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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1049/2000

This the 9th day of May, 2002.

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

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. Uttar Railway Raj Bhasha Karamchari Sangathan
(Northern Railway Official Language
Employees' Association),
C-3/206, Yamuna Vihar,
Delhi-53.
 2. Shri K.K.Goswami,
General Secretary,
Hindi Assistant,
Northern Railway,
Baroda House, New Delhi.
 3. Shri Subhash Chand,
Central Treasurer,
Hindi Assistant,
Northern Railway Headquarters,
Baroda House, New Delhi.
 4. Shri Kuldeep Kumar,
Hindi Assistant,
Northern Railway Headquarters,
Baroda House, New Delhi.
 5. Shri Pawan Kumar Jain,
Hindi Assistant,
Northern Railway Headquarters,
Baroda House, New Delhi.
- ... Applicants

(By Shri B.S.Mainee, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Railways
(Railway Board), Rail Bhawan,
Raisina Road, New Delhi.
 2. General Manager,
Northern Railway,
Baroda House, New Delhi.
- ... Respondents

(By Shri Rajinder Khatter, Advocate)

O R D E R

Hon'ble Shri V.K.Majotra, Member (A) :

Applicant No.1, Uttar Railway Raj Bhasha Karamchari
Sangathan, is an unrecognised association of Hindi

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Assistants Grade-II and Grade-I working on the Northern Railway. Applicant No.2 is the general secretary of the aforesaid association. These applicants claim parity of pay scales with their counter-parts in other Ministries/ Departments. Whereas they have been placed in the pay scale of Rs.4500-7000, their counter-parts have been placed in the pay scale of Rs.5000-8000. According to applicants, they are also entitled to the higher pay scale of Rs.5000-8000. They are aggrieved by Annexure A-1 dated 10.3.2000 issued by the Indian Railwaymen's Federation, New Delhi, conveying disagreement in the meeting of the departmental anomalies committee held on 10.3.2000 relating to pay scales of Raj Bhasha Sahayak.

2. Learned counsel of applicants Shri B.S.Mainee stated that applicants were Ministerial staff such as UDCs, Typists and Stenographers who were promoted to the post of Hindi Assistant in the grade of Rs.1400-2300. As per Annexure A-3 dated 22.5.1986 posts of Hindi Assistant were treated as Ministerial category by the Western Railway. Whereas Head Clerks and Hindi Assistants were at par in the matter of their pay scales, with the Fifth Central Pay Commission (CPC) Head Clerks were accorded replacement scale of Rs.5000-8000 and Hindi Assistants were pegged at the scale of Rs.4500-7000. As per Annexure RR-1 dated 8.5.1978 posed in the Hindi Department on the Railways were re-organised. Posts of Senior Translators, Junior Hindi Inspectors and Hindi Instructors were amalgamated to form a new cadre of Hindi Assistants Grade-II. Hindi Translators and Senior Hindi Inspectors were classified as Hindi Assistants Grade-I.

Learned counsel stated that the posts of UDCs, Typists and Stenographers from where they have been promoted as Hindi Assistants were placed in the scale of Rs.5000-8000 and placement of applicants in the grade of Rs.4500-7000 which became available to UDCs, Typists and Stenographers has been a retrograde step. Thus, Hindi Assistants have been subjected to hostile discrimination by the Railway Board. Whereas Ministry of Home Affairs and their subordinate offices have scales of Rs.1640-2900 and Rs.1600-2660 for their Senior Hindi Translators and Junior Hindi Translators, applicants have been given the replacement scale of Rs.4500-7000 for the scale of Rs.1400-2300 which is drastically lower than the replacement pay scale of other categories, i.e., Rs.5000-8000. Applicants seek the higher pay scale on the principle of equal-pay-for-equal-work as well.

3. Learned counsel of applicant relied on **Nisha Rani Mehra v. Director General Defence Estates & Ors.**, 2001 (3) ATJ 369 (CAT, Principal Bench) discussing the implication of O.M. dated 8.11.2000 whereby Department of Official Language had directed that all posts of Junior Translators and Senior Translators in the offices outside the Secretariat (subordinate offices) except in the Central Translation Bureau which were earlier in the pre-revised pay scale of Rs.1400-2300/1400-2600 and Rs.1600-2660/1640-2900 respectively may be placed w.e.f. 1.1.1996 in the revised pay scale of Rs.5000-8000 and Rs.5500-9000 respectively, and the applicant therein, a Junior Hindi Translator in the Directorate of Defence

Estates was held entitled to fitment in the pay scale of Rs.5000-8000 with consequential benefits.

4. Shri Rajinder Khatter, learned counsel of respondents, stated that the issue relating to the pay scale of Hindi Assistants was taken up by the staff federation in the departmental anomalies committee. In terms of procedure laid down by DOP&T, disputed case arising in the anomalies committee has to be resolved by the arbitrator to be appointed out of a panel of names proposed by the official and staff sides. Learned counsel stated that anomaly relating to the pay scale of Hindi Assistants of the Railways was taken up in the meeting of departmental anomalies committee held on 10.3.2000 and as per Annexure A-1 dated 10.3.2000 disagreement was recorded in the proceedings of the committee, and as such, the Tribunal need not interfere in the matter at this stage. Learned counsel stated that Hindi Assistants Grade-II (pre-revised scale of Rs.1400-2300) were accorded revised scale of Rs.4500-7000 in the Railways. Hindi Assistants Grade-I (pre-revised scale of Rs.1600-2660) were given the revised scale of Rs.5000-8000. The Fifth CPC has followed the principle that staff recruited with graduation qualification should be generally placed in the grade of Rs.1400-2300. This condition stands fulfilled in the case of Hindi Assistants. The Pay Commission has generally followed the principle of improved pay scales for higher level of qualifications and skills. The recommendations of the Fifth CPC relating to pay structure of Ministerial staff are contained in para 83.225 of their report. In the



revised scale of Rs.1200-2040 there is a direct recruitment of graduates to the extent of 33.1/3%. Consequently an improved revised scale of Rs.4500-7000 corresponding to pre-revised scale of Rs.1400-2300 has been recommended for this category. With the allotment of scale of Rs.4500-7000 for Senior Clerks, the next promotional grade, namely, Head Clerks in Fourth CPC (Rs.1400-2300) has been recommended improved revised scale of Rs.5000-8000. Since recruitment in the case of Hindi Assistants with prescribed minimum essential qualification of graduation is already taking place in Rs.1400-2300 (revised scale of Rs.4500-7000), no further improvement was considered necessary in the light of general principles followed by the CPC. Learned counsel stated that the ratio in the case of **Nisha Rani Mehra** (supra) is not applicable to the facts of the present case and as the dispute about the pay scale of applicants is already under consideration as per the laid down procedure, as there is a disagreement between the staff and official sides on an anomaly, the same has to be referred to an arbitrator to be appointed out of a panel of names proposed by the two sides. In this view of the matter, applicants have approached the Tribunal prematurely.

5. Strictly speaking, the instructions contained in O.M. dated 8.11.2000 of the Department of Official Language are applicable to the posts of Junior Translators and Senior Translators in the offices outside the Secretariat (subordinate offices), excepting the Central Translation Bureau, as these instructions emanate

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from the Department of Official Language. These instructions have to be adopted by the Railways before their application to the category of Hindi Assistants in the Railways. So far as the Hindi Assistants of the Railways are concerned, the dispute about the anomaly of their pay scale had been taken up by the recognised staff federation with respondents through the forum of departmental anomalies committee on 10.3.2000 wherein disagreement had been recorded between the two sides. As per the recognised procedure, for resolution of anomalies through this machinery, the disagreement has to be referred to an arbitrator to be appointed out of a panel of names proposed by the two sides. Applicants have certainly approached the Tribunal prematurely. They should have resorted to the process of arbitration which is available to them for resolution of such anomalies as per the prescribed and accepted procedure.

6. Having regard to the reasons recorded and discussion made above, this OA is dismissed being premature. No costs.

S. Raju

(Shanker Raju)
Member (J)

V.K. Majotra

(V.K. Majotra)
Member (A)

/as/