

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**OA/020/234/2015**

HYDERABAD, this the 18<sup>th</sup> day of March, 2021

**Hon'ble Mr. Ashish Kalia, Judl. Member  
Hon'ble Mr. B.V. Sudhakar, Admn. Member**



1. D.S.N. Murthy, S/o. D. Satyanarayana,  
Aged about 64 years,  
Occ: Assistant (Retired),  
O/o. MSME Tool Room  
(Formerly Central Institute of Tool Design)  
R/o. Flat No.401, Sharan Enclave, Vinayak Nagar,  
Balanagar, Hyderabad - 42.
2. P. Bhasker, S/o. Late Bhoomaiah,  
Aged about 65 years, Occ: Assistant (Retired),  
O/o. MSME Tool Room  
(Formerly Central Institute of Tool Design)  
R/o. H.No.10-116, Nagaparijatha Nilayam,  
Vinayak Nagar, Balanagar, Hyderabad - 42.

...Applicants

(By Advocate :Sri D. Rama Krishna)

Vs.

1. The Union of India rep. by its  
Secretary, Department of Industries & Commerce,  
Central Secretariat, New Delhi.
2. The Development Commissioner,  
Ministry of Micro, Small and Medium Enterprises,  
Small Scale Industries, Nirman Bhavan, New Delhi.
3. The MSME Tool Room  
(Formerly Central Institute of Tool Design),  
Balanagar, Hyderabad – 500 037 rep. by its Chairman.
4. The Principal Director, Central Institute of Tool Design,  
Balanagar, Hyderabad – 500 037.

....Respondents

(By Advocate: Smt K. Rajitha, Sr. CGSC)

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**ORAL ORDER**  
**(As per Hon'ble Mr. Ashish Kalia, Judl. Member)**

The present O.A. is filed by two applicants seeking parity of pay scales with Stenographers Grade-III i.e. Rs.1600-2660/- or Rs.1400-2600/- w.e.f. 1.1.1992 with all consequential benefits.



2. The brief facts of the case are that the applicants were working as Assistants in the scale of pay of Rs.1400-2300/- in MSME Tool Room. The 1st applicant was promoted as Assistant Administrative Officer and the 2<sup>nd</sup> applicant was promoted as Assistant Store Officer. Both the applicants retired from service during the year 2010. They are seeking upgradation of pay scale from Rs.1400-2300/- to Rs.1600-2600/- or Rs.1400-2600/- w.e.f. 1.1.1992 on par with the Stenographers Gr.III or Gr.II. They have made representations for upgradation, which were not considered by the respondents. Therefore, the applicants and others have filed Writ Petition No.26815/1998 before the Hon'ble High Court of Andhra Pradesh. The said W.P. was disposed of by the Hon'ble High Court with the direction to the respondents "to dispose of the representation by passing a reasoned order within a period of three months from the date of receipt of the said representation." It is submitted by the respondents that Stenographer Gr.III is the feeder category to the post of Assistant as per the rules in vogue during the year 1989 and thereafter. The respondents have upgraded the scale of Stenographers Gr.III to Rs.1400-2300/- w.e.f. 16.10.1989. Again their scale was upgraded to Rs.1400-2600 vide Office Order dated 26.2.1992 w.e.f. 1.1.1992. So, the applicants claim that Stenographer Gr.III is a feeder category post and also

inferior to the post of Assistant and they were granted the pay scale of Rs.1400-2600/-. The applicants being Assistants, are entitled for upgradation from the scale of Rs.1400-2300/- to Rs.1400-2600/- w.e.f. 1.1.1992. The applicants, therefore, sought for pay parity or one scale above to that of Stenographer Gr.III i.e. Rs.1600-2660/- w.e.f. 1.1.1992. Lastly, they have approached the respondents on 5.11.2012 seeking upgradation. The 2<sup>nd</sup> respondent has rejected their claim. Hence, they have filed the O.A.

3. Notices were issued. The respondents put appearance through Mrs. K. Rajitha, learned Senior Standing Counsel and filed a detailed reply. It is submitted by the respondents that as per the Recruitment & Promotion Rules, the Assistant/ UDC & Stenographers are two distinct cadres carrying the pay scale of Rs.425-640/- & Rs.330-560/- under the III Pay Commission. As per the settlement between the representatives of Employees' Union, a new set of rules has been formulated in order to have more promotional avenues to the Stenographers. They were made eligible for promotion to the post of Assistant along with UDCs in the ratio of 3:1 in each Unit of 4 posts of Assistants (3 UDCs and 4<sup>th</sup> to a Stenographer). As such, the next promotion to the Stenographers was to the post of P.S.-cum-Stenographer in the pay scale of Rs.425-800/- (3<sup>rd</sup> CPC)/Rs.1400-2600/- (4<sup>th</sup> CPC) and that of Assistants, the feeder grade of UDC, Rs.330-560/- (3<sup>rd</sup> CPC). The next promotion of UDCs is to the post of Assistant in the pay scale of Rs.425-640/- (3<sup>rd</sup> CPC)/ Rs.1400-2300/0 (4<sup>th</sup> CPC). The Assistants will be promoted to the next post of Assistant Administrative Officer/ Assistant Store Officer in the pay scale of



Rs.1600-2660/- (4<sup>th</sup> CPC). Therefore, separate seniority list is being maintained for Stenographers and UDCs since then and promotions are effected separately from the feeder posts as per the separate seniority list.

4. It is further submitted by the respondents that the applicants were working as Assistants in the scale of Pay of Rs.1400-2300/- (4<sup>th</sup> CPC). Later, the 1<sup>st</sup> applicant was promoted as Assistant Administrative Officer and the 2<sup>nd</sup> applicant was promoted as Assistant Store Officer. Later, the applicants along with other Assistants working in the pay scale of Rs.4500-7000/- (pre-revised scale: Rs.1400-2300/-) filed a Writ Petition No.36815/1998 before the Hon'ble High Court of A.P. praying for upgradation of their pay scales and the Hon'ble High Court directed the respondents to dispose of their representation. In the nutshell, the respondents prayed for dismissal of the Original Application for the reasons stated hereinabove.

5. After hearing Sri D. Ramakrishna, learned counsel for the applicant and Smt. K. Rajitha, learned Senior Standing Counsel for the respondents at length, this Tribunal is of the view that additional promotional avenue are given to the Stenographers in the ratio of 3:1. It is nowhere stated in the promotional hierarchy or in the Recruitment Rules that both are merged or separate categories altogether. As per the settlement between the Staff Union and the Management, these arrangements are made. The respondents have also depicted that the channel of promotion of UDCs is Assistant and thereafter Assistant Administrative Officer/ Assistant Store Officer whereas in the case of Stenographer Gr.III, the next promotional avenue is PS-cum-Stenographer in the scale of Rs.425-800/-(3<sup>rd</sup> CPC).



Since the department has given additional promotional avenue to the Stenographers in the ratio of 3:1, the applicants thought of claiming parity with them since they are part of the same cadre. However, the seniority list, promotional avenue, pay scales are all different. The applicants have not placed any material on record to show that both the cadres have been merged. When there are separate Recruitment Rules for each cadre, parity cannot be claimed. Two unequals cannot be made equal. Thus, the legal principle settled in various decisions by the Hon'ble Apex Court & the Hon'ble High Court -----

6. In view of the above discussion, the present Original Application lacks merit and the same is dismissed. No order as to costs.

**(B.V.SUDHAKAR)**  
**ADMINISTRATIVE MEMBER**

**(ASHISH KALIA)**  
**JUDICIAL MEMBER**

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