

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2822/2001

New Delhi, this the 3rd October, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri M.P. Singh, Member (A)

1. Central Secretariat Official Language Service Translators Association (Recognised) through its General Secretary Shri Brij Bhan, Ministry of Home Affairs 203, North Block, New Delhi
2. Dinesh Chandra Senior Translator Ministry of Home Affairs North Block, New Delhi .. Applicants

(Shri V.S.R. Krishna, Advocate)

versus

Union of India, through

1. Secretary Department of Official Language Ministry of Home Affairs Lok Nayak Bhavan Khan Market, New Delhi
2. Secretary Department of Expenditure Ministry of Finance North Block, New Delhi .. Respondents

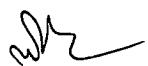
(Ms. Avinash Kaur, Advocate)

ORDER(oral)

Shri M.P. Singh, Member (A)

By the present OA, applicants seek directions to the respondents to grant the pay scale of Rs.1640-2900 to the Junior Translators (JTs) and Rs.2000-3500 to the Senior Translators (STs) with effect from 1.1.1996 with consequential benefits like arrears of pay and allowances etc.

2. Brief fact giving rise to the present OA, as stated by the applicants, are that the pay scales of Technical Assistants (TAs) of Central Translator Bureau (CTB) has been raised from Rs.1400-2300 to Rs.1640-2900 (Revised to Rs.5500-9000) but the pay scales of JTs of Central Secretariat Official Language Service (CSOLS) who were



earlier at higher side in the pay scale of Rs.1400-2600, has not been increased and they have been kept in the scale of Rs.5000-8000 even though the Pay Commission by a specific recommendation had upgraded the pay scale of Rs.1600-2660. Similarly, the pay scales of STs of CTB and that of Hindi Pradhyapaks (HPs) of Central Hindi Training Institute (CHTI) who were in the pay scale of Rs.1640-2900 have been raised to Rs.2000-3500 (revised to Rs.6500-10500) while the STs of CSOLS, who were at par with the STs of CTB and HPs of CHTI in the pay scale of Rs.1640-2900, were given only the replacement scale of Rs.5500-9000. According to the applicants, in a meeting held on 26.5.1999 by the respondents, it was decided to raise the pay scale of JTs of CSOLS to Rs.5500-9000 and STs of CSOLS to Rs.6500-10500 but the respondents have violated the principles of equal pay for equal work. Applicants claim that their nature of duties and responsibilities are at higher side in comparison to their counterparts in CTB and CHTI.

3. Respondents in their reply have contested the application and have stated that as per the recommendations of Vth Central Pay Commission (CPC), vide notification dated 30.9.97, STs and JTs of CSOLS were given the revised pay scale of Rs.5500-9000 and Rs.5000-8000 respectively. The pre-revised scale of Rs.1400-2600 and Rs.1600-2660 have been clubbed together as S-9 and were placed in the revised scale of Rs.5000-8000. As per the Recruitment Rules (RRs) notified on 19.9.81, 75% of the posts of ST in CSOLS are filled up by promotion from amongst JTs having rendered 5 years regular service in the grade and 25% posts are filled by direct recruitment.

WZ

4. The educational qualifications prescribed for direct recruitment for the post of ST is Master's degree in Hindi/English and recognised Diploma/Certificate course in translation from Hindi to English and vice versa or two years' experience of translation work. Subsequently, vide notification dated 5.7.1994, RRs have been amended and the post of ST is being filled up cent percent by promotion from amongst JTs having rendered 5 years regular service in the grade. The educational qualification for JT remained unaltered viz. Master's degree in English/Hindi or Bachelor's degree with Hindi and English as main subjects (which includes the term compulsory and elective). Thus, the minimum qualification after 5.7.1994 for the post of ST is Bachelor's degree and not post graduate degree. The issue of upgradation of pay scale of the post of JT and ST has been considered by the National Anomaly Committee and it has been decided to record a disagreement on the demand of the staff side on the Committee. In the circumstances, this issue will need to be resolved only by arbitration in accordance with the approved procedure.

5. Respondents have denied that duties and responsibilities of JTs and STs in CSOLO are superior in nature to that of TAs and STs in CTB and HPs in CHTI as they are to perform teaching work in addition to liaison work for organisation of Hindi classes for Government servants who have no working knowledge of Hindi.

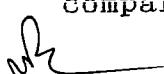
6. We have heard the learned counsel for the parties and perused the records.

RE

(18)

7. During the course of the arguments, the learned counsel for the applicants has taken the main grounds that it is a policy decision of the Government of India that pay scales of officials working in Ministries should not be less than the similarly placed incumbents working in subordinate offices; that the respondents have disturbed the traditional parity between the pay scales of applicants and those of their counterparts in CTB and CHTI and that prior to Vth CPC, applicants were always drawing a higher pay scale or atleast the same pay scale as their counterparts in the subordinate offices but for some inexplicable reason a differentiation had been made in respect of the applicants for no valid reason.

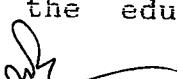
8. On the other hand, respondents' counsel would contend that the pay scales of various posts in Government of India are decided keeping in view the nature of duties and responsibilities, educational qualifications and other relevant factors. Vth CPC had recommended pay scale of Rs.1640-2900 to TAs in CTB as their recruitment qualification is post-graduate degree. STs in CTB have been recommended pay scale of Rs.2000-3500 due to their qualification as post graduate with diploma in translation work and 3 years experience. HFs in CHTI have been recommended the pay scale of Rs.2000-3500 in view of their post-graduate qualification. Again, the duties and responsibilities of HFs in CHTI are different to that of Translators in CSOLS and CTB. Vth CPC had not recommended any upgradation in respect of STs and JTs in CSOLS and therefore it is not proper and justified to compare these posts with those of CTB of CHTI etc.



9. Law is well settled in the matter relating to pay scale. In this connection we may refer to the judgement of the Hon'ble Supreme Court in the case of UOI & Anr. P.V.Hariharan & Anr. (1997) 3 SCC 568, the relevant part of which is extracted below for the purpose of adjudication of the present case:

"Quite often the Administrative Tribunals are interfering with pay scales without proper reasons and without being conscious of the fact that fixation of pay is not their function. It is the function of the Government which normally acts on the recommendations of a Pay Commission. Change of pay scale of a category has a cascading effect. Several other categories similarly situated, as well as those situated above and below, put forward their claims on the basis of such change. The Tribunal should realise that interfering with the prescribed pay scales is a serious matter. The Pay Commission, which goes into the problem at great depth and happens to have a full picture before it, is the proper authority to decide upon this issue. Unless a clear case of hostile discrimination is made out, there would be no justification for interfering with the fixation of pay scales".

10. It is not in dispute that the essential qualification prescribed for the post of STs in CTB and that of HFs in CHTI for whom vth CPC had recommended the pay scale of Rs.2000-3500 (revised to Rs.6500-10500) is Post-Graduate degree. The essential qualification for TAs in CTB who have been granted the pay scale of Rs.1640-2900 (revised to Rs.5500-9000) is also Post-Graduate degree. It is also an admitted fact that the educational qualification for the post of JT_s in CSOLS is only a Bachelor's degree. The post of STs in CSOLS is filled up 100% by promotion from amongst the JT_s. Thus the educational qualification for the post of STs is a



(20)

Bachelor's degree only. It is also an established position that the duties and responsibilities of the incumbents of the aforesaid posts are different from that of the applicants in the present OA. That apart, the issue of upgradation of pay scales of the applicants was considered by the Government in the National Anomaly Committee and it was decided to record a disagreement on the demand of the staff side in this regard.

11. Moreover, there are various aspects like promotional avenue, cadre strength, job requirement, educational qualification, duties and responsibilities and other factors which are to be considered before recommending the pay scale of a particular post. Vth CPC, an expert body, has already gone into these aspects and recommended revised pay scales which have been accepted by the Government. In view of this position, the applicants cannot equate themselves with STs in CTB and HPs in CHTI.

12. In view of what has been discussed above and having regard to the decision of the apex court (supra), we are unable to grant the relief prayed for the applicants. In the result, we find no merit in the present OA and the same is accordingly dismissed. No costs.



(M.P. Singh)
Member(A)



(V.S. Aggarwal)
Chairman

/gtv/