

No. 13/1/2009-OL(S)
Government of India
Ministry of Home Affairs
Deptt. Of Official Language

Lok Nayak Bhavan, New Delhi-3
Dated 29th September, 2011

ORDER

Subject: -Order dated 25-05-20010 of Hon'ble Central Administrative Tribunal (CAT), Principal Bench in O.A. 331/09 filed by Central Secretariat Official Language Service Translator's Association regarding grant of revised pay to the Junior Translators of CSOLS with effect from 1-1-1986 at par with the Assistants/ Stenographers Gr. 'C' of the CSS./CSSS.

Based on the recommendations of the Fourth Pay Commission Junior Translators of Central Secretariat Official Language Service (CSOLS) in the pay scale of Rs.425-700, were given pay scale of Rs. 1400-2600, equal to the pay scale of Assistants and Stenographers Gr. 'C' (Rs.425-800) in the Central Secretariat Service. The Senior Translators (Rs.550-800) were given pay scale of Rs. 1640-2900. Subsequently, the pay scale of Assistants and Stenographers Gr. 'C' was revised to Rs.1640-2900 by DOP&T vide O.M No.2/1/90-CS IV dated 31-1-1990, w.e.f. 1-1-1986. However, the pay scale of Junior Translators was not revised, consequent upon revision of pay scale of Assistants and Stenographers.

2. The CSOLS Translators Association filed a Petition before the Hon'ble High Court, Delhi on 5-11-2001. The Hon'ble High Court, vide their Order dated 14-5-2002 directed the respondents to consider "The question as to whether the petitioners having been placed equally to that of the Assistants and Stenographers Grade 'C', could

have been discriminated against in the matter of higher scale of pay should have been directed to be considered by the Central Government". In compliance with the Delhi High Court order dated 14-5-2002, DOL sent a proposal to the Ministry of Finance, D/o Expenditure for upgradation of the pay scale of the posts of Junior Translators and Senior Translators on the grounds that the mode of recruitment being on the basis of open competitive comprehensive written examination, higher qualification of Master's Degree with two years experience and/or diploma in translation is required for the post and the duties/responsibility assigned to JHT of CSOLS are important in nature. The Deptt. of Expenditure concurred with the proposal of Deptt. of Official Language and upgraded the pay scale of the posts of JHT notionally w.e.f. 1-1-1996 with actual payments in the higher pay scale from 11-2-2003.

3. The said Association filed an O.A.No.331/09 and MA No.1524/2010 before the Hon'ble CAT for suitable directions to consider the claim of the applicant Association for upgradation of their pay scale at par with Assistants of CSS/Stenographers Gr.of CSSS w.e.f. 1-1-1986 at least on notional basis. The Hon'ble CAT observed that "there indeed has been a mistake on the part of respondents to consider the case of the applicant Association only w.e.f. 1-1-1996. The applicant were always claiming upgradation of their pay scale w.e.f. 1-1-1986 at par with Asstt./ Steno Gr. 'C' of CSS/CSSS where as in fact, it has been considered only w.e.f.1-1-1996". The Hon'ble CAT Principal Bench, Delhi vide their order dated 25-5-2010 and 19-7-2010 directed the Respondents to consider the claim of the applicant Association for upgradation of their pay scales at par with Assistants w.e.f. 1-1-1986 at least on notional basis.

4. The Respondents in the above said case include DOL, which is the Cadre Controlling Authority of CSOLS, while the other Respondents viz. the Department of Expenditure, Ministry of Finance, is the Authority concerned for upgradation of the pay scales of government servants.

5. The Department of Official Language on 6-8-2010 sent a proposal to Department of Expenditure to consider grant of parity in the pay scale of Junior Hindi Translators viz-a-viz Asstt./Steno Gr. 'C' of CSS/CSSS with effect from 1-1-1986 in compliance with the CAT order. In response, the Ministry of Finance, Department of Expenditure vide their U.O. No. 70/11/2000-IC dated 23-8-2010 advised DOL to reject the claim of the Association on account of the following reasons:-

- (a) The dispensation to allow a pay scale of Rs.1640-2900 to Assistants/Stenographer Gr.C of CSS/CSSS w.e.f. 1.1.1986 was as a result of judgement of CAT and was made applicable to Assistants and Stenographer in the other organisations like MEA which are not participating in CSS/CSSS but where the posts are in comparable grades with same classifications and pay scales and the method of recruitment through open competitive examination is also the same.
- (b) There is no parity between the posts of CSOLS with Assistants/Stenographers GR.C in respect of duties, responsibilities, functions, hierarchical levels, horizontal and vertical relativities, method of recruitment being different. It was also indicated that translators are mainly involved in translation work, while work of Assistants involves examination of cases.

(c) That the pay scale of Junior Translators were upgraded from Rs.5000-8000 to Rs.5500-9000 w.e.f. 1.1.1996 at par with similar posts in Central Translation Bureau and not on account of parity with the Assistants of CSS.

6. The above recommendations of Department of Expenditure were considered in Department of Official Language, and it was decided to again take up the matter with the Department of Expenditure for reconsideration on account of higher qualification of Master's Degree with two years' experience required for recruitment of Junior Translators, and also the facts that their recruitment is through open Competitive Examination on All India basis. Accordingly, a reference was made to the Ministry of Finance at the level of Finance Minister by the Minister of State for Home on 16.9.2010. This was followed up by a separate letter from Secretary (OL) to Secretary, Department of Expenditure.

7. The Department of Expenditure vide their OM No.70/11/2000-IC dt. 15.12.2010 reiterated their advice and informed that the posts of CSOLS were not comparable in respect of the points already indicated by them vide their U.O. of even No. Dt. 23.8.2010 (as stated in para 5 above) and again advised DOL to reject the claim of the Petitioner Association.

8. The representatives of the Association met Secretary (OL) on 15.12.2010 and requested for reconsideration of the case on the grounds of (i) importance of duties and functions attached with post of Junior Translators (ii) no parity with similar posts in CTB as the post of Technical Assistant in CTB does not exist (iii) involvement of

nominal financial implications in the event of allowing upgradation with effect from 1-1-1986 etc. A meeting was convened by Secretary (OL) on 8.2.2011 with officers of Department of Expenditure in which the reasons meriting reconsideration of the case were reiterated. With regard to the observation made by the Department of Expenditure mentioned in para 5(c) above that the pay scale of Junior Translators was upgraded from 5000-8000 to 5500-9000 w.e.f. 1.1.1996 at par with similar posts in CTB, and not on account of parity with Asstt. of CSS, it was clarified that there was no cadre of Junior Translators in CTB. The representatives of Department of Expenditure agreed to re-examine the case. Accordingly, a reference was again sent to Department of Expenditure on 10.2.2011, for reconsideration of the case.

9. The Department of Expenditure, vide their letter of even number dated 1st July, 2011, has now informed that they have re-examined the proposal in-depth. They also considered the demand for parity with Assistants of CSS but concluded that the duties and responsibilities attached to the two posts are not comparable. In this connection, they have reiterated the points already mentioned by them vide their U.O. of even No. dt. 23.08.2010 (as stated in para 5 above). The Department of Expenditure has drawn attention to para 70.125 of the 5th CPC report relating to CTB, and informed that there existed the post of Technical Assistant in the pre-revised pay scale of Rs.1400-2300 and the post of Technical Assistant in CTB

was abolished. (There were 9 posts of Technical Assistants in CTB out of which 5 posts of TA were abolished by Department of Official Language vide their order dated 29-8-2006 and remaining 4 posts of TA were abolished vide order 3-12-2008. It has also been stated that the post of Technical Assistant, CTB was upgraded based on a specific recommendations of the 5th CPC, and the post of Junior Hindi Translator was allowed the normal replacement scale. The pay scale of the post of Junior Hindi Translator, CSOLS was later upgraded to Rs.5500-9000 in order to maintain parity with the Technical Assistants of the CTB. A statement showing the comparison of the pay scales in respect of the posts of Junior Hindi Translators of CSOLS and that of Technical Assistants of the Central Translation Bureau has been furnished by Department of Expenditure:

	JR. Translator of CSOLS	TA of CTB
1-3-1971	-	Rs.210-10-290-15-320-EB-15-425
1-1-1973	Rs.425-700/-	Rs.425-15-500-EB-15-560-20-700
1-1-1986	Rs.1400-2600/-	Rs.1400-2300/-
1-1-1996	Rs.5000-8000(up- graded to Rs.5500-9000 notionally w.e.f.1-1-1996 and actually w.e.f. 11-2-2003 vide DOL Dated 19-2-2003.	Rs.5500-9000(upgraded based on specific recommendations of 5th CPC at para 70.127 of the report.
1-1-2006	GP of Rs.4200/-in PB-2	GP of Rs.4200/- in PB-2

*The post of Technical Assistant in CTB was abolished in 2006 & 2008.

10. In view of the above, the Department of Expenditure has not agreed to the request for upgradation of pay scale of Junior Translators from a date prior to 1.1.1996 and advised DOL to reject the claim of the Association. Accordingly, the request for upgradation of the pay scale of Junior Translators of CSOLS w.e.f. 1.1.1986 instead at par with that of Assistants/Stenographer GR-C of CSS/CSSS stands rejected.

11. This issue with the approval of Secretary(Official Language).

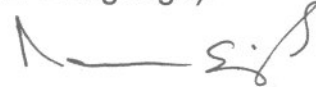
ISSUED*

BY

PEON BOOB

No.....5/2011

On.....32/10/11



(Dharam Singh)

Under Secretary to the Govt. of India

Central Secretariat Official Language Service-
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Copy to :

- 4/11 1. Ms. Madhulika P. Sukul, Joint Secretary, ^{M/o finance} Room NO.132-A, North Block, New Delhi.
2. Section officer, Judicial-1 for Principal Registrar, Central Administrative Tribunal, Principal Bench, 61/35, Copernicus Marg, New Delhi.
- 4/2009-10 3. Guard file.
4. NIC, DOL.

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