
(2011) 08 DEL CK 0187
In the Delhi High Court
Case No : Writ Petition (C) 5130 of 1998

Gyanendra Kumar Bhardwaj

APPELLANT

Vs

Director General, ITBP and Others

RESPONDENT

Date of Decision : 08-08-2011

Acts Referred:

Citation : (2011) 08 DEL CK 0187

Hon'ble Judges : Sunil Gaur, J; Pradeep Nandrajog, J

Bench : Division Bench

Advocate : Vivek Sharma, for the Appellant; Saroj Bidawat and A.S. Tuisem Shimrag, for the Respondent

Final Decision : Dismissed

Judgement

Pradeep Nandrajog, J.—Various posts were advertised to be filled up under ITBP; one of which was post of Inspector (Hindi Translator).

2. It was indicated that the posts were temporary but likely to become permanent.

3. Pertaining to the post of Inspector (Translator) it was highlighted that the candidate must have 4 years' experiences in translation work from Hindi to English and vice-versa.

4. Petitioner, appointed as a Naik (Combatant Ministerial) applied for the post and was subject to the process of selection, but was denied the benefit of success inasmuch as complaints were made that ineligible persons were being selected and upon the matter probed, it was found that allegations were correct. As regards the Petitioner, experience was found to be lacking.

5. The certificate on which the Petitioner was relying, being the certificate dated 15.7.1997 certified as under:

CERTIFICATE OF EXPERIENCE

This is to certify that No. 880151693 Head Constable Combatant Ministerial Gyanendra Kumar Bhardwaj S/o Shri Kanhya Lal was appointed as Nk/CM in ITBP on 16.8.1988, he has performed duties as and in the capacity of clerk in establishment branch. He has a long experience to work in Hindi as well as English language. Many a times he has translated a few enquiries report and other administrative matters from Hindi to English and vice versa.

6. Suffice would it be to state that as per the certificate the Petitioner was certified as working as a Clerk and having work experience in Hindi and English language. Pertaining to translation, the certificate simply stated that many a times he had translated a few queries and reports.

7. On 4.9.1997, Petitioner was required to obtain a proper certificate which should indicate the period for which he had worked as a Translator.

8. Petitioner obtained another certificate which reads as under:

EXPERIENCE CERTIFICATE

This is to certify that No. 880151693 HC/CM Gyanendra Kumar Bhardwaj S/o Sh. Kanhya Lal was recruited in 15th Bn.ITB Police on 16.8.1988 as Nk/CM. He performed the duty of Clerk in Establishment Branch w.e.f. 16.8.1988 to 30.6.1993. Besides the duties of clerk, many a times, during the above period he performed the job of translation from English to Hindi and vice-versa.

9. Suffice would it be to state that the certificate dated 27.9.1997 simply certifies that the Petitioner had performed duties of a clerk in the Establishment Branch from 16.8.1988 to 13.6.1993 and that many a times performed the job of translation from English to Hindi and vice-versa.

10. Now, the requirement is not to perform ?many a times? translation duties. Requirement of the experience was to be working in the field of translation for a period of 4 years.

11. Somebody doing casual translation and somebody doing translation as a matter of routine is an entirely different issue. The certificates relied upon by the Petitioner would reveal that he was predominantly performing clerical duties and sometimes or on ?many a times? would be doing translation work. Many a times doing translation work would not mean that predominant work being done was that of translation. For example, a man may be translating one letter everyday as a part of his clerical duties. This would consume only 10 minutes and for the remainder 5 hours and 50 minutes (working hours being 6 hours) the man does simple clerical work. Surely, this person cannot claim that he has the requisite experience in translation.

12. Finding no merit in the writ petition and holding that the department rightly held Petitioner lacking in the requisite experience, we dismiss the writ petition but refrain from imposing any costs.