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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.453 of 1997

DATE OF JUDGMENT: <sup>18</sup> SEPTEMBER, 1999

BETWEEN:

S/Shri/Smt.

1. Abdul Nazeer,
2. Smt.K.Chandra Prabha,
3. K.Hara Gopal,
4. Ch.Hanumanth Prasad,
5. C.Narasimha Rao,
6. Miss.Manukonda Udaya Bhaskaramma,
7. A.S.Prasad,
8. S.Rajeswara Rao,
9. T.Panduranga Rao,
10. Smt.R.Nirmala,
11. RSN Murthy,
12. E.Unnikumaran,
13. M.Hanumaiah.

.. APPLICANTS

AND

1. The Scientific Advisor to the Minister  
of Defence & Secretary,  
Department of Defence Research &  
Development ORgn., Room No.137/S,  
South Block,  
New Delhi 110 011,
2. Union of India, rep. by its Secretary,  
Ministry of Defence,  
South Block,  
New Delhi 110 011,
3. The Director, D.M.R.L.,  
(Chairman DPC II (NT) Sectt. of DPC)  
Kanchanbagh,  
Hyderabad 500 058 (A.P).

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr.P.B.VIJAYA KUMAR

COUNSEL FOR THE RESPONDENTS: Mr.V.BHIMANNA, Addl.CGSC

CORAM:

HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGEMENT

ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.P.B.Vijaya Kumar, learned counsel for the applicants and Mr.V.Bhimanna, learned standing counsel for the respondents.

2. There are 13 applicants in this OA. They are working under R-3 as Stenographers in various grades and some of them are now stated to be in the grade of Senior P.A. also.

3. In the Defence Research and Development Organisation (DRDO for short), the Stenographer Gr.III, Stenographer Gr.II, Stenographer Gr.I and Senior PA are in the scale of pay of Rs.1200-2040, 1400-2600, 1640-2900 and 2000-3200 respectively.

4. The DRDO is Controlling ~~\*\*\*\*\*~~ the Defence Metallurgical Research Laboratory (DMRL for short) ~~\*\*\*~~ which ~~\*\*\*\*\*~~ is a scientific research organisation. There are various categories of Scientists, from Scientist-C to Scientists-G, working in DRDO. Scientists-C is in the scale of pay of Rs.3000-4500 and below Rs.3700-5000. The Stenographers working under them are designated as Stenographer Gr.III in the scale of pay of Rs.1200-2040. Scientist-D in DRDO is in the scale of pay of Rs.3700-5000 and above and below Rs.5100-5700. The Stenographers under them are ~~under~~ designated as Stenographer Gr.II in the scale of pay of Rs.1400-2600. The Scientist-F in the DRDO is in the scale of pay of Rs.5100-5700 and above and below Rs.5900-6700. The Stenographers under them are designated as Stenographr Gr.I in the scale of pay of Rs.1640-2900. The Scientist-G in DRDO is in the scale of pay of Rs.5900-6700 and above and his stenographic assistance is designated as

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Sr.PA in the scale of pay of Rs.2000-3200.

5. The Ministry of Personnel and Public Grievances and Pensions, Department of Personnel and Training issued OM NO.28034/1/88-Estt(D), dated 6.2.89 (Appendix-A at page 39 to the OA) on the subject of posting Stenographers in the Subordinate Offices on the basis of the recommendations of the 4th Central Pay Commission. The entitlement of the officers for stengographic assistance has been revised on the basis of the recommendations as indicated in that letter. The entitlement as per that memo reads as below:-

<u>Level of Stenographic assistance</u>	<u>Scale of officer entitled</u>
1. Stenographer Gr.II (Rs.1200-2040)	Rs.3000-4500 and below Rs.3700-5000.
2. Stenographer Gr.II (Rs.1400-2300)	Rs.3700-5000 and above and below Rs.5100-5700
3. Stenographer Gr.I (Rs.1640-2900)	Rs.5100-5700 and above and below Rs.5900-6700.
4. Sr.P.A. (Rs.2000-3200)	Rs.5900-6700 and above (Officers of Senior Administrative Grade or equivalent posts)

6. Subsequently, another O.M. NO.22034/5/87-Estt(D), dated 30.1.91 (Appendix-B at page 41 to the OA) was also issued. Para 3 of that memo states that the scheme may



result in the upgradation of certain posts from the level of Rs.1200-2040 to the level of Rs.1400-2600 and also from the level of Rs.1400-2600 to the level of Rs.1640-2900 and abolition of a few posts in the scale of Rs.1200-2040. In those circumstances, it is not necessary to obtain the approval of the Cabinet in the matter and the individual Ministry/Department may take further necessary action in consultation with the FAs. The applicants submit that the Department has got full powers to upgrade the post depending upon the grade of the <sup>Scientists to</sup> ~~whom~~ the Stenographers are attached.

7. The applicants thereafter dwell various recruitment rules and other details in the affidavit. The S.R.O. 98 issued on 7.4.95 (Enclosure to Appendix-C at P.44 to the OA) is also enclosed which gives the Recruitment Rules for the post of Sr.PA. The enclosed document to that Appendix-C gives details regarding recruitment of Sr.PAs and Stenographer Gr.I.

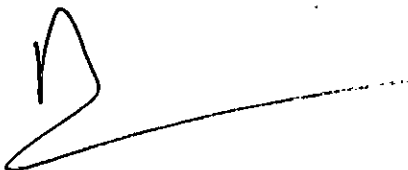
8. By the Memo No.16395/RD/PERS-I/1986, dated 11.2.87 (Appendix-D at page 53 to the OA) it was proposed to decentralise the DPC-II for promotion and confirmation to various grades in the organisation including Stenographer Gr.I. It is also stated that DPC-II is to be convened twice a year on 15th March and 15th September for consideration for promotion. As per this, the proposed DPC-II is <sup>to recommend promotion in</sup> DRDL, Hyderabad, DLRL, Hyderabad, DMRL, Hyderabad, RTO, Hyderabad, RTO Midhani, DRDO CC Hyderabad, NSTL stationed at Hyderabad and Visakhapatnam. ~~For consideration of the said DPC-II to be~~

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held on 16.10.95, allocation of posts of Sr.PA and Stenographers Gr.I was indicated in the impugned Memo NO.DRDO/76664/MPD-1, dated 13.10.95 (Appendix-E at page 55 to the OA). As per that memo, the DPC-II at Hyderabad has to consider ~~XXXX~~ Stenographers Gr.I, <sup>numbering</sup> 2 at NSTL, 1 at DLRL and 3 at DRDL. No posts of Sr.PA was allocated in that memo at Hyderabad. The applicants herein were aggrieved by the non-allocation of Sr.PA posts to any Laboratory/Establishment under Hyderabad zone as <sup>they allege that it is</sup> contrary to the proportionate strength of the eligible Scientists/equivalent officers. They submit that a great injustice has been done to the Hyderabad zone by not allocating the posts, especially Sr.PA posts, to the eligible Scientists/equivalent officers of DRDO headquartered at Hyderabad zone. The applicants contend that the number of posts of Sr.PA are not commensurate with the number of Scientists in Grade-G and hence the DoPT OM dated 6.2.89 was not ~~xxxx~~ of the instructions of the nodal Ministry. followed which is violative/ It is also stated that the Hyderabad Laboratory/Establishment had approached the DRDO Headquarters to sanction more Sr.PA and Stenographer Gr.I posts depending upon the number of Senior Scientists, Scientists-G/equivalent as per letter No.DRDL/1211/RAD, dated 11.8.95 (Appendix-G at page 60 to the OA). As per that letter, there is <sup>requirement of</sup> 11 SPAs whereas existing SPAs are only 2. Hence 9 posts are to be created/upgraded. Similarly, there is shortage of Stenographers Gr.I and II also. The applicants also submit that there are 32 posts of Scientist-G/equivalent in position on the date of filing of this OA and they are working in the important Defence Projects in this Laboratory/Establishment in Hyderabad zone. But the posts of SPAs are not created equivalent to



the number of Scientists-G in the Department. It is stated that the DRDO by letter NO.DRDO/7665/Steno/MPD, dated 15.5.96 has rejected upgradation of the Stenographic assistance in SPAs grade to Scientist-G on the ground that the same is not feasible due to <sup>introduction of promotion scheme</sup> flexible complementing/in the Scientists cadre as the number of Scientists-G keeps on varying whereas the number of authorised posts of SPA is fixed. That letter dated 15.5.96 is enclosed as Appendix-'Z-1' at page 100 to the OA.

9. Thus the applicants herein are agitating for not creating or upgrading the posts, especially in the grade of Sr. PA in terms of the Appendix 'A' and 'B' letter.

10. There is a second request also in this OA in regard to the seniority that has to be given to the Steno Typists on the conversion of the Steno Typists into Stenographers under the Ministry of Defence based on the Government of India, Ministry of Defence letter NO. 6(i)/76/D(Appts) dated 1.3.77.

11. In view of the decision of the Central Administrative Tribunal, Principal Bench in the case of Saroj Sareen Vs. Union of India and others in O.A.No.505/86, the seniority of the "Stenographers existing" as on 1.1.73, has been fixed. But the applicants submit that their seniority has to be fixed with effect from the date of issue of the Ministry of Home Affairs letter dated 24.7.69 whereby instructions were issued for conversion of the existing posts of Steno Typists to that of Stenographers in the <sup>then</sup> scale of pay of Rs.130-300. The

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fixation of seniority with effect from 1.1.73 is contrary to the OM dated 24.7.69 and hence the Stenographers converted from Steno Typists have to be given seniority with effect from 24.7.69 and not from 1.1.73.

12. This OA is filed for the following reliefs:-

(i) The allocation made vide the impugned order dated 13.10.95 is erroneous and has to be set-aside and the respondents are to be directed to issue a fresh allocation to the Laboratories/Zones taking into account the strength of the Scientists or alternatively posts may be distributed proportionately to all zones on the basis of the existing strength of Stenographers in the various zones;


(ii) 25 posts of Sr.PAs have to be sanctioned for Hyderabad Zone Scientists-G/equivalent in terms of DoPT OM dated 6.2.89 and the applicants be deemed to be eligible for promotion from October, 1995;

(iii) The seniority of Steno Typists has to be granted with effect from 24.7.69 instead of 1.1.73.

13. A reply, a rejoinder and an additional reply has<sup>ve</sup> been filed.

14. The main contention of the applicants in this OA is that the posts of Stenographers, especially Stenographers Gr.I and Sr.PA have to match with the number of Scientists who are eligible to get that <sup>grade of</sup> stenographic assistance. But it is not given. Even the impugned letter dated 13.10.95 does not speak of any post of Sr.PA. There

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is shortage of Sr.PAs to the extent of 25 and Scientists-G are eligible for the same. Hence, the whole cadre of Stenographic assistance requires revamping and creation/upgradation of posts in the higher grade of Sr.PA. As that was not done, the applicants are put to a great disadvantage and stagnation is raging in the stenographers' cadre. With that contention they have filed this OA.

14. The whole issue has to be seen on whether the OM of <sup>the</sup> DoPT at Appendix A and B can straightaway be implemented in the DRDO. It is a known fact that the DRDO is a scientific organisation performing research connected with military equipment and other military hard-wares. Hence, in our opinion, this organisation cannot be equated to a Secretarial/Non-Secretarial/Subordinate offices. Its functioning are different from that of a Secretarial/Subordinate/other field functions. It may not be necessary to provide full stenographic assistance to all the Scientists as the nature of work is entirely different from the other Deptmental officers connected with the day today functioning. The letters of DoPT dated 6.2.89 and 30.1.91 (Appendix 'A' and 'B' at pages 39 and 41 to the OA) have to be viewed only from that angle. No letter of DoPT can be used in an organisation for which it is not meant. The same DoPT has issued O.M. No.28034/1/88-Estt(D), dated 25.6.91 (Annexure-I to the additional reply) whereby it has been stated that "in case of officers holding technical and scientific posts etc., stenographic assistance to be provided to them should be based on the study conducted by the Staff Inspection Unit/Internal Work Study Unit, as

clarified in the Ministry of Finance (Department of Expenditure) O.M.NO.9/1/85-SIU dated 25.8.1987 and para 1 of the Ministry's O.M. of even number dated 9th February, 1990". From the above O.M. it is very clear that the letters dated 6.2.89 and 30.1.91 are not directly related to the creation/upgradation of posts in this Scientific organisation. Hence the insistence of the applicants to create the posts to extend the Stenographic assistance, especially in the Sr.PA grade, to all the Scientists 'G' grade may not be appropriate. Further, the DRDO is following the flexible complementing scheme for giving <sup>promotions</sup> ~~to~~ higher grade / to the Scientists working in their organisation. Every 5 years, the capability of the Scientists was analysed and if they <sup>are</sup> fit enough to promote them to higher grade, they are promoted to the higher grades without creation of any new post. The post they are holding in the lower grade is upgraded to the higher grade post. The work involved in the upgraded post is same as that of the lower grade but to encourage and give lift to the Scientists, flexible complementing scheme has been introduced. If that is so, the posts of Scientists-G are bound to increase as soon as the lower grade scientists complete 5 years of service in that grade. If the Sr.PA posts also are to be created on the basis of upgradation of the lower post, then it will lead to a situation wherein stenographers will be doing same work but their grade will keep on upgraded to the higher post. This would also mean that the stengoraphers are also to be brought under the flexible complementing scheme. The flexible complementing scheme is not a scheme for anybody other than the Scientists performing highly research oriented work. Hence



the request of the stenographers to create Sr.PA posts equivalent to that of the Scientists-G, in our opinion, is not a request that can be acceded to. The only point to be seen is whether there is stagnation and if so how the stagnation in the cadre has to be rectified.

15. It is seen that 8 out of the 13 applicants herein have already been promoted as Sr.PA. It goes to prove that the respondents are not keeping mum when there is heavy stagnation. They are looking into it and trying to avoid stagnation by upgradation or creation of higher posts. The very fact that 8 out of 13 applicants <sup>have</sup> already been promoted may prove that stagnation among the stenographers' cadre has been considerably mitigated.

16. It is also seen from Annexures 3 and 4 that about 16 posts of Sr.PA have been made available to Hyderabad Zone. Because of that, 8 out of them have already been promoted. The respondents also submit that some of the applicants are not eligible for consideration for higher post as they <sup>have</sup> ~~do~~ not put in minimum service eligibility condition.

17. Considering the above point, the only relief that can be given to the applicants in regard to creation/upgradation of Stenographic posts to higher grades, <sup>the grade of,</sup> especially to Stenographers Gr.I and Sr.PAs, is that the respondents should keep a close watch in those cadres and see whether any stagnation exists. If there is stagnation, they should take such remedial action so as to avoid stagnation in that cadre. For that the respondents

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should review the cadre strength of stenographers under various grades right from the Stenographer Gr.III to Sr.PA and take remedial action if there is stagnation. No hard and fast rule can be <sup>fixed</sup> ~~given~~ to determine whether the cadre is stagnating or not. The Department should decide whether there is stagnation or not based on the scientists' strength and similar other parameters. The scientists' strength does not mean that higher grade Scientists <sup>should</sup> ~~should~~ always be given stenographic assistance as per the memo at Appendix-A to the OA. Depending upon the nature of scientific work and workload falling on the stenographer attached to him, the question of providing necessary stenographic assistance in the appropriate grade has to be decided. However, it is to be seen that the stenographers in the department are kept in a satisfied condition so as to ensure that the department do not suffer because of non-providing of appropriate grade of stenography assistance to the higher grade Scientists.

18. Except the direction as given above, no further direction is called for in regard to deciding the strength of stenographers in the DRDO. With the above direction/observation, the prayer of the applicants at paras 12 (i) and (ii) is disposed of.

19. When the OA was taken up for hearing, the learned counsel for the applicants submitted that the prayer in regard to the fixation of seniority of Steno-typists may be kept open and they will take up their case departmentally. In view of the above, no order is necessary in regard to the prayer at para 12(iii), <sup>with respect</sup> ~~in regard~~ to seniority of Steno-typists. The issue is kept upon for adjudication, if required, at a later date.

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CDPY TR :-

1. HDHND
2. HRRN M (A)
3. HBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH - HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR  
VICE - CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN :  
MEMBER (ADMN.)

THE HON'BLE MR. B.S. JAI PARAMESWAR :  
MEMBER (JUDL)

DATE OF ORDER: 19/99

MA/RA/CP NO.

IN

GA. No. 453/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

GA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

27 SEP 1999

हैदराबाद ब्याथवीड  
HYDERABAD BE