

(8)

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1336 OF 2005

ALLAHABAD THIS THE 20th DAY OF APRIL 2007

HON'BLE MR. K. S. MENON, MEMBER-A
HON'BLE MR. S. K. DHAL, MEMBER-J

Brij Kumar Dubey,
Son of Shri Vidyadhar Dubey,
Junior Hindi Translator Working in the office of
Commissioner, Central Excise and Customs, Allahabad.

..... .Applicant

By Advocate : Shri A. K. Pandey

Versus

1. Union of India through Secretary,
Government of India, Department of Revenue,
Central Board of Customs and Excise, North Block,
New Delhi.
2. The Chairman, Central Board of Excise and
Customs, North Block, New Delhi.
3. Under Secretary to the Government of India,
(Ad-IIA) Central Board of Excise & Customs, New
Delhi-110002.
4. The Commissioner, Central Excise and Customs,
Allahabad.

..... .Respondents

By Advocate : Shri S. Singh

O R D E R

HON'BLE MR. S. K. DHAL, MEMBER-J

The order dated 23.03.2004 passed by respondent
no.3 communicated to the applicant on 27.04.2005 is
under challenge in this O.A. The applicant has prayed
for the following relief:-

(a) Quash the impugned order dated 23.03.2004.

(b) Issue direction to the respondents to grant
revised pay scale of Rs.5500-9000/-
notionally w.e.f. 01.01.1996 with actual

payment from 11.02.2003 and 1400-2600 w.e.f.

1.1.1986 with entire consequential benefits.

(c) To direct the respondents to grant the next higher pay scale of Rs.6500-10500 w.e.f. 06.02.2002 when the applicant completed 12 years of his service.

2. The case of the applicant may be stated in brief.

The applicant was appointed as Junior Hindi Translator in the office of the Commissioner Excise and Customs Department. The recruitment procedure qualification, duties and responsibilities of Junior Hindi Translator in the office of Translators of Central Secretarial Officials Language Service (here in after referred to as identical to that of applicant). CSOLS) The Government of India issued office memorandum and gave parity of pay scale to the subordinate office to that of CSOLS. Higher pay scale of official of CSOLS was granted but the applicant in the official of sub ordinate offices under Central Government were not given. The applicant made a representation for the revision of pay scale and upgradation of pay like of the office of CSOLS. It has been turned down. Hence, the present OA.

3. The respondents in their CA have taken the stand that the applicant is not entitled to the pay scale claimed by him on the ground that the fourth pay commission has not brought out any parity in the pay scale between the Hindi Post of Central Secretariat

Officials Language Service and officers not participating in the service.

4. During the course of arguments, it has been submitted on behalf of the applicant that some employees of his department filed O.A. No.1664/94 (Krishna Gopal and Others Versus U.O.I. and Others) before this Tribunal claiming the parity of scale of pay with that of corresponding employees who are the member of CSOLS and that this Tribunal has allowed the O.A. on 06.02.2002 granting the relief claimed.

According to the applicant, he ~~considering~~ ^{standing} on the same footing is entitled to the relief claimed.

5. We have heard the learned counsel for the parties and have perused the documents. In O.A. No.1664/94 there ~~are~~ ^{Were} five applicants and one of them was serving as Senior Hindi Translator in the office of the applicant and four others were working as Junior Hindi Translator in the same office. They approached the Tribunal for same relief, which has been claimed by the applicant in the present OA before this Tribunal. In the O.A. No.1664/94 the ratio of the case of O.A. No.763/99, which has been decided by the Principal Bench on 19.09.2001, was ~~placed~~ ^{referred to} and relying on the said case this Tribunal granted the relief to all the five applicants of O.A. No.1664/94. The Principal Bench referred to the case of Randhir Versus U.O.I. and Others reported in 1992 (1) SLR 756 and P. Sarita Versus U.O.I. and Others reported in 1985 (Supp.) ACC

(11)

96 granted the relief to the applicant which has been prayed by the applicant of the present OA. After perusal of those case laws this Tribunal in O.A. No.1664/94 has allowed the relief claimed by the applicant. The following observation was made while disposing the O.A. No.1664/94.

"All the aforesaid judgment clearly held that the Junior Hindi Translators and Senior Hindi Translator are legally entitled for the same claiming as is being given to Junior Hindi Translators and Senior Hindi Translators in Central Secretariat Official Language Service."

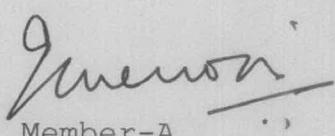
This ^{position} ~~dispute~~ has not been disputed by the respondents.

6. For the reasons stated above, this OA is allowed. The respondents are directed to grant to the applicant the revised pay scale of Rs.5500-9000 notionally w.e.f. 01.01.1996 with actual payment from 11.02.2003 and Rs.1400-2600 w.e.f. 01.01.1986. His pay shall be revised and re fixed accordingly. The necessary relief under this order shall be granted to the applicant within a period of six months on production of the certified copy of the order by the applicant before the respondents.

7. There shall be no order as to costs.


Member-J

/ns/


Member-A