

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 202 OF 2011

Wednesday, this the 17th day of October, 2012

CORAM:

**HON'BLE Mr. JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

1. K.K. Vinod, aged 41 years, S/o. Late K.K. Kumaran, Junior Hindi Translator, O/o. the Postmaster General, Central Region, Kochi, Residing at P&T Quarters, No. CQ-7, Thevara, Kochi-13.
2. R. Deepalakshmi, aged 37 years, D/o. Late P. Janardhanan, Junior Hindi Translator, O/o. the Chief Postmaster General, Trivandrum, 695 033, Residing at Jyothi Cottage, Vanda, Karippoor P.O., Nedumangad, Trivandrum, 695 341.
3. S. Rekha, aged 38 years, D/o. K.R. Sreedharan, Junior Hindi Translator, O/o. the Director of Accounts (Postal), Trivandrum, 695 001, residing at Akshara, TC No. 17/855(1), Poojappura, Trivandrum.
4. R. Bindu, aged 33 years, D/o. E. Radhakrishnan, Hindi Translator, O/o. the Postmaster General, Northern Region, Calicut, residing at 9/5, Jeevan Bhima Nagar, Karaparambu, Kozhikode-10. **Applicants**

(By Advocate Mr.R. Sreeraj)

versus

1. Union of India, represented by its Secretary to Government of India, Ministry of Communication, & IT, Department of Posts, Dak Bhavan, Sansad Marg, New Delhi-110 001.
2. The Director General, Ministry of Communications & IT, Department of Posts, Dak Bhavan, Sansad Marg, New Delhi-110 001.
3. The Chief Postmaster General, Department of Posts, Kerala Circle, Trivandrum-695 033.
4. The Director of Accounts (Postal), Department of Posts, Trivandrum-695 001.
5. The Accounts Officer, Office of the Postmaster General, Central Region, Kochi-48. **Respondents**

(By Advocate Mr. A.D.Raveendraprasad, ACGSC)



This application having been heard on 05.10.2012, the Tribunal on
17-10-12 delivered the following:

ORDER

HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

The applicants are Junior Hindi translators working in various offices in the Department of Posts, Kerala circle. They were drawing pay in the pre-revised scale of Rs. 5000-8000. Their counter parts in the Central Secretariat Official Language Service (CSOLS) were drawing the scale of pay of Rs. 6500-10500. In accordance with the recommendations of the VI Central Pay Commission (CPC), the official language posts in various subordinate offices of the Central Government have been granted the same PB-2 of Rs. 9300-34800 with GP of Rs. 4200/- vide Annexures A-1 dated 24.11.2008 and A-2 dated 27.11.2008) as those granted to CSOLS. The claim of the applicants to have their pay fixed first in the scale of pay of Rs. 6500-10500 notionally and then on that basis in the revised Pay Band PB-2 with Grade Pay of Rs. 4600/- with effect from 01.01.2006 was rejected by the respondents. They have filed this O.A seeking a direction to have their pay fixed as mentioned above and for granting all consequential benefits. They have also sought quashing of Annexures A-7, A-9 and A-15 order issued by the respondents rejecting the request of the applicants to extend them the benefit of fixation as per Ministry of Finance OM No. 1/1/2008-IC dated 24.11.2008.

2. The applicants contended that by virtue of Annexure A-10, the Grade Pay applicable to those in the pre-revised scale of Rs. 6500-10500 is Rs. 4600/- instead of Rs. 4200/- reckoned while fixing the pay of Junior Hindi Translators in the subordinate offices in PB-2. Otherwise, the

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applicants would not get the benefit of pay parity that was brought in by virtue of Annexure A-1. Annexures A-10 as well as A-1 was implemented in the case of similarly situated persons working in other Central Government offices, like Directorate of Light Houses and Light Ships, Coconut Development Board, CIFNET, etc. Denying the same benefit to the applicants is discriminatory.

3. Per contra, the respondents submitted that there is no direction in any of the orders produced by the applicants to have their pay fixed first in the scale of pay of Rs. 6500-10500 notionally and then on that basis revise their pay in PB-2. The scale of pay of Junior Hindi Translators has been revised to Rs. 6500-10500, but that is for the purpose of granting higher Grade Pay of Rs. 4600/- as that of their counter parts in CSOLS only. In Annexures A-1 and A-2, it was clearly mentioned that the pay scale of Rs. 6500-10500 in PB-2 with Grade Pay of Rs. 4200/-, has been recommended to Junior Hindi Translators in various subordinate offices under the Central Government as those granted to CSOLS. The matter of wrong fixation done in some other offices cannot be pointed out as justification to revise the fixation of the applicants which was correctly fixed in accordance with the extant orders. The pay of the applicants have been fixed in accordance with the relevant rules and instructions and the clarifications issued by the Finance Ministry. The posts which were in the pre-revised scale of Rs. 6500-10500 prior to the VI CPC recommendation, alone are to be brought to the revised scale of Rs. 7450-11500 for fixing pay in PB of Rs. 9300-34800 with Grade pay of Rs. 4600/-. The applicants were drawing the scale of Rs. 5000-8000 only and they are not be brought to the revised scale of Rs. 7450-11500, but to the revised upgrades scale of PB-2 of Rs.9300-34800

corresponding to the scale of Rs. 6500-10500 with Grade Pay of Rs. 4200/-.

4. We have heard Mr. R. Sreeraj, learned counsel for the applicant and Mr. A.D. Raveendra Prasad, learned ACGSC appearing for the respondents.

5. For the sake of convenience, Annexure A-2 letter dated 27.11.2008 is reproduced as under:

"F.No.1/1/2008-IC
Government of India
Ministry of Finance
Department of Expenditure
Implementation Cell

New Delhi, dated the 27th November, 2008

CORRIGENDUM

Subject: Revised pay scales for Official Language posts in various subordinate offices of the Central Government.

In partial modification of this Department's OM of even number dated 24th November, 2008 (copy enclosed), the table in para 1 of the said OM may be read as under:-

<u>Designation</u>	<u>Recommended Pay Scale</u>	<u>Corresponding Pay Band and Grade Pay (in Rs.)</u>
Jr. Translator	6500-10500	PB-2 4200
Sr. Translator	7450-11500	PB-2 4600
Asstt. Director (OL)	8000-13500	PB-3 5400
Dy. Director (OL)	10000-15200	PB-3 6600
Jt. Director (OL)	12000-16500	PB-3 7600
Director (OL)	14300-18300	PB-4 8700

2. All Ministries/Departments etc. are required to grant the revised pay structure as indicated in the table above, which has been approved for various posts in the CSOLS, to similarly designated Official Language posts existing in their subordinate offices.

(Alok Saxena)
Director (IC)



To:

All Ministries/Departments of Government of India as per standard mailing list

Copy to:

All PAs by name"

(emphasis supplied)

It is clearly stated in the above order that the recommended pay scale for the post of Junior Hindi Translator is Rs. 6500-10500 and the corresponding pay is PB-2 with Grade Pay of Rs. 4200/. The revised pay structure has been approved for various posts in the CSOLS and similarly designated official language posts in their subordinate offices. Therefore, the pay parity has been established between Junior Hindi Translators in CSOLS and those in the subordinate offices.

6. Para 3 of Annexure A-10 dated 13.11.2009, which is relevant to the case on hand, is reproduced as under:

"3. Consequent upon the Notification of CCS (RP) Rules, 2008, Department of Expenditure has received a large number of references from administrative ministries / departments proposing up-gradations of the posts which were in the pre-revised scale of Rs.6500-10500 as on 1.1.2006 by granting them grade pay of Rs.4600 in the pay band PB-2. The matter has been considered and it has now been decided that the posts which were in the pre-revised scale of Rs. 6500-10500 as on 1.1.2006 and which were granted the normal replacement pay structure of grade pay of Rs.4200 in the pay band PB-2, will be granted pay of Rs.4600 in the pay band PB-2 corresponding to the pre-revised scale of Rs.7450-11500 w.e.f.1.1.2006. Further, in terms of the aforementioned provisions of CCS (RP) Rules, 2008, in case a post already existed in the pre-revised scale of Rs.7450-11500, the posts being upgraded from the scale of Rs.6500-10500 should be merged with the post in the scale of Rs.7450-11500."

(emphasis supplied)

7. It is clarified that the posts which were in the pre-revised scale of Rs. 6500-10500 as on 1.1.2006 and which were granted the normal



replacement pay structure of grade pay of Rs. 4200/- in the pay band PB-2, will be granted grade pay of Rs. 4600/- in the pay band PB-2 corresponding to the pre-revised scale of Rs. 7450-11500 with effect from 01.01.2006. In other words, the grant of grade pay of Rs. 4600/- corresponding to the pre-revised scale of Rs. 7450-11500 is to those posts only which were in the pre-revised scale of Rs. 6500-10500 as on 01.01.2006. The applicants who were drawing the scale of pay of Rs. 5000-8000, therefore, were not brought to the revised scale of Rs. 7450-11500, but to the revised upgraded scale of PB-2 Rs. 9300-34800 corresponding to the scale of Rs. 6500-10500 with Grade Pay of Rs. 4200/- in accordance with Annexures A-1 and A-2 which specifically notified the revised pay scale for the official language posts in the subordinate offices of the Central Government as well as CSOLS. As rightly contended by the respondents, there is no direction in any of the orders produced by the applicants to the effect that their pay should be upgraded first to the pay scale of Rs. 6500-10500 and then to the pay scale of Rs. 7450-11500 for the purpose of granting PB-2 with Grade Pay of Rs. 4600/- with effect from 01.01.2006. The applicants have claimed that similarly placed officials in certain Central Government offices have been granted the PB-2 with Grade Pay of Rs. 4600/- giving the benefit of double upgradation, but they have not substantiated it. It is not certain that the pay fixation done in the offices cited by the applicants is correct. In case wrong fixation is carried out in those offices, it cannot be a justification to revise the pay fixation of the applicants. Whether such revision of pay granting double upgradation is correct or not is to be decided by the Department of Expenditure, Ministry of Finance. If it is correctly done, the applicants have a case of anomaly and discrimination. As of now, we do not find any reason to interfere with the pay fixation of the applicants in the absence of any

specific orders in their favour. However, the applicants are at liberty to take up their grievances with the Central Government.

8. In the result, the O.A. is dismissed with no order as to costs.

(Dated, the 17th October, 2012)



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R.RAMAN
JUDICIAL MEMBER

CVT.