

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.514/2017

Date of Decision: 05.09.2017.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

Mrs. Jagtruti H. Joshi,
Working as Sr.Hindi
Translator Commissionerate of
Customs, New Custom House
Zone 1 (GST).
R/at 5/91 Custom Quarter five
Garden, Aden walla Road,
2nd Floor, Matunga East,
Mumbai 400 019.
(Advocate Shri Vicky Nagrani)

... ***Applicant***

Versus

1. The Union of India,
Through the Secretary,
Ministry of Finance,
Dept. of Revenue,
Central Board of Excise & Customs
(GST) 4th Floor, Bhikaji Cama
Place, New Delhi 110 066.
2. Member (P&V)
Ministry of Finance,
Department of Revenue,
Central Board of Excise & Customs
(GST), North Block,
New Delhi 110 001.
3. Additional Commissioner (P & V)
The Cadre Controlling Authority,
For Hindi Translators,
Central Excise & Customs (GST)
41/Ice House, Sasoon Road,
Pune.
4. The Principal Commissioner of

Customs (General) (GST)
New Custom House, Ballard Estate,
Mumbai 400 001.

... ***Respondents***

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for admission, heard Shri Vicky Nagrani, learned Advocate for the applicant. We have carefully perused the case record.

2. The Applicant is presently working as Senior Hindi Translator in Commissionerate of Customs, New Custom House, Mumbai under the respondents. She claims benefit of financial upgradation on the strength of the OM dated 14.07.2003 (Annexure A-1) issued by Government of India, Ministry of Finance, Department of Expenditure (Implementation Cell), New Delhi by which higher Pay Scales of Rs.5500-9000, Rs.6500-10500 and Rs.7500-12000 was extended to the posts of Junior Hindi Translator, Senior Hindi Translator and Assistant Director of CSOLS respectively with effect from 01.01.1996.

3. The Applicant claims to be similarly placed along with other applicants who got the necessary relief by virtue of the orders passed by various Benches of this Tribunal and some of the orders are finally confirmed by the Hon'ble

Supreme Court. Reliance is also placed on the decision dated 08.09.2015 rendered by this Tribunal in OA No.491/2015 in which direction was issued to the present Respondent No.1 to consider the pending representation of the applicant therein seeking similar relief. Reliance is also placed on the previous order dated 02.08.2012 passed by this Tribunal in OA Nos.2120, 2138 & 2139/2005 in which the applicants therein were working as Senior Hindi Translators in Central Excise and Customs, Commissionerate, Nagpur and got the necessary relief.

4. The Applicant submitted representation dated 17.02.2016 followed by a letter dated 04.05.2016 (Annexure A-6 collectively) to the Respondent No.1 for redressal of her grievance. It is stated that the same are still pending since no decision was communicated to her in this behalf.

5. In this OA, the applicant, therefore, seeks the following reliefs:

"8.a This Hon'ble Tribunal may graciously be pleased to call for the records of the case from the respondents and after examining be pleased to direct the respondents to forthwith extend the benefit of OM dated 14.07.2003 to the applicant.

8.b This Hon'ble Tribunal may further be pleased to direct the respondents to grant the upgraded

pay scale of Rs.5500-9000 w.e.f. 01.01.1996 and Rs.6500-10500 from 14.02.2002 i.e. on completion of 12 years of service under ACP scheme with arrears of pay and allowances.

8.c Alternatively this Hon'ble Tribunal may further be pleased to direct the respondents no.1 to take a decision within specified time as this Hon'ble Tribunal deems fit on the issue of extending the benefit of OM dated 14.07.2003 to applicant who is similarly placed to Hindi Translator of CSOLS as decided in the case of one Shri Dhananjay Singh.

8.d Costs of the application be provided for.

8.e Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed."

6. After hearing learned Advocate for the applicant and on perusal of the record, we are of the view that since the respondents are yet to take any decision on the redressal of the applicant's grievance, ends of justice will be better served, if appropriate directions are issued to the respondents.

7. In view of this, competent authority from Respondent Nos.1 to 4 is directed to consider and pass a reasoned and speaking order on the pending representations dated 17.02.2016 and 04.05.2016 (Annexure A-6 collectively) of the applicant, who claims to be similarly placed and since benefit of financial upgradation on the strength of various decisions referred in the OA and a few annexed with her representation is already

extended to others, within a period of eight weeks from the date of receipt of certified copy of this order.

8. The order so passed shall then be communicated to the applicant at the earliest who will be at liberty to approach the appropriate forum in case his grievance still persists.

9. The OA stands disposed of with the above directions at the admission stage, without issuing notice to the respondents and without making any comments on merits of the claim.

10. Registry is directed to forward copy of this order along with one set of OA to the Respondent No.4 for taking appropriate steps in the matter as directed above.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.