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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A./~~XXA~~. NO. 223 of /1991 Decided on : 22-9-95

Shri Raj Pal Singh & Others ... Applicant(s)

( By ~~Shri~~ Mrs. Avnish Ahlawat Advocate )

versus

Lt. Governor & Another ... Respondent(s)


( By Shri Arun Bhardwaj Advocate )

CORAM

THE HON'BLE ~~SHRI~~ MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

THE HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

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

  
(K. MUTHUKUMAR)  
MEMBER (A)

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Central Administrative Tribunal, Principal Bench

O.A. No. 223 of 1991

New Delhi this the 22<sup>nd</sup> day of September, 1995

**HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER(J)**  
**HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)**

1. Shri Raj Pal Singh  
S.I. No. 1691-D
  2. Shri Qasim Ali Zaidi  
A.S.I. No.1963-D
  3. Shri Vijender Kumar  
H.C. No.61/PHQ  
C/o Mrs. Avnish Ahlawat  
Counsel,  
243 Lawyers' Chamber,  
Delhi High Court , New Delhi.
- ...Applicants

By Advocate Mrs. Avnish Ahlawat

Versus

1. Lt. Government of Delhi,  
Raj Niwas,  
Raj Niwas Marg,  
Delhi.
  2. Commissioner of Police,  
Delhi,  
M.S.O. Building,  
I.P. Estate,  
New Delhi.
- ...Respondents

By Advocate Shri Arun Bhardwaj

ORDER

Hon'ble Mr. K. Muthukumar, Member (A)

This application is directed against Rule 16(iii) - List 'E' (Ministerial) of "The Delhi Police (Promotion & Confirmation) Rules, 1980, as amended by Notification No.F-5/60/83-H(P) Estt. dated 7.4.1984" and the order of the respondents dated 1.11.95 in which names of certain Stenographers were included in the List 'E' for giving promotion

to them to the cadre of Sub-Inspectors (Ministerial). The applicants, who are four in number belong to the Ministerial Cadre of Delhi Police. They are aggrieved that the amended Rule 16(iii) as aforesaid has adversely affected their interest inasmuch as, the respondents have included the cadre of Stenographers also as being eligible for consideration for being brought on List 'E' (Ministerial) from which list, they shall become entitled to be promoted to the rank of Sub-Inspector (Ministerial). Being aggrieved by this, they have prayed in this application that the aforesaid Rule 16(iii) of the Delhi Police (Promotion and Confirmation) Rules, 1980, be quashed and declared as ultra vires of the Constitution in so far as it permits the consideration of Assistant Sub-Inspectors (Stenographers) for inclusion in the List 'E' and consequential promotion to the cadre of Sub-Inspectors (Ministerial). They have also prayed that the cadre of Stenographers be removed from the Ministerial cadre and the respondents be directed not to consider them for promotion to List 'E' in future.

2. To have full appreciation of the contention of the applicants, it is necessary to briefly give the relevant facts and background information required in this case. In the Delhi Police it is stated that there are three defined cadres of officials and they are described as Executive, Technical and Ministerial. It is also stated that there is a separate group of Stenographers who form a separate cadre. The cadre of Stenographers, who are originally treated as civilian officers, were

enrolled subsequently under the Police Act as it existed then as Assistant Sub-Inspector in the scale of Rs.130-300 by the Government in their Notification dated 24.10.1969. The aforesaid Notification is reproduced below:-

"With reference to Delhi Administration's letter No.5(64)/66-(RCC)/Home(P) dated 17th June, 1969, on the subject noted above, I am directed to say that Government of India have decided that Stenographer in Delhi Police may be enrolled under the Police Act as ASI/SI. The existing scale of post i.e. Rs.130-5-160-8-208-8-280-10-290-10-300 may be retained. No special pay will be admissible.

2. I am also to say that the rank of Sub-Inspector may be conferred on the Stenographers as and when their pay reaches the stage of Rs.168/- i.e. the minimum of Sub-Inspector's pay. Stenographers drawing less pay than Rs.168/- will be in the rank of Assistant Sub-Inspector".

From the above, it is evident that the Stenographers who are given the rank of SI in the Police Act depending on the period of service and as and when their pay reaches the stage of Rs.168/-, which was stated to be the minimum of Sub-Inspector's pay, they are to be conferred the rank of Sub-Inspectors; below this stage, they will only hold the rank of Assistant Sub-Inspector. This conferment of rank probably became necessary due to the fact that these Stenographers were to be enrolled under the Police Act. It is evident from the aforesaid Notification that the conferment of rank was by nature of efflux of service and reaching a particular stage in the pay scale rather than by a process of regular promotion to the post of Sub-Inspector. The applicants maintain that the seniority lists of Ministerial cadre officials and the Stenographers were considered distinct cadres.

It is stated that the sanctioned strength was also duly prescribed for the posts in the Ministerial cadre and posts of Inspectors, Sub-Inspectors, Assistant Sub-Inspectors and Head Constables in the Ministerial cadre and similarly <sup>for the posts of ASI/SI/Inspector</sup> in the cadre of Stenographers. Following recommendations of the Khosla Commission in 1971, it was stated that the Delhi Administration provided for an integrated seniority list for the purpose of promotion and confirmation for the cadre as a whole, namely, Ministerial and Stenographers. However, the Delhi Administration had subsequently confirmed that the seniority list of Stenographers would be continued to be maintained separately and similarly Ministerial staff would have their own seniority. Sometime after June, 1971, it is stated that 20% of the posts in the grade of Stenographers in the then existing scale of Rs.330-560 was also prescribed to selection grade post in the pay scale of Rs.425-600. The applicants have referred to the Delhi Administration (Promotion and Confirmation) Rules, 1980 which were notified by the respondents by the Notification dated December 29, 1980. These rules provide for the general principles of promotion and the procedure for promotion to the various cadres in the Delhi Police and also for the constitution of Departmental Promotion Committees. Under this, List 'A' to List 'F' is provided for constitution of Departmental Promotion Committees for selection of confirmed Constables for training in the Lower School Course and for promotion to the rank of Head Constable and also to the other ranks of Assistant Sub-Inspector, Sub-Inspector and Inspector. List 'D' in the aforesaid rule

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provides for promotion of confirmed Head Constables to the rank of Assistant Sub-Inspector, <sup>and List 'E'</sup> to the rank of Sub-Inspector and List 'F' for promotion of confirmed Sub-Inspectors to the rank of Inspectors.

3. It is stated in the application that in Rule 16(iii) which deals with the question of granting List 'E' to Ministerial Sub-Inspectors, the 'Stenographers' category was also included to the aforesaid list on the basis of a test by Police Headquarters and only those Stenographers who pass the test whether Ministerial or Stenographers are to be considered for inclusion in 'E' List. It is also stated that between 1982 and 1984 only one test was held in 1983 in which test none of the Stenographers appeared in the test. In 1984, the aforesaid Rule 16(iii) was amended and the provision of the test was dropped and inclusion in the List 'E' for the purposes of promotion to the rank of Sub-Inspector (Ministerial) was to be made on the basis of the recommendations of the Departmental Promotion Committees. It is alleged that the Ministerial cadre officials who were holding the rank of ASI at that time had felt aggrieved by the amendment by which the condition for test was dropped and the Stenographers were automatically to be considered on the basis of their minimum of 6 years of service for inclusion in the said list and on the basis of the recommendations of the Departmental Promotion Committee. Some promotions of Stenographers were made in 1985 to the rank of Sub-Inspectors. This promotion alongwith the vires of Rule 16(iii) permitting inclusion of

Stenographers in the List 'E' were challenged in O.A. No. 1692 of 1987. It is alleged that despite detailed representation by the members of the Ministerial cadre, the respondents are continuing to consider Stenographers for inclusion in the List 'E' and actual promotion to the cadre of Sub-Inspectors (Ministerial).

4. The main grounds under which the applicants challenge the vires of the aforesaid rule are briefly as follows:-

(i) By bringing the Stenographers also within the eligibility list for inclusion in the List 'E', the respondents have acted in an arbitrary and illegal manner.

(ii) As the cadre of Stenographers is different and distinct and as they have a separate seniority list and also separate sanctioned posts in the cadre of Sub-Inspectors and Inspectors, there was no justification for making them eligible for inclusion in the List 'E'.

(iii) Under the provisions then existing, the Stenographers could automatically become Sub-Inspectors on reaching basic pay of Rs.168/- and corresponding stage in the revised pay scale and they were also treated at par with technical staff as their duties were identical and, therefore, there was no justification to have them included in List 'E' (Ministerial) for promotion to Sub-Inspector (Ministerial).

(iv) By this Rule 16(iii) as amended, the respondents have merged the Stenographers in the Ministerial cadre which has created an anomaly in that senior ASIs (Ministerial) with whom the Stenographers who are much junior are also promoted

draw less pay than the Stenographers for the reason that the Stenographers scale is higher than that of ASI (Ministerial). It is also alleged that the respondents have not called for the option at that time when they decided to merge two cadres for the purpose of preparing this scheme.

(v) The ASI Stenographers have 93 posts and they can in the normal course become Sub-Inspectors and even Inspectors in their own line as Stenographers, whereas by including them in the eligibility List 'E', the respondents have permitted them to have two channels of promotion. By this, the respondents have acted in a discriminatory manner.

(vi) The merger of the two cadres at the stage of List 'E' gives the Stenographers an unfair advantage in the matter of promotion as they get this promotion at a relatively younger age whereas the Ministerial cadre officials have to wait for a long time for promotion from the level of Head Constable to the ASI.

(vii) In view of the inclusion of Stenographers in the eligibility list, the respondents have enabled the Stenographers to usurp the vacancies that would have otherwise gone for the ASIs in the Ministerial cadre.

(viii) It is alleged by the applicants that even as early as in 1971, the Delhi Police had reservations on the question of integrated seniority and although it was ordered that the Stenographers would have their separate seniority, Rule 16(iii) had made the Stenographers eligible for the post of Sub-Inspector (Ministerial) while at the same time they would also be eligible for promotion in their own cadre of Stenographers in the rank of Sub-Inspectors and also Inspectors. By this,



the Stenographers have the best of both the worlds.

5. In view of the above grounds, the applicants have sought for quashing the Rule 16(iii) of the Delhi Police (Promotion & Confirmation) Rules, 1980 as amended by Notification dated 7.4.1984.

6. The respondents have strongly resisted the application and have contended that the Stenographers were allowed to be considered for promotion in List 'E' (Ministerial) alongwith ASIs (Ministerial) with a view to improving their promotional avenues so that they may also have some opening for further advancement of their career.

They have also stated that after the 4th Pay Commission, the selection grade to the Stenographer has also been abolished. They contend that after the Stenographers were integrated as part and parcel of police rank in pursuance of the recommendations of the Khosla Commission, the Stenographers, who are initially recruited and given the rank of Assistant Sub-Inspectors are conferred the rank of Sub-

Inspectors when they reach the minimum of pay scale of Sub-Inspector in their grade and they contend that it is wrong and incorrect on the part of the applicants to aver that the Stenographers are given regular promotion to the grade of Sub-Inspectors. They also deny strongly the contention of the applicants that no post of Sub-Inspector is sanctioned for the reason that ASI after reaching the minimum of pay scale of Sub-Inspector get promotion automatically to the rank of Sub-Inspector whereas in the Ministerial cadre, the officials have to be selected for promotion as Sub-Inspector through DPC or departmental test and that many ASIs in the Ministerial cadre may not even get

promotion to the rank of SI, whereas ASI Stenographers automatically get the rank of SI. The respondents contend that this averment is misconceived and wrong. The respondents further contend that the provision for departmental test for promotion to the grade of Sub-Inspector was dropped and the promotion on the recommendations of the DPC was introduced. This was done with a view to ensuring that the departmental test does not prove to be handicap in matters of promotion particularly where a majority of candidates could become eligible for promotion on the basis of the recommendations of the DPC on the basis of seniority-cum-fitness and it was considered in the interest of justice to treat all the eligible candidates whether they are in the Ministerial cadre or in the Stenographers cadre at par and make all of them eligible for promotions on the recommendations of the DPC and, therefore, the said amendment was made to the rules. The amendment is based on reasonable classification and has been done with a view to do away with any discrimination. In view of this, the respondents contend that Rule 16(iii) is very much intra vires in the facts and circumstances of the case. In view of the fact that the present O.A. was admitted with an interim order that any promotion made would be subject to the outcome of the present application, there was no question of ignoring the claim of the Stenographers for being included in the List 'E' in accordance with the amended Rule 16(iii). The respondents also deny that Rule 16(iii) is in any way ultra vires of the Delhi Police Act or the Constitution of India and it is based on

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reasonable classification of bringing all the eligible candidates at par. They also contend that by allowing Stenographers for being considered for inclusion in List 'E', the Administration has taken the decision in the interest of justice and fair play and also in pursuance of public policy and is in no way bound to preserve the interest of only a few persons, i.e., one set of employee like Ministerial to the exclusion of another set like Stenographers, who are also to be considered for career advancement. The respondents further aver that the amalgamation at the stage of preparation of List 'E' is confined to the ranks of ASI and Stenographers Ministerial for the purpose of promotion and, therefore, the number of vacancies in the cadre of Head Constables is of no relevance. The conferment of rank of Sub-Inspector cannot be construed as a regular promotion and such notional promotion does not entitle the Stenographer Sub-Inspector to any consequential benefit of such promotion whereas regular promotion under the rules would provide such benefit. The promotional avenues of Stenographers to the rank of Inspector is also limited compared to the Ministerial cadre and, therefore, the stagnation of the cadre in the Stenographer also needs to be ameliorated. On these considerations, the Stenographers have also been included and merged with the cadre of Ministerial for promotion of Sub-Inspectors in List 'E'.

7. The counsel for the applicant while arguing on the lines of the averments made in the application

urged the fact that right from the very beginning, the Stenographers were held to be distinct cadre governed by separate set of qualifications and rules for recruitment. She drew our attention to the Notification of the Delhi Administration dated 9.3.1970 and contended that the Stenographers who were enrolled under the Police Act were straight-away appointed as Assistant Sub-Inspectors and on reaching Rs.168/- (the minimum of Sub-Inspector's pay) in the then existing scale of Rs.130-300 were given the rank of Sub-Inspector. The learned counsel also urged that even as early as in 1971, the then Commissioner of Police by his letter dated 6.10.1971 gave reasons why the seniority list of Stenographers would have to be maintained separately and this was also conceded by the Delhi Administration in their letter dated 14.1.1972. In conjunction with the above position, the department has also created separate posts of Sub-Inspector and Inspector in order to take care of the promotional requirements of such of those Stenographers who are initially given the rank of <sup>Assistant</sup> Sub-Inspector. Since recruitment rules are different for the cadre of Stenographers and they have separate promotional avenues due to the creation of separate set of posts, inclusion of Stenographers in Rule 16(iii) List 'E' alongwith ASI (Ministerial) for purposes of promotion as Sub-Inspector (Ministerial) will tantamount to additional benefit given to the Stenographers inasmuch as they will have opportunities of promotion as Inspectors in their own cadre as well as in the Ministerial cadre. In view of this, the

Rule 16(iii) List 'E' has brought about a piquant situation in which one class of employees has been given an overriding advantage and has been shown beneficial discrimination which is not in consonance with Articles 14 and 16 of the Constitution and, therefore, will have to be held as bad in law. The learned counsel also argued strenuously that the cadre of Stenographers cannot be brought on par with Ministerial cadre and, in fact, the respondents have all along treated them on par with the other technical staff. This would be evident from the prescribed qualifications as well as the higher scale of pay granted to the Stenographers. The learned counsel also pointed out that there are separate posts of Inspectors available for the Stenographers and the respondents are even now promoting ASI Stenographers as Inspectors (Stenographers). This is stated to substantiate the point that the respondents have been giving promotions to the ASI Stenographers in their own cadre and promotional opportunities of Stenographers will not in any way be affected by not having their cadre included under Rule 16(iii) List 'E'.

8. The learned counsel for the respondents argued on the lines of the averments made in the counter-reply. During the course of the hearing, at the direction of the Bench, the learned counsel for the respondents also produced the relevant file under which Rule 16(iii) List 'E' was considered. The file, however, contained only the copies of certain demi official letter dated 10.12.1980

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forwarding the draft Delhi Police (Promotion and Confirmation) Rules, 1980 to the Delhi Administration. These documents do not contain any specific discussion on the Rule 16(iii) List 'E' (Ministerial). Subsequently, the learned counsel for the respondents have also filed letter dated 24.5.1995 of the respondents to state that no other record/material is available on the subject.

9. We have heard the learned counsel for the parties and have also perused the record.

10. At the outset, it may be stated that O.A. No. 1692 of 1987 which has been referred to in the application which was pending adjudication at the time of filing of this application was disposed of by the order dated 22.3.1993 and it was held that the above petition had abated on the death of the petitioner.

11. It is stated that the initial recruitment in the Ministerial cadre was at the level of Head Contable whereas for the Stenographers, the initial level of induction was at Assistant Sub-Inspector's level on the basis of the qualifications and method prescribed for such recruitment.

12. In this application, there is no dispute about the fact that the Stenographers had separate seniority list and they were, on their appointment, given the rank of Sub-Inspectors (Stenographers) and on reaching the stage of Rs.168/- were given the rank of Sub-Inspector (Stenographers). This conferment of the rank of Assistant Sub-Inspector and Sub-Inspector respectively was necessitated as these officials as well as the other clerical staff of the Delhi Police were enrolled under the

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Police Act and were subjected to the provisions of that Act by the amendment to the then Punjab Police Rules 1934. The educational qualifications for recruitment to the post of clerical staff in the General Branch and also of the Stenographers Branch was the same. The Stenographers were, however, required to be tested in shorthand at the speed of 100 w.p.m. and typing test at the speed of 40 w.p.m. as against only typing test of 30 w.p.m. prescribed for the clerical cadre in the General Branch. The clerical cadre were, however, required to take a test in English, Precis Writing, General Knowledge and Arithmetic whereas Stenographers were also required to take similar test in these subjects excepting Arithmetic. The scale of pay of Stenographers was, however, 130-300 whereas the other clerical cadres contained different scales, namely, 100-130, 130-175.

13. When the Delhi Police (Promotion & Confirmation) Rules, 1980 were notified, it provided for Constitution of Departmental Promotion Committee in respect of the following:-

<p>"List A for selection of confirmed constables for training in Lower School Course</p>	<p>2 Dy. Commissioners of Police and one Asstt. Commissioner of Police to be nominated by Commissioner of Police (Added vide Notification NO.F.5/7/85-Home(P)/Estt. dated 23.5.85).</p>
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Note:- 'Out of two Deputy Commissioners of Police senior-most between them shall be nominated as Chairman of the DPC'.

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| List B | for promotion of confirmed Constables (Lower School Course trained) or professionally qualified in technical trades to the rank of Head Constables. | One Addl. Commissioner of Police & 2 D.Cs.P. to be nominated by Commissioner of Police |
| List C | for promotion of confirmed Constables (Overage and unqualified) to the rank of Head Constable.  | -Do-   |
| List D | for promotion of confirmed Head Constable to the rank of Assistant Sub-Inspector  | One Addl. C.P. & two DC&P to be nominated by Commissioner of Police                    |
| List E | for promotion of confirmed Assistant Sub-Inspectors to the rank of Sub-Inspector  | - Do -   |
| List F | for promotion of confirmed Sub-Inspectors to the rank of Inspector  | C.P. and two Addl. Cs.P. to be nominated by C.P."                                      |

List 'A', 'B' and 'C' are for executive ranks.

In the List 'D', however, there are three categories, namely, Executive, Technical and Ministerial; so also in the List 'E' and 'F'. The List 'D' (Ministerial) is for promotion to the rank of Assistant Sub-Inspectors from among the confirmed Head Constables (Ministerial) who have put in minimum of 5 years of service. Since the Stenographers are already given the rank of ASI at the induction level, this List 'D' need not provide for inclusion of Stenographers. However, List 'E' is for promotion from the level of Assistant Sub-Inspectors (Ministerial) to the Sub-Inspectors (Ministerial). Rule 16(iii) List 'E' (Ministerial) reads as follows:-

"16(iii) List-E (Ministerial) - Confirmed Assistant Sub-Inspectors (Ministerial) and Stenographers, who put in a minimum of 6 years service in this rank, shall be eligible. The selection shall be made on the recommendations of the Departmental Promotion Committee. The names of selected candidates shall be brought on List 'E' (Ministerial) in order of their respective seniority, keeping in view the number of vacancies likely to occur in the rank of Sub-Inspector (Ministerial) in the following one year, and they shall be promoted to the rank



of Sub-Inspector (Ministerial) as and when vacancies occur. Stenographers, thus promoted shall cease to have their lien as Stenographers on confirmation in the rank of Sub-Inspector (Ministerial)".


14. The Stenographers at the induction level are given the rank of Assistant Sub-Inspector and are conferred the rank of Sub-Inspector (Stenographers) on attaining the pay of Rs.168/- in the scale as it then existed. It is averred in the counter-affidavit that this was only a notional promotion and not a regular promotion. The applicants have not produced any record or document or rule to controvert this position except a bland denial in their rejoinder-affidavit. There is nothing also on record to indicate that the SI (Stenographers) are governed by separate set of rules for promotion in their own cadre. So when the Delhi Police (Promotion & Confirmation) Rules, 1980, were notified, it stands to reason that Stenographers who were also brought within the purview of the Police Act and were given the rank of Assistant Sub-Inspectors on induction, have to be brought within the parameters of these rules. It also stands to reason that such of those Stenographers who are inducted and given the rank of ASI should also be covered by necessary provision in these rules for promotion to the higher ranks. Merely stating that on reaching certain stage, they would be conferred the rank of Sub-Inspectors does not give them the statutory recognition as having been promoted to the level of Sub-Inspectors unless they are brought within the framework of these statutory rules. It, therefore, stands to logic that the Stenographers

have also been included for consideration in List 'E' (Ministerial) with the same minimum number of years of service for such eligibility as in the case of other Assistant Sub-Inspectors (Ministerial). The fact that such of these ASIs (Stenographers) are being given the rank of SIs, would not by itself become a legally recognised promotion under the relevant statutory rules. Therefore, the inclusion of Stenographers in the List 'E' of promotion of Sub-Inspectors (Ministerial) is not only necessary but is also logical. It is not unusual or irregular to have two feeder categories for promotion to a higher cadre. It should also be noted that Stenographers when promoted as SI shall cease to have their lien as Stenographers on conferment in the rank of Sub-Inspector (Ministerial). Similar provision exists under List 'F' (Ministerial) under Rule 17(iii) List 'F' (Ministerial) for promotion to the rank of Inspector (Ministerial). The fact that the respondents are operating on certain Inspectors posts and granting these ranks to the Stenographers does not alter the situation nor does it go to establish that they are governed by separate set of statutory rules for promotion and confirmation. In any case, there is nothing on record to show that such rules have been framed and are in existence for them separately. In view of this, the inclusion of the category of Stenographers in the List 'E' (Ministerial) cannot be said to be arbitrary or illegal. At the level of Sub-Inspector (Ministerial), two classes of persons, one, namely, Stenographers and the other Ministerial cadre are eligible for consideration for this promotion and the rules provide for the same minimum years of service for eligibility for such consideration and, therefore, it cannot be said that the Ministerial

cadre people have been discriminated. The plea that the Ministerial staff take longer time to reach the level of Assistant Sub-Inspector compared to the Stenographers, who are straightaway taken as Assistant Sub-Inspectors and that consequently the promotion chance of Ministerial staff is abridged because of induction of Stenographers also in the List 'E', cannot be accepted as their method of recruitment and the test they have to pass are not on all fours and the Stenographers have been given higher grade taking into account the nature of duties that they are expected to perform and they have also to be brought within the framework of the statutory rule for promotion. The contention of the learned counsel for the applicant, that Stenographers cannot be brought within the purview of "Ministerial". As per the definition in the Rules, 'Ministerial' means police employees of subordinate rank of and above rank of Head Constable whose duties are entirely clerical and, therefore, it is contended that the Stenographers are not clerical. This is also not acceptable. The word clerical has to be given ordinary meaning. 'Clerical' means relating to the work of a clerk and 'clerk' is an office worker in a position of minor responsibility - The New Lexicon Webster's Dictionary Deluxe Encyclopedic Edition. As quoted in Maxwell's "General principles of Interpretation", page 43(12th Edition), "It is very useful rule, in the construction of a statute, to adhere to the ordinary meaning of the words used, and to the grammatical construction, unless that is at variance with

the intention of the legislature, to be collected from the statute itself, or leads to any manifest absurdity or repugnance, in which case the language may be varied or modified, so as to avoid such inconvenience, but no further". If the normal meaning is given, then it cannot be said that 'Stenographers are not clerical'. Finally, the allegation in the application that the respondents have shown special favour to the category of Stenographers as they are working in close contact with the Senior-Officers, is devoid of any merit.

15. In the conspectus of the above discussion, no illegality or infraction of the provisions of Articles 14 and 16 of the Constitution is made out and, therefore, there is no ground for interference. In the result, the application lacks merit and is dismissed but without any order as to costs.

  
(K. MUTHUKUMAR)  
MEMBER (A)

  
(LAKSHMI SWAMINATHAN)  
MEMBER (J)

RKS