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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1789/97

New Delhi, this 30 th day of August, 2000

Hon'ble Shri Kuldeep Singh, Member(J)
Hon'ble Smt. Shanta Shastry, Member(A)

1. All India DGMS Stenographers Assn.
New Delhi, through its
Joint Secretary
2. B.B. Prasad
Steno Gr.II, Dte. General of Mines Safety
New Delhi .. Applicants

(By Shri V.S.R.Krishna, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Labour
Shram Shakti Bhavan
New Delhi
2. Director General
Mines Safety, Dhanbad
3. Secretary
Dept. of Expenditure
Ministry of Finance
New Delhi .. Respondents

(By Shri R.P.Agarwal, Advocate)

ORDER

Smt. Shanta Shastry

This application is made by the All India Directorate General of Mines Safety Stenographers Association and one individual Stenographer Grade II working in the Directorate General of Mines Safety. The relief sought is to grant pay scale of Rs.1640-2900 to the applicants with effect from 1.1.86 as well as the benefit of the judgement in the case of V.R. Panchal in OA 144A/93 with consequential benefits like arrears etc.

2. The brief facts of the case are that the applicants were working in the scale of Rs.425-700 prior to the receipt of the recommendations of the Fourth Central Pay Commission (CPC, for short). The pay scale of Steno Gr.II including that of the applicants was revised to Rs.1400-2300. Subsequently, it was revised to Rs.1400-2600 w.e.f. 1.1.86. This revision was common to all the Stenos working in Central Secretariat Stenographers Service (CSSS, for short) in other attached/subordinate offices of the Central Government. However Government of India issued OM dated 31.7.90 revising the pay of the Assistants of CSS as also that of the Steno Gr.C of CSSS to Rs.1640-2900. Immediately thereafter, some subordinate offices approached this Tribunal by filing OA No.144A/93 praying for pay scale of Rs.1640-2900 as has been given to Stenos Gr. C of CSSS. The Tribunal allowed that OA vide judgement dated 19.1.96 and also directed payment of arrears accrued thereof.

3. It is the case of the applicants in this OA that their claim is similar to that of the applicants in the aforesaid OA and denial of this revised pay scale would be bad in law. Applicants made representation bringing the judgement dated 19.1.96 of the Tribunal to the notice of R-2, who in turn recommended the scale to R-1 but of no avail. It is the contention of the applicants that they have been performing the same duties and responsibilities as that of Steno Gr.II in other Central Govt. offices. The pay scales have remained common since their inception in service as per the recommendations of the 1st, 2nd, 3rd and 4th CPCs. It was only after the issuance of the OM dated 31.7.90 that

the applicants have been discriminated against. They are strongly relying upon the judgement of the Tribunal in OA 144A/93 and OA 548/94 (V.R.Panchal & Ors. Vs. UOI) decided on 19.1.96.

4. Learned counsel for the respondents submits that the action of the respondents in restricting applicability of the order to the Assistants and Stenos of CSSS was perfectly in order. The Tribunal in their judgement dated 23.5.89 in OA 1538/87 held that prima facie there was an anomaly in the scale of pay for the posts of Assistants in CSSS. The Government therefore removed the anomaly by order dated 31.7.90 in accordance with the prescribed procedure. The Assistants/Stenos of CSS/CSSS and those of attached/subordinate offices are of separate and distinct category and have been recommended separate pay scales. The question of parity in the scale of pay of Stenos of subordinate offices vis-a-vis those in CSSS was considered by the second CPC which was of the view that disparity in the pay scales of Stenos in CSS and those in non-secretariat organisations should be reduced. The Commission did not favour complete discontinuance of disparity between the two on functional justification. The 3rd CPC also recommended continuance of disparity and recommended pay scale of Rs.425-800 for the stenos of CSSS and Rs.425-700 for Stenos in attached/subordinate offices. The 4th CPC also recommended different pay scales. The 5th CPC has specifically considered demand for absolute parity between Stenos in CSSS and those outside CSSS. But they have recommended no parity. The applicants belong to subordinate office and form a distinct

category different from stenos of CSSS. Applicants do not fulfil the conditions laid down in DoPT's OM dated 31.7.90.

5. Learned counsel for the respondents has relied upon the judgement of Hon'ble Supreme in the case of State of West Bengal & Ors. Vs. H.N.Bhowal & Ors. (1994) 27n ATC 524 in support of the stand taken. He has also put forth the plea that application is time barred as the cause of action arose on 31.7.90. He further draws our attention to the recent judgement wherein the issue of parity of pay scales in the case of Assistants/Stenos of CSS/CSSS and those in the subordinate offices has been deliberated upon in great depth and also in OA 515/96 (All India Income Tax Stenographers Assn.) and OA 567/99 (Mohinder Pal Singh & Ors.) as well as the judgement dated 2.8.2000 in OA 131/97 (K.C.Malik) wherein one of us was a Member. All these OAs related to the same issue of grant of parity of scale of Rs.1640-2900 as given to Assistants/Stenos in CSSS and they were dismissed relying upon the judgement of the Hon'ble Supreme Court in Federation of All India Customs and Central Excise 1988 SCC(L&S) 673 wherein reliance was placed upon qualitative difference of responsibilities and nature of duties of the Stenos of CSSS as compared to those in subordinate offices. The Supreme Court upheld the difference in pay scales in Central Secretariat and the attached/subordinate offices. The said judgement also took into account the decision given in V.R.Panchal (OA 144A/93). The case of the present applicants is clearly covered by the judgements in the case of OA 515/96, OA 667/96 (supra). A similar prayer

was also dismissed in OA No.88/96 (All India DRDO Stenographers Assn.) decided on 17.12.99 by a coordinate Bench.

6. On hearing the learned counsel for both the sides and the pleadings, we are of the view that no relief can be granted as prayed. In view of the various judgements of different coordinate benches of this Tribunal fortified by the judgement of the apex court particularly so when the applicants' initial pay scale prior to 4th CPC's report was Rs.425-700 and not Rs.425-800, it is not for us take a view different than the one held by the coordinate benches. In the facts and circumstances of the case, the OA is dismissed, but without any order as to costs.

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(Smt. Shanta Shastry)
Member(A)

Kuldeep Singh
(Kuldeep Singh)
Member(J)

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