

-19-

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.496/2000

New Delhi, this 14th day of May, 2001

Hon'ble Shri Kuldip Singh, Member(J)
Hon'ble Shri M.P.Singh, Member(A)

1. Akhil Bhartiya Ayudh
Nirmani Rajsabha Seva Sangathan
through its General Secretary S.R. Rai
Small Arms Factory, Kanpur-208809
2. Ved Prakash
Jr. Hindi Translator
Ordinance Factory, Murad Nagar .. Applicants

(By Shri R.Krishnamoorthi, Advocate, not present)

versus

Union of India, through

1. Secretary
Ministry of Defence, New Delhi
2. Secretary
M/Home Affairs, New Delhi
3. Secretary
DoPT, New Delhi
4. Secretary
Ministry of Finance, New Delhi
5. Secretary
Ordinance Factory Board
10A, S.K.B.Road, Calcutta .. Respondents

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

ORDER(oral)

By Shri M.P. Singh

By filing this OA, applicants seek directions to the respondents to grant the pay scale of Rs.1640/2900 (now revised to Rs.5500-9000 w.e.f. 1.1.1996) to the Jr. Hindi Translators in Ordinance Factories under the Ministry of Defence with effect from 1.1.86 as has been granted to the applicants in OA No.157/90 decided on 10.1.92 and also to grant them the pay scale of Rs.5500-9000 with effect from 1.1.96 in terms of Vth Pay Commission report.



2. Respondents have opposed the claim. In their reply they have stated that grant of pay scale to a particular category of government employees is determined by the Government and demand for the pay scale of Rs.1640-2900 from 1.1.86 is arbitrary. There is no question of granting this pay scale to the applicants because Jr. Hindi Translators of other departments like CPWD are not even in that pay scale of Rs.5500-9000. In so far as the judgement in OA No.157/90 relied upon by the applicants, it is contended that the Tribunal has directed grant of pay scale of Rs.1640-2900 to Sr. Translators and Rs.1400-2600 to Jr. Translators in CPWD organisation. The applicants in the present case are Jr. Hindi Translators in OF Organisation. Dispensation given by CAT/Courts in respect of the employees of a particular department cannot be extended to the employees of other departments. The quantum and nature of work handled by the Hindi Translators in various Departments differ from one another. Hindi translators in various departments like the applicants were in the pay scale of Rs.1400-2300 and the Vth Pay Commission continued this scale (Rs.4500-7000-revised) for Hindi Translators in various departments. Grant of pay scale depends upon the standard of educational qualification at the entry level, job-specifications of the post and duties and responsibilities attached to that post. The duties and responsibilities of the applicants cannot be compared to a category of employees called Hindi Translators in CAT and Central Translation Bureau (CTB). Again issues pertaining to pay structure, cadre



structure for Hindi Translators in CTB have been specifically discussed by the Fifth Pay Commission and no parity has been recommended. The pay scales have been formulated after due deliberation by the Fifth Pay Commission, an expert body. Similarly, no parity can be said to exist in the matter of Assistants in CSS as they are governed by an altogether different set of rules. Thus no deviation can be made in the policy of the Government with reference to the request of the applicants. Therefore the demand of the applicants is unjustified.

3. None appeared for the applicants even on the second call. We have heard the learned counsel for the respondents and perused the records.

4. During the course of the arguments, learned counsel for the respondents drew our attention to the judgement of the Supreme Court in the case of UOI Vs. P.V.Hariharan & Ors. 1997 SCC(L&S) 838 wherein it has been observed that it was for the administration to consider such matters of relativities among various posts and the court should leave to the wisdom of the administration. Again in the case of State of UP & Ors. Vs. J.F. Chaurasia & Ors. 1989(1) SCC 121 the Court ruled that "equation of posts and equation of pay must be left to the Executive Government. It may be determined by expert body like Pay Commission. They would be the best judge to evaluate the duties and responsibilities of the post. If there is any such



determination by a Commission or a Committee the court should normally accept it. The court should not try to tinker with such equivalence unless it is shown that it was made with extraneous consideration".

5. We are bound by the decision of the apex court which has held that the matters regarding pay revision etc. are to be determined by an expert body like Pay Commission and the Tribunal should not normally interfere in such matters. Also the applicants have not been able to convince us that it is a clear case of hostile discrimination which would justify our interference. In view of this position, we are unable to grant the relief prayed for. In the result, the OA is dismissed. No costs.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)

/gtv/