

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2114/2002

This the 8th day of September, 2003

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HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Ms. Suraj Bala, Assistant,
Directorate of Revenue Intelligence,
Headquarters Office,
I.P.Bhawan, I.P.Estate,
New Delhi.

... Applicant

(By Shri Anil Singal, Advocate)

-versus-

1. Union of India through
Secretary, Department of Personnel
& Training, North Block,
New Delhi.
2. Secretary, Department of Revenue,
Ministry of Finance,
North Block, New Delhi.
3. Director General,
Directorate of Revenue Intelligence,
I.P.Bhawan, I.P.Estate,
New Delhi.

... Respondents

(By Shri A.K.Bhardwaj, Advocate)

ORDER (ORAL)

Hon'ble Shri V.K.Majotra, Member (A) :

Applicant has assailed rejection of her representations dated 9.12.1999, 15.3.2001 and 13.2.2002 by which she had sought placement in the higher grade of Rs.5500-9000 in her capacity as Assistant in which position she had been working on ad hoc basis since 29.1.1999 till 6.10.1999 and again on regular basis from 1.8.2001 continuously. The learned counsel of applicant has relied on order dated 27.7.2000 in OA No.286/2000 : Krishan Lal & Ors. v. Union of India & Ors. (Annexure A-5) whereby applicants therein who were working as

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Assistants in the Directorate of Revenue Intelligence (DRI) were held entitled to the pay scale of Rs.1640-2900 (pre-revised) w.e.f. 1.1.1986 with entitlement to arrears for one year prior to the filing of that OA. These benefits were allowed on the ground that in certain other OAs similarly placed persons had been allowed the higher pay scale.

2. While the learned counsel of respondents has stated that writ petition is pending against the aforestated orders before the Hon'ble High Court, he supplemented that the Hon'ble Supreme Court in the matter of **Federation of All India Customs & Excise Stenographers (Recognised) v. Union of India & Ors.**, AIR 1988 SC 1291, laid down that differentiation in the pay scale of employees of subordinate and attached offices and their counter-parts in the Central Secretariate is justifiable. This view was followed by a Full Bench in order dated 15.3.2001 by which the following reference was answered in the negative :

"Whether Stenographers Grade II and Assistants of subordinate and attached offices of Govt. of India are entitled to the pay scale of Rs.1640-2900 applicable to Stenographers Grade 'C' and Assistants working in Central Secretariat Service."

On the basis of the Full Bench decision, in various OAs including OA No.2135/1997 : **I.P.Singh, Assistant, Directorate of Income Tax (IT & Audit) & Ors. v. Union of India & Ors.**, it was held that being bound by the Full Bench's order dated 15.3.2001 answering the reference in the negative, Stenographers Grade-II and Assistants of


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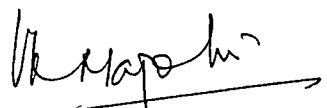
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Subordinate/attached offices of Government of India are not entitled to the pay scale of Rs.1640-2900 w.e.f. 1.1.1986, and the related OAs were dismissed.

3. The learned counsel of applicant contended that respondents have relied upon judgments in which Directorate of Revenue Intelligence has not been a party and that the Assistants in the Directorate of Revenue Intelligence carry the burden of additional workload unlike their counter-parts in the Central Secretariat Service.

4. Basically, the present OA could have been dismissed in the light of the Full Bench decision dated 15.3.2001 which was followed by the Tribunal in the case of I.P. Singh & Ors. (supra), however, as the order dated 27.7.2000 (Annexure A-5) has been carried to the Hon'ble High Court in appeal which petition is pending, in our view, the present OA can be disposed of with the direction that this OA would stand disposed of in terms of the judgment in the aforestated writ petition pending before the High Court. Ordered accordingly.


(Shanker Raju)
Member (J)


(V. K. Majotra)
Member (A)

/as/