

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

**O.A. No.60/502/2017**

**Date of decision: 09.01.2019**

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).  
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

Bhupinder Kaur, Aged 56 years, Junior Hindi Translator O/O Deputy Chief Labour Commissioner (Central), Kendriya Sadan, Sector 9, Chandigarh. Group C.

**... APPLICANT  
VERSUS**

1. Union of India through Secretary to Government of India, Ministry of Labour & Employment, Shram Shakti Bhawan, Refi Marg, New Delhi-110001.
2. Chief Labour Commissioner (C), Government of India, Ministry of Labour & Employment, Shram Shakti Bhawan, New Delhi-110001.
3. Senior Accounts Officer, Pay & Accounts Office, O/O Chief Labour Commissioner, Ministry of Labour & Employment, Room No. 615, Shram Shakti Bhawan, New Delhi-110001.
4. Deputy Chief Labour Commissioner (Central), Kendriya Sadan, Sector 9, Chandigarh.

**... RESPONDENTS**

**PRESENT:** Sh. R. K. Sharma, counsel for the applicant.  
Sh. V.K. Arya, counsel for the respondents.

**ORDER (Oral)**

**SANJEEV KAUSHIK, MEMBER (J):-**

1. By means of present O.A., the applicant seeks following relief:-
  - i. Quash order No. Adm.II/21(7)/2015 dated 14.03.2017, copy Annexure A-1 passed by respondent No.2 whereby claim of the applicant as reflected in her representation dated 17.12.2014 (Annexure A-21) for grant of upgraded pay scale of Rs.5500-9000 notionally w.e.f. 01.01.1996 and actual benefits w.e.f. 11.02.2003 in view of various judgments without considering Office Memorandum dated 14.07.2003 (Annexure A-9) as per directions of this Hon'ble Tribunal as contained in order dated 08.02.2017 passed in O.A. No. 060/00947/2015 (Annexure A-23) has been rejected.
  - ii. Quash order No. F. Admn.II/3(07)/2010 dated 13.08.2010, copy Annexure A-3 and A-2 also, issued by Respondent No.2 rejecting claim of Junior Hindi Translator for grant of Grade Pay of Rs.4600/- w.e.f. 01.01.2006 on the basis of order dated 30.06.2010 issued by the Pay and Accounts Office, office of Chief Labour Commissioner, New Delhi, copy Annexure A-2.
  - iii. Quash order No. F. Adm.II/ 3(05)/2010 dated 29.11.2010 issued by Respondent No.2, copy Annexure A-4, whereby claim of the applicant for up-gradation of pay scale from Rs.5500-9000 to Rs.7450-11500 revised to the Grade pay of PB-2 Rs.9300-34800 with Grade Pay of Rs.4600/- w.e.f. 01.01.2006 has been rejected.
  - iv. Quash order No. 76(7)/2005-Adm.I dated 27.10.2014 issued by Respondent No.3, copy Annexure A-6 on the basis of order No. Admn.II/3(9)/2014 dated 15.09.2014 issued by Respondent No.2, copy Annexure A-5, whereby claim of the applicant for upgradation of pay scale from Rs.5500-9000 to Rs.7450-11500 as on 01.01.2006 has been rejected.
  - v. Quash order No. Adm.II// 3(9)/2014 dated 30.03.2015, copy Annexure A-7, whereby further representation of the applicant against the order dated 15.09.2015 has been rejected on the basis of rejection of earlier representation vide order dated 15.09.2014 without considering the grounds and the judgments relied upon by the applicant and quashing thereof.
  - vi. Direct the respondents to reconsider and grant claim of the applicant for grant of upgraded pay scale of Rs.5500-9000 notionally w.e.f. 01.01.1996 and actual benefits w.e.f. 11.02.2003 and the scale of Rs.6500-10500 by virtue of first ACP on completion of 12 years service w.e.f. 16.04.2005 revised to Rs.9300-34800 with Grade Pay Rs.4600/- w.e.f. 01.01.2006 and to re-schedule her first MACP w.e.f. 01.09.2008 in PB-2 Pay Band Rs.9300-34800 with Grade Pay Rs.4800/- by virtue of para 5 of the MACP Scheme dated 19.05.2009 because on merger of the pay scales of Rs.5000-8000, Rs.5500-9000 and Rs.6500-10500 w.e.f. 01.01.2006 and second MACP in the Grade Pay of Rs.5400/- w.e.f. 16.04.2013 with all consequential benefits.

2. The applicant initially joined as Hindi Translator with the respondent department on 16.04.1993 in the pay scale of Rs.1400-2300, which was revised to 4500-7000 w.e.f. 1.1.1996 and was upgraded to Rs.5000-8000 from 1.1.1996. On introduction of ACP Scheme by Govt. of India w.e.f. 9.8.1999, the applicant was granted first financial upgradation under ACP on completion of 12 years of service w.e.f. 16.04.2005 and she was placed in the pay scale of Rs.5500-9000. Govt. of India, Department of Rajbhasha Ministry of Home Affairs vide office order dated 19.02.2003 revised pay scale of Junior Translator from 5500-8000 to Rs. 5500-9000 and Senior Translator from 5500-9000 to 6500-10500 w.e.f. 11.02.2003 belonging to Central Secretariat Official Languages Service only. Simultaneously, another OM was issued by Ministry of Finance, Department of Expenditure on 14.07.2003 conveying their approval for extension of higher pay scales of Rs.5500-9000, 6500-10500 and 7500-12000 to the posts of Junior Hindi Translator, Senior Hindi Translator and Assistant Director of CS LS respectively notionally w.e.f. 1.1.1996 and actual w.e.f. 11.02.2003. Pursuant to above OM Junior Hindi Translator and Senior Hindi Translators serving in the Central Secretariat Services were granted benefit and applicant who was working in subordinate office was denied benefit. Aggrieved against this, an O.A. was filed before the Ernakulam Bench of the Tribunal bearing O.A. No.107/2011 titled **T.P. Leena vs. Union of India**, which was decided on 22.9.2011 (Annexure A-18), where discrimination amongst the field officers and Secretariat Employees was held to be illegal and field staff was also held to be entitled to same benefit which was made available to Secretariat staff. This order was also upheld by the Karnataka High Court by dismissing Writ Petition No. OP (CAT) No.467 of 2012 on

21.06.2012 and SLP No.28536/2012 filed against that was also dismissed by the Hon'ble Supreme Court on 15.10.2012. This led applicant to stake her claim for relevant upgradation of pay which the respondents denied. Aggrieved against that order applicant approached this Tribunal, after filing representation before the authorities. When respondents did not take any call to decide claim of the applicant in terms of indicated decision, she filed O.A. No.60/9472015, which was disposed of on 08.02.2018 by directing the authorities to decide indicated representation by taking into consideration in the light of relied upon judgment and OM issued by Govt. of India by passing reasoned and speaking order. It is in that background that respondents have passed impugned order rejecting her claim, which is under challenge before this Court.

3. Learned counsel for the applicant vehemently argued that this order is non-speaking and liable to be set aside on this ground. He drew our attention to para 9 of the order where while considering her representation, respondents have denied benefit of ratio laid down in the relied upon case only on the ground that it is applicable to only applicants therein and not in general unless Govt. of India issues orders in this regard and since no order has been issued in this regard to grant benefit to similarly situated persons therefore, applicant cannot be granted benefit.
4. Learned counsel for the applicant submitted that once this issue has already been taken care of by Ernakulam Bench of the Tribunal in the case of T.P. Leena (supra) as upheld up to the Hon'ble Apex Court, there is no reason for respondents to raise this plea that this decision cannot be made applicable in general and was applicable to applicants

in that O.A. only. Therefore, he submitted that impugned view be set aside.

5. Respondents while resisting the claim of the applicant, have raised plea of limitation and have submitted that since applicant has impugned order Annexures A-2 to A-4 which are of 2010, therefore, petition be dismissed on the ground of delay and latches.
6. On merit, Sh. V.K. Arya, learned counsel for respondents submitted that applicant has no case because judgment relief upon by her pertains to employees working in Central Secretariat.
7. We have given our thoughtful consideration to the entire matter and have perused pleadings available on record, with able assistance of learned counsel for the parties.
8. It is settled law that once an issue/question of law has been settled by Court of law, then other similarly placed persons/employees cannot be denied the benefit only on the ground that they were not party to proceedings. It has been so held by the Apex judicial dispensation time and again that for a relief/issue which has been settled similarly placed person cannot be forced to approach court of law to get similar order. Reliance in this regard is placed on **Union of India & Anr. vs. Lalita S. Rao & Ors.**, AIR 2001 SC 1792 and **State of Uttar Pradesh and Ors. Vs. Arvind Kumar Srivastava & Ors.**, and **State of Karnataka v. C. Lalita**, 2015(1) SCC 347.
9. We have minutely perused the impugned order. As argued by the applicant this order cannot be allowed to sustain because instead of considering ratio laid down in the relied upon case, respondents have rejected her claim only on the plea that that decision cannot be made general as no instructions have been issued by Govt. of India in this regard but there is no denial on behalf of the respondents that issue of

grant of parity in pay scale between central employees particularly grant of pay scale to junior and senior translators has been put to rest and upheld upto the Hon'ble Supreme Court in the case **of UOI & Ors.**

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(CWP No.23126 of 2010 (O&M) decided on 23.03.2011. Once discrimination carved by the respondents has been set aside and junior and senior translators have been held entitled for the benefit at par with their counter part in Central Secretariat, respondents cannot deny benefit only on the ground that they were not party to proceeding.

The plea raised by the respondents with regard to delay is not sustainable because applicant is before this court since number of years, and it is a recurring cause of action.

10. Though we can remit matter back to respondents to reconsider in the light of aforesaid decisions but considering fact that applicant is before this Court since number of years, we deem It appropriate to direct the respondents to grant her benefit in terms of decision in the T.P. Leena (supra) and Hon'ble High Court of judicature within a period of three months from the date of receipt of a copy of this order.
11. The O.A. is allowed in the above terms. No costs.

**(P. GOPINATH)**  
**MEMBER (A)**

Date: 09.01.2019.  
Place: Chandigarh.

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

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