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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

O.A.No.97/99

Date of Order: 15.3.2000

BETWEEN :

1. G.Anjaneyulu
2. K.S.Rama Rao
3. Smt.T.Udaya Lakshmi
4. N.Bhaskara Rao
5. Smt.Y.K.L.Annapurna
6. L.Venu Prasad
7. Smt.S.Uma Maheswari
8. Smt.M.Lakshmi Ranganatham
9. Smt.Ch.Sailaja
10. Smt.P.Shailaja
11. Smt.Ch.Jhansi Lakshmi

..Applicants.

AND

1. Union of India, rep. by its Secretary,
Defence (department of Defence Production
And Supplies), South Block, Defence Head
Quarters Post Office, New Delhi.
2. Secretary, Ordnance Factory Board,
10-A, S.K.Bose Road, Calcutta.
3. General Manager, Ordnance Factory Project,
Yeddumailaram, Medak District.

..Respondents.

Counsel for the Applicants

..Mr.P.B.Vijaya Kumar

Counsel for the Respondents

..Mr.J.R.Gopala Rao

CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER(JUDL.)

ORDER

[As per Hon'ble Shri B.S.Jai Parameshwar, Member (Judl.)]

Mr.P.B.Vijaya Kumar, learned counsel for the applicants and

Mr.J.R.Gopala Rao, learned standing counsel for the respondents.



2. There are 11 applicants in this OA. They are working as Personal Assistants in the scale of pay of Rs.1400-2600 (pre-revised). They submit that since there is disparity among the pay scale of Stenographers Gr.II of Subordinate Services and Stenographers Gr.C of Central Secretariat; demand was made to Government to remove the disparity in the scales of pay. After considering the issue, the Government vide the proceedings dated 4.5.90 of the Ministry of Finance the scale of pay of Stenographers Gr.II ^{was} ~~have~~ brought on par with the pay scales of Stenographers Gr.C of Central Secretariat w.e.f.1.1.86.
3. They submit that subsequently ^{the pay of the} Assistants/Stenographers Gr.C of Central Secretariat was revised to Rs.1640-2900 w.e.f.1.1.86 similarly placed employees. They rely on the order of the Calcutta Bench of this Tribunal in OA.1131/91.
4. Hence they have filed this OA to declare that the applicants are eligible to the scale of pay of Rs.1640-2900 (pre-revised) with effect from the dates of their joining as Personal Assistants notionally and with effect from one year prior to the date of filing for monetary benefits in terms of the decision reported in (1996) 34 ATC 544 and accordingly direct extension of the same with interest on arrears.
5. The respondents have filed a reply. In the reply they submit that prior to 4th Central Pay Commission, the scale of pay of the applicants as well as that of their counter parts belonging to Central Secretariat Stenographers ^{Service} stood at Rs.425-700 and Rs.425-800 respectively. After 5th Central Pay Commission, the pay scales in respect of both the categories are fixed at Rs.1400-2600 respectively. On a demand made by the staff side in the National Council of JCM seeking parity in the pay scales of Stenographers in the Secretariat and Subordinate ^{Services} the matter was referred to the Board of Arbitration. The Board of Arbitration while rejecting the demand for absolute parity directed that Stenographers Grade-II in Subordinate Offices should be placed in the pay scale of Rs.1400-2600 w.e.f.1.1.86. The said award was implemented and orders were issued on 4.5.90. Subsequently the pay scale of Stenographers in the Central

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Secretariat Stenographers Service was revised to Rs.1640-2900 by the Government of India on 31.7.90 effective from 1.1.86.


6. The issue relating to parity in ^{the} pay scales of Stenographers in the Secretariat and Subordinate Offices was also dealt with by the 5th CPC which gave careful consideration to the suggestions in the light of observations made by the 3rd CPC. The 3rd CPC was of the considered view that the size of the Stenographers job was very much dependent upon the nature of work entrusted to that officer and it would not be correct therefore to go merely by the status in disregard of the functional requirement. By the very nature of work in the Secretariat, the volume of dictation and typing work was expected to be heavier than in a subordinate office. Considering the differences in the hierarchical structures and in the type of work transacted in the Secretariat and in the subordinate offices the commission was not in favour of adopting a uniform pattern. Thus, they say that the applicants are not eligible for the scale of pay on par with with the Stenographers in the Central Secretariat Stenographers Services.

7. The grounds and the relief claimed in this OA are similar to the grounds urged in OA.259 and 261/98 decided on 21.6.99. While considering the reliefs claimed in those OAs ^{we took} ~~where~~ note of the observations of the 5th Pay Commission and also the decision of the Hon'ble Supreme Court reported in 1997 (3) SCC 568.

8. In that view of the matter the applicants are not entitled to the reliefs claimed in the OA.

9. However, we make it clear that our order does not come in the way of the approaching the anomalies committee applicants if so advised, for redressal.


10. With the above observations, the OA is disposed of. No costs.

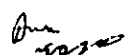

(B.S. JAI PARAMESHWAR)
Member(Judl.)

153.9

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Dated : 15th March, 2000
(Dictated in Open Court)


(R. RANGARAJAN)
Member(Admn.)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,
HYDERABAD.

1ST AND 11ND COURT

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

COPY TO

1. HON'BLE

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

2. HON'BLE (ADMN) MEMBER.

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

3. HON'BLE M. (JUDL)

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

4. D.R. (ADMN)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER

15/3/00

MA/RA/CF.NO

IN

G.A. NO.

97/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

M.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS

8 copies

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal दिल्ली / DESPATCH
28 MAR 2000
हैदराबाद बेंच HYDERABAD BENCH