

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

**OP (CAT) .No. 118 of 2015 (Z)**

(AGAINST THE ORDER/JUDGMENT IN OA 656/2012 of CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH DATED 14-10-2013)

PETITIONER(S)/PETITIONERS/RESPONDENTS:-:

1. UNION OF INDIA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF INDIA  
MINISTRY OF AGRICULTURE, KRISHI BHAVAN  
NEW DELHI - 110 001.

2. THE DIRECTOR  
NATIONAL INSTITUTE OF FISHERIES POST  
HARVESTTECHNOLOGY & TRAINING  
COCHIN - 682 016.

3. THE PAY & ACCOUNTS OFFICER  
PAY & ACCOUNTS OFFICE, MINISTRY OF AGRICULTURE  
FORESHORE ROAD, COCHIN - 682 016.

BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENE

RESPONDENT(S)/RESPONDENTS/APPLICANT:-:

P.R.ANANDAVALLY AMMA, AGED 53 YEARS  
W/O.K.VIJAYAKUMAR, JR.HINDI TRANSLATOR  
NATIONAL INSTITUTE OF FISHERIES POST  
HARVESTTECHNOLOGY & TRAINING  
COCHIN - 682 016, RESIDING AT "30/1504 C", TEMPLE ROAD  
PONNURUNNY, VYTILLA, COCHIN - 682 019.

BY ADV. SRI.M.A.SHAFIK

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (CAT).No. 118 of 2015 (Z)

-----

APPENDIX

PETITIONER(S) ' EXHIBITS

-----

EXHIBIT P1. TRUE COPY OF THE OA NO.656/2012 DATED 25.07.2012.

EXHIBIT P2. TRUE COPY OF THE REPLY STATEMENT DATED 2012, IN OA  
NO.656/2012 FILED BY THE PETITIONERS.

EXHIBIT P3. TRUE COPY OF THE REFERENCE ORDER DATED 04.04.2013 IN OA  
NO.656/2012.

EXHIBIT P4. TRUE COPY OF THE ORDER IN OA NO.656 OF 2012 DATED  
14.10.2013 OF THE FULL BENCH OF THE HON'BLE CENTRAL ADMINISTRATIVE  
TRIBUNAL, ERNAKULAM BENCH.

RESPONDENT(S) ' EXHIBITS

-----

NIL

/true copy/

P.S. TO JUDGE.

**P.R. RAMACHANDRA MENON  
&  
BABU MATHEW P. JOSEPH, JJ.**

.....  
**O.P.(CAT)No.118 OF 2015**  
.....

**Dated this the 23<sup>rd</sup> July, 2015**

**J U D G M E N T**

**P.R. Ramachandra Menon, J:**

The issue is mainly with regard to non-granting of Grade Pay of Rs.4600/- but for Rs.4200/-, pursuant to sanctioning the replacement scale of pay of Rs.9300-34800/-, after merger of three different scales in the post of Jr. Hindi Translator.

2. The respondent was working as Jr. Hindi Translator in the scale of pay of Rs.5000-8000/- as on 01.01.2006. Pursuant to implementation of the recommendation of the VIth Central Pay Commission, the pay Scales, Rs.5000-8000/-, 5500-9000/- and 6500-10500/- came to be merged and the replacement scale is Rs.9300-34800/- with a Grade Pay of Rs.4200/-. Subsequently, by virtue of Annexure A6 order dated 13.11.2009, it was decided to grant Grade Pay of Rs.4600/- in respect of those who were in the scale of pay of Rs.6500-10500/- as on 01.01.2006. Claiming the said benefit and also pointing out some anomaly, the respondent approached the

**O.P.(CAT)No.118 OF 2015**

2

Tribunal by filing O.A.656 of 2012, contending that, after amalgamation of the three different scales as per the replacement scale, there was no rhyme or reason to have identified a particular scale ( before merger) for granting the enhanced Grade Pay. In fact, the applicant was given the enhanced Grade Pay of Rs.4600/-, but in the course of time, steps were taken by the concerned departmental authorities to reduce the same to Rs.4200/-, holding that her previous scale of pay was Rs.5500-8000/-. This was sought to be challenged by filing O.A. 656 of 2012 before the Tribunal. The said case was heard along with the connected case, O.A.No.953 of 2012, when it was found necessary to have the matter referred to 'Full Bench', in view of some contrary observations made by another Co-ordinate Bench in O.A.No.107 of 2011, which was confirmed in O.P.(CAT)No.467 of 2012. Accordingly, the matter was considered by the 'Full Bench' and Ext.P4 verdict was passed, holding that the claimants were entitled to have the benefit of enhanced Grade Pay of Rs.4600/- The operative portion of the said order as contained in Paragraphs 21 and 22 are as given

**O.P.(CAT)No.118 OF 2015**

3

below:

"21. Thus it has to be accepted that the question, as to whether the JHTs are entitled for Grade Pay of Rs.4600/- on the basis of the O.M. Dated 13.11.2009 was answered positively in O.A.107/2011 and was confirmed by the Hon'ble High Court in OP(CAT) No.467/2012.

22. In the circumstances, the reference as to whether JHTs in the Subordinate offices of the Central Government are entitled to Grade Pay of Rs.4600/- from 01.01.2006 on the basis of the O.M. Dated 13.11.2009 or not has to be held to be in favour of the applicants and in the circumstances of the case there is no necessity of again referring the matter to the Division Bench for deciding the matter on facts . We hold that both the OAs are liable to be allowed and the same are accordingly allowed."

It is the said order in the above O.A., that is sought to be challenged by filing this Original Petition

**O.P.(CAT)No.118 OF 2015**

4

3. Heard the learned Asst. Solicitor General for the petitioners as well as the learned Counsel for the respondent.

4. During the course of hearing, it is brought to the notice of this Court that, the petitioners had approached this Court earlier by filing O.P.(CAT) No.142 of 2014 in respect of O.A.No.953 of 2012. After hearing both the sides, this Court declined interference; however with a slight modification to the order that the liability to satisfy interest will accrue only if the benefit ordered to be given was not implemented within 'three months'. The direction given by this Court in the aforesaid judgment, as contained in paragraph '9' is in the following terms.

"9. xxx xxx xxx

Now, as per impugned Ext.P6 order, the Tribunal has allowed the above prayers in the O.A.. We are inclined to make a slight modification to this order, only to the limited extent by ordering that in case the petitioners herein (respondents in O.A.) comply with the effective directions of the Tribunal and sanction and disburse all the monetary benefits

**O.P.(CAT)No.118 OF 2015**

5

flowing thereforem to the respondent herein within three months from the date of production of a certified copy of this judgment, then the further direction in the impugned order of the Tribunal to also pay penal interest @ 18% p.a. on the aforementioned consequential monetary benefits will stand vacated.”

5. In view of the fact that the respondent herein was already given the benefit of Grade Pay of Rs.4600/- and the attempt of the department was only to have it reduced to Rs.4200/-, there is no question of any further payment. As such, the challenge raised with reference to the order passed by the Tribunal fails and the same is dismissed in terms of the verdict passed in O.P.(CAT)No.142 of 2014.

**P.R. RAMACHANDRA MENON,  
JUDGE.**

**BABU MATHEW P. JOSEPH,  
JUDGE.**

lk