

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.17141 of 2016

10.08.2017

Between:

Union of India,
represented by its Secretary,
Department of Telecommunications 20,
Ashoka Road, New Delhi -1 and others

..Petitioners

and

The Central Administrative Tribunal,
represented by its Registrar,
Hyderabad Bench, Hyderabad and another

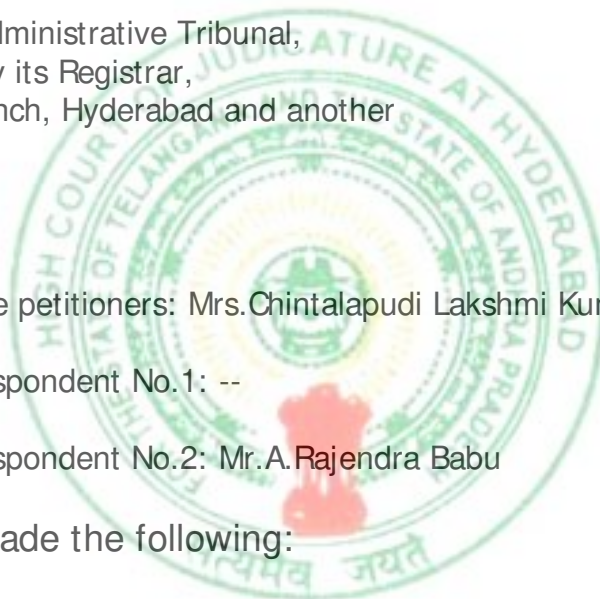
..Respondents

Counsel for the petitioners: Mrs.Chintalapudi Lakshmi Kumari

Counsel for respondent No.1: --

Counsel for respondent No.2: Mr.A.Rajendra Babu

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The short issue that falls for adjudication in this writ petition is whether respondent No.2, who was holding a deputation post as Junior Hindi Translator Grade II, is eligible for being considered for the post of Rajbhasha Adhikari. The order of the Central Administrative Tribunal, Hyderabad Bench – respondent No.1 holding in favour of respondent No.2 is assailed by the department of Telecommunications.

2. In order to decide the aforementioned issue, the criteria fixed under the employment notification concerned is relevant, which reads as under:

“Promotion by Limited Internal Competitive Examination (LICE) for Sr.Hindi Translators with 3 years regular service including service rendered as Hindi Translator Grade-I (redesignated as Sr.Hindi Translator), Jr. Hindi Translator with 5 years regular service including service rendered as Hindi Translator Grade-II & III (redesignated as Jr.Hindi Translator); Group-C officials (non-executives) of BSNL who are working/have worked as Assistant Director (OL)/Rajbhasha Adhikari on local officiating/adhoc basis for 5 years.

All the categories of the officials mentioned above should possess educational qualifications as specified in Col.8 of the Schedule for Direct recruitment.”

From the above extracted notification, it is clear that a Junior Hindi Translator is eligible if he has five years of regular service including the service rendered as Hindi Translator Grade II and III (re-designated as Junior Hindi Translator). While respondent No.2 was holding the substantive post of Section Supervisor in the Telecommunications Department, he was appointed as Hindi Translator Grade II by transfer on deputation basis under proceedings, dated 16.06.1998, for a period of one year. It is not in dispute that this deputation period has been extended

from time to time. The conditions subject to which respondent No.2 was appointed on deputation read as follows:

- “(1) The above officials will work as Hindi Translators Grade.II purely on deputation basis for a period of one year.
- (2) The officials will be repatriated back to their parent cadres immediately on completion of deputation period.
- (3) The deputation period will not confer any right for permanent absorption as Hindi Translators.
- (4) The appointment on deputation is subject to the rules selection of Hindi Translators in force as well as amended from time to time.”

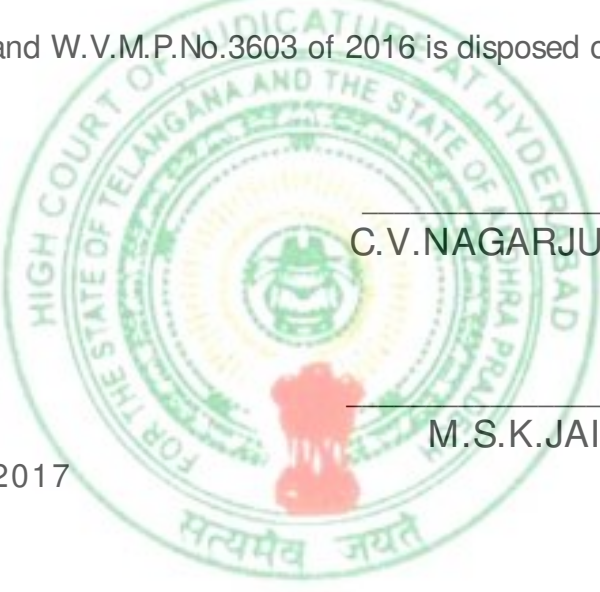
It is crystal clear from the conditions as extracted above that respondent No.2 was holding the post of Hindi Translator Grade II on deputation subject to the condition that he will be repatriated back to his parent cadre immediately on completion of deputation period and also that the deputation period may not confer any right for permanent absorption as Hindi Translator. It is, thus, evident that while working as Hindi Translator Grade II, respondent No.2 continued to hold the substantive post of Section Supervisor during the said deputation period. What is required as per the eligibility criteria is that he must have completed five years of regular service as Junior Hindi Translator.

3. Mr.A.Rajendra Babu, learned counsel for respondent No.2, has submitted that the aforementioned criteria needs to be read down by treating a person with five years experience as Hindi Translator Grade II as also eligible. We are afraid, we cannot accept this submission. When the eligibility criteria is prescribed by the employer, it is not permissible for the Tribunal or the Court to act too or subtract from the specific language employed by the employer. Had it been the prescribed eligibility criteria that one must have five years experience as Junior Hindi Translator, respondent No.2 would have been eligible. To his misfortune, the

petitioners have prescribed a specific criterion of a Junior Hindi Translator having five years regular service. This being the position, we are of the opinion that respondent No.2 does not satisfy the eligibility criteria prescribed by the petitioners for being considered for the post of Rajbhasha Adhikari. The Tribunal has erred in concluding otherwise.

4. For the aforementioned reasons, the order of the Tribunal cannot be sustained and the same is, accordingly, set aside. The Writ Petition, accordingly, stands allowed.

5. As a sequel to allowing the writ petition, W.P.M.P.No.21099 of 2016 is disposed of and W.V.M.P.No.3603 of 2016 is disposed of as infrutuous.



C.V.NAGARJUNA REDDY, J

M.S.K.JAI SWAL, J

10th August, 2017
GHN