Central Administrative Tribunal
Principal Bench

New Delhi, dated this the 7th JUNE, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

62

1. O.A. No. 828 of 1997

1. Shri H.S. Saini,
Stenographer Grade I,
O/o the D.G. of Meteorology,
India Meteorological Dept.,
Mausam Bhawan,
Lodi Road, New Delhi-110003.

2. Shri T.X. Chacko

3. Shri Shyamal Talukdar

4. Shri Charan Singh

5. Asha Arora

6. Shri J.P.Sharma

7. Smt. Rosa Kurian

8. Sanjay Kumar

9. Smt. Usha Kiran

10. Smt. Omwati Sharma

11. Smt. Mamta Negi

12. Smt. Neelam Sabharwal

13. Smt. Jaswinder Bawa

14. Smt. Sunita Kanojia

15. Smt. C.P. Sachdeva

16. Smt. Bharti Bhuyan

17. Shri Shalander Sharma

18. Shri S.A. Shaikh

19. Shri R.N. Shaikh

20. Smt. M.S. Kutty

21. Shri Y.G.H. Khan

22. Shri P.S. Chougule

23. Shri M.L. Madum

24. Shri A.G. Tamboli

25. Shri T.V. Unnikrishnan

26. Smt. Tripti Das

27. Shri G.S. Pillai

28. Shri B. Soundara Rajan

29. Smt. B.M. Shewaramani .. Applicants

Versus

1. Union of India through
the Secretary,
Ministry of Science & Technology,
Technology Bhawan,
New Mahrauli Road,
New Delhi-110016.

2. The Secretary,
Ministry of Personnel, Public Grievances
and Pensions,
Dept. of Personnel & Training, New Delhi.

3. The Secretary,
Ministry of Finance,
Dept. of Expenditure,
North Block,
New Delhi.

4. The Director General of Meteorology,
India Meteorological Dept.,
Mausam Bhawan,
Lodi Road,
New Delhi-110003. .. Respondents

2. O.A. No. 1901 of 1999

1. Shri M.V.R. Rao,
Stenographer Grade I,
Central Electricity Authority,
74 SD, Sector-2, Kali Bari Marg,
Gole Market,
New Delhi-110001.

2. Shri J.N. Khemani

3. Shri H.L. Haridoiya

4. Smt. Sushma Sharma

5. Smt. Promila Manchanda

6. Smt. Ajit Kaur Bhatia .. Applicants

Versus

1. Union of India through
the Secretary,
Ministry of Power,
Shram Shakti Bhawan,
New Delhi-110001.

2. The Chairman,
Central Electricity Authority,
Sewa Bhawan, R.K. Puram,
New Delhi-110066.

3. The Secretary,
Ministry of Finance,
Dept. of Expenditure,
North Block, New Delhi-110001.

4. The Secretary,
Ministry of Personnel, Public Grievances
and Pensions,
Dept. of Personnel
& Training, New Delhi. .. Respondents

3. O.A. No. 2135 of 1997

1. Shri I.P. Singh,
Assistant,
Directorate of Income Tax (IT & Audit),
R/o A-73, Bhim Vihar,
Johari Pur,
Delhi-110094.

2. Shri Bulaki Ram

3. Shri Jagdish Chander

4. Shri Shyam Lal

5. Mrs. Silbia Toppo

6. Shri K.K. Bhutani

7. Mrs. Punita Sharma

8. Shri A.K. Arora

9. Shri P.N. Mathur .. Applicants

Versus

1. Union of India through
the Secretary,
Dept. of Revenue,
North Block,
New Delhi-110001.

2. The Secretary,
Ministry of Finance,
Dept. of Expenditure,
North Block,
New Delhi.

3. The Secretary,
Ministry of Personnel, Public Grievances
and Pensions,
Dept. of Personnel & Training, New Delhi.

4. The Chairman,
C.B.D.T.,
New Delhi.

5. The Director,
Directorate of I.T. (IT & Audit),
A.R.A. Centre,
E-2, Jhandewalan Extension,
New Delhi-110055. .. Respondents

4. O.A. No. 112 of 1997

1. Smt. P.L. Magoo,
W/o Shri Gulshan Rai Magoo,
E-12/5, Krishan Nagar,
Delhi-110051.

2. Smt. Sushma Puri

3. Smt. Anita Sodhi

4. Smt. Neelam Sardana

5. Smt. P.L. Bhutani

6. Smt. Kanta Datta

7. Smt. Sudesh Anand

8. Shri R.K.Sharma .. Applicants

Versus

1. Union of India through
the Secretary,
Ministry of Finance,
Dept. of Revenue,
North Block, New Delhi.

2. The Secretary,
Ministry of Personnel, Public Grievances
and Pensions,
Dept. of Personnel & Training, New Delhi.

3. The Director General,
Directorate of Revenue Intelligence,
'D' Block, 7th Floor,
I.P. Bhawan,
I.P.Estate, New Delhi.

4. The Secretary,
Ministry of Finance,
Dept. of Expenditure,
North Block,
New Delhi. .. Respondents

5. O.A. No. 117 of 1998

1. Mrs. Manju Krishnani,
R/o D-132, Sarita Vihar,
New Delhi.

2. Mrs. Santosh Virmani,
R/o S-8,Srinivaspuri Extension,
New Delhi-110065. .. Applicants

Versus

1. Union of India through
the Secretary (Labour),
Ministry of Labour,
Govt. of India,
Shram Shakti Bhawan,
New Delhi.

2. The Secretary,
Ministry of Finance,
Dept. of Expenditure,
North Block,
New Delhi.

3. The Director,
V.V. Giri National Labour Institute,
NOIDA.

4. The Administrative Officer,
V.V. Giri National Labour Institute,
NOIDA. .. Respondents

Advocates for the parties: Shri M.L. Ohri for applicants in all the O.As
S/Shri R.P.Aggarwal,
V.P. Uppal and
A.K. Bhardwaj for
Respondents

ORDER

S.R. ADIGE, VC (A)

These five O.As filed by Stenographers Grade II and Assistants working in some of the subordinate/attached offices of Govt. of India had been referred to a larger Bench to answer the following reference:

> "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".

2. A five member Bench of this Tribunal, in which one of us (S.R. Adige, Vice Chairman (A)) was a party, after hearing the matter in detail, by order dated 15.3.2001, answered the reference in the

negative and the Registry was directed to return these five O.As to the appropriate Bench for disposal and in accordance with law.

3. Accordingly these O.As had come up before this Division Bench.

4. Shri M.L. Ohri appeared on behalf of applicants and S/Shri A.K. Bhardwaj, R.P. Aggarwal and V.P. Uppal appeared on behalf of respondents. These learned counsel had also argued the matter before the Full Bench.

5. Both sides have been heard.

6. Shri Ohri contended that the aforesaid ruling of the Full Bench dated 15.3.2001 was not binding on this Division Bench, in the light of the fact the Andhra Pradesh High Court in its order dated 9.9.98 in WP-1850/98 had upheld the CAT, Hyderabad Bench's order dated 23.7.97 in O.A. No.737/97 C. Rangaiah, Stenographer Grade II, Advanced Training Institute, Ministry of Labour, Govt. of India Vs. Union of India & Others entitling him to the pay scale of Rs.1640-2900 w.e.f. 1.1.86 which this Division Bench was now required to follow. In this connection he alleged that the aforesaid ruling of the A.P. High Court had been deliberately withheld from the Full Bench by respondents when it heard this bunch of O.As because despite a copy of the aforesaid order being endorsed to the Secretary, Dept. of Personnel & Training who is one of the Respondents in the present O.As, that ruling was not placed by Respondents before the Full Bench. In this

connection Shri Ohri cited the Full (Bangalore) Bench ruling in D.M. Nagesh etc. etc. Vs. Assistant Superintendent of Post Offices, South Bangalore & Others 2000 (2) ATJ 259 in support of his arguments.

7. When we asked Shri Ohri why this ruling of the A.P. High Court was not cited on behalf of applicants before the Full Bench he stated that applicants were not a party in that case and hence were not aware of the ruling when the matter was heard by the Full Bench.

8. On the other hand Shri A.K. Bhardwaj and others appearing on behalf of Respondents strenuously denied any attempt by respondents to suppress any ruling from the Full Bench when it heard these O.As. They urged that the A.P. High had only declined to interfere with the CAT, Hyderabad Bench's order entitling Shri Rangaiah to the scale of Rs.1640-2900 w.e.f. 1.1.86 as they did not find any error or infirmity in that order. It was also pointed that the CAT, ruling in P.R. Panchal Vs. Union of India & Others 1996 (34) ATC relied upon by A.P. High Court in its order dated 9.9.98 had been discussed at length by the Full Bench in its order dated 15.3.2001, and it is after discussion that theFull Bench had chosen to disagree with the ruling in Pnchal's case (supra) in the background of various Supreme Court discussion.

9. In this connection it was emphasised by them that the Full Bench in its order dated 15.3.2001

had relied upon several Supreme Court's decisions, none of which had been referred to by the A.P. High Court in its order dated 9.9.98, and in the light of those Supreme Court's rulings relied upon by the Full Bench, its order dated 15.3.2001 was binding upon this Division Bench.

69

10. We have considered the matter carefully.

11. Neither the CAT, Hyderabad Bench's order dated 23.7.97 in O.A. No. 737/97 G. Rangaiah Vs. Union of India nor indeed the Andhra Pradesh High Court's order dated 9.9.98 upholding the same appears to have been cited before the Full Bench when it heard this bunch of O.As. The Full Bench after hearing both sides at length answered the reference made to it in the negative, after considering the ratio laid down by the Hon'ble Supreme Court in several rulings on the subject. None of these rulings of Hon'ble Supreme Court find mentioned in the A.P. High Court's order dated 9.9.98.

12. In the light of the above, we are of the considered view that we are bound by the Full Bench's order dated 15.3.2001 answering the reference in the negative. As the Full Bench has held that

Stenographers Grade II and Assistants of subordinate/ attached offices of Govt. of India are not entitled to the pay scale of Rs.1640-2900 w.e.f. 1.1.86, these O.As are dismissed. No costs.

13. Let a copy of this order be placed in each O.A. case record.

(Dr. A. Vedavalli)
Member (J)

(S.R. Adige)
Vice Chairman (A)

karthik

True Copy Attested

original order is kept in OA 828/97 and photocopy is kept in this file.

Court Officer
Central Administrative Tribunal
Principal Bench, New Delhi
Faridkot House,
Copernicus Marg,
New Delhi-110001