

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1637/1998
M.A. NO.1745/1998

(20)

New Delhi this the 16th day of July, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

1. Akashvani Rajbhasha Staff
Association (REGD.)
Room No. 406-A, Akashvani Bhawan/
Sansad Marg, New Delhi-1
through its General Secretary
Shri Harsh Mohan Singh
S/o Shri Jeet Singh
Translator, A.V. Bhawan
New Delhi.
2. Shri Ajay Kumar Gupta
S/o Shri P.C.Gupta
Translator, STI(T) AIR
DDK Kingsway, Delhi-9.
3. Shri Ravindra Negi
S/o Shri A. S. Negi
Translator ESD: AIR
PTI Building, New Delhi.
4. Smt. Lalita Joshi
W/o Shri R.K.Joshi
CBS/AIR, A. Bhawan
New Delhi.
5. Ms.Kiran Rawat
Shri D.S.Rawat
S.D.AIR A.Bhawan, B. H.
New Delhi.
6. Shri Ajay Kumar
S/ Shri Diwan Chand
C.M.S. AIR Aya Nagar
New Delhi.
7. Shri G.S. Juneja
S/o Shri Raghuvir Singh
CE(NZ) AIR & DD
Jam Nagar House
New Delhi.
8. Shri Syamvati Pathak
S/o Shri Kailash Pathak
AIR, B. H. New Delhi.
9. Shri Ravindra Kumar Singh
S/o Shri P.K. Singh
AIR H.P.T, Aligarh.

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10. Smt. Neena Bahal
W/o Shri Pankaj Bahal
AIR
Chandigarh.

...Applicants

(By Shri G.D.Bhandai, Advocate)

-versus-

1. Union of India through
The Secretary
Ministry of Information and Broadcasting
Shastri Bhawan
New Delhi.

2. The Director General
All India Radio
Akashvani Bhavan
Parliament Street
New Delhi.

3. The Chief Executive Officer
Prasar Bharti
Mandi House
Copernicus Marg
New Delhi.

4. The Secretary
Ministry of Finance
Govt. of India
North Block
New Delhi.

... Respondents

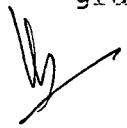
(By Shri N.K. Aggarwal, Advocate)

O R D E R (ORAL)

Shri V.K. Majotra:

MA No.1745/1998 for joining together in a single
OA is granted.

2. The applicants are seeking extension of the
benefit of the judgement in the case of Smt. Suman
Lata Bhatia & ors. v Union of India & ors. in OA
No.928/1994 delivered on 11.9.1997, Annexure A-1
whereby relying on the judgement and order in the case
of V.K.Sharma & ors. v. Union of India & ors. in OA
No.1310/1989 delivered on 24.9.1991, Annexure A-2 by
the Principal Bench, the respondents were directed to
grant the pay scale of Rs.1400-2600 (RPS) and



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Rs.1640-2900 (RPS) instead of Rs.1400-2300 and Rs.1640-2660 to the Junior and Senior Translators respectively. According to the applicants, they are similarly situate persons who have been denied the aforesaid pay scales even though they were recommended by the Fourth Central Pay Commission vide para 10.280, Annexure A-3 which was accepted by the Government of India and implemented in all the departments/Ministries under the Central Government. It is alleged that the respondents have been denying the aforesaid scales to the applicants in an arbitrary and illegal manner violating the principle of "equal pay for equal work"

3. Applicants are employed as Translators in the office of the All India Radio under the Ministry of Information & Broadcasting which are civil posts in Group 'C'. It is claimed that prior to the recommendations of the Fourth Central Pay Commission, the Translators' cadre comprised two categories and were in the scales of Rs.425-700 and Rs.550-800 which were revised and implemented on the recommendations of the Fourth Central Pay Commission as pay scales of Junior Translators and Senior Translators, Rs.1400-2600 and 1640-2900 respectively in all departments of various Ministries and allied offices under the Central Government. Whereas basically, the respondents have rebutted the claim of the applicant, Shri N.K.Agarwal, learned counsel of the respondents filed a copy of Office Memorandum dated 8.11.2000 whereby the Junior Translators and Senior Translators

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in the offices outside the Secretariat (Subordinate Offices) except in the Central Translation Bureau, earlier in the pre-revised pay scale of Rs. 1400-2300/Rs.1400-2600 and Rs. 1600-2600/Rs.1640-2900 respectively have been placed with effect from 1.1.1996 in the revised pay scales of Rs.5000-8000 and Rs.5500-9000 respectively. It is relevant to mention here that the applicants who are employed by the All India Radio are one such office outside Secretariat.

4. Shri G.D.Bhandari, learned counsel of the applicants stated that whereas the respondents have granted the claimed relief with effect from 1.1.1996, the only point of dispute left out is that the relief should have been granted as per the scales recommended for the Translators by the Fourth Central Pay Commission with effect from 1.1.1986.

5. Shri N.K.Agarwal, learned counsel of the respondents referred to his preliminary objections; one, that the application is barred by time as the applicants are seeking relief on the basis of a judgement delivered on 24.9.1991 in OA No.1310/1989 and that the judgement of the court with some other parties cannot be a basis for relief as the applicants should have joined as interveners in the said matter and the same having not been done, the applicants are not entitled to any relief. The learned counsel of the applicants contended that in the matter of pay, this kind of restriction cannot come in the way of granting relief to the applicants and now that the

respondents have ultimately given the same pay scales as have been accorded to the Junior Translators and Senior Translators working in the Central Sectt., the benefit from 1.1.1986 cannot be denied to the applicants as the duties and functions performed by them are the same as those of the Translators in the Ministries/departments. The extract of the relevant portions from the report of the Fourth Central Pay Commission's paragraphs 10.280 and 10.282 at Annexure A-3 are reproduced below:-

"10.280. It has been suggested by the members of the service that Junior Translators (Rs.425-700) of the service should be given a higher scale of pay than Assistants in CSS, as they are required to possess Master's Degree in Hindi whereas the Assistants possess Bachelor's degree. Even so, they have been given Group 'C' status and pay scale of Rs.425-700 while Assistants of CSS are classified as Group 'B' and are given the scale of Rs.425-800. In view of the higher qualifications required for the entry grade of junior Hindi Translator, we recommend that this post may be given the scale of Rs.1400-2600. For the post of Senior Hindi Translator (Rs.550-800), we recommend the scale of Rs.1640-2900.

10.282. There are about 2400 posts of Hindi Officers and staff in 20 pay scales existing in various Ministries/Departments for implementation of Official Language policy of the Government. These posts are not included in the CSOLS. The recruitment rules for these posts have been framed by the respective departments. We suggest that the Department of Official Language may prepare model rules for all these posts scattered in various non-participating offices with a view to bringing uniformity in the recruitment procedure, pay structure and to the extent possible, their service prospects. This would ensure availability of men of good calibre to the departments for handling Hindi work in different offices connected with Official Language policy of the Union."

Whereas the respondents have stated in their counter

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not

that the Fourth Central Pay Commission had accorded the revised pay scale of Rs.1400-2600 to the Junior Translators, this contention is not borne out from the Pay Commission's report relevant extracts of which are reproduced above. The Fourth Central Pay Commission had recommended the scales of Rs.1400-2600 and Rs.1640-2900 for Junior and Senior Translators respectively.

6. The Hon'ble Supreme Court in the case of **Ajay Jadhav v. Government of Goa & ors.**, 2000(1) S.L.J.223 has held that similarly placed persons ^{Now it is a settled law that} cannot be treated differently. ^{the} The benefit of the judgements of courts which have become final has to be extended to all employees similarly placed. Such employees should not be driven for seeking redressal of their grievances before courts.

7. Whereas the Fourth Central Pay Commission had recommended the scales of Rs.1400-2600 and Rs.1640-2900 to the Junior and Senior Translators respectively and the applicants are claiming extension of the benefit of the judgement cited above, for the reasons and discussion made above and now that ultimately the respondents have agreed to accord the claimed benefit from 1.1.1996, we see no reason why the recommendations of the Fourth Central Pay Commission in respect of the revised pay scales to the Junior and Senior Translators even in the offices outside the Central Sectt. be not implemented with effect from 1.1.1986. The learned counsel of the

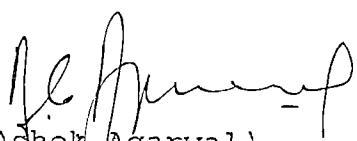
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applicants contended that the applicants would be satisfied if the benefit of the revised pay scales on the basis of the recommendation of the Fourth Central Pay Commission is made available to the applicants notionally with effect from 1.1.1986 though the actual benefit may be restricted with effect from 1.1.1996 only. In our considered view, the proposition made by the learned counsel of the applicants is very appropriate and judicious and we order accordingly. Thus we direct the respondents to accord notionally the pay scales of Rs.1400-2600 and Rs.1640-2900 to the Junior and Senior Translators respectively employed under the All India Radio with effect from 1.1.1986 with no backwages. However, the benefit of the Office Memorandum dated 8.11.2000 granting the revised pay scales of Rs.5000-8000 and Rs.5500-9000 to the Junior and Senior Translators respectively with effect from 1.1.1996 shall be accorded to the applicants after calculating their pay as on 31.12.1995 in the above terms. These directions shall be implemented by the respondents within a period of four months from the date of service of this order.

8. Present OA is disposed of in the aforesated terms with no order as to costs.


(V.K. Majotra)
Member (A)


(Ashok Agarwal)
Chairman

/sns/