

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 9.2.01

OA No.383/1996 with MA No. 311/96

V.Varughese S/o late Shri P.V.Verughese, Stenographer Gr.II,
Central Ground Water Board, Institutional Area, 6A Jhalana Dungri,
Jaipur - 302004.

.. Applicant

Versus

1. Union of India, through the Chairman, Central Ground Water Board, Ministry of Water Resources, CGO Complex, Faridabad, Haryana.
2. The Director (Admn.), Central Ground Water Board, Govt. of India, Ministry of Water Resources, Faridabad, Haryana
3. Superintending Engineer, Central Ground Water Board, Govt. of India, Ministry of Water Resources, Institutional Area, 6A Jhalana Dungri, Jaipur.

.. Respondents

Mr. M.M.Bharathan, counsel for the applicant

Mr. Hemant Gupta, proxy counsel to Mr. M.Rafiq, counsel for the respondents

CORAM:

Hon'ble Mr.A.K.Mishra, Judicial Member

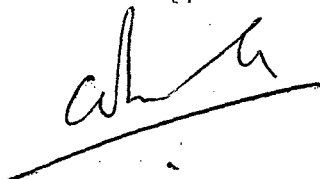
Hon'ble Mr. N.P.Nawani, Administrative Member

Order

Per Hon'ble Mr.N.P.Nawani, Administrative Member

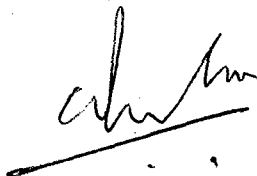
In this Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant prays that he may be given the pay scale of Rs. 1640-2900 since his promotion on the post of Stenographer Gr.II on 18.2.1992.

2. The applicant has also filed a Misc. Application No.311/96 for condonation of delay in filing this OA. In view of the submissions made in this Misc. Application, we condone the delay in



filing of this OA and proceed to decide the case on merits.

3. The case of the applicant is that he has been working as Stenographer Gr. II in the pay scale of Rs. 1400-2600 in the Central Ground Water Board under the Ministry of Water Resources w.e.f. 18.2.1990 (Ann.A4) whereas similarly placed Stenographers Grade 'C' in the Central Secretariat Service are being given the pay scale of Rs. 1640-2900. Not only that, vide OM dated 18.4.1994, the Ministry of Health and Family Welfare have approved grant of the pay scale of Rs. 1640-2900 in lieu of scale Rs. 1400-2600 to Stenographers Grade 'C' working in the Indian Council of Medical Research (for short, ICMR) w.e.f. 1.1.1986. Similarly, the Assistants working in the office of the Salt Commissioner, Jaipur under the Ministry of Industry have also been given equal pay scale at par with the pay scale of Assistants working in the Central Secretariat vide this Tribunal's order dated 9.8.1994 rendered in OA No.152/91, P.C.Garg and ors. v. Union of India and anr., on the principle of 'equal pay for equal work'. It is further contended that the Principal Bench of this Tribunal in its latest judgment on 19.1.1996 have allowed the pay scale of Rs. 1640-2900 to Stenographers Grade 'C' (FA) in the Central Bureau of Investigation and attached offices of the Ministry of Personnel etc, Assistants in the Office of Director General of Income Tax, North Zone, New Delhi and attached offices of the Central Board of Direct Taxes, Ministry of Finance and those working as Stenographer Gr.II and Assistants in the Director of Field Publicity, Ministry of Information and Broadcasting in view of the grant of pay scale of Rs. 1640-2900 to their counterparts in the Central Secretariat Service and Central Secretariat Stenographers Service. It is, therefore, the contention of the applicant that his case was identical to the above cases and he is also entitled to the scale of Rs. 1640-2900 based on the principle of 'equal pay for equal work'. The applicant has enclosed a

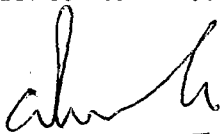


comparative statement as part of his additional affidavit dated 18.9.1996.

4. By filing a reply, the respondents have controverted the case of the applicant. It has been stated by them that Central Ground Water Board is a subordinate office of the Ministry of Water Resources and, therefore, not comparable with Central Secretariat Services/Central Secretariat Stenographers Service. It has, however, been stated that a three graded structure of Stenographers i.e. Stenographer Grade-I scale Rs. 1640-2900, Stenographer Grade-II scale Rs. 1400-2600, Stenographer Grade-III scale Rs. 1200-2040 were introduced by Central Ground Water Board in conformity with the guidelines contained in the Department of Personnel and Training OM of 6.2.89 (Ann.R4). The respondents have contended that as would be evident from Ann.R4, stenographic assistance for the officers of the subordinate offices was prescribed by the DOPT and in order to relieve stagnation in the grade of Stenographers, some upgradation was permitted. Subsequently, in terms of Ministry of Water Resources letter dated 1.5.1991 and 21.1.1992 only 11 posts of Stenographer Grade-II were upgraded to that of Grade-I in the scale of Rs. 1640-2900.

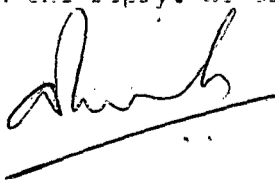
5. We have heard the learned counsel for the applicant and perused the material on record.

6. The learned counsel for the applicant while forcefully reiterating the averments made in the OA stressed that the applicant is fully entitled to grant of higher pay scale of Rs. 1640-2900 on the principle of 'equal pay for equal work' and is similarly placed to cited employees that have been allowed the said pay scale. He also drew our attention to Schedule-A annexed to the additional affidavit filed on 17.9.1996 showing that officers in




the pay scale Rs. 3700-5000 in the Central Secretariat and ICMR are already entitled to have Stenographers in the pay scale Rs. 1640-2900 but the Scientist 'D' / Superintending Engineer and other Group 'A' officers pay scale Rs.3700-5000 under respondents are entitled to have Stenographers in the pay scale of Rs. 1400-2600 only, which is discriminatory and violative of Articles 14 and 16 of the Constitution of India. In support of his contentions, the learned counsel for the applicant cited certain judgments of this Tribunal. In the judgment dated 18.1.2000 in OA No. 361/97 this Bench of the Tribunal, relying on the decision rendered in OA No.152/91, had allowed the scale of Rs. 1640-2900 to the Assistants in the office of the Salt Commissioner, being equivalent to the pay scale being enjoyed by the Assistants in the Central Secretariat services. He also cited the judgment of the Principal Bench of this Tribunal dated 19.1.96 in OA No.144A/1993, OA No.958/93 and OA No.548/94 allowing the pay scale of Rs. 1640-2900 to the Crime Assistants and Stenographers Grade 'C' (FA) in the Central Bureau of Investigation, an attached office; Assistants in the office of Director General of Income Tax (North zone, New Delhi) an attached office of Central Board of Direct Taxes, Ministry of Finance and those working as Stenographers Gr.II and Assistants in the Director of Field Publicity in the Ministry of Information and Broadcasting. He also cited a judgment of the High Court of Delhi in CWP No. 381/96 decided on 16.10.1998 directing the Central Pollution Control Board, Delhi to revise the pay scale of all the Assistants (General) and Personal Assistants from the existing pay scale of Rs. 1400-2600 to the pay scale of Rs. 1640-2900 with immediate effect. The learned counsel for the applicant, therefore, prayed that the OA may be allowed and the applicant may be given the pay scale of Rs. 1640-2900 w.e.f. 1.1.1986.

7. The learned counsel for the respondents reiterated the contentions raised in the reply. He cited the judgments rendered in



Garhwal Jal Sansthan Karamchhari Union and Anr. v. State of U.P. and Ors., 1997 (2) SLP 600 and Union of India and ors. v. P.V.Hariharan and Anr., 1997 (2) SLP 332 to support his contentions. We have given our respectful consideration to these judgments. In the former case, the pay parity was not accepted by the Apex Court because the jurisdiction of Jal Sansthan extended only to a local area whereas that of Jal Nigam extended to the entire State of U.P. The case is, therefore, distinguishable. In the latter case, the Apex Court did not accept the parity in view of vague and ambiguous reasons and also because of the fact that the parity accepted by the Tribunal was against the specific recommendations of the Pay Commission. However, as discussed in para 5 of the judgment of the Principal Bench in OA No. 144A of 1992 etc., the pay scale of Rs. 1400-2600 was recommended by the Pay Commission to the Assistants and Stenographer Gr.II (PA) both working in the Central Secretariat as also similarly placed employees working in the office of the Central Bureau of Investigation under the Ministry of Personnel etc., Director General of Income Tax, Northern Zone, New Delhi under the Ministry of Finance and Directorate of Field Publicity under the Ministry of Information and Broadcasting. It was through only a subsequent OM dated 31.7.1990 that a revised scale of pay of Rs. 1640-2900 was given to the Assistants in the Central Secretariat Services and Stenographer-II of Central Secretariat Stenographer Services w.e.f. 1.1.1985. The latter case cited by the learned counsel for the respondents is, therefore, distinguishable from the facts and circumstances of this case.


8. We have carefully considered the rival contentions. We find from the judgments cited by the learned counsel for the applicant that the Stenographers/Assistants working in such attached offices like Director General Income Tax, North Zone, Delhi under the Ministry of Finance, Directorate of Field Publicity under the

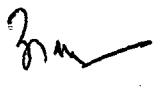


Ministry of Information and Broadcasting; Central Bureau of Investigation under the Ministry of Personnel etc. and in the Indian Council of Medical Research under the Ministry of Health and Family Welfare have been given same pay scale as enjoyed by the Stenographers/Assistants in the Central Secretariat. The applicant herein is in no way differently placed and cannot be denied the pay scale of Rs. 1640-2900 in lieu of Rs. 1400-2600. Even otherwise, we are bound to follow the law laid down by a Coordinate Bench of this Tribunal. This Bench in OAs Nos. 152/91 and 361/97 and the Principal Bench in OA Nos. 144A of 1993 etc. have upheld grant of the pay scale of Rs. 1640-2900 in lieu of the scale of Rs. 1400-2600 in case of Stenographers Gr.II (PA) and we have, therefore, no hesitation in adopting the principle laid down in these OAs and hold that the applicant is also entitled to the pay scale of Rs. 1640-2900 in lieu of Rs. 1400-2600 that is presently allowed to him. In terms of his prayer, the applicant will be entitled to the higher pay scale of Rs. 1640-2900 w.e.f. 18.2.1992 i.e. the date of his promotion to the post of Stenographer Gr. II. Further, in terms of the Judgment of Hon'ble the Supreme Court in the case of Jai Dev Gupta v. State of H. P. and ors., (1997) 11 SCC 13, wherein it was held that difference of wages are entitled from a date three years preceding the date of approaching the CAT. Since this OA has been filed on 27.6.96, the applicant could be entitled to difference of wages from 27.6.93.

9. The OA is, therefore, allowed and the respondents are directed to grant the pay scale of Rs. 1640-2900 to the applicant w.e.f. 18.2.1992 but the arrears would be limited to three years prior to the date of filing of this OA i.e. w.e.f. 27.6.1993.

No order as to costs.


(N.P.NAWANI)
Adm. Member


(A.K.MISHRA)
Judl. Member