

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2244/1999

New Delhi, this 19th day of September, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri M.P. Singh, Member(A)

V.S. Thakral
Sector XII/341, R.K.Puram
New Delhi

.. Applicant

(By Shri H.C.Sharma, Advocate)

versus

Union of India, through

1. Secretary
Dept. of Agriculture & Cooperation
Krishi Bhavan, New Delhi
2. Secretary
Deptt. of Personnel & Training
North Block, New Delhi

.. Respondents

(By Shri Rajeev Bansal, Advocate)

ORDER(oral)

By Shri M.P. Singh


Applicant has filed this OA seeking directions to the respondents to consider his claim for stepping of his pay to the level of his junior with effect from the date his junior has been drawing higher pay than him in the grade of Section Officer (SO, for short). He has also sought direction to the respondents to extend the benefit of OM dated 8.10.96 to him as he is similarly situated.

2. The applicant was appointed as Grade C Stenographer w.e.f. 3.2.67 on the basis of competitive examination conducted by UPSC for CSSS in 1965 and was included in the select list (1965) while his junior Shri R.V.K.Kutty was appointed as Assistant w.e.f. 12.5.72 on the basis of exam conducted by the UPSC and included in the select list of 1971. As per the eligibility conditions for appearing in the Ltd. Departmental Competitive

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examination for SO Grade, both the Steno Grade C as well as Assistants are required to have a minimum length of five years approved and continuous service in their respective grades and should also be in the identical pay scales. Applicant is senior in the grade of SO, his rank being at No.3205 in the common seniority list of SOs issued on 3.7.95 while that of his junior is 3337. The pay of applicant on his regular appointment as SO on 4.2.81 was fixed at Rs.710/- in the pre-revised scale of Rs.650-1200 while that of his junior was fixed at Rs.775 at the time of his regular appointment as SO on 16.2.82. The grievance of the applicant in this OA is that he is senior to Shri Kutty in the grade of SO but he is getting less pay than the said Shri Kutty. He has, therefore, prayed for stepping up of his pay in the grade of SO in terms of OM dated 8.10.96.

3. Respondents in their reply have stated that the applicant was recruited as Steno Grade C w.e.f. 3.2.67 while Shri Kutty was appointed as Assistant w.e.f. 12.5.72. These two grades pertain to two difference services, viz. Central Secretariat Stenographers Service and Central Secretariat Service with no common seniority. Although Stenos^{Grade C} are eligible for appearing in the Ltd. Departmental Competitive examination for SO Grade if they meet eligibility conditions, but the post of Steno Grade 'C' of CSSS is not a feeder grade for promotion to SO grade on the basis of seniority-cum-fitness. Therefore respondents have not agreed to the request of the applicant for stepping of his pay with reference to his junior Shri Kutty.



4. Respondents have further stated in their reply that DOPT issued OM dated 13.4.88 regarding stepping of pay of senior direct recruit Assistants, who were promoted as SOs on the basis of seniority for bringing the pay of their senior officers equal to the pay of their junior in the same cadre. By OM dated 8.10.96 the benefit of this scheme was extended to the Assistants appointed as SOs on the basis of qualifying the departmental examination. In view of this, applicant does not fulfil the conditions of the OM dated 8.10.96 for stepping up of his pay.

5. Heard the learned counsel for the rival contesting parties and perused the records.

6. After perusal of the records, we find that the Scheme relating to stepping of pay came into force vide OM dated 13.4.88 as a result of Board of Arbitration Award. Thereafter, the scheme has been continuing from time to time and the same has been last extended by order dated 8.10.96 issued by the Department of Personnel and Training (DoPT). This order provides for the following conditions to be satisfied for extending the benefit:

(i) Both junior and senior should be direct recruit Assistants;

(ii) Both the junior and senior should have been recruited on the basis of Assistant Grade Examination of different years;

(iii) As SOs both should be working in the same cadre; and

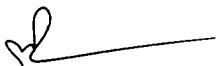
(iv) Promotion to the SOs grade should have been made under the seniority quota.

Subsequently DOPT vide its letter dated 23.2.1994 further clarified that subject to the same terms & conditions as stipulated in OM dated 13.4.1988, the benefit of stepping


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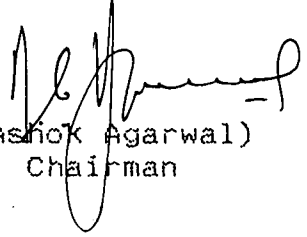
of pay would be admissible on promotion through Limited Departmental Competitive Examination to the SO's grade also.

7. Apart from the above, the posts of Assistant and Stenographer are not at par for all purposes inasmuch as the two have different channels of promotion. An Assistant is eligible for promotion as SO, whereas a Stenographer is eligible for promotion as Private Secretary in their channel of promotion. They are not eligible for promotion in each other's channel except that Stenographers may compete through Limited Departmental Competitive Examination for the post of SO after satisfying the eligibility conditions. They have no common seniority between them. The main reason for drawing higher pay in the grade of SO by Shri Kutty is that he was promoted as SO on ad-hoc basis on seniority-cum-fitness from the feeder post of Assistant from 22.10.1979 to 29.2.1980 and from 22.5.1980 to 15.2.1982 and his pay was fixed at Rs.710/- which subsequently rose to Rs.775/- on 16.2.1982 i.e. the date on which he was appointed as SO on regular basis. Shri Kutty has the benefit of officiating in the higher post for about two years before he was appointed as SO on regular basis. On the other hand, the applicant was never appointed as SO on ad-hoc basis before he was appointed as SO on regular basis. It is because of the fact that Assistants are eligible to officiate as SO before their regular appointment to that post whereas the Stenographers are not eligible for appointment on officiating/ad-hoc basis to the grade of SO before they are appointed as regular SO^{only} on the basis of Limited Department Competitive Examination.



8. In view of the above discussion, the applicant is not eligible for the benefit of stepping up his pay to the level of his junior with effect from the date his junior has been drawing higher pay than the applicant in the grade of SO. For the reasons stated above, the OA is devoid of merit and is accordingly dismissed. No costs.


(M.P. Singh)
Member(A)


(Ashok Agarwal)
Chairman

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