

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No. 620/2015

Reserved on: 14.12.2018
Pronounced on: 02.01.2019

**Hon'ble Mr. Suresh Kumar Monga, Member (J)
Hon'ble Mr. A. Mukhopadhyaya, Member (A)**

Bhanu Kumar Bhardwaj S/o Late Sh. Murari Lal Sharma, aged about 57 years R/o A-159, Mahesh Nagar, Jaipur Rajasthan presently working as Senior Translator in the Central Administrative Tribunal, Jaipur.

...Applicant.

(By Advocate: Shri Indresh Sharma)

Versus

1. Union of India through its Secretary to Government of India, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension, North Block, New Delhi.
2. The Principal Registrar, Central Administrative Tribunal, Principal Bench, 61/35, Copernicus Marg, New Delhi-110001.
3. The Joint Registrar, Central Administrative Tribunal, Sahakar Marg, Jaipur Bench, Jaipur-302001.

...Respondents.

(By Advocate: Shri Rajendra Vaish)

ORDER

Per: A.Mukhopadhyaya, Member (A):

Briefly, the facts of this Original Application, (OA), as stated by the applicant, are that he was appointed/absorbed in the Central Administrative Tribunal, (CAT), Jaipur in the post of Hindi Translator in the pay scale of Rs.1640-2900/- which was also the

(2)

pay scale of Senior Hindi Translator in other Central Government offices. This pay scale was revised to Rs.5500-9000/- with effect from 01.01.1996 on implementation of the 5th Central Pay Commission, (5th CPC), which was granted to both the Senior Hindi Translator of other Central Government offices and the Hindi Translator in CAT. The applicant thus contends that the post of Hindi Translator in CAT has always been equivalent to that of Senior Hindi Translator in other Central Government offices although the word "**Senior**" is not prefixed in the designation of the post in CAT. The applicant further states that vide orders dated 19.02.2003, (Annexure A/6), and 02.04.2004, (Annexure A/14), read with Department of Expenditure's OM dated 14.07.2003, (Annexure A/7), the post of Senior Hindi Translator in other Central Government departments, and therefore by inference the equivalent post of Hindi Translator in CAT, have been given the upgraded pay scale of Rs.6500-10500/- notionally with effect from 01.01.1996 with actual payments in the higher pay scale being made from 11.02.2003. The applicant further states that one Shri A.K.Rai who is similarly situated being a Hindi Translator in the CAT, Lucknow Bench, has already been given the benefit of this upgraded pay scale of Rs.6500-10500/- in compliance of the order of the CAT, Lucknow Bench dated 01.07.2009 in OA No.06/2007 filed by Shri as **A.K.Rai vs. Union of India and Another**; (Annexure A-9). In view of this position, the applicant contends that his case is squarely covered by the

(3)

judgment of CAT Lucknow Bench in the case of Shri A.K.Rai, (supra) and since he has been denied similar benefits as given by the CAT, Lucknow Bench vide impugned letter/order dated 03.08.2015, (Annexure A/1), he may be granted the following relief:-

Relief

- 1) The Tribunal quash the order dated 03.08.2015 (Annexure A/1) and direct the respondents to extend the benefits of the memorandum dated 14.07.2003 to the applicant and grant the upgraded pay scale of Rs.6500-200-10500/- in strict terms of order dated 14.07.2003; (Annexure A/6).
- 2) The respondents be directed to grant benefits to the applicant as has been granted to similarly situated person namely Shri A.K. Rai in compliance of the order of Hon'ble Central Administrative Tribunal Lucknow Bench, Lucknow dated 01.07.2009 in OA No.06/2007 filed as A.K.Rai V/S U.O.I. and others; (Annexure A/9).
- 3) The respondents be directed to pay interest @ 18% per annum till the date of actual payment on arrears of salary to the applicant.
4. Any other relief which is deemed fit, just and proper under the circumstances of the case be also granted.
5. The respondents be directed to pay the cost to the applicant which is quantified by the Hon'ble Tribunal.

Interim Relief:-

That the Tribunal pass an order to provide the same benefits as given to Mr.A.K.Rai in the light of the orders of 14.07.2003, (Annexure A/7), & 19.02.2003, (Annexure A/6), till the pendency of this original application.

(4)

2. In reply, the respondents contend that the judgment in the case of A.K.Rai, (supra), cannot be enlarged in favour of the petitioner as it is a judgment ***in personam*** and further that this benefit has been given subject to the outcome of Writ Petition No.1262 (SB) 2010 filed by the Department which is pending before the Lucknow Bench of the Allahabad High Court. As such therefore the prayer for grant of similar relief to the applicant as granted in the case of A.K.Rai, (supra), is premature at this stage and the present OA should be dismissed on this ground alone.

3. Learned counsels for the parties were heard and the material available on record was perused. Learned counsels for the applicant and respondents reiterated their respective positions as detailed above in their arguments.

4. A perusal of the record in this case confirms that Shri A.K.Rai and the applicant are similarly situated and both were working as Hindi Translator in CAT in the pay scale of Rs. 5000-9000/-. A perusal of the CAT Lucknow Bench's judgment in Original Application No.6/2007 preferred by A.K.Rai, (Annexure A/9), shows that the benefit given to Hindi Translators belonging to the Central Secretariat Official Language Service, (CSOLS), i.e. the pay scale of Rs.6500-10500/- was indeed extended to Shri A.K.Rai. The record shows that this was done vide CAT Principal Bench's letter/order dated 07.08.2012, (Annexure A/11), read

with DoP&T letter No.P-26012/17/2007-AT dated 13.07.2012, (Annexure A/12), the relevant portion of which states as follows:-

"The matter was referred to Department of Expenditure on the implementation of CAT, Lucknow Bench's order dated 01.07.2009 in OA No.6/2007 filed by Shri A.K.Rai. The Department of Expenditure has agreed to implement CAT, Lucknow Bench order dated 01.07.2009 in OA No.6/2007 filed by Shri A.K. Rai in respect of applicant only subject to the outcome of Writ Petition No.1262/2010(SB)/2010 in High Court of Lucknow on 28.08.2010 filed by the Department and also the SLP No.3380/2009 against the order dated 02.05.2008 in WPCT No.728/2007 of High Court of Calcutta (Dhananjay Singh case) filed by Department of Revenue."

5. As regards the question of whether the judgment with reference to A.K.Rai, (supra), will also be applicable to the present case, the contention of the applicant that he is similarly situated as Shri A.K.Rai has not been refuted by the respondents. In this connection, the relevant portion of Para-10 of the judgment passed by the Lucknow Bench of this Tribunal in the case of A.K.Rai, (supra), reads as follows:

"10. The Principal Bench in its judgment in OA No.928/94, following the judgment of the Hon'ble Supreme Court in Amrit Lal Berry vs. Collector of Central Excise, Delhi, 1975 (1) SLR 153 (SC), has held that in service matters judgments in most of the cases were judgments in rem because they affected a large number of employees..."

6. The Hon'ble Supreme Court in the case of **Amrit Lal Berry** vs. **Collector of Central Excise, Delhi**, 1975 (1) SLR 153 (SC) has ruled as follows:-

"...when a citizen aggrieved by the action of a Government Department has approached the Court and obtained a declaration of law in his favour, others, in like circumstances, should be able to rely on the sense of responsibility of the Department concerned and to expect that they will be given the benefit of this declaration without the need to take their grievances to Court..."

7. Accordingly, this OA is disposed of in the same terms as were made applicable in the case of Shri A.K.Rai, (supra), vide judgment of CAT Lucknow Bench on 01.07.2009 in OA No.6/2007. Impugned order dated 03.08.2015, (Annexure A/1), is set aside and the respondents are directed to extend the benefit as extended to Shri A.K.Rai, (supra), vide CAT Lucknow Bench order dated 01.07.2009 to the applicant subject to the outcome of Writ Petition No.1262/2010(SB)/2010 pending at Lucknow Bench of the Allahabad High Court and also SLP No.3380/2009 filed against the order dated 02.05.2008 in WPCT No.727/2007 of the High Court of Calcutta in the Hon'ble Supreme Court.

8. There will be no order on costs.

(A.Mukhopadhyaya)
Member (A)

(Suresh Kumar Monga)
Member (J)

/kdr/