

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 2968/92

16

New Delhi, this the 3rd day of June, 1998

HON'BLE SHRI T. N. BHAT, MEMBER (J)
HON'BLE SHRI S. P. BISWAS, MEMBER (A)

In the matter of:

1. S.P. Pandey
s/o Late Shri B.L. Pandey
R/o 18/353, Lodhi Colony,
New Delhi.
2. Upendra Roy
s/o Shri Premeshwar Roy,
R/o H.No. 123C, CGI Vikaspuri,
New Delhi.
3. S.P. Ghai
s/o Shri G.L. Ghai,
R/o 332, Sector I,
Sadiq Nagar,
New Delhi.
4. S.L. Srivastava
s/o Late Shri Ranjit Sahai,
r/o 209, Sector III,
Sadiq Nagar,
New Delhi.
5. R.P. Sharma
s/o Shri S.R. Sharma,
R/o Sector III/203,
R.K. Puram,
New Delhi.
6. Dinesh Tandon
s/o Shri G.K. Tandon,
R/o 432 Kamla Nehru Nagar,
Ghaziabad.
7. Baleshwar Jha
s/o late Shri Diwas Jha
R/o A/5/328 Paschim Vihar,
New Delhi.
8. Jugal Kishore
s/o Shri Siri Ram,
R/o 3/131, Subhash Nagar,
New Delhi.

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9. M.D. Siddiqui
s/o Shri Zaheer Alam,
R/o 1478 Qassimjan Street,
Delhi.
10. Santosh Kumar
s/o late Shri Sidha Nand,
R/o 6/6272 Street/2,
Devnagar,
New Delhi.
11. M.C. Pandey
s/o Shri R.K. Pandey,
R/o E-208, Sewa Nagar,
New Delhi.
12. Augustus Karketta
s/o Shri Christ Hira Karketta,
R/o Street/19,
New Railway Colony,
Mandavali,
Delhi.
13. Sunil Ranjan
s/o Shri P.B. Srivastava,
r/o D/928, Netaji Nagar,
New Delhi.

(17)

.....Applicants

(By Advocate: Shri V.K. Sidharthan, though none appeared)

Versus

1. Union of India through
Secretary,
Legislative Department,
Ministry of Law & Justice &
Company Affairs,
Government of India,
Shastri Bhawan,
New Delhi.
2. Department of Personnel &
Training, Ministry of Personnel,
Pensions & Public Grievances,
Central Secretariat,
South Block,
New Delhi.

... Respondents

(By Advocate: Shri N.S. Mehta)

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O R D E R

By Hon'ble Shri T.N. Bhat, Member (J):

18

The applicants in this O.A. are working as Translators in the Official Language Wing of Legislative Department of the Ministry of Law, Justice & Company Affairs, Govt. of India. They have come to the Tribunal for removal of the anomaly that has allegedly arisen in respect of the pay scales granted to them in pursuance to the recommendations of the Fourth Pay Commission as against the pay scales granted to Assistants (Legal) who were earlier drawing lesser pay than the applicants. Admittedly, the pre-revised pay scale of Translators was Rs. 550-800 which has been revised to Rs. 1600-2660. The Assistants (Legal), on the other hand, were drawing pay in the pay scale of Rs. 425-800 which was revised to Rs. 1640-2900 on the recommendations of the Fourth Pay Commission. The conditions of service and the method of recruitment of the applicants are governed by the Ministry of Law, Justice & Company Affairs, Official Language Wing (Group-B post) Recruitment Rules, 1979 (hereinafter referred to as OLW Rules, 1979) while those of the Assistants (Legal) are governed by a different set of rules. According to the applicants, the requisite qualifications prescribed for Translators are higher than those prescribed for Legal Assistants and the Translators are recruited directly through the Union Public Service Commission and are classified as Group-B Non-gazetted, ~~Non~~-Ministerial officers of the General Central Service. The Fourth Pay Commission, however, recommended higher pay scale of Rs. 1640-2900 to the Assistants (Legal) while no such higher pay scale was recommended for the Translators. This,

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19

according to the applicants, has given rise to an anomaly and they seek rectification of this anomaly. The applicants claim the still higher pay scale of Rs. 2000-3500 in order to maintain, what the applicants call, the "relativity" in the pay scales in Legislative Department.

2. Respondents have resisted the O.A. by filing a detailed counter in which the main plea taken is that it was on the recommendations of the Fourth Pay Commission, which was an expert body, that the Assistants (Legal) were granted higher pay scale and that the applicants have not been denied the replacement scale for the pay scale they were already holding. According to the respondents no anomaly had arisen and, therefore, the O.A. was liable to be dismissed. The plea of limitation has also been raised. The maintainability of the O.A. is also questioned on the ground of non-joinder of necessary parties.

3. To the counter of the respondents the applicants have filed a rejoinder in which they have raised a new plea. According to the applicants, the Fourth Pay Commission had recommended the pay scale of Rs. 1400-2600 for Assistants (Legal) but the respondents created the anomaly since 31.7.1990 by raising their pay scale to Rs. 1640-2900.

4. We have gone through the pleadings and the documents filed by the parties in support thereof. We have also heard the learned counsel for the respondents, as

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20

learned counsel for the applicants did not put in appearance when the matter was being heard. The arguments were heard and concluded on 27.5.1998 and while this judgement was in the process of production the learned counsel for the applicants made an appearance on 28.5.1998 and prayed for one day's time to file written arguments. No such written arguments have been filed although more than six days have passed since then.

5. It is not disputed that the revised pay scale for the pay scale of Rs/ 550-800 in which pay scale the applicants were earlier working is Rs. 1600-2660. Thus, the applicants cannot have any grievance as regards the replacement scale given to them. We find, on going through the recommendations of the Fourth Pay Commission (Para 10.332), that adequate reasons have been given why the Assistants (Legal) should be granted a higher pay scale. The qualification prescribed for recruitment to the post of Assistant (Legal) is Degree in Law with at least three years experience of legal work. Furthermore, the Department of Legal Affairs was also facing difficulty in recruitment and retention of the Assistants (Legal) They had, therefore, suggested improvement in their pay scales and this was accepted by the Fourth Pay Commission who recommended the pay scale of Rs. 1640-2900. Therefore, it would be wrong to say that the respondents have created any anomaly. The Fourth Pay Commission having considered the matter and having accepted ~~the~~ the plea raised by the department concerned made this recommendation and this Court/Tribunal is not in a

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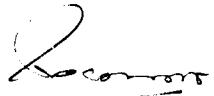
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position to find fault with that recommendation, as we do not have the necessary expertise in such matters.


6. That apart, the qualifications for the two posts being different and the one prescribed for Assistant (Legal) being higher the applicants cannot claim parity with Assistants (Legal). As already mentioned, the essential qualification for recruitment to the post of Assistant (Legal) is Degree in Law with at least three years experience of legal work while the qualification for recruitment to the post of Translator is only Degree in Law without any experience in legal work. The respondents had validly recommended a higher pay scale for Assistants (Legal), particularly in view of the fact that some difficulty was being experienced by the department in retaining those who had already joined as Assistants (Legal).

7. In view of the above, we do not find any ground to interfere with the recommendations of the Fourth Pay Commission and the consequent orders issued by the respondents relating to the pay scale of Assistants (Legal). This O.A. is accordingly held to be devoid of any merit.

8. In the event, this O.A. is dismissed, but without any order as to costs.


(S.P. Bhat)
Member (A)

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(T.N. Bhat)
Member (J)