

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**O.A. No. 3440/2015
M.A. No. 3054/2015**

New Delhi, this the 14th day of November, 2019



**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Rajender Singh Kaushik,
Assistant Director,
Aged about 56 years,
S/o Late Shri Chand Sharma,
R/o H.No. C/112, Rajiv Gandhi Road,
Swaroop Nagar, Delhi-110042.
2. Desh Bandhu,
Assistant Director,
S/o Late Shri Ishwar Dass,
Age about 51 years,
R/o D-3/143, N.I.T. Faridabad.
3. Surender Kumar Sharma,
Assistant Director,
S/o Late Shri Presh Datt,
Age about 58 years,
R/o H.No.717-GF, Sector 36-B,
Chandigarh-160036.
4. Anita Arora,
(Retd.) Assistant Director,
D/o Shri Ram Dev Narang,
Age about 61 years,
R/o E-346, Nirman Vihar,
Delhi-110092.



5. Niranjan Singh Sirohi,
Assistant Director,
S/o Late Shri Autar Singh Sirohi,
Age about 53 years,
R/o 45, A Block, Kavi Nagar,
Ghaziabad, U.P.-201002.
6. Urmil Sharma,
(Retd.) Assistant Director,
D/o Late Shri R.C. Sharma,
Age about 61 years,
R/o 136-A, Pocket-B,
Mayur Vihar, Phase-II,
New Delhi-110 091.
7. Jai Prakash,
(Retd.) Assistant Director,
S/o Late Shri Ram Kishan,
Age about 62 years,
R/o 649, Jharoda Kalan,
Delhi-110072.
8. Urmil Makhija,
Assistant Director,
D/o Sh. Bal Kishan Kumar,
Age about 60 years,
R/o H-253, Ramakrishna Appt.,
I.P.S.T., Patparganj,
Delhi-110003.
9. Pushp Lata,
Assistant Director,
D/o Sh. Narain Singh,
Age about 52 years,
R/o 5/579, Lodi Colony,
Delhi-110003.
10. D.K. Maurya,
Assistant Director,
S/o Shri H.P. Maurya,
Age about 44 years,
R/o Flat No.8, Type-IV,

Income Tax Colony, Laxman Bagh,
Kanpur, U.P.



11. Etesh Kumar,
Assistant Director,
S/o Late Shri Asha Ram,
Age about 58 years,
R/o 7/155, Avas Vikas Colony,
Pilibhit-Byepass Road,
Bareilly, U.P.
12. Dr. R.S. Tewari,
Senior Hindi Translator,
S/o Late Shri S.D. Tewari,
Age about 57 years,
R/o 95, Krishna Bagh,
Dayal Bagh, Agra, U.P.
13. H.K. Tiwari,
Senior Hindi Translator,
S/o Late Ram Lakan Shastray,
Age about 49 years,
R/o 38/28, Chowk Kanpur, U.P.
14. Devi Charna,
Senior Hindi Translator,
S/o Late Shri Guljari,
Age about 46 years,
R/o C-12, CPWD, Training Institute,
Kamla Nehru Nagar, Ghaziabad, U.P.
15. Sushil Kumar Chopra,
Junior Hindi Translator,
S/o Late Shri Ram Chand Chopra,
Age about 46 years,
R/o 451, Kamla Nehru Nagar,
Ghaziabad, U.P.

.. Applicants

(By Advocate : Shri M.K. Bhardwaj)

Versus



UOI & Ors., through

1. The Secretary,
Government of India,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi-110001.
2. The Chairman,
Central Board of Direct Taxes,
Ministry of Finance,
North Block, New Delhi-110 001.
3. The Principal Director General (Admn.)
5th Floor, Mayur Bhawan,
Connaught Circus,
New Delhi-110 001.
4. The Addl. Director General (PR, PP & OL)
Official Language Division,
6th Floor, Mayur Bhawan,
Connaught Circus,
New Delhi-110 001.
5. The Principal Chief Controller of Accounts,
CBDT, 9th Floor,
Lok Nayak Bhawan,
New Delhi-110 001.
6. The Addl. Director General (Exam),
CBDT, 5th Floor,
Mayur Bhawan, Connaught Circus,
New Delhi-110 001.
7. The Addl. Director General (Systems),
E-2, ARA Center,
Jhandewalan Extn.,
New Delhi-110 055.

.. Respondents

(By Advocate: Shri S.K. Tripathi for
Shri Gyanendra Singh)

O R D E R (ORAL)**Justice L. Narasimha Reddy, Chairman**

The applicants are working or worked as Assistant Directors/Hindi Translators in the Income Tax Department. According to them, the Assistant Directors/Hindi Translators similar to them, working in the Central Secretariat Services (CSS), are drawing higher scales of pay. It is stated that the V Central Pay Commission (CPC) itself directed that parity of pay scales must be ensured for the Translators in all establishments, and despite that no steps have been taken.

2. The applicants made several representations to the respondents in this behalf. Reliance is also placed on certain orders passed by the Hon'ble Supreme Court and this Tribunal. Their grievance is that no steps have been taken so far.

3. The respondents filed a counter affidavit. Their main plea is that the applicants were not parties to

the various judicial proceedings and, accordingly, they are not entitled for the benefit.

4. We heard Shri M.K. Bhardwaj, learned counsel for the applicant and Shri S.K. Tripathi proxy for Shri Gyanendra Singh, learned counsel for the respondents.



5. The principle of 'equal pay for equal work' enunciated by the Hon'ble Supreme Court has been applied by various Courts and Tribunals, and it has reached the stage where the Hon'ble Supreme Court had to clarify it, stating that it cannot be applied mechanically. Experience also shows that in the claims of pay parity between the employees of different departments and services have been mechanically accepted and several steps had to be taken, once the impermissibility was noticed.

6. The parties before the Hon'ble Supreme Court in SLP No.17419/2009 and batch in **Union of India & Ors. vs. Rajesh Kumar Gond**, decided on 25.07.2013, were from other departments. The question is as to

whether the Assistant Directors/Hindi Translators in Income Tax Department can compare themselves with the Assistant Directors/Hindi Translators in the CSS, or in the other departments, needs to be examined by the concerned department, applying the relevant parameters. The benefit cannot be extended mechanically.



7. We, therefore, dispose of the O.A. directing the respondents to pass appropriate orders on the representations submitted by the applicants, duly taking into account, the nature of functions that are assigned to the Assistant Directors/Hindi Translators, on the one hand, and to the employees of similar description of the other departments, on the other hand, as well as the orders passed by various Courts and Tribunals in this behalf, within a period of three months from the date of receipt of a certified copy of this order. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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