

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

1. ORIGINAL APPLICATION NO.200/1999.
2. ORIGINAL APPLICATION NO.316/1999.
3. ORIGINAL APPLICATION NO.328/1999.

, this the 23rd day of Oct 2003.

Hon'ble Shri S.Biswas, Member (A),
Hon'ble Shri Muzaffar Husain, Member (J).

1. ORIGINAL APPLICATION NO.200/1999.

1. Hindi Adhikari and Hindi Anuvadak Kalyan Parishad through its Secretary, Shri B.R.Mishra, employed as Senior Translator in the Headquarters, Western Naval Command, Mumbai - 400 001.
2. B.R.Mishra, P/14-5, SPDC Colony, Mankhurd, Mumbai - 400 088.
3. K.K.Verma, P-25/09, SPDC Colony, Mankhurd, Mumbai - 400 088.
4. Kum. S.D.Lade, P/82, BEST Staff Colony, Dr.S.S.Rao Road, Parel, Mumbai - 400 012.
5. Smt. Sadhana Tripathi, 23, Mount Abu, Anushakti Nagar, Mumbai - 400 094.
6. Ramesh S.Masram, Kalpataru Kuteer, Room No.3, Near Raghunath Apartment, Ganesh Nagar, Girgaon Road, Kalyan (East).
7. A.M.Attar, 37/5/19, Patthar Nagar, Bharat Nagar, Bandra East, Mumbai - 400 051.
8. Miss Babita Gawade, 403, Sai Shristi 'D' Building, Kharagaon, Kalwe, Dist. Thane.

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9. Vijaykumar R.Shrivastav,
Flat No.103, Ist Floor,
Building B/13, Income Tax Colony

10. Smt.Priti Bhagwat,
working as Senior Translator in
the O/O The General Manager,
Telecom Factory, Deonar,
Mumbai 400 094 and
residing at 22, "Satpuda",
Anushakti Nagar, Deonar,
Mumbai - 400 094.

(By Advocate Shri R.Ramesh)

... Applicants in OA.
No.200/1999

v.

1. Union of India,
through the Secretary,
Ministry of Home Affairs,
Government of India,
Department of Official Language,
New Delhi.

2. Office of the Flag Officer,
Commanding-in-Chief,
Headquarters, Western Naval Command,
S.B.Marg,
Mumbai - 400 001.

3. The Secretary,
Ministry of Defence,
Government of India,
New Delhi.

4. Office of 6 ASC, Airforce,
Estt., Cotton Green,
Mumbai - 400 033.

5. Sr. Hydraulic Surveyor,
Small Port Survey Organisation,
Commerce House, Ballard Estate,
Mumbai - 400 001.

6. Chief Commissioner of Income Tax,
Aayakar Bhavan,
M.K.Road,
Mumbai - 400 020.

7. The Secretary,
Ministry of Finance,
Government of India,
Department of Revenue,
North Block,
New Delhi - 110 011.

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8. The Chief of Naval Staff,
Naval Hqrs.,
Sena Bhavan,
New Delhi - 110 001.
 9. The Chief of Air Force Staff,
Air Force Hqrs.,
Sena Bhavan,
New Delhi - 110 001.
 10. The Secretary,
Ministry of Surface Transport,
Parivahan Bhavan,
New Delhi - 110 001.
 11. The Chairman,
Central Board of Direct Taxes,
North Block,
New Delhi - 110 011.
 12. The Chief Producer,
Films Division,
Government of India,
24, Peddar Road,
Mumbai - 400 026.
 13. The Secretary,
Ministry of Information & Broadcasting,
Shastri Bhavan,
Dr. Rajendra Prasad Road,
New Delhi - 110 001.
 14. The General Manager,
Telecom Factory,
Deonar,
Mumbai - 400 094.
 15. The Secretary,
Department of Telecommunications,
Sanchar Bhavan,
Ashoka Road,
New Delhi - 110 001.
- ...Respondents.
- (By Advocates Shri V.S. Masurkar for
R-2, 8, 12, 13, 14 & 15.
Shri R.K. Shetty for R-3 & 4.
Shri R.R. Shetty for R-5.)

2. ORIGINAL APPLICATION NO. 316/1999.

1. Hindi Adhikari and Hindi Anuvadak
Kalyan Parishad,
Room No. 21, Aayakar Bhavan,
Gr. Floor, M.K. Road,
Mumbai - 400 020.

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2. Ratnesh Mishra,
MHADA, Building No.13B,
Flat No.404, Income Tax Staff
Quarters, Powai,
Mumbai - 400 076.
3. Umeshkumar Sharma,
Nikki Nagar, Jain Road,
Agarwadi, Kalyan (West),
Dist. Thane.
4. Shankar C.Kanojia,
Sector 32, Ulhasnagar,
Dist. Thane.
5. Ambar M.Mahule,
B/14/101, Lok Nagari,
Ambernath (East),
Dist. Thane - 421 506.
6. Smt. Sangeeta Khade,
Type 'B', Wing - I, Flat No.401,
Meera Road,
Dist. Thane,
Maharashtra.
7. Ms. Sangeeta Srivastava,
Working Women Hostel,
Kurla,
Mumbai.
8. Smt. Shashikala Kulwade,
Bindal Co-op. Hsg. Socy.,
Row House No.2,
Sector - 8,
Airoli, Navi Mumbai.
9. Smt. Renuka Harish Nair,
C.G. 2, "Brindavana",
Evershine Complex,
Ambadi Road,
Vasai West, Dist. Thane,
Pin : 401 202.
10. Kum. Nimi John,
Room No.610,
Women Graduate Hostel,
Women Graduate Hostel Union Road,
Colaba,
Mumbai - 00 005.
11. B.A.Sharma,
Flat No.B/23, Basaveshwar
Co-operative Housing Society,
Near Panchayat Well,
P.O. Dombivli (East),
Dist. Thane - 421 201.

12. S.L.Katke,
C/o. D.S.Patkar, Khondge Wadi,
Lonavala - 410 401.
13. Avinash B.Sawant,
2, Siddheshwar,
102, Tilak Road,
Ghatkopar (E),
Mumbai - 400 077.
14. Gurumukh R.Devnani,
Flat No.430, CGS Colony,
Sector 'C',
Bhandup (East),
Mumbai.
15. C.K.Sharma,
C/o. A.V.Sharma, 701,
7th Floor,
Ostwal Shopping Centre,
Bhayandar (E),
PIN 401 105.
16. R.N.Kavali,
Parshuram Bhagat,
Post Office,
P.O. Kon, Taluka
Bhiwandi,
Dist. Thane - 421 311.
17. Anwar Sheikh,
20/12, Mariyam Nagar,
Naigaon (West),
Thane - 401 207.
18. Smt. Poonam Chaturvedi,
D/18, Panchvati Society,
Vijay Nagar,
Maron-Maroshi Road,
Andheri (East),
Mumbai - 400 059.
19. Ms.Ashwini A.Bhati,
E-4/214, Hiren Building,
Lok Gram, Kalyan (East),
Dist. Thane.
20. Ms.Sadhana D.Nagvanshi,
8, Dattar Niwas,
87, Perin Road,
Nariman Street,
Mumbai - 400 001.

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21. Smt. Sylaja Venkatesan,
O/o. The Chief Commissioner of
Income Tax, Aayakar Bhavan,
M.K.Road,
Mumbai - 400 020. Applicant.
(By Advocate Shri Ramesh Ramamurthy)

v.

01. The Union of India through
the Secretary,
Ministry of Home Affairs,
Government of India,
Department of Official Language,
Lok Nayak Bhavan,
Khan Market,
New Delhi - 110 003.
02. The Secretary,
Ministry of Finance,
Government of India,
Department of Revenue,
North Block,
New Delhi - 110 011.
03. The Chief of Naval Staff,
Naval Headquarters,
New Delhi - 110 001.
04. The Chief Commissioner of
Income Tax, Aayakar Bhavan,
M.K.Road, Churchgate,
Mumbai - 400 020.
05. The Flag Officer Commanding-in-Chief,
Headquarters,
Western Naval Command,
Shahid Bhagatsingh Marg,
Mumbai - 400 001.
06. The Director,
Films Division,
Ministry of Information and Broadcasting,
24, Peddar Road,
Mumbai - 400 026.
07. The Director of Supplies & Disposals,
New CGO Building,
5th Floor, New Marine Lines,
Mumbai - 400 020.
08. The Principal Director of Commercial Audit,
Government of India,
Universal Building.,
4th floor, Sir P.M.Road, Fort,
Mumbai - 400 001.

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9. The Director,
Directorate of Cotton Development,
Indian Mercantile Chambers, 2nd Floor, 14,
R.K.Kamani Marg, Ballard Estate,
Mumbai - 400 038.
10. The Director,
Press Information Bureau,
Ministry of Information and Broadcasting,
CGO Building,
Mumbai - 400 020.
11. The Regional Development Commissioner,
Iron & Steel, 9, Mittal Chambers,
Nariman Point,
Mumbai - 400 021.
12. The General Manager,
India Government Mint,
Shahid Bhagatsingh Marg,
Mumbai - 400 001.
13. The Chief General Manager,
Telecom Factory,
Deonar,
Mumbai - 400 088.
14. The Chairman,
Central Board of Direct Taxes,
Ministry of Finance,
North Block,
New Delhi - 110 011.
15. The Secretary,
Ministry of Defence,
South Block,
New Delhi - 110 003.
16. The Secretary,
Ministry of Agriculture,
Government of India,
Kashi Bhavan,
New Delhi - 110 001.
17. The Comptroller & Auditor General
of India,
New Delhi.
18. The Secretary,
Ministry of Information & Broadcasting,
Shastri Bhavan,
Dr. Rajendra Prasad Road,
New Delhi - 110 001.
19. The Secretary,
Ministry of Steel,
Government of India,
Udyog Bhavan,
New Delhi - 110 001.

20. The Secretary,
Department of Economic Affairs,
Ministry of Finance,
North Block,
New Delhi - 110 011.

21. The Secretary,
Department of Supply,
Ministry of Commerce,
Udyog Bhavan,
New Delhi - 110 001.

22. The Director General,
Central Government Medical Depot,
Post Box No.4514,
Mumbai Central,
Mumbai - 400 008.

23. The Secretary,
Ministry of Health & Family Welfare,
Shastry Bhavan,
New Delhi - 110 001.

(By Advocate Shri V.S.Masurkar for
R-2, 8, 12, 13, 14 & 15.
Shri R.K.Shetty for R-3 & 4.
Shri R.R.Shetty for R-5)

... Respondents.

3) ORIGINAL APPLICATION NO.328/1999.

01. Hindi Adhikari and Hindi Anuvadak
Kalyan Parishad,
Room No.21, Aayakar Bhavan,
Gr. Floor, M.K.Road,
Mumbai - 400 020.

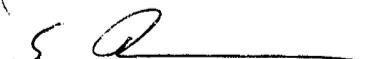
02. Hari Om Srivastav of Bombay,
12/207, DG. Nagar,
Vasai (West) Dist. Thane.
PIN 401 202.

03. Mohan Chandra Joshi,
E-15/02, Income Tax Colony,
Belapur, Sector 21,
Navi Mumbai - 400 614.

04. Smt.Meenakumari A.Srivastava,
221/3172, Sector I,
C.G.S. Colony,
Antop Hill,
Mumbai - 400 037.

05. L.K.R.Vakil,
401, "Snehal", 5th Kasturba Road,
Borivali (East),
Mumbai - 400 066.

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06. S.K.L.Srivastava,
Building No.19,
Room No.467,
Sector - 7, CGS Colony,
Antop Hill,
Mumbai - 400 037.
 07. Smt.Nirmala Dwivedi,
A-7, Dhanastraa,
Wodehouse Road,
Colaba,
Mumbai - 400 005.
 08. R.S.Rawat,
23, Hostel,
Kane Nagar,
Mumbai - 400 037.
 09. N.S.Sharma,
201/2388, Sector 6,
Antop Hill,
Mumbai - 400 037.
- ...Applicants
(By Advocate Shri R.Ramesh)

v.

01. The Union of India through
the Secretary,
Ministry of Home Affairs,
Government of India,
Department of Official Language,
Lok Nayak Bhavan,
Khan Market,
New Delhi - 110 003.
02. The Secretary,
Ministry of Finance,
Government of India,
Department of Revenue,
North Block,
New Delhi - 110 011.
03. The Chief Commissioner of
Income Tax, Aayakar Bhavan,
M.K.Road, Churchgate,
Mumbai - 400 020.
04. The President,
Income Tax Appellate Tribunal,
Ministry of Law,
Old CGO Building,
M.K.Road, Churchgate,
Mumbai - 400 020.
05. The Flag Officer
Commanding-in-Chief,
Headquarters, Western
Naval Command,
Shahid Bhagatsingh Marg,
Mumbai - 400 001.

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06. The Director,
Films Division,
Ministry of Information and
Broadcasting,
24, Peddar Road,
Mumbai - 400 026.
 07. The Director of Supplies and
Disposals,
New CGO Building,
5th Floor,
New Marine Lines,
Mumbai - 400 020.
 08. The General Manager,
India Government Mint,
S.B.S.Marg, Fort,
Mumbai - 400 001.
 09. The Chairman,
Central Board of Direct Taxes,
Ministry of Finance,
North Block,
New Delhi - 110 011.
 10. The Secretary,
Ministry of Finance,
Department of Economic Affairs,
Jeevandeep Building,
Sansad Marg,
New Delhi - 110 001.
 11. The Secretary,
Ministry of Law & Justice,
Shastri Bhavan,
Dr. Rajendra Prasad Road,
New Delhi - 110 001.
 12. The Chief of Naval Staff,
Naval Headquarters,
Sena Bhavan,
New Delhi - 110 011.
 13. The Secretary,
Ministry of Defence,
Government of India,
South Block,
New Delhi - 110 001.
 14. The Secretary,
Ministry of Information & Broadcasting,
Shastri Bhavan,
Dr. Rajendra Prasad Road,
New Delhi - 110 001.
 15. The Secretary,
Ministry of Commerce,
Department of Supply,
Udyog Bhavan,
New Delhi - 110 001.
- (By Advocate Shri V.S.Masurkar for R-2, 8, 12, 13,
14 & 15.
Shri R.K.Shetty for R- 3 & 4.
Shri R.R.Shetty for R-5)

: O R D E R :

{S.Biswas, Member (A)}

The applicants have sought the following reliefs:

"i) Direction upon the respondents to grant the scale of Rs.1640-2900 and allow the scale of Rs.6500-10500 w.e.f. 1.1.1996 being the appropriate replacement scale.

ii) Further, direction upon the respondents to create a cadre and provide avenue of promotion or take other steps to provide avenue of promotion to the Senior Hindi Translators."

As the cause of action and facts in the above OAs are similar, we propose to decide these cases by a common order.

2. Heard both the rival counsel and gone through the submissions carefully.

3. The applicants have not impugned any specific order passed by the respondents. They are presently in the scale of pay of Rs.5000-8000. The applicants are claiming that being Senior Translators (Hindi and English) and posted at the Naval Headquarters office, they are eligible to the higher scale of Rs.6500-10500 on the ground that there are two such scales in the Ministerial cadre including this. They have given details of work load and status of official cadres in different offices who have been enjoying similar higher scales, but the same has not been extended to them by the authorities. They have also given detailed facts and figures regarding the duties and work load as entrusted to the Translators and Senior Translators. Therefore, vis-a-vis others they have sought equities in their case, and vis-a-vis other Departments and cadres where and who have been given three scales (Rs.5000-8000, Rs.5500-9000 and

Rs.6500-10500)

4. The next point in their representation is that direction be given to the respondent authorities so that their work load are properly assessed and they get due consideration and their prospects for going up in higher scales improves. In this behalf, they have made several appeals through the Association namely Akhil Bharatiya Rajbhasha Karmi Sangh to the Cabinet Secretary. But, all this did not seemingly evoke any positive result. Even certain cases of inter-departmental variations in awarding of the scale to Translators and Senior Translators working in different departments have also been stated. For example Naval Headquarters have the scale of Rs.1640-2900, while the applicants working in Aaykar Bhavan are placed in the scale of Rs.1600-2660 since IVth Pay Commission. The equivalent scale of Rs.1600-2660 is Rs.5000-8000. Had they been initially equated with Translators working with the naval authorities, then they could have got replacement scale equivalent to of Rs.6500-10500 which is their claim.

5. In brief, the applicants have cited the recommendation of the Vth Pay Commission where the Translators who were in the scale of Rs.2000-3500 have been placed in Rs.7500-12000 and those who are Senior Translators in the scale of Rs.1640-2900 were given Rs.6500-10500 as there is no intermediate scale i.e. for Rs.1600-2660. They have asked for upgradation of their scale so that Senior Translators can be placed at a higher scale i.e. Rs.6500-10500. This is only prospective in respect of which they should have taken up their case with the Anomaly Commission or the respective department who normally engage themselves in such

exercise to remove anomaly and grievances of staff in the matter of fixation of pay scales.

6. The respondent authorities have brought to our notice that they have since then framed Recruitment Rules for Junior Hindi Translators, Hindi Officers, but for the Senior Hindi Translators, the process of framing Recruitment Rules is under active consideration. Though it is acknowledged that for Senior Hindi Translators Film Division have a different scale than the one enjoyed by them, but these anomalies are required to be reconciled through appropriate forum and the exercise is exclusive privilege of the department concerned. This process cannot be by-passed or over ruled by the Tribunal. They should be, therefore, asked to represent their case before the appropriate forum. We find that similar decision was taken when the matter was moved before the Hon'ble Supreme Court in the case of Union of India & Ors. Vs. P.V.Hariharan {1997 (3) SC 558}. It was held that fixation of - categorisation as class C held Tribunal's order fixing pay scale of respondent in category C was unsustainable. The Hon'ble Supreme Court observed as follows:

"Over the past few weeks, we have come across several matters decided by Administrative Tribunals on the question of pay scales. We have noticed that quite often the Tribunals are interfering with pay scales without proper reasons and without being conscious of the fact that fixation of pay is not their function."

7. In the circumstances, we find that these are demands for prospective fixation and not for removal of anomalies or illegality in fixation. In the situation, we find that this

Court, in this situation, cannot interfere in the matter. The OA is dismissed with a direction to approach appropriate forum and authorities for redressal of their grievances. No costs.

M. Husain
(MUZAFFAR HUSAIN)
MEMBER(J)

S. Biswas
(S. BISWAS)
MEMBER (A)

B.