

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 928/94

NEW DELHI, THIS THE 18th DAY OF SEPTEMBER, 1997.

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HON'BLE MR.JUSTICE K.M.AGARWAL, CHAIRMAN
HON'BLE MR.S.P.BISWAS, MEMBER(A)

1. Smt.Suman Lata Bhatia
W/o late Shri Vinod Kumar Bhatia
R/o B-29, East Uttam Nagar
New Delhi.
2. Manju Arora
W/o Pawan Kumar Arora
R/o B-70A, Kalkaji, New Delhi
3. Rekha Sharma
W/o Mahesh chander Sharma
R/o 643 Palam Vihar Road,
New Delhi.
4. Saneh Lata
W/o Baldev Krishan
R/o 40/15, Ashok Nagar, New Delhi.
5. Radhey Shyam Sharma
W/o Kirpa Ram Sharma
R/o SMQ 86,AF Station, Hindon
Ghaziabad.
6. Miss Urmila Vashishtha
D/o Late Shri B.D.Vashishtha
R/o A-33 Moti Bagh-I,
New Delhi.
7. Ranjana Sharma
W/o B.K.Sharma
R/o A 137/7, M.B.Road, Pushp Vihar
Saket, New Delhi.
8. Dinesh Kant
S/o late Shri B.K.Akinchan
R/o C-28/74A, Janak Puri
New Delhi.
9. Kusum Lata Sharma
W/o Kishor Kumar
R/o 85, Gian Park, Chander Nagar
Delhi.
10. Reeta Saxena
W/o Himant Kumar Saxena
R/o L394, Sarita Vihar,
New Delhi.

Jan

11. Kuldip Kumar Sharma
S/o R.C.Sharma
R/o 163 Kangra Niketan,
Vikas Puri
New Delhi.

12. Kamla Tiwari
W/o Rakesh Tiwari
R/o J-343, Sarojini Nagar
New Delhi.

13. Kabita Datta
W/o Dr.A.K.Datta
R/o 26/6, East Patel Nagar,
New Delhi.

14. Veena Arora
W/o J.K.Arora
R/o 2/44 Ground Floor
Old Rajinder Nagar,
New Delhi.

15. Miss Abha
D/o S.N.Sharma
R/o H 4/5 Nanakpura,
New Delhi.

16. Desh Raj
S/o Yash Pal Aluria
R/o 2974/40 Beedan Pura
New Delhi.

17. Miss Raj Vanshi
D/o Veer Bhan
R/o 75 Type III N.H.IV
Faridabad

18. Sunita Rani Sharma
W/o Sanjeev Kumar Sharma
R/o 167/2 Air Force Station
Rajokri,Delhi.

... Applicants

(BY ADVOCATE SHRI G.D.BHANDARI)

VS.

1. Union of India through
the Secretary, Ministry of Defence
South Block, New Delhi.

2. Director of Personnel
Air Head Quarters, Vayu Bhavan,
New Delhi.

3. Director of Education,
Ministry of Defence,
R.K.Puram, New Delhi-110066.

4. Commanding Officer
Western Air Command HQ
Subroto Park, New Delhi.

... Respondents

Yours

(BY ADVOCATE SHRI N.S.MEHTA)

ORDER

(b)

JUSTICE K.M.AGARWAL:

By this application under Section 19 of the Administrative Tribunals Act, 1985, the applicants claim pay scale of Rs.1640-2900 in place of their existing pay scale of Rs.1600-2660 on the ground that similarly situated Senior Translators are getting the higher pay scale of Rs.1640-2900. They have also claimed certain consequential reliefs.

2. Briefly stated, the applicants are Senior Translators in Western Air Command Headquarters, New Delhi in the pay scale of Rs.1600-2660. In this application, they are claiming the higher pay scale of Rs.1640-2900 on the basis of a judgement of this Tribunal in V.K.Sharma and others. vs. Union of India, OA No.1310/89, decided on 24.9.1991 and on the ground that similarly situated Senior Translators with similar method of recruitment, qualifications, etc. in other departments as detailed in the comparative chart, Annexure A-3. The claim having been rejected by the respondents, the applicants have filed the present OA for the said reliefs. The claim has been resisted by the respondents.

3: The learned counsel for the respondents has stated that this OA is barred by time. However, we find no substance in the contention. The judgement delivered in the case of V.K.Sharma (supra) is a judgement in rem. In Amrit Lal Berry vs. Collector of Central Excise, Delhi, 1975 (1) SLR 153(SC), it has been held that in service matters, judgements in most of the cases are judgements in rem, because they affect a large number of employees. Here also, we find that the decision rendered by this Tribunal in the case of V.K.Sharma (supra) has a result of

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affecting a large number of similarly situated employees and, therefore, it must be held to be judgement in rem.

4. It was next contended by the learned counsel for the respondents that the applicants were holding Group 'C' posts whereas those in OA No.1310/89 were holding Group 'B' posts and, therefore, that decision could not be applied to the case of the applicants. This argument is also without any substance. In the narration of facts itself, it has been mentioned at the outset in OA 1310/89 that the applicants therein were Senior and Junior Translators working in Armed Forces Headquarters against the civilian posts in Group 'C'. The decision was, therefore, in relation to Group 'C' category of employees, to which category the applicants also belong.

5. It was lastly contended that the Fifth Pay Commission consisted of experts and was an expert body. It has made certain recommendations in regard to the Senior Translators in Western Air Command and, therefore, this Tribunal may not go into the question whether the applicants were or could be placed on par with employees of other departments while looking into their comparative duties, method of recruitment and qualifications for the post etc. This plea also deserves to be rejected, because the respondents have failed to show any such dissimilarity first between the applicants in the present OA and the applicants in OA No.1310/89 so as to enable us to conclude that they belong to two distinct categories of employees.

6. We went through the comparative chart, *See* Annexure A-3 showing pay scales of Senior and Junior

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Translators in various offices of the Government of India. This chart shows that Senior Translators in almost all other departments of the Government barring the office of the Chief Administrative Officer and Joint Secretary (AFHQ) were in the pay scale of Rs.1640-2900. In V. K. Sharma's case also no material could be found to distinguish the applicants therein as a class separate to those employed in other departments of the Government as Senior Translators and accordingly the applicants who were Senior Translators therein were directed to be given the pay scale of Rs.1640-2900. The applicants in O.A. 1310/89 were also in Armed Forces Headquarters at New Delhi. The applicants in the present case are also in Western Air Command Headquarters under the Ministry of Defence. We are, therefore, of the view that the applicants are entitled to the benefit of the judgment given on 24.9.1991 in O.A. No. 1310/89, V. K. Sharma (supra).

7. In the result, this O.A. succeeds and it is hereby allowed. The respondents are directed to give to the applicants, if they are Senior Translators, the benefit of the judgment of this Tribunal in O.A. No. 1310/89 rendered on 24.9.1991, re-fixing their pay from 1.1.1985 in the scale of Rs.1640-2900, but so far as arrears of pay are concerned, we restrict the same to a period of three years preceding the date of filing of this O.A., i.e., 6.5.1994, because monetary relief beyond the period of three years cannot be granted due to bar of limitation. In the facts and circumstances of the case, we direct the parties to bear their own costs.

For
(K. M. AGARWAL)
CHAIRMAN
For
(S. P. BISWAS)
MEMBER (A)