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Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. CA-159/89

Date: 10.3.1989.

Armed Forces Headquarters Applicants
Stenographers' Association
represented by Shri S.K.
Gupta & Another

Versus

Union of India & Another Respondents

For the Applicants Shri S.K. Gupta, President
of the Association

For the Respondents Shri P.H. Ramachandani,
Advocate.

CORAM: Hon'ble Shri P.K. Kartha, Vice-Chairman (Judl.)
Hon'ble Shri K.J. Raman, Administrative Member.

1. Whether Reporters of local papers may be allowed to
see the Judgement? Yes
2. To be referred to the Reporter or not? No

(Judgement of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice-Chairman)

The applicant, which is an Association of Stenographers working in the Armed Forces Headquarters, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying that directions be issued to the respondents not to make any deviation in the scale of stenographic assistance to the officers of different levels in the Armed Forces Headquarters.

2. The application came up for admission on 6.3.1989 when Shri P.H. Ramchandani, learned counsel for the respondents, stoutly opposed admission on the ground that the subject matter of the application relates to a policy matter on which no directions could be issued by this Tribunal.

3. The applicants have stated that the Ministry of Home Affairs have decided vide their letter dated 20.1.1970

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the entitlement of officers of various categories to stenographic assistance. For an Under Secretary, the entitlement is one Personal Assistant for two officers, or one Stenographer Grade 'D' each. The applicant had represented time and again for providing the same scale of stenographic assistance to the Armed Forces Headquarters. The respondents issued a letter^{of sanction} on 17th February, 1988. (Annexure A-3) according to which Lt. Colonel/C.S.O. are not entitled to stenographic assistance. However, based on functional requirements, stenographic assistance, i.e., one Grade 'D' Steno. to each such officer or one Grade 'C' Steno to two such officers may be considered provided the respective Standing Establishment Committees find justification for it. Thus, Stenographers Grade 'D' were not authorised to any officer of the category of Lt. Colonel as normal entitlement.

4. By a subsequent letter dated 25th February, 1988 (vide Annexure A-4) the respondents decided that the upgradation/creation of posts of Stenographers as per the entitlement will also be subject to the ban orders issued by the Ministry of Finance (Department of Expenditure) from time to time.

5. The above decisions taken by the respondents have been called in question in the present application.

6. The applicants have alleged that due to non-creation/upgradation of the posts of Stenographers of appropriate grade along with the posts of officers simultaneously, there has been an acute shortage of Stenographers, running upto 900 approximately, for attachment with officers. As a result, Service Headquarters are attaching a Stenographer with more than one officer. Insofar as there is a deviation

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in the scale of stenographic assistance compared to the civil side, the applicants have alleged that there is a violation of Articles 14 and 16 of the Constitution.

7. We have gone through the records of the case and have heard Shri S.K. Gupta on behalf of the applicants and Shri P.H. Ramchandani, learned counsel for the respondents. We have no doubt in our mind that the question of ratio between the officers & the supporting staff for them is eminently a matter for policy consideration and decision. The ratio is fixed depending on the nature of work or assignment entrusted to the officers concerned and a variety of other factors. Even according to the impugned letter dated 17th February, 1988 (Annexure A-3), the entitlement of Lt. Colonels to stenographic assistance is to be considered, depending upon the recommendations of the Standing Establishment Committee, which is an expert committee to consider the staffing pattern in the office of the respondents.

8. The Supreme Court has held in a line of decisions that the Court cannot interpose its own decision on the necessity of creation or abolition of posts. Whether a particular post is necessary, is a matter depending on the exigencies of the situation and administrative necessity. The Government is a better judge in such matters. The Government has the power to create or abolish posts, depending upon the needs and requirements of administration. Creation and abolition of posts is a matter of Government policy and every sovereign Government has this power in the interest and necessity of internal administration. The creation or abolition of posts is dictated by policy decisions, exigencies of circumstances, and administrative

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necessity (vide M. Ramanatha Pillai Vs. the State of Kerala and Another, 1974 (1) S.C.R. 515 at 520; Dr. N.S. Shinghal Vs. Union of India & Others, 1980(2) SLR 118 at 136; and Col. A.S. Sangwan Vs. Union of India, 1980 (2) SLR 1 at 2).

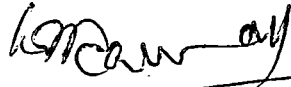
9. The representative of the applicants relied upon the decisions of the Supreme Court in Federation of All India Customs & Central Excise Stenographers (Recognised) and Others Vs. Union of India & Others, A.I.R. 1988 S.C. 1291 in support of his contention. In our opinion, the decision of the Supreme Court in that case is of no assistance to the applicants. In that case, the Stenographers attached to the heads of departments in the Customs & Central Excise, Ministry of Finance alleged that there was discrimination vis-a-vis the Personal Assistants and Stenographers attached to the Joint Secretaries and above officers in the Ministry of Finance in the matter of fixation of scales of pay. The Supreme Court rejected the writ petition filed by the applicants on the ground that the problem about equal pay cannot always be translated into a mathematical formula. If it has a rational nexus with the object to be sought for, a certain amount of value judgement of the administrative authorities who are charged with fixing the pay-scale has to be left with them and it cannot be interfered with by the Courts unless it is demonstrated that either it is irrational or based on no basis or arrived at mala fide either in law or in fact.

10. In the instant case, the ratio between the officers and the supporting staff has been fixed by the respondents in accordance with the norms approved by the Standing

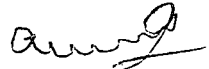
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Establishment Committee, which is an expert body in the matter of determination of the staffing pattern.

11. We see no merit in the present application and the same is dismissed at the admission stage. The parties will bear their own costs.



(K.J. Raman)
Administrative Member



(P.K. Kartha)
Vice-Chairman (Judl.)