

**Central Administrative Tribunal
Principal Bench, New Delhi**

(45)

O.A.No.642/2004

Wednesday, this the 21st day of March 2007

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Smt. Neena Ranjan, Member (A)

1. Shri RM Nair
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun
2. Shri NL Bunker
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun
3. Shri Ashish Kumar Patel
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun
4. Shri MK Tyagi
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun
5. Shri Sunil Kumar
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun
6. Shri Anand Singh Rana
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun
7. Shri Neeraj Kumar
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun
8. Smt. Darshini
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun
9. Ms. Prem Kumar
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie, Distt. Dehra Dun

46

10. Laxmi Prasad
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun
11. S.P.S. Rawat
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun
12. Ajay Kumar
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun
13. K.S. Rawat
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun
14. R.K. Sharma
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun
15. Purshottam Kumar
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun
16. Ms. Manjula Sharma
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun
17. V.P. Chamboli
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun
19. J.B. Saini
Stenographer-II
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun

..Applicants

(By Advocate: Shri VSR Krishna)

Versus

Union of India through

1. The Secretary
Ministry of Personnel PG & Pension
Department of Personnel & Training
Govt. of India
North Block, New Delhi
2. The Director
Lal Bahadur Shastri National Academy of Administration
Mussoorie,
Distt. Dehra Dun

..Respondents

(By Advocate: Shri Rahul Kumar for Shri Adish C. Aggarwal)

ORDER (ORAL)**Hon'ble Shri Shanker Raju, Member (J):**

Heard the learned counsel.

2. Stenographers Grade II working in Lal Bahadur Shastri National Academy of Administration, Mussoorie seek the revised pay scale of Rs.1640-2900, which is replaced by Rs.5500-9000 in the present OA by relying upon the decision of the Tribunal in **V.R. Panchal & others v. Union of India & others**, 1996 (2) (CAT) 683.

3. Learned counsel would contend that the applicants are performing the identical duties and are also identically situated. As such, they cannot be denied the same pay scale on the basis of principle of 'equal pay for equal work' otherwise it would constitute an invidious discrimination and would be violative of Articles 14 & 16 of the Constitution of India.

4. Learned counsel would also contend that the only ground to deny the claim is that the recruitment rules are different, which cannot be countenanced in law.

5. The Full Bench of this Tribunal consisting of five Judges in **Shri M.V.R. Rao and others etc. etc. v. Union of India & others**, AT Full Bench Judgments 2002-2003 260 while dealing with the principle of 'equal pay for equal work' in respect of the applicants, who were Stenographers and Assistants of subordinate attached offices of Government of India claiming the benefit of OM of 31.7.1990 and also claiming parity of pay of the revised pay scale of Rs.5500-9000 w.e.f. 1.1.1986 at par with the counterparts in CSS/CSSS, has ruled as under:-

"39. Lastly we place on record the following further observations made in P.K. Dey's case (supra)

"It is an indisputable fact that the pay-scales now claimed by the respondent (P.K. Dey) are those prescribed for the post of Assistant Sub-Inspector, As already noticed above, it is once again a promotional post for a Naik. Acceding to the claim made by the respondent would not merely result in change in the pay-scales but may also lead to alteration of the pattern of hierarchy requiring re-orientation and restructuring of the other posts above and below the post of respondent. Added to this, such consequences are likely to be felt in the various other Central Police Establishments as well. All these which are likely to have a chain-reaction, may require further consideration afresh by expert body like the Pay Commission or the Government itself at an appropriate time in an appropriate manner. Courts should normally leave such matters for the wisdom of administration except the proven cases of hostile discrimination. But in the case on hand, having regard to the facts and circumstances of the case and the position of law stated above, the Division Bench of the High Court was not right in granting the relief itself, straightaway to the respondent; that too, without examining the implications and impact of giving such directions on other cadres. However, we make it clear that the rejection of the claim of the respondent need not be taken as an issue closed once and for all. It is always open to the Government to consider the issue either by making reference to the Pay Commission or itself once again as to the grant of pay-scales to the respondent. It is open to the respondent to make further and detailed representation."

40. In the present case also we have already noticed that grant of the pay scale of Rs.1640-2900 w.e.f. 1.1.86 and its corresponding replacement scale of Rs.5500-9000 w.e.f. 1.1.96 to the applicants in the present O.As, which is the scale admissible for promotional posts of Stenographers Grade I,

49

would be tantamount to placing holders of the lower as well as the higher posts in the same pay scale of pay, which would be treating dissimilar persons similarly, and would be directly violative of Articles 14 and 16 of the Constitution of India.

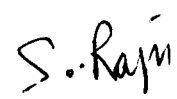
41. In the result the reference is answered in the negative."

6. In the light of above, as the claim of the similarly situated Stenographers has been turned down by the Full Bench, the decision of which is binding on us, covers the present issue in all fours.

7. Accordingly, the OA is found bereft of merit and is dismissed on merits. No costs.



(Neena Ranjan)
Member (A)



(Shanker Raju)
Member (J)

/sunil/