior Hindi Translator de hors the rules. Even though he has functioned in the post of Junior Hindi Translator for several years no right has accrued to him to continue in the post having been appointed and continued not in accordance with the relevant rules and could be

repatriated on his substantive post in his parent department while a regularly selected candidate has become available.

5. If one has regard to the discussion made and reasons recorded above, no infirmity is detected in the action of the respondents in repatriation of applicant on his substantive post in his parent department. As a result, this OA must fail, being devoid of merit. Accordingly, it is dismissed, however, without any cost.


(Kuldeep Singh)
Member(J)


(V.K. Majotra)
Member(A)

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