

Central Administrative Tribunal
Principal Bench

O.A. 998/2000

New Delhi this the 18th day of April, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).
Hon'ble Shri Govindan S. Tampi, Member(A).

1. Ms. Sushil Kharbanda,
Stenographer Grade-II,
R/o WZ-15A, Krishna Puri,
Gali No.10, Tilak Nagar,
New Delhi.
2. Ms. Kanchan Rikhi,
Stenographer Grade-II,
R/o DG-948, Sarojini Nagar,
New Delhi.
3. Ms. Savitri Vasudeva,
Stenographer Grade-II,
R/o 190/21, Gali No. 3,
Madan Puri,
Gurgaon.
4. Shri Anil Kumar,
Stenographer Grade-II,
R/o 22/5, Bhola Nath Nagar,
Shahdara,
Delhi.
5. Shri Suresh Kumar,
Stenographer Grade-II,
R/o 8, Kaveri Tower,
Sector 4, Vaishali,
Ghaziabad.
6. Ms. Urmil,
Stenographer Grade-II,
R/o 9/6634, Gali No. 5,
Dev Nagar,
New Delhi.

... Applicants.

(By Advocate Shri M.L. Ohri)

Versus

1. Union of India,
through the Secretary,
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi.
2. The Chairman,
Central Board of Excise
and Customs,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi.

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3. The Director General,
Directorate General of
Inspection, Customs and
Central Excise,
Drum-shaped Building,
I.P. Estate,
New Delhi.

... Respondents.

(By Advocate Shri A.K. Bhardwaj)

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).

In this application, the applicants have challenged the validity of the Memo issued by the respondents dated 29.10.1999, refusing to extend them the benefit of the judgement of the Tribunal in **P.K. Sehgal & Ors. Vs. Union of India and Ors.** (OA 527/97) decided on 28.9.1998.

2. The applicants submit that they are similarly placed as the applicants in **P.K. Sehgal's case**(supra), who have been placed in the pay-scale of Rs.1600-2900 w.e.f.1.1.1986 which has been revised to Rs.5500-9000 w.e.f. 1.1.1996 and claim that they have been discriminated, as they have not been given the similar benefits. Shri M.L. Ohri, learned counsel, has submitted that the judgement of the Tribunal in **P.K. Sehgal's case** (supra) is pending adjudication ^{on appeal} before the Hon'ble Delhi High Court. He has, therefore, prayed that the same benefits as have been given to **P.K. Sehgal and Ors.** should be given to the present applicants, subject to outcome of the High Court's orders. He has relied on the judgement of the Supreme Court in **T.Sudhakar Prasad Vs.Govt. of A.P. & Ors.** (2001 SCC (L&S) 263-Para 19). In this paragraph, it has been, inter alia, held that "...Transfer of jurisdiction in specified matters from

the High Court to the Administrative Tribunal equates the Tribunal with the High Court in so far as the exercise of judicial authority over the specified matters is concerned. That, however, does not assign the Administrative Tribunals a status equivalent to that of the High Court nor does that mean that for the purpose of judicial review or judicial superintendence they cannot be subordinate to the High Court...". He has also relied on the judgement of the High Court in **Bureau of Indian Standards (BIS) and Ors. Vs. Bureau of Indian Standards Employees Union and Ors.** (LPA No. 232/99 & CM No. 1683/99) (copy placed on record). Shri A.K. Bhardwaj, learned counsel for the respondents, has, however, submitted that this case deals with the employees in the **Public Sector Undertaking** and cannot help the applicants in the present case. In this case, reference had been made to the judgement of the Supreme Court dated 3.5.1990 in **Jute Corporation of India Officer's Association Vs. Jute Corporation of India Ltd. and Anr.** (CMP No. 10864/89 in Writ Petition No. 13044/84) and accordingly, a direction was given for implementation of pay scales revised in case of Government servants, for the similarly placed employees in **Public Sector Undertakings**. Considering the facts and circumstances of the case, we agree with the contentions of the learned counsel for the respondents that the ratio of these cases for revision of pay scales of the employees in **Public Sector Undertakings** would not be applicable to the facts in the present case.

3. Another case that the applicants' counsel has relied upon is **Ashwani Kumar & Ors. Vs. State of Bihar & Ors.** (1997 SCC (L&S) 267). In this case, the main

issue which has been dealt with is with regard to the validity of appointments in excess of the sanctioned posts under a particular Scheme which were held to be void. The issues raised in that case and the present case are quite different as also pointed out by the learned counsel for the respondents and that case will, therefore, not assist the applicants.

4. The respondents have controverted the above prayers and have submitted in reply that the applicants are not entitled to any higher scale of pay as claimed by them and have referred to other judgements they rely upon. Shri A.K. Bhardwaj, learned counsel has relied upon the Full Bench judgement of the Tribunal in **M.V.R. Rao & Ors. Vs. Union of India & Ors.** (OA 1901/99) with connected cases, decided on 15.3.2001, in which one of us (Smt. Lakshmi Swaminathan) was also a Member) and has submitted that the applicants cannot succeed in this case as the relevant facts and issues raised here have been negatived in that order. He also relies on ^{18/} ~~the~~ another Division Bench judgement of the Tribunal in **All India Income-Tax Stenographers Association and Anr. Vs. Union of India and Ors.** (OA 515/96) with connected cases, decided on 3.12.1999 (Paragraphs 5 and 9). He has submitted that in this judgement, the cases relied upon by the applicants, namely, **V.R. Panchal & Ors. Vs. Union of India & Ors.** (OA 144-A/93), decided on 18.1.1996 and **P.K. Sehgal's case** (supra) have been considered and the claims of the applicants for higher pay scale have been rejected. He has, therefore, prayed that following the Full Bench judgement of the Tribunal in **M.V.R. Rao's case** (supra), the O.A. may be dismissed.

5. After careful consideration of the rival contentions raised by the parties, we are satisfied that the issues raised in the present O.A. are fully covered by the Full Bench judgement of the Tribunal in M.V.R.Rao's case (supra). In the circumstances, we are unable to agree with the contentions of the applicants that a direction should be given to the respondents at this stage to give them the higher revised pay-scale of Rs.5500-9000 from the dates of their appointment as Stenographer Grade-II, noting also the fact that the judgement of the Tribunal in P.K. Sehgal's case (supra) is sub-judice before the Hon'ble High Court. The cases relating to revision of pay scales of employees of Public Sector Undertakings relied upon by the applicants' counsel will not be applicable to the present case. In those cases, their claims were for revision of pay-scales in accordance with Govt. servants.

6. In the result, for the reasons given above, the O.A. fails and is dismissed. No order as to costs.

(Govindan S. Tampi)
Member(A)

(Smt. Lakshmi Swaminathan)
Vice Chairman(J)

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