

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,

Original Application No.040/00379 of 2014

Date of Order: This the Day of 2016

HON'BLE MRS.MANJULA DAS, JUDICIAL MEMBER

HON'BLE MOHD HALEEM KHAN, ADMINISTRATIVE MEMBER

1. Shri Vinod Kumar Nautiyal
Hindi Translator Gr-II
2. Shri Devendra Singh
Hindi Translator Gr-II
3. Shri Vijay Kumar
Hindi Translator Gr-II
4. Shri Nripen Chadra Bhowmik
Hindi Translator Gr-II
5. Shri B.K.Pandey,
Hindi Translator Gr-I
6. . Shri N.S,Rathore
Hindi Officer
7. Shri Ravi Mohan Dwivedi
Hindi Translator Grade-II
8. Shri Anand Kumar Gupta,
HindiTranslator Grade-II
9. Shri Sanjeev Paul,
Hindi Translator Grade-II
10. Smt. Asit Kamal
Hindi Translator Gd-1
11. Miss Parbati Pyngrope
Hindi Translator Grade-II
12. Shri Sunil Kumar Singh
Hindi Translator Grade-II
13. Shri Mahendra Singh
Hindi Translator Grade-II

14. Shri Pramod Kumar Singh Rathore
Hindi Translator Grade-II
15. Shri Praveen Kumar
Hindi Translator Grade-11
16. Shri Sashi Kumar Barman
Hindi Translator Grade-II
17. Smt.Rashmi Rekha Das
Hindi Translator Grade-II
18. Shri Sagir Ahmed
Hindi Translator Grade-II

(All the applicants are working as Hindi Translator Grade-1, Grade-II and Hindi Officer in Assam Rifles and posted in different places in N.E.Region under the absolute administrative control of Director General, Assam Rifles, Shillong.

.....Applicants

By Advocate Mr.M.Chanda

-Versus-

1. The Union of India
Represented by the Secretary,
Govt. Of India
Ministry of Home Affairs,
New Delhi
2. The Director General,
Assam Rifles Shillong-793011
3. The Secretary,
Govt. Of India
Ministry of Finance

New Delhi

Respondents

By Advocate Mr.R.Hazarika, Addl.C.G.S.C.

O.R.D.E.R**Per Mohd Haleem Khan , Administrative Member:**

Shri Vinod Kumar Nautiyal, Hindi Translator Grade-II alongwith 17 others in the Translator Grade II have filed this application under Section 19 of the Administrative Tribunals Act 1987 aggrieved by the impugned order No.A/Legal/Sashi Kumar applicant Barman/2014/132 dated 17.7.2014 issued by the Director General, Assam Rifles whereby the claim of the applicants for up-gradation of pay scale has been rejected which according to the applicants is in violation of the judgment and order dated 09.9.2011 in O.A.No.295 of 2010 passed by this Tribunal and also falls short of the directions of the Hon'ble Gauhati High Court (judgment and order dated 1st April 2014 in Writ Petition(C) No.226 of 2012). Accordingly, the notice was issued and the respondents filed the written statement.

2. The respondents submitted that all the averments made in the O.A. and not supported by documents or specifically admitted be treated as denied. The respondents however, admitted that in the present O.A.No.379 of 2014 filed by Shri Vinod Kumar Nautiyal, alongwith 17 others the relief sought read as follows:-

“(a) To set aside and quash the impugned Speaking Order No.A/Legal/Sashi Kumar Barman/2014/132 dated 17 July 2014 issued by HQ DGAR whereby the claim for upgradation of the pay scales of the applicants as prayed for have been rejected,

(b) To grant the revised pay scale of Rs.5500-9000/-, Rs.6500-10,500/- and 7500-12000/- to the Translator Grade-II, Hindi Translator Grade-1 and Hindi Officer respectively in Assam Rifles with effect from 01 Jan 1996 at least on notional basis and actual payment of upgraded scale with effect from 11 Feb.2003 in terms of annexure-1 and Annexure-II of the Original application and further revised scale of Rs.6500-10500/-, Rs.7450-11500/- and Rs.8000-13500/- respectively with effect from 01 Jan 2006 in terms of Annexure-III & IV of the Original Application.

(C) To grant revised scale to the applicants as prayed for, in terms of the judgment and order dated 09 Sept.2011 in Original Application No.295/2010 passed by Hon’ble Central Administrative Tribunal, Guwahati Bench.”

3. The respondents further submitted that the applicants are civil Government employees of Assam Rifles serving in different units/locations. Their pay and allowances have been decided as per recommendations of 4th, 5th and 6th Central Pay Commission (CPC) under extant Recruitment Rules vide Notification No.GSR 578 dated 10 Oct 2001. According to the respondents there is no deviation in the

implementation of the orders received from the competent authority.

The respondents emphasised that the posts of Hindi Translator Grade-II, Hindi Translator Grade-1, Hindi Officer and Senior Hindi Officer are classified under General Central Civil Services (GCCS). Comparison of these posts to Junior Translator, Senior Translator and Assistant Director (OL) in the Central Secretariat Office Language Services (CSOLS) is incorrect.

4. The respondents further submitted that the pay of the applicants have been fixed correctly after 6th Central Pay Commission as per the pay scales of the applicants in 5th Central pay Commission. In the written statement of the respondents have tabulated the same as followings:-

Designation	Pay Scale in 5 th CPC	Corresponding Pay Band and Grade Pay in 6 th CPC	
		Pay Band	Grade Pay
Hindi Translator Grade-II	Rs.5000-150-8000/-	PB-2	Rs.4200/-
Hindi Translator Grade-1	Rs.5500-175-9000/-	PB-2	Rs.4200/-
Hindi Officer	Rs.6500-200-10500/-	PB-2	Rs.4600/-
Senior Hindi Officer	Rs.8000-275-13500/-	PB-3	Rs.5400/-

5. Respondents further submitted that the Recruitment Rules are different in Assam Rifles from those of Central Secretariat Office Language Services (CSOLS) and their subordinate offices. Respondents further submitted that they have not received specific orders from Ministry of Home Affairs, with regard to upgradation/enhancement of pay scale of the applicants working in Assam Rifles vis-a-vis CRPF, BSF and other Central Armed Police Forces. Respondents further submitted that as per Ministry of Home Affairs UO No.27013/26/2009-PF-IV(AR) dated 3rd July 2009, HQ DGAR is a Non-Secretariat Organization. Hence, demand for grant of similar pay scale as applicable to Translators working in Central Secretariat Office Language Services (CSOLS) and its subordinate offices is totally illegal and unjustified. Respondents further submitted that the applicants have of their own choice joined Assam Rifles knowing well the pay scales and status of their post. Now after joining the service the applicants are barred by law of estoppels to question their pay at this stage. Any claim for the scale of Central Secretariat Office Language Service (CSOLS) cannot be legally sustained as the two are different services and cadre with two different recruitment and working conditions and cannot be compared. According to the respondents applicants are not entitled for upgradation of pay scale as per Ministry of Finance (Department of Expenditure) Implementation Corrigendum No.F.No.1/1/2008-IC dated 27.11.2008. Respondents further submitted that the O.A.No.295 of 2010 filed by Shri Sashi Kumar Barman, Hindi Translator and 34 others of Assam Rifles before Central Administrative Tribunal Guwahati Bench was allowed vide order and judgment dated 9.9.2011, with the following order:

“The impugned order dated 11.12.2010 is hereby set aside and quashed. Respondents are directed to follow the prescription of the order dated 27.11.2008 issued by the Government of

India, Ministry of Finance, Department of expenditure, Implementation Cell.”

Against the above decision, a Review Application No.04 of 2011 was filed before this Tribunal by DGAR Vs Shri Sashi Kumar Barman, Hind Translator, which was also dismissed by order and judgment dated 03.11.2011. Subsequently, Writ Petition No.226 of 2012 was filed by the Respondents and the same was disposed of by the Hon’ble Gauhati High court by judgment and order dated 1st April 2014 with the following directions:-

“The Office Memorandum dated 27.11.2008 is of the Government of India in the Ministry of Finance. The above quoted letter dated 02 May 2013 has been issued by the Government of India, in the Ministry of Home Affairs in reference to the said office Memorandum. As noted above, a thin distinction is sought to be made in reference to the expression “Subordinate office”. While according to the petitioner, the pay parity is not applicable to the applicants, they being not the incumbents of the subordinate office, it is the case of the applicants that they are fully covered by the said O.M., Subsequently clarified by the above quoted letter dated 02.05.2013. For all the aforesaid reasons, we dispose of the writ petition directing the Ministry of Home Affairs to take appropriate decision in the matter in consultation with the Government of India in the Ministry of Finance Department and consistently, with the stand taken before the Tribunal in para 13 and 18 of the WS quoted

above and also the observations made above. Let an appropriate decision in the matter be taken by a speaking order, as expeditiously as possible, preferably within three months.”

(emphasiz supplied)

6. In the light of the above judgment of the Hon’ble Court, the matter was taken up by the Ministry of Home Affairs, with the Ministry of Finance. Department of expenditure has examined the case vide U.O. Note No.19(7)/E.III(B)/2014 dated 30 June 2014 and made the following observations (extracted from of WS Annexure R-3)

:-

“Ministry of Finance

Department of Expenditure

E.III.B.Branch

Ministry of Home Affairs may please their notes at pre pages seeking comments on a order dated 1.4.2014 passed by the Gauhati High Court in WP.No.226/2012 filed by Directorate General Assam Rifles (DGAR) against CAT’s order dated 09.0.2011 regarding grant of higher pay scale of Hindi staff in Assam Rifles.

2. The matter has been examined in this Department and it is observed that the minimum educational qualification prescribed for the post of Hindi Translator Gr.II in Assam Rifles is Bachelor’s Degree. However, the pre-revised scale of the post of Hindi Translator Gr.II, Gr.1 and Hindi Officer Officer are comparable to that of Jr.Translator, Sr. Translator and Asstt. Director (OL) of CSOLS respectively even though RRs for the post of Hindi Translator Gr.II in Assam Rifles is lower than that of Jr.Translator of CSOLS. However, the post of Sr.Hindi Officer in Assam Rifles which is stated to be

equivalent to the post of DD(OL) of CSOLS, was in the lower pre-revised pay scale prior to 6th CPC i.e Rs.8000-13500 and DD(OL), CSOLS were in the pre-revised pay scale of Rs.10000-15200.

3. Further it is observed that the Government has accepted the Report of 6th CPC as a package with some modifications. Accordingly, the above recommendations made by the Commission regarding Official Language cadres have been accepted by the Government. Consequently, in CSOLS and other offices like Central Hindi Teaching Institute (CHTI) in which hierarchy the pre-revised scale of Rs.8000-13500 did not exist and where the Assistant Directors were in the pre-revised scale of Rs.7500-12000, the ADs have been granted the revised grade pay of Rs.5400 in PB-3. However, in offices like Assam Rifles in whose hierarchy the pre-revised scale of Rs.8000-13500 already existed, this system is obviously not applicable.

4. Further, it is observed that the required qualification for Jr.Translator of IMD is lower than that of CSOLS. Also, the hierarchy of CSOLS and IMD is different as under:-

The hierarchy of CSOLS	The hierarchy of Assam Rifles
Junior Translator	Hindi Translator Grade-II
Senior Translator	Hindi Translator Grade-1
Assistant Director (OL)	Hindi Officer
Deputy Director (OL)	Senior Hindi Officer
Joint Director (OL)	
Director (OL)	

5. In view of dissimilarity in the qualification as well as hierarchy in Assam Rifles with CSOLS, the proposal for Assam Rifles cannot be agreed to. AM is advised to issue speaking order.....”

According to the Respondents as per Ministry of Finance (Department of Expenditure) implementation Cell Corrigendum No.FNo.1/1/2008-IC dated 27.11.2008 the claim of the applicants is devoid of merit and substance and hence, same has been rejected vide HQ DGAR speaking order No.A/Legal/Sashi Kumar Barman/2014/132 dated 17 Jul 2014 as per Ministry of Finance (Department of Expenditure) U.O. Note No.19(7)/E.III(B)/2014 dated 30 Jun 2014. Copy of the speaking Order has been circulated to all concerned vide HQ DGAR letter No.A/Legal/Sashi Kumar Barman/2014/133 dated 17 July 2014. According to the respondents the contention made by the applicant is of repeated nature and has been time and again examined and clarified. No merit has been found in their case and this O.A. accordingly should be dismissed.

7. Respondents specifically controverted contents of para 4.4 of the O.A, as based on false, incorrect and misleading information. According to the respondents the minimum educational qualification for the post of Hindi Translator Grade-II in Assam Rifles is Bachelor's

Degree. The respondents further elaborated that the pre-revised scale of the post of Hindi Translator Grade-II, Grade-1 and Hindi Officer are comparable to that of Junior Translator, Senior Translator and Assistant Director (OL) of CSOLS. Respondents further added that the post of Senior Hindi Officer in Assam Rifles which is stated to be equivalent to the post of DD(OL) of CSOLS was in the lower pre-revised pay scale prior to 6th Central Pay Commission i.e 8,000-13,5000 while DD(OL), CSOLS were in the pre-revised pay scale of Rs.10,000-15,200/-.

8. In para 19 of the written statement the respondents further clarified the position and the same is extracted below:-

“ Government has accepted the report of 6th Central Pay Commission as a package with some modifications. Accordingly, the above recommendation made by the Commission regarding Official Language cadres has been accepted by the Government. Consequent, in CSOLS and other offices like Central Hindi Teaching Institute (CHTI) in which hierarchy the pre-revised scale of Rs.8000-13500 did not exist and where the Assistant Directors were in the pre-revised scale of Rs.7500-12000, the ADs have been granted the revised grade pay of Rs.5400 in PB-3. However, in offices like Assam Rifles in whose hierarchy the pre-revised scale of Rs. 8000-13500 already existed, this system is

obviously not applicable. The comparison to the post and pay scale of Junior Translator, Senior Translator and Assistant Director (OL) in the Central Secretariat Official Language Services (CSOLS) in respect of the post of Hindi Translator Grade-II, Hindi Translator Grade-1, Hindi Officer and Senior Hindi Officer in Assam Rifles is incorrect. Comparison of these categories with CSOLS and their subordinate offices is incorrect.”

9. In Para 20 of written statement the respondents also submitted that the required qualification for junior Translator of IMD is lower than that of CSOLS. The hierarchy is also different as follows:-

The hierarchy of CSOLS	The hierarchy of Assam Rifles
Junior Translator Grade-II	Hindi Translator Grade-II
Senior Translator	Hindi Translator Grade-1
Assistant Director (OL)	Hindi Officer
Deputy Director (OL)	Senior Hindi Officer
Joint Director (OL)	
Director (OL)	

10. In para 38 of the written statement, the respondents clarified the position as contended by the applicant in paragraph 5.3. of the O.A., the respondents submitted that pay of Junior Translators, Senior Translators and Assistant director of Central Secretariat official

language office service and its subordinate offices had been upgraded vide Ministry of Home Affairs orders dated 19 Feb 2003 and dated 26 February 2003. However, according to the respondents the same is not applicable to Assam Rifles vis-a-vis CRPF, BSF and other Central Para Military Forces as they have not been upgraded hence, demand for grant of enhanced pay scale to the applicants is totally illegal and unjustified.

11. In view of the submissions, the respondent No.2 has prayed for dismissal of the application as the same cannot be acceded to in the absence of any specific order of the competent authority i.e Government of India, Ministry of Home Affairs.

12. Though the Addl.C.G.S.C. Mrs. S.Bora, has accepted notice on behalf of all the respondents on 18.3.2015 as clear from the noting on page 4 of the order sheet dated 18.3.2015, however, on behalf of Respondent No. 1 & 3, namely; Ministry of Home Affairs and Secretary, Ministry of Finance, Department of Expenditure, no written statement has been filed. Neither the letter of the two respondents with regard to authorising respondent No.2 to contest on their behalf to has been filed. This is being taken note of particularly as the Respondent No.2 namely, Director General of Assam Rifles in his

written statement has empathized with the demands of the applicants, but, in the absence of orders of the competent authority finds that accepting the requests of applicants will be clear cut violation of law, unjustified and illegal.

13. The applicants filed rejoinder on 30.4.2015 and submitted that the Hindi Translator Grade II and Grade-1 and Hindi Officer in Assam Rifles are equivalent to the post of Junior Translator, Senior Translator and Assistant Director (OL) respectively in the Central Secretariat Official Language Services under the Ministry of Home Affairs. But the respondents have been continuously disputing this fact on the plea of a slender distinction in the nomenclature/designation of the posts.

The applicant emphasised on the following portion of the written statement filed in O.A.No.295 of 2010:-

“13.....the answering respondent beg to submit that the point regarding equal recruitment qualifications in Assam Rifles and CSOLS is agreed to”

18.....the answering respondents beg to state that the educational qualifications, nature of duties and responsibilities of the applicants are similar to that their counterparts working in CSOLS and its subordinate offices is denial of

upgraded pay scale to the applicants is discriminatory and opposed to the provisions of Article 14 and 16 of the Constitution of India is agreed in principle.....”

14. According to the applicants, their case is fully covered by O.M.No.F.No.1/1/2008-IC dated 24.11.2008 and subsequent corrigendum issued under F.No.1/1/2008-IC dated 27.11.2008, and therefore, the contention of the RespondentNo.2 that they have not received any instructions from the competent authority not correct. The applicants further submitted that Government of India, Ministry of Home Affairs, O.M.F.No.13034/20/2009-OL(P&C) dated 02.04.2009 is in their favour and so is Government of India O.M.No.A-38016/08/2012-ADM-V dated 22.05.2013. According to the applicant Government of India, Ministry of Personnel & Training, New Delhi O.M. No.AB-14017/46/2011-Estt(RR) dated 19.09.2013 also support their case , but rules have not been made conforming to model recruitment rules. According to the applicants, Government of India’s order dated 13.6.2012 and 26.02.2003 fully support their claim. According to the applicants the Ministry of Finance, Department of Expenditure Note No.19 (7)/E.III(B)/2014 dated 30.06.2014 as recorded in para 12 of the written statement is not sustainable because the said note is inconsistent with and contradictory to their

earlier O.M. No. F.No.1/1/2008-IC dated 24.11.2008 and corrigendum F.No.1/1/2008-IC dated 27.11.2008. The applicants reiterated the averments made in the O.A., variously to controvert the submissions made in the written statement and also emphasised on the contradiction on the part of the respondents in their written statement and contended that the denial on the part of the Respondents No.2 amounts to denial of the constitutional right under article 14 by not implementing the Government of India's order issued from time to time in this regard.

Pleadings being complete. Case was heard on 14.3.2016.

15. Learned counsel for the applicant vehemently argued on the line of submissions made in the O.A as well as rejoinder.

The learned counsel for the applicant relied on the following decisions:-

(1) (2008) 1 SCC, 586, Union of India Vs. Dineshan K.K. , para 4, 5, 6, 11, 12, 18, 22, 24, 26 and 27 are reproduced below:-

4. The nub of the grievance of the writ petitioner, working in the rank of a Radio Mechanic in the Assam Rifles was that the Ministry of Home Affairs and the Director General of Assam Rifles having accepted in principle that the members of the Assam Rifles, should be given the same rank and pay structure as was given to other central paramilitary forces, yet the

same had been denied to them. It was pleaded that as the Ministry of Home Affairs had conveyed its decision to rationalize the rank structure of non gazetted personnel of central paramilitary forces vide order dated 26th January, 1998, equal pay structure in other ranks, including the Radio Mechanics in the Assam Rifles could not be denied.

5. His further grievance was that after the implementation of the Fourth Pay Commission, the pay of the Havildar/GD and Head Constable/Radio Mechanic was fixed in the pay scale of Rs.975-1660, without any discrimination between the general duty and technical categories but the discrimination surfaced when higher pay scale of Rs.1200-2040 was given to the Radio Mechanics working in the BSF, denying the same pay scale to the Radio Mechanics in the Assam Rifles. It was also pointed out that the Radio Mechanics working in the Delhi Police organization had been given a much higher pay scale on 10th October, 1997 which was being denied to the similar rank holders in the Assam Rifles.

6. The writ petition was contested by the Union of India. In the counter affidavit filed on its behalf, it was stated that on the recommendation of the Fourth Pay Commission, with effect from 1st January, 1986, the Assam Rifles personnel had been granted revised pay scales and allowances entirely on the lines of other central paramilitary forces. However, as the changes in the rank structure were not carried out in the Assam Rifles like in other central paramilitary forces, an apparent disparity in the service conditions of

certain category of personnel including the rank of Radio Mechanic had arisen.

11. Mr. Ranjit Kumar, learned senior counsel, appearing on behalf of the respondent, on the other hand, submitted that the petitioners having themselves admitted that there was an anomaly in the pay scales of the personnel of Assam Rifles, particularly, the Radio Mechanics, as compared to their counterparts in other paramilitary forces, the High Court was fully justified in giving the impugned directions. It was pointed out that, in fact, the Director General, Assam Rifles, who is one of the petitioners in the present appeal, had himself recommended to the Ministry of Home Affairs that the anomaly in the pay scales of the Radio Mechanics should be rectified. Learned counsel submits that it is unfair on the part of the Director General to take a somersault and oppose the direction given by the High Court which is in consonance with his recommendation. Learned counsel, however, stated that the respondent was not pressing for parity with the personnel of the Delhi Police.

12. The principle of equal pay for equal work has been considered, explained and applied in a catena of decisions of this Court. The doctrine of equal pay for equal work was originally propounded as part of the Directive Principles of the State Policy in [Article 39\(d\)](#) of the Constitution. In *Randhir Singh Vs. Union of India & Ors.*, a bench of three learned Judges of this Court had observed that principle of equal pay for equal work is not a mere demagogic slogan but a constitutional goal, capable of being attained through constitutional remedies and held that this principle had to be read under [Article 14](#) and [16](#) of the Constitution. This decision was affirmed by

a Constitution Bench of this Court in D.S. Nakara & Ors. Vs. Union of India. Thus, having regard to the constitutional mandate of equality and inhibition against discrimination in [Article 14](#) and [16](#), in service jurisprudence, the doctrine of equal pay for equal work has assumed status of a fundamental right.

18. Vide order dated 10th October, 1997 passed by the Ministry of Home Affairs in pursuance of para 7 of the Ministry of Finance, Department of Expenditure Resolution dated 30th September, 1997, it was notified that the President was pleased to rationalize the rank structure and pay scales of non gazetted cadre of central police organizations and as a result of this exercise certain ranks were to be merged and the rank structure was communicated in the order along with the revised pay scales and replacement pay scales. Copy of this order was sent to all the paramilitary forces, including the Assam Rifles.

22. It was stated that the proposed upgradation may disturb relativities of various trades and grades within the Assam Rifles and there was no functional justification for upgrading these posts. It is evident that on rejection of the recommendation made by the Director General of the Force, the respondent herein was left with no option but to approach the High Court for redressal of his grievance.

24. From the afore-extracted paragraphs of the counter affidavit and the resume of correspondence referred to above, it clearly stands admitted by the

petitioners herein that: (i) all the paramilitary forces, including Assam Rifles are at par with each other and (ii) there was apparent disparity in the pay scales of the personnel of Assam Rifles with their counterparts in other central paramilitary forces. In order to rectify this disparity, Director General Assam Rifles, petitioner No.2 herein, vide his letter dated 18th February, 1998 had, in fact, taken up the grievance of the respondent with the Ministry of Home Affairs, inter alia recommending re-designation of Havildar (RM) Gd.-I and II of Assam Rifles as Warrant Officer and for replacement of pay scale of Rs.4000-100-6000 to bring them at par with their counterparts in other central police organization.

26. In the present case, therefore, in the light of the admitted factual position, the question of examination of external comparisons, internal relativities and other factors, to be kept in view for job evaluation, considered to be a complex issue to be studied only by expert bodies, does not arise. As a necessary corollary, the issue as to whether there is a complete or wholesale identity between the said paramilitary forces, does not survive for consideration.

27. Thus, the short question requiring our consideration is whether having admitted in their affidavit referred to hereinabove, the apparent disparity and anomaly in the pay scales of Radio Mechanics, the administrative authorities, the petitioners herein, could be permitted to perpetuate apparent discriminatory differentiation in the pay scales because of the disparity in pre-revised and revised scales of the personnel of Assam Rifles prior to the

recommendations of the Fourth Pay Commission, irrespective of the identity of their powers, duties and responsibilities with other paramilitary forces. In our considered opinion, in view of the total absence of any plea on the part of the Union of India that Radio Mechanics in other paramilitary forces were performing different or more onerous duties as compared to the Radio Mechanics in Assam Rifles, the impugned decision of the Government was clearly irrational and arbitrary and thus, violative of [Article 14](#) of the Constitution.”

16. The applicants from the Assam Rifles, in the instant case, are demanding the rank and pay structure given to Central Secretariat Official Language Services (CSOLS) and not that of other Central Para Military Forces. The learned counsel for the applicants was specifically asked whether the relief being sought by them has been granted to other Central Para Military Forces. The learned counsel for the applicant curtly replied that if the similarly situated persons of other Central Para Military Forces sleep over the issue, it cannot be taken as a prejudice against the applicant’s case.

In view of the above reply of the learned counsel for the applicants all observations of the **Apex Court in the case of Union of India, Vs.Dineshan K. K. (supra)** as extracted above are of no help to the present case.

(2) The learned counsel for the applicants also relied on the citation in the case of **(2011) 4 GLR, Krishna Bhatta, vs State of Tripura and Ors**, specifically para 14, 15, 16, and 17. The para 17 is extracted below:-

17. All the above aspects of the matter need the special consideration of the respondents. Accordingly, the writ petition is disposed of directing the respondents to pass appropriate order consistently with the observations made above. Let the appropriate order be passed as expeditiously as possible but at any rate not later than 31.5.2011.”

(3) The learned counsel also relied on the citation **(2011) 4 GLR, 611 Chinsubam Ningol Vs.State of Manipur and others**. Para 14 and 15 as extracted below:-

“The ratio laid down in Randhir Singh’s case (supra) are followed in D.S. Nakara Vs. Union of India , (1983) 1 SCC 305, Surendra Singh Vs.Engineer-in-Chief, CPWD, (1986) 1 SCC 639, State of M.P. V.Pradmod Bhartiya, (1993) 1 SCC 539 and Alvaro Noronha Perriera V.Union of India, (1993) 4 SCC 408 and held that the principle of equal pay for equal work ’has gained judicial recognition. The Principle is not an abstract doctrine but one of substance. Parameter for invoking the doctrine would include, inter alia, nature of work and common employer. Paras 10, 11 and 12 in the case of Alvaro Noronha Perriera’s case (supra) read as follows:-

“10. The principle of equal pay for equal work” has gained judicial recognition. The principle incorporated in article 14 when understood from the angle provided in article 39(d) of the Constitution is held to be the recognition of the aforesaid doctrine. It has been held in *Randhir Singh V. Union of India* that the principle equal pay for equal work” is not an abstract doctrine but one of substance. Their lordships pointed out:

“To the vast majority of the people in India the equality clauses of the Constitution would mean nothing if they are unconcerned with the work they do and the pay they get. To them the equality clauses will have some substance if equal work means equal pay.”

11. The parameters for invoking the said principles would include, inter alia, nature of the work and common employer. There can be no two

Views that the nature of work of District and Sessions Judges is the same though in some areas pendency of cases would be higher than others. Differences in the backlog are not uncommon even in two different stations of the same Territory, may, in two different courts of the same station. Such lopsidedness is hardly the ground to conclude that the nature of work done by one judicial officer at one place is different from other. The duty hours would be substantially the same, the powers to be discharged are in a way different, whether they are District Judges in Goa or in Delhi. It would be a futile exercise to make an endeavour for drawing a distinction between the work pattern at the two different places, for such differences are discernible everywhere. But that would not make the nature of work different. It was not

necessary to cast the burden of proof on the appellants to establish.

The pendency of litigation or the norms fixed for disposal of cases by the Delhi Court to enable comparison between the nature of duties and the responsibilities carried by the officers of the Delhi Territory and the Goa Territory.”

12. One admitted fact which looms large is that till hike in the pay scale was brought about in 1982 for Delhi Judges the parity maintained as between the Union Territories of Goa and Delhi applied to the same cadre of judicial officers. Nobody doubted till then that the nature and dimension of work discharged by the officers of the same cadre of judicial officers at two different Territories were different from any perceptible standard. It is for the contesting respondents to show that there was change in the nature of work which necessitated the Government to keep two different levels of pay to the same officers working at two different places.”

15. The Apex Court in a case from this Court in *Union of India and Ors.V. Dineshan K.K.* AIR 2008 SC 1026 held that when there is no dispute regarding qualifications, duties and responsibilities of the persons holding identical posts or ranks but they are treated differently merely because they belong to different departments or the basis for classification of the posts is *ex facie* irrational arbitrary or unjust, it is open to the Court to interfere. Para 10 of the AIR in *Dinseshan K.K.’s* case (*supra*) read as follows:-

“10. Initially, particularly in the early eighties, the said principle was being applied as an absolute rule but realizing its cascading effect on other cadres, in subsequent decisions of this

court, a note of caution was sounded that the principle of equal pay for equal work had no mathematical application in every case of similar work. It has been observed that equation of posts and equation of pay structure being complex matters are generally left to the Executive and expert bodies like the pay Commission, etc. It has been emphasized that a carefully evolved pay structure ought not to be ordinarily disturbed by the Court as it may upset the balance and cause avoidable ripples in other cadres as well (Vide Secretary, Finance Department and Ors V. West Bengal Registration Service Association and Ors, (1993) Supp.(1) SCC 153 and State of Haryana Civil Secretariat Personal Staff Association, (2002) 6 SCC 72). Nevertheless, it will not be correct to lay down as an absolute rule that merely because determination and granting of pay scales is the prerogative of the Executive, the Court has no jurisdiction to examine any pay structure and an aggrieved employee has no remedy if he is unjustly treated by arbitrary State action or inaction, except to go on knocking at the doors of the Executive or the Legislature, as is sought to be canvassed on behalf of the appellants. Undoubtedly, when there is no dispute with regard to the qualifications, duties and responsibilities of the persons holding identical posts or ranks but they are treated differently merely because they belong to different departments or the basis for classification of posts is *ex facie* irrational, arbitrary or unjust it is open to the court to intervene.”

(emphasis supplied)

(4) The learned counsel also quoted the **Hon'ble Apex Court's observations in State of Kerala Vs.B.Ronjir Kumar and others (2008) 12 SCC 219, (para 14, 19, 21)**as extracted below:-

14. It is not in dispute that the officers who presided over the Labour Courts and those appointed as Presiding Officers of the Industrial Tribunals do decide disputes under the [ID Act](#), 1947. There is no qualitative difference in the nature of functions or duties attached to the categories of posts. This parity having been recognised and accepted by the State Government for more than 30 years, the High Court, in our view, has rightly observed that the mere fact that the Constitution refers to the appointment of District Judges alone cannot, by itself, be a good ground for treating the Presiding Officers of the Industrial Tribunal and the District Judges differently. The High Court held that even the Presiding Officers of the Industrial Tribunals are not outside the ambit of the Constitution as the protection of rules framed under [Article 39](#) as also under [Article 311](#) is available to them.

19. Looking to the nature of duties and functions of these respondents, we are of the opinion that there is no reason to treat them differently. Once these persons are already working for more than three decades discharging the same functions and duties, we see no reason why the same benefit should not be given to the respondents and other similarly situated Presiding Officers of the

Tribunal who are the applicants before us in IA No. 2/2004.

21. The principle of "equal pay for equal work" has been considered, explained and applied in a catena of decisions of this Court. The doctrine of "equal pay for equal work" was originally propounded as part of the Directive Principles of State Policy in [Article 39\(d\)](#) of the Constitution. Thus, having regard to the Constitutional mandate of equality and inhibition against discrimination in Articles 14 and 16, in service jurisprudence, the doctrine of "equal pay for equal work" has assumed the status of fundamental right.

(5) Learned counsel also relied on the citation **(2010) 14 SCC 323 Yogeshwar Prasad and Others Vs. National Institute of Education Planning and Administration and others.** (Para-19, 12, 13, 14, 20, 21, 31 and 32). In this case the applicants were paid higher scale in a 7th pay Commissions except IIIrd. The same is not applicable in the present case. The para 14 and 31 is being reproduced below to substantiate the above view of the law.

14. Mr. Amitesh Kumar, learned counsel appearing for the Institute-respondent no.1 tried to make out the case that duties, responsibilities and obligations of the appellants were different to their counterparts functioning in the Central Secretariat and they were justified in not giving the same pay scale.

But we do not find any merit in the submission because the respondent Institute's stand all through was that the appellants be given the pay scale of Rs.1640-2900. At this stage, respondent no.1 cannot be permitted to take a somersault in this manner. The Union of India accepted the recommendations of the Vth and VIth Pay Commissions and are giving the appellants the same pay scale which their counterparts in the Central Government are getting. It may be pertinent to observe that these appellants were getting the same pay scale as was given to the employees of their categories in the Central Government up to 1.1.1986. The Union of India accepted the recommendation of the Vth and VIth Pay Commissions and are giving them same pay scale then how only during the IIIrd Pay Commission their pay scale could be different? and how their duties, obligations and responsibilities became different only for a brief period?

31. In view of a series of judgments of this Court, the appellants are otherwise entitled to the revised pay scale. the amount paid to the appellants-employees pursuant to the grant of higher pay scale should not be recovered unless it was a case of mis-representation or fraud. Admittedly, neither mis-representation nor fraud can be attributed to the appellants in C.A.NO.209/2007. In this view of the matter, respondent no.1-

Institute would be restrained from recovering any amount which has already been paid to the appellants in C.A.NO.209/2007.”

(emphasis supplied)

(6) As underlined in the above extract of Para 14 the two cases are not similar. Learned counsel for the applicants also relied on **(2008) 7 SCC, 375, Haryana, State Minor Irrigation Tubewells Corporation and others. Vs. G.S. Uppal and others.** Para 21 as reproduced below:-

“21. There is no dispute nor can there be any to the principle as settled in the above-cited decisions of this Court that fixation of pay and determination of parity in duties is the function of the Executive and the scope of judicial review of administrative decision in this regard is very limited. However, it is also equally well-settled that the courts should interfere with the administrative decisions pertaining to pay fixation and pay parity when they find such a decision to be unreasonable, unjust and prejudicial to a section of employees and taken in ignorance of material and relevant factors.”

(emphasis supplied)

(7) The learned counsel for the applicants also relied on the decision of **(1995) 5 SCC, 218, M.P.Gupta, Vs. Union of India & Others.** The para 6 is reproduced below:-

“6. The Tribunal misdirected itself when it treated the appellant's claim as 'one time action' meaning thereby that it was not a continuing wrong based on a recurring cause of action. The claim to be paid the correct salary computed on the basis of proper pay fixation, is a right which subsists during the entire tenure of service and can be exercised at the time of each payment of the salary when the employee is entitled to salary computed correctly in accordance with the rules. This right of a Government servant to be paid the correct salary throughout his tenure according to computation made in accordance with rules, is akin to the right of redemption which is an incident of a subsisting mortgage and subsists so long as the mortgage itself subsists, unless the equity of redemption is extinguished. It is settled that the right of redemption is of this kind.”

(emphasis supplied)

This is not the case here as the case is not of pay fixation but a demand for pay parity.

(8) The learned counsel also cited **(2004) 6 SCC 218, in the case of State of Mizoram and another-Vs- Mizoram Engineering Service Association** and another. Para 6 and 7 are reproduced below:-

“6. Great stress was laid on the fact that Engineering Service in the State was not an organized service and therefore, it did not have categorisation by way of entrance level and senior level posts and for that reason the

higher scale of Rs.5900-6700 which was admissible for senior level posts could not be given in the Engineering Service. The main reason for dubbing Engineering Service as an unorganized service in the State is absence of recruitment rules for the service. Who is responsible for not framing the recruitment rules? Are the members of the Engineering Service responsible for it? The answer is clearly 'No'. For failure of the State Government to frame recruitment rules and bring Engineering Service within the framework of organized service, the engineers cannot be made to suffer. Apart from the reason of absence of recruitment rules for the Engineering Service, we see hardly any difference in organized and unorganized service so far as Government service is concerned. In Government service such a distinction does not appear to have any relevance. Civil Service is not trade unionism. We fail to appreciate what is sought to be conveyed by use of the words 'organised service' and 'unorganised service'. Nothing has been pointed out in this behalf. The argument is wholly misconceived.

7. The learned counsel for the appellant also argued that if the scale of Rs.5900-6700 is to be allowed to the Chief Engineers, the State Government will have to allow the same scale to other heads of departments in the service of the State Government which will be a heavy burden on the financial resources of the State Government and for that reason we should restrict the scale for post of Chief Engineer and Additional Chief Engineer to Rs.4500- 5700 and Rs.4100-5300 respectively. In our view this is hardly any ground to interfere with the decision of the High Court. It has been found that the claim of the respondents is fully justified by the facts on record. The Central Government

as well as the State Government accepted the recommendations of the Fourth Central Pay Commission and the scales being allowed to the members of the respondent Association are based on those recommendations.”

(emphasis supplied)

The present case can does not suffer from non existence of recruitment rules; hence no advantage of this citation can be given .

(9) The learned counsel for the applicants also relied on the following decisions of the Hon’ble Gauhati High Court and this Tribunal.

7. Judgment dated 22.09.2011 Passed WA No.(SH)/2012 (Para 6 , 9, 16, 17, 21 and 22 , Annexure-45 of rejoinder Affidavit)
8. Judgment dtd 23.08.2012 passed in WP(C) No.277 (SH)/2010 (Para 14)
9. Judgment dated 28.06.2012, passed by the Central Administrative Tribunal in TA No.76/2011 (Para 6, 7 and 8)
10. Judgment dated 10.08.2012 passed in WP(C) No.19 (SH)/2010
11. Judgment dated 09.04.2013 passed in WP(C)(SH) No.268/2012 (Para 9, 10, 11 and 12).
12. Judgment and order dated 26.11.2014 passed in W.A.No.25/2013, as well as in W.A.No.29/2012 (Para 9, 10, 11 and 12)

17. The learned counsel of the respondents also, variously argued on the line of their submissions in the written statement and emphasised on para 5, 6, 12(a) and (b) of the written statement which have been extracted below:-

5. “The comparison to the post of Junior Translator, Senior Translator and assistant Director(OL) in the Central Secretariat Official Language Services (CSOLS) in respect of the posts of Hindi Translator Grade-II, Hindi Translator Grade-1 and Hindi Officer in Assam Rifles is incorrect. Recruitment qualification, nature of duties and Responsibilities Avenue of promotion of the applicant may be same but pay scales are not same. It may be mentioned here that the ranks structure in Assam Rifles have been approved by the competent authority as Recruitment Rules framed vide GSR 578 dated 10 Oct 2001. The applicants were enrolled in Assam Rifles as Hindi Translator Grade-II, Hindi Translator Grade-1 and Hindi Officer under the Assam Rifles Recruitment Rules. Accordingly, their pay was fixed in 4th, 5th, and 6th Central Pay Commission (CPC) as per government rules. Comparison of these categories with Central Secretariat Office Language Services (CSOLS) and their subordinate offices is incorrect as such there are no government orders exist in the Force in which pay of these particular posts have been upgraded hence grant of enhanced pay scale to the applicants is totally illegal and unjustified.”

6. “The Recruitment Rules are different in Assam Rifles and Central Secretariat Office Language Services (CSOLS) and their subordinate offices. Accordingly, pay and allowances are different in nature and no specific orders have been received from the Ministry of Home Affairs as on date regarding up gradation/enhancement of pay scale of the applicants working in Assam Rifles vis-avis CRPF, BSF and other Central Armed Police Forces. As per Ministry of Home Affairs UONo.27013/26/2009-PF-IV(AR) dated 03 July 2009, HQ DGAR is a Non-Secretariat Organization. Hence, grant of similar pay scale as applicable to Translators working in Central Secretariat Office Language Services (CSOLS) and its subordinate offices is totally illegal and unjustified.”

12. “(a) The minimum educational qualification prescribed for the post of Hindi Translator Grade II in Assam Rifles is Bachelor’s Degree. However, the pre-revised of the post of Hindi Translator Grade II, Grade-1 and Hindi Officer are comparable to that of Junior Translator, Senior Translator and Assistant Director (OL) of CSOLS respectively even though Recruitment Rules for the post of Hindi Translator Grade-II in Assam Rifles is lower than that of Junior Translator of CSOLS. However, the post of Senior Hindi Officer in Assam Rifles which is stated to be equivalent to the post of DD(OL) of CSOLS, was in the lower pre-revised pay scale prior to 6th Central Pay Commission i.e.8000-13500 and

DD(OL),CSOL were in the pre-revised pay scale of Rs.10000-15200.

(b) Government has accepted the Report of 6th Central Pay Commission as a package with some modifications. Accordingly, the above recommendation made by the Commission regarding Official

Language cadres have been accepted by the Government Consequent in CSOLS and other offices like Central Hindi Teaching Institute (CHTI) in which hierarchy the pre-revised scale of Rs.8000-13500 did not exist and where the Assistant Directors were in the pre-revised scale of Rs.7500-12000, the ADs have been granted the revised grade pay of Rs.5400 in PB-3. However, in offices like Assam Rifles in whose hierarchy the pre-revised scale of Rs.8000-13500 already existed, this system is obviously not applicable.”

18. On being asked specifically to assist the Court with records as to how the demands of the applicants have been dealt with by the 7th Pay Commission neither the learned counsel for the applicant nor the respondents had any clue. Since the 7th Pay Commission is in the stage of implementation, the Court does not consider it necessary to persist and prolong the case on this ground .

19. In view of the above submissions by the rival parties, the pleadings and material placed before the court, the following observations can be made:-

(i) The applicant has agitated the issue before this Tribunal by O.A.No.295 of 2010. The operative portion of the order in the said O.A. is reproduced below:-

“3. Mrs. S.Bora, learned Addl.C.G.S.C. appearing for the respondents submitted that in para 18 of the written statement above fact was admitted in principle but without specific orders of the Govt. of India, Ministry of Home Affairs , accepting the requests of the applicants nothing can be done in the matter. On that , Mrs. U.Dutta, learned counsel appearing for the applicants invited our attention to the order underF.No.1/1/2008-IC dated 27.11.2008 issued by the Govt. of India, Ministry of Finance, Department of Expenditure, implementation Cell, which reads as under:-

CORRIGENDUM

Sub:- Revised pay scales for Official Language posts in various subordinate offices of the Central Government.

In partial modification of this Department’s O.M. of even number dated 24th November, 2008 (copy enclosed), the table in para 1 of the said O.M. may be read as here under:-

Designation	Recommended pat scale	Correspo nding Pay Band & Grade Pay	Grade
Jr. Translator	6500-10500	PB-2	4200
Sr.Translator	7450-11500	PB-2	4600

Assistant Director (OL)	8000-13500	PB-3	5400
Dy. Director (OL)	10000-15200	PB-3	6600
Jr. Director (OL)	12000-16500	PB-3	7600
Director (OL)	14300-18300	PB-4	8700

2. All Ministries/Department etc. are required to grant the revised pay structure as indicated in the table above, which has been approved for various posts in the CSOLS to similarly designated Official Language posts existing in their subordinate offices.

In view of the aforesaid order, the impugned order dated 11.10.2010 is hereby set aside and quashed. Respondents are directed to follow the prescription of the order .11.2008 issued by the Govt. of India, Ministry of Finance, Department of Expenditure, implementation Cell.

In the result O.A.stands allowed. No costs.”

The above order was followed by the Review Application No. 4 of 2011 and the same was disposed of by order dated 3rd November 2011. The operative portion of the order in the said R.A. is reproduced below:-

“No apparent error could be pointed out by the learned Addl.C.G.S.C.. As such, we do not find any merit in the present Review Application. Accordingly, we dismiss the same.”

(ii) The **Director General of Assam Rifles, Shillong Meghalaya** filed Writ Petition (C)No. 226 of 2012 dated **01.04.2014** and the same was disposed of by the

Hon'ble High Court by the judgment and order No WP(C)

226/2012 dated 01.04.2014 with the following

observations:-

"22. The Office Memorandum dated 27.11.2008 is of the Government of India in the Ministry of Finance. The above quoted letter dated 02.05.2013 has been issued by the Government of India in the Ministry of Home Affairs in reference to the said office memorandum. As noted above, a thin distinction is sought to be made in reference to the expression "subordinate office." While according to the petitioner, the pay parity is not applicable to the applicants, they being not the incumbents of the subordinate office, it is the case of the applicants that they are fully covered by the said O.M. subsequently clarified by the above quoted letter dated 02.05.2013.

23. For all the aforesaid reasons, we dispose of the writ petition directing the Ministry of Home Affairs to take appropriate decision in the matter in consultation with the Government of India in the Finance Department and consistently, with the stand taken before the Tribunal in para 13 and 18 of the WS quoted above and also the observations made above. Let an appropriate decision in the matter be taken by a speaking order, as expeditiously as possible, preferably within three months."

(iii) The applicants have filed this O.A. with a prayer to set aside and quash the impugned speaking

order dated 17.7.2014 as the same is not according to the order of the Hon'ble High Court. On perusal of the records it is evident that the impugned order dated 17.7.2014 has been issued under the signature of A.P.S Negi, Colonel (Administration) for DG Assam Rifles. It does not prima facie meets the requirement of implementing the Scheme of things as laid down in the Hon'ble High Court's order in Writ Petition No.226 of 2012 dated.01.04.2014 as extracted above. The impugned order though refers to some intimation from Ministry of Finance but does not refer to the DG, Assam Rifles being authorized by the Ministry of Home Affairs to issue speaking order on their behalf as directed by the Hon'ble High Court. In view of the same, this order dated 01.04.2014 is set aside and quashed as suffering from malice in law.

(iv) The Hon'ble High Court has in its order dated 5.4.2014 made para 13 & 18 of the written statement filed in O.A.No.295 of 2010 as integral part of its order. To make this order comprehensive we

propose to bring up front the relevant portion of the written statement filed in O.A.No.295 of 2010 and related details.

In *O.A.No.295 of 2010* following have been impleaded as respondents.

- (1) Director General, Assam Rifles, Shillong.
- (2) Secretary, Government of India, Ministry of finance, Department of Expenditure.
- (3) The Secretary, Govt. of India, Ministry of Finance
Department of Expenditure, New Delhi.

From the records of O.A No.295 of 2010 it is not clear to this court as to how the written statement filed by the Lt. Col.SO1(A), Directorate General Assam Rifles, Shillong has been found sufficient to represent both the Ministry of Home Affairs as well as Ministry of Finance without any authorization issued and filed on behalf of Ministry of Home Affairs and Ministry of Finance, Department of Expenditure. This has become important in view of the fact that Hon'ble High Court has directed the Ministry of Home Affairs to take a

decision in the matter keeping in view the stand taken by the respondents in para 13 and 18 of the Written statement filed before the Tribunal in O.A.No.295 of 2010.

(v) Similarly, in the present O.A., that is, O.A.No.040/00379 of 2014 the written statement of the DG Assam Rifles, has been taken as sufficient to represent the view of Respondent No.1 i.e Union of India, Ministry of Home Affairs and Respondent No.3 i.e Secretary, Ministry of Finance, Department of Expenditure without any authorization to that effect.

(vi) This Court however, relied on the decision of the **Hon'ble Apex Court's in (Balraj Taneja and another Vs. Sunil Madan and another reported in 1999 8 SCC 396.**

(vii) A detailed study of the Hon'ble Gauhati High Court's order dated 01.04.2014 makes it clear that the issue "equal pay for equal work" on which the learned counsel for the applicants spared no effort to convince this Court along with the various

citations has been sufficiently dealt with by the Hon'ble Gauhati High Court. Thereafter, this Court does not find necessary to go into that issue in much detail except to comment in line with Hon'ble High Court's observations that 'equal pay for equal work' in isolation cannot be invoked for upgradation of pay scales. In any case this matter has been gone into by various pay commissions. It, therefore, should suffice for this Court to confine itself to ensure that Ministry of Home Affairs passes a fresh speaking order as directed by Hon'ble High Court in **WP(C) No.226 of 2012** dated 01.04.2014 in para 22 and 23.

20. Para 13 and 18 of the written statement referred to in the Hon'ble High Court's order dated 01.04.2014 are reproduced below:-

"13. That with regard to the statement made in paragraphs 4.14 & 4.15 of the Original Application, the answering respondent beg to submit that the point regarding equal recruitment qualifications in Assam Rifles and Central Secretariat Official Language Services (CSOLS) is agreed to. Pay and allowances are applicable as per rank structure approved by the Government of India, Ministry of Home Affairs

in Assam Rifles hence, point is not agreed to and denied.”

“18. That with regard to the statement made in Para 5.5. of the Original Application, the answering respondents beg to state that the educational qualifications, nature of duties and responsibilities of the applicants are similar to that their counterparts working in Central Secretariat Official Language Office Service and its subordinate offices is denial of upgraded pay scale to the applicants is discriminatory and opposed to the provisions of Article 14 and 16 of the constitution of India is agreed in principal but without specific orders of Government of India, Ministry of Home Affairs, accepting the requests of applicants is clear cut violation of law which unjustified and illegal hence denied”

21. A simple reading of above para should make the Ministry of Home Affairs reflect whether by letting the matter unresolved in the eyes of Assam Rifles establishment they have encouraged them to go before the Court with the submission that they are agreeable to demands but because of non acceptance by Ministry of Home Affairs. They are helpless. This submission according to this court amounts to simmering discontent in a para military force bordering on insubordination. Such discontents should not be allowed to acquire legitimacy by default by keeping them effectively unresolved as it is detrimental to discipline in forces.

22. This court is also aware that by order No.27011/44/BB/EP.1 dated 19 Sept 1989 Govt. of India, Ministry of Home Affairs has directed DG, Assam Rifles with a scheme of combatisation of the Assam Rifles by conversion of civilian posts. In that larger perspective is keeping the disgruntled cadre of Hindi Translator as part and parcel of the force is desirable ? All locations where these translators are posted, the work could be easily outsourced to Hindi teachers of Schools and colleges. The doctrine of making the forces 'lean and mean' by outsourcing the nonessentials will save huge amount of senior level time and attention to their core activity.

23. The Court shall also like to comment that the Ministry of Home Affairs and Ministry of Finance should put in place appropriate institutional mechanism so that their point of view is not lost by default and the opportunity available to them is effectively put to use.

24. In view of the above observations, the order No.A/Legal/Sashi Kumar Barman/2014/132 dated 17.07.2014 is set aside and quashed as suffering from of malice of law. The Ministry of Home Affairs is directed to issue a fresh speaking order in the matter

at the earliest but not later than 6 months from the date of receipt of this order keeping in view the above observations and also Hon'ble High Court's order dated 01.04.2014 in Writ Petition (C) No226/2012

25. The O.A. is disposed of accordingly. No order as to costs.

(MOHD HALEEM KHAN)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

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