

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.809/99

Date of Order:17.2.2000

BETWEEN :

Raghavendra Rao ..Applicant.

AND

1. Union of India,  
Rep. by the Secretary & Director General,  
Dept. of Posts, Ministry of Communications,  
Dak Bhavan, Sansad Marg, New Delhi.

2. The Chief Post Master General,  
A.P.Circle, Dak Sadan, Abids,  
Hyderabad.

3. The Post Master General,  
Hyderabad Region, 5th Floor,  
Dak Sadan, Abids, Hyderabad. ..Respondents.

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Counsel for the Applicant ..Mr.V.Venkateswara Rao

Counsel for the Respondents ..Mr.P.Phalguna Rao

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CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER(ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR:MEMBER(JUDL.)

O R D E R

)(As per Hon'ble Shri B.S.Jai Parameshwar, Member(J))(

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Mr.V.Venkateswara Rao, learned counsel for the applicant and Mr.Ramana Allu for Mr.P.Phalguna Rao, learned standing counsel for the respondents.

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2. The applicant herein was directly recruited as Junior Hindi Translator on 26.12.95 through Staff Selection Committee. His next promotion is to the post of Senior Hindi Translator, <sup>and</sup> as Hindi Officer in the scale of pay of Rs.1600-2660 (pre revised) in Group-B cadre.

3. The applicant submits that the nature of duties and qualification for recruitment to the post of Junior Hindi Translator in the subordinate offices as well as in the Directorate are one and the same. But in respect of payment of scales of pay the Junior Hindi Translators/Senior Hindi Translators working in the Subordinate offices are being discriminated. That apart scale of pay of Senior Hindi Translator in the scale is revised from Rs.1640-2900 to Rs.6500-10500 vide presidential order dated 3.2.99.

4. The applicant further submits that the post of Inspector in the Postal Department also carried the scale of pay of Rs.1400-2300 which was revised to Rs.4500-7000 initially w.e.f. 1.1.96. The said post <sup>later</sup> was upgraded to the scale of Rs.5500-9000.

5. The applicant further relies on the decision of the Principal Bench of this Tribunal in OA.827/91 and OA.91/98 on the file of this Tribunal.

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6. The applicant has filed this OA for a declaration that he is entitled to the scale of pay of Rs.1400-2600 w.e.f. 26.12.95 and Rs.5000-8000 w.e.f. 1.1.96 as Junior Hindi Translator on par with Junior Translator working in the office of R-I with all consequential benefits.

7. The respondents have filed a reply stating that the nature of duties and the work load are also necessary for comparing the scale of pay. They submit that the Translators working in the Directorate <sup>perform</sup> ~~for~~ more work than the Translators working in the Subordinate offices.

8. They rely on the decision of the Hon'ble Supreme Court in the case of Union of India v. P.V.Hariharan and others decided on 12.3.97 and also in the case of State of West Bengal v. H.N.Bhowel and others reported in 1994 (27) ATC 524. Thus, they submit that the applicant is not entitled to the scale of pay on par with Junior Hindi Translators working in the R-I office.

9. The applicant has filed a rejoinder.

10. Earlier the similar question came up before the Principal Bench in OA.827/91. A copy of the order in OA.827/91 is at Annexure-2 to the OA. The contention of the respondents that court or a Tribunal cannot fix scale of pay to the various categories of the

employees has been considered by the Principal Bench of this Tribunal. They also considered the case of Savitha v. Union of India passed by the Apex Court, where ~~it~~ is observed that when all considerations are same, persons holding identical posts and discharging the same duties should not be treated differently. In our opinion the present case is covered by the judgement referred to above.

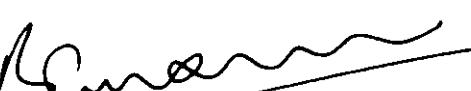
11. Further this Bench in OA.91/98 relying upon the order of Principal Bench in OA.827/91 directed R-4 ~~therein~~ to follow and implement the said judgement in OA.98/91 also.

12. Considering these factors the applicant is entitled to the scale of pay of Junior Hindi Translator on par with Junior Hindi Translator working in the R-i office w.e.f. 1.1.96.

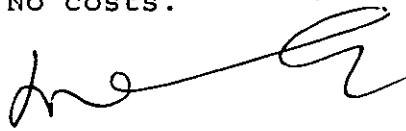
13. Arrears arising as a result of refixation of the pay of Rs.5000-8000 w.e.f. 1.1.96 ~~shall however~~ ~~will~~ be granted to her only from the date of filing of this OA i.e. from 5.5.99.

14. Time for compliance is 4 months from the date of receipt of a copy of this order.

15. O.A. is ordered accordingly. No costs.

  
(B.S. JAI PARAMESHWAR)  
Member(Judl.)

17.2.00

  
(R. RAGARAJAN)  
Member(Admn.)

Dated : 17th February, 2000

(Dictated in Open Court)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

1ST AND 2ND COURT

COPY TO:

1. HON. J.
2. HON. M. (ADMN.)
3. HON. M. (JUDL.)
4. D.R. A (ADMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE HON'BLE MR. JUSTICE D.H. NASIR  
VICE CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN  
MEMBER (ADMN.)

THE HON'BLE MR. B. S. JAI PARAMESWAR  
MEMBER (JUDL.)

\* \* \*

DATE OF ORDER: 17/2/00

MA/R.A/CP.NO.

IN  
DA. NO. 809/09

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

CP CLOSED

PA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

3 copies

