

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00776/2016

DATED THIS THE 05TH DAY OF JANUARY, 2018

HON'BLE DR. K.B. SURESH, MEMBER (J)
HON'BLE SHRI K. N. SHRIVASTAVA, MEMBER (A)

Smt L. Sujatha
W/o Mahan Babu
O-16, Type III,
Survey of India,
Residential Quarters,
Kormangala II Block,
Sarjapur Road,
Bengaluru – 560 034

.....Applicant

(By Advocate Shri G.A. Srikante Gowda)

Vs.

1. Union of India,
Through the Secretary,
Ministry of Science and Technology,
Department of Science and Technology,
Technology Bhawan, New Mehraulli Road,
New Delhi – 110 016.

2. The Surveyor General of India
Survey of India, Dehradun.

3. The Secretary,
Ministry of Finance,
Department of Expenditure, New Delhi.

4. The Deputy Surveyor General
Office of Surveyor General,
Survey of India, Dehradun.

5. The Director,
Karnataka Geo-Spatial Data Centre,
Kormagala II Block,
Bengaluru – 560 034.

....Respondents

(By Shri J. Bhaskar Reddy, Senior Central Government Counsel)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

Heard. The matter relates to similarities in function and parity in benefits of Junior Hindi Translators. Both sides agree that the matter is covered by the decision of the Principal Bench in OA No. 1183/2010 dated 03.07.2014 and OA No. 2405/2015 dated 08.07.2015. At this point of time the learned counsel for the respondents would say that the department is unable to agree with the proposition. This seems to be covered by our order in OA No. 170/00177-00181/2016 dated 08.09.2016. The order of the Calcutta Bench in OA No. 939/2004 went up to the Hon'ble High Court of Calcutta which was taken up to the Hon'ble Apex Court in SLP No. 17419/2009 dated 25.07.2013. We quote from paragraph 3 of the order of the Hon'ble Apex Court to the concluding paragraph as it covers two other SLPs as well:

"3. This special leave petition seeks to challenge the judgment and order dated 9.7.2008 passed by the High Court of Calcutta in Writ Petition No.632 of 2007 which confirmed the judgment dated 9.11.2006 passed by the Central Administrative Tribunal, Calcutta Bench in O.A. No.939 of 2004.

4. The respondent is a Junior Hindi Translator working in the office of Director General of Commercial Intelligence & Statistics under the Commerce Ministry and he sought parity of pay with the Junior Translators who were working in the Central Secretariat Official Language Service (CSOLS). The Home Ministry had issued Office Memorandum dated 9.2.2003, upgrading the pay-scales of Junior Hindi Translators from Rs.5000-1050-8000 to Rs.5500-175-9000, which were made applicable from 11.2.2003. The respondent sought the same pay-scale but it was denied to him. It is, therefore, that he filed an application in the Central Administrative Tribunal on the basis of 'equal pay for equal work'. The application filed by the respondent was opposed by the petitioners by filing a counter, wherein amongst other things, in paragraph 9 they stated that the Fifth Central Pay Commission had recommended that the pay-scales of Junior Hindi Translators for the Central Secretariat (CSOLS) may be applied to all subordinate offices subject to their functional requirement. However, no material whatsoever

was placed before the Tribunal to show as to how the functional requirement of the concerned job in the Commerce Ministry was different from that in the Central Secretariat. Both the posts required the work of translation to be done and, therefore, the Tribunal came to the conclusion that there was no reason to deny parity in pay. The Tribunal relied upon the judgment of a Bench of three Judges of this Court in *Randhir Singh Vs. Union of India and Ors.*, (1982) 1 SCC 618, which is a judgment granting equal pay to the drivers in Delhi Police Force as available to those in the Central Government and Delhi Administration. The petitioners herein challenged the order of the Tribunal by approaching the Calcutta High Court which dismissed the writ petition and therefore, this special leave petition.

5. Mr. Malhotra, learned Additional Solicitor General appearing for the Union of India submitted that the two posts cannot be equated but having noted that when no material was placed before the Tribunal about the functional distinction, in our view, the order of the Tribunal could not be faulted. The High Court was, therefore, right in dismissing the writ petition.

6. Before we conclude, we may profitably refer to the observations of Chinnappa Reddy, J., in paragraph 8 of the judgment in *Randhir Singh* (supra) which reads as follows:

“8. It is true that the principle of 'equal pay for equal work' is not expressly declared by our Constitution to be a fundamental right. But it certainly is a constitutional right. [Article 39\(d\)](#) of the Constitution proclaims 'equal pay for equal work for both men and women' as a Directive Principle of State Policy. 'Equal pay for equal work for both men and women' means equal pay for equal work for every one and as between the sexes. Directive Principles, as has been pointed out in some of the judgments of this Court have to be read into the fundamental rights as a matter of interpretation. [Article 14](#) of the Constitution enjoins the State not to deny any person equality before the law or the equal protection of the laws and [Article 16](#) declares that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. These equality clauses of the Constitution must mean something to everyone. To the vast majority of the people the equality clauses of the Constitution would mean nothing if they are unconcerned with the work they do and the pay they get. To them the equality clauses will have some substance if equal work means equal pay.....”

7. This special leave petition is, therefore, dismissed.

S.L.P.(C) No.37255/2012:

1. The respondents herein were working as Senior Translators/Assistant Directors in the offices under the Ministry of Defence. They also sought parity with the translators in the Central

Secretariat which has been granted by the Central Administrative Tribunal, Chandigarh by its judgment dated 18.5.2009. That judgment is left undisturbed by the Punjab and Haryana High Court in C.W.P. No.23126 of 2010 by its order dated 23.3.2011.

2. *Mr. Balasubramanian, learned counsel appearing for the appellant submitted that their source of recruitment was different. However, having noted that no functional difference was shown in their work, we cannot find any fault with the judgments of the Tribunal and the High Court for the reasons stated in the earlier special leave petition. The special leave petition is, therefore, dismissed. There will be no order as to costs.*

CIVIL APPEAL NO. 1119 OF 2013:

The respondent in this appeal was working as a Junior Hindi Translator in the office of the Commissioner of Central Excise- I, Kolkata. He claimed parity of pay with the Junior Translators who were working in the Central Secretariat. In his case also, what we find is that there is no functional distinction as far as the work of these translators is concerned. Therefore, we do not take a different view. The civil appeal is dismissed. There will be no order as to costs. Interim orders will stand vacated."

2. The principle involved in this is the same in these cases and this particular case as well. Therefore in accordance with the Hon'ble Apex Court ruling and the principle involved therein, the OA is allowed. The benefits consequent to it will be made available to the applicant within three months next. No order as to costs.

(K. N. SHRIVASTAVA)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No.170/00776/2016

Annexure A-1: Copy of Service Book entry of the applicant

Annexure A-2: Copy of order No. C-2493/4-E-1(e)/KGDC dated 30.11.2009

Annexure A-3: Copy of relieving order No. 7123/Estt dated 30.12.2009

Annexure A-4: Copy of representation of the applicant dated 26.03.2015

Annexure A-5: Copy of representation of the applicant dated 18.09.2015

Annexure A-6: Copy of representation of the applicant dated 04.02.2016

Annexure A-7: Copy of letter No.Estt.2-1312/1196-B dated 08.03.2016

Annexure A-8: Copy of letter No.357/18-A-16-1 (6th CPC) dated 18.03.2016

Annexures with reply statement:

Nil
