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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

OA No. 1420/1994
MA-1857/94

New Delhi, dated the 5th December, 1994

CORAM

Hon'ble Shri N.V.Krishnan, Vice Chairman (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Smt. Raj Bidichandani
2. Shri Ram Kishan Kakshal
3. Shri Sharwan Kumar
4. Shri P.C. Misra
5. Shri R.C. Joshi
6. Shri D.N. Nambodiri
7. Smt. Smt. Usha Khattar
8. Smt. P.P. Kavlekar
9. Sh. P.K. Nath
10. Smt. A.V. Subbalakshmi
11. Sh. Salim Akhtar

... Applicants

(By Advocate Shri J.P. Verghese)

V/s

1. Union of India through Its Secy.
Ministry of Law & Justice
(Legislative Department)
Sastri Bhawan,
New Delhi.
2. Secretary,
Ministry of Finance,
Department of Expenditure,
New Delhi.

(2)

3. Secretary,
Department of Personnel & Training,
North Block, Central Sectt.,
New Delhi.

... Respondents

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

ORDER (ORAL)

[Hon'ble Shri N.V. Krishnan, Vice Chairman(A)]

Applicants have filed this OA on 5-7-1994.

Para 1 of the application states that the application is against the Ann.A.4 order dated 7-6-1988 by which the bilingual Stenographers have been given the special allowance @ 50/- from the date they have chosen to draw the pay in the revised pay scale attached to their post/^{or} on the date on which their proficiency in the additional language was tested, whichever is later.

as stated

2. The other order impugned/in para 1 of the is O.A./the order dated 16-11-1988 by which the representation to include the stenographers of working Hindi-cum-English/in Vidhi Sahitya Prakashan in CSSS cadre has been rejected. However, the prayer made in the OA are some what different and read as follows:-

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(a) Direct the respondents to grant the pay scale of Rs 1640-2900 from the time it was made applicable to the CSS Stenographers with all consequent benefits to the petitioners."

(b) Declare that non-application of the scale of Rs 1640-2900 with effect from 1.1.1986 is discriminatory and violative of Article 14 and 16 of the Constitution of India since the same has been paid with effect from 1.1.1986 to other classes of similarly placed employees.

(c) Direct the respondents to pay all arrears with effect from 1.1.1986 or atleast on the date other similarly placed petitioners have been paid.

(d) That the respondents be directed to include the applicants Stenographers (English-cum-Hindi Regional language) in the Central Secretariat Stenographer Service and fix their seniority from the date of their joining as Bilingual Stenographers.

(e) Direct the respondents to grant the benefit of reliefs granted to similarly placed persons who were applicants in OA No. 758/89 by the order dated 16.3.94.

2. An objection regarding limitation has been raised on the ground that in para 1 of the OA it is stated that the OA against the orders dated 7.6.1988 and 16.11.1988. Hence MA has been filed.

4. We have heard the parties re-limitation. We are of the view, that this by itself will not determine whether the OA is barred by limitation. It has to be seen whether the prayers made in para 8 of the OA are barred by limitation.

5. In this view of the matter we find that except in respect of prayer (d) which is covered by the Ann.A.6 ^{cl are} order, the other ~~prayers~~ ^{is} not barred by limitations. In regard to prayer 'd' this question is dealt with subsequently.

6. Respondents have filed a reply contesting this claim.

7. When the matter came up today for final hearing, the learned counsel for the applicant drew our attention to the decision rendered on 16.3.1994 in OA 758/89 (D.N.Misra and others) (Ann.A.7). He points out that the applicants therein are also Hindi/English Stenographers in the Ministry of Law, like the applicants, but working in the Legislative ^{live} Department, while the applicants are in the official Languages Wing of that Department. That OA has been disposed of with the following directions:-

- (i) The applicants (except applicants 1 to 3) shall be placed in the pay scales of Rs 1640-2900 with effect from 10.12.1993.

(ii) The respondents shall compute the arrears payable to the applicants (except applicants 1 to 3) on the footing that they were in the pay scale of Rs 1640-2900 with effect from 10.12.1993.

(iii) The payment shall be made within a period of 4 months from the date of presentation of a certified copy of this order by any one of the applicants before the relevant authority.

(iv) The respondents shall make payments to the applicants (except applicants 1 to 3) for the current months on the basis of the pay scale of Rs 1640-2900.

(v) The applicants shall continue to receive a sum of Rs 50/- per mensem as special allowance for tested proficiency in each additional language in accordance with the recommendations of the Commission as accepted by the Government.

(vi) The Ministry of Finance, Department of Expenditure shall take a decision upon the remaining recommendations of the Commission in so far as they relate to the Bilingual stenographers (Applicants) within a period of 6 months from the date of presentation of a certified copy of this order before the Secretary by any one of the applicants.

(10)

The learned counsel for the applicant prays that the benefit of that judgment be given to the applicants also on the ground that they are doing similar work in the same Ministry though in a different cadre. Learned counsel for the respondents could not satisfy us as to how the applicant can be denied the benefits given to their counterparts in the same Ministry. In this view of the matter, we are satisfied that the judgment at Ann.A.7 should be made applicable to the present applicants also.

This would dispose of prayers at a, b, c and e of the O.A.

8. In so far as the prayer 'd' is concerned we notice that in the Ann.A.7 judgment it appears that attention of the Bench was not specifically drawn to the Ann.A.6 order dated 16.11.1988 rejecting the representation for inclusion and merger in the CSSS cadre. In any case, the Bench took the view that if any decision was taken it was not reflected in para 2 of the resolution of the Govt. of India, Ministry of Finance dated 13.9.86 which notified the details of the recommendations of the Pay Commission which were accepted by Government.

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In the circumstances, the Bench directed the Ministry of Finance to take a decision on the remaining recommendations of the Commission in so far as they relate to the bilingual stenographers within the ^{period} /specified therin.

9. In the circumstances, the respondents are now required to take a decision in the light of the direction in that judgment and that direction dispense of prayer at (d)

10. We therefore, dispense of this OA by declaring that the applicants in this OA are also entitled to the benefits of the judgment dated 16.3.1994 in OA 753/89 (D.N.Misra and others v.SUOI & Others) to the same extent as indicated therein. They are not entitled to any additional reliefs. Pay shall be fixed in the higher pay scale and arrears paid within four months from the date of receipt of this order.

Lakshmi Swaminathan

(Lakshmi Swaminathan)
Member (J)

N.V. Krishnan
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(N.V. Krishnan)
Vice Chairman (A)

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