

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/021/707/2019

Dated: 19/11/2019

Between



Onima Kujur Das,
W/o. Manoj Kumar Das,
Aged about 43 years,
Occ: Junior Hindi Translator (Group B),
Defence, Vikrampuri Colony,
Secunderabad,
R/o C 55, DAD Residential Complex,
Tirumalgiri, Secunderabad.

... Applicant

AND

Union of India rep. by

1. The Secretary, Ministry of Defence,
Govt. of India, New Delhi.
2. The Controller General of Defence Accounts,
Uliah Batar Road, Palam,
Delhi Contonment, Delhi ó 110 010.
3. The Controller of Defence Accounts,
No.1 Staff Road, Vikrampuri Colony,
Secunderabad.

... Respondents

Counsel for the Applicant : Mr. K. Siva Reddy
Counsel for the Respondents : Mrs. D. Shobha Rani, Addl. CGSC.

CORAM :

Hon'ble Mr. S.N. Terdal, Member (Judl.)
Hon'ble Mrs. Naini Jayaseelan, Member (Admn.)

ORAL ORDER

{ Per Honøble Mr. S.N. Terdal, Member (Judl.)}

Heard Sri K. Siva Reddy, learned counsel for the applicant and Sri B. Radhakrishna representing Smt. D. Shobha Rani, learned counsel for the respondents. Perused the pleadings and the documents.

2. The reliefs prayed for in the O.A. are as follows:

õi) to declare the inaction of the respondents 1 to 3 in non-extending the benefit of the law settled by the Honøble CAT, Patna Bench in OA No.699/2013 dt. 26.5.2015 which was passed following the law decided by the Honøble Apex Court in fixing the pay of the applicant on the principle of equal pay for equal work is contrary to law, arbitrary and discriminatory and set aside the same;

ii) Consequently direct the respondents to fix the pay of the applicant in the scale of Rs.5500-175-9000 from the date it was discontinued and all other consequential benefits with interest at the rate of 8% per annum from the date of the orders of the Honøble Apex Court dated 25.7.2013 and

iii) to pass such orders as this Honøble Tribunal deems fit and proper in the circumstances of the case.ö

3. The relevant facts of the case are that the applicant joined in service on 28.01.2004 as a Junior Hindi Translator in the office of A.O.G.Fy., Jabalpur. She has drawn the pay scale of Rs.5500-175-9000/- from the date of appointment till June, 2004. However, pursuant to the clarification given by Respondent No.1 that the upgraded pay scales approved by the Government are specific to the posts in Central Secretariat Official Language Services (CSOLS) and cannot be extended to similarly designated posts elsewhere, her pay was reduced to the pay scale of Rs.5000-150-8000/- w.e.f.

June, 2004. She is seeking the benefit of the judgements of the Honøble Supreme Court and various Tribunals with regard to fixation of her pay from the pay scale of Rs.5000-8000/- to Rs.5500-9000/- w.e.f. June, 2004.

4. This issue has been considered by the Honøble Supreme Court and various Tribunals in identical cases, and finally directed the respondents to fix the pay as prayed for by the applicants therein. The relevant paragraphs of the order dated 26.05.2015 passed in O.A. No.699/2013 by the Patna Bench of C.A.T. is extracted below:



õ8. In conclusion, we hold that identical matter has been finally decided by the Apex Court level, **and as a reasonable employer, the respondents ought to have themselves extended the benefit to the applicants, as also similarly placed employees, without forcing them to approach courts individually.** Accordingly, we direct the respondents to extend the same and similar benefits of the judgements/ orders dated 17.10.2008 and 09.11.2006 passed by the Principal Bench of the Tribunal and Kolkata Bench respectively, and grant all consequential benefits, including arrears and revision of pay etc. Since the matter reached finality by virtue of Honøble Apex Court's order dated 25.07.2013, we also direct the respondents to pay simple interest @ 8% from that date to the date of payment.õ

(Emphasis supplied)

5. Learned counsel for the respondents vehemently and strenuously submits that the applicant was not a party in the earlier proceedings nor before the co-ordinate Bench of C.A.T. at Patna. As such, she is not entitled for the relief.

6. As rightly directed by the Patna Bench of C.A.T. in the above extracted paragraph 8 of their order dated 26.05.2015, similarly placed

employees should be given the benefit of pay fixation as was granted to the applicants before the Tribunal, without driving them to the Court.

7. In view of the facts and circumstances narrated above, we allow the O.A. and direct the respondents to fix the pay of the applicant in the scale of Rs. Rs.5500-175-9000/- w.e.f. June, 2004 with all consequential benefits, within two months from the date of receipt of certified copy of this order failing which, they are further directed to pay interest on the arrears at G.P.F. interest. No order as to costs.



(NAINI JAYASEELAN)
MEMBER (ADMN.)

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(S.N. TERDAL)
MEMBER (JUDL.)