

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH**

**O.A. No. 615 of 2014**

**Present: Hon'ble Mr. Gokul Chandra Pati, Member (A)  
Hon'ble Mr. Swarup Kumar Mishra, Member(J)**

Mr. Nrusingh Charna Das, aged about 44 years, Son of Sri Laxmidhar Das, at present as Jr. Hindi Translator under Regional Director, Office of Central Ground Water Board, South Easter Region, Bhujal Bhawan, At/Po-Khandagiri, Bhubaneswar, Dist-Khurda-751030.

.....Applicant

**-Versus-**

1. Secretary , Ministry of Water resources, Rafi Marg, New Delhi-110001.
2. Director(Admn.) Central Ground Water Board, Bhujal Bhawan, NH-IV, Faridabad, Haryana-121001.
3. Regional Director, Central Ground Water Board, South Eastern Region, Bhujal Bhawan, At/Po-Khandagiri Chak, Bhubaneswar, Dist-Khurda-751030.

.....Respondents

For the Applicant : Mr. P. K. Sahoo

For the Respondents: Mr. M. R. Mohanty

Heard & reserved on: 15.04.2019

Order on:

**O R D E R**

**Per Mr. Gokul Chandra Pati, Member(A):**

In this Original Application (in Short OA) the applicant has prayed for the following reliefs:

*“ under these circumstances it is most humbly prayed therefore that his Hon'ble Tribunal may graciously be pleased direct the respondents to pay Rs. 5500-9000/- to the applicant at par with Official Language Cadre of Central Secretariat Official Language(CSOLS) notionally with effect from 01.01.1996 and actual payments from 11.02.2003 and pay all consequential financial benefits within a stipulated period.  
Or pass any other order/orders as this Hon'ble Tribunal deem fit and proper in this case.  
Allow this Original Application with cost. ”*

2. The facts in brief is that the applicant was initially appointed as Junior Hindi Translator (in Short JHT) vide OM dated 20.01.1995 under the Respondents. The applicant joined in the said Post on 24.01.1995 and was regularised as JHT on 24.01.1997 vide office order dated 09.02.2001(Annexure-A/1). It is stated by the applicant in the OA that after revision of scale of pay of the JHT under Govt. of India, Ministry of Home Affairs, Department of Official Language letter dated 20.08.2000, the pay scale of the applicant was fixed in the scale of Rs. 5000-8000, the post was being

held by the applicant was treated at par with the Post of JHT employed in the Central Secretariat Official Language Service under the Govt, of India(in Short CSOLS). The applicant is aggrieved since subsequently, the pay scale of JHT under CSOLS was upgraded to Rs.5500—9000/-. But the same benefit has not been extended to the applicant. It is further stated in the OA that another JHT filed OA No. 939/2004 before CAT, Calcutta Bench and vide order dated 09.11.2006, respondents were directed to give the benefit of pay scale of Rs. 5500-9000/- with the JHT applicant in that OA. This order was challenged in Hon'ble High Court of Calcutta but the order of the Tribunal was up held in the SLP filed challenging the order of the Hon'ble High Court, has been dismissed.

3. The applicant filed representation dated 20.02.2014(Annexure-A/5) for similar benefits but no action has been taken by the Respondent No.2 in spite of the reminder on 28.04.2014(Annexure-A/6) and 24.06.2016(Annexure-A/7) .

4. The respondents filed their counter, stating that the applicant had earlier filed an OA No. 603/2014 seeking the MACP benefit with Grade Pay of Rs. 4, 800/- . The said OA was disposed of with direction to the respondents to consider the said representation. The said representation was considered and rejected vide order dated 03.11.2014. It is further stated that the pay scale applicable to the JHT employed under CSOLS, has been claimed by the applicant. But since the applicant is working under CGWB, which is a Subordinate Office, the rules applicable for CSOLS and are not applicable to the employees of CGWB. It is further stated that as per the DoP&T OM dated 19.02.2013, the post of JHT in the Sub-ordinate Office under Central Government has been granted the pay scale of PB-2 with Grade pay of Rs. 4,200/- . The contention of the applicant is that he should be granted to PB-2 with G.P of Rs. 4,600/-(which is the revised pay of the pre-revised pay scale of Rs. 5500-9000/-).

5. Rejoinder has been filed by the applicant reiterating the stand taken in the OA. It is also stated that another person namely Shri Dhanjaya Singh, whose case is similar as the applicant, had approached CAT, Calcutta Bench and he was already granted similar benefits as claimed by the applicant in this case. This was upheld by the Hon'ble High Court and Hon'ble Apex Court. It is stated that in view of the Tribunal order of Calcutta Bench, the averment made in the counter that the pay scale of JHT is that CSOLS is not applicable to Subordinate Offices, is not acceptable. The copy of the order applicable in Calcutta Bench in OA No. 912/2004 and order of the Hon'ble High Court in W.P C. No. 728/2007 and the order of Hon'ble Apex Court have been enclosed as Annexure-A/9, A/10 and A/11 of the Rejoinder. The order of Annexure-A/2 has also been annexed showing that the directions of the Tribunal has been implemented in respect of Shri Dhanjaya Singh, JHT.

6. Heard learned counsels for the applicant and respondents. The counsel for the applicant also filed a copy of the order dated 16.03.2018 passed by this bench of the Tribunal in OA No. 204 of 2016 by which similar benefit has been allowed to the applicant in that OA.

7. It is seen that that in the representation dated 20.02.2014 (Annexure-A/5, the applicant has cited the some other cases decided by the Tribunal, by which the JHTs have been allowed similar benefit as per the orders of the Tribunal, which have been upheld in higher forum. In the OA No.204/16 in the case of S.S. Singh Vs. UOI this Bench of the Tribunal vide order dated 16.03.2018 held as under:-

*“5. Before delving into the merit of the present case, it may be reiterated at the outset that once a law is settled by the Hon’ble Apex Court, the department should implement the same and should not insist all the employees to file individual cases. In the case of Maharaj Krishn Bhatt Vs. State of Jammu and Kashmir(2008) 2 SCC(L&S) 783 Their Lordships categorically observed that once a judgement attained finality its benefits ought to have been extend to other similarly situated persons. In the case of Dhananjay Singh Vs. Central Excise in OA No. 912/2004 and Rajesh Kumar Gond Vs. Directorate of Official Language in OA No. 939/2004, the Hon’ble CAT, Calcutta bench making an elaborate observation finally concluded that there cannot be any discrimination between Hindi Translators of CSLOS and other outside Delhi in respect of pay scale and directed the respondents to extend the benefit and to grant pay scale of Rs. 5500-9000/- to JHT. The matter was challenged before the Hon’ble High Court of Calcutta In W.P. C.T No. 728/2007 and Their Lordships of the Hon’ble High Court of Calcutta Vide judgment dated 02.05.2008 not only upheld the order of the CAT, Calcutta bench but also emphatically observed that there cannot be any logic or basis to classify the Hindi Translators in CSOLS in order to give them special benefit when at the time of appointment there was no such indication and, therefore, the benefit given to the Hindi Translators of CSOLS should also be given to similarly placed person of the same cadre in any part of the counter. Instead of complying with the same order, the department challenged the same before the Hon’ble Supreme Court vide SLP(C) 17419/2009 and Civil Appeal No. 1119/2013 and SLP(C) 37255/2012. Hon’ble Apex Court vide judgment dated 25.07.2013(Annexure-A/5) not only dismissed both the SLP and Civil Appeal but also upheld the judgment passed by the CAT, Calcutta bench and Hon’ble High Court of Calcutta. So once a position of law has been set at rest, there is hardly any scope for the administrative department to take a different view which will make the pronouncement of the judicial forum infructuous or ineffective. In the case of State of Uttar Pradesh Vs. Arvind Kumar Srivastava(2015) 1 SCC 347 Their Lordships of the Hon’ble Apex Court has categorically observed that the normal rule is, when a particular set or employees is given relief by the court, all the other identical situated persons need to be treated alike by extending that benefits and not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. The judgment of the Hon’ble Apex Court passed under Annexure-A/5 was a judgment in rem and, therefore, the normal rule would be that merely because other similarly situated persons did not approached the court earlier, they are not to be treated differently.*

6. *Ld. Counsel for the applicant has taken pain to furnish several judgment of different Benches of the Tribunal. Even in response to the CAT, Principal Bench, New Delhi order dated 07.10.20008 in OA No. 402/2006, the Ministry of Defence has implemented the order in respect of Junior, Senior and Translation Officer, Hindi by upgrading their pay scale as per order dated 19.10.2009. Realizing the disparity in pay structure, the 6<sup>th</sup> CPC made recommendations, which has been accepted by the Central Govt. to the effect that similarly designated post existing outside the CSOLS cadre in various subordinate Offices of the Central Govt. are to be granted the same pay scale as those granted to the CSOLS, which has been notified vide letter dated 24.11.2008(Annexure-A/8). So, once the lis has already been adjudicated and attained finality, further adjudication is no necessary. However, the department instead of complying at their and forced the employees to approach this Tribunal.*

7. *The impugned order dated 07.03.2016(Annexure -A/1) being contrary to judicial pronouncement, the same is not legally tenable and it is under misconception of law and fact and rather in — disregard to the judicial pronouncement. Hence, the OA is allowed. The rejection order dated 07.03.2016(Annexure-A/18) being contrary to the judicial pronouncement is hereby quashed. It is made clear that there cannot be any disparity between Official Language Cadre of Central Secretariat and Jr. Hindi translator of outlying stations including NCC Directorate of Orissa. Respondents are directed to notionally upgrade the pay of the applicant to Rs. 5500-175-9000/- at par with CSOLS w.e.f. 01.01.1996 and to make actual payment from 11.02.2003 preferably within a period of three months, failing which the applicant shall be entitled to the interest on the unpaid dues @ 6% per annum from 11.02.2003. No costs.*

8. It is seen from perusal of the above order, the case of the applicant is squarely covered by the order dated 16.03.2018 of this Tribunal in OA No. 204/2016 and hence, the applicant is entitled for the same relief. Hence, following the order dated 16.03.2018, the respondents are directed to notionally upgrade the pay scale of the applicant to Rs. 5500-9000/- w.e.f 01.01.1996 at par with the Junior Hindi Translators of the CSOLS and make actual payment of the differential pay from 11.02.2003 within three months from the date of receipt of a copy of this order.

(SWARUP KUMAR MISHRA)  
MEMBER (J)

(GOKUL CHANDRA PATI)  
MEMBER (A)

