

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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O.A. No. 845 of 1997 Decided on: 24.3.98

Mrs. Sudesh Khurana & Ors. APPLICANT(S)
(By Advocate: Shri P.P. Khurana)

VERSUS

U.O.I. & Anr. RESPONDENTS
(By Advocate: Shri Madhav Panikar)

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HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. To be referred to the Reporter or not? YES
2. Whether to be circulated to other Benches of the Tribunal? NO.

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 845 Of 1997

New Delhi, dated the 24th March, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Mrs. Sudhesh Khurana,
W/o Mr. S.P. Khurana,
Stenographer Gr. I
Directorate of Enforcement,
Lok Nayak Bhawan, New Delhi.
2. Mrs. Nirmal Sharmja,
W/o Mr. S.C. Sharma
3. Mrs. Achla Duggal,
W/o Mr. Shyam Duggal
4. Mrs. Sushila Menon,
W/o Mr. Ravi Menon
5. Mrs. Suman Kapoor,
W/o Mr. Sunil Kapoor

..... APPLICANT

(By Advocate: Shri P.P. Khurana)

VERSUS

1. Union of India through
the Secretary,
Dept. of Revenue,
Govt. of India,
North Block,
New Delhi.
2. Director
Enforcement Directorate,
Lok Nayak Bhawan, Khan Market,
New Delhi.

..... RESPONDENTS

(By Advocate: Shri Madhav Panikar)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicants who are stenographers in the Directorate of Enforcement, Dept. of Revenue, Ministry of Finance impugn respondents' letter dated 24.1.97 and seek grant the pay scale of Rs.1640/2900 w.e.f. 1.1.86 on the plea of equal pay for equal work.

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2. Their case is that prior to the 4th Pay Commission's recommendations Stenographers Gr.III in CSSS were in the pay scale of Rs.425-800 which those in subordinate offices like Enforcement Directorate were in Rs.425-700. The 4th Pay Commission gave replacement scale of Rs.1400-2600 and Rs.1400-2300. Later by O.M. dated 4.5.90 parity was struck and the scale of Rs.1400-2600 was granted to Stenographers in subordinate offices as well as in Central Secretariat, but that parity was again disturbed by DP&T'S O.M. dated 31.7.90 (Ann. A-3). Applicants contend that aggrieved by this differentiation, O.A. No. 2865/91 was filed by some Stenographers Grade 'C' while another O.A. bearing No. 529/92 was filed by Assistants working in CAT. By common judgment dated 4.2.93 the Tribunal directed respondents to consider revising pay scales of Assistants/Stenographers Grade 'C' in the Tribunal to Rs.1640-2900 from 1.1.86 at least notionally from 1.1.86 and effectively from date not later than 1.1.92, as a result of which they were granted the scale of Rs.1640-2900. Applicants complain that this however was not made applicable to Assistants and Stenographers working in other attached/subordinate offices, which gave rise to O.A. No. 144-A/93 filed by Crime Assistants and Stenographers Grade 'C' in CBI. That O.A. was heard along with O.A. No. 985/93 filed by some Assistants of CBDT and O.A. No. 548/94 filed by some Assistants in Directorate of Field Publicity Ministry of Information & Broadcasting and by

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judgment dated 19.1.96 the aforesaid O.As were allowed and respondents were directed to place applicants in the scale of Rs.1640-2900.

3. Applicants further state that representations filed by Assistants/Stenos. Gr. C in Enforcement Directorate not having received any favour or response, some of them filed O.A No. 1322/94 and No. 276/95 in CAT, Ernakulam Bench which were allowed by composite judgment dated 26.7.95 (Ann. A-6), but as that judgment confined the benefit only to the applicants of those OAs respondents by their order dated 21.11.95 (Ann. A-7) conferred the revised scale to those applicants alone. However, later by respondents' order dated 9.2.96 (Ann. A-8) the benefit of CAT, Ernakulam Bench judgment dated 26.7.95 was extended to all Assistants working in Enforcement Directorate, but Stenographers Grade 'C' were not given that benefit, which applicants assert is illegal and arbitrary.

4. We have heard applicants' counsel Shri Khurana and respondents' counsel Shri Madhav Panikar. We have also perused the materials on record and given the matter our careful consideration.

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5. Applicants have in their rejoinder not specifically denied any of the differences in the aspects/conditions of service between Stenos. Gr. II in Enforcement Directorate and Stenos. Gr. C in CSSS specifically listed by respondents in Paragraph 3 of their reply. / They have sought to reject them only by categorising them as frivolous and irrelevant.

6. In our view these differences go to the root of the matter and militate against any treatment of Stenos. Gr. II in E.D as equals of Stenos. gr. C in CSSS. We note that while Stenos. Gr. II in E.D. are Group 'C' Non-gazetted, Stenos. Gr. C in CSSS are Group B Non-Gazetted. Those holding Group 'C' posts can under no circumstances be equated with those holding Group 'B' posts and granting them parity in pay scales would in effect amount to treating unequals equally, which itself would violate Articles 14 & 16 of the Constitution. None of the judgments referred to by the CAT, P.B. in its judgment dated 19.1.96 in O.A. No.144-A/93 V.R. Panchal & Ors. Vs. UOI & Ors. and relied upon heavily by Shri Khurana including Bhagwan Das Vs. State of Haryana (1987) ATJ 479 succeed in helping applicants overcome the aforementioned hurdle.

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7. It is also necessary to mention that in a catena of judgments including State of U.P. Vs. J.P. Chaurasia AIR 1989 SC 19 the Hon'ble Supreme Court has held that the evaluation of duties and responsibilities of respective posts and its determination should be left to expert bodies like the Pay Commission which have the necessary expertise, personnel and resources to go into such matter in great detail and the 5th Pay Commission which has submitted its recommendations quite recently has also observed

".....In view of the above mentioned distinguishable features, we do not concede the demand for absolute parity in regard to pay scales between stenos. in offices outside the Secretariat and in the Secretariat notwithstanding the fact that some petitioner Stenos. Gr. II have got the benefit of parity through Courts." (Page 5-6 of respondents' reply)

8. The O.A. is therefore dismissed. No costs.

Lakshmi Swaminathan

(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige

(S.R. ADIGE)
VICE CHAIRMAN (A)

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