

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 043/00215/2017

Date of Order: This, the 15th day of March 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. NEKKHOMANG NEHSIAL, ADMINISTRATIVE MEMBER

1. Shri Vinod Kumar Nautiya, Hindi Translator Gd-II
2. Shri B. K. Pandey, Hindi Translator Gd-I
3. Shri Vijay Kumar, Hindi Translator Gd-II
4. Shri Nripen Chandra Bhowmik, Hindi Translator Gd –II
5. Shri N. S. Rathore, Hindi Officer
6. Shri Ravi Mohan Dwivedi, Hindi Translator Gd-II
7. Shri Anand Kumar Gupta, Hindi Translator Gd-II
8. Shri Sanjeev Paul, Hindi Translator Gd-II
9. Smt. Asit Kamal, Hindi Translator Gd-I
10. Shri Devendra Singh
Hindi Translator Gd-II, (now Hindi Translator Gd-I)
11. Miss Parbati Pyngrope, Hindi Translator Gd-II
12. Shri Sunil Kumar Singh, Hindi Translator Gd-II
13. Shri Mahendra Singh, Hindi Translator Gd-II
14. Shri Pramod Kumar Singh Rathore, Hindi Translator Gd-II
15. Shri Praveen Kumar, Hindi Translator Gd-II

16. Shri Sashi Kumar Barman, Hindi Translator Gd-II

17. Smt. Rashmi Rekha Das, Hindi Translator Gd-II

18. Shri Nabrun Dev, Hindi Translator Gd-II.

...Applicants

By Advocates: Mr. M. Chanda, Mrs. U. Dutta & Mr. H. Das

-VERSUS-

1. The Union of India
Represented by the Secretary, Govt. of India,
Ministry of Home Affairs, North Block, New Delhi – 110001.

2. The Director General
Assam Rifles, Shillong – 793011

3. The Secretary
Govt. of India, Ministry of Finance
Department of Expenditure, New Delhi – 110001.

(All the applicants are working as Hindi Translator Grade-I, Grade-II, and Hindi Officer in Assam Rifles and posted in different places in N.E. Region under the absolute administrative control of Director General, Assam Rifles, Shillong.

... Respondents

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

O R D E R (ORAL)

NEKKHOMANG NEIHSIAL, MEMBER (A):

Being aggrieved with the impugned Speaking Order issued under No. A/Legal/Vinod Kr. Nautiyal/2016/1390 dated 19.12.2016, the applicant has preferred the instant petition under Section 19 of the Administrative Tribunals Act, 1985 seeking the following main reliefs:-

- 8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned speaking order issued under No. A/Legal/Vinod Kr. Nautiyal/2016/1390 dated 19.12.2016.
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to grant the revised scale of Rs. 5500-9000/-, Rs. 6500-10,500/-, Rs. 7500-12,000/- and Rs. 10,000-15,200/- to the Hindi Translator Grade-III, Hindi Translator Grade-I, Hindi Officer and Senior Hindi Officer respectively in Assam Rifles w.e.f 01.01.1996 at least on notional basis and actual payment of upgraded scale w.e.f. 11.02.2003 in terms of Annexure-I and II hereto, and further revised scale of Rs. 6500-10,500/-, Rs. 7450-11,500/- and Rs. 8000-13,500/- respectively w.e.f. 01.01.2006 in terms of Annexure-III & IV hereto, with all consequential benefit including arrear monetary benefit, in the light of the judgment rendered by the Hon'ble Tribunal on 25.05.2010, in O.A. 331/2009, passed by the Principal Bench, New Delhi in the case of Shri Shiv Kumar Gaur – Vs. Union of India & Ors.) as well as in the light of judgment and order dated 08.08.2008 passed by the Learned Tribunal, Kolkata Bench in O.A. 615/2006 (D.K. Rai & Ors. Vs. Union of India).

8.3 That the respondents be directed to grant revised scale to the applicants as prayed for, in terms of the judgment and order dated 09.09.2011 in O.A. No. 295/2010 passed by this Hon'ble Bench of the Tribunal and also in the light of the observation and direction passed by the Hon'ble High Court in the judgment and order dated 01.04.2014 passed in W.P(C) No. 226/2012."

2. This is a third round of litigation so far as this Tribunal is concerned. Initially in the O.A. No. 295/2010, this Bench has delivered judgment in favour of the applicants in its order dated 09.09.2011 wherein the respondents admitted that in terms of educational qualifications, nature of duties and responsibilities, the applicants are similar to their counterparts working in Central Secretariat Official Language Office Service. It was also admitted in principle by them that the applicants are entitled for the demanded pay parity. But without specific order of Govt. of India, Ministry of Home Affairs, nothing can be done by them in the matter for accepting the request of the applicants.

3. Review Application No. 04 of 2011 was filed by the respondents and was rejected by this Bench in its order dated 03.11.2011. The respondents went to the Hon'ble Gauhati High Court at Guwahati by filing WP(C) No. 226/2012. The Hon'ble

Gauhati High Court in its judgment and order dated 01.04.2014, disposed of the said Writ Petition and held as follows:-

- “22. The Office Memorandum dated 27.11.2008 is of the Government of India in the Ministry of Finance. The above quoted letter dated 02.05.2013 has been issued by the Government of India in the Ministry of Home affairs in reference to the said office memorandum. As noted above, a thin distinction is sought to be made in reference to the expression “subordinate office”. While according to the petitioner, the pay parity is not applicable to the applicants, they being not the incumbents of the subordinate office, it is the case of the applicants that they are fully covered by the said OM, subsequently clarified by the above quoted letter dated 02.05.2013.
23. For the aforesaid reasons, we dispose of the writ petition directing the Ministry of Home Affairs to take appropriate decision in the matter in consultation with the Government of India in the Finance Department and consistently, with the stand taken before the Tribunal in para 13 and 18 of the WS quoted above and also the observations made above. Let an appropriate decision in the matter be taken by a speaking order, as expeditiously as possible, preferably within three months.
24. The writ petition is answered in the above manner, leaving the parties to bear their own costs.”

4. Consequent to the judgment of the Hon’ble Gauhati High Court, the respondents authorities issued Speaking Order No. A/Legal/Sashi Kumar Barman/2014/132 dated 17.07.2014, signed by A P S Negi, Colonel, Colonel (Administration) for DG Assam Rifles rejecting the demand of the applicants. This was challenged by the applicants in O.A. No. 040/00379/2014. After

detailed examination of the issues raised by both the parties, this Tribunal vide order dated 30.05.2016 set aside and quashed the said Speaking Order No. A/Legal/Sashi Kumar Barman/2014/132 dated 17.07.2014 as suffering from malice of law. Subsequent to this, the respondent authorities issued a Fresh Speaking Order No. A/Legal/Vinod Kr. Nautiyal/2016/1390 dated 19.12.2016 quoting the order of this Tribunal dated 30.05.2016 passed in O.A. No. 040/00379/2014. They repeated the same stand taken by them in the previous O.As such as, the issue of education qualification and also the demand of the applicants being barred by law of estoppels. However, these issues have already been examined and considered in detailed by this Tribunal and delivered the judgments in the previous O.As.

5. It is also seen that the said Fresh Speaking Order dated 19.12.2016 has been issued by Brigadier (Pers), Directorate General Assam Rifles, Shillong and not by the Ministry of Home Affairs as directed by the Hon'ble Gauhati High Court in its order dated 01.04.2014.

6. We have considered the issue. It is not subject matter of examination of the issues at this stage so far as this Bench is

concerned. The issues have already examined, considered and passed orders more than once in favour of the applicants. Accordingly, Fresh Speaking Order No. A/Legal/Vinod Kr. Nautiyal/2016/1390 dated 19.12.2016 is hereby set aside and quashed. The applicants shall be granted pay parity as demanded by them as ordered by this Bench in O.A. No. 295/2010 and O.A. No. 040/00379/2014.

7. In this connection, the applicants had brought out similar judgments in favour of similarly situated persons delivered by Co-ordinate Bench of Central Administrative Tribunal, Principal Bench in **O.A. No. 402/2006 (Suman Lata Bhatia & Ors. Vs. Union of India and Ors.)** and Central Administrative Tribunal, Calcutta Bench, Kolkata in **O.A. No. 615/2006 (Sri Dinesh Kr. Rai & Ors. Vs. Union of India & Ors.)**.

8. O.A. stands disposed of accordingly without any order to the costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

