



Serial No. 01
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 346 of 2023

Reserved on: 18.03.2026

Pronounced on: 15.04.2026

1. The Union of India represented by the Secretary to the Government of India, Ministry of Home Affairs, New Dehli-110001.
2. The Secretary, Government of India, Ministry of Finance, Department of Expenditure, New Delhi-110001.
3. The Director General, Assam Rifles, Shillong-793011.

....Petitioners

- versus -

1. Shri Vinod Kumar Nautiyal.
2. Shri B.K. Pandey
3. Shri Vijay Kumar.
4. Shri Nripen Chandra Bhowmik.
5. Shri N.S. Rathore.
6. Shri Ravi Mohan Dwivedi.
7. Shri Anand Kumar Gupta.
8. Shri Sanjeev Paul.
9. Shri Asit Kamal
10. Shri Devendra Singh.
11. Miss Parbati Pyngrope.
12. Shri Sunil Kumar Singh.
13. Shri Mahendra Singh.
14. Shri Pramod Kumar Singh Rathore.



15. Shri Praveen Kumar.
16. Shri Sashi Kumar Barman.
17. Shri Rashmi Rekha Das.
18. Shri Nabrun Dev.

....Respondents

Coram:

**Hon'ble Mrs. Justice Revati Mohite Dere, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge**

Appearance:

For the Petitioners : Mr R. Debnath, CGC

For the Respondents : Mr M. Chanda, Adv, with
Mr M.L. Nongpiur, Adv.
Mr K. Abhinav, Adv.

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |
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JUDGMENT: (per the Hon'ble, the Chief Justice)

By this petition, the petitioners have impugned the order dated 21st March, 2023 passed by the Central Administrative Tribunal, Guwahati Bench in O.A. No. 043/00215/2017, by which the Tribunal set aside the fresh speaking order dated 19th December, 2016 passed by the Directorate General Assam Rifles, Shillong. The Administrative Tribunal vide the impugned order dated 21st March, 2023, held that the respondents were



entitled to the upgraded pay scales and as such, directed the petitioners herein, to pass necessary order after verifying individual cases, as the respondents were on different posts and had joined service on different dates, and to make payments from the respective dates of entitlement, within six months from the date of receipt of the order.

2. The factual matrix of the case in brief is as under:

The core issue in the petition is a service dispute between the Directorate General of Assam Rifles and a group of its Hindi Translators and officers. According to the respondents, they are entitled to pay parity with their counterparts serving in the Central Secretariat Official Language Service (hereinafter referred to, for the sake of brevity as 'CSOLS').

The dispute dates back to 2010, when the respondent filed O.A. No. 295 of 2010 before the Central Administrative Tribunal (hereinafter referred to as 'CAT'), Guwahati Bench alleging that although their duties were similar to those performed by CSOLS Translators, their pay scale was significantly lower. Relying on the Ministry of Finance Office Memorandum (OM) dated 27th



November, 2008, the respondents herein, sought revised and upgraded pay scale. In 2011, the Tribunal i.e., CAT allowed the respondents' claim, however, this triggered multiple rounds of litigation, including review petitions, fresh speaking orders and writ petitions before the Gauhati and the Meghalaya High Courts. The Writ Petition, being WP(C) No. 226 of 2012 filed by the respondents before the Gauhati High Court was disposed of vide judgment and order dated 1st April, 2014, directing the Ministry of Home Affairs to take appropriate decision in the matter in consultation with the Government of India (Finance Department). Pursuant thereto, the Ministry of Home Affairs and Ministry of Finance examined the matter and laid down their observations vide U.O. Note No. 19(7) E.III(B)/2014 dated 30th June, 2014. Accordingly, The Directorate General of Assam Rifles issued speaking orders dated 17th July, 2014 refusing pay parity, based on the said note. The speaking order emphasised that the cadre structure, recruitment rules, promotional hierarchy, and pre-revised pay scales of Assam Rifles were significantly different from those of CSOLS.



The respondents however, continued to pursue their claim by filing successive original applications (O.A. No. 379 of 2014 and O.A. No. 215 of 2017). The Tribunal i.e., CAT, Guwahati Bench quashed the speaking order dated 17th April, 2014 vide judgment and order dated 30th May, 2016 and held that the respondents were entitled to upgraded pay scales. The Tribunal accordingly directed the Ministry of Home Affairs to issue a fresh speaking order in the matter. Pursuant thereto, a fresh speaking order dated 19th December, 2016 was issued by the Ministry of Home Affairs. The respondents challenged the said speaking order before the CAT, Guwahati Bench. The Tribunal again vide judgment and order dated 15th March, 2019 directed that the respondents be granted pay parity as sought by them and as ordered by the Tribunal in O.A. No. 295 of 2010 and O.A. No. 379 of 2014. The said Tribunal's 2019 decision was challenged by the Assam Rifles in this Court. This Court remitted the matter back to the Tribunal for fresh consideration after holding that the order passed by the Tribunal was bereft of reasons and did not reveal any exercise of adjudication having been undertaken. Thereafter, the Tribunal after fresh adjudication passed the



impugned order dated 21st March, 2023, again setting aside the speaking order dated 19th December, 2016 with a direction to the authorities to grant upgraded pay scales to the respondents from the dates of their respective entitlements. The Tribunal, Guwahati Bench vide impugned order dated 21st March, 2023 whilst setting aside the fresh speaking order dated 19th December, 2016 observed that the said fresh speaking order was unsustainable in law. Being aggrieved by the said order passed by the Tribunal, the petitioners have approached this Court by way of the aforesaid petition.

3. Mr R. Debnath, learned CGC appearing for the petitioners submitted;

(i) that the Tribunal did not appreciate the settled law and instead applied the principle of ‘equal work for equal pay’, blindly without taking into consideration the differences in the educational qualifications, job responsibilities, hierarchy of persons working in CSOLS, from those working in the Assam Rifles;



(ii) that the recruitment rules of Assam Rifles differ significantly from those of CSOLS and that the posts are not comparable;

(iii) the fresh speaking order dated 19th December, 2016 was issued, only after obtaining approval and expert inputs from the Ministry of Finance;

(iv) that even if, some employees elsewhere may have received higher benefits wrongly, such an illegality cannot be perpetuated to claim similar benefits; and

(v) that the respondents knowingly joined Assam Rifles with lower pay scale and once having accepted the terms of service, are barred from challenging them.

4. Mr M. Chanda, learned counsel appearing for the respondents, vehemently opposed the petition. He submitted that no interference is warranted in the impugned order passed by the CAT. Learned counsel relied on various circulars and judgments in support of his submission that the respondents herein, working with the Assam Rifles are squarely covered by the said circulars, which extends benefits apart from CSOLS to



other similarly situated persons in other Departments/attached and subordinate offices.

5. We have perused the impugned order dated 3rd November, 2011 passed by the CAT, Guwahati Bench in R.A. No. 4 of 2011 in O.A. No. 295 of 2010; the fresh speaking order dated 19th December, 2016, several circulars issued by the Ministry of Home Affairs dated 19th February, 2003, 26th February, 2003, 24th November, 2008 and 27th November, 2008; the document which throws light which Departments, come under the Ministry of Home Affairs i.e., attached and subordinate offices and allied organisations coming under the Ministry of Home Affairs; and several judgments relied upon by the parties. After hearing the parties and perusing all the aforesaid papers/documents, we are of the opinion that no interference is warranted in the impugned order passed by the Tribunal dated 21st March, 2023 for the following reasons.

It is the petitioner's case that the respondents herein, working in the Assam Rifles are not entitled to the benefits as granted by the Ministry of Home Affairs to the officers of CSOLS.



Whereas, according to the respondents, they are working as Hindi Translator, Grade-I and Grade-II as well as Hindi Officer in different units of Assam Rifles and that the posts of Hindi Translator, Grade-I and Grade-II, Hindi Officer and Senior Hindi Officer in Assam Rifles are equivalent to the posts of Junior Translator, Assistant Director (OL) and Deputy Director (OL) respectively in the CSOL under the Ministry of Home Affairs.

6. In the aforesaid context, it would be apposite to refer to certain Office Memorandum, Corrigendum and other relevant documents, which have a bearing on this issue.

The Office Memorandum issued by the Ministry of Finance, Government of India dated **24th November, 2008** is with respect to revised pay scale for Official Language post in various subordinate offices of the Central Government. The said Office Memorandum reads thus,

*New Delhi, dated the **24th November, 2008***

OFFICE MEMORANDUM

Subject: Revised pay scales for Official Language posts in various subordinate offices of the Central Government.



Consequent upon the implementation of the recommendations of Sixth Central Pay Commission, this Department has received queries from many Ministries/Departments regarding the revised pay structure applicable in the case of Official Language posts existing in subordinate offices of the Central Government. In this connection, it is clarified that in accordance with the recommendations of the Sixth Central Pay Commission as accepted by the Government, similarly designated posts existing outside the Central Secretariat Official Language Service (CSOLS) cadre in various subordinate offices of the Central Government have been granted the same pay scales as those granted to CSOLS. The Government has notified the following revised pay structure for the Official Language cadre belong to CSOLS:-

Designation	Recommended pay scale	Corresponding Pay Band & Grade Pay	
		Pay Band	Grade Pay
Jr Translator	6500-10500	PB-2	4200
Sr. Translator	7450-11500	PB-2	4600
Asstt. Director(OL)	8000-13500	PB-3	5400
Dy. Director (OL)	10000-13500	PB-3	6100
Jt. Director(OL)	12000-16500	PB-3	6600
Director(OL)	16300-18300	PB-3	7600

2. Accordingly, w.e.f. 1.1.2006, all Ministries/ Departments etc., are required to grant the revised pay scales approved for various posts in the CSOLS to similarly designated Official Language posts existing in their subordinate offices. (emphasis supplied)

Sd/-
ALOK SAXENA
DIRECTORR (IC)"

The subsequent **corrigendum dated 27th November, 2008** has in paragraph 2 noted as under:



“2. All Ministries/Departments, etc., are required to grant the revised pay structure as indicated in the table above, which has been approved for various posts in the CSOLS, to similarly designated Official Language posts existing in their subordinate offices.”
(emphasis supplied)

Subsequently, O.M. dated 2nd April, 2009 was issued by the Government of India, Ministry of Home Affairs, Department of Official Language and a letter dated 2nd May, 2013 was also issued by the Government of India, Official Language, Ministry of Home Affairs to the Secretary, all Ministries, Departments of Government of India. The said letter reads thus,

“Dear Secretary,

1. You may be aware that Expenditure Dept. Ministry of Finance had ordered vide their O.M. No. 1/1/208-IC dated 24th Feb, 2008 (copy encl) that the designations and Pay Scale of Official Language posts in subordinate offices of Govt. of India will be similar to that of Central Secretariat Official Language Service. It has been brought to the notice of the Official Language Dept that the order of Expenditure Department has not yet been implemented in all subordinate offices, which causes discontentment in the Official language officers employed there.

2. I shall be grateful if you ensure compliance in the subordinate offices of your Ministry/Dept about the implementation of similar designations and pay scales at par with Central Secretariat Official Language Service and



Official Language Dept. may be intimated about the action taken in this regard.”

7. It is pertinent to note that although the learned counsel for the petitioners has argued that Assam Rifles employees cannot be treated at par with those the employees of CSOLS, the document which at Annexure 13 at page 473 of the paper-book shows that there are **‘25 attached and subordinate offices and three allied organisations under the column of attached and subordinate offices and allied organisations under the Ministry of Home Affairs’**. At Sl.No. 8, **‘Assam Rifles’** is mentioned. Thus, the petitioners cannot shy away from the fact, that the Assam Rifles is part of the Ministry of Home Affairs and as such, the Office Memorandum and Corrigendum thereto, also extends benefits to attached and subordinate offices would includes the Assam Rifles.

8. It is also pertinent to note that the petitioners in their written statement in paragraphs 13 and 18 filed before the Tribunal have stated as under:

“13. That with regard to the statement made in paragraphs 4.14 & 4.15 of the Original Application, the answering



respondent beg to submit that the point regarding equal recruitment qualifications in Assam Rifles and Central Secretariat Official Language Service (CSOLS) is agreed to pay and allowances are applicable as per rank structure approved by the Government of India, Ministry of Home Affairs in Assam Rifles hence, point is not agreed to and denied.

.....

18. That with regard to the statement made in Para 5.5 of the Original Application, the answering respondents beg to state that the educational qualifications, nature of duties and responsibilities of the applicants are similar to that their counterparts working in Central Secretariat Official Language Office Service and its subordinate offices is denial of upgraded pay scale to the applicants is discriminatory and opposed to the provisions of Article 14 and 16 of the constitution of India is agreed in principal but without specific orders of Government of India, Ministry of Home Affairs accepting the requests of applicant is clear cut violation of law which is unjustified and illegal hence denied.”
(emphasis supplied)

9. Thus, from a perusal of paragraph 18, it is evident that though the petitioners have agreed in principle that the educational qualification, nature of duty and responsibilities of the respondents are similar to their counterparts working in CSOLS service, they say that without specific orders of the Government of India, Ministry of Home Affairs accepting the respondents' request, the claim is unjustified. Infact, the Office



Memorandum and the Corrigendum thereto, is clear and as such, no clear or specific direction was required from the Home Department. The petitioners have in their written statement accepted the fact, that there is equal recruitment qualification and similar nature of duties and responsibilities of translators in Assam Rifles as in CSOLS, and hence, consequently, it would follow that the respondents herein would be entitled to receive pay parity as those working in the Translation Department of Assam Rifles i.e., pay parity with their counterparts as in CSOLS. Accordingly, no interference is warranted in the impugned order dated 21st March, 2023 passed by the Tribunal.

10. Accordingly, the petition stands dismissed. The order passed by the Tribunal be complied with at the earliest and in any event within eight weeks from today.

(W. Diengdoh)
Judge

(Revati Mohite Dere)
Chief Justice