

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

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No. O.A. 790 of 2015

Date of order : 13.11.2018

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sanjay Kumar Singh,
Aged about 50 years,
Son of Shri Hari Shankar Prasad Singh,
Working as Senior Hindi Translator
In the office of the
Commissioner of Central Excise,
Kolkata-I, Commissionerate,
Kendriya Utpad Shulk Bhawan,
180, Shanti Pally,
Kolkata – 700 107,
And residing at Quarter No. C/136,
179, Shanti Pally,
Kolkata – 700 107;

... Applicant.

1. Union of India
Service through the Secretary,
Ministry of Finance,
Department of Revenue,
Having its office at North Block,
New Delhi – 110001.

2. The Secretary,
Ministry of Finance,
Department of Expenditure,
Implementation Cell, North Block,
New Delhi – 110 001.

3. The Chairman,
Central Board of Excise & Customs,
Flat No. 201, 8, Deepakha Building,
Rajendra Place,
New Delhi – 110008;

4. The Commissioner of Central Excise,
Kolkata-I Commissionerate,
180, Shanti Pally,
Kolkata – 700107.

... Respondents.

For the Applicant : Mr. P.C. Das, Counsel
Ms. T. Maity, Counsel

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For the Respondents : Mr. P.N. Sharma, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

Ld. Counsel for both sides are present and were heard.

2. The applicant essentially has assailed an order dated 1.12.2014, issued by the Ministry of Finance, Department of Revenue, pursuant to the directions of this Tribunal in O.A. No. 848 of 2014.

3. The grievance of the applicant in a nut shell is that although in terms of the letter dated 14.7.2003 of the Ministry of Finance, Department of Expenditure in regard to extension of higher pay scale of Rs. 5500-9000, Rs. 6500-10500 and Rs. 7500-12000 to the posts of Junior Hindi Translator, Senior Hindi Translator and Assistant Director of CSOLS respectively w.e.f. 1.1.96 and the decision in O.A. No. 912 of 2004, the Sr. Hindi Translators of subordinate offices ought to be extended the benefits of higher pay scale, yet his claim seeking parity with the applicant in O.A. No. 912 of 2004 has been virtually rejected in the following manner:-

"6. Whereas, the Hon'ble Supreme Court in a common judgment dated 25th July, 2013 in SLP (Civil) No. 17419 of 2009 [UOI vs. Rajesh Kumar Gond]; Civil Appeal No. 1119 of 2013 [UOI vs. Dhananjay Singh]; and SLP (Civil) No. 37255 of 2012 [UOI vs. Dhananjay Singh]; and SLP (Civil) No. 37255 of 2012 [UOI vs. Dalev Singh] upheld the judgments of Hon'ble Tribunal and High Court, Calcutta.

7. Whereas, the Department of Expenditure is the nodal Department to devise policy in such matter which is uniformly applicable across the country.

8. Whereas, the Department of Revenue, CBEC has brought the above judgment of the Hon'ble Supreme Court to their notice of Department of Expenditure for necessary action, and a final decision on the matter is yet to be taken.

9. Whereas, the representation dated 19.11.2013 & reminder dated 12.3.2014 of Shri Sanjay Kumar Singh, Sr. Hindi Translator cannot be decided in isolation and without express approval/orders of the Department of Expenditure.

10. Now, therefore, the representation dated 19.11.2013 & reminder dated 12.3.2014 of Shri Sanjay Kumar Singh, Sr. Hindi Translator cannot be acceded to and is disposed of accordingly."

4. Therefore, Ld. Counsel would vociferously contend that the respondents are arbitrarily depriving the applicant of the benefit of the judgement in O.A. No. 912 of 2004 in Dhananjay Singh (supra).

5. Per contra, Ld. Counsel for the respondents would invite our attention to the clarification vide O.M. dated 29.3.2004 by the Department of Expenditure (Implementation) Cell which reads thus:

".....it has come to notice of this Department that these pay scales have been extended to similarly designated posts in some organizations outside the CSOLS. It is clarified that the upgraded pay scales approved by the Government are specific to the posts in CSOLS and cannot be extended to similarly designated posts elsewhere. All the concerned departments who have extended these scales unilaterally and unauthorisedly to such posts are directed to withdraw these scales and place these posts in the otherwise applicable pay scales. It is further directed that responsibility for this lapse may be fixed."

6. Nevertheless, it is an admitted position that such upgradation has been allowed to one, Dhananjay Singh, Jr. Hindi Translator in Central Excise Commissionerate i.e. to a non-CSOLS, on the strength of the judgments in O.A. No. 912 of 2004, WPCT No. 28 of 2007, Civil Appeal (SC) No. 1119 of 2013.

7. Since it transpires from the position enumerated supra, that the matter of according the benefits of the O.M. dated 29.3.2004 and order of the said Dhananjay Singh (supra) to the Senior Hindi Translators of subordinate offices on par with Senior Hindi Translators of CSOLS lies in the domain of the Department of Expenditure and no decision has been taken by them, we dispose of the O.A. with a direction upon the respondent authorities to forward the grievance of the applicant and appropriately liaise with the Department of Expenditure by giving proper inputs so that the matter is expedited and a decision is taken by the Department of Expenditure as expeditiously as possible preferably within six months from the date of receipt of a copy of this order and while doing so the respondents shall also refer to the decision passed in O.A. No. 617 of 2011, on the subject.

8. Accordingly, the O.A. stands disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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