

**Central Administrative Tribunal, Lucknow Bench, Lucknow**

**Original Application No. 301/2005**

This the 19<sup>th</sup> day of August, 2009

**Hon'ble Ms. Sadhna Srivastava, Member (J)**  
**Hon'ble Dr. A.K. Mishra, Member(A)**

Ram Prakash, Aged about 41 years, S/o Sri Triveni, R/o House No. 6/19 Vikas Nagar (Lohia Nagar), Lucknow (present working as Assistant in the Rajbhasha Section, Office of the Divisional Railway Manager, N.E.R. Manager, Lucknow Division, Lucknow.

.....Applicant

By Advocate: Sri R.C. Singh.

**Versus**

1. Union of India through Secretary, Ministry of Railways (Railway Board), New Delhi.
2. Union of India through the Secretary, Ministry of Home Affairs, (Rajbhasha Vighag), New Delhi.
3. Chairman, Railway Board, New Delhi.
4. Director, Pay Commission, Railway Board, New Delhi.
5. Director, Rajbhasha Vighag, Railway Board, New Delhi.
6. General Manager, N.E.R., Gorakhpur.
7. G.M. (Personnel), N.E.R., Gorakhpur.
8. D.R.M. N.E.R., Lucknow Division, Lucknow.

.....Respondents

By Advocate: Sri Azmal Khan

**ORDER**

**By Dr. A.K. Mishra, Member-A**

The applicant is aggrieved by the discriminatory action of the respondent-authorities in not allowing the pay scale of Rs. 5000-8000/- to him w.e.f. 1.1.1996 even in spite of issue of instructions by the nodal department under the Ministry of Home Affairs and concurrence of the Ministry of Finance, Government of India to this effect. He has prayed for issue of a direction to the respondents to grant the aforesaid pay scale to the applicant w.e.f. 1.1.1996.

2. The applicant was appointed as Hindi Assistant Gr. III in the pay scale of Rs. 330-560/- on 8.5.1978. He was promoted to the higher grade in the Assistant Gr. II in the scale of Rs. 425-

640/-, which was revised to Rs. 1400-2300/- w.e.f. 1.4.1997. After implementation of the recommendations of the Central Pay Commission(CPC), the applicant was placed in the revised scale of Rs. 4500-7000/- from 1.1.1996. It was learnt by him that Junior Hindi Translators working in Central Translation Bureau of the Railway Board, who had earlier the pay scale of Rs. 1400-2300/-, were granted the scale of Rs. 5000-8000/-; but this scale has been denied to him in spite of many representations.

3. The nodal department of Rajbhasha under the Ministry of Home Affairs obtained the concurrence of the Ministry of Finance to their proposal to grant the scale of Rs. 5000-8000/- to Junior Hindi Translator working in all the offices; accordingly, they issued Office Memorandum dated 8.11.2000 to all the Ministries/departments. The applicant has given a list of many organizations under Government of India, which have already implemented this recommendation. The Railway Board has implemented it in respect of Hindi Translators working under the Railway Board itself, but has denied it to the employees working in zonal Railways. The learned counsel for the applicant cited the decision of this Tribunal in Principal Bench in O.A. no. 312 of 2009 pronounced on 10.7.2009 holding that the Hindi Translators working in zonal Railways were being discriminated against vis-à-vis their counterparts working in the Railway Board. They had directed the respondents to take into consideration the factual position as to grant of pay scale of Rs. 5000-8000/- to Junior Hindi Translators employed in the Railway Board, while considering the claim of the applicant.

4. The respondents have taken the stand that the pay of Hindi Translator Gr.II in pre-revised scale of Rs. 1400-2300/- has been revised to Rs. 4500-7000/- in terms of recommendations of the Vth Central Pay Commission (CPC). The zonal Railways had not received any instructions from the Railway Board to upgrade the scale to Rs. 5000-8000/-.

5. At the time of hearing, the learned counsel for the respondents has cited the following decisions:

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- (i) S.S. Chandra and Others Vs. State of Jharkhand and Others reported at (2007) 2 SCC (L&S) 897,
- (ii) State of Kerala Vs. B. Renjith Kumar and Others reported at (2009) 1 SCC (L&S) 142,
- (iii) Union of India & Others. Vs. Tarit Ranjan Das reported at (2003) 11 SCC 658, to the effect that the principle of 'equal pay for equal work' would not be applied merely on the basis of designation, or nature of work; many other relevant factors are to be taken into consideration. Unless there was comprehensive similarity as regards qualification, nature of duty, mode of recruitment, the plea of equal pay for equal work was not admissible.


6. The issue of similarity of work performed by Hindi Translators working in the Central Secretariat and those in the field formations was considered by Calcutta High Court in Writ petition no. 728 of 2007. In its judgment dated 2.5.2008 it was held that Hindi Translators working in the attached and subordinate offices were similarly circumstanced vis-à-vis their counterparts working in the Central Secretariat. Further, they were discharging identical duties and responsibilities and their mode of recruitment was the same. The Calcutta High Court, therefore, held that further classification of the Hindi Translators working in Central Secretariat Official Language Service (CSOLS) into a separate category was illegal and open to the charge of discrimination among similarly placed and circumstanced employees.

7. Since the coordinate Bench of this Tribunal at Delhi has held similar view in respect of Hindi Translators working in the zonal railways as against their counterparts in the Railway Board and directed the respondent-authorities to consider the claims of the employees of the zonal Railway in their order dated 10.7.2009 in O.A. No. 312/2009 of Principal Bench, we would dispose of this O.A. with similar observations and direct



the claim of the applicant may be considered alongwith others as per the directions earlier issued by the coordinate Bench.

8. The application is disposed of accordingly. No costs.

  
(Dr. A.K. Mishra)  
Member-A

  
(Ms. Sadhna Srivastava)  
Member-J

Girish/-