

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 350/01064/2014

Date of order : 8.2.2016

Present: Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

VINAY KUMAR UPADHYAY

VS.

UNION OF INDIA & ORS. (M/o. Corporate Affairs)

For the Applicant : Mr. P.C. Das, Counsel

For the Respondents : Mr. U.P. Bhattacharyya, Counsel

ORDER (Oral)

Justice Vishnu Chandra Gupta, Judicial Member:

Heard Ld. Counsel for the petitioner and the Ld. Counsel appearing for the respondents and perused the records.

2. The brief facts for deciding this petition are that the petitioner is working as a Junior Hindi Translator in the office of the Regional Director, Eastern Region, Ministry of Corporate Affairs. He claims upgradation of pay in terms of O.M. dated 14.7.2003 (page 43 of this O.A.) wherein the Ministry of Finance upgraded the pay of the Jr. Hindi Translators from Rs. 5000-8000/- to Rs. 5500-9000/- w.e.f. 1.1.1996.

3. It was contended by Ld. Counsel for the respondents that there is a functional difference and there are different set of rules of recruitment, therefore, the O.M. dated 14.7.2003 would not apply.

4. The Ld. Counsel for the petitioner relied upon a judgment of this Bench delivered on 23.11.2015 in O.A. No. 617 of 2011. The aforesaid judgment was also passed on a judgment of this Tribunal in O.A. No. 990 of 1998, O.A. No. 912 of 2004 and O.A. No. 939 of 2004 wherein the benefits of upgradation was given to the petitioners who were also working as Jr. Hindi Translators. Parity has been

claimed with that judgment wherein Hindi Translators working at Central Secretariat at Delhi. The Tribunal held that there is no functional difference in discharging of functions by Jr. Hindi Translators working in Central Secretariat of Delhi and granted the benefit of upgradation of Rs. 5500-9000/- The order was challenged by way of a Writ Petition unsuccessfully before the Hon'ble High Court. After confirmation of the order by the Hon'ble High Court, the Apex Court was approached but SLP was also dismissed with the observation that there is no functional distinction as per the works of those Translators are concerned. The judgement become final.

5. Taking this judgment in view, the Tribunal decided O.A. No. 617 of 2011. Ld. Counsel for the respondents admitted this fact that the order passed by this Tribunal in O.A. No. 617 of 2011 has not been challenged in any superior Court and thus this order has attained finality.

6. In view of the above, we are of the opinion that the petitioner is also entitled to upgradation of pay of Rs. 5500-9000/- w.e.f. 1.1.1996. The order shall be complied with by the department within four months from the date of communication of this order, by making the payment as due to the petitioner. However, there shall be no order as to costs.

7. The O.A. is, accordingly, disposed of.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

SP