

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2377/1996
M.A. NO.2297/1996

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New Delhi, this the 30th day of March, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

1. Stenographers' Association CPWD (Regd.)
through its Joint Secretary
Shri G. D. Khurana,
C/O P.W.D.Circle No.IV, D.A.Z.,
12th Floor, M.S.O. Building,
New Delhi.

2. Shri J. L. Gupta,
P.A. to Dy. Director General (Works),
Directorate General of Works,
C.P.W.D., Nirman Bhawan,
New Delhi.

... Applicants

(By Shri N. D. Ahooja, Vice President of the Applicant
Association)

-Versus-

1. Union of India,
Ministry of Urban Development
through its Secretary,
Government of India,
Nirman Bhawan, New Delhi.
2. Secretary,
Ministry of Personnel, Public
Grievances and Pensions,
Department of Personnel & Training,
North Block, New Delhi.
3. Director General (Works),
Central Public Works Department,
Nirman Bhawan, New Delhi.

... Respondents

(By Shri Charanjit Taneja, Assistant, CPWD, departmental
representative)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Equal-pay-for-equal-work is the burden of the song
contained in the present O.A. To buttress the contention,
resort is taken to Articles 14 and 16 of the Constitution.
Parity is claimed with the pay scales of Stenographers
Grade 'C' in the Central Secretariat. The same is claimed
by Stenographers Grade-II posted in the subordinate

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offices of Central Public Works Department (CPWD). It is, inter alia, claimed that Assistants and Stenographers of the Central Secretariat and Assistants and Stenographers of attached/subordinate offices are similar and hence applicants who are Stenographers Grade-II and posted in subordinate offices of CPWD are entitled to the same pay scales as that of their counterparts in the Central Secretariat. It is further claimed that the nature of duties performed by the Stenographers in the subordinate offices of the CPWD is at par with the duties performed by the Stenographers in the Central Secretariat, and that they are, therefore, entitled to the same pay scales as granted in the Central Secretariat.

2. It has time and again been pointed out by the Supreme Court that pay fixation is not the function of courts. The same should ordinarily be left to the expert bodies like the Pay Commissions. It would, in the circumstances, be hazardous to embark upon an enquiry as to whether the mode of recruitment, the nature of duties and responsibilities and the promotional avenues are similar or otherwise, for claiming parity of pay scales. It has been pointed out by the respondents in their counter that Assistants and Stenographers of the Central Secretariat and Assistants and Stenographers of attached/subordinate offices are separate and distinct categories and have been recommended separate pay scales by all Pay Commissions including the Fifth Pay Commission. It has further been pointed out that the question of parity in scales of pay of Stenographers in subordinate offices vis-a-vis those in the Central Secretariat was considered by the 2nd Pay Commission. The 2nd Pay Commission was of the view that disparity in pay scales prescribed for

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Stenographers in the Central Secretariat and the non-Secretariat organisations should be reduced but the Commission did not favour complete discontinuance of disparity between the two on functional justification. The Commission recommended the pay scale of Rs.210-530 and Rs.210-425 respectively. The 3rd Pay Commission also it is pointed out, recommended continuance of disparity vide paras 52, 53 and 54 of Chapter-10 of its Report. The 3rd Pay Commission recommended pay scales as Rs.425-800 and Rs.425-700 respectively for the two categories. The 4th Pay Commission, it is further pointed out, also recommended different pay scales for Stenographers in the Central Secretariat and subordinate/attached offices as Rs.1400-2600 and Rs.1400-2300 respectively. The pay scale of Stenographers and Assistants in the Central Secretariat was revised as Rs.1640-2900 by order dated 31.7.1990 which was in pursuance of an order passed by this Tribunal in O.A. No.1538/87 on 23.9.1989. The Stenographers of the attached/subordinate offices were also given the scale of pay of Rs.1400-2600 by virtue of an award dated 18.8.1989 of the Board of Arbitration. The 5th Pay Commission, it is finally pointed out, has specifically considered the demand for absolute parity between Stenographers in the offices outside the Secretariat and in the Secretariat. Notwithstanding the fact that some Stenographers Grade-II had got the benefit of parity in pay scales through court orders, the 5th Pay Commission vide para 46.34 of its Report observed that having regard to the views and recommendation of earlier Pay Commissions, they have not recommended parity of pay scales with the Stenographers of Central Secretariat Stenographers' Service (CSSS). Aforesaid recommendations

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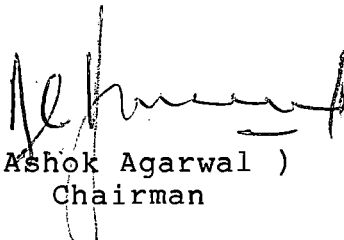
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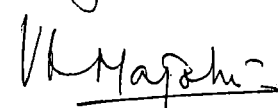
of the 5th Pay Commission are stated to be under consideration of the Government.

3. According to the respondents, applicants belong to a subordinate office and as such form a distinct category different from Stenographers of CSSS. The two groups are governed by different sets of recruitment rules and are not identical. There has been a difference in the pay scales historically and as such they can be treated differently in the matter of pay scales without offending Articles 14 and 16 of the Constitution as there is no discrimination, the two groups being two different classes.

4. If one has regard to the aforesaid facts and circumstances as also the law enunciated by the Apex Court, we do not find that a just case is made out for grant of parity in pay scales as is claimed in the present O.A.

5. Present O.A., in the circumstances, is dismissed. There shall, however, be no order as to costs.


(Ashok Agarwal)
Chairman


(V. K. Majotra)
Member (A)

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