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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1964/2004

New Delhi, this the 27th day of February, 2006

HON'BLE MR. V.K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)

1. The Income Tax Employees
Federation (Group C Circle),
Through Secretary General
A 2195, Rajouri Garden,
New Delhi - 110 027.

2. Sh. Sanjeev Saxena
WZ-280, Srinagar,
Shakur Basti,
Delhi - 110 034.

3. Ms. Pushpa Rawat
D-190, Street No.8,
Laxmi Nagar,
Delhi - 110 092.

..... Applicants.

(By Advocate Ms. Maninder Acharya)

VERSUS

1. Union of India
Ministry of Finance
Through Secretary,
Department of Revenue
North Block, New Delhi.

2. Central Board of Direct Taxes
Through Its Chairman,
North Block, New Delhi.

..... Respondents.

(By Advocate Shri V.P. Uppal)

O R D E R (ORAL)

By Hon'ble Mr. Mukesh Kumar Gupta:-

This matter was heard in part on 24.02.2006 and had been adjourned for today. Today, none appears for the applicants even on revised call. Therefore, we proceed with the matter based upon pleadings.

2. We may note at the outset that learned counsel for the applicants had made elaborate arguments on an earlier date of hearing.

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3. In this OA, applicants seek implementation of OM dated 31.7.1990 and grant of pay scale of Rs.1640-2900/- with effect from 01.1.1986 till 31.12.1995 and thereafter the pay scale of Rs.5500-9000/- with all consequential benefits. Applicant no.1 is an association of Income Tax Group-C employees. Applicant nos.2 and 3 are working as Stenographer Grade-II with the Income Tax Department, a subordinate office under Central Board of Direct Taxes, Ministry of Finance, Government of India. Their basic grievance is that initially the Stenographers of subordinate offices were placed in the pay scale of Rs.425-700/-, while their counter-parts in the Central Secretariat were drawing the pay scale of Rs.425-800/- based upon the award of arbitration. Later, their scale was revised to Rs.1400-2600/-, which was also the pay scale of their counter-parts in the Central Secretariat. Immediately thereafter Government of India vide OM dated 31.7.1990 revised the pay scale of Stenographers in the Central Secretariat Services to Rs.1640-2900/-, but the said benefit had not been extended to them, and therefore they being aggrieved, approached this Tribunal claiming parity with the Central Secretariat Stenographers. Their contention is that based on the principle of equal pay for equal work, they were entitled to parity with their counter-parts in the Central Secretariat. The nature of work, duties & responsibilities and recruitment conditions are absolutely the same and the Government having taken conscious consideration and decision to place stenographers of subordinate offices at par with their counter-parts in Central Secretariat based on award passed by the Board of Arbitration, was not justified not to extend and revise their pay scales at par with their counter-parts of Central Secretariat so directed vide order dated 31.7.1990. Thus, certain irregularities have been committed, which violate Article 14 of the Constitution of India.

4. The respondents, on the other hand, contended that the Larger Bench of this Tribunal vide order dated 15.3.2001 considered the reference, which read thus:-



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"Whether Stenographers and Assistants of subordinate and attached offices of the Government of India are entitled to the pay scale of Rs.1640-2900/- applicable to Stenographers and Assistants working in Central Secretariat Services."

5. After noticing in detail various judgments rendered from time to time including of this Tribunal as well as of Hon'ble Supreme Court, the said Larger Bench came to the conclusion that the burden of proof, that the applicants, who were also the Stenographers working in the subordinate office, were entitled to claim parity based on principle of equal pay for equal work, were not able to discharge their burden and therefore answered the said reference in the negative. It was also noticed therein that the applicants who were Stenographers Grade-II in the said pay claimed higher replacement of Rs.5500-9000/-, which was pay scale available to promotional post of Stenographer Grade-I and grant of such prayer would tantamount to placing holder of the lower post as well as the higher promotional posts in the same scale, and treating dissimilar persons similarly, ^{which} would also be violative of Articles 14 and 16 of the Constitution of India.

6. After noticing various judgments including *State of U.P. vs. J.P. Chaurasia* [AIR 1989 SC 19], *State of U.P. & Ors. vs. Ministerial Karamchari Sangh* [1998 (1) SCC 422] and *AIC & CE Stenographers vs. Union of India* [AIR 1988 SC 1291], it was held that the equal pay for equal work must depend on nature of work done and cannot be judged by the mere volume of work, because there may be qualitative differences regarding reliability and responsibility. It is stated by learned counsel appearing on behalf of respondents that the said judgment holds the field even on date and as such we are bound by the said Larger Bench judgment. On perusal of pleadings, we may note that it is not denied that the said judgment of the Larger Bench is binding upon the Division Bench of this Tribunal. However, a plea is raised in the rejoinder that the said OM dated 31.7.1990 created a disparity not only between the Stenographers in the

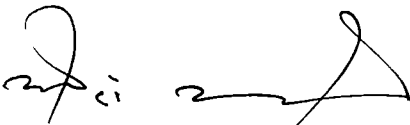
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subordinate offices and that of Central Secretariat Services but also amongst different subordinate offices.

7. Upon careful consideration of the entire facts and pleadings, we are of the considered view that the said Larger Bench judgment is binding upon this Division Bench, being a matter of precedent and there is no justification to take a different view than the one arrived at by the said Larger Bench. Following the aforesaid large Bench judgment, we find that there is no merit in the present OA and the same is accordingly dismissed. No costs.


(Mukesh Kumar Gupta)
Member (J)

/gkk/


(V.K. Majotra) 27.2.06
Vice-Chairman (A)