

Central Administrative Tribunal
Principal Bench

(14)

O.A. No. 1057/2000

Decided on 27. 7. 2001

Smt. Nisha Rani Mehra

... Applicant

(By Advocate: Shri P.P. Khurana with
Shri Indrajit Sharma)

Versus

U.O.I. & Others

... Respondents

(By Advocate: Shri H.K. Gangwani)

CORAM

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

1. To be referred to the Reporter or Not? YES
2. Whether to be circulated to other outlying
benches of the Tribunal or not? NO.

Adige
(S.R. ADIGE)
VICE CHAIRMAN (A)

Central Administrative Tribunal
Principal Bench

O.A. No. 1057 of 2000

New Delhi, dated this the 2nd July, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Smt. Nisha Rani Mehra,
W/o Shri J.L. Mehra,
R/o B-115, 3rd Floor,
Malviya Nagar,
New Delhi-110017.

... Applicant

(By Advocate: Shri P.P. Khurana, Sr. Counsel
with Shri Indrajit Sharma)

Versus

1. Director General,
Defence Estates,
Ministry of Defence,
West Block No.4,
R.K. Puram, New Delhi-110066.
2. Defence Estate Officer,
Delhi Circle,
Delhi Cantt.,
New Delhi-110010. ... Respondents

(By Advocate: Shri H.K. Gangwani)

ORDER

S.R. ADIGE, VC (A)

Applicant who is a Junior Hindi Translator in the Directorate of Defence Estates, Ministry of Defence has filed this O.A. on 31.5.2000 seeking fitment in

- (i) the pay scale of Rs.1400-2600 (instead of Rs.1400-2300) w.e.f. 1.1.86 based on Fourth Pay Commission's recommendations and
- (ii) the pay scale of Rs.5000-8000 (instead of Rs.4500-7000) w.e.f. 1.1.96 based on Fifth Pay Commission's recommendations .

with all consequential benefits retrospectively

2. Heard both sides.

3. We note that applicant in Para 4.5 of the O.A. has herself averred that she represented to respondents in this regard for the first time on 29.10.99 (Annexure P-2) which was rejected on 4.4.2000 (Annexure P-1) leading her to file this O.A. on 31.5.2000.

4. During the course of hearing, a copy of Ministry of Home Affairs, Dept. of Official Languages O.M. dated 8.11.2000 has also been shown to us which is taken on record directing that all posts of Junior Translator in offices outside the Secretariat (subordinate offices) except in the Central Translation Bureau in the pre-revised scale of Rs.1400-2300/1400-2600 may be placed in the revised scale of Rs.5000-8000 w.e.f. 1.1.96.

5. Nothing has been shown by respondents to establish that applicant is not entitled to the benefit of this O.M. dated 8.11.2000.

6. Applicant's counsel has cited the Tribunal's order dated 24.9.91 in O.A. No. 1310/89 V.K. Sharma & Others Vs. Union of India & Others granting some of those applicants who were Junior Translators in the Armed Forces Headquarters/Inter Service Organisations the scale of Rs.1400-2600 instead of Rs.1400-2300 w.e.f. 1.1.86 as well as the

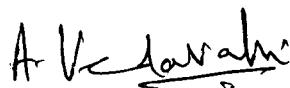
(17)

Tribunal's order dated 10.1.92 in O.A. No. 157/90 CPWD Translators Association Vs. Union of India & Others granting Jr. Translators in Office of D.G. (W), C.P.W.D. the scale of Rs.1400-2600 instead of Rs.1400-2300 w.e.f. 1.1.86 itself. The Hon'ble Supreme Court's ruling in Y.K. Mehta & Others Vs. Union of India & Others and connected cases AIR 1988 SC 1970 has also been cited on the point that if the principle of equal pay for equal work was not given effect to in case of one set of Government employee holding the same or similar posts, possessing the same qualifications, and doing the same kind of work as another set of Government servants, it would be discriminatory and violative of Articles 14 and 16 of the Constitution.

7. We have considered the matter carefully. In our view applicant is entitled to the benefit of O.M. dated 8.11.2000 revising the pay scale of Junior Hindi Translators to Rs.5000-8000 w.e.f. 1.1.86. As applicant herself commenced agitating her claim for the first time only on 29.10.99, and it is well settled that Courts/Tribunals can always direct as to the date from which the benefits are to be granted retrospectively, we hold that it will be reasonable to grant revision of applicant's salary retrospectively w.e.f. 1.1.86 and not before. Indeed 1.1.96 is itself nearly four years before applicant agitated her grievance for the first time vide her representation dated 29.10.99.

(18)

8. In the result the O.A. succeeds and is allowed to the extent that respondents are directed to place applicant in the pay scale of Rs.5000-8000 w.e.f. 1.1.96. Any revision of pay scale prior to 1.1.96 is rejected. Consequent to applicant's placement in the pay scale of Rs.5000-8000 w.e.f. 1.1.96, applicant will be entitled to arrears of pay and allowances w.e.f. 1.1.96 and such other consequential benefits as are admissible in accordance with rules, instructions and judicial pronouncements. These directions should be implemented within three months from the date of receipt of a copy of this order. No costs.



(Dr. A. Vedavalli)
Member (J)



(S.R. Adiga)
Vice Chairman (A)

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