

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 043/00344/2017

Date of Order: This, the 14th day of March 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. NEKKHOMANG NEHSIAL, ADMINISTRATIVE MEMBER

Shri Manish Kumar Shah
Son of Shri Karuna Sindhu Shah
Senior Hindi Translator
Office of the Chief Commissioner
Of Income Tax, Aaykar Bhawan
M.G. Road, Shillong, Meghalaya
Pin – 793001.

...Applicant

By Advocates: Mr. A. Ahmed, R.R. Rajkumari & D. Goswami

-VERSUS-

1. The Union of India
Represented by the Secretary
To the Government of India
Ministry of Finance, Department of Revenue
North Block, New Delhi, Pin – 110001.
2. The Principal Chief Commissioner of Income Tax
North East Region (NER)
Aayakar Bhawan, G.S. Road
Christian Basti, Guwahati – 781005.
3. The Chief Commissioner of Income Tax
Aayakar Bhawan, M.G. Road
Shillong, Meghalaya, Pin – 793001.

4. The Director (Rajbhasha)
Central Board of Direct Taxes
Official Language Division, 6th Floor, Mayur Bhawan
Cannought Circus, New Delhi, Pin – 110001.

... Respondents

By Advocates: Mr. R. Hazarika, Addl. CGSC

O R D E R (ORAL)

NEKKHOMANG NEIHSIAL, MEMBER (A):

By this O.A., applicant makes a prayer to grant him hierarchy higher Grade Pay of Rs. 4,800/- as Senior Hindi Translator from the existing Grade Pay of Rs. 4,600/- w.e.f. date of joining as Senior Hindi Translator i.e. on 29.01.2010 under the Respondents as the Junior Hindi Translator has been granted Grade Pay of Rs. 4,600/- in reference to the order passed in O.A. No. 107 of 2011 by the Central Administrative Tribunal, Ernakulam Bench, which has been affirmed by the Hon'ble High Court of Kerala and Hon'ble Supreme Court of India.

2. The main grounds for relief of the applicant are that the action of the respondents is prima facie illegal, malafide, arbitrary and without jurisdiction. The Central Administrative Tribunal, Ernakulam Bench in O.A. No. 107 of 2011 has granted the revised Grade Pay of Rs. 4,600/- to Junior Hindi Translator

from Rs. 4,200/- which has been affirmed by the Hon'ble High Court of Kerala and Hon'ble Supreme Court of India. Accordingly, the applicant is entitled to get the next hierarchy Grade Pay of Junior Hindi Translator i.e. Grade Pay of Rs. 4,800/- w.e.f. date of joining as Senior Hindi Translator on 29.01.2010 in the office of the Chief Commissioner of Income Tax, Shillong Meghalaya with all other consequential financial benefits. As such, respondents cannot deny the said benefit to him without any cause or causes.

3. According to the applicant, it is settled position of law that the decision of Hon'ble Court of Law are binding to all similarly situated person. In the case of **Inder Pal Yadav and Ors. Vs. Union of India and Ors.**, reported in **(1995) 2 SCC 648**, the Hon'ble Apex Court held that – *'Relief granted by the court is to be given to other similarly situated employees without forcing them to court for similar benefits'*. In the case of **State of Karnataka and Ors. Vs. C. Lalitha** reported in **(2006) 3 SCC 747**, the Hon'ble Apex Court held that – *'Service jurisprudence evolved by this Court from time to time postulates that all persons similarly situated should be treated similarly. Only because one person has approached the court that would not*

mean that persons similarly situated should be treated differently."

4. According to the applicant, the respondents have violated the provisions of Articles 14, 16 and 21 of the Fundamental Rights granted under the Constitution of India. Hence, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive and therefore, the same are not sustainable in the eye of law.

5. The applicant was initially appointed as Junior Hindi Translator on 01.01.2000 in 42 Wing Indian Air Force, C/O 99 APO. After due selection process, the Staff Selection Commission has selected him to the post of Senior Hindi Translator in the scale of Rs. 7,450-11, 500/-, corresponding Pay Band-2 (Rs. 9,300-34800/-) + Grade Pay Rs. 4,600-Plus other usual allowances as admissible. He joined the present department i.e. Income Tax Department, North Eastern Region, Shillong on 29.01.2010 in the office of the Chief Commissioner of Income Tax, Shillong Meghalaya.

6. It is seen from the submissions made by both the parties that Junior Hindi Translators were initially granted Grade

Pay of Rs. 4200/- consequent to the judiciary ruling and they have been subsequently granted Grade Pay of Rs. 4600/- accordingly.

7. The respondents in their written statement submitted on 04.03.2019 pointed out at para 4 that the applicant had served in the erstwhile department i.e. Indian Air Force from 01.01.2000 to 01.01.2010 and if he is to be granted the Grade Pay of Rs. 4600/-, the applicant should approach the previous department. As of now, the applicant is being granted already with Grade Pay of Rs. 4600/- from the date of appointment in their office on 29.01.2010 and his next Grade Pay of MACP of Rs. 4800/- would be due only on 29.01.2020.

8. They have pointed out that the judgment passed by the Central Administrative Tribunal, Ernakulam Bench in O.A. No. 107/2011 is not applicable in this case. The same thing is in respect of the judgment of Central Administrative Tribunal, Principal Bench in O.A. No. 3806/2014 and M.A. No. 3291/2014 relying on the decision of the Central Administrative Tribunal, Ernakulam Bench.

9. Two cases of Junior Hindi Translators namely Shri Gaurav and Shri Rajeev Ranjan have been brought out by the applicant in his rejoinder, who are Junior Hindi Translators but granted Grade Pay of Rs. 4600/- through the revised orders of their respective Departments. Since he is appointed as Senior Hindi Translator, he is entitled to the next higher Grade Pay of Rs. 4800/-.

10. We have considered the above facts as brought out by the applicant and we are in the agreement with the stand taken by him. Respondents are therefore, directed to grant the applicant the Grade Pay of Rs. 4800/- from 29.01.2010 i.e. from the date of his appointment in the office of the Chief Commissioner of Income Tax, Shillong, Meghalaya.

11. Accordingly, O.A. stands disposed of. No order as to the costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)