

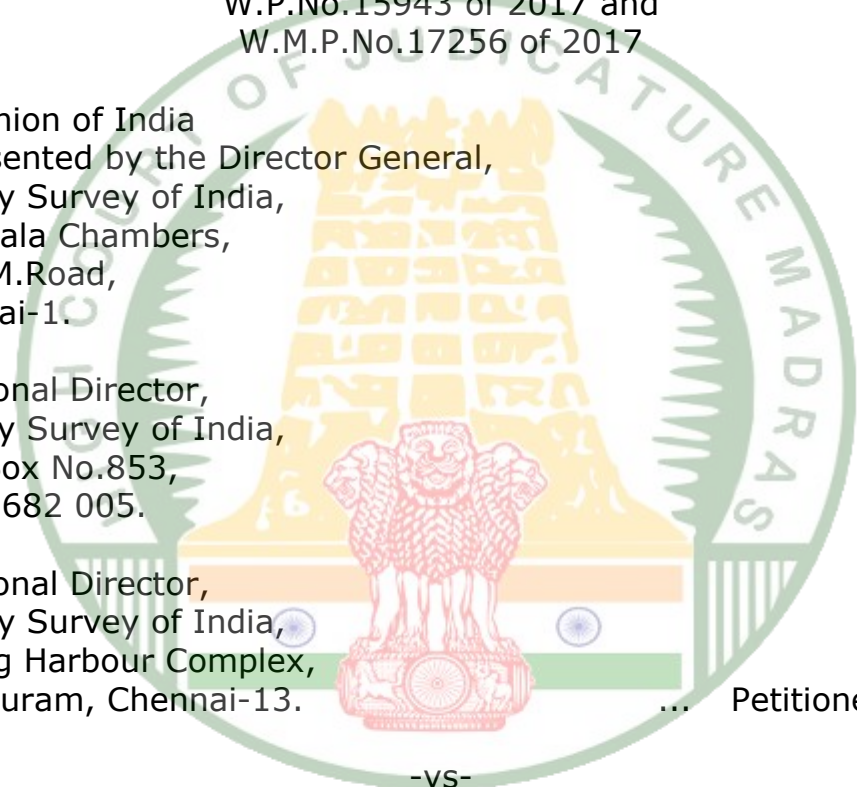
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.15943 of 2017 and
W.M.P.No.17256 of 2017

- 
- 1.The Union of India
represented by the Director General,
Fishery Survey of India,
Botawala Chambers,
Sir P.M.Road,
Mumbai-1.
- 2.The Zonal Director,
Fishery Survey of India,
Post Box No.853,
Kochi-682 005.
- 3.The Zonal Director,
Fishery Survey of India,
Fishing Harbour Complex,
Royapuram, Chennai-13. ... Petitioners
- VS-
- 1.Ashish Kumar Khare
- 2.Central Administrative Tribunal
rep.by its Registrar,
Madras Bench,
Chennai-600 104. ... Respondents
- सत्यमेव जयते
- WEB COPY

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the records of the second respondent and quash the order dated 22.08.2016 in O.A.No.866/2014.

For Petitioners	::	Mr.V.P.Sengottuvel, Sr.Central Govt. Standing Counsel
For Respondents	::	Mr.Ashish Kumar Khare Party-in-Person (R1)

ORDER

(Order of the Court was made by
HULUVADI G.RAMESH, J.)

The first respondent was appointed in the post of Hindi Translator through direct recruitment which was later re-designated as Junior Hindi Translator on 04.02.1999. He was appointed in the pay scale of Rs.4500-125-7000 which was further upgraded as Rs.5000-150-8000 with effect from 01.01.1996 and in the case of the first respondent herein, the upgradation was effected from 04.02.1999. The pay scale for the post of Junior Hindi Translator was again upgraded from Rs.5000-150-8000 to Rs.5500-175-9000 on notional basis with effect from 01.01.1996 and on actual basis with effect from 11.02.2003, but the same was not extended to the first respondent. The first respondent filed an application before the Central Administrative Tribunal, Hyderabad Bench in O.A.No.363 of 2005 and the Tribunal declared that the first respondent is entitled for the upgraded pay scale of Rs.5500-175-9000 with effective dates. Consequent to the VI CPC recommendations, the pay scales of Official Language posts in various subordinate offices were revised as

Rs.6500-10500 in PB-2 with corresponding Grade Pay of Rs.4200/- with effect from 01.01.2006. Thereafter, the Ministry of Finance, Department of Expenditure, Implementation Cell issued an Official Memorandum in O.M.No.F.No-1/1/2008-IC dated 13.11.2009 and revised pay structure of grade pay of Rs.4600 has been granted in the Pay Band PB-2 to posts that existed in the pre-revised scale of Rs.6500-10500 as on 01.01.2006. But the first respondent was not extended with the grade pay of Rs.4600/- with effect from 01.01.2006.

2. With the above background, the first respondent filed an application before the second respondent Tribunal in O.A.No.866 of 2014 praying to direct the Department to grant the grade pay of Rs.4600/- to him with effect from 01.01.2006 and consequential arrears and for a direction to grant pre-revised pay scale of Rs.7450-11500/- with effect from 01.01.2006 as found by the CAT, Ernakulam Bench in O.A.No.107/2011. The Tribunal allowed the said application filed by the first respondent. Hence this writ petition by the Department.

3. Heard the learned counsel on either side and perused the materials available on record.

4.The Tribunal has allowed the application of the first respondent, since the Full Bench of the Central Administrative Tribunal sitting at Ernakulam has held in its order dated 14.10.2013 in O.A.Nos.656 and 953/2012 that the Junior Hindi Translators in the Subordinate Offices of the Central Government are entitled to the Grade Pay of Rs.4600 from 01.01.2006 on the basis of the Official Memorandum dated 13.11.2009, and the same squarely applied to the facts of the present case. We find that as per the decision of the CAT, Ernakulam Bench in O.A.No.107/2011 which was upheld by the High Court of Kerala as well as the Hon'ble Supreme Court, the said benefit has already been granted to one similarly placed person T.P.Leena, vide order dated 21.11.2012. When such is the factual position, there cannot be any discrimination between the said Leena and the first respondent herein, who is similarly placed like that of the said Leena.

5.In the above stated circumstances, this writ petition deserves only to be dismissed and accordingly it is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

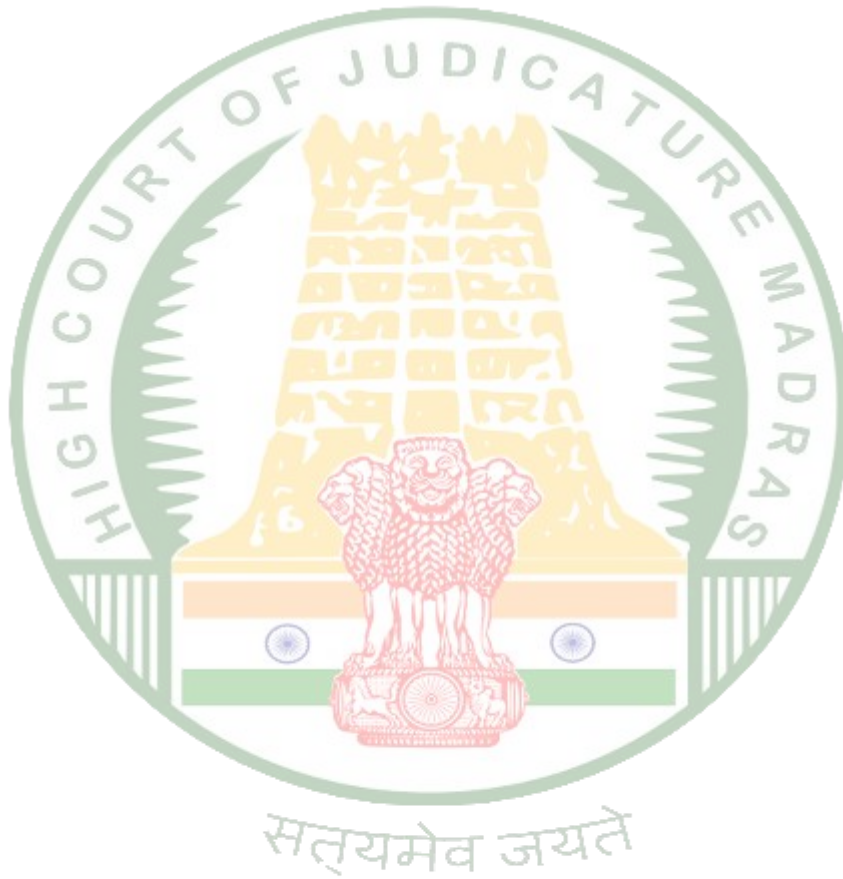
Index : Yes/No
Internet : Yes/No

(H.G.R.,J.) (T.K.R.,J.)
14.12.2017

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To

The Registrar,
Central Administrative Tribunal
Madras Bench,
Chennai-600 104.



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HULUVADI G.RAMESH, J.
AND
RMT.TEEKAA RAMAN, J.

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