

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
~~XXXXXX~~

143 of 1991.

DATE OF DECISION 30.1.1992

All India Telecom Stenographers Association and three others Applicant (s)

Mr. M.R. Rajendran Nair Advocate for the Applicant (s)

Versus

the Secretary,
Union of India represented by
Ministry of Communication and others Respondent (s)

Mr. P. Sankarankutty Nair, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S.P. Mukerji - Vice Chairman
and

The Hon'ble Mr. A.V. Haridasan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

(Hon'ble Shri S.P. Mukerji, Vice Chairman)

In this application dated 17th January, 1991 filed under Section 19 of the Administrative Tribunals Act, the All India Telecom Stenographers Association, Kerala Circle represented by the Circle Secretary who is a Stenographer grade II and three other Stenographers in Ordinary Grade working under the Chief General Manager, Telecom, Kerala Circle have prayed that the respondents be directed to identify the number of posts of Stenographers in the Selection Grade and higher grades and fill-up those vacancies with retrospective effect. They have also prayed that the respondents be directed to consider the claim of the applicants to provide sufficient promotional avenues by introducing Time Bound One Promotion Scheme i.e., promotion to the next

higher grade after a period of 12 years as was given to the Junior Telecom Officers or by upgrading 1/3rd of the posts to the next higher grade as is given to the Stenographers of ^{the} Indian Accounts and Audit Department. They pray that the refusal to grant them Selection Grade in the Telecom Department be declared to be illegal. Their further prayer is that the respondents be directed to consider the claim of the applicants for revision of the pay scale of Stenographers Grade II from Rs.1400-2600 to Rs.1640-2900 as was done in the Secretariat of the Telecom Department.

2. The brief facts of the case are as follows. The applicants are Grade III Stenographers in the Department of Communication who commenced their service from various dates between 1973 and 1982. According to the Recruitment Rules of 1968 of Stenographers, 50 per cent of the posts were to be filled by outside candidates and permanent and quasi-permanent departmental officials in the grade of LDC and Time Scale Clerks through a competitive test and 50 per cent by competitive examination from amongst the departmental officials in the grade of LDC and Time Scale Clerks who have worked as Steno Typist for a period of 4 years. With effect from 1980, the Selection was ^{being} made through the Staff Selection Commission. The pay scale of Grade III Stenographers was revised to ~~From~~ Rs.130-300 to Rs. 330-560 with effect from 1.1.73. The Recruitment Rules of 1968 provide a Selection Grade on Rs.210-425 (corresponding to the Ordinary ^{Grade} of Rs.130-300 before revision of 1973), The appointment to which was by promotion of Stenographers with 10 years of service. As per the Recruitment Rules of

1981 of P&T Stenographers, ^a Grade III Stenographers with 5 years of regular service was eligible to become Grade-II Stenographers in the scale of Rs.425-700. The Selection Grade of Rs.210-425 of Grade III Stenographers was introduced from 29.6.72. On the basis of the recommendations of the Third Pay Commission, the pay scale of Stenographer Grade III was revised from Rs.130-300 to Rs.380-560 and the Selection Grade of Rs.210-425 was revised to that of Stenographer Grade II in the scale of Rs.425-700. No Selection Grade was provided between Grade III and Grade II. In order to provide some promotional avenue between these two grades a Selection Grade of Rs.425-640 was introduced with effect from 1.11.73 to the extent of 10 per cent of permanent posts in the Ordinary Grade. In 1977 it was clarified that ^{those} ~~in~~ in the scale of Rs. 330-560 would be ^{designated} as Time Scale Stenographers and those in the scale of Rs.425-700 as Grade II Stenographers and shall be called as Personal Assistants and the number of Selection Grade posts in the scale of Rs. 425-640 would be increased from 10 per cent to 20 percent with effect from 1976. In 1978 it was decided that for non-secretariat organisations, the Stenos attached to the Heads of the Department would be given the pay scale of Rs.550-900 ^{by} by promotion of Grade II Stenographers in the scale of Rs. 425-700 on the basis of seniority-cum-fitness. They were later designated as Grade I Stenographer/Sr.P.A. On 30.11.83 for the P&T staff excluding common categories the scheme of Time Bound One Promotion Scheme was introduced covering several categories of staff on completion of 16 years of service. The Fourth Pay Commission

recommended the pay scale of Rs. 1200-2040 for Grade III Time Scale Stenographers and a scale of Rs.1400-2300 for Grade II Stenographers in Subordinate offices and Rs. 1400-2600 for Personal Assistants in Central Secretariat. For Grade I a pay scales of Rs.2000-3200/200-3500 was recommended ^{respectively for the} ~~between~~ Attached offices and ^{the} Secretariat. The demand for parity of pay scales for Stenographers between the Attached offices and ^{the} Central Secretariat was taken up by the National Council in the Joint Consultative Machinery and was ultimately referred to Arbitration. Pursuant to the award of the Board of Arbitration the pay scale of Stenographers Grade II in the Attached offices was brought upto Rs.1400-2600 at par with those in the Central Secretariat with effect from 1.1.86. The Fourth Pay Commission recommended abolition of Selection Grade in Group 'C' and 'D' posts and recommended grant of stagnation increment on completion of every two years at the maximum of the respective scale. On the basis of the recommendations of the Fourth Pay Commission, the Directorate of Telecom on 14.5.87 reverted the Selection Grade Posts created in 1977 to Ordinary Grade. The grievance of the applicants is that in the Kerala Circle out of 160 Stenographers in all, there are only 13 posts of P.As (Stenographer grade II), 5 posts of Sr.PAs (Steno Grade I) which were created on the basis of number of Senior and Junior Administrative grade officers to whom they are attached. The ratio between the number of Stenographers in the ordinary grade ie., ^{Grade III} Time Scale on ^{on the other} one hand and those in Grade II and Grade I combined is 8:1 ~~whereas~~ ^{this} the ~~same~~ ratio in the office of the Indian Accounts and Audit department is 2:1. It has been stated that the

No.1
applicant^z will take atleast 28 years for promotion to the grade of P.A. and ^{the} third and ^{the} 4th applicants have to retire without getting a single promotion. They have urged that in certain categories Selection Grades are being introduced even after the revision of pay scales in 1986. They have referred to upgradation of 33 1/3 per cent of total sanctioned posts of Stenographers and P.As as Assistant Accountants in the Indian Accounts and Audit department ^{while} ~~but~~ in the Telecommunication department the same has been denied on the plea that ^{Stenographers} ~~it~~ ^{comes} under a common cadre. The JTOs are granted higher grades of Rs.2000-3500 on completion of 12 years of service. In the cadre of Draftsman in the Department of Telecommunication a higher grade of Rs-425-700 was introduced to be given on completion of 5 years of service in the lower scale of Rs.330-560. Likewise the Junior Divisional Accountants in the Department of Telecommunication get the grade of Rs.1640-2900. The pay scale of Assistants and Grade 'C' Stenographers of Central Secretariat Service was revised from Rs.425-800 to that of Rs.1640-2900 with effect from 1.1.86 but the same is not being extended to the Stenographers of the Telecommunication Department despite the Arbitration award in favour of Grade II Stenographers in subordinate offices. They have also referred to the Primary Teachers of Central Schools with 12 years of service who are made eligible for the higher grade of Rs.1400-2300. The Telephone Operators and Technicians in the scale of Rs.975-1540 ^{are} getting the pay of Rs.1400-2300 on completion of 16 years of service under the Time Bound One Promotion scheme. The Postal Assistants in the scale of Rs.975-1540 got promoted to

2

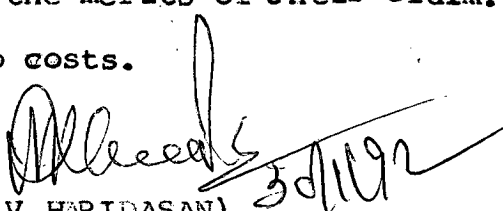
HSG-I grade on completion of 26 years of service. Their representations for upgradation of Grade III to Grade II and Grade II to Grade I posts of Stenographers and for compensating them for the stagnation ^{caused} ~~cost~~ on account of ^{the} abolition of Selection Grade did not meet with any success. They have argued that their chances of promotion have been adversely affected by the abolition of the Selection Grade and their exclusion from the Time Bound One Promotion scheme introduced from 30.11.83 is arbitrary. No opportunity was given ^{to them} before abolishing unilaterally the promotional avenues and they have been singled out for denying them the Time Bound One Promotion in violation of Article 14 of the Constitution. The Stenographers in Grade III are selected by the Staff Selection Commission on the basis of the same competitive examination but those who are allotted to the Central Secretariat get a higher pay of Rs.1640-2900 on promotion to Grade II whereas ^{those} ~~who~~ are allotted to subordinate offices get on such promotion the pay scale of Rs.1400-2600. The parity awarded by the Board of Arbitrators should have been maintained when Grade II Stenographers were allowed the pay scale of Rs.1640-2900 and attached to the Jr. Administrative grade officers. Since the same Jr. Admve. Grade officers can be posted either in the ^{Directorate} ~~Secretariat~~ (Secretariat) or in the subordinate offices, there should not be any disparity of the pay scale of Grade II Stenographers attached to them either in the Secretariat or in the subordinate offices. They have referred to a number of Supreme Court rulings emphasising that opportunity of promotion should be provided for generating and maintaining efficiency in service.

3. In the counter affidavit the respondents have stated that the disparity in the pay scale of Stenographers Grade II (PA) in the subordinate offices and the Central Secretariat is due to the fact that Recruitment Rules for these two services are different.. They have clarified that the Board of Arbitration also did not agree for absolute parity between the two services. Since the various grades of Stenographers are attached ^{to} specified rank ^{of} officers the creation of posts of Stenographers in a particular grade is linked with availability of the posts of officers ^{with} ~~of~~ whom Stenographers on that grade are to be attached. Where ^{the} number of such officers may not be adequate, a Stenographer of higher grade can be attached ^{serve} to two officers with whom a Stenographer of a lower grade ^{would have} ~~can~~ ^{been} attached. The respondents have argued that comparison of the applicants with the Indian Accounts and Audit department or with the JTOs is not warranted. The Time Bound One Promotion scheme is applicable only to cadres not common to other departments and Stenographers do not ~~fall~~ in the eligible category. They have denied ~~any~~ discrimination in violation of Articles 14 and 16 of the constitution. The applicants have not challenged the O.M. of 14.5.87 within time by which the Selection Grade was abolished.

4. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. Prescribing pay scales, providing Selection Grades, distributing number of posts in various grades are policy matters with wide-spread repercussions and huge financial implications. It is not for the Judiciary to adjudicate upon such matters or give directions unless there is violation of statutes or ^{of} constitutional provisions.

We do not find that the Stenographers in the P&T Department can be said to be identically placed as the technical officers or staff of corresponding grades in other departments. This however, is without prejudice to their claims being projected and considered by the Government through the intra-governmental channel of Joint Consultative Machinery and Arbitration. Already the Board of Arbitration ^{at} ~~on~~ _{in} one stage equalised the pay scales of the Stenographers Grade II in the subordinate offices with those in the Secretariat service. It stands to reason that the same machinery should be invoked for the grant of the revised pay scales as available to the PAs in the Central Secretariat Stenographers Services. The abolition of Selection Grade as recommended by the Fourth Pay Commission and accepted by the Government is an outcome of the detailed deliberation of an expert body ^{like} ~~of~~ _{in} the Pay Commission and a judicial body like this Tribunal is not equipped or supposed to assess the merits of those recommendations.

5. In the facts and circumstances, we do not see any case of judicial intervention on this application and we dismiss ^{it} ~~with~~ _{in} liberty to the applicants to press their claim in appropriate forum in accordance with law. We make it clear that no observation made in this order should be taken to be decisions ~~for xxxxxxxxxxxxxxxxx~~ _{for} or against the merits of their claim. There is no order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

30-1-92

Ks/28192.