

Central Administrative Tribunal, Principal Bench
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O.A. No. 827/91

(19)

New Delhi, this the 5th day of July, 1996

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)
Hon'ble Shri R.K.Ahooja, Member (A)

1. Sh. S.S.Sharma,
s/o Sh. Rameshwar Dayal
2. Smt. Saroj
w/o Sh. S.S.Rawat
3. Shri Sri Chand s/o
Shri Baldev Singh
4. Shri L.K.Ahuja,
s/o Shri L.P.Ahuja,
c/o M.L.Chawla, Advocate,
C.4/E, 127, Janakpuri,
New Delhi-110 058.
(By Shri M.L.Chawla, Advocate)

....Applicants

Versus

1. Union of India through the
Secretary Communication,
Govt. of India, Sanchar Bhawan,
Ashok Road,
New Delhi.
2. The Chairman,
Telecom Commission,
Sanchar Bhawan, Ashoka Road,
New Delhi.
3. The Chief General Manager,
Advance Level Telecommunication,
Training Centre,
Ghaziabad, UP.
4. The Chief General Manager
(Maintenance),
Northern Telecom Region,
Kidwai Bhawan, Janpath,
New Delhi.
(By Shri M.K.Gupta, Advocate)

...Respondents

O R D E R

By Hon'ble Shri R.K.Ahooja, Member (A)

The four applicants who were working as Senior Hindi
Translator under the respondents have come before the Tribunal
seeking directions for the grant of the pay scale given to
Senior Hindi Translators working in the Central Secretariat

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Official Language Service (CSOLS) under the department of Official Language as also to other Senior Hindi Translators in various departments/organizations under the Government of India.

The case of the applicants is that till the changes made in the pay scale in pursuance to the recommendation of the 4th Pay Commission, their pay scales i.e. Rs. 550-800/- were the same as those of their counter-part in other Ministries/Departments. They also claimed that the eligibility for appointment to the post of Hindi Translators i.e. a Master's degree of a recognised University in Hindi/English with English/Hindi as main subject at degree level is also common to all ministries/departments. They also averred that the duties/functions and responsibilities of the Senior Hindi Translators in the Post and Telegraph Department to which they belong are not only the same and identical to the duties and responsibilities of Senior Hindi Translators in all other departments and ministries but also similar to the Central Secretariat Official Language Service (CSOLS) under the department of Official Languages. It is claimed that the 4th Pay Commission recommended the pay scale of Rs. 1640-2900/- for the post of Senior Hindi Translators in Central Secretariat Official Language Service and in respect of other similar post, it was suggested that the department of Official Language may prepare model rules with a view to bringing uniformity in the recruitment procedure, pay structure and to the extent possible their service prospects. Despite this recommendation, the Govt. of India have implemented the recommendation only in respect of the Senior Hindi Translators belonging to the CSOLS Service but it had neither taken the steps to bring uniformity in the recruitment procedure, pay structure and service prospects of similarly placed officials in other departments but it ~~had also denied the grant of~~ pay scale even where

the nature of duties and responsibilities as well as eligibility conditions of recruitment were similar. The applicants are aggrieved that the respondents granted to them only the replacement scales recommended by the 4th Pay Commission. Therefore, citing the principle of equal pay for equal work, they have sought parity of pay scales of the Senior Hindi Translators of the Department of Official Languages.

The respondents had denied that the 4th pay Commission recommended parity of the pay scales between the Hindi Translators working in the CSOIS and non-participating offices of Government. Their interpretation is that the suggestion was only for creating uniformity in respect of recruitment procedure and pay structure of Hindi posts as between Central Sectt. Official Language Service and non-participating offices.

We have heard the learned counsel S/Shri M.L.Chawla and Shri S.L.Lakhampal for the applicant, and Shri M.K.Gupta, counsel for the respondents. Learned counsel for the applicant submitted that the only ground taken by the respondents for denying the equal pay scales was in fact that the applicants belong to the so-called non-participating offices while the high pay scales have been granted to the Hindi Officers of the Department of Official Language. They submitted that the Supreme Court had already in a number of decisions held that where two sets of people in the same line are performing the same duties, the principle of equal pay for equal work applies in full measure. In this context they sought to place reliance on the cases of *Randhir Singh vs. UOI and Ors* reported in 1982(1) S.L.R. Page 756 and *P.Savita vs. UOI* reported in 1985 (Supple) SCC Page 96 as well as the orders of this Tribunal in O.A. No. 157/90 titled as *C.P.W.D. Translators' Association Vs. UOI & Ors.* and O.A. No. 1310/89 titled as *V.K.Sharma & 9 others Vs. Union of India and Ors.* It was pointed out by the applicants'

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counsel that two later mentioned decisions of the Tribunal allowed the higher pay scale of senior and junior translators of the Department of Official Language applicable to the applicants, even though the applicants in question belonged to non-participating offices.

Shri M.K. Gupta, counsel for the respondents relied on a case of State of Uttar Pradesh vs. J.P. Chaurasia reported in 1989 (1) SCC Page 121 and submitted that courts and Tribunals are not to evaluate and compare the duties and responsibilities of different groups of people on the basis of affidavits and pleadings and the matter should be left to the Executive Government who should appoint an Expert Body for the purpose. Shri Gupta also submitted that no specific recommendations have been given by the 4th Pay Commission of parity between all classes of Senior Hindi Translators and what they had recommended was a higher pay scales only for such categories of officials who belonged to the Department of Official Language. Hence, the same facilities could not be extended to the applicants. Further more, it was contended that the Government of India had now appointed another Pay Commission and it was open to the applicants to plead their case before that Pay Commission and the proper course would be to await the recommendations of this Pay Commission.

We have carefully considered the arguments advanced on behalf of both the parties. It is true that the 4th Pay Commission dealt with specifically only with the pay scales of junior and senior Hindi Translators of the Department of Official Language. For the rest, the recommendation was that the Department of Official Language should frame model rules

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with a view to bringing uniformity in recruitment procedure, pay structure and service prospects. However, the recommendation made in para No. 10.282 (Annexure-II) was not confined to parity in uniformity as between the non-participating offices but covered the Central Sectt. Official Service also. The Pay Commission in fact observed that a uniformity in recruitment procedures etc. would ensure availability of men of good calibre to the departments for handling Hindi work in different offices connected with Official Language Policy of the Union. Hence, the real aim was to bring about uniformity of the non-participating departments with that of the Official Language Department and not to aggravate the differences between the participating and non-participating departments. In this context, it is significant that the respondents have not denied the claim of the applicants that the responsibilities and duties assigned to them as Senior Hindi Translators are in no way different from those who of the Central Sectt. Official Language Service. There is, thus, no contention on the part of the respondents that there is a difference in the duties and responsibilities as between the two categories. We may, however, examine the contention of Shri M.K.Gupta that the determination of equality in this respect is a matter best left to the judgement of Executive Government as the courts and Tribunals are not the proper forum to determine the comparative evaluation of duties & responsibilities. In the case of State of UP Vs. J.P. Chaurasia(Supra), the question which was before the Supreme Court related to the pay scales of Bench Secretaries of the High Court who had sought parity with the Section Officers and Private Secretaries to the Hon'ble Judges. The successive Pay Commissions and a Pay Anomalies Committee had come to the conclusion that the Bench Secretaries did not have a valid claim, on the basis of equal pay for equal work since the duties and

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responsibilities in both the cases were different. This is, however, not the situation in the present case where we have not only a similarity of designation but also admittedly the ^{similar} eligibility conditions for recruitment as also the same duties and responsibilities. The respondents have not shown anywhere in the reply that the Senior Hindi Translators of the Department of Official Language have different kinds of responsibilities or a different set of duties. This matter was also agitated in the case of C.P.W.D. Translators' Association Vs. Union of India & Ors. (Supra) and it was held that relying on Randhir Singh vs. UOI (Supra), that where all the relevant considerations are the same, persons holding identical post must not be treated differently in the matter of pay merely because they belong to different departments. Similarly in the case of Sh. V. K. Sharma & 9 ors. vs. UOI & ORS. (Supra) this Tribunal had also held that ~~we find~~ ^{as} there is no qualitative difference as regards duties and responsibilities between the two classes of senior and junior Translators employed in Armed Forces/Inter Service Organizations and Central Sectt. Official Language Service and hence the discrimination in grant of pay scale would be discriminatory and arbitrary.

Hon'ble Supreme Court has also held in P. Savita vs. Union of India (Supra) that where all considerations are the same, persons holding identical posts and discharging similar duties, should not be treated differently. In our view the present case falls squarely within the four corners of this observation.

On the basis of the above discussion, we have no hesitation in concluding that the applicants who are Senior Hindi Translators and who had the same pre-revised pay scales

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as those belonging to Central Sectt. Official Language Service and who are discharging the similar responsibilities and duties having same eligibility conditions for appointment, are entitled to the same pay scale i.e. Rs. 1640-2900/- Accordingly, we direct that the applicants would be allowed the pay scale of Rs. 1640-2900/- with arrears thereof from the date of filing of this application. There shall be no order as to costs.

R.K. Ahuja
(R.K. AHOOJA)
Member (A)

A.V. Haridasan
(A.V. HARIDASAN)
Vice-Chairman (J)

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