

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH,  
LUCKNOW.**

**Original Application No. 108 of 2009**

Reserved on 25.8.2014

Pronounced on 15<sup>th</sup> September, 2014

**Hon'ble Mr. Navneet Kumar, Member-J**  
**Hon'ble Ms. Jayati Chandra, Member-A**

Ram Prakash, aged about 44 years, S/o Sri Triveni, R/o House no. 6/19 Vikas Nagar (Lohia Nagar), Lucknow (presently working as Rajbhasha Sahayak (Assistant) in the Rajbhasha Section, Office of the Divisional Railway Manager, North Eastern Railway, Lucknow Division, Lucknow)

.....Applicant

By Advocate: Sri Prashant Kumar Singh.

Versus.

1. Union of India through the Secretary, Ministry of Railways (Railway Board), New Delhi.
2. Union of India through the Secretary, Ministry of Home Affairs (Rajbhasha Vibhag), New Delhi.
3. Chairman, Railway Board, New Delhi.
4. Director, Pay Commission, Railway Board, New Delhi.
5. Director, Raj Bhasha Vibhag, Railway Board, New Delhi.
6. General Manager, NER, Gorakhpur.
7. General Manager (Personnel), NER, Gorakhpur.
8. DRM, NER, Lucknow Division, Lucknow.

.....Respondents.

By Advocate : Sri N. Nath

**ORDER**

**Per Ms. Jayati Chandra, Member-A**

The applicant has filed this O.A. under Section 19 of Administrative Tribunal Act, 1985 seeking the following relief(s):-

- “(a) issuing/passing of an order or direction to the respondents particularly the respondent nos. 1 and 3 to 8 to place the applicant in the scale of Rs. 6500-10500/- w.e.f. 1.1.2006 in terms of Office Memorandum dated 24.11.2008 and 27.11.2008 (as contained in Annexure nos. A-9 and A-10) and accordingly grant the pay scale of Rs. 9300-34800/- (Pay Band-2) to the applicant w.e.f. 1.1.2006 by modifying the impugned notification dated 4.9.2008 (as contained in Annexure nos. A-1 to the Original Application) and pay the arrears of different in salary together with interest at the market rate within a

- (b) .....  
 (c) ....."

2. The facts of the case, as averred by the applicant, are that the applicant was selected for the post of Hindi Assistant in the pre-revised scale of Rs. 425-640/1400-2300 and posted at Central Hindi Section, North Eastern Railway Press, Gorakhpur vide order dated 2.8.1995 (Annexure no.4). The applicant was transferred from Gorakhpur to Rajbhasa Section in the office DRM, NER, Lucknow Division, Lucknow vide order dated 9.4.2001 where he joined on 11.4.2001.

3. Consequent upon acceptance of recommendations of 5<sup>th</sup> Central Pay Commission (CPC), the applicant, who was working in the pay scale of Rs. 1400-2300/- was placed in the pay scale of Rs. 4500-7000/- w.e.f. 1.1.1996 till date and he continued to draw the same pay. It was learnt by the applicant that the Junior Hindi Translator (JHT) working in Central Translation Bureau, who were working in the similar scale of Rs. 1400-2300/-, were granted the higher pay scale of Rs. 5000-8000/-. The applicant alongwith others submitted a representation on 9.12.1997. Similar representations were made by the employees working in Raj Bhasha Sangathan of other Zonal Railways and the matter was referred to Nodal Ministry i.e. Ministry of Home Affairs (Raj Bhasha Vibhag), which referred the matter to the Ministry of Finance for their approval/concurrence. The proposal submitted by the Ministry of Home Affairs was accepted by the Ministry of Finance whereby the following order was passed:

*"all posts of Junior Translator and Senior Translators in the offices out side the Secretariat (Subordinate offices), other than the posts of Senior Translators in Central Translation Bureau in respect of which the Fifth Central Pay Commission have made specific recommendations, earlier in the pre-revised pay scale of Rs. 1400-2300/Rs. 1400-2600 and Rs. 1600-2660/-/Rs. 1640-2900/- respectively may with effect from 1.1.1996 be placed in the revised pay scales of Rs. 5000-8000 and Rs. 5500-9000/- respectively"*

4. The Ministry of Finance had prepared a note dated 19.10.2000 and the same was forwarded to the respondent no.2, who forwarded the note to the other Ministries etc. requesting them to take necessary action. Finally, by O.M. dated 8.11.2000

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approved by respondent no.2 conveying the approval of Ministry of Finance for granting higher pay scale of RS. 5000-8000/-to Junior Translator. However, the Railway Board did issue the same order with regard to the applicant, who submitted fresh representation/reminder dated 19.8.2002. When nothing was heard, the applicant filed O.A. no. 301 of 2005 before this Tribunal and the said O.A. is still pending. In the meantime, Sixth CPC has granted the Pay Band 2 of Rs. 9300-34800/- to all Hindi Assistants/Junior Translators who were drawing the pay scale of Rs. 5000-8000/-. The respondents instead of granting him pay scale as recommended by 6<sup>th</sup> CPC vide notification dated 4.9.2008 has placed the applicant in the pay Band-I Rs. 5200-20200. This is illegal as it has been done on account of his earlier placement in the pay scale of Rs. 4500-7000/-.

5. The respondents have filed detailed Counter Reply denying the averments of the applicant. The contention of the respondents is that the staff of Railways governs under the Recruitment and promotional rules issued by the Railway Board. More-over the grades which are applicable to various posts in the Railways. The Ministries are separate and distinct from the post which may or may not part in other Ministries and department. The applicant seeks to draw the parity with certain pay scales as recommended by the CPC in the Railways. The OMs dated 24.11.2008 and 27.11.2008 issued by the Ministry of Finance are not applicable to Hindi Assistant Gr.II (Railway Service Posts) on the Zonal Railways. Even otherwise the aforesaid OMs state that these are applicable to similarly designated posts of Rajbhasha staff of those other Ministries. The respondents further stated that in the Zonal Railways, the posts having designation similar to those in Central Secretariat Official Language Service (CSOLS) do not exist. The revised pay structure granted for posts having similar designation in Official Language etc. of Ministry of Railways (Railway Board) happens to be similar to that prescribed for the similarly designated posts in CSOLS viz. normal revised pay structure as recommended by the Commission based on the pre-revised pay-scale. The respondents have also stated that in the past there has been no parity of pay structure of Official Language staff on the railways vis-à-vis staff of CSOLS. The Group 'B' Gazetted post of

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Official Language cadre on the Railways designated as Assistant Hindi Officers have relatively with Group 'B' Gazetted post in various other departments on the Railways. Infact higher pay scale of Rs. 2375-3750 was granted to Assistant Hindi Officers alongwith other Group 'B' officers of the Railways vide Board's letter dated 6.11.1995 in compliance of judgment and order of Principal Bench of this Tribunal in O.A. no. 731 of 1987 which was affirmed by Hon'ble Supreme Court. Further, they have brought out the designation and duties between the pay structure recruitment and promotional avenues of CSOLS and the posts in Railway Ministry. The applicant by virtue of his appointment in the Ministry of Railways is bound by the pay scale as well as recruitment and promotional rules as applicable in the Ministry of Railways. The applicant has been working in the pay scale of Rs. 4500-7000/- in the Ministry of Railways vis-à-vis the recommendations of 5<sup>th</sup> CPC the pay scale has been revised in the pay scale of Rs. 5200-20200 with Grade Pay of Rs. 2800.

6. The applicant has filed Rejoinder Reply denying the averments made in the Counter reply and reiterating the stand taken in the Original Application.

7. The respondents have also filed Supplementary Counter Reply through which they have stated that now the grievance of the applicant has been redressed enclosing therewith the letter dated 7.4.2014 by which the pay band-2 of Rs. 9300-34800/- with Grade Pay 4600 has been granted to the applicant; hence the present O.A. has become infructuous.

8. We have heard the learned counsel for the parties and have also perused the pleadings on record.

9. The crux of the matter is that the applicant has been placed in the pay scale of Rs. 4500-7000/- w.e.f. 1.1.1996 as per the 5<sup>th</sup> CPC. The respondents have after recommendations of 6<sup>th</sup> CPC have revised his pay scale treating the earlier pay scale as rightful. However, the applicant in his averments has said that he had earlier filed O.A. no. 301 of 2005 seeking the relief of grant of pay-scale of Rs. 5000-8000/- w.e.f. 1.1.1996. According to the statement made by the applicant in the instant O.A. that O.A. no.

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301 of 2005 is still pending. This is absolutely false. The record of O.A. no. 301 of 2005 reveals that the aforesaid O.A. was disposed of by means of judgment and order dated 19.8.2009. The operative portion of the order reads as under:-

*“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 claim of the employees of the zonal Railways in their order dated 10.7.2009 in O.A. no. 312 of 2009 of Principal Bench, we would dispose of this O.A. with similar observation and direct the claim of the applicant may be considered alongwith others as per the directions earlier issued by the coordinate Bench.”*

The stage of compliance of aforementioned order has not been produced by either of the parties. The issue of revision of pay scale in accordance with equivalency given in the 6<sup>th</sup> CPC can only be determined in accordance with outcome of the earlier O.A. Further, the respondents by means of Supplementary Counter Affidavit has stated that the grievance of the applicant has now been redressed by granting the pay band-2 of Rs. 9300-34800 with Grade Pay of Rs. 4600/-, which has also not been challenged in the instant O.A. by way of amendment.

10. In view of what has been stated above, the O.A. fails and is accordingly dismissed.

*J. Chandra*

**(Ms. Jayati Chandra)**  
**Member-A**  
Girish/-

*Navneet Kumar*

**(Navneet Kumar)**  
**Member-J**