

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 52 of 1995 and O.A. No. 61 of 1995

Monday, this the 24th day of June, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR P V VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

O.A. No. 52/95

1. P.P. Sreekumari Amma, Junior Stenographer,
Propellant Fuel Complex,
Vikram Sarabhai Space Centre (VSSC),
Indian Space Research Organisation Post,
Trivandrum 695 022.
2. B. Vasanthakumari, Junior Stenographer,
Programme Planning & Evaluation Group,
Vikram Sarabhai Space Centre (VSSC),
Indian Space Research Organization Post,
Trivandrum- 695 022.
3. C. Radhamma, Junior Stenographer,
Flight Computer Division,
Vikram Sarabhai Space Centre (VSSC),
Indian Space Research Organization Post,
Trivandrum- 695 022.
4. K. Syamala, Junior Stenographer,
Space Physics Laboratory,
Vikram Sarabhai Space Centre (VSSC),
Indian Space Research Organization Post,
Trivandrum- 695 022.
5. V. Sathi, Junior Stenographer,
Solid Motors Project,
Vikram Sarabhai Space Centre (VSSC),
Indian Space Research Organization Post,
Trivandrum- 695 022.
6. P.G. Vasanthi Amma, Junior Stenographer,
Project Management Office, Polar Satellite
Launch Vehicle Project, Vikram Sarabhai
Space Centre (VSSC), Valiamala P.O.,
Trivandrum- 695 547.
7. N. Padmini, Junior Stenographer,
Launch Vehicle Integration & Checkout Group,
Vikram Sarabhai Space Centre (VSSC),
Valiamala P.O., Trivandrum - 695 547.
8. K. Santhakumari, Junior Stenographer,
Stores, Integrated Launch Vehicle Programme,
Vikram Sarabhai Space Centre (VSSC),
Valiamala P.O., Trivandrum- 695 547.

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9. P.T. Subhadra Amma, Joint Stenographer,
Human Resources Development Activities/
Computer & Information Group, Vikram
Sarabhai Space Centre (VSSC), Indian
Space Research Organization Post,
Trivandrum - 695 022. .. Applicants

(By Advocate Mr T K M Unnithan)

Vs

1. Union of India represented by the Secretary,
Department of Space, Antariksh Bhavan,
New BEL Road, Bangalore- 560 094.
2. The Indian Space Research Organization-
represented by the Chairman, Indian Space
Research Organization (ISRO), Antariksh Bhavan,
New BEL Road, Bangalore- 560 094.
3. The Director, Vikram Sarabhai Space Centre(VSSC),
Indian Space Research Organization (ISRO) P.O.,
Trivandrum- 695 022.
4. The Controller, Vikram Sarabhai Space Centre(VSSC),
Indian Space Research Organization (ISRO) P.O.,
Trivandrum - 695 022.
5. Director, Liquid Propulsion Systems Centre(LPSC),
Valiamala P.O., Trivandrum- 695 547.

.. Respondents

By Advocate Mr C. N. Radhakrishnan.

O.A. No. 61 of 1995

1. Thulasidharan.K, Junior Stenographer,
Launch Vehicle Integration & Checkout Group,
Valiamala Complex, Vikram Sarabhai Space Centre
(VSSC), Valiamala P.O., Trivandrum- 695 547.
2. Sathyabhama.T, Junior Stenographer -do-
3. Meenakshy.A., Junior Stenographer, Programme
Planning & Evaluation Group, Vikram Sarabhai
Space Centre (VSSC), Trivandrum -695 022.
4. Mary Lawrence, Junior Stenographer,
Project Management Office, Polar Satellite
Launch Vehicle Project, Vikram Sarabhai Space
Centre (VSSC), Valiamala P.O., Trivandrum.
5. S. Gopalakrishnan, Junior Stenographer,
Launch Vehicle Integration & Checkout Group,
Vikram Sarabhai Space Centre (VSSC), Valiamala P.O.,
Trivandrum - 695 547.
6. S.Lekshmy, Junior Stenographer, Engineering
Maintenance Division, Valiamala Complex,
Valiamala P.O., Trivandrum - 695 547.

7. Ushakumari.D., Junior Stenographer, Project Director's Office, Polar Satellite Launch Vehicle Project, Vikram Sarabhai Space Centre (VSSC), Valiamala P.O., Trivandrum.
8. Chandrika.C., Junior Stenographer, Solid Motor Project, Vikram Sarabhai Space Centre (VSSC), Trivandrum - 695 022.
9. Kunjachan.P, Junior Stenographer, Mission Simulation Guidance & Control, Polar Satellite Launch Vehicle Project, Vikram Sarabhai Space Centre (VSSC), Valiamala P.O. Trivandrum- 695 547.
10. S. Krishna Iyer, Junior Stenographer, Engineering Maintenance Division, Valiamala Complex, Valiamala P.O., Trivandrum-695 547.
11. P.N. Sarasamma, Junior Stenographer, Solid Motor Project, Vikram Sarabhai Space Centre, (VSSC), Trivandrum -695 022.
12. V. Narayana Sharma, Junior Stenographer, Launch Vehicle Integration & Checkout Group, Valiamala Complex, Vikram Sarabhai Space Centre, (VSSC), Valiamala P.O., Trivandrum- 695 547.
13. A. Malathy, Junior Stenographer, Programme Planning & Evaluation Cell, Materials & Mechanical System, Vikram Sarabhai Space Centre, (VSSC), Trivandrum- 695 022.
14. S. Sarangadharan, Junior Stenographer, Launch Vehicle Design Group, Integrated Launch Vehicle Programme, Vikram Sarabhai Space Centre (VSSC), Trivandrum- 695 022.
15. Annamma Uthup, Junior Stenographer, Programme Planning & Evaluation Group, Vikram Sarabhai Space Centre (VSSC), Trivandrum -695 022.
16. Chechamma George, Junior Stenographer, Solid Propulsion & Composites, Propellants, Polymers & Chemicals Accounts, Vikram Sarabhai Space Centre (VSSC), Trivandrum- 695 022.
17. R. Dharmarajan, Junior Stenographer, Rocket & Payload Fabrication Facility, Mechanical Engineering Facilities, Materials & Mechanical System, Vikram Sarabhai Space Centre(VSSC), Trivandrum- 695 022.
18. N. Suresh Mohan, Junior Stenographer, Solid Propulsion and Composites Purchase, Vikram Sarabhai Space Centre (VSSC), Trivandrum-695 022.
19. S. Rajeswari, Junior Stenographer, Avionics, Vikram Sarabhai Space Centre (VSSC), Trivandrum-695 022.
20. K. Raveendran Nair, Junior Stenographer, Structural and Mechanical Systems, Polar Satellite Launch Vehicle Project, Vikram Sarabhai Space Centre (VSSC), Valiamala P.O., Trivandrum- 695 547.

21. N.J. Chinnamma, Junior Stenographer, Rocket Systems Test Division, Vikram Sarabhai Space Centre (VSSC), Trivandrum- 695 022.
22. S. Bhama, Junior Stenographer, Stores, Propellants Polymers and Chemicals, Vikram Sarabhai Space Centre (VSSC), Trivandrum- 695 547.
23. R. Chandrika Devi, Junior Stenographer, Launch Vehicle Integration & Checkout Group, Valiamala Complex, Vikram Sarabhai Space Centre (VSSC), Valiamala P.O., Trivandrum- 695 547.
24. S. Viswanathan, Junior Stenographer, Purchase Section, Integrated Launch Vehicle Programme, Vikram Sarabhai Space Centre (VSSC), Valiamala Complex, Valiamala P.O., Trivandrum - 695 547.
25. M. Zeenathuneesa Beevi, Junior Stenographer, Solid Motor Project, Vikram Sarabhai Space Centre, (VSSC), Trivandrum- 695 022.
26. A. Sasikumar, Junior Stenographer, Space Scientific Committee Secretariat, Vikram Sarabhai Space Centre (VSSC), Trivandrum- 695 022.
27. V.K. Ambika, Junior Stenographer, Composites Group, Solid Propulsion & Composites, Vikram Sarabhai Space Centre (VSSC), Trivandrum- 695 022.
28. K.K. Govindan, Junior Stenographer, Accounts Section, Integrated Launch Vehicle Programme, Vikram Sarabhai Space Centre (VSSC), Valiamala Complex, Valiamala P.O., Trivandrum- 695 547.
29. A. Sudhakaran Nair, Junior Stenographer, Augmented Satellite Launch Vehicle-C, Vikram Sarabhai Space Centre (VSSC), Trivandrum-695 022.
30. T. Rajagopalan, Junior Stenographer, Solid Motor Project, Vikram Sarabhai Space Centre (VSSC), Trivandrum - 695 022.
31. S. Anandavally, Junior Stenographer, Augmented Satellite Launch Vehicle-C, Vikram Sarabhai Space Centre (VSSC), Trivandrum- 695 022.
32. V. Chandrasekharan Nair, Junior Stenographer, Transport Operations & Maintenance Division, Vikram Sarabhai Space Centre (VSSC), Trivandrum-695 022.

.. Applicants

(By Advocate Mr TKM Unnithan)

Vs

1. Union of India represented by the Secretary, Department of Space, Antariksh Bhavan, New BEL Road, Bangalore -560 094.
2. The Indian Space Research Organization-represented by the Chairman, Indian Space Research Organisation (ISRO), Antariksh Bhavan, New BEL Road, Bangalore-560094.

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3. The Director, Vikram Sarabhai Space Centre (VSSC), Indian Space Research Organization (ISRO), P.O., Trivandrum - 695 022.
4. The Controller, Vikram Sarabhai Space Centre(VSSC), Indian Space Research Organisation (ISRO) P.O., Trivandrum - 695 022.
5. Director, Liquid Propulsion Systems Centre(LPSC), Valiamala P.O., Trivandrum - 695 547.

.. Respondents

(By Advocate Mr C.N. Radhakrishnan).

The applications having been heard on 24th June 1996, the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicants who are Junior Stenographers under respondents, seek parity of pay with Office Clerks-B, as on 1.1.1980.

2. Posts of Office Clerk-B are filled up by promoting Office Clerks-A. For Junior Stenographers also- a quota is provided. Learned counsel for applicants submits that no distinction can be made between Office Clerks-B and Junior Stenographers in the matter of pay. This contention is hotly contested by respondents. According to them, Junior Stenographers and Office Clerks-B are different categories, though xxxxxxxxxxxxxxxxxxxxxxxxxx Office Clerks-A can aspire to be Office Clerks-B. The opening of an avenue to a group, is no indication that the said group is at par with others.

3. Learned counsel for applicants was unable to tell us or place before us any rule which would indicate that Junior Stenographers and Office Clerks-B form a common or integrated

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category. We asked learned counsel whether there is any common seniority list and he candidly admitted that there was none. However, he relied on a decision of a Single Member Bench of this Tribunal in OAK No. 150/88, which seems to support his case to an extent. He relied on certain minutes of the Joint Consultative Machinery and letters of the Government of India. These do not advance the case of applicants. As long as there is nothing to show that Junior Stenographers and Office Clerks-B form a common cadre, the decision relied on by applicants is of no use to them. Before violation of Article 14 or 16 is established, the basic postulate to be established is similarity or identity between the groups. That has not been done. Only some vague comparisons are attempted.

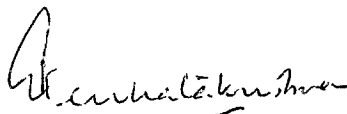
4. The Hyderabad Bench of this Tribunal took a view different from the view taken by the Single Member Bench in OAK No.150/88. An SLP was filed before the Supreme Court raising all the contentions raised herein. Notice was issued on the SLP and the SLP was thereafter dismissed. This may not be a declaration of law under Article 141. At any rate, in the absence of any material to show that Junior Stenographers and Office Clerks-B form one cadre, parity cannot be claimed or enforced. Counsel for applicants submits that applicant 1 xxxxxxxx in OA No.52/95 should be treated similar to Office Clerks-B. Even in their case, they do not satisfy one of the two qualifications, namely that they should have been Office Clerks-B. xxxxxxxxxxxxxxxxxxxx. xxxxx Individual grievances or mistakes on facts, if any,

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must be raised before the departmental authorities, provided the claims are not stale.

5. We dismiss the applications. Parties will suffer their costs.

Dated the 24th June, 1996


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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