

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 6TH DAY OF FEBRUARY, 2002

Original Application No. 1664 of 1994

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

1. Krishna Gopal, Son of  
Shri Masuriya Singh, a/a/ 49 years  
Senior Hindi translator  
27 Uncha Mandi, Allahabad.
2. Devendra Kumar Agnihotri, son of  
Shri Kishori Lal Agnihotri  
a/a 36 years, Junior Hindi Translator
3. Suresh Chandra Pandey, son of  
Sri Dwarika Pd. Pandey,  
a/a 35 years, Junior Hindi Translator
4. Sunil Kumar Shukla, son of Shri Rama  
Kant Shukla, a/a 30 years, Junior  
Hindi translator
5. Ram Briksha Bhawuka, son of  
Shri Badsudeo, a/a 32 years  
Junior Hindi Translator  
  
in Central Excise Collectorate, Kanpur.

..Applicants

(By Adv: Shri A.B.L.Srivastava)

Versus

1. Union of India through the Secretary  
Govt.of India, Ministry of  
Finance, Deptt. of Revenue, central Board  
of Customs and Excise, North Block  
New Delhi.
2. The Chairman, Central Board of Excise  
& Customs, North Block,  
New Delhi.
3. The Collector, customs & Central  
Excise, Allahabad Collectorate, Allahabad.
4. The Collector of Customs &  
Central Excise Kanpur Collectorate  
Kanpur.

.. Respondents

(By Adv: Ms.Sadhna Srivastava)

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O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

The applicant no.1 is serving as Senior Hindi Translator in Central Excise and Customs Collectorate, Allahabad. Applicants no. 2 to 4 are serving as Junior Hindi Translators in the same office, whereas, applicant no.5 is serving as Junior Hindi translator in Central Excise Collectorate at Kanpur. By means of this application u/s 19 of A.T.Act 1985 they have claimed for a direction to the respondents 1 and 2 to grant revised pay scale of Rs1640-2900 to Senior Hindi Translators w.e.f 1.1.1986 and scale of Rs1400-2600 to Junior Hindi Translators w.e.f. 1.1.1986 with all consequential benefits, arrears of pay and allowances.

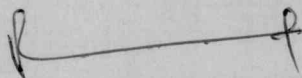
The facts of the case are that the applicant no.1 joined the department as Junior Hindi Translator in 1981 in the scale of Rs425-700(RSD to 1400-2300) w.e.f. 1.1.1986. he was promoted as Senior Hindi Translators in the pay scale of Rs.515-800(RSD 1640-2900 w.e.f. 1.1.1986. Applicant no.1 on being promoted as Senior Hindi Translators drew the pay scale of Rs.1640-2900 from 1.1.1986 to 31.5.1990. But later on he was given a lower pay scale of 1600-2600 and the alleged excess amount paid to him was recovered illegally without giving any show cause notice of opportunity of hearing. The recovery was made in pursuance of the impugned Govt. order dated 11.4.1990 which made a difference between the employees working as Hindi Translators in ~~Kendriya~~ Vidyalaya Central Secretariat, Rajya Bhasha Sewa and the employees serving in other departments.

Applicants no.2 to 5 were appointed as Junior Hindi translators in revised pay scale of 1400-2300 on different dates. Their claim is that they are also

entitled for the pay scale of 1400-2600 like the Junior Hindi Translators serving in Central Secretariat Rajyabhasha Sewa and they have been illegally discriminated on the basis of the impugned order. Shri A.B.L. Srivastava learned counsel for the applicants has placed before us the judgement of Principal Bench of the Tribunal dated 10.1.1992(Annexure A3) by which the Principal Bench disapproved this discrimination and granted relief to the applicants and passed the following order: The operative part of the order is being reproduced below:-

"We reiterate the same view following the ratio in the judgement of this Tribunal in V.K. Sharma's case, we allow the present application and direct the respondents to grant the scale of 1640-2900 and Rs1400-2600 to the Senior Hindi Translators and Junior Hindi translators respectively in the office of the respondents in the instant case. The applicants would also be entitled to all consequential benefits including re-fixation of pay, arrears of pay etc. The interim order passed on 2.2.1990 is hereby made absolute. The respondents shall comply with the above directions within a period of two months from the date of communication of this order. There will be no order as to costs."

Shri A.B.L.Srivastava has also<sup>^</sup> relied upon in a judgement given by Principal Bench in case of 'S.S.Sharma and Ors.Vs.Union of India and Ors reported in 1996(2) Administrative Total Judgements Bf-209. This was a case of Senior Hindi Translators. The relief was granted to the applicants by Principal Bench with the finding that there is no qualitative difference as regards the duties and responsibilities between the two classes of Armed Forces and Central Secretariat official Language Service.



The discrimination in grant of pay scale would be arbitrary. The learned Members of the bench relied on the judgment of Hon'ble Supreme Court in a case of 'Randhir Singh vs Union of India and Ors, reported in 1992(1) SLR pg-756 and 'P.Savita Vs.Union of India , 1985(Supp) SCC-96. The judgment in case of 'V.K.Sharma & Ors in OA No.157/90 was also relied on. All the aforesaid judgements clearly held that the Junior Hindi translators and Senior Hindi Translators are legally entitled for the same scale as is being given to Junior Hindi Translators and Senior Hindi Translators in Central Secretariat Official Language Service.


In view of the aforesaid discussion we are of the opinion that the applicants are entitled for relief. The learned counsel for the applicant at the end submitted that amounts which have been recovered from the applicants may also be refunded.

For the reasons stated above, this OA is allowed. The respondents are directed to grant the pay scale of Rs1640-2900 to applicant No.1 w.e.f. 1.1.1986 to 24.10.1994, the date of filing this OA on notional basis. However, from the date of application applicant no.1 will be entitled for actual payment with arrears and all benefits. His pay shall be refixed and revised accordingly. The respondents no. 2 to 5 shall be granted the pay scale of Rs 1400-2600 from the date of their joining till the filing of this application i.e. 24.10.1994. on notional basis from 24.10.1994. they will be entitled for actual pay including arrears and allowances. Their pay shall be revised and refixed accordingly. The necessary relief under this order shall be granted to the applicants within a period of six

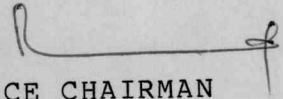


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months. There will be no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 6th Feb: 2002

Uv/