

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A No. 180/00512/2016**

Tuesday, this the 1<sup>st</sup> day of June, 2021.

**CORAM:**

**HON'BLE Mr. P. MADHAVAN, JUDICIAL MEMBER  
HON'BLE Mr. K.V. EAPEN, ADMINISTRATIVE MEMBER**

1. Confederation to All India Central Govt.,  
Stenographers Associations represented by its General Secretary,  
Harisuthan, S/o. G. Madhavan Unnithan, aged 45 years,  
Steno Grade D, Stenographer O/o. the Senior Superintendent of Post,  
Kollam – 691 001. Residing at Nadukunnil, Kizhakkethil,  
Navaneetham, Kadika, Kaithaparambu (P.O), Enathu,  
Pathanamthitta – 691 526.
2. M. Harisuthan, S/o. G. Madhavan Unnithan, 45 years,  
Steno Grade D, Stenographer, O/o. The Senior Superintendent of Post,  
Kollam – 691 001. Residing at Nadukunnil, Kizhakkethil,  
Navaneetham, Kadika, Kaithaparambu (P.O), Enathu,  
Pathanamthitta – 691 526.
3. P. S. Anirudhan, S/o. P. Sreedharan, 51 years,  
Stenographer Grade-D. O/o. The Principal Accountant General (SGSA)  
Audit Bhavan, AG's Bhavan, AG's Office (P.O), Statue,  
M.G Road, Thiruvananthapuram – 695 001.  
Residing at Goutham Vihar, Punukkannur,  
Perumpuzha (P.O), Kollam – 691 504.
4. Liji S.R., D/o. V. Raghunathan, 42 years,  
Stenographer Grade -D / Gr.III,  
O/o. The Commissioner of Central Excise & Customs,  
ICE Bhavan, Press Club Road, Trivandrum – 695 001.  
Residing at Ketharam, TC 43/666(2), NKRA-50,  
Neelattinkara, Kamaleswaram,  
Manacaud (P.O), Trivandrum – 695 009.
5. K.P. Sreenivasan, 49 years, S/o. V.K. Parameswaran (late),  
Stenographer Grade-D/Gr.III,  
O/o. The Commissioner Income Tax (Appeals),  
Aayakar Bhavan, Mananchira, Kozhikode – 673 001.  
Residing at Sreenidhi, Near Pisharikav Temple,  
Edakkad, P.O West Hill, Kozhikode – 673 005.
6. G. Ramdas., S/o. N. Gopalachary, 56 years,  
Steno Grade-D, Stenographer State, O/o. The National Commission  
for SCs, Ministry of Social Justice & Empowerment,  
Government of India. TC 24/547(1) Opp. Thycaud HPO,  
Thycaud, Trivandrum – 695 014. Residing at Guru Priya,  
ENRA 20, TC 36/663, Enjackal, Vallakkadavu (P.O),  
Trivandrum – 695 008.

7. M.P. Sivakumar, 46 years, S/o. C.P. Sethukumar,  
Stenographer Grade-I, Regional Passport Office,  
Panampilly Nagar, Cochin – 36. Residing at Nandanam,  
Near Yashoram Flats, Nirappathu,  
Chottanikkara (P.O), Ernakulam. - Applicants

[By Advocate : Mr. V. Sajith Kumar]

**Versus**

1. Union of India represented by Secretary to the Government,  
Department of Personnel and Training, Ministry of Personnel  
and Training, Government of India, New Delhi – 110 001.
2. Secretary to Government, Department of Expenditure,  
Ministry of Finance, Government of India,  
New Delhi – 110 001. - Respondents

[By Advocate : Mr. V.A. Shaji, ACGSC]

The application having been heard on 01.03.2021, the Tribunal on 01.06.2021 delivered the following:

**ORDER**

**Per: Mr. P. Madhavan, Judicial Member**

This O.A is filed seeking the following reliefs:-

*“i) To declare that the applicants working as Stenographers in various grades under Sub-ordinate stenographers Secretariat Service with various department under the Central Government is entitled to pay parity with their counter parts in Central Secretariat Stenographers Service being enjoyed decades together.*  
*ii) to direct the respondents to extend the benefits ordered in Annexure A-3 and Annexure A-4 series to the applicants and to bring parity in pay to the applicants working as Stenographers in various grades under Sub-ordinate stenographers Secretariat Stenographers Service with effect from 01.01.2006 with all consequential benefits.*  
*iii) to direct the respondents to grant non-functional selection grade (NFSG) of Rs. 4200/- to Stenographer (Gr.II) [erstwhile Stenographer (Gr.III)] of subordinate offices with effect from 22.06.2011 with consequential benefits, on par with their counterparts of CSSS as ordered in Annexure A-4(b).*  
*(iv) to direct the respondents to grant upgraded pay scale of Rs. 6500-10500 to Stenographers grade I and the grade pay of Rs. 4600/- in the revised scale with effect from 01.01.2006 on par with CSSS as ordered in Annexure A-3.*  
*(v) To direct the respondents to grant non-functional pay scale of Rs. 8000-13500 with effect from 03.10.2003 to Private Secretary of Subordinate Offices and grade pay of Rs. 4800/- in PB-2 with effect from 01.01.2006 and the consequential benefits in terms of Annexure A-4.”*

2. The applicants are working as Stenographers in the Subordinate/Field Offices of various Central Government Offices and they are aggrieved by the inaction on the part of the respondents in considering their claim of pay parity with their counterparts in the Central Secretariat Stenographers Service (CSSS)

with effect from 01.01.2006. The selection of Stenographers of the CSSS and Central and Sub-ordinate/Field offices were made through Staff Selection Commission. The Stenographers in the Central Secretariat Service and the Field Office are required to have the same educational qualification and to fulfill the same recruitment criteria. The only difference is that the candidates are given an option to seek preference to work either in the CSSS or at Subordinate Offices under Government of India. The appointments were made from a common rank list. According to the applicants, there existed pay parity between Stenographers at CSSS and various Field Offices till 1986. According to them, the opportunity for promotion in the CSSS is much brighter than the Field Offices. The entry grade of Stenographer Grade-D is granted with a Grade Pay of Rs. 2400/- in Field Offices as well as Secretarial Service. On completion of 5 years as Stenographer Gr. D in Secretariat Service, they are given the benefit of Grade Pay of Rs. 4200/- but the Stenographer of Field Offices are totally ignored. The Stenographers at Central Secretariat Service will reach the post of Senior Private Secretary/Principal Staff Officer with Grade Pay of Rs. 7600/- or more. But the Stenographers in Field Offices have to be satisfied with the post of Senior Private Secretary with Grade Pay of Rs. 4800/-.

3. The applicants are aggrieved not because of lack of promotion but due to the gross discrimination in granting Grade Pay in similar grades. The attempt to discriminate Stenographers at the Field Offices and CSSS had resulted in various litigation. The dispute was once referred to arbitration and the award was in favour of Stenographers of Subordinate Offices and they were given parity with effect from 01.01.1986. The applicants had produced the award as Annexure A-1. But the request for time bound upgradation as in the case of

CSSS was not acceded to. Annexure A-1 award was implemented as per order at Annexure A-2 dated 31.07.1990. The V<sup>th</sup> Pay Commission had removed the anomalies and disparity between the Private Secretaries of Subordinate Office and Private Secretaries at Secretariat Service by merging and a common scale for both cadres were granted. The pay parity which was granted was upset due to an upgradation of pay was granted to the Stenographers Group-C by the Government behind the back of VI<sup>th</sup> Pay Commission as per order dated 25.09.2006. The said order is produced at Annexure A-3. The order failed to take care of the parity pre-existing between Stenographers in Central Secretariat Services and Field Offices. The Private Secretaries at CSSS were given non-functional upgradation as per Annexure A-4 order dated 24.06.2005. However, there was no corresponding upgradation given to the Stenographers of the Subordinate services. The VI<sup>th</sup> Central Pay Commission also recommended principle of pay parity but the request made by the Association of the applicants before the Commission was not reflected in the pay revision orders. The upgradation of pay given to the Stenographers of CSSS just before the constitution of VI<sup>th</sup> Pay Commission had created discrimination between both the services.

*“Existing Pay Structure/Grade Pays in the CSSS /Attached Offices & Field / Subordinate Office CSSS and attached their filed offices are scheduled in the O.A as follows:-*

1. STENOGRAPHERS OF THE CENTRAL SECRETARIAT & ATTACHED OFFICES			2. STENOGRAPHERS-NON-SECRETARIAT SUBORDINATE / FIELD OFFICES	
Entry level	Steno Gr. D	Rs. 2400/-	Steno Gr. D/III	Rs. 2400/-
Up-gradation in the same post as Steno Gr. D after 6 years of service (automatic)	Steno Gr. D	Rs. 4200/-	Although the Steno Gr. III post is now upgraded to Steno Gr. II (new), no upgraded grade pay is given.	Rs. 2400/-
Next promotion	Steno Gr. II/C	Rs. 4600/-	<b>Grade-II&amp;I (Erstwhile posts) (2 promotions received in the old pattern are merged)</b>	Rs. 4200/-
Next promotion	PS	Rs. 4800/-	PS	Rs. 4600/-

Next promotion	Automatic upgradation to Rs. 5400/- after 4 years	Rs. 5400/-	No such upgradation	
No such post exist in CSSS			Sr. PS (only one post exist in few departments)	Rs. 4800/-
			Automatic upgradation to Rs. 5400/- after 4 years	Rs. 5400/-
Next Up-gradation	PPS	Rs. 6600/-	No such post exists in subordinate offices	
Next promotion	Sr. PPS	Rs. 7600/-	No such post exists in subordinate officers”	

4. Even though representations were given regarding the anomaly, nothing happened. The principle of pay *equal pay for equal work* is violated by the respondents. There is no justification for denial of pay parity to the applicants along with CSSS. Subsequently, the Stenographers of AIIMS had filed an O.A No. 3052/2009 before the Principal Bench of the CAT and it was allowed as per order in O.A No. 3335/2011. The said judgment is produced as Annexure A-10. Similarly, the claim for parity by the Stenographers of CAT was raised in O.A No. 164/2009 before the Principal Bench and the same was also allowed and the said order is produced as Annexure A-11. The Stenographers of Railway had approached CAT Madras Bench seeking an extension of benefits in O.A No. 164/2009 and the CAT Madras Bench issued a direction to consider and pass a speaking order on the claim of the applicants and it was rejected by the Railway and the said order was challenged in O.A No. 658/2010 and the Madras Bench of the CAT had allowed the said O.A on 05.06.2012, which is produced as Annexure A-12. In the case of Naval Clerks also, an O.A No. 314/2010 was filed and the Ernakulam Bench of the CAT had allowed the same and the said order is produced as Annexure A-13 (The said order was reversed by the Hon'ble High Court later in OP (CAT) No, 1597/2012 dated 08.08.2019).

5. The applicants in this case had filed an earlier O.A for the same relief as O.A No. 709/2013 and the said O.A was dismissed on 06.04.2016 permitting the applicants to file another O.A confirming to the principles laid down by apex Court for adjudication of such matters. Accordingly, the present O.A is filed.

6. The respondents appeared and filed a very detailed reply statement denying the claim for parity. According to them the level of stenographic assistance in Central Secretariat and in non-secretariat offices are different in the nature of functions and the intensity of stenographic assistance. There cannot be any pay parity between Stenographers in Secretariat and non-Secretariat Offices as the two stands on different footing.

7. The issue raised by the applicants were also raised before the VI<sup>th</sup> Central Pay Commission and they have produced the relevant para 3.1.14 of the report as Annexure R-6. The recommendations contained regarding the CSSS by the VI<sup>th</sup> Central Pay Commission is produced as Annexure R-7. As regards non-Secretariat organization, the VI<sup>th</sup> CPC has recommended separate scale and it has also recommended separate scale for CSSS services. They pointed out that the VI<sup>th</sup> CPC has separate pay structure for the Stenographers in Secretariat and Non-Secretariat organizations. The scale of pay of PA in CSSS was revised from Rs. 5500-9000 to Rs. 6500-10500 in the year 2006 itself, whereas the Report of the VI<sup>th</sup> CPC was submitted in March, 2008 and hence, the VI<sup>th</sup> CPC was fully aware of this fact and yet the Commission did not recommend for any upgradation of the post of Steno Grade-I in the subordinate offices; rather the Commission recommended a common scale for posts of Steno Gr. II, Grade I and PS. The respondents had also pointed out that in para 17 of O.A No. 709/2013 of the judgment of this Bench, the Bench

had quoted the decision of Hon'ble apex Court in ***Civil Appeal No. 8173/2003*** stating the principles to be followed in considering these type of cases. The Supreme Court has held that the established principle is that equal pay must depend upon nature of work done and it cannot be judged by mere volume of work. There may be qualitative difference as regards reliability and responsibility. The level of stenographic assistance provided to the offices of the Central Secretariat is much higher than that in the case of non-secretariat offices. The nature of job of an officer of the Secretariat is intense in nature warranting high level of stenographic assistance and it is mainly because of that there is difference in pay. The respondents also quoted the following paragraphs of the 3<sup>rd</sup> Central Pay Commission as under:-

*“.....we feel, however, that the position needs to be examined a little more critically because the size of Stenographer's job is very much dependent upon the nature of the work entrusted to that officer. It would not be correct, therefore, to go merely by status in these matters and disregard the functional requirements. By the very nature of Secretariat working the volume of dictation and typing work can be expected to be heavier than in a subordinate office, also the requirements of secrecy even in the civil offices of the Secretariat can be very stringent. Considering the differences in hierarchical structures and in the type of work transacted in the Secretariat and in the subordinate offices, we are not in favour of adopting a uniform pattern. Once the functional requirements are seen to be different for the Secretariat and the Subordinate Offices, it will not be worthwhile to aim for absolute parity in the pay scales of Stenographers working on the two sides.....”*

8. The VI<sup>th</sup> Central Pay Commission had also stated as follows regarding the parity of scales:-

*“.....to our mind, the observations of the Third CPC are as relevant today as they were at that point of time and we are not inclined to overlook them totally. In view of the above mentioned distinguishable features, we do not concede the demand for absolute parity in regard to pay scales between stenographers in offices outside the secretariat and in the secretariat notwithstanding the fact that some petitioner stenographers Grade II have got the benefit of parity in pay scale through courts....”*

According to them, the granting of pay scale in Central Secretariat and non-Secretariat Offices are mainly based on considering the functions and work to

be undertaken in both sets of organization. According to them, there never existed any party between CSSS and Field Offices in the past. In O.A No. 164/2009, the consideration was whether the Stenographers of Central Administrative Tribunal is eligible for getting parity. It is not related to any non-Secretariat post similar to the applicants. According to the respondents, the said judgment has no application in this case. Another case referred to by the applicants is the order in O.A No. 658/2010 passed by the Madras Bench of this Tribunal. The said order was implemented as the Writ Petitions filed were dismissed and even the SLP was also dismissed. So, the Railway Board was compelled to implement the judgment to that applicants only. As regards O.A No. 314/2010, the Department had filed O.P (CAT) No. 1597/2012 before the Hon'ble High Court of Kerala and the Hon'ble High Court had stayed the implementation of that order. The respondents had subsequently filed copy of the order wherein the order of the Tribunal passed in O.A No. 314/2010 was set aside by the Hon'ble High Court. The said case relates to Naval Clerks Association for getting pay parity. So, according to the respondents, the applicants had not adduced any further evidence to show that the nature of work, quality of work and the strenuous nature of work of the Field Offices are similar to that of CSSS and they cannot be granted this parity.

9. Heard Mr. V. Sajith Kumar, learned counsel appearing for the applicant and Mr. V.A. Shaji, learned ACGSC for the respondents. We have gone through the various documents and pleadings produced before this Tribunal.

10. It appears that the present applicants had earlier filed O.A. No. 709/2013 and the said O.A was dismissed on 06.04.2016. The Tribunal had considered



all the claims of the applicants and found that the applicants had not produced sufficient material to adjudicate the merit of their case and directed the applicants to take necessary steps to produce sufficient material for proving their case, in the light of decision of ***Union of India v. Tarit Ranjan Das (Civil Appeal No. 8173/2003)*** and other cases referred by the Hon'ble apex Court in the said decision. The Tribunal found that the applicants had not gone through para 8, 11 and 12 of the said decision and the issues which are required to be addressed and considered by both applicants and respondents while presenting their case before the Judicial Forum for adjudication. We extract below para 17 of the judgment in O.A No. 709/2013 for consideration:-

*“17. In the Civil Appeal No.8173/2003 Union of India vs. Tarit Ranjan Das filed in the Apex Court the argument bordered on whether the onus of proving the concept of equal pay for equal work was to be established by the employer or employee. The Apex Court while rendering the order in this Civil Appeal referred to its judgment in Union of India vs. Pradip Kumar Dev 2000 (8) SCC 580 wherein while dealing with a similar question had in para 8 held :*

"8. In our considered view, the Division Bench of the High Court was not right and justified in straight way giving direction to grant pay scale to the respondent when there was no material placed before the Court for comparison to order to apply the principle of 'equal pay for equal work' between the Radio Operators of CRPF and the Radio Operators working in civil side in the Central Water Commission and the Directorate of Police Wireless. In the absence of material relating to other comparable employees as to the qualifications, method of recruitment, degree of skill, experience involved in performance of job, training required, responsibilities undertaken and other facilities in addition to pay scales, the learned Single Judge was right when he stated in the order that in the absence of such material it was not possible to grant relief to the respondent. No doubt, the Directorate of CRPF made recommendations to the Pay Commission for giving higher pay scales on the basis of which claim is made by the respondent for grant of pay scale. The factual statements contained in the recommendation of a particular department alone cannot be considered per se proof of such things or they cannot by themselves vouch for the correctness of the same. The said recommendation could not be taken as a recommendation made by the Government. Even otherwise a mere recommendation did not confer any right on the respondent did not confer any right on the respondent to make such a claim for writ of mandamus."

8. Yet, in another decision in [State Bank of India vs. M.R. Ganesh Babu](#) 2002 (4) SCC 556 ) a Bench of three learned Judges of this Court, while dealing with the same principle, in para 16 has expressed that : (SCC p.563)

"16. The principle of equal pay for equal work has been considered and applied in many reported decisions of this Court. The principle has been adequately explained and crystallized and sufficiently reiterated in a catena of decisions of this Court. It is well settled that equal pay must depend upon the nature of work done. It cannot be judged by the mere volume of work; there may be qualitative difference as regards reliability and responsibility. Functions may be the same but the responsibilities made a difference. One cannot deny that often the difference is a

matter of degree and that there is an element of value judgment by those who are charged with the administration in fixing the scale of pay and other conditions of service. So long as such value judgment is made bona fide, reasonably on an intelligible criterion which has a rational nexus with the object of differentiation, such differentiation will not amount to discrimination. The principle is not always easy to apply as there are inherent difficulties in comparing and evaluating the work done by different persons in different organizations, or even in the same organization. Differentiation in pay scales of persons holding same posts and performing similar work on the basis of difference in the degree of responsibility, reliability and confidentiality would be a valid differentiation. The judgment of administrative authorities concerning the responsibilities which attach to the post, and the degree of reliability expected to an incumbent, would be a value judgment of the authorities concerned which, if arrived at bona fide, reasonably and rationally, was not open to interference by the court."

(Also see [State of Haryana and Anr. vs. Tilak Raj and others](#), 2003 (6) SCC 123) and [Orissa University of Agriculture & Technology and Anr. vs. Manoj K. Mohanty](#) 2003 (5) SCC 188 ).

9. In this case, the Tribunal and High Court seem to have completely lost sight of the fact that the Fifth Pay Commission specifically considered the question and held that there is no question of any equivalence. The Commission observed as follows :

"46.34. We have given our careful consideration to the suggestions made by Associations representing Stenographers in Offices outside the Secretariat in the light of observations made by the Third CPC. The Commission had observed that as a general statement, it was correct to say that the basis nature of a Stenographer's work remained by and large the same whether he was working with an officer in the Secretariat or with an officer in a subordinate office. The Commission was of the considered view that the size of the Stenographer's job was very much dependent upon the nature of work entrusted to that officer and that it would not be correct, therefore, to go merely by the status in disregard of the functional requirement. By the very nature of work in the secretariat, the volume of dictation and typing work was expected to be heavier than in a subordinate office, the requirement of secrecy even in civil offices of the secretariat could be very stringent. Considering the differences in the hierarchical structures and in the type of work transacted the Commission was not in favour of adopting a uniform pattern in respect of matter listed in the preceding paragraph. To our mind, the observations of the Third CPC are as relevant today as they were at that point of time and we are not inclined to overlook them totally. In view of the above-mentioned distinguishable feature, we do not concede the demand for absolute parity in regard to pay scales between stenographers in offices outside the secretariat and in the secretariat notwithstanding the fact that some petitioner stenographers Grade II have got other benefit of parity in pay scale through courts. However, pursuing the policy enunciated by the Second CPC that disparity in the pay scale prescribed for stenographers in the Secretariat and the non- secretariat organizations should be reduced as far as possible, we are of the view that Stenographers Grade II should be placed in the existing pay scale of Rs. 1600-2660 instead of Rs. 1400-2300/ Rs. 1400-2600".

10. Strangely, the Tribunal in the review petition came to hold that the Commission had not based its conclusion on any data. It is trite law that it is not open for any Court to sit in judgment as on appeal over the conclusion of the Commission. Further the Tribunal and the High Court proceeded as if it was the employer who was to show that there was no equality in the work. On the contrary the person who asserts that there is equality has to prove it. The equality is not based on designation or the nature of work alone. There are several other factors like, responsibilities, reliabilities, experience, confidentiality involved, functional need and requirements commensurate with the position in the hierarchy, the qualification required which are equally relevant.

11. [In State of W.B. and others vs. Hari Narayan Bhowal and others](#) 1994 (4) SCC 78 ) it was observed :

"This Court in the case of [Delhi Veterinary Assn. vs. Union of India](#) (1984) (3) SCC 1) said that in addition to the principle of 'equal pay for equal work', the pay

structure of the employee of the Government should reflect many other social values. It was said :

"The degree of skill, strain of work, experience involved, training required, responsibility undertaken, mental and physical requirements, disagreeableness of the task, hazard attendant on work and fatigue involved are, according to the Third Pay Commission, some of the relevant factors which should be taken into consideration in fixing pay scales. The method of recruitment, the level of which the initial recruitment is made in the hierarchy of service or cadre, minimum educational and technical qualifications prescribed for the post, the nature of dealings with the public, avenues, of promotion available and horizontal and vertical relatively with other jobs in the same service or outside are also relevant factors."

12. In the case of [State of U.P. vs. J.P. Chaurasia](#) 1989 (1) SCC 121 ) it was pointed out that whether two posts are equal or should carry the equal pay, depends on several factors. It does not depend just upon either the nature of work or the volume of work done. Primarily it requires among others, evaluation of duties and responsibilities of the respective posts by the Competent Authorities constituted for the purpose and Courts cannot ordinarly substitute themselves in the place of those authorities. The quantity of work may be the same but the quality may be different. That cannot be determined by relying upon averments in affidavits of interested parties. It must be determined by expert bodies like Pay Commission and the Government, who would be the best judges, to evaluate the nature of duty, responsibility and all relevant factors. The same view was reiterated in the case of [State of M.P. vs. Pramod Bhartiya](#) 1993 (1) SCC 539 ) by a three-Judge Bench of this Court. In the case of [Shyam Babu Verma vs. Union of India](#) 1994 (2) SCC 521 ) a claim for equal pay by a group of Pharmacists was rejected saying that the classification made by a body of experts after full study and analysis of the work, should not be disturbed except for strong reasons which indicate that the classification made was unreasonable.

13. These aspects have been completely lost sight of by the Tribunal and the High Court.

14. The Tribunal passed the impugned order by reviewing the earlier order. A bare reading of the two orders shows that the order in review application was in complete variation and disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application was rejected. The scope for review is rather limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh and rehearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing original application. This aspect has also not been noticed by the High Court.

15. Looked at from any angle, the judgment of the Tribunal in review application and of the High Court confirming it have no leg to stand. They deserve to be set aside which we direct. The appeal is allowed."

11. On a reading of the said judgment, it can be seen that equal pay for equal work cannot be extended to all posts similar in nomenclature. The pay structure of the employee of the Government should reflect many other social values -"the degree of skill, strain of work, experience involved, training required, responsibility undertaken, mental and physical requirements, disagreeableness of the task, hazard attendant on work involved are some of

the considerations for fixing a pay scale. The method of recruitment, the level at which the initial recruitment is made in the hierarchy of service or cadre, minimum educational and technical qualifications required for the post, the nature of dealings with public avenues, promotions available and horizontal and vertical relativity with other jobs in the same service or outside are also relevant factors.”

12. From the above discussions we can see that the Stenographers of Field Offices are entitled to pay parity depending on several factors. It does not depend just upon either the nature of work or the volume of work done or nomenclature of post. Primarily, it requires among others evaluation of duties and responsibilities of the respective posts by the competent authorities constituted for the purpose and Courts cannot ordinarily substitute themselves in the place of those authorities. The quantity of the work may be same but the quality may be different. That cannot be determined by relying upon averments in affidavits filed by interested parties. It must be determined by Pay Commissions and Government who would be the best judges to evaluate the nature of duty, responsibilities and all other relevant factors. The applicants had not produced the detailed order of the arbitration award (Annexure A-1). We are unable to gather anything from Annexure A-1 produced by the applicants.

**13. We have carefully gone through the pleadings and various documents produced in this O.A. We could not find any new material produced by the applicants to show that the work and responsibilities of the Stenographers in the Field Offices are similar and requires the same degree of responsibility and efficiency as in the case of CSSS. The main**

argument put forward by the applicants in this case was that there existed some sort of pay parity between Stenographers in the CSSS and the Field Offices in 1986 and the same was changed from the year 1986 onwards. This is a matter actually adjudicated before this Tribunal in O.A No. 709/2013 and various aspects were discussed by this Tribunal and it was found that the applicants did not produce any material to prove the equality between these two posts. So, while dismissing the said O.A, the Tribunal had permitted the applicants to file a separate O.A, if they can bring sufficient material to show the parity as enumerated by the apex Court in *Union of India v. Tarit Ranjan Das*. The Hon'ble apex Court had laid down various factors to be considered for considering parity and what is the role of the Tribunal in such matters. The applicants in this case had failed to put forward any evidence or material documents to show that there existed parity between Stenographers of Central Secretariat and Stenographers of Field Offices. The applicants failed to prove these aspects. In view of the above, we find that there is no merit in the contentions put forward by the applicants again. Hence, we find no merit in the O.A and the O.A will stand dismissed.

(Dated, 1<sup>st</sup> June, 2021.)

**(K.V. EAPEN)**  
**ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)**  
**JUDICIAL MEMBER**

Applicant's Annexures

Annexure A-1	-	A true copy of the arbitration award dated nil.
Annexure A-2	-	A true copy of the O.M dated 31.07.1990 issued by the 1 <sup>st</sup> respondent.
Annexure A-3	-	A true copy of the order No. 20/29/2006-CS II dated 25.09.2006 issued on behalf of the 1 <sup>st</sup> respondent.
Annexure A-4	-	A true copy of the order No. F. No. 10/3/2004-CS. II (Pt.I) dated 24.06.2005 issued on behalf of the 1 <sup>st</sup> respondent.
Annexure A-4 (a)	-	A true copy of the order No. F. No. 1/1/2008-IC dated 16.11.2009 issued on behalf of the 2 <sup>nd</sup> respondent.
Annexure A-4 (b)	-	A true copy of the order No. 20/49/2009-CS. II (B) dated 22.06.2011 issued on behalf of the 1 <sup>st</sup> respondent.
Annexure A-5	-	A true copy of the relevant pages of the 6 <sup>th</sup> Pay Commission Report.
Annexure A-6	-	A true copy of the note submitted before the 6 <sup>th</sup> Central Pay Commission.
Annexure A-7	-	A true copy of the submission dated 02.02.2009 submitted by the applicant before the, Member Secretary, Cadre Review Committee.
Annexure A-8	-	A true copy of the representation dated 23.04.2012 submitted by the Confederation of All India Central Government Stenographers Association.
Annexure A-9	-	A true copy of the representation dated 24.09.2012 submitted by the 1 <sup>st</sup> applicant.
Annexure A-10	-	A true copy of the judgment dated 15.07.2015 in O.A 3335 of 2011 by the respondents.
Annexure A-11	-	A true copy of the order dated 19.02.2013 in O.A 164/2009.
Annexure A-12	-	A true copy of the order dated 05.06.2012 in O.A 658/2010 of the CAT, Madras Bench.
Annexure A-13	-	A true copy of the order dated 21.10.2011 in O.A No. 314/2010 of the Hon'ble CAT Ernakulam Bench.
Annexure A-14	-	A true copy of the communication No. File No. V.IV/681/1/08-Pt dated 11.05.2012 issued by the Ministry of External Affairs.
Annexure A-15	-	A true copy of the order dated 06.04.2016 in O.A 709/2013.

- Annexure A-16 - A true copy of the judgments dated 14.10.2014 in WP(C) 4606/13 of the Delhi High Court.
- Annexure A-17 - A true copy of the relevant pages of the 7<sup>th</sup> Central Pay Commission Report.

Annexures of Respondents

- Annexure R-1 - True copy of the DoPT O.M No. 35034/4/97-Estt. (D) dated 11.04.2001.
- Annexure R-2 - True copy of the DoPT OM No. 10/3/2004-CS II (Part VII) dated 28.10.2005.
- Annexure R-3 - True copy of the DoPT notification dated 29.11.2010.
- Annexure R-4 - True copy of the Model RRs circulated, vide DoPT OM dated 24.01.2011.
- Annexure R-5 - True copy of the OM dated 13.11.2009 by the Ministry of Finance, Department of Expenditure.
- Annexure R-6 - True copy of the relevant portion of the 6<sup>th</sup> CPC recommendations contained in para 3.1.14 in its report.
- Annexure R-7 - True copy of the relevant portion of the 6<sup>th</sup> CPC recommendation contained in para 3.1.19 in its report.
- Annexure R-8 - True copy of the 6<sup>th</sup> CPC recommendations contained in para 3.1.9 of its report read with para 2.2.18.
- Annexure R-9 - True copy of the DoPT OM dated 25.09.2006.
- Annexure R-10 - True copy of the OM dated 16.11.2009 by the Ministry of Finance, Department of Expenditure.
- Annexure R-11 - True copy of the DoPT OM dated 22.06.2011.
- Annexure R-12 - True copy of the extract of 3<sup>rd</sup> CPC in para 54 of Chapter 10 of its report.
- Annexure R-14 - True copy of the communication from Ministry of Finance, Department of Expenditure.
- Annexure R-15 - True copy of the OP (CAT) No. 1597/2012 dated 17.07.2012.
- Annexure R-16 - True copy of the order dated 12.06.2012 issued by the Ministry of External Affairs.
- Annexure R-17 - True copy of the O.M dated 24.04.2014 issued by the Ministry of External Affairs.

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