

Central Administrative Tribunal
Principal Bench

O.A. No. 255 of 1997

New Delhi, dated this the 15 ¹⁶ DECEMBER, 2000

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

All India Radio & Doordarshan
Stenographers Association, New Delhi through

1. Shri S.M. Rao,
President, New Services Div.,
AIR, New Delhi.
2. Shri Anup Kumar,
S/o Shri Karam Chand,
R/o 1890, Laxmibai Nagar,
New Delhi.
3. Shri N. Karunakaran,
S/o Shri Balakrishnan,
R/o 388, Sector V,
Pushp Vihar, New Delhi.
4. Shri G. Subramanian,
S/o late Shri S. Ganesa Iyer,
R/o A-370, Moti Bagh-I,
New Delhi.

.. Applicants

(By Advocate: Shri Jog Singh)

Versus

Union of India through

1. The Secretary,
Ministry of Information & Broadcasting,
Shastry Bhawan, New Delhi.
2. The Secretary,
Dept. of Expenditure,
Ministry of Finance,
North Block, New Delhi.
3. Director General,
All India Radio,
Akashvani Bhawan,
Parliament Street,
New Delhi.

.. Respondents

(By Advocate: Shri K.C.D. Gangwani)

ORDER

MR. S.R. ADIGE, VC (A)

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Applicants who belong to the All India Radio and Doordarshan Stenographers Association seek the extension of the CAT, P.B. order dated 10.1.96 in O.A. No. 144-A of 1993 V.R. Panchal & Others Vs. U.O.I. & Others and connected cases to themselves with arrears and consequential benefits.

2. By the said order dated 10.1.96 the higher scale of Rs.1840-2900 has been ordered to be granted to the applicants in those O.As including the Stenographers working in the Directorate of Field Publicity under the Ministry of Information & Broadcasting, which applicants contend ^{is} the other wing of the same Ministry under the same respondents.

3. Applicants state that the posts of Stenographers Grade II in All India Radio (AIR) and Doordarshan (DD) (which is a subordinate office of Ministry of Information & Broadcasting similar to the Directorate of Field Publicity) are non-gazetted Ministerial posts in General Central Service in pre-revised scale of Rs.1400-2600. The Recruitment Rules in that behalf stipulate that the method of recruitment is only through promotion. They state that the 4th Pay Commission in 1986 had recommended a pay scale of Rs.1400-2600 for Personal Assistants (PAs) and Stenographers Grade II working in Central Secretariat and other Government of India offices,

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which was subsequently revised to Rs.1640-2900 vide order dated 31.7.90 (Annexure A-2) which was implemented w.e.f. 1.1.86. The benefits of this was also extended to Stenos. and Assistants working in other organisation where the posts were in comparable grade with the same qualifications, pay scales and methods of recruitment through open competition.

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4. It is further stated that aggrieved by this order dated 31.7.90, O.A. No. 144-A/93; O.A. No. 985/93 and O.A. No. 548/94 were filed by Stenographers Grade II working in subordinate offices, C.B.I. under Ministry of Home Affairs; C.B.D.T. under Ministry of Finance; and Directorate of Field Publicity under Ministry of Information & Broadcasting praying for extension of those benefits to themselves. The C.A.T., P.B. by its order dated 19.1.96 allowed the higher scale of Rs.1640-2900 to those applicants at par with the Stenographers Grade II in Central Secretariat.

5. It is stated that the Directorate of Field Publicity (DFP) under Information & Broadcasting Ministry has already implemented the aforesaid order dated 19.1.96 in toto and refixed the pay scales of Stenographers Grade II working therein from Rs.1400-2600 to Rs.1640-2900 w.e.f. 1.1.86 with arrears of pay w.e.f. 1.2.93 as per the order dated 19.1.96.

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6. Applicants are, however, aggrieved that these benefits have not been extended by respondents to themselves, although they claim they are identically placed, which they assert is illegal, arbitrary, malafide, discriminatory, and violative of Articles 14 and 16 of the Constitution. 30

7. Respondents in their reply challenge the O.A. They state that the Tribunal in its order dated 19.1.96 has equated Stenographers Grade II in DFP with Stenographers Grade C in CSSS, but in fact they are not similarly placed, in as much as posts of Stenographers Grade II in DFP as well as in AIR/DD are Group 'C' posts, while posts of Stenographers Grade 'C' in CSSS are Group 'B' posts. Further it is emphasised that DFP was a participating office in CSS/CSSS from its inception and the posts sanctioned for DFP were included in the authorised strength of Information & Broadcasting Ministry and manned by the personnel of that Ministry upto 1975 and only thereafter was DFP excluded from the purview of CSS/CSSS, ^{but} AIR/DD was never a participating office in CSS/CSSS and posts in AIR/DD were never manned by CSS/CSSS personnel.

8. These ~~and~~ other contentions have been raised by respondents to explain why they had not granted applicants the scale of Rs.1640-2900 w.e.f. 2

6. Applicants have filed rejoinder in which they have denied respondents' contentions and broadly reiterated their own.

7. We have considered the matter carefully.

8. We note that this O.A. had been filed at a time when the 5th Pay Commission's recommendations had not been made available. Since the date of its filing, the 5th Pay Commission's recommendations have become available and have also been implemented. In this connection the following paras from the 5th Pay Commission's report are extremely relevant, which deal with Stenographers outside the Secretariat:

"46.31 The pay scale of Assistants in the Central Secretariat Service (CSS) and Stenographers in the CSSS was revised by the Government on 31.7.1990, effective from 1.1.1986. Some of the Assistants/Crime Assistants and Stenographers Grade II working in the CBI, Directorate General of Income Tax (Investigation) and Directorate of Field Publicity filed a number of petitions before the Principal Bench of the Central Administrative Tribunal seeking benefit of the orders dated 31.7.90. Rejecting the contention of the Union of India that Stenographers Grade II and Assistants in the non-Secretariat offices could not be compared with Stenographers Grade 'C' of CSSS and Assistants of CSS because of different classification, method of recruitment, nature of duties and responsibilities and eligibility for promotion to higher grade, the CAT directed the U.O.I. to place the petitioners in the pay scale of Rs.1640-2900. The judgment of the CAT has been implemented.

46.32 The comparative position of Stenographers in the Secretariat and offices outside the Secretariat as it existed at the time of constitution of the Fifty CPC is as under:-

Secretariat	Non-Secretariat
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a) Stenographer Grade D (Rs.1200-2040)	a) Stenographer Gr. III (Rs.1200-2040)
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b) Stenographer Grade C (Rs.1640-2900)	b) Stenographer Gr. II (Rs.1400-2300/ Rs.1400-2600/ Rs.1640-2900)
c) Stenographers Grades 'A' & 'B' (Merged) Rs.2000-3500)	c) Stenographer Gr. I (Rs.1640-2900)
d) Principal Private Secretary (Rs.3000-4500)	d) Senior Personal Assistant (Rs.2000-3200)
	e) Private Secretary (Rs.200-3500)
	f) Principal Private Secretary (Rs.3000-4500)

46.33 Associations representing stenographers have urged before us that there should be complete parity between stenographers in non-secretariat offices and in the Secretariat in matters relating to (a) pay scales, (b) designations, (c) cadre structure, (d) promotion avenues, (e) level of stenographic assistance to officers in technical, scientific and research organisations, etc. Suggestions have also been made for a higher pay scale for stenographers in the entry grade, treating advance increments granted for acquiring proficiency in stenography at higher speed as pay, allowing stenographers in non-Secretariat offices to compete in the Limited Departmental Competitive Examination (LDCE), and grant of Special Pay for operating computers, fax machines, etc.

46.34 We have given our careful consideration to the suggestions made by Associations representing stenographers in offices outside the Secretariat in the light of observations made by the Third CPC. The Commission had observed that as a general statement, it was correct to say that the basic nature of a stenographer's work remained by and large the same whether he was working with an officer in the Secretariat or with an officer in a subordinate office. The Commission was of the considered view that the "size" of the stenographer's job was very much dependent upon the nature of work entrusted to that officer and that it would not be correct, therefore, to go merely by the status in disregard of the functional requirement. By the very nature of work in the Secretariat, the volume of dictation and typing work was expected to be heavier than in a subordinate office, the requirement of secrecy even in civil offices of the secretariat could be very stringent. Considering the differences in the hierarchical structures and in the type of work transacted in the Secretariat and in the subordinate offices, the Commission was not in

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in favour of adopting a uniform pattern in respect of matters listed in the preceding paragraph. To our mind, the observations of the Third CPC are as relevant today as they were at that point of time and we are not inclined to overlook them totally. In view of the above mentioned distinguishable features, we do not concede the demand for absolute parity in regard to pay scales between stenographers in offices outside the Secretariat and in the secretariat notwithstanding the fact that some petitioner stenographers Grade II have got the benefit of parity in pay scale through courts. However, pursuing the policy enunciated by the Second CPC that disparity in the pay scale prescribed for stenographers in the secretariat and the non-secretariat organisations should be reduced as far as possible, we are of the view that Stenographers Grade II should be placed in the existing pay scale of Rs.1600-2600 instead of Rs.1400-2300/Rs.1400-2600. The next available grade of stenographers in non-Secretariat offices is Rs.1640-2900 (Grade I). We do not recommend any change in the existing pay scale of Stenographers Grade I. Senior Personal Assistants and Private Secretaries are at present in the pay scale of Rs.2000-3200 and Rs.2000-3500 respectively. Giving the Senior PAs the benefit of rationalisation of pay scales, we recommend that both Sr. PAs and Private Secretaries should be placed in the pay scale of Rs.2000-3500 and known as Private Secretaries. Stenographers in the newly recommended grade of Rs.2500-4000 should be known as Senior Private Secretaries and those in the pay scale of Rs.3000-4500 shall continue to be known as Principal Private Secretaries."

9. It is significant that the 5th Pay Commission, after specifically noting the CAT decision dated 10.1.96 in Panchal's case (supra) have not conceded the demand for absolute parity in regard to pay scales between stenographers in offices outside the Secretariat and in the Secretariat "notwithstanding the fact that some petitioner Stenographers Grade II have got the benefit of parity in pay scale through Courts."

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10. It must be remembered that the 5th Pay Commission was a very high level expert body headed by a retired Judge of the Hon'ble Supreme Court. In a ~~catena~~ of rulings, the Hon'ble Supreme Court has ^{against lightly} cautioned Courts/Tribunals ~~from~~ interfering with decisions based upon recommendations of Pay Commissions. Thus in State of U.P. Vs. J.P. Chaurasia AIR 1989 SC 19 It has been held

".....It is for the administration to decide the question whether two posts which very often may appear to be the same or similar should carry equal pay, the answer to which depends upon several factors, namely, evaluation of duties and responsibilities of the respective posts and its determination should be left to expert bodies like the Pay Commission. The court should normally accept the recommendations of Pay Commission."

Again in State of West Bengal Vs. Hari Narayan Bhowal (1994) 27 ATC 524 it has been observed

"Expert bodies like Pay Commission to look into pay scales - it is not for the Courts to fix pay scales."

11. Yet again in Union of India & Another Vs. P.V. Hariharan & Anr. 1997 SCC (L&S) 838 the Hon'ble Supreme Court has held

"....Quite often the Administrative Tribunals are interfering with pay scales without proper reasons and without being conscious of the fact that fixation of pay is not their function. It is the function of the Government which normally acts on the recommendations of a Pay Commission. Change of pay scale of a category has a cascading effect. Several other categories similarly situated, as well as those situated above and below, put forward their claims on the basis of such change. The Tribunal should realise that interfering with the prescribed pay scales is a serious matter. The Pay Commission, which goes into the problem at great depth and happens to have a full picture before it, is the proper authority to decide upon this issue."

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11. In the light of the above, we are not inclined to interfere in this O.A. which is accordingly dismissed. No costs.

Kreay
(Kuldip Singh)

Member (J)

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

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