

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. NO: 283/89

199

T.A. NO: --

DATE OF DECISION

20/3/82

P.A.Krishnan & ors.

Petitioner

Mr.R.S.Mohite

Advocate for the Petitioners

Versus

Union of India and ors.

Respondent

Mr.Rao

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C.Srivastava, Vice-Chairman

The Hon'ble Mr. M.Y.Priolkar, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

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(M.Y.PRIOLKAR)

(16)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.283/89

1. P.A.Krishnan,  
Stenographer Grade-II,  
Administration Office,  
Dadra and Nagar Haveli,  
Silvassa - 396 230.
2. J.G.Patel,  
Stenographer Grade-II,  
Forest Department,  
Dadra and Nagar Haveli,  
Silvassa - 396 230.
3. K.R.Patel,  
Stenographer Grade-II,  
Cottage Hospital,  
Dadra and Nagar Haveli,  
Silvassa - 396 230.
4. Mrs.Eufemia Nunes,  
Stenographer Grade-II,  
Administration Office,  
Dadra and Nagar Haveli,  
Silvassa - 396 230.
5. Mrs.F.J.Patel,  
Stenographer Grade-II,  
Education Department,  
Dadra and Nagar Haveli,  
Silvassa - 396 230.
6. M.L.Rohit,  
Stenographer Grade-II,  
P.W.D.Division No.II  
Dadra and Nagar Haveli,  
Silvassa - 396 230.
7. M.N.Nandanam,  
Stenographer Grade-II,  
Civil Court,  
Dadra and Nagar Haveli,  
Silvassa - 396 230.
8. Mrs.J.M.Quintall,  
Stenographer Grade-II,  
Administration Office,  
Dadra and Nagar Haveli,  
Silvassa - 396 230.
9. Miss Nilza Nunes,  
Stenographer Grade-II,  
P.W.D.Irrigation Division,  
Dadra and Nagar Haveli,  
Silvassa - 396 230.
10. Miss Nancy Coutinho,  
Stenographer Grade-II,  
P.W.D. Division No.I,  
Dadra and Nagar Haveli,  
Silvassa - 396 230.

11. Miss Maria Celesta Farnandis,  
Stenographer Grade-II,  
District Industries Centre,  
Dadra & Nagar Haveli,  
Silvassa - 396 230.

12. Miss Samsa Badaksani,  
Stenographer Grade-II  
State Land Use Board,  
Dadra and Nagar Haveli,  
Silvassa - 396 230.

.. Applicants

vs.

1. Union of India  
through  
The Secretary,  
Ministry of Home Affairs,  
New Delhi.

2. The Administrator,  
Union Territory of  
Dadra and Nagar Haveli,  
Raj Bhavan, Dona Paula,  
Goa.

3. The Collector,  
Dadra and Nagar Haveli,  
P.O. Silvassa,  
PIN 396 230.

.. Respondents

Coram: Hon'ble Shri Justice U.C. Srivastava,  
Vice-Chairman.

Hon'ble Shri M.Y. Priolkar, Member(A)

Appearances:

1. Mr.R.S.Mohite  
Advocate for the  
Applicants.

2. Mr.Rao  
Advocate for the  
Respondents.

JUDGMENT:  
Per M.Y. Priolkar, Member(A) //

Date: 30/3/92

The applicants were initially appointed as Stenographer Grade II in the Dadra and Nagar Haveli Administration on various dates during the period 1976 to 1982 in the pay scale of Rs.330-560. According to the applicants, they came to know for the first time when the 4th Pay Commission's report came to their hands that prior to 1-1-1986 the pay scale of Stenographer Grade II was Rs.425-700 and not Rs.330-560 in which they had been paid. The applicants claim arrears of salary on the basis of ~~the~~ that they are entitled to Rs.425-700

scale from the date of their appointment and also the consequential benefit of corresponding revised pay scale from 1-1-1986 of Rs.1400-2300 instead of Rs.1200-2040.

2. The respondents have stated in their written reply that the Union Territory Administration had notified the recruitment rules of various posts on 10-1-1967 according to which the pay scales of Stenographers Grade I and Grade II were fixed at Rs.180-340 and Rs.145-274 respectively. These were revised into Central pay scales with effect from 6-3-1970 as Rs.210-425 and Rs.130-300 respectively.

These were further revised as per Third Pay Commission's recommendations as Rs.425-700 and Rs.330-560 respectively. No separate payscales for this Union Territory have been notified from 1-1-1986 as per the Fourth Pay Commission's recommendations and, therefore, the existing pre-revised pay scales of Rs.425-700 and Rs.330-560 for Stenographers Grade-I and Grade II have been revised ~~for~~ from that date to the corresponding revised scales of Rs.1400-2300 and Rs.1200-2040 respectively.

3. The respondents have also stated that Government of India have laid down norms in 1970 for posting of Stenographers to officers at various levels according to which only officers of the rank of Deputy Secretary and equivalent are entitled to a Grade II Stenographer and there is only one such officer in the Union Territory who has been given a Stenographer Grade I in the pre-revised scale of Rs.425-700. The respondents contended that since all the applicants have been working with officers below Deputy Secretary's level, they are only entitled to the scale of Rs.330-560 irrespective of their designation.

4. The respondents have also ascertained the position in this regard obtaining in various other Union Territories. Various Union Territories have different recruitment rules and different designations and pay scales for their Stenographers. For example, while Pondichery has two categories designated as Senior Stenographer in the scale of Rs.425-700 and Junior Stenographer in the scale of Rs.330-560, Lakshadweep is having two categories designated as Stenographer grade II and Stenographer III in the pay scale of Rs.425-700 and Rs.330-560 respectively,

5. The learned counsel for the applicants argued that the norms or entitlements for posting of Stenographers laid down by the Government of India are only in respect of officers of the Ministries of the Central Government like Joint Secretaries, Deputy Secretaries etc. and they are relevant for posting of members of the Central Secretariat Stenographers Service only. It is difficult for us to accept this contention. The Government of India order dtd. 20-1-1970 specifically indicate that they are applicable to officers of equivalent rank also, which obviously has to be determined by their pay scales. Further members of the Central Secretariat Stenographers Service are admittedly in receipt of better pay scales than their counterparts in non-Secretariat offices and the applicants could not justifiably claim better status than them in the matter of norms for posting to officers at various levels. In any case, when there is no uniformity in the designations of various categories of Stenographers in different Union Territories it is the norms or guidelines for posting which are to be kept in view by all Union Territories, that should decide

in our ~~opinion~~ the entitlement of pay scales of Stenographers in various categories on the basis of the principle of equal pay for equal work, irrespective of their designation.

6. The learned counsel also argued that even under this Government of India order dated 20-1-1970 showing the entitlement of officers of various categories for stenographic assistance, some flexibility is permitted and either one Stenographer Grade III could be posted for each officer of the rank of Under Secretary (scale ~~Rs. 1200-1600~~) or a Stenographer Grade II could be posted to two such officers. It could, however, mean reduction in the strength of Stenographers Grade III by half if Stenographers Grade II on promotion from Grade III were to be provided on the scale of 1 each for two such officers. In our view, this is a matter which is entirely within the discretion of the Administration and the applicants who are all stated to be working with below Deputy Secretary level officers do not have any vested rights because of this order dated 20-1-1970 that, necessarily, they should be posted after upgradation at the rate of one each to two officers equivalent to Under Secretary, instead of one each in lower grade to ~~one~~ officer of Under Secretary's rank as at present.

7. On the basis of the foregoing discussion, we do not see any merit in this application, which is accordingly rejected with no order as to costs.

  
(M.Y.PRIOLKAR)  
Member(A)

  
(U.C.SRIVASTAVA)  
Vice-Chairman