

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00003/2019

Date of decision: 03.01.2019

CORAM:

**Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member**

1. Sri C. Krishnan, aged 56 years, S/o C. Thendan, Sr. Translaor/Southern Railway/Thiruvananthapuram Residing at 81 E, Railway Quarters, Poojapura, Thiruvananthapuram 695012.
2. Smt. Sangheeta, ated 47 years, W/o N.S. Pradeep Jr. Translator, Southern Railway/Thiruvananthapuram, Residing at Aswati house, No.63, Sastha Gardens, Thycaud, Trivandrum 695014.
3. Smt. A.K. Deepa, aged 51 years, w/o C.B. Suresh Jr. Translator, Southern Railway, Ernakulam Residing at Changanath House, Nadelil Road, Kureekad (PO), Ernakulam 682 305.

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Applicants

(By Advocate – Mr. Sabu M. Philip)

V e r s u s

1. Union of India,
Represented by the Secretary to the Government of India,
Ministry of Railways, Rail Bhavan,
New Delhi 110 001.
2. The Secretary to the Government of India,
Department of Official Language,
Ministry of Home Affairs, Lok Nayak Bhawan,
Khan Market, New Delhi 110003
3. The Secretary,
Department of Expenditure, Ministry of Finance
North Bock, New Delhi 110 001.
4. The General Manager,
Southern Railway,
Chennai 3.

..... **Respondents**

(By Advocate – Standing Counsel for the Railways)

This Original Application having been heard on 03.01.2019, the Tribunal on same day delivered the following:

O R D E R (ORAL)

Per: E.K.Bharat Bhushan, Administrative Member:

Heard Mr. Sabu M. Philip learned counsel for the applicant on admission.

2. Misc. Application No. 180/00012/19 for joining together is heard and allowed.

3. The applicant has sought the following reliefs in this O.A.

1. To call for the records leading to Annexure A-1 to A-21 by an order

OR

2. To declare that the applicants are eligible to be granted upgraded pay scales for Junior Translators at Rs/ 5000-8000 w.e.f. 01.01.1996, 5500-9000 w.e.f. 11.02.2003 with notional fixation w.e.f. 01.01.1996, Rs. 4600 GP w.e.f. 01.01.2006 and Level 7 w.e.f. 01.01.2016 and for Senior Translators Rs. 5500-9000 w.e.f. 01.01.1996, 6500-10500 w.e.f. 11.02.2003 with notional fixation w.e.f. 01.01.1996, Rs. 4800 GP w.e.f. 01.01.2006 and Level 8 w.e.f. 01.01.2016 with upto date arrears and Interest at the rate of 10% and consequential MACP benefits as applicable to the applicants.

3. To issue such other orders or directions as this Tribunal may deem fit and proper in the circumstances of the case;

and

4. To award costs of these proceedings.

4. The facts in nutshell are that the applicants are Senior and Junior Translators of Thiruvananthapuram Division of Southern Railway who have joined the service during 1990, 1997 and 1994 respectively. They were in the same pay scale as Translators of other Ministries of Govt. of India till 4th Pay Commission. It is alleged that with effect from 1.1.1996, they are being given lower pay scale than Translators of other ministries/departments. They have made many representations and approached this Tribunal through their Association. But so far, the Railways have refused to listen to their grievances. It is also their grievance that the order passed by this Tribunal in OA 485/2007 dated July 2009 has not yet been implemented.

5. Learned Standing Counsel for the Railways takes notice on behalf of the respondents.

6. Having heard both sides, we feel that the O.A. can be disposed of at the admission stage itself with the consent of both sides directing the Respondents to consider the reliefs sought in the O.A. in accordance with the decision of the Full Bench of this Tribunal in O.A. 656 of 2012 and O.A. 953 of 2012 dated 14.10.2013 (Annexure A18) and

pass a speaking order. Accordingly, the competent Respondent is directed to consider the reliefs sought in the O.A. and to pass appropriate order and communicate the same to the applicant, within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, the O.A. stands disposed of *in limine*.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

sj*

List of Annexures of the Applicant in O.A. No. 180/00003/2019

Annexure A1 - True copy of O.M. No.12/ 2/97-OL(S) dated 8th Nov 2000, of Dept. of Official Language, Ministry of Home Affairs, New Delhi.

Annexure A2 - True copy of Railway Board Circular No. PC-V/98/DAC/I/Pt. 4. Dt. 30.01.2001.

Annexure A3 - True copy of Extracts from the Notes from the Ministry of Finance, Dept. of Expenditure No. 70/11/2000-IC dated 19.10.2000.

Annexure A4 - True copy of Ministry of Home Affairs O.M. No. 13/6/2002-OL (Service) dated 02.04.2004.

Annexure A5 - True copy of O.M. No. F.1/1/2008-IC dated 24.11.2008 and corrigendum dated 27.11.2008, Ministry of Finance, Dept. of Expenditure.

Annexure A6 - True copy of VI th Pay commission recommendation at Page 470.

Annexure A7 - Letter No. RRB/KOL/SC/RTI Act/Pt.III dt. 17.11.2009 of Railway Recruitment Board, Kolkatta.

Annexure A8 - True copy of Staff Selection Commission Letter No. 2/2/2007-P&P dated 27.11.2009.

Annexure A9 - True copy of O.A. No 485/20017 of Honourable Central Administrative Tribunal, Ernakulam.

Annexure A10 - True copy of Railway Board order dated 13.09.2012.

Annexure A11 - True copy of representation dated 20.11.2013 by the Hindi Staff of Southern Railway.

Annexure A12 - True copy of Department of Personnel & Training (DoPT) Office Memorandum No. B/14017/46/2011-Estt (RR) dt. 19.09.2013.

Annexure A13 - True copy of Railway Board Circular No. RBE 139/2011 dated 05.10.2011.

Annexure A14 - True copy of Office Memorandum No. 13034/20/2009-Ra. Bha.(Nee.Sa) dated 06.04.2009, Dept. of Official Language, Ministry of Home Affairs, Delhi.

Annexure A15 - True copy of O.M.No. 1/20012/08/2008-O.L. Policy-1) dated 19/21.05.2009, of Dept. of Official Language, Ministry of Home Affairs, New Delhi.

Annexure A16 - True copy of D.O. Letter No. 15/42/2013-Ra.Bha. Seva dated 02.05.2013 from Sri. A.K. Jain, Secretary, Dept. of Official Language, Ministry of Home Affairs, New Delhi.

Annexure A17 - True copy of letter No. E(NG) 178-PM1/124 dated 08.05.1978 by the Railway Board.

Annexure A18 - True copies judgment dated 14.10.2013 in O.A. No. 656/2012.

Annexure A19 - True copy of judgment dated 20.01.2017 in WP(c) No. 17363 of 2005 of the Hon'ble High Court of Kerala.

Annexure A20 - True copy of judgment in SLP No. 17419/2009, with Civil Appeal o. 1119 of 2013 and SLP(C) No. 27255/2012 of Supreme Court of India.

Annexure A21 - True copy of D.O. Letter No. 10/3/2006/RHQ (Pt) dated 05.03.2009 by Smt. Pratibha Mohan, Member, Staff Selection Commission, New Delhi to Sri. Pandey, Joint Secretary, Dept. of Official Language, New Delhi.

Annexures of Respondents

Nil
