

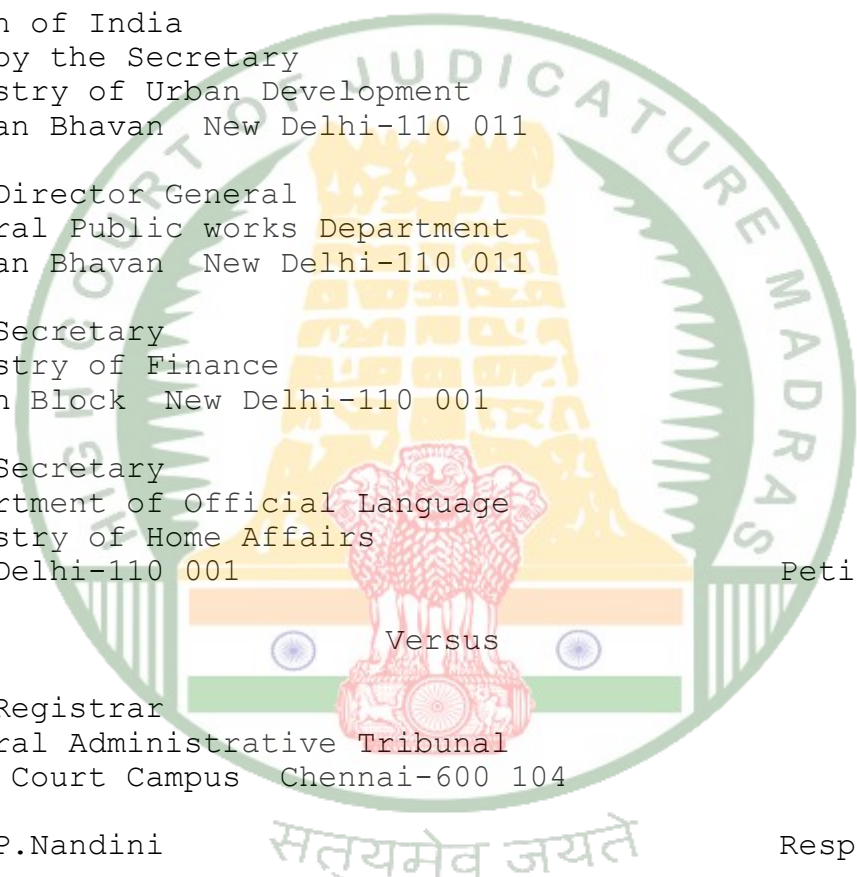
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.3.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.24404 of 2017

- 
- 1 Union of India
rep by the Secretary
Ministry of Urban Development
Nirman Bhavan New Delhi-110 011
- 2 The Director General
Central Public works Department
Nirman Bhavan New Delhi-110 011
- 3 The Secretary
Ministry of Finance
North Block New Delhi-110 001
- 4 The Secretary
Department of Official Language
Ministry of Home Affairs
New Delhi-110 001
- Petitioners
- Versus
- 1 The Registrar
Central Administrative Tribunal
High Court Campus Chennai-600 104
- 2 Smt.P.Nandini
- Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the impugned order dated 26.04.2016 made in O.A. No.310/1158 of 2014 and order dated 15.6.2017 made in MA/310/238/2017(in)(&) RA No.310/0005/2017 in O.A.No.310/1158 of 2014 on the file of the first respondent herein and quash the same.

For petitioners : Mr.C.V.Ramachandramurthy, SPC

For R2 : Mr.P.S.Vijayakumar

For R1 : Tribunal

ORDER

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

Heard the learned Senior Panel Counsel appearing for the petitioners and Mr.P.S.Vijayakumar, learned counsel appearing for the second respondent herein.

2. The matter relates to the claim made by the second respondent herein being a Senior Hindi Translator in the Central Public Works Department (CPWD) for fixation of higher pay scales on the basis of OM dated 19.2.21003 of the Ministry of Home Affairs Department of Official Language and subsequent amendment issued under OM dated 2.4.2004. She is aggrieved by the refusal of the authorities to grant such higher pay on the ground that such upgraded pay scales were specific to the posts in the Central Secretariat Official Language Services (CSOLS). She had succeeded before the Central Administrative Tribunal and the Review Application filed by the Union of India also came to be rejected and hence, the Union of India is before us.

3. According to learned Senior Panel Counsel for the petitioners the Office Memorandum issued by the Government of India, Ministry of Finance, Department of Expenditure (implementation Cell) dated 24.11.2008 was not properly placed before the Central Administrative Committee and thereby leading to passing of the impugned orders.

4. Per contra, the learned counsel appearing for the second respondent would contend that as per the RTI communication dated 23.3.2015 received by the second respondent herein, the duties and responsibilities are same for both CPWD and CSOLS Hindi Translators and therefore, he is entitled to get the pay benefit claimed by her.

5. After hearing the contentions of both the parties and after perusing the O.M. as referred by the learned Standing Counsel for the petitioners, we find that pay disparity between the staff of CSOLS and Subordinate Offices had been explained as found at pages 17 to 20 of the typed set of papers, but, it runs contrary to the information given for the RTI application dated 23.3.2015.

6. Considering the fact that it is relating to nature of duty of the officers concerned and also touching the financial implications, we are of the considered view that it has to be dealt with by the Central Administrative Tribunal before arriving at a conclusion in the issue.

7. In view of the above, the writ petition is allowed and the orders of the Central Administrative Tribunal are set aside and the matter is remanded to the Central Administrative Tribunal for consideration of the issue in the light of the O.M. dated 24.11.2008 and also the communication dated 23.3.2015 sent to the second respondent, which shall be done by

the Tribunal and orders shall be passed within a period of eight weeks from the date of receipt of a copy of this order. The parties are at liberty to raise all their contentions before the Tribunal. No costs.

Sd/-
Assistant Registrar (CS IX)

//True copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Secretary,
Union of India
Ministry of Urban Development
Nirman Bhavan New Delhi-110 011
- 2 The Director General
Central Public works Department
Nirman Bhavan New Delhi-110 011
- 3 The Secretary
Ministry of Finance
North Block New Delhi-110 001
- 4 The Secretary
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Ministry of Home Affairs
New Delhi-110 001
- 5 The Registrar
Central Administrative Tribunal
High Court Campus Chennai-600 104

+2cc to Mr.P.S.Vijaya Kumar, Advocate SR.No.23303

KAN(CO)
GN(26/04/2018)

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