

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

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O.A. No. 2407 of 1991

New Delhi, dated this the 3rd June 1997

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

Mrs. Madhu B. Gupta,
W/o Mr. S.S. Gupta,
R/o C/183, D.D.A. Flats,
Saket,
New Delhi-110017.

... APPLICANT

By Advocate: Dr. D.C.Vohra

VERSUS

1. Union of India through
the Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi.

2. The Director,
D.A.V.P,
3rd Floor, PTI Building,
Parliament Street,
New Delhi-110001.

3. Dept. of Official Languages,
Ministry of Home Affairs,
New Delhi.

.. RESPONDENTS

By Advocate: Shri V.S.R.Krishna

J U D G M E N T

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

Applicant presses only Relief 8(2)
namely for reinstatement as Jr. Hindi
Translator (JHT) in the pay scale of
Rs.425-750 prior to 1.1.86 and Rs.1400-2600
after 1.1.86 on the basis of "Equal Pay for
Equal Work".

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2. Applicant was appointed against one of two posts of JHT (Rs.350 - 560) in DAVP w.e.f. 9.11.73. Consequent to ISU's recommendations which found both posts redundant, they were abolished w.e.f. 29.2.84. Applicant was declared surplus and surrendered to MHA's Surplus Cell for redeployment. However, upon her appeal the post of JHT held by her was temporarily revived for 6 months, vide order dated 28.3.84 (Ann. EE). Respondents contend that thereafter applicant produced before them a copy of Delhi High Court judgment purported to have been passed in her favour, which upon inquiry was found to be false. Applicant was suspended, chargesheeted and after inquiry was removed from service vide order dated 27.8.84 ((Ann. II). As it was a case of submission of a forged document, CBI filed a case against applicant before Metropolitan Magistrate, Delhi who exonerated her on 5.10.87 on the ground that it was her advocate who had committed the dishonesty by supplying the forged document to his client (Ann. JJ). Thereupon applicant submitted an appeal against the removal order, and by respondents order dated 5.5.90 (Ann. NN-00), the appeal was allowed, the suspension was

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revoked and applicant was ordered to be reinstated as JHT with immediate effect. The period of her absence from duty from the date of her suspension till the date of her reinstatement was ordered to be treated as on duty, without prejudice to respondents' right to abolish the post held by her from any future date and to surrender her to Surplus Cell if considered necessary. Respondents contend that this reinstatement as JHT was in the same scale of Rs.330-560 (revised after 1.1.86 to Rs.1200-2040), but since that post was abolished, applicant was reinstated by creating a supernumerary post of JHT (Rs.330-560/1200-2040) vide order dated 17.12.90 (Annexure-P). Applicant's particulars were once again sent to Surplus Cell for her redeployment elsewhere, and on the redeployment as UDC (Rs.1200-2040) in Met. Dept. she was relieved from DAVP on 22.10.91 (Ann. R-1). Meanwhile applicant had filed this O.A. and obtained interim stay order on 15.10.91 against her being shifted from the post of JHT. That stay order was extended from time to time and is still continuing.

3. We have heard applicant's counsel Dr. D.C. Vohra and respondents' counsel Shri Krishna. We have also perused the materials on record and given the matter our careful consideration.

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4. Prior to the implementation of III Pay Commission's Recommendations the post of JHT in D.A.V.P. against which applicant was appointed, carried the scale of Rs.150-300. Applicant has not produced any materials to show that posts of JHTs in other Ministries/ Depts. of Govt. of India carried the same scale of pay. With the implementation of the III Pay Commission's recommendations, while JHTs in other Ministries/Depts. of Govt. of India were placed in scale of Rs.425-700, a fact which has been noticed in judgment dated 24.9.912 in O.A. No. 1310/89 V.K. Sharma & Ors. Vs. U.O.I. & Ors., the post of JHT in D.A.V.P. held by applicant was revised to the lower scale of Rs.330-560 w.e.f. 9.11.73 (Annexure D). In other words it is fair to assume that the III Pay Commission did not find equivalence in the duties and responsibilities of the post of JHT in D.A.V.P. with posts of JHT in other Ministries/Depts. of GOI. The post of JHT in DAVP against which applicant was appointed stood abolished vide order dated 29.2.84 and soon after was extended for 6 months, but had it not been abolished, this position would have continued, i.e. it would have been in the scale of Rs.330-560 while posts of JHT in other Ministries/Depts. of GOI would have remained in scale of Rs.425-700 right upto the recommendation of the IV Pay Commission. These posts of JHT in scale of Rs.425-700 were

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later encadred in CSOLS which applicant's representation for encadrement of her post was rejected on the ground that it was in lower scale of Rs.330-560.

5. Consequent to the IV Pay Commission's recommendations the JHTs have been granted the scale of Rs.1400-2600.

6. Applicant claims that she has been performing the same duties and shouldering the same responsibilities as JHTs in scale of Rs.1400-2600 ever since she was appointed to that post, but respondents have denied this and contend that the two posts of JHT which were created in DAVP against one of which applicant was appointed, was for the Distribution Wing of that office for performing assistance and updating the mailing lists of Hindi addresses and translation of English addresses into Hindi addresses. They have contended that ^{no} translation work was involved, as performed by other JHTs. This contention finds support from applicant's own representation dated 26.12.83 (Ann. U para 4 of which reads as follows:

"The duties prescribed for my post were inter alia translation of addresses from English to Hindi and vice-versa. In addition to this, I was also doing other Hindi work like correspondence in Hindi relating to updating of these addresses and coding of these addresses for which the grade of Rs.425-700 is prescribed in this Directorate. I also translated other letters from English to Hindi when they were addressed to the Hindi speaking States."

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No doubt in that paragraph she has stated that she also translated other letters from English to Hindi, but it is evident that she herself considered her main duty to be that of transliteration, updating and coding of addresses, and not to translation work proper which was the primary duty of other JHTs.

6. The fact that these two posts of JHT in DAWP in scale of Rs.330 -560 were separate and distinct from the other posts of Hindi Translators in scale of Rs.425-700/425-800 for implementation of Govt. Official language policy of undertaking translation from English to Hindi is borne out by the fact that these 2 posts were recommended by IWSU for abolishment as its work could be performed by internal adjustment, which was not the case if these two posts were actually discharging the normal translation work assigned to other Hindi Translators in scale of Rs.425-700/425-800 because no evidence has been produced to establish that those posts of Hindi Translators doing regular translation work as their main duty were also abolished. Indeed those posts were later encadred in CSOLG .

7. Under the circumstances applicant has not been able to establish that as JHT in DAWP she was discharging the same duties and responsibilities as JHTs in other Ministries/Depts. in Govt. of India in the scale of Rs.425-700/1400-2600 to warrant our intervention in this matter. Except for the fact that the applicant was also designated as JHT, the foregoing analysis shows that the duties and responsibilities of her post were neither the

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the same or similar to warrant upgradation of her pay on the principle of "Equal Pay for Equal Work".

8. The OA fails and is dismissed. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER(J)

S. R. Adige
(S. R. ADIGE)
MEMBER(A).