

51/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. @

(See Rule 42)

CENTRAL ADMINISTRATIVE TRIEUNAL
GUWAHATI BENCH.

ORDER SHEET

Orginal Application No. 298/2005

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s) R. N. Das

Respondent(s) MOL ONS

Advocate for the Applicants MR M. Chanda, A. N. Chakraborty,
S. Chatterjee, S. Nath

Advocate for the Respondent(s) M. M. Ahmed CGSC
Rly St. Counsel

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

File application no. 298/2005
is filed. R. for 13.12.05
Deposited vide RT. 317/28
Dated 28.11.05

G. D. Das
Dy. Registrar

NO STEPS

*NS
29.11.05*

1m

19.12.2005

Mr. M. Chanda, learned counsel for the applicant submits that applicant gets the order with reference to which is ~~made in the matter~~ impugned and amendment application is being filed shortly. Post on 21.12.2005.

R. M. Ahmed
Vice-Chairman

Steps taken on

9/11/06.

R. M. Ahmed

mb

R. M. Ahmed
Vice-Chairman

21.12.05.

Pl. comply order
dated 21/12/05

NS
21/12/05

Amended

A Notice & order and

sent to D/Section

along with copy

ob M.P. 163/05 lm

sent to D/Section

for issuing to

resp. Nos. 1 to 4

by regd. A/D post.

(Cas) 9/11/06- D/No= 65 to 68

DT- 16-1-06

~~Pl.~~ Notice duly

sent to the concerned office

Served on resp.

No-4

(Cas) 16/11/06

Heard Mr. M. Chanda learned
counsel for the applicant and Mr. M. U.
Ahmed learned Addl. C.G.S.C. for the
Respondents. The M.P. for amendment
is allowed. Copy of the M.P. must also
be forwarded to the Respondents along
with the O.A.. The applicant in the
meantime will file consolidated appli-
cation also.

2015 (D/P)

Post the matter on 7.2.06. Written
statement if any, in the meantime.

DR
Vice-Chairman

07.02.2006. When the matter came up for
hearing, Mr. M. U. Ahmed, learned Addl.
C.G.S.C. for the respondents submits
that he has received a copy of the
amendment application. However, requests
to send the copy of the amendment
application to the respondents directly.
The registry is directed to send the copy
of the amendment application to the
respondents if not already sent. Counsel
for the respondents also sought for
some more time to file reply statement.
Post on 23.3.2006, in the admission list

DR
Vice-Chairman

6.2.06

mb

An amended
application submitted
by the Applicant.

DR

Pl. comply order dated

7.2.06.

17.2.06.

Amended notice & order
with copies ob M.P 163/05
Sent to resp. nos 1 to 4,
vide our office notes

17.2.06. (05/12/06)

22-3-06

No Wts has been
filed.

30

23.3.2006

Mr. M. U. Ahmed, learned Addl. C. G. S
C. submits that he would like to have
some more time to file reply statement
to the amendment petition. Let it be
done.

Post on 27.4.2006.

No Wts has been filed

bb

~~26.4.06~~

27
26.4.06

27.4.2006

Considering the issue involved
in this case and that a judgment, which
is said to be covered, has been pointed
out the O.A. has to be admitted.
Admit. Four weeks time is granted to
the respondents to file reply statement
Post on 30.5.2006.

29-5-06

No Wts has been
filed.

30

Vice-Chairman

bb

30.5.2006

Mr. M. U. Ahmed, learned Addl. C. G. S
C. wanted to have some more time to
file reply statement. Let it be done.
Post on 3.7.2006.

30-6-06
No Wts has been
filed.

31

Vice-Chairman

bb

03.07.2006

Post on 13.07.2006.

12-7-06
No Wts has been
filed.

32

Vice-Chairman

mb

13.07.2006 Mr M.U. Ahmed, learned Addl.

... C.G.S.C., for the respondents submitted that he has been directed to seek time to file draft reply statement since the matter is pending before the Ministry of Information and Broadcasting. It is evident that the case ... pertaining to 2005 and right from 6.12.2005 the respondents are seeking time to file reply statement, but nothing is forthcoming. As a matter of last chance, three weeks time is granted to file reply statement. If no reply statement is filed, the consequences will follow.

Post on 04.08.2006.

Mr 298/06
3 - 8 - 06
No W.Ls has been filed.

33

Vice-Chairman

mb

04.08.2006 Present : Hon'ble Sri K. V. Sachidanandan, Vice-Chairman.
Hon'ble Sri Gautam Ray, Administrative Member.

No. W.Ls has been filed.

5.9.06

Learned counsel for the respondent submitted that he would like to have some time to file reply statement.

Post on 06.09.2006.

AS
Member

Vice-Chairman

06.09.2006 Present: Hon'ble Sri K.V. Sachidanandan Vice-Chairman.

Learned Counsel for the Respondents wanted time to file reply statement. Let it be done.

Post on 26.10.2006.

26.10.06
Amendment filed.
No W.Ls filed.

AS

14.2.07

Counter reply filed
by the respondents page
1 to 23.

/mb/

Vice-Chairman

AS

O.A. No. 298/2005

26.10.2006 Present: Hon'ble Smt. K.V. Sathaye
Vice Chairman.

No W.L.S has been
filed.

20.11.06

Learned Counsel

Respondents represented an
time to file reply statem/

21.11.2006.

/mb/

21.11.2006 Mr. M.U.Ah

C. wanted furth
statement. Four
to the responde
post on 21

No W.L.S has been
filed.

20.12.06

bb

21.12.06

Counsel for
further time to f
post on

No W.L.S has been
filed.

11.1.07

No W.L.S has been
filed.

6.2.07

pg

12.1.07.

Post the case on 31.1.07.
In the meantime, the respondents will
file written statment.

Vice Chairman

lm

7.2.2007

Mr. M. U. Ahmed, learned advo
C.G.S.C. submits that reply stat
will be filed within two days.

Post the case on 15.2.2007.



No W.L.S has been
filed.

/bb/

11.5.07

Vice Chairman

15.2.07

Counsel for the applicant submitted that he wanted further four weeks time to file rejoinder. Let it be done within four weeks.

Post on 16.3.07 for order.

Vice-Chairman

pg

16.3.07.

Counsel for the applicant submitted that he wanted further three weeks time to file rejoinder. Let it be done. Post the matter on 12.4.07.

Member

Vice-Chairman

1m

order to
29/3/07
9.3.07.

Counsel for the respondents wanted time to file written statement. Let it be done. Post the matter on 12.6.07. Interim order shall continue.

Vice-Chairman

1m

15.5.07.

At the request of learned counsel for the applicant four weeks time is granted to file rejoinder. Post the matter on 15.6.07.

Vice-Chairman

15.6.07.

Counsel for the applicant wanted time to file rejoinder. Let it be done. Post the matter on 18.7.07.

Vice-Chairman

11-5-07

rejoinder filed

by

rejoinder has
been filed.

14.6.07.

17-7-07
no rejoinder filed so far.

Notes on Registry

Date

Order of the Tribunal

17.7.2007
12.9.07.

Rejoinder not filed.

20.7.07.

10 days time is allowed to the learned Counsel for the applicant wanted time to file rejoinder. Let it be done. Post the matter on 9.10.07.

Vice-Chairman

/bb/ lm

31.7.2007

Rejoinder not filed.

22.8.07.

As requested, further three weeks time is allowed to the Applicant to file rejoinder.

Post the matter on 23.08.2007.

✓

Vice-Chairman

Rejoinder not filed.

11.9.07.

/bb/

23.8.2007

Let the case be posted on 12.9.2007 for filing of rejoinder and completion of pleadings. Thereafter matter will be posted before the next Division Bench for hearing.

✓

Vice-Chairman

22.1.10.07.

/bb/

12.9.07.

Counsel for the applicant wanted time to file rejoinder. Let it be done. Post the matter on 3.10.07.

✓

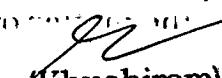
lm

Vice-Chairman

03.10.2007

In this case rejoinder has already

been filed. Call this matter on 13.11.07 for
hearing.


(Khushiram)
Member(A)

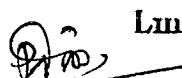

(Monoranjan Mahanty)
Vice-Chairman

lm

13.11.2007

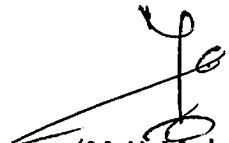
4.10.07

Rejoinder Submitted
by the Applicant,
undertaking given for
copy ^(Copy) serve to the
Respondents.


lm

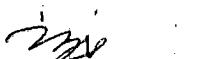
In this case reply/rejoinder have
already been filed and this case is ready
for hearing.

Call this matter on 6th December,
2007 for hearing before Division Bench.


(M.R. Mohanty)
Vice-Chairman

06.12.2007

Writs and rejoinder
filed by the parties.


12.11.07.

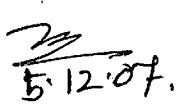
Mr.M.U.Ahmed, learned Addl.
Standing counsel for the Union of India, is
absent. Prayer is made on his behalf for
adjournment. The case is accordingly
adjourned.

Call this matter on 16.01.2008.


(Khushiram)
Member (A)

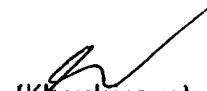

(M.R. Mohanty)
Vice-Chairman

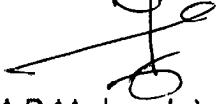
The case is ready
for hearing.


5.12.07.

16.01.2008 Heard learned counsel for the parties.
Hearing concluded.

For the reasons recorded separately, this
O.A. stands disposed of.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

/bb/

9/1/08
Copy of the hearing record
to be given to the parties
alongwith the copy to the
Secretary, Finance and
Audit, for the record and
final copy to the L/C/Secy
for the record.

K

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 298/2005

DATE OF DECISION : 16-01-2008

Shri Raghabendra Nath Das

.....Applicant/s

Mr M. Chanda

.....Advocate for the
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

Mr M. U Ahmed, Addl. C.G.S.C

.....Advocate for the
Respondent/s

CORAM

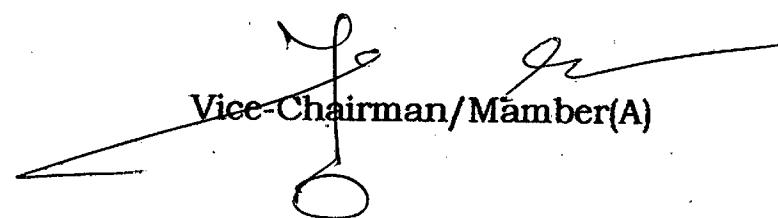
THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see
the judgment ? Yes/No ✓

2. Whether to be referred to the Reporter or not ? Yes/No ✓

3. Whether their Lordships wish to see the fair copy of the
judgment ? Yes/No ✓


Vice-Chairman/Member(A)

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 298 of 2005

Date of Order: This, the 16th Day of January, 2008

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE SHRI KHUSHIRAM, ADMINISTRATIVE MEMBER

Sri Raghabendra Nath Das
Stenographer Grade-I
Regional Office, DAVP
Guwahati.

..... Applicant.

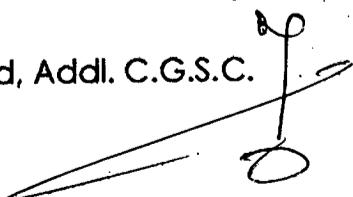
By Advocates Mr.M.Chanda, Mr.G.N.Chakraborty, Mr.S.Choudhury & Mr.S.Nath.

- Versus -

1. The Union of India
Represented by the Secretary to the
Government of India
Ministry of Information & Broadcasting
'A' Wing, Shastri Bhawan
New Delhi-110 001.
2. The Director
Directorate of Advertising and
Visual Publicity, Ministry of Information
and Broadcasting, PTI Building
3rd Floor, Parliament Street
New Delhi-110 001.
3. Deputy Director (Admn.)
DAVP, Ministry of I & B
PTI Building, 3rd Floor
Parliament Street
New Delhi – 110 001.
4. Regional Director
Regional Office
DAVP, Ministry of I & B
Nabin Nagar, Janapath
Guwahati-781 024.

..... Respondents.

Mr. M. U. Ahmed, Addl. C.G.S.C.



ORDER (ORAL)16.01.2008MANORANJAN MOHANTY, (V.C.):

Heard Mr.M.Chanda, learned counsel appearing for the Applicant, and Mr.M.U.Ahmed, learned Addl. Standing counsel for the Union of India.

2. Claiming a higher pay scale (Rs.1,640-2,900/-; which has consequentially revised as Rs.5,500-9,000/- the Applicant (a Stenographer of DAVP/Guwhati) approached the authorities and, as it appears, the Ministry of Information and Broadcasting sent a proposal to the Ministry of Finance; which has turned down the said proposal. The views of the Ministry of Finance having been accepted by the Administrative Ministry, the Applicant has approached this Tribunal with the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985.
3. Although the rejection order under Annexure V dated 16.08.2005 of the Administrative Department has been influenced by the views expressed by the Finance Ministry, yet the Applicant has not impleaded the Finance Ministry as a party Respondent in this case; despite the fact that the Applicant brought on record, by amendment, a copy of the U.O.No.205/E.III (B)/05 dated 30.06.2005 of the Ministry of Finance.
4. By filing a reply, the Administrative Department/Respondents have tried to support the views expressed in the rejection order dated

16.08.2005 and by filing a rejoinder the Applicant has tried to support his stand.

5. The matter was heard at length and the materials placed on record were examined. Mr.M.Chanda, learned counsel appearing for the Applicant has taken a stand that merely because the Applicant did not approach the Court/Tribunal, his claim to get salary in the same pay scale that has been extended to his counter parts in the Field Publicity Directorate/same Ministry would amount to discrimination/violating Article 14 of the Constitution of India. On the other hand, Mr.M.U.Ahmed, learned Addl. Standing counsel appearing for the Respondents Department, has vehemently opposed the stand of the Applicant by arguing that financial matters (like the applicability of pay scale) should always be left to the Administration (who should take the final decision) and the Courts or Tribunals ought not to act like an Appellate Authority over the decisions of the Administration so far policy matters are concerned. It is his stand that on the available facts, this Tribunal (at its Principal Bench/New Delhi) allowed few members of the staff (of certain organizations of Govt. of India) to draw a higher pay in the scale of Rs. 1640-2900/- and that the Applicant, who is a member of the staff of DAVP, is not entitled to any such benefit and that rightly his prayer was turned down.

6. In course of hearing, Mr.M.Chanda, learned counsel appearing for the Applicant, expressed desire to grant liberty to the Applicant to approach the Respondents (and other Competent Authorities) to grant him the pay scale of Rs.1,640-2,900/- (revised Rs.5,500-9,000/-); on a review of the entire matter. He expects that the Respondents/Competent Authorities would realize that the Applicant (a)

member of the Staff of D.A.V.P.) has faced discrimination by not granting him the pay scale of Rs.1640-2900/-; while granting the same pay scale to similarly placed staff of other Departments of the same Ministry/ I & B Ministry and would remove the discrimination on a review of the matter.

7. Having heard the learned counsel for the parties, this case is, hereby, remitted back to the Respondents, by granting liberty to the Applicant to put up his grievances in writing / by submitting a comprehensive representation to the Respondents/Competent Authorities, and, if any such representation is filed by the Applicant by the end of February, 2008; then the Respondents (Ministry of Information & Broadcasting) and the Ministry of Finance of the Government of India should re-consider the matter afresh (by keeping in mind the views expressed by this Tribunal in other connected matters) as expeditiously as possible.

8. With aforesaid observations and directions, this case is disposed of.

9. Send copies of this order to all the Respondents in the addresses given in the O.A. A copy of this order be also sent to the Secretary to the Govt. of India, in the Ministry of Finance, (Department of Expenditure), E.III B Branch (with reference to their U.O. No.205/E-III (B)/2005 dated 30.06.2005 and O.M. No. 6(3)-IC/95 dated 15.04.2004). Free copies of this order be sent to the Applicant and be also supplied to the learned counsels appearing for the parties.



(KHUSHIRAM)
MEMBER (A)



(MANORANJAN MOHANTY)
VICE-CHAIRMAN

- 6 FEB 2006

guwahati गुवाहाटी

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O. A. No. 298 /2005

AMENDED ORIGINAL APPLICATION

Sri. Raghabendra Nath Das. : Applicant.

-Versus-

Union of India and Others. : Respondents.

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Filed By:

Date: -

Advocate

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Filed by the applicant
through: Subrata Nath
Advocate

06.02.06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No. 298 /2005

AMENDED ORIGINAL APPLICATION

BETWEEN:

Sri Raghabendra Nath Das,

Stenographer Grade - I
Regional Office, DAVP,
Guwahati.

Applicant.

-AND-

1. The Union of India,

Represented by Secretary to the
Government of India,
Ministry of Information & Broadcasting, 'A' wing,
Shastri Bhawan,
New Delhi- 110001.

2. The Director,

Directorate of Advertising and Visual Publicity,
Ministry of Information and Broadcasting,
PTI Building, 3rd Floor,
Parliament Street,
New Delhi- 110 001.

3. Deputy Director (Admn.),

DAVP, Ministry of I & B,
PTI Building, 3rd Floor,
Parliament Street,
New Delhi- 110 001.

4. Regional Director,

Regional Office,
DAVP, Ministry of I & B,
Nabin Nagar, Janapath,
Guwahati- 781 024.

..... Respondents.

19
2

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made against the impugned office Memorandum dated 16.08.05 denying the extension of benefit of higher revised scale of pay of Rs. 1,640-2,900/- w.e.f. 22.08.1988 and corresponding revised scale of Rs. 5,500-9,000/- w.e.f. 01.01.1996 in the light of the decision of the Hon'ble CAT judgment and order dated 19.01.96 in O.A. No. 548/94, 144 -A/93 and 985/93 to the applicant, in the cadre of stenographer Grade-II (now Stenographer Grade- I) and praying for direction upon the respondents to grant the benefit of the revised higher scale pay of Rs. 6,500-200-10,500/- w.e.f. 25.6.05, which was accepted and implemented by the respondents, Union of India to the counterparts of the applicants working under the same Ministry of the Govt. of India.

2. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:

The applicant further declares that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act' 1985.

4. Facts of the case:

4.1 That the applicant was initially selected by the Staff Selection Commission after being found suitable in the written and open competitive examination on All India basis for direct recruitment for the post of stenographer Group - D in the scale of pay of Rs. 330 - 560/- (revised pay scale 1,200-2,040/-) in the year 1980. The applicant is a permanent resident of Kolkata in the state of West Bengal, he was posted at the Regional Office, Exhibition, Directorate of Advertising and Visual Publicity (in

short DAVP) under the Ministry of Information and Broadcasting, Govt. of India, Kolkata, as Steno Grade- III (Steno Group D).

- 4.2 That it is stated that on 22.08.1988, the applicant was promoted/appointed in the post of Steno Grade- II, against the sanctioned post of Steno Grade C, in the Regional office, DAVP, Guwahati in the pay scale of Rs. 1400-2300/- same was revised to Rs. 1400- 2600/- by the Ministry of Finance subsequently, (at par with the Steno -II/C' / PA of CSS/CSSS).
- 4.3 That it is stated that recruitment in different cadres of stenographers are being made through the recruitment agency i.e. by the Staff Selection Commission for the subordinate offices of the Govt. of India as well as for the Central Secretariat by holding common recruitment examination by the SSC, however appointments are being made on the basis of the priority/option of the individual candidates. Moreover, Directorate of Advertising Visual Publicity is a participating office of CSS/CSSS in which department applicant is appointed on the recommendation of the Staff Selection Commission (in short SSC). The applicant is now holding the post of Stenographer Gr.-I, which is classified as non-gazetted Group 'B' category.
- 4.4 That it is stated that normally the promotional avenues of stenographers working in the cadre of Group 'D' is in the cadre of Steno Group 'C'/Personal Assistant and then to the cadre of Private Secretary/Stenographer Grade-I. Similarly, Stenographers who are recruited and designated as Stenographer Grade-III, their next avenue of promotion is Stenographer Grade-II and then to the cadre of Stenographer Grade-I. Be it stated that Stenographer Grade 'D' is equivalent to Stenographer Grade- III, similarly Stenographer Grade 'C' is equivalent to the cadre of Stenographer Grade- II, having same scale of pay.

4
2

4.5 That it is stated that stenographer Grade- II of the Directorate of Field Publicity under the same Ministry of Information and Broadcasting are getting scale of pay of Rs. 5500- 9000/- while the applicant being Stenographer Grade-II under the same ministry but working in the office of DAVP is getting pay scale of Rs. 5000- 8000/-, only in the Grade- I and as such applicant is mated out with a hostile discrimination in the matter of allotment of scale of pay. It is needless to point out that Directorate of Field Publicity is also a subordinate office of Govt. of India. Therefore, applicant ought to have been granted next higher pay scale of Rs. 5,500- 9,000/- in the cadre of stenographer Grade - II and next higher scale of Rs. 6,500-10,500/- for the post of Stenographer Grade- I, presently holding by the applicant w.e.f. 26.04.2005.

4.6 That it is stated that Govt. of India, Ministry of Finance, Deptt. Of Expenditure issued an office memorandum whereby scale of pay Rs. 1400- 2300/- (pre-revised Rs. 425-700/-), which was granted following the recommendation of the 4th Central Pay Commission was subsequently further, revised to Rs. 1400- 2600/- w.e.f. 01.01.86 by the Ministry of Finance O.M. dated 04.05.90 and thereby the stenographer Grade- II of the subordinate offices brought at par with stenographers and Assistant of Central Secretariat of the Govt. of India.

4.7 That it is stated that right from the year 1971, the scale of stenographers and assistants of the DAVP were always comparable to the Stenographers and Assistant working in the Central Secretariat.

4.8 That it is stated that Govt. of India, Ministry of Finance, department of Expenditure vide office memorandum No. 2/1/90-CS-4 dated 31.07.90 revised/upgraded the scale of pay of Stenographer Grade 'C' in the Central Secretarial Stenographer Service from the scale of pay of Rs. 1400- 40-1600-50-2300-EB-60-2600 to Rs. 1640-60-2600-EB-75-2900. The aforesaid benefit of the office memorandum dated 31.07.90 were extended to the

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Stenographer Grade-II in many Central Government departments, who are working in the subordinate offices. Some of the departments have extended the benefit of higher revised scale of Rs. 1,640-2,900/- w.e.f. 01.01.86 following the direction in Court cases of the various Benches of the Central Administrative Tribunal, which were subsequently confirmed by the Hon'ble Supreme Court and some of the Central Government department have extended the said benefit to the Stenographer Grade-II working in subordinate offices following the administrative orders passed by the department itself, following the O.M dated 31.07.90. The following Central Government departments have extended the benefit of higher revised scale:

LIST OF SUBORDINATE OFFICES WHERE REVISED SCALE OF RS. 1,640-2,900 IMPLEMENTED THROUGH COURT CASES ARE FURNISHED BELOW:

Sl. No.	Case No.	Name of the Deptt.	Whether Implemented
1.	O.A. No. 2865/91 O.A. No. 529/92 (CAT Principal Bench), decided on 4.2.1993.	CAT, New Delhi	Yes
2.	O.A. No. 152/91, CAT, Jaipur Bench, decided on 9.8.94.	Salt Commissioner	Yes
3.	O.A. No. 1130/91, CAT, Calcutta Bench, decided on 19.5.1995.	Director General of Ordnance Factory, Calcutta	Yes
4.	O.A. No. 1322/94 & O.A. No. 276/95, decided on 26.7.95 and 20.7.95.	C.B.D.T., Ernakulam	Yes
5.	O.A. No. 144A/93, CAT, New Delhi decided on 19.1.96.	CBI, New Delhi (confirmed by the SC)	Yes
6.	O.A. No. 985/94, CAT, New Delhi decided on 19.1.96.	DG, Income Tax (confirmed by the SC)	Yes
7.	O.A. No. 548/94, CAT New Delhi.	Directorate of Field Publicity (confirmed by the SC)	Yes

8.	O.A. No. 8348-50/95 (1998) SCC (L&S) 253 decided on 9.10.96.	Official Language Wing, Ministry of Law & Justice.	Yes
9.	CWP No. 4414/96 & O.A. No. 3181/96 Delhi High Court decided on 16.7.1997.	Kendriyalaya Vidyalaya Sangathan, New Delhi.	Yes
10.	CWP No. 4842/96, Delhi High Court, decided on 16.7.1997.	National Book Trust of India	Yes
11.	O.A. No. 407/97 CAT, Principal Bench, New Delhi decided on 9.1.1998.	National Achieves of India	Yes
12.	O.A. No. 527/97 CAT, Principal Bench, New Delhi decided on 28.9.1998.	Director General of Inspection, Customs & Central Excise	Yes
13.	CWP No. 381/96, Delhi High Court decided on 16.10.98.	Central Pollution Control Board	Yes
14.	O.A. No. 361/97 CAT, Jaipur decided on 18.1.2000	Central Ground Water Board	Yes
15.	O.A. No. 383/96 with MA No. 811/96 CAT, Jaipur, decided on 20.4.2001.	Central Ground Water Board	Yes

**LIST OF SUBORDINATE OFFICES WHERE REVISED SCALE OF Rs.
1640-2900 IMPLEMENTED BY ADMINISTRATIVE ORDER:**

Sl. No.	Name of the Deptt.	Implementation Order	Pay Scales
1	Dept. Of Space/ISRO Centres/Units/Bangalore	No. 2/13 (10)/85-I (Vol. VII) dt. 23.4.98	Rs. 425-700 Rs. 1400-2300 Rs. 1400-2600 Rs. 1640-2900
2	Dept. Of Atomic Energy, Atomic Energy Commission Hyderabad	No. 1/27/94-SCS/407 dated 15.5.1997	Same as above
3	CSIR (All Units) New Delhi	No. 16/23/86-Adm. II Vol. VII (Pt. I) dated 18.4.1994	Rs. 425-800/- Rs.1400-2600/- Rs. 1640-2900/-
4	ICMR, New Delhi	Same as above	Same as above
5	CGCRI, Calcutta (Under CSIR)	No. A- 3(1)/GC/85-EI dated 12.6.1995	Same as above

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It is relevant to mention here that the counterparts of the applicant working under the same Ministry i.e. in the Directorate of Field Publicity in the cadre of Stenographer Grade- II being aggrieved with the denial of benefit of higher revised scale of Rs. 1640-2900/- approached the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi by filing O.A. No. 548/94. However, the said O.A was contested by the Respondents Union of India, the issue involving in O.A. No. 548/94 was finally decided by the learned Tribunal along with O.A. Nos. 144-A/93, 985/93 on 19.01.96. The Hon'ble Tribunal after considering the arguments advanced by the parties was pleased to allow the aforesaid O.A.s with the directions to grant the benefit of higher revised scale of Rs. 1,640-2,900/- w.e.f. 01.01.1986 and the aforesaid judgment and orders were implemented by the respondents Union of India and others.

The present applicant is similarly situated like the Stenographer Grade-II of the Directorate of Field Publicity so far terms and conditions of the recruitments, duties and responsibilities, nature of works are exactly same and similar as such entitled to the benefit of higher revised scale of Rs. 1640-2900/- w.e.f. 22.08.1988 with all consequential benefit.

Copy of O.M dated 31.07.90 and judgment and order dated 19.01.96 are enclosed herewith and marked as Annexure- I & II respectively.

4.9 That it is stated that 4th C.P.C has recommended the pay scale of Rs. 1400-2600/- to the Stenographer Grade- II and Assistants for subordinate offices. The same recommendation was made by the 4th Pay Commission to the Assistance and Stenographer Grade- II (P.A) who are working in the Central Secretariate. Moreover, by a subsequent O.M dated 31.07.1990 revised scale of pay of Rs. 1640-2900 in the pre-revised scale of pay of Rs. 425-800 for duty post included in the Assistant Grade of Central Secretariate Services and Grade- C Stenographers of Central Secretariate Stenographers Service w.e.f. 01.01.86 was given. The same revised scale of

pay was also made applicable to Assistant and Stenographers who are working in other organization like Ministry of External Affairs which is not participating in the Central Secretarial Services (in short CSS) and Central Stenographer Services (in short CSSS). But where the posts are incomparable grades with same classification and pay scales and the method of recruitment through open competitive examination also extended the benefit of revised higher pay scale of Rs. 1640-2900/- w.e.f. 01.01.86. However, as a result of the extension of the benefit of O.M dated 31.07.1990 on selective basis in certain subordinate offices of the Central Government, caused grievances to the employees of various Central Government department and as a result large number of cases were filed before the various Benches of the learned Central Administrative Tribunal for extension of the higher revised scale in terms of O.M dated 31.07.1990.

4.10 That it is stated that the judgment and order dated 19.01.1996 passed in O.A. No. 548/94 in favour of the Assistant and Stenographer Grade- II who are working under the same Ministry in the Directorate of Field Publicity were accepted and implemented by the Respondents Union of India. However, the respondents Union of India preferred a Special Leave Petition before the Hon'ble Supreme Court against the judgment passed in O.A. No. 985/93 and the same was dismissed on merits vide order dated 11.07.1996.

A copy of the order of the Hon'ble Supreme Court is annexed herewith for perusal of Hon'ble Tribunal as Annexure- III.

4.11 That it is stated that the applicant was initially selected through Staff Selection Commission by competitive examination for direct recruitment on all India basis in the cadre of Grade-III Stenographer and subsequently promoted to the post of Steno Gr. II. Stenographer and Assistant in the DAVP are comparable to the scale of Stenographer and Assistant in the Central Secretariate which is evident from the comparative chart shown in

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the preceding paragraph as such the applicant is entitled to the benefit of higher revised pay scale of Rs. 1640-2900/- w.e.f. 22.08.1988 in terms of O.M dated 31.07.1990. Moreover, post of Stenographer Grade-II and Assistant of DAVP are equivalent in the rank and status and comparable to the Stenographer Grade-II and Assistant of DFP, since the applicant is similarly situated like the applicants of O.A. No. 548/94, therefore entitled to benefit of higher scale of pay contained in above mentioned O.M dated 31.07.1990.

4.12 That your applicant submitted numbers of representations for extension of benefit of higher scale of pay of Rs. 1640-2900 w.e.f. 22.08.1988 since the applicant was promoted to the grade of Stenographer Grade- II w.e.f. 22.08.1988. Applicant submitted representations on different dates i.e. on 18.03.96, 29.03.96, 25.02.97, 05.01.01, 01.05.02, 30.04.02, 24.06.02, 04.12.02, 03.12.03, 10.01.05, 04.07.05, praying interalia for extension of the benefit of the higher revised scale w.e.f. 22.08.88, in terms of the O.M dated 31.07.1990, in the light of decision rendered by the Hon'ble Tribunal in O.A. No. 548/94, which was accepted and implemented by the respondents Union of India, in favour of the counterparts of the applicant working under the same Ministry in the department of Directorate of Field Publicity and on the ground that the applicant is similarly situated in rank, status, scale of pay like those Stenographers Grade- II who are working in the Directorate of Field Publicity and approached the CAT, Principal Bench, New Delhi through O.A. No. 548/94.

Copy of few representation dated 04.12.02, 03.12.03, forwarding letter dated 23.12.03, representation dated 10.01.05 and 04.07.05 are enclosed herewith for perusal of the Hon'ble Tribunal as Annexure- IV (Series).

4.13 That it is stated that the respondents Union of India after considering grievance petition dated 03.12.03 issued the impugned office Memorandum bearing letter No. A-12033/1/202/Admn. 1 dated 16.08.2005, whereby the

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claim for extension of the benefit of higher pay scale of Rs. 1640-2900/- w.e.f. 22.08.88 and corresponding revised scale Rs. 5500-9000 w.e.f. 01.01.96 has been rejected in a most mechanical manner without application of mind on the pretext that benefit of a judgment/order of a Central Administrative Tribunal cannot be extended to the non-applicants and further stated that higher pay scale of Rs. 1640-2900 has been restricted to the Assistants/Stenos in CSS/CSSS and the same has not been extended to the similar post in subordinate offices/ autonomous organizations in terms of Ministry of Finance letter dated 30.06.05 and in terms of O.M dated 15.04.04. It is surprising to note that the ground on which the claim of the applicant has been rejected by the DAVP is not sustainable in the eye of law, as because Government of India being a modal employer cannot force the employees of a particular class to approach the Court of law and obtain individual order in their favour on a particular issue more so when the judgment and order passed in O.A. No. 548/1994 by the learned Principal Bench New Delhi was accepted and implemented by the respondents Ministry, now they cannot deny the extension of the said benefit to the similarly situated employees like the applicant. Moreover, when the respondents Union of India accepted and implemented the judgment dated 19.01.1996 passed in O.A. No. 548/1994 in favour of the employees working in the subordinate offices like DFP and other Central Government departments indicated in the preceding paragraphs as such their contention that the benefit of higher revised scales of Rs. 1,640-2,900/- (corresponding revised scale of Rs. 5,500-9000) has been restricted to the Assistant and Stenos in CSS/CSSS is false and misleading, on the one hand they have admitted the implementation of the judgment and order dated 19.01.1996 in O.A. 548/94, 144-A/93 and 985/93, therefore the statement and contention of the respondents are self contradictory. Moreover, further contention of the respondents that in view of the Ministry of Finance letter dated 30.06.2005 and 15.04.2004 the benefit of higher revised scales cannot be granted to the applicant is totally wrong as because it would be evident

from a mere reading of the O.M dated 15.04.2004 that the Ministry of Finance, department of Expenditure has imposed restrictions regarding extension of benefit of higher scale contained in O.M dated 31.07.1990 exclusively to the Assistant and Stenographers of Autonomous bodies, it is categorically submitted that the applicant is working in Central Government department, therefore the O.M dated 30.06.2005 or O.M dated 15.04.2004 cannot be made applicable in the instant case of the applicant and on that ground alone the impugned order dated 16.08.2005 is liable to be set aside and quashed.

It is submitted that although reference is made regarding letter dated 30.06.2005 but the same has not made available to the applicant as such contention of the U.O letter dated 30.06.2005 is not known to the applicant.

A copy of the impugned order dated 16.08.05 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- V.

- 4.14 That your applicant being similarly situated like those Stenographers Grade-II, who were applicant in O.A. No. 548/94 of the Directorate of Field Publicity, as such denial of the benefit of higher revised scale of pay contained in O.M dated 31.07.1990 is highly discriminatory, arbitrary and such action is in violation of Article 14 of the Constitution of India and on that ground alone the impugned office memorandum dated 16.08.2005 is liable to be set aside and quashed.
- 4.15 That it is stated that applicant was promoted to the cadre of Grade- I Stenographer in the scale of pay of Rs. 5,500-9,000 w.e.f 24.06.2005 and he was placed in the scale of pay of Rs. 5,500-9000/- vide order bearing letter No. 12011/3/2001 Admn. I dated 21/23.06.2005, whereas in view of he O.M dated 31.07.1990 the applicant is entitled to be placed in the scale of Rs. 1640-2900 w.e.f 22.08.1988 and applicant is further entitled to be placed in the scale of Rs. 5,500-9000 (revised) w.e.f 01.01.1996 onwards, therefore,

his placement in the scale of Rs. 5,500-9,000 after his promotion to the cadre of Stenographer Grade-I w.e.f. 24.06.2005 is not correct rather he is entitled to be placed in the next higher scale of Rs. 6500-200-10,500/- w.e.f. 24.06.2005 with all consequential benefit. Be it stated that Stenographer Grade-I and the post of Senior Personal Assistant in the office of the Central Government are same and equivalent in the rank and status. It would be evident from the Employment News dated 6-12th July 2002 that the Government of India issued advertisement inviting application for filling up the post of Senior Personal Assistant in the scale of Rs. 6500-200-10,500. Since the applicant is promoted in the cadre of Stenographer Grade-I is entitled to be placed in the further higher scale of Rs. 6500-10,500/- w.e.f 24.06.2005.

A copy of the Employment News dated 6-12th July 2002 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- VI.

4.15 A. That your applicant beg to say that the grounds raised in the O.M No. 6 (3)- 1C/95 dated 15.04.2004 as well as in the letter dated 30.06.2005 for denial of higher revised scale of pay cannot be sustained in the eye of law in view of the fact that in the case of similarly situated employees the same has already been decided by the various Benches of the learned Tribunal which has been upheld by the Hon'ble Supreme Court and the respondents Union of India has accepted and implemented those decisions of the learned Tribunal in the case of the similarly situated employees as indicated in the preceding paragraphs as such respondents are barred by law of estoppel to raise such objection in the case of the present applicant and on that ground alone the impugned office memorandum dated 15.04.2004 as well as the decision of the respondents communicated through paragraph 2 of the letter dated 30.06.2005 are liable to be set aside and quashed. It is a settled position of law that once a benefit of pay scale extended to a particular class of employees then the said benefit cannot be denied to the similarly

situated employees belonging to the same category only on the ground that they have not approached the Court of law.

In the circumstances stated above the impugned O.M dated 15.04.2004 and impugned letter dated 30.06.2005 be set aside and quashed.

Copy of the impugned O.M dated 15.04.2004 and impugned letter dated 30.06.2005 are enclosed as Annexure - VII and VIII respectively.

4.16 That your applicant submitted representations but the same have been rejected in a most arbitrary manner and thereby denied the appropriate scale of pay of Rs. 1640-2900 (revised Rs. 5500-9000/-) w.e.f. 22.08.1988 and as such applicant is incurring financial loss each and every month due to non-fixation of his pay in the appropriate scale of pay and as such it is a continuous wrong giving recurring cause of action due to negligence and inaction of the respondents Union of India.

In the circumstances stated above applicant has no other alternative remedy but to approach this Hon'ble Tribunal for protection of his valuable and legal right and be pleased to pass appropriate order directing the respondents to grant and fix the pay in the scale of Rs. 1640-2900/- w.e.f. 22.08.1988 and further corresponding scale of Rs. 5500-9000/- w.e.f. 01.01.96 and the Hon'ble Court further be pleased to direct the respondents to grant the scale of Rs. 6,500-200-10,500/- w.e.f 24.06.2005 with all consequential benefit and arrears monetary benefits.

4.17 That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

5.1 For that, the applicant being similarly circumstanced like the Stenographer Grade- II of Directorate of Field publicity who were

applicants in O.A. No. 548/1994 for extension of the benefit of higher revised scale of Rs. 1640-2900/- (revised Rs. 5500-9000) in terms of the DOPT O.M dated 31.07.1990 entitled to the same benefit of higher scale of Rs. 1640-2900 w.e.f. 22.08.1988, in light of the judgment and order dated 19.01.1996 passed in favour of those employees of the same Ministry which was further accepted by the same respondents Union of India

- 5.2 For that, the applicant is similarly circumstanced like those Stenographers Grade- II of the Directorate of Field Publicity and was vested with similar duties, responsibilities and nature of work, moreover, recruitment conditions, rank, status and scale of pay of the Stenographer Grade-II of the Directorate of Advertising and Visual Publicity are exactly similarly with that of Directorate of Field Publicity and both are Central Government department under the Ministry of Information and Broadcasting.
- 5.3 For that, applicant was selected from open market through competitive examination and the Grade, rank, duties and responsibilities and scale of pay of Stenographer Grade- II of the Directorate of Advertising and Visual Publicity are equivalent to the post included in the Assistant Grade of Central Secretariate service and Grade 'C' Stenographer of the Central Secretariate Stenographer Services and method of recruitment of both the categories are through open competition and posts are comparable to each other.
- 5.4 For that, the applicant fulfils all the criteria laid down in the O.M dated 31.07.1990 issued by the DOPT, Govt. of India and as such entitled to the benefit of higher revised scale contained in the aforesaid O.M dated 31.07.1990 with all consequential benefits.
- 5.5 For that, denial of benefit of higher scale of pay to the applicant when the same was extended to the similarly situated employees of the Directorate

of Filed publicity and also in other subordinate offices of the Central Government department either following the judgment and order of the learned Central Administrative Tribunal or by virtue of the administrative orders issued by the administrative Ministries of various Central Government department as such non-extension of the benefit to the applicant is highly discriminatory and the same is in violation of principles laid down in Article 14 of the Constitution of India.

- 5.6 For that, the judgment and order passed in favour of similarly situated employees in O.A. No. 985/1993 was carried on appeal by filing a Special Leave Petition before the Hon'ble Supreme Court but the same was dismissed by the Hon'ble Supreme Court by order dated 11.07.1996 on merit, and thereby confirmed the judgment and order passed by the learned Central Administrative Tribunal in O.A. No. 985/1993.
- 5.7 For that, the grounds assigned in the impugned order dated 16th August, 2005, while rejecting the claim of the applicant for grant of higher scale of pay of Rs. 1640-2900/- (revised Rs. 5500-9000/-) is not sustainable in the eye of law inasmuch as Union of India cannot compel each and every employee to approach the Court of law for obtaining a particular relief when the same was decided in favour of the similarly situated employees of the same Ministry by a competent Court of law by it's judgment and order dated 19.01.1996 passed in O.A. No. 548/94 under the same Ministry and more so when the same judgment was accepted and implemented by the respondent Union of India in favour of the employees of the subordinate offices of the Central Government department as such contention raised in the impugned order dated 16.08.05 is not sustainable in the eye of law.
- 5.8 For that the contention of the respondents that the benefit of a judgment rendered by a competent Court of law is restricted only to the applicants

as per extend policy of the Government is highly arbitrary, unfair on the part of a model employer like Union of India.

- 5.9 For that, the contention of the respondents raised in the O.M dated 16.08.05 that the benefit of higher scale has been restricted to the Assistants and Stenos in CSS/CSSS is self contradictory and said statement is false and misleading inasmuch as the benefit has been extended to the Stenographer Grade- II working in the Directorate of Filed Publicity who are similarly situated like the present applicant.
- 5.10 For that, denial of allotment of appropriate scale of pay and re-fixation of pay to the similarly situated employees working under the same Ministry in the same rank and status is a continuous wrong, causing irreparable financial loss each and every month and on that score alone the impugned order dated 16.08.2005 is liable to be set aside and quashed.
- 5.11 For that the applicant being similarly situated like those Stenographers of Directorate of Film Publicity and working in the Central Government department as such denial of the benefit of higher scale of pay on the ground assigned in the letter dated 30.06.2005 and 15.04.2004 issued by the Govt. of India, Ministry of Finance is not sustainable in the eye of law.
- 5.12 For that the contention of the respondents raised in O.M dated 15.04.2004 as well as in the impugned letter dated 30.06.05 after having been implemented the decision of the learned Tribunal granting the revised higher pay scales in terms of O.M dated 30.07.1990 to the similarly situated employees of the Ministry of Information and Broadcasting as such respondents are barred by law of estoppel to raise such ground denying the benefit of higher revised pay scales to the applicant.
- 5.13 For that grounds raised in O.M dated 15.04.2004 as well as in the impugned letter dated 30.06.05 are highly discriminatory and those

impugned letters have been issued in violation of Article 14 of the Constitution of India and on the score alone the impugned O.M dated 15.04.2004 as well as in the impugned letter dated 30.06.05 are liable to be set aside and quashed.

6. Details of remedies exhausted.

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief (s) sought for.

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1 That the Hon'ble Tribunal be pleased to direct the respondents to grant and re-fix the benefit of higher revised scale of pay of Rs. 1640-2900 with effect from 22.08.1988 and corresponding revised scale of pay of Rs. 5,500-9000/- w.e.f. 01.01.1996 onwards and further be pleased to direct the respondents to place the applicant in the next higher scale of Rs. 6,500-200-10,500/- with effect from 24.06.2005 by necessary modification of the

promotion order bearing letter No. A-12011/3/2001 Admn. I dated 21/23-6/05 with all consequential benefits including arrear monetary benefit.

- 8.1 A That the Hon'ble Tribunal be pleased to set aside and quash the impugned O.M dated 15.04.2004 as well as in the impugned letter dated 30.06.05 respectively (Annexure- VII and VIII).
- 8.2 Costs of the application.
- 8.3 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

- 9.1 That the Hon'ble Tribunal be pleased to observe that pendency of this application shall not be a bar for grant of relief prayed for in this application.

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11. Particulars of the I.P.O

- i) I.P.O No.
- ii) Date of issue
- iii) Issued from
- iv) Payable at

12. List of enclosures:

As given in the index.

VERIFICATION

I, Sri Raghabendra Nath Das, aged about 47 years, working as Stenographer Grade - I, in the office of Regional Office, DAVP, Guwahati, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 30th day of December, 2005.

Raghabendranath Das

Annexure-I

(Typed copy)

(Extract)

No. 2/1/90-CS-IV

Government of India

Ministry of Personnel, Public Grievances and Pension
Department of Personnel & Training

New Delhi, dated the 31st July, 1990

Subject: Revision of Scale of Pay of Assistant Grade of Central Secretarial Service and Grade 'C' Stenographers of Central Secretarial Stenographer Service.

1. The undersigned is directed to say that the question regarding revision of scale of pay for the post of Assistants in the Central Secretarial etc., has been under consideration of the Government in terms of order dated 23rd May, 1989 in O.A. No. 1530/87 by the Central Administrative Tribunal, Principal Bench, New Delhi for some time past. The President is now pleased to prescribe the revised scale of Rs. 1640-60-2600-EB-75-2900 for the pre-revised scale of Rs. 425-15-560-20-700-EB-25-800 for duly posts included in the Assistant Grade of Central Secretarial Service and Grade 'C' Stenographers of Central Secretarial Stenographers Service with effect from 1.1.1986. The same revised pay scale will also be applicable to Assistants and Stenographers in other Organisations like Ministry of External Affairs which are not participating in the Central Secretarial Service and Central Secretarial Stenographers Service but where the post are in comparable grades with same classification and pay scale and the method of recruitment through Open Competitive Examination is also the same.

M. H. S. J. M. Achrekar

2. Pay of the Assistants and Grade 'C' Stenographers in position as on 1.1.1986, shall be fixed in terms of Central Civil Service (Revised Pay) Rules 1986. The employees concerned shall be given option to opt for the revised scale of pay from 1.1.1986 or subsequent date in terms of Rule 5 ibid, read with Ministry of Finance O.M. No. 7 (52)-E.III/86 dated 22.12.1986 & 27.5.1988 in the form appended to Second Schedule of the rule ibid. This option should be exercised within three months of the date of issue of the O.M. This option once exercised shall be final.
3. Formal amendment to CSS (RP) Rules, 1986 will be issued in due course.
4. This issues with concurrence of Ministry of Finance (Department of Expenditure) vide their U.O. No. 7(48)/IC/89 dt. 30.7.90.

Sd/- Illegible

Under Secretary to the Govt. of India.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

NEW DELHI

Original Application No. 144-A of 1993

THIS THE 19th DAY OF January, 1996.

HON'BLE MR N.V. KRISHNAN, ACTING CHAIRMAN
HON'BLE MR D.C. VERMA, JUDICIAL MEMBER

V.R. Panchal, S/o Sri Rati Lal, R/o F-49, Road No. 4,

Andrews Ganj, New Delhi, working as Crime Assistant
in the office of Central Bureau of Investigation, Delhi
Region, Block No. 4, C.G.O. Complex, Lodi Road,
New Delhi.

2. B.S. Sethi, Crime Assistant/CBI, as on 1.1.1986
(now JA/CBI)

3. Pritam Lal, Crime Assistant/CBI as on 1.1.1986
(now OS/CBI).

4. N.C. Das, Crime Assistant/CBI as on 1.1.1986
(now OS/CBI)

5. G.V.S. Rao, Crime Assistant/CBI, as on 1.1.1986
(now OS/CBI).

6. V.R. Prasad Rao, Crime Assistant/CBI as on 1.1.1986
(now OS/CBI).

7. Joy Joseph, Crime Assistant/CBI as on 1.1.1986
(now OS/CBI).

8. D.G.K. Sastry, Crime Assistant/CBI as on 1.1.1986
(now OS/CBI)-

9. B.B. Goel, Crime Assistant/CBI as on 1.1.1986
(now OS/CBI).

Annexure II

Attest
for
your
Advocate

11. B.B. Goel, Crime Assistant/CBI.

12. M.C. Kholia, Crime Assistant/CBI.

13. Sobha Chand, Crime Assistant/CBI.

14. P.V. Krishnamurthy, Crime Assistant/CBI.

15. N.N. Murthy, Crime Assistant/CBI.

16. L.R. Chawla, Crime Assistant/CBI.

17. Naresh Kumar, Crime Assistant/CBI.

18. G.K. Garg, Crime Assistant/CBI.

19. H.S. Chakravarthy, Crime Assistant/CBI.

20. R.N. Prashad, Crime Assistant/ CBI.

21. Rajinder Singh, Crime Assistant/CBI.

22. R.N. Bhardwaj, Crime Assistant/CBI.

23. Prem Prakash, Crime Assistant/CBI.

24. N.K. Tiwari, Crime Assistant/CBI.

25. G.K. Swamy, Crime Assistant/CBI.

26. K.D. Singal, P.A. (Steno Gr.'C') as on 1.1.1986
(now Sr. P.A.).

27. Smt. Krishna Anand, PA (Steno Gr.'C') as on 1.1.1986
(now Sr. P.A.).

28. Smt. Kanta Gaba, PA (Steno Gr.'C') as on 1.1.1986
(now Sr. P.A.).

29. Prabha B. Singh P.A. (Steno Gr.'C').

30. Supriya Misra, P.A. (Steno Gr.'C') as on 1.1.1986

32. Smt. Parvesh Chawla PA (Steno Gr.'C') as on
1.1.1986 (now Sr. P.A.).

33. Sri Ashok Sahaney, PA/CBI.

34. N. N. Datta, P.A./CBI.

35. R.N. Lutha PA/CBI.

36. Smt. Jayshree, P.A./CBI.

37. S.P. Narula, P.A./CBI.

38. M.L. Khanna, PA/CBI.

39. S.I. Srivastava, PA/CBI.

Applicants

By Advocate : Sri V.S. R. Krishna

Versus

Union of India through its Secretary, Department of
Personnel & Training, New Delhi.

2. Union of India through its Secretary, Ministry of
Finance (Department of Expenditure), New Delhi.

3. Central Bureau of Investigation, Block No. 3 CGO
Complex, New Delhi.

Respondents

By Advocate : Sri M.M. Sudan

With

Original Application No. 985 of 1993

Goverdhan Lal, S/o Late Sri Permanand, R/o SEC V/1558,
R.K. Puram, New Delhi.

S. Gurjari Lal, S/o Sri Bawali Lal, R/o E-574, West.

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3. Bajjeet Singh, S/o Sri Ramji Lal, R/o 548, Chirag, Delhi.
4. Lakshman Dass, S/o Late Sri Behari Lal, R/o 510, Rishi Nagar, Shakur Basti, Delhi.
5. Charan Singh, S/o Sri Prem Singh, R/o 328 Munirka, New Delhi.
6. C.S. Negi, S/o Late Sri H.S. Negi, R/o S-IV, E.B. Road, New Delhi.
7. R.K. Chopra, S/o Sri Hans Raj Chopra, R/o 84, East Azad Nagar, New Delhi.
8. D.R. Khullar, S/o Late Sri Lal Chand Khullar, R/o 60/43, Kalibari Marg, DIZ Area, New Delhi.
9. M.N. Chopra, S/o Late Sri S.D. Chopra, 94, Moti Bagh, TYPE III, New Delhi.
10. Sampat Sahni S/o Sri M.L. Sahni, R/o 165-A Mayur Vihar, Phase II, Pocket-C, New Delhi.
11. P.G. Kirar, S/o Giri Raj Parshad, R/o 12-61-A Murya Enclave, Pitam pura, Delhi.
12. Miss Sarla Sachdeva, D/o Sri Kanaya Lal Sachdeva, R/o H-117, D.D.A. Flats, Naraina, New Delhi.
13. R.K. Aroga, S/o Lt. Sri G.N. Arora, R/o 22-A Indra Park Palam Road, New Delhi.
14. R.M. Sharma, S/o Lt. Sri Ram Dhari Sharma, R/o 40-F Aram Bagh, Type-B, New Delhi.
15. S.R. Ghai, S/o Late Sri B.R. Ghai, R/o Sec. 3/928 R.K. Puram, New Delhi.

17. Radhey Shyam, S/o Late Sri Banwari Lal, 250,
I.T. Colony, Unit, Pitam Pura, Delhi.

18. Smt. Urmil Bhatia, W/o Sri Gulshan Bhatia, R/o
C-1 G.2 Dislshad Garden, Delhi.

19. Sri Bhanshyam, S/o Lt. Sri Rama Ram, R/o Vill &
Post Karala, Delhi.

20. Ishwar Singh, S/p Lt. Sri Raja Ram, R/o Vill.
Balanr, P.O. Bahadurgarh, Dist. Rohtak (Haryana).

21. Surinder Singh, S/o Sri J.B. Singh, R/o G-39
Nanakpura, New Delhi.

22. Smt. Neelam Raichand, W/o Sri Arun Kumar Raichand,
R/o 9, Mousam Vihar, New Delhi.

23. Rajinder Kumar Arora, S/o late Sri O.P. Arora,
R/o H.No. 494, Circular Road, Shahadara, Delhi.

24. Kasturi Lal, S/o Lt. Sh. Banshi Ram, R/o 4161/65
Gali Shahtara, Ajmeri Gate, Delhi.

Applicants

By Advocate : Sri M.L. Ohri

Versus

Union of India through the Secretary, Ministry of
Finance, Dept. of Revenue, North Block, New Delhi.

2. The Secretary, Ministry of Personnel, Public
Grievances and Pensions, Dept. of Personnel &
Training, New Delhi.

3. The Chairman, Central Board of Direct Taxes,
Ministry of Finance, Department of Revenue, North
Block, New Delhi.

Respondents

By Advocate : U.P. Uppal

Original Application No. 548 of 1994

Brahm Dass, Directorate of Field Publicity, Ministry of Information & Broadcasting, East Block 4, Level 3, R.K. Puram, New Delhi.

2. H.K. Mahto, Directorate of Field Publicity, Ministry of I & B, R.K. Puram, New Delhi.

3. Sukhdev Raj Sharma, Directorate of Field Publicity, Ministry of I & B, R.K. Puram, New Delhi.

4. J.K. Garg, Directorate of Field Publicity, Ministry of I & B, R.K. Puram, New Delhi.

5. V.S. Negi, Directorate of Field Publicity, Ministry of I & B, R.K. Puram, New Delhi.

6. Mrs. Harbans Ahuja, Directorate of Field Publicity, Ministry of I & B, R.K. Puram, New Delhi.

7. Mrs. Rashmi Marwaha, Directorate of Field Publicity, Ministry of I & B, R.K. Puram, New Delhi.

8. N.S. Srivastava, Regional Office, Directorate of Field Publicity, Ministry of I & B, Vidhan Sabha Marg, Lucknow.

9. Vishan Das, Regional Office, Directorate of Field Publicity, Ministry of I & B, Chittaranjan Marg, Jaipur.

10. Mrs. Shriyevi Arun Moralwar, Regional Office, Directorate of Field Publicity, Ministry of I & B, Vidya Vihar, Pune.

11. K.K. Sharma, Regional Office, Directorate of Field

Publicity, Ministry of I & B, Sector 34-A, Chandigarh.

12. Desh Raj, Directorate of Field Publicity,

Ministry of I & B, R.K. Puram, New Delhi.

13. Desh Raj, Regional Office Dte. of Field Publicity,
Assam Region, Guwahati.

14.V. Padmandabhan, Regional Office, Dte. of Field
Publicity, Ministry of I & B, Tamil Nadu Region,
Madras.

Applicants

By Advocate : Sri V.S. R. Krishna

Versus

Union of India through the Secretary, Ministry of
I & B, Shastri Bhawan, New Delhi.

2. The Secretary, Department of Personnel &
Training, Ministry of Personnel & Public Grievances
& Pensions, New Delhi.

3. The Secretary, Ministry of Finance, North
Block, New Delhi.

4. The Director of Field Publicity, East Block 4
Level 3, R.K. Puram, New Delhi.

Respondents

By Advocate : Sri M.M. Susan

O R D E R

D.C. VERMA, MEMBER(J)

In the three O.A.s, the applicants are
admitted on the basis of the affidavits and
representations made by them.

in the Central Secretariat. As the points involved in the 3 O.A.s are common, it is being disposed of by a single order.

2. In O.A. No. 144-A/93, 39 applicants are working as 'Crime Assistants' and 'Stenographers Grade 'C' (P.A.) in the department of Central Bureau of Investigation (in short C.B.I.) attached office of the Ministry of Personnel & Public Grievances & Pensions, Govt. of India.

3. In O.A. No. 985/93, 24 applicants are Assistants in the office of Directorate General of Income Tax (INV), North, New Delhi which is attached office of Central Board of Direct Taxes, Ministry of Finance, Department of Revenue.

4. In O.A. No. 548/94, 14 applicants are working as Stenographers Grade-II and Assistants in the Directorate of Field Publicity (in short DFP), Ministry of Information & Broadcasting.

5. All the applicants who are working as Assistants except Steno Gr.II of the O.A. No. 548/94 were recommended pay-scale of Rs. 1400-2600/- by the 4th Pay Commission (in short P.C.). The same recommendation was made by the 4th P.C. to the Assistants and Stenographers Grade-II (P.A.) who are working in the Central Secretariat. However, by a subsequent O.M. No. 2/1/90 CS.4 dated 31.7.90 revised scale of pay of Rs. 1640-2900 in the pre-revised scale of

Stenographers

concluded to no Stenographers of Central Secretariat Services

be revised. The revised pay scale for 1986 was given. The same revised pay scale was also made applicable to Assistants and

Stenographers who are working in other organisation like Ministry of External Affairs which were not participating in the Central Secretariat Services

(in short CSS) and Central Secretariat Stenographers

Services (in short CSS) where the posts were

in comparable grades with same classification and

pay-scales and the method of recruitment through

open competitive examination was the same. This

is the O.M./cause of grievance to employees of various

Govt. aggrieved employees

Central/departments. The filed. As in different

Benches of the Tribunal.

6. Before discussing the facts of each case,

it would be better to transverse the case law on the point.

In the case of Ranbir Singh Vs. Union of India & others (AIR 1982 SC, 877), the apex court has held as below :

"It is true that equation of posts and equation of pay are matters primarily for Executive Government and expert bodies like the Pay Commission and not for courts, but where all things are equal that is, where all relevant considerations are the same, persons holding identical posts may not be treated differentially in the matter of their pay merely because they belong to different departments. Of course, if officers of the same rank perform dissimilar functions and the powers, duties and responsibilities of the posts held by them vary, such officers may not be heard to complain of dissimilar pay merely because the posts are of the same rank and the nomenclature is the same."

"It is well-known that there can be and there are different grades in a service, with varying qualifications for entry into a particular grade, the higher grade often

either academic qualifications or experience based on length of service, reasonably sustain the classification of the officers into two grades with different scales of pay. The principle of equal pay for equal work would be an abstract doctrine not attracting Art. 14 if it is sought to be applied to them AIR 1962 SC 1139, "Distinguished."

"It is true that the principle of "equal pay for equal work" is not expressly declared by our Constitution to be a fundamental right. But it certainly is a Constitutional goal."

"Constructing Articles 14 and 16 in the light of the preamble and Article 39(d), it is clear that the principle "Equal pay for Equal work" is deducible from those Articles and may be properly applied to cases for unequal scales of pay based on no classification or irrational classification though those drawing the different scales of pay do identical work under the same employer."

The principle as laid down in Ranbir Singh's case (supra) has been reiterated in the case of Mewa Ram Kanojia Vs. All India Institute of Medical Sciences and others (A.R.J. 1989 (1) page 654) in the following words :

"The doctrine of "Equal Pay for equal work" is not expressly declared a fundamental right under the Constitution. But Article 39 (d) read with Articles 14 and 16 of the Constitution declares the constitutional goal enjoining the State not to deny any person equality before law in matters relating to employment including the scales of pay. Article 39(d) read with Articles 14 and 16 of the Constitution enjoins the State that where all things are equal, persons holding identical posts, performing identical and similar duties under the same employer should not be treated differently in the matter of their pay. The doctrine of "Equal pay for equal work" is not abstract one, it is open to the State to prescribe different scales of pay for different post having regard to educational qualifications duties and responsibilities of the post. The principle of "Equal pay for equal work" is applicable when employees holding the same rank perform similar functions and discharge similar duties and responsibilities are treated differently. The application of the doctrine would arise where employees are equal in every respect but they are

7. In view of the above, the principle of "Equal pay for equal work" is applicable when employees holding the same rank perform similar functions and discharge similar duties and responsibilities are treated differently in the matter relating to the scale of pay. While dealing with the parity of the pay-scale in the case of State of U.P. & others Vs. J.P. Chaurasia & others (1989 SC (L&S) 71), the apex court relied on the earlier decision including Randhir Singh's case (supra) and the case of Bagwandas Vs. State of Haryana (1987 (4) SCC 634) and observed as below :

"Primarily it requires among others, evaluation of duties and responsibilities of the respective posts. More often functions of two posts may appear to be the same or similar, but there may be difference in degrees in the performance. The quantity of work may be the same, but quality may be different that cannot be determined by relying upon averments in affidavits of interested parties. The equation of posts or equation of pay must be left to the Executive Government. It must be determined by expert bodies like Pay Commission. They would be the best judge to evaluate the nature of duties and responsibilities of posts. If there is any such determination by a Commission or Committee, the court should normally accept it. The Court should not try to tinker with such equivalence unless it is shown that it was made with extraneous consideration."

8. In view of the above, the Court should normally accept the decision taken on the basis of recommendations of the P.C., which is an expert body to determine pay-scales. However, in case it is found that for extraneous consideration -n, by a subsequent State action or in action.

12. -
 may sometime feel it necessary, for the purpose of providing justice, to interfere with the orders issued by the executive. Some such situations, amongst others, are as below, where,

- (i) the pay commission committed to consider the pay-scale of some posts of any particular service, or
- (ii) the Pay-commission recommended certain scales based on no classification or irrational classification, or
- (iii) after recommendation of the Pay commission is accepted by the Govt., there is unjust treatment by subsequent arbitrary State action/or in action. In other words the subsequent State action/in action results in favourable treatment to some and unfair treatment to others.

9. In the case of all the above three situations, courts interference is absolutely necessary to undo the in-justice. Aggrieved employees have a right and the courts have jurisdiction to remedy the unjust treatment metted by arbitrary State action or in action.

10. In view of the principle of law derived as above, facts of each case has to be examined separately to find whether the applicants of the three O.A.s are entitled to have their pay-scales revised on the basis of the O.M. of the Govt. of India dated 31.7.90.

11. O.A. No. 144-A/93

in the department of C.B.I. which is an attached office of Ministry of Personnel, Public Grievances & Pensions, Govt. of India. It is stated in the O.A. and not denied in the Counter reply that prior to 24.11.1967, all the ministerial posts in C.B.I. (Head Office) were manned by Personnel belonging to CSS, CSSS and CSCS services. It is also not denied that for the first time, the Ministry of Home Affairs vide its letter dated 24.11.1967 redesignated post of Assistant to Crime Assistant and Stenographer as Personal Assistant in the department of C.B.I. with a specific mention that "the redesignated posts would carry the same scale of pay and allowances as at present and there would also be no change in their classification". The result being that the Assistants and P.A.s in the department of C.B.I. stand automatically excluded from the purview of the CSS, CSSS and CSCS cadres of the Ministry of Home Affairs.

12. In para 4.8 of the O.A., it is clearly stated that the "equality and nature of work, functions, duties and responsibilities of the Section Officers vis-a-vis Crime Assistants, Grade 'C' Stenographers vis-a-vis Personal Assistants of C.B.I. are identical and similar in all respects". This fact is not denied by the respondents in their reply. As regards the nature of work, functions, duties and responsibilities of the Crime Assistants and Grade 'C' Stenogra-

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Assistants and Grade 'C' Stenographers of the Civil Secretariat, we are of the view, are identical and similar in all respects. The judgment given by the Tribunal in O.A. No.

760/88 in the case of Puran Chand & others vs.

Union of India & others, the following paragraph

so far it relates to work and duties of the Assistants in the CSS and Crime Assistants of the C.B.I. are concerned, is very relevant and so extracted below:

"The Ministry of Finance have not agreed with the recommendations of the Department of Personnel without explaining as to show the work done by the Crime Assistants in the C.B.I. on their promotion as Office Superintendent is of lower category, or responsibility. From the noting in the file of Ministry of Personnel, it is quite clear that the Ministry of Personnel have reached the conclusion that there is a parity between the duties and responsibilities of the applicants with those of the Assistants and Section Officers in the CSS and as such they should be entitled to "equal pay for equal work". They should be entitled to the same facilities. The Supreme Court has already held that "Equal pay should be paid for equal work".

13. Thus, from the documents on record, it is fully established that there is parity between the duties and responsibilities of the applicants in O.A. No. 144-A/93 with those of Assistants and Stenographers Grade 'C' in the CSS and CSSS.

14. As regards the pay-scales prior to 4th P.C., the scales of Crime Assistants of the C.B.I. and the Assistants of CSS cadres were Rs. 425-800/- and those of Personal Assistants of the C.B.I. and Stenographers Grade 'C' of CSSS cadres were also Rs. 425-800/-. The 4th P.C.

to all the above category i.e., Crime Assistants.

O.A. : are given below :

"8.41. The scale of Rs. 425-800/- covers posts of Assistant and Stenographer in different ministries/departments, auditor under C&AG, etc. The recruitment is either through competitive examination or by promotion from the scale of Rs. 330-560/-

6.42. There are three other scales which are segments of the scale of Rs. 425-80/- and these are Rs. 425-700/-, Rs. 440-750/- (at (c)) and Rs. 440-750/- (at (c)). The categories of posts covered by the scale of Rs. 425-750/- are engineering assistant in doordarshan and all India radio, selection grade, inspector of telegraph and assistant superintendent (telegraph and telephone) in P&T and stock verifier in railways. The scale of Rs. 440-750/- at (c) and the scale of Rs. 440-750/- at (e) are for trained graduate teachers, the scale of Rs. 440-750/- at (e) having been introduced subsequent to the report of the Third Pay Commission, appointment to all these posts is partly by promotion from the scales of Rs. 330-560/- and Rs. 425-640/- and partly by direct recruitment.

8.43. The scale of Rs. 470-750/- covers categories of posts like scientific assistant in departments of atomic energy and space, tradesman in the department of space, section controller in the railways, assistant foreman in the department of energy and grade IV officers of the Central Information Service (CIS). Appointment to these categories of posts is mostly by promotion from the level of Rs. 330-560/- and Rs. 425-700/-. There is also direct recruitment for certain categories of posts like reporter in All India Radio, Scientific Assistant in department of Space and for grade IV of CIS.

recommendations and also advocated to avoid all 118 of the difficulties. The fact that promotions to these are made to higher levels with 10 increments from more or less similar levels, we recommend that all categories of posts presently covered by the scales of (a) Rs. 425-800/-; (B) Rs. 425-750/-; (c) Rs. 410-750/-; (d) Rs. 470-750/- and (e) Rs. 440-750/- may be grouped together and given the scale of Rs. 1400-40-1600-50-2300-EB-60-2600/-. In respect of the categories of posts in the scale of Rs. 470-750/- where graduates in science are directly recruited, we recommend that a suitable higher start may be given in the scale of Rs. 1400-40-1600-50-2300-EB-60-2600." ^{involves}

16. Thus, it is clear that after considering various factors to attract persons of required qualifications and calibre and with a view that the salary structure should be coherent and should adequately reflect the substantial differences in the nature and responsibilities of the various posts and to avoid frustration in the employees on comparing his lot with his peers, and to minimise the number of pay-scales, the pay-commission made the above recommendations on the basis of duties and responsibilities of various posts. The concept of "Equal pay for equal work" as principle for determining the salary of the Government employees was also taken note of. The 4th P.C. observed in para 7.12 that " in the absence of any distinguishing features, employees of the Central Government in different branches should be paid equally, if their work was adjudged to be of equal value."

17. The learned counsel for the respondents has contested the claim of the applicants on the ground that each department had its own methods of recruitment and same/equal pay-scales cannot be

is merely on the ground that the applicants did not satisfy the conditions laid down in DP&T O.M. dated 31.7.90. In other words, this contention is based on the fact that the nature of work performed by the Assistants/Asstt. Stenographers Grade 'C' in the Ministry of the Govt. of India, and duties/functions of the

Petitioners working in the C.B.I. are quite

different and the posts, with different qualifications

have different methods of recruitment and

source of entry and as such there cannot be any

parity to justify the grant of the revised higher pay-scales to the petitioners.

18. It has been already discussed above

and found established that sofar the work, duties and responsibilities of the applicants as Crime Assistants and P.A.s are concerned, they are equal to that of their counterparts working in the Civil Secretariat in the cadres of CSS and CSJS.

It has also been found that even the department of Personnel had found parity between the duties and responsibilities of the applicants working as Crime Assistant with that of Assistants of CSS.

The matter was examined by 4th P.C. and 4th P.C. also recommended the same scales to both the categories of employees.

It is the subsequent action i.e. issue of O.M. dated 31.7.90, disparity has been

created between the employees of CSS and the applicants of this case. Even in O.M. dated 31.7.90, it is mentioned that the same revised pay-scale will also be applicable to

Assistants and Stenographers in other organisation

and the Central Secretariat Stenographers Services but where the posts are in comparable grades with same classification and pay-scales and the method of recruitment through Open Competitive Examination is also the same." This part of the O.M. has been examined by the various Benches of the Tribunal.

Assistants & Stenographers Grade 'C' working in the department of Central Administrative Tribunal, Border Security Force, Indo Tibetan Border Police, Central Industrial Security Force and Bureau of Police & Research Development were parity with Assistants of CSS and Steno Gr'C' of CSSS, granted by the Tribunal. It is also worthwhile mentioning that there was no provision for direct recruitment to the post concerned in Border Security Force and to the post of assistants in Central Administrative Tribunal.

19. Besides the above, this point has been already considered by the apex court in the case of Bhagwan Das Vs. State of Haryana (1987 (2) A.T.J. 479. Therein, the contention on behalf of State was that the respondents were selected by the subordinate service Selection Board after competing with candidates from any part of the country and applicant's that normally the selection at best is limited to the candidates from the cluster of a few villages only. Repelling the arguments of State's Counsel, the apex court has held as below :

"We need not enter into the merits of the respective modes of election. Assuming that the selection of the petitioners has been limited to the cluster of a few villages whereas Respondents No 2 to 6 were selected by another mode wherein they had faced competition from candidates from all

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to be dissimilar the fact that the recruitment was made in one way or the other would hardly be relevant from the point of view of "Equal Pay for equal work" doctrine. It was open to the State to resort to a selection process where the candidates from all over the country might have competed if they so desired. If however they deliberately chose to limit the selection of the candidates from a cluster of a few villages it will not absolve the State from treating such candidates disadvantage of the selectees of in a discriminatory manner to the once they are appointed provided the work done by the candidates so selected is similar in nature."

(Emphasis made)

20. Thus, in view of the above discussions, the applicants are entitled to the scale of Rs. 1640-2900/- at par with the Assistants and Stenographers Grade 'C' working in the CSS and CSSS cadres.

21. O.A. No. 985/93
The applicants, in this case, are Assistants in the office of Director General of Income Tax (INV) North, New Delhi, in the pay-scales of Rs. 1400-2600/-. The office of the Director General of Income Tax is an attached office of the Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, New Delhi. The applicants are holders of Group 'C' Non-Gazetted post. The case of the applicants is that by all 4 previous P.Cs, parity was maintained between the applicants and their counterparts working in the CSS cadres. In para 4.3. of the O.A., the pay-scales of Assistant in the office of Central Board of Direct Taxes and Central Secretariat Services has been given, which is as below :

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as well, as in the scale of
Rs. 2000-3200/- per Recruit-
ment Rules (Group 'C' Non-
gazetted)."

23. ~~Original~~ As regards the grounds of rejection at
Sl. No. ~~xxxxx~~ 2 is concerned, we need not discuss
the same in detail, as the same has been already
examined and
~~found not tenable in the earlier O.A. No. 144-A/93,~~
in view of apex court decision quoted in para 19
in the case of Bhagwah Das Vs. State of Haryana.
at Sl. No. 1
As regards classification is concerned, the point
was discussed by the ~~xxxxx~~ Ernakulam Bench
in its judgment dated 26.7.95 in O.A. No. 1322/94
& O.A. No. 276/95 in the case of K.R. Chandrasekharan
Kunji Vs. The Secretary, Department of Revenue,
Ministry of Finance, Central Secretariat, New Delhi

The Ernakulam Bench has held as below :

"It was argued further that Assistants
in the External Affairs Ministry are
in Group 'B' while Assistants in the
Passport Office are in Group 'C'. This
exactly is the grievance of the applican-
ts. According to them two classes who
are similar are differently treated by
dividing them into Group 'B' and 'C'.
Therefore, the argument of respondents
would only establish the case of dis-
crimination and not justify it."

24. .. The third point is that the
nature of duties and responsibilities of the
Assistants in the Central Secretariat is to
contribute to policy making of the Govt. of India
and whereas the applicants who hold the posts of
Assistants in CBDT do not deal with any policy
matter and do only routine and clerical job, ~~is~~
~~concerned.~~ The ~~xxxxx~~ Ernakulam Bench in

of Revenue, Ministry of Finance, Central Secretariat, New Delhi, decided on 20.7.95, (supra) the Eacob was also considering the case of Assistants in the Enforcement Directorate and Passport Office for the scale of Rs. 1640-2900/- W.E.F. 1.1.1986. A similar ground was taken, and Ernakulam Bench observed "we find it difficult to endorse the view that officials at a comparatively lower level like Assistants in the Ministry have anything to do with policy matters in the real sense."

25. We are in full agreement with the views expressed by the Ernakulam Bench, on the point.

26. The fourth ground of rejection is that Assistants in the Central Secretariat are eligible for promotion to the post of Section Officer in the pay-scale of Rs. 2000-3500/- (Gazetted Gazette), on the other hand, the Assistants in the Directorates are eligible for promotion to the post of Senior Technical Assistant/Technical Research Assistant in the scale of Rs. 1640-2900/- as well as in the scale of Rs. 2000-3200/- which is Group 'C' Non-Gazetted post. In other words, the case of the respondents is that scale of Rs. 1640-2900/- is an intermediary scale between the post of Assistants and Technical Research Assistant which is a promotional posts of the applicants who are working in the scale of

thereafter Technical Research Assistant (Scale

R. 2000-3200/-).

27. The objection of the respondents is that due to intermediary scales, the applicants were not given the scales of R. 1640-2900/-.

also not sustainable. This point has already been considered, in a similar matter by Hon'ble Supreme Court in the case of Union of India & Others Vs. Dehashis Kar & others (1995 SCC (L&S) 1303.

The apex court was dealing with the scale given to Draughtsmen Grade II in C.W.D and Ordnance Factories. A similar objection, as in the case before us regarding intermediary scale, was taken before the apex court and the same was repelled in the following words :

"Sri N.N. Goswami, learned Senior Counsel appearing in support of the appeals as well as the special leave petitions and the review petition, has urged that the channel of promotion in Ordnance Factories is different from the channel of the promotion in C.W.D inasmuch as in C.W.D there is no further promotion after a person reaches the scale of Draughtsman Grade I while in Ordnance Factories a Draughtsman is entitled to be promoted as Chargeman Grade II and thereafter as Chargeman Grade I and as Foreman and that the post of Chargeman Grade II which is the promotional post for draughtsman was in the pay-scale of Rs. 425-700 would result in placement of Draughtsman in the said pay-scale of Rs. 425-700/- would result in Draughtsman being placed at the same level as the promotional post of Chargeman Grade II and, therefore, the benefit of the revision of pay-scales under Office Memorandum dated 13.3.1984 cannot be extended to the Draughtsman in Ordnance Factories. On behalf of the respondents, it is disputed that there are no promotional chances for Draughtsman Grade I in C.W.D. This

As regards the post of Chargeman-Grade II being a promotional post for Draughtsman in Ordnance Factories and it being in the scale of Rs. 425-700/- cannot be a justification for denying the revision of pay scales to Draughtsmen and their being placed in the scale of Rs.425-700/- on the basis of the Office Memorandum dated 13.3.1984 if such Draughtsmen are otherwise entitled to such revision in the pay-scale on the basis of the said memorandum.

28. In the case before us, Assistants in the Directorates attached to CBDT and Assistants in CSS were in the same scale prior to issue of O.M. dated 31.7.90. Thus, for more than 4 decades Directorate, all the previous since establishment of the ~~Directorates~~ Pay-Commissions till the 4th P.C., the parity of the pay-scales between the two were maintained. There is nothing on record to show that after recommendation of the 4th P.C., which was accepted by the Govt., any new developments occurred to create differentiation between the status of the Assistants working in the Directorates attached to CBDT and that of CSS. The O.M. dated 31.7.90 has, thus, created dis-parity between the two and, therefore, the order dated 4/9.12.92 refusing the pay-scale of Rs. 1640-2900/- to the applicants cannot be sustained on the ground of discrimination.

29. In our view, therefore, the present applicants are entitled to the scales of Rs. 1640-2900/- at par with the Assistants in the Directorates attached to CBDT and CSS.

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concerning the Stenographers Grade-II and Assistants in the
Ministry of Information & Broadcasting and the Directorate of Field Publicity, Ministry of
Information & Broadcasting. Both the post
belong to General Central Service, Non-Gazetted
ministerial post and are at present in the scale
of Rs. 1400-2600/-. The Directorate of Field
Publicity was a participating office in the
Central Secretariat Service/Central Secretariat
Stenographers Service from its inception. The
posts sanctioned for the DFP were included in
the authorised permanent strength of the Ministry
of Information & Broadcasting and manned by the
Personnel of the said Ministry upto 1975. Thereaft
er, DFP was excluded from the purview of the
Central Secretariat Service/Central Secretariat
Stenographers Service. At that time, those who
had opted for the DFP were retained in the DFP
with their original status, pay, scales etc.

The O.M. dated 31.7.90 is the cause of grievance to the applicants.

31. The main ground for rejection of the claim of the applicants is (i) that the method of recruitment to these posts in the Directorate is not through open competition; (ii) that the pay-scales for the post of Stenographer Grade-II in the DFP was Rs. 425-700/- which was subsequently revised to Rs. 1400-2300/- on the recommendations of the 4th P.C. and later on it was again revised to Rs. 1400-2600/- w.e.f. 1.1.1986 by the Ministry of Finance, O.M. dated 4.5.90 and (iii) since the

matter will be taken with them.

32. It is not denied that right from the year 1971, the scales of Stenographers and Assistants in the DFP were comparable to the scale of Stenographers and Assistants in the Central Secretariat. A comparative table showing the equation of posts and pay-scales has been given in para 4.12 of the O.A., and is being reproduced below :

Year	Pay-Scale of Assts & Steno in the DFP	Pay Scale of Stenos in the Central Sectt.	Pay Scale of Assts & stenos in other organisations like ITBP, CISF, Cabinet Sectt as also in EPR&D AFHQ, IB, CBI, SSB RAW & BSF
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1971	210-530	210-530	210-530
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CONSEQUENT UPON RECOMMENDATIONS OF 3RD PAY COMMISSION

1973	425-800	425-800	425-800
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CONSEQUENT UPON RECOMMENDATIONS OF 4TH PAY COMMISSION

1986	1400-2600	1400-2600	1400-2600
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Upon issue of GOI Ministry of Personnel OM No. 2/1/90-CS.IV dated 31.7.90 (Ann.A-1) revising the pay-scales of Stenographers Grade 'C' and Assistants from Rs. 1400-2600/- to Rs. 1640-2900/- to be effective retrospectively from 1.1.1986 in the Central Secretariat Service.

1986	1400-2600	1640-2900	1640-2900
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33. The applicants till the year 1975, were

6

participating in the CSS/CSSS and were discharging their duties of Stenographers Grade II and Assistants in the same manner as those of Stenographers and Assistants in the CSS/CSSS. It has been asserted in para 4.7 of the O.A. that the job contents of the Stenographers Grade II and the Assistants in the DFP was absolutely the same as in the comparable departments. It has been further asserted that status and responsibilities of the applicants in the DFP is in no way inferior than in any of the comparable posts in the CSS. This fact too has not been denied in the reply. Thus, as regards work, duties and responsibilities of the applicants vis-a-vis their counterparts in the CSS/CSSS are concerned, is not in dispute that they are comparable.

34. The point that there is no provision for direct recruitment on the basis of open competition, has already been discussed and found not sustainable, in our discussions in the earlier O.A.s above.

35. The other point is that pay-scale of Stenographers Grade-II of DFP was only Rs. 425-700/- whereas those of CSSS was Rs. 425-800/-. It is not disputed that the scale of Rs. 425-700/- was revised to Rs. 1400-2300/-, but the scale of Stenographers Grade II of DFP was subsequently revised to Rs. 1400-2600/-, by O.M. dated 4.5.90 w.e.f. 1.1.1986. Thus, the benefit of the scale of Rs. 1400-2600/- was made available to Stenographer

may be reasons, the Government in its own wisdom

thought it proper to bring the Stenographers

Grade-II of DFP at par with CSSS. However, by

the impugned order dated 31.7.90 different scale

was given to CSSS and Stenographer Grade-II of

some other departments. The ground mentioned

in the O.M. dated 31.7.90 for putting CSSS in

a higher pay-scale has not been found tenable,

in view of various apex court judgments, by the

Tribunal in various cases. In the case before

us, we are of the view that the case of the

applicants who are working as Assistants &

Stenographers Grade-II in the DFP cannot be

discriminated.

36. The third point that since 5th P.C.

has been announced by the Government and

the matter will be taken-up with them, the

applicants should wait till the recommendations

of the 5th P.C., is also not tenable. The

applicants are claiming parity w.e.f. 1.1.1986.

The Government has, after, putting the applicants

at par with CSS/CSSS created a discrimination

by issue of O.M. dated 31.7.90 and hence this

matter can be well decided by this Tribunal.

37. In our view, therefore, the

applicants, in this case, are also entitled to

the scale of Rs. 1640-2900/- as their counterparts

in the CSS/CSSS.

38. In view of our discussions made above,

all the three O.M.s are allowed and the respondents

of the respective O.M.s are directed to file

the scale of Rs. 1640-2900/-, but the payment of arrears would be limited to one year prior to date of filing of the respective O.H.S. However, the fixation of pay will be effective w.e.f. 1.1.1966. If any of the applicant has, in the meanwhile, during the pendency of the case, retired he will be given consequential benefits thereof. The order and directions given in the case shall be complied with by the respondents, within a period of two months w.e.f. the date of communication of this order.

39. In the facts and circumstances of the case, there shall be no order as to costs.

Member (J)

SIRISH/-

Acting Chairman

CERTIFIED COPIED
Date: 21/9/66
Section Officer
Central Administrative Tribunal
Panchayat Bhawan, New Delhi

To:
The Joint Secretary(P&A),
and

Director of Grievance,
Ministry of Information & 'B' Casting,
'A' Wing, Shawstri Bhawan,
New Delhi-110001.

Sub:- **Grievance Petition of Sh.R.N.Das, Stenographer-Gr.II of DAVP-reg.**

Sir,

In response to Min.of I&B,Admn.IV Section's I.D.No.5/6/2002-Admn.IV dtd.13.1.05 and subsequent it's letter of even no. dtd. 03.02.05, on the above subject, kindly refer to the endorsement letter of DAVP I.D.No.A-12033/1/2002-Admn.I(Par) dtd. 04.02/05 to Sh.G.S.Pundir,US(A),Min.of I&B and also its endorsement letter of even no.dtd. 17/22/2/05 to him, the original of which are addressed to Sh.Dinesh Arora, Section Officer, MUC,Min.of I&B. But, so far, I neither received the due benefits nor any decision in this regard.

Meanwhile, I talked to Sh.N.P.Joshi,S.O,MUC,Min.of I&B over phone on 15.03.05 and 24.3.05 while I have been informed that the file has been referred to the DOP&T/Law Ministry respectively.

Sir, you may kindly be aware that the decision is pending almost for 10 years and I do not know how much time will further be required to get the legitimate claims /Ministry's decision. As stated earlier that I was selected through Staff Selection Commission and not by any Department and hence considering all the facts narrated by me in my several grievances supported with various required papers , I think personally that the decision for its implementation is unnecessarily being delayed causing harassment to me like anything.

Further, I am to mention here that the Expenditure Secretary, Ministry of Finance had a meeting with the staff side of All India Audit and Accounts Association, Distt.Ghaziabad(UP) on 15.02.1999 and the views as opined by the Expenditure Secretary as indicated in the letter No.AIA/HQ/01-5/99 dtd. 23.02.99 in regard to the pay-scale of Stenographer Gr.II, the extract of the views is reproduced below for kind information, perusal and necessary action.

"In many departments the Stenographer-Gr.II were in the pay-scale of Rs.1400/- -Rs.2600/-have been granted the upgraded pay-scale of Rs.1640/- - 2900/- and also implemented by the Government. The result is that Stenographers Gr.II in some departments have been assigned the higher grade of Rs.5500/- - Rs.9000/-, it is still Rs.5000/- -Rs.8000/- in other departments where they could not go to the Tribunals or where the decision of CAT could not be implemented before the pay-scales of V CPC were implemented. The Expenditure Secretary said that CAT decision should be implemented before any contempt petitions are filed."

In the light of the above, I would request you to please take some pain for its expeditious implementation/decision so that I being a junior staff keep my faith and regards to the Superiors for ever.

Thanking you,

Yours faithfully,

5/3/05
(R.N. Das)

Stenographer-Gr.II
Regional Office, DAVP,
Min.of I&B, Nabin Nagar,
Janapath,Guwahati-781024.

Date: 04.09.05

*Attested
Dr. Advocate*

To
The Joint Secretary(P&A)

And

Director of Grievances,
Ministry of I&B,
'A' Wing, Shastri Bhawan,
New Delhi-110001.

Sub:- Grievance Petition-Other Service matters in respect of
Sh.R.N.Das,Stenographer Gr.II/'C',Regional Office,DAVP,
Guwahati- regarding.

Respected Sir,

With reference to my letter dated 3.12.03 on the above subject, I have the honour to draw your kind attention under compulsion again to the effect that I received a letter on 31.12.2003, issued by the Dy.Director(Admin.I),DAVP,New Delhi, intimating me vide its letter No.A12033/1/2002-Admn.I dated 23.12.2003, that the matter relating to the revision of pay-scale etc. was still under consideration in consultation with the Min.of I&B and the decision taken by the Ministry would be communicated to me in due course. I am enclosing herewith a copy each of the above two letters for your ready reference, perusal and kind intervention please(Annexure-'A&B).

Sir, I am sorry enough to mention here that it is almost 10 years(ten) passing away but, I have neither received the due and genuine benefits as requested for in my Grievance Petitions time to time nor I have been communicated the Ministry's decision so far despite there is clear guidelines contained in the Ministry of Personnel, Public Grievances and Pensions 'D.O.Letter No.K-11011/5-2003-PG dated 3rd May,2003, that the petitioner should be informed of the progress of his/her grievance. And it may be stated that, when no decision has ~~not~~ been taken by the Ministry for last 10 years, it may be presumed that obviously there was a merit and this should be considered favourably without further loss of time and energy in all respects.

Sir, though it may be irrelevant but I like to say here that my Home Town is at Kolkata(West Bengal). I ~~have~~ served at RO,DAVP,Guwahati(NE Region) being promoted wrongly from Kolkata,from August '88 to December '95, transferred to DAVP,Hqrs along with the post and served there from January '96 to July '97 and again transferred along with the post to REO,DAVP,Kolkata and served there from August '97 to Nov. '2000 and further transferred to Guwahati and have been working from Dec.'2000 to till date.

However, on the above subject, I have requested before Director ,DAVP, conveying in details so as to take necessary and proper action administratively by the Deptt./Ministry as well. I am also enclosing herewith a copy of the letter along with its enclosures , addressed to the Director, DAVP,New Delhi, for your kind perusal and immediate relief from this long pending matter(Annexure-'C').

I believe in right earnest Sir, that perhaps you would be kind enough for its convincing ,if you would kindly take some pain to go through the merit of my case narrated in the enclosed copy of my letter to the Director,DAVP,New Delhi.

Your kind and soonest favourable action is highly expected in this regard.
Thanking you,

Yours faithfully,

53/10/105

(R. N. Das)

Stenographer Gr.II/'C'

Regional Office:DAVP:Guwahati

Date:10.01.05.

✓ Copy for information and kind action at the earliest please, to:

Director, DAVP, New Delhi

53/10/105
(R. N. Das)
Stenographer Gr.II/'C'
Regional Office, DAVP, Guwahati

7c

To
The Director,
DAVP, Min.of I&B,
New Delhi-110001.

(Through Proper Channel)

Sub:- Grievance petition for revising the pay-scale from Rs.1400/-Rs.2600/- to Rs.1640/- Rs.2900/- w.e.f. 1.1.1986 on the basis of O.A.No.548/94 of Principal Bench of the CAT, New Delhi's judgement dtd. 2/2/1996 and from Rs.5000/- -Rs.8000/- to Rs.5500/- -Rs.9000/- w.e.f. 1.1.196 in respect of Sh.R.N.Das,Stenographer Gr.II/'C',Regional Office, DAVP,Guwahati and other service matters-reg.

Ref:1)Letter No.42/4/239/2002 -AD IV(PG) dtd. 12.8.02 of Sh.V.K.Sekhi,Under Secretary to the Govt. of India ,Min.of I&B,New Delhi(Copy enclosed- Annexure'A').

2)Letter No.A-12013/1/2002-Admn.I dtd. 23.12.2003 issued by Dy.Director (Admn.I),DAVP,New Delhi(Copy enclosed-Annexure-'B').

Respected sir,

I have the honour to draw your kind and proper attention sympathetically on the above subjects and for the decision of the Ministry as indicated in the letter under reference (2) above which is still awaited, though as per Ministry of Personnel, Public Grievances and Pensions' letter dtd. 5.3.2003, the petitioner should be informed of the progress of his/her grievance.

Sir, I have been writing on the above revision of pay-scale for about 10(ten) years. But, the reason for keeping it non-implemented/undecided over the matter by the Deptt./Ministry as well for such a long years causing me irritated because of deprivation from the legitimate claims since August'88 and onwards , is not known to me.

On the above matter, I like to state here that I belong to Kolkata (West Bengal). I applied and appeared in the All India Open Competitive Examination conducted by the Staff Selection Commission in 1980 for the post of Stenographer Gr.III/'D' in the pay-scale of Rs.330/- -560/- (revised as 1200-2040/- &4000/- -6000/-) and was appointed at Regional Exhibition Office, DAVP,Kolkata in July,1982 in the post of Stenographer Gr.III/'D'. And afterwards, I was offered promotion for the post of Stenographer Gr.II/'C' at RO,DAVP,Guwahati as sanctioned vide Ministry's letter No.3/8/81-Bud./DAVP/DS(I)dtd. 28.1.1982(Copy Enclosed-Annexure-'C')in the pay-scale of Rs.1400/- -Rs.2300/- which was revised it subsequently to Rs.1400/- -2600/- (now Rs.5000/- -Rs.8000/-) **wrongly**, and I joined in August1988. I was also transferred to DAVP,Hqrs. in Dec.1995 to DAVP,Kolkata in July,1997 and to Guwahati in Nov.2000. But, the candidates joined in Delhi including DAVP and other places in the poast kof Stenographer Gr.III/'D' in the same pay-scale of Rs.330/- -560/- (revised 1200/-2040/-4000/- -6000/-), while promoted to the post of **Stenographer Gr.II/'C' or PA**, they have been given the pay-scale of Rs.1640/- -2900/- (now Rs.5500/- -9000/-). It may be found that there was absolute anomalies towards pay-scale and also in the designation despite the rank /nature of the job was same. Moreover, there was clearly mentioned in the said judgement that even the similarly placed persons having similar nature of duties, posted in any corner including the villages/remote areas of the country, pay-scale would be the same and jthere should not be any discrimination. Again, it may be reiterated that the **Supreme Court has given the similar view for a particular case published in the Swamy's News in Agust'04**. A copy of the same is also enclosed for ready reference and kind perusal(Annexure-'D').

Though, I had been appointed through the Open Competitive Examination conducted by the Staff Selection Commission in All India basis and **not through Employment Exchange or through Advertisement published in the News papers for a particular post and for a particular Department**, I do not understand why I am not given the due benefit so far as like the benefits given to similarly placed persons and treated me other categories of employees wrongly by the Deptt. And thus, I have been holding the post of Steno.Gr.II/'C' as yet ,otherwise perhaps, I would have been eligible for the post of P.S during 23 years of service in DAVP. In this regard, I am enclosing herewith a copy of an extract taken from the

Swamy's Master Manual for DDOs and Heads of Offices towards mode of recruitment etc.(i.e.Recruitment by Staff Selection Commission- 11 (iv)- Allotment of candidates by the Commission, for ready reference, perusal and necessary action(Annexure-'E')).

Accordingly, it seems that prior to Commission starts, If the recruitment made either through local Employment Exchange/Central Employment Exchange/Advertisement in the News papers for a particular post and for a particular Deptt., only, seniority lists would be prepared by the concerned Deptt., only, while like me, the candidates selected through Staff Selection Commission for various posts, common Inter-se-Seniority list would be prepared in the state/Region by the Deptt., after it was ascertained from the Commission which had not been done.

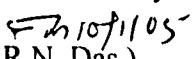
It may be mentioned here that the other categories of officers appointed through UPSC/through open Advertisement etc., and posted in various parts of the country are drawing the same pay-scale those who are J.Ds/ROs/Eos/Sos/Aos/FEOs/Exh.Asts./Sr.Artists/TA(M) etc.etc.

Further, I like to say that, as I have come to know from DAVP Admn.I Sec., I am going to be given upgradation promotion in the post of **Stenographer Gr.I** in the pay-scale of Rs.5500/- -9000/- in stead of the pay-scale Rs.6500/- -10500/- of P.S(which should be promoted like from Gr.III/D' to Gr.II'C' or PA to Gr.I or P.S). It may be mentioned here that Regional Director is also eligible for one P.S.

In view of the above, I shall be highly grateful, if you would arrange to give me the due benefits accordingly or intimate me the Ministry's decision immediately without killing furthermore time as this has already been delayed by taking 10 years which also proves that there was a merit to my grievance, to avoid any litigation in the matter in future.

Thanking you,

Yours faithfully,


(R.N. Das)

Stenographer Gr.II/'C'

REGIONAL OFFICE;DAVP;GUWAHATI

Encl:as above

(Annexue-A-E') A copy of letter
sent to J.S., Min. or B.

Date:10.01.05.

SPEED POST

To
 Sh. V.K. Sekhri,
 Under Secretary to the Govt. of India,
 Ministry of I&B,
 'A' Wing, Shastri Bhavan,
 Dr. Rajendra Prasad Road,
 New Delhi-110001.

Sub:- Grievance Petition- Other service matters.
 Ref:- Letter No.42/4/239/2002-AD IV(PG), Dtd. 12.08.02.

Sir,
 With due respect, I would like to draw your kind attention on the above subject and reference.

Sir, I am enclosing herewith a copy each of letters dtd. 29.7.02 and 3.9.02 so far received from my Deptt., Hqrs., New Delhi, for your kind perusal and action.

As advised in the above cited reference, accordingly under compulsion I am to state here that I have not received the due claims so far from my Hqrs., New Delhi. And thus, I am still being deprived from getting the legitimate claims such as non-implementation of revised pay-scale from Rs.1400/- -2600/- to Rs.1640/- -2900/- w.e.f. August, 1988 applicable to me, on the basis of Judgement dtd. 2.2.1996 vide OA No.548/94 of CAT Principal Bench, New Delhi and from Rs.5000/- -8000/- to Rs.5500/- -9000/- w.e.f. 1.1.1996, ACP and also the benefit of upgradation of post as per DOP&T's letter dtd. August, 1999.

Meanwhile, I requested again to the Dy. Director(Admn.I), DAVP, New Delhi on 29.11.02 on the above subject and the same has been duly forwarded by this office vide letter No. GHT/RO/A-20012/10/01-02-1148 dtd. 29.11.02. I am also enclosing herewith a copy ~~of~~ of the same for your kind perusal, ready reference and immediate action on the matters.

In view of the above, I would request you to kindly look into the matter so as to settle all of my long pending cases and relieve me from all mental anxieties without further delay.

Thanking you in anticipation, Sir.

Yours faithfully,

Raghunandan Das

(R.N.DAS)

Stenographer Grade-II/C'
 Regional Office, DAVP, Min. of I&B,
 Nabin Nagar, Janpath, Guwahati-24.

Encls: as above

Date: 04.12.02

By Speed Post

Government of India
Ministry of Information & Broadcasting
Directorate of Advertising & Visual Publicity
3rd Floor, PTI Building, Parliament Street,

No.A-12033/1/2002-Admn.I

New Delhi, dated 23-12-2003

Office Memorandum

Subject:- Representation of Shri R.N. Das, Stenographer Grade II, DAVP for enhancement of his pre-revised pay scale from Rs.1400-2600 to Rs.1640-2900 w.e.f 1.1.1986 as per CAT, New Delhi's order in O.A. No.548/94 filed by Assistants and Stenographers Grade -II of DFP.

The undersigned is directed to refer to a Grievance Petition dated 3.12.2003 of Shri R.N. Das, Stenographer Grade II, DAVP, Guwahati on the subject noted above and to say that the matter is still under consideration in consultation with the Ministry of Information & Broadcasting. In this connection the Ministry has sought some additional information in respect of Stenographers in the Directorate of Field Publicity (DFP). Accordingly, DFP has been requested to furnish the requisite information for onward transmission to the Ministry. The matter is being pursued with the DFP to expedite the information. The decision taken in the matter will be communicated in due course.

Puran Singh

(Puran Singh)
Dy. Director (Admn.)

Shri R.N. Das,
Stenographer Grade II,
Regional Office,
DAVP Guwahati

I Through RO, DAVP, Guwahati
I
I
I

- 58 - Speed Post / Registered : 15

Sh.Sudhir.Sharma,
Joint Secretary(P&A)
And
Director of Grievances,
Ministry of I&B,
'A' Wing, Shastri Bhavan,
New Delhi-110001.

Sub:-Grievance Petition – Other Service matters.

Sir,

Kindly refer to letter No.42/4/239/2002-AD IV(PG) dtd. 12.08.2002 of Sh.V.K.Sekhri, Under Secretary to the Govt. of India, Min. of I&B, New Delhi, on the above subject. I am enclosing herewith a copy of the same for your ready reference and kind perusal.

Sir, I understand from the endorsement copies of DAVP I.D.No.A-12033/1/2002-Admn.I dtd. 29.7.02 and subsequent of its even no. dtd. 03.09.02, that the decision on my grievances is still awaited. I am also enclosing herewith both the copies for your ready reference, kind perusal and necessary action.

in benefit of
Sir, I am surprised to state here that almost 8 years have been passed away to take a decision on my grievances for its implementation and thus I have been depriving from getting the due claims in regard to revision of pay-scale as was requested for earlier and also the upgradation of Post as has already been restructured in the ratio 40:40:20 of the Cadre of Non-Secretariat Stenographers *has not yet been given to me.*

I am writing this again, because till today I have neither received the benefits nor any decision about the progress of my Grievance Petition.

With a view to the above facts, I would seek your kind intervention on my grievances so as to settle the cases expeditiously and accordingly I may not have to disturb you time and again.

Thanking you, Sir,

Encls;as above

Date: 03.12.2003

Raghabendranath Das
(RAGHABENDRANATH DAS)
Stenographer- Gr.II
Regional Office, DAVP, Mi. of I&B,
Nabin Nagar, Janpath,
Guwahati-781024(ASSAM)

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BY SPEED POST

**No. A-12033/1/2002-Admn.I
Government of India
Directorate of Advertising & Visual Publicity
(Ministry of Information & Broadcasting)**

**Soochana Bhavan, C.G.O. Complex, Lodhi Road,
New Delhi, Dated the 16th August 2005**

OFFICE MEMORANDUM

Subject : Representation of Shri R. N. Das, Stenographer Grade- II (now Stenographer Grade-I), Regional Office, DAVP, Guwahati regarding enhancement of pre-revised pay scale of Stenographer Grade – II as per CAT, New Delhi's Order in O.A. No. 548/94 filed by Assistants and Stenographers – II of DFP.

The undersigned is directed to refer to a Grievance Petition dated 03.12.2003 of Shri R. N. Das, Stenographer Grade – II (now Stenographer Grade – I), Regional Office, DAVP, Guwahati on the subject cited above and to say that the matter has been examined in consultation with the Ministry of Information & Broadcasting, Ministry of Law & Justice, Department of Personnel & Training and Ministry of Finance, Department of Expenditure. The Department of Expenditure has not agreed to this Directorate's proposal for extension of benefits of the CAT's Order dated 19.01.1996 in O.A. No.(s) 548/94, 144-A/93 and 985/93 to Shri R. N. Das, Stenographer Grade – II (now Stenographer Grade – I), Regional Office, DAVP, Guwahati for revision of the pay scale of Rs.1400-2600 w.e.f. 01.01.1986 and from Rs.5000-8000 to Rs.5500-9000 w.e.f. 01.01.1996. As per the extant policy, the benefit of any judgement/order of Court/Tribunal cannot be extended to the non-applicants. Further, the higher pay scale of Rs.1640-2900 has been restricted to the Assistants/Stenos in CSS/CSSS and the same has not been extended to the similar posts in subordinate offices/autonomous organizations. A copy of the Ministry of Finance, Department of Expenditure's U.O. No. 205/E.III dated 30.06.2005 along with their O.M. No. 6(3)-1C/95 dated 15.04.2004 is enclosed for ready reference.

Encl. As above.

**(ASHOK KUMAR)
DEPUTY DIRECTOR (ADMN.)
TELE. 2371 7023**

**Shri R. N. Das,
Stenographer Grade -I, (Through Regional Office, DAVP, Bangalore)
Regional Office, DAVP,
Guwahati.**

*Alexander
Advocate*

- 2 -

Copy to :-

BY SPEED POST

1. Regional Office (Shri S. C. Talukdar, Assistant Editor), DAVP, Guwahati. It is requested that the enclosed O.M. addressed to Shri R. N. Das, Stenographer Grade I Regional Office, DAVP, Guwahati may please be got delivered to him under intimation to this Directorate.
2. Ministry of Information & Broadcasting, Admin.IV Section, Shastri Bhavan, New Delhi.
3. Ministry of Information & Broadcasting (Shri S. V. Krishnan, US (MC)), Shastri Bhavan, New Delhi with reference to their I.D. Note No. 1/35/2003-MUC dated 06.07.2005.

(ASHOK KUMAR)
DEPUTY DIRECTOR (ADMIN.)

O.M.No.6(3)-IC/95
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, dated 15th April 2004

OFFICE MEMORANDUM

Sub: Revision of scale of pay of Assistant Grade of Central Secretariat Service and Grade 'C' Stenographers of Central Secretariat Stenographers Service.

The undersigned is directed to refer to DOPT's O.M. No.6/6/90-CS-1 dated 3.1.91 and Ministry of Finance O.M. No.744/IC/90 dated 11th December 1990 on the subject mentioned above and to state that DOPT's O.M. dated 31.7.90 was meant exclusively for Assistants/Stenographers of the CSS/CSSS and this was not to be extended to autonomous organization etc. However, it has come to the notice of the Govt. that some autonomous organizations have adopted the pay scale of Rs.1640-2900 to their Assistants/Stenographers inadvertently. In some cases, the scale has been extended to autonomous organization on the basis of order of the CAT.

It may be stated in this connection that the hon'ble High Court of Delhi via their judgment dated 31.5.2002 and 18.12.2003 have specifically rejected the contention of the employees of autonomous organizations i.e. KVS/NVS, NID and NIEPA etc. that Assistants/Stenographers of autonomous bodies are entitled to the scale of Rs.1640-2900(pre-revised) w.e.f. 1.1.86. Accordingly, the benefit of higher pay scale is being withdrawn from all the autonomous bodies under the control of Ministry of HRD. The same benefit may also be withdrawn from the employees of other autonomous bodies of Govt. of India as well.

All the Financial Advisors are requested to take urgent corrective measures to withdraw the scale of Rs.1640-2900(pre-revised) from Assistants/Stenographers of autonomous organizations. The amount of Pay & Allowances already paid to the employees on this account may also be recovered.

ANURADHA MITRA
Director (T)

All FAs

Atul
S. L. Advocate

Ministry of Finance
Department of Expenditure
E.III B Branch

Ministry of Information & Broadcasting may please refer to their notes on pre pages relating to the extension of the benefit of CAT's order dated 19.1.96 in OA Nos. 548/94, 144-A/93 and 985/93 filed by Assistants and Stenographers Gr. II of DFP(M/o 1&B), CBI and CBDT respectively, to Sh. R.N. Das, Stenographer Gr. II (ex-cadre) of DAVP for revision of the pay scale of Rs. 1400-2600 to Rs. 1640-2900 w.e.f. 1.1.86 and from Rs. 5000-8000 to Rs. 5500-9000 w.e.f. 1.1.96.

2. The matter has been examined in this Department and the same has not been agreed to since as per the extant policy, the benefit of any judgment/order of Court/CAT cannot be extended to the non-applicants. Further, the higher pay scale of Rs. 1640-2900 has been restricted to the Assistants/Stenos in CSS/CSSS and the same has not been extended to the similar posts in autonomous organizations/subordinate offices. The enclosed OM dated 15.4.2001 issued in this regard may also be perused.

3. JS(Per) has seen.


(Karan Singh)

Under Secretary to the Govt. of India

FA(Information & Broadcasting)

M/o Finance, Deptt. of Exp. U.O.No. 205/E-III/938705-dated 30/6/05

AIFFAs

Attested
Advocate

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केन्द्रीय न्यायालय
Central Administrative Tribunal
28 NOV 2005
न्यायालयीय व्याख्या

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI**

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O. A. No. 298 /2005

Shri Raghabendra Nath Das
-Vs-
Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

1980- Applicant was initially selected through competitive examination through Staff Selection Commission in the post of Stenographer Grade 'D'/III (Group 'C' non-gazetted) and was appointed as Stenographer Group 'D' in the department of Directorate of Audio Visual and Publicity (for short DAVP), Kolkata under the Ministry of Information and Broadcasting.

22.8.1988, 4.5.1990- Applicant was promoted to the grade of Stenographer grade II on 22.08.1988 in the pay scale 1400-2300 subsequently revised to Rs. 1400-2600 following the order of the Ministry of Finance dated 04.05.1990.

31.07.1990- That the Govt. of India, Ministry of Finance vide OM dated 31.7.90 granted higher revised scale of pay of Rs. 1640-2900 to the stenographers and assistance of CSS/CSSS and the said benefit of higher scale was extended to stenographers and assistance who are working in other organization like Ministry of External affairs, which is not participating in the CSS/CSSS, but where is the post are in comparable grades with same classification and pay scales and the method of recruitment through open competitive examination. The benefit of higher scale of Rs. 1640-2900 extended w.e.f 1.1.1986. (Annexure-I)

19.01.1996 The Hon'ble CAT, Principal Bench, New Delhi passed judgment and order on 19.1.1996 in O.A No. 548 of 1994 along with O.A No. 985 of 1993 in favour of the similarly situated employees working in the grade of Stenographer Grade II in the Directorate of field publicity and ESI corporation for granting the benefit of higher revised scale of 1640-2900 (corresponding revised scale of Rs. 5500-9000), instead of Rs. 1400-2600 (revised 5000- 8000) in terms of OM dated 31.7.1990. (Annexure-II)

18.03.96, 29.08.96, 25.02.97, 05.01.01, 01.05.02, 30.04.02, 03.12.03, 10.01.05, 24.06.02

04.12.02- Applicant submitted series of representations praying for extension of the benefit of higher revised scale Rs. 1640-2900 (revised 5500-9000) w.e.f 22.08.1988, in terms of the OM dated 31.7.1990, in light of the decision rendered the decision rendered by the Hon'ble CAT, Principal 04.07.05 Bench in O.A. No 548/94, but to no result.

16.8.2005- Impugned order passed on 16.8.2005 by the respondents rejecting the claim of the applicant for grant of higher revised scale on the alleged ground that the benefit of the judgment has been restricted only to the parties as per extended policy of the Govt. And also on the ground that the benefit of higher revised scale provided in terms of 31.7.1990 exclusively restricted to the employees of CSS/CSSS and employees of subordinate offices of the Govt. of India and PSU employees are not entitled to the same.

(Annexure- V)

Hence this Original Application.

P R A Y E R S

Relief (s) sought for:

Under the facts and circumstances stated above; the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

1. That the Hon'ble Tribunal be pleased to direct the respondents to grant and re-fix the benefit of higher revised scale of pay of Rs. 1640-2900 with effect from 22.08.1988 and corresponding revised scale of pay of Rs. 5,500-9000/- w.e.f. 01.01.1996 onwards and further be pleased to direct the respondents to place the applicant in the next higher scale of Rs. 6,500-200-10,500/- with effect from 24.06.2005 by necessary modification of the promotion order bearing letter No. A-12011/3/2001 Admn. I dated 21/23-6/05 with all consequential benefits including arrear monetary benefit.
2. Costs of the application.
3. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief:-

1. That the Hon'ble Tribunal be pleased to observe that pendency of this application shall not be a bar for grant of relief prayed for in this application.

28 NOV 2007

गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O.A.No 298/2005

Sri. Raghabendra Nath Das. : Applicant.

-Versus-

Union of India and Others. : Respondents.

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Filed By:

Date: -

Advocate

Raghabendra Nath Das

File No. 88
Subhabendra Nath Das
28/11/2015

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No. 298 /2005

BETWEEN:

Sri Raghabendra Nath Das,

Stenographer Grade - I
Regional Office, DAVP,
Guwahati.

Applicant.

-AND-

1. The Union of India,

Represented by Secretary to the
Government of India,
Ministry of Information & Broadcasting, 'A' wing,
Shastri Bhawan,
New Delhi- 110001.

2. The Director.

Directorate of Advertising and Visual Publicity,
Ministry of Information and Broadcasting,
PTI Building, 3rd Floor,
Parliament Street,
New Delhi- 110 001.

3. Deputy Director (Admn.),

DAVP, Ministry of I & B,
PTI Building, 3rd Floor,
Parliament Street,
New Delhi- 110 001.

4. Regional Director,

Regional Office,
DAVP, Ministry of I & B,
Nabin Nagar, Janapath,
Guwahati- 781 024.

..... Respondents.

Raghabendra Nath Das

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made against the impugned office Memorandum dated 16.08.05 denying the extension of benefit of higher revised scale of pay of Rs. 1,640-2,900/- w.e.f. 22.08.1988 and corresponding revised scale of Rs. 5,500-9,000/- w.e.f. 01.01.1996 in the light of the decision of the Hon'ble CAT judgment and order dated 19.01.96 in O.A. No. 548/94, 144 -A/93 and 985/93 to the applicant, in the cadre of stenographer Grade-II (now Stenographer Grade- I) and praying for direction upon the respondents to grant the benefit of the revised higher scale pay of Rs. 6,500-200-10,500/- w.e.f. 25.6.05, which was accepted and implemented by the respondents, Union of India to the counterparts of the applicants working under the same Ministry of the Govt. of India.

2. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:

The applicant further declares that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act' 1985.

4. Facts of the case:

4.1 That the applicant was initially selected by the Staff Selection Commission after being found suitable in the written and open competitive examination on All India basis for direct recruitment for the post of stenographer Group - D in the scale of pay of Rs. 330 - 560/- (revised pay scale 1,200-2,040/-) in the year 1980. The applicant is a permanent resident of Kolkata in the state of West Bengal, he was posted at the Regional

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Office, Exhibition, Directorate of Advertising and Visual Publicity (in short DAVP) under the Ministry of Information and Broadcasting, Govt. of India, Kolkata, as Steno Grade- III (Steno Group D).

4.2 That it is stated that on 22.08.1988, the applicant was promoted/appointed in the post of Steno Grade- II, against the sanctioned post of Steno Grade C, in the Regional office, DAVP, Guwahati in the pay scale of Rs. 1400- 2300/- same was revised to Rs. 1400- 2600/- by the Ministry of Finance subsequently, (at par with the Steno -II/'C' / PA of CSS/CSSS).

4.3 That it is stated that recruitment in different cadres of stenographers are being made through the recruitment agency i.e. by the Staff Selection Commission for the subordinate offices of the Govt. of India as well as for the Central Secretariat by holding common recruitment examination by the SSC, however appointments are being made on the basis of the priority/option of the individual candidates. Moreover, Directorate of Advertising Visual Publicity is a participating office of CSS/CSSS in which department applicant is appointed on the recommendation of the Staff Selection Commission (in short SSC). The applicant is now holding the post of Stenographer Gr.-I, which is classified as non-gazetted Group 'B' category.

4.4 That it is stated that normally the promotional avenues of stenographers working in the cadre of Group 'D' is in the cadre of Steno Group 'C'/Personal Assistant and then to the cadre of Private Secretary/Stenographer Grade-I. Similarly, Stenographers who are recruited and designated as Stenographer Grade-III, their next avenue of promotion is Stenographer Grade-II and then to the cadre of Stenographer Grade-I. Be it stated that Stenographer Grade 'D' is equivalent to Stenographer Grade- III, similarly Stenographer Grade 'C' is equivalent to the cadre of Stenographer Grade- II, having same scale of pay.

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4.5 That it is stated that stenographer Grade- II of the Directorate of Field Publicity under the same Ministry of Information and Broadcasting are getting scale of pay of Rs. 5500- 9000/- while the applicant being Stenographer Grade-II under the same ministry but working in the office of DAVP is getting pay scale of Rs. 5000- 8000/-, only in the Grade- I and as such applicant is mated out with a hostile discrimination in the matter of allotment of scale of pay. It is needless to point out that Directorate of Field Publicity is also a subordinate office of Govt. of India. Therefore, applicant ought to have been granted next higher pay scale of Rs. 5,500- 9,000/- in the cadre of stenographer Grade - II and next higher scale of Rs. 6,500-10,500/- for the post of Stenographer Grade- I, presently holding by the applicant w.e.f. 26.04.2005.

4.6 That it is stated that Govt. of India, Ministry of Finance, Deptt. Of Expenditure issued an office memorandum whereby scale of pay Rs. 1400- 2300/- (pre-revised Rs. 425-700/-), which was granted following the recommendation of the 4th Central Pay Commission was subsequently further, revised to Rs. 1400- 2600/- w.e.f. 01.01.86 by the Ministry of Finance O.M. dated 04.05.90 and thereby the stenographer Grade- II of the subordinate offices brought at par with stenographers and Assistant of Central Secretariat of the Govt. of India.

4.7 That it is stated that right from the year 1971, the scale of stenographers and assistants of the DAVP were always comparable to the Stenographers and Assistant working in the Central Secretariat.

4.8 That it is stated that Govt. of India, Ministry of Finance, department of Expenditure vide office memorandum No. 2/1/90-CS-4 dated 31.07.90 revised/upgraded the scale of pay of Stenographer Grade 'C' in the Central Secretarial Stenographer Service from the scale of pay of Rs. 1400- 40-1600-50-2300-EB-60-2600 to Rs. 1640-60-2600-EB-75-2900. The aforesaid benefit of the office memorandum dated 31.07.90 were extended to the

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Stenographer Grade- II in many Central Government departments, who are working in the subordinate offices. Some of the departments have extended the benefit of higher revised scale of Rs. 1,640-2,900/- w.e.f.

01.01.86 following the direction in Court cases of the various Benches of the Central Administrative Tribunal, which were subsequently confirmed by the Hon'ble Supreme Court and some of the Central Government department have extended the said benefit to the Stenographer Grade-II working in subordinate offices following the administrative orders passed by the department itself, following the O.M dated 31.07.90. The following Central Government departments have extended the benefit of higher revised scale:

LIST OF SUBORDINATE OFFICES WHERE REVISED SCALE OF RS. 1,640-2,900 IMPLEMENTED THROUGH COURT CASES ARE FURNISHED BELOW:

Sl. No.	Case No.	Name of the Deptt.	Whether Implemented
1.	O.A. No. 2865/91 O.A. No. 529/92 (CAT Principal Bench), decided on 4.2.1993.	CAT, New Delhi	Yes
2.	O.A. No. 152/91, CAT, Jaipur Bench, decided on 9.8.94.	Salt Commissioner	Yes
3.	O.A. No. 1130/91, CAT, Calcutta Bench, decided on 19.5.1995.	Director General of Ordnance Factory, Calcutta	Yes
4.	O.A. No. 1322/94 & O.A. No. 276/95, decided on 26.7.95 and 20.7.95.	C.B.D.T., Ernakulam	Yes
5.	O.A. No. 144A/93, CAT, New Delhi decided on 19.1.96.	CBI, New Delhi (confirmed by the SC)	Yes
6.	O.A. No. 985/94, CAT, New Delhi decided on 19.1.96.	DG, Income Tax (confirmed by the SC)	Yes
7.	O.A. No. 548/94, CAT New Delhi.	Directorate of Field Publicity (confirmed by the SC)	Yes

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8.	O.A. No. 8348-50/95 (1998) SCC (L&S) 253 decided on 9.10.96.	Official Language Wing, Ministry of Law & Justice.	Yes
9.	CWP No. 4414/96 & O.A. No. 3181/96 Delhi High Court decided on 16.7.1997.	Kendriyalaya Vidyalaya Sangathan, New Delhi.	Yes
10.	CWP No. 4842/96, Delhi High Court, decided on 16.7.1997.	National Book Trust of India	Yes
11.	O.A. No. 407/97 CAT, Principal Bench, New Delhi decided on 9.1.1998.	National Achieves of India	Yes
12.	O.A. No. 527/97 CAT, Principal Bench, New Delhi decided on 28.9.1998.	Director General of Inspection, Customs & Central Excise	Yes
13.	CWP No. 381/96, Delhi High Court decided on 16.10.98.	Central Pollution Control Board	Yes
14.	O.A. No. 361/97 CAT, Jaipur decided on 18.1.2000	Central Ground Water Board	Yes
15.	O.A. No. 383/96 with MA No. 811/96 CAT, Jaipur, decided on 20.4.2001.	Central Ground Water Board	Yes

LIST OF SUBORDINATE OFFICES WHERE REVISED SCALE OF Rs. 1640-2900 IMPLEMENTED BY ADMINISTRATIVE ORDER:

Sl. No.	Name of the Deptt.	Implementation Order	Pay Scales
1	Dept. Of Space/ISRO Centres/Units/Bangalore	No. 2/13 (10)/85-I (Vol. VII) dt. 23.4.98	Rs. 425-700 Rs. 1400-2300 Rs. 1400-2600 Rs. 1640-2900
2	Dept. Of Atomic Energy, Atomic Energy Commission Hyderabad	No. 1/27/94-SCS/407 dated 15.5.1997	Same as above
3	CSIR (All Units) New Delhi	No. 16/23/86-Adm. II Vol. VII (Pt. I) dated 18.4.1994	Rs. 425-800/- Rs.1400-2600/- Rs. 1640-2900/-
4	ICMR, New Delhi	Same as above	Same as above
5	CGCRI, Calcutta (Under CSIR)	No. A- 3(1)/GC/85-EI dated 12.6.1995	Same as above

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It is relevant to mention here that the counterparts of the applicant working under the same Ministry i.e. in the Directorate of Field Publicity in the cadre of Stenographer Grade- II being aggrieved with the denial of benefit of higher revised scale of Rs. 1640-2900/- approached the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi by filing O.A. No. 548/94. However, the said O.A was contested by the Respondents Union of India, the issue involving in O.A. No. 548/94 was finally decided by the learned Tribunal along with O.A. Nos. 144-A/93, 985/93 on 19.01.96. The Hon'ble Tribunal after considering the arguments advanced by the parties was pleased to allow the aforesaid O.As with the directions to grant the benefit of higher revised scale of Rs. 1,640-2,900/- w.e.f. 01.01.1986 and the aforesaid judgment and orders were implemented by the respondents Union of India and others.

The present applicant is similarly situated like the Stenographer Grade-II of the Directorate of Field Publicity so far terms and conditions of the recruitments, duties and responsibilities, nature of works are exactly same and similar as such entitled to the benefit of higher revised scale of Rs. 1640-2900/- w.e.f. 22.08.1988 with all consequential benefit.

Copy of O.M dated 31.07.90 and judgment and order dated 19.01.96 are enclosed herewith and marked as Annexure- I & II respectively.

4.9 That it is stated that 4th C.P.C has recommended the pay scale of Rs. 1400-2600/- to the Stenographer Grade- II and Assistants for subordinate offices. The same recommendation was made by the 4th Pay Commission to the Assistance and Stenographer Grade- II (P.A) who are working in the Central Secretariate. Moreover, by a subsequent O.M dated 31.07.1990 revised scale of pay of Rs. 1640-2900 in the pre-revised scale of pay of Rs. 425-800 for duty post included in the Assistant Grade of Central Secretariate Services and Grade- C Stenographers of Central Secretariate Stenographers Service w.c.f. 01.01.86 was given. The same revised scale of

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pay was also made applicable to Assistant and Stenographers who are working in other organization like Ministry of External Affairs which is not participating in the Central Secretarial Services (in short CSS) and Central Stenographer Services (in short CSSS). But where the posts are incomparable grades with same classification and pay scales and the method of recruitment through open competitive examination also extended the benefit of revised higher pay scale of Rs. 1640-2900/- w.e.f. 01.01.86. However, as a result of the extension of the benefit of O.M dated 31.07.1990 on selective basis in certain subordinate offices of the Central Government, caused grievances to the employees of various Central Government department and as a result large number of cases were filed before the various Benches of the learned Central Administrative Tribunal for extension of the higher revised scale in terms of O.M dated 31.07.1990.

4.10 That it is stated that the judgment and order dated 19.01.1996 passed in O.A. No. 548/94 in favour of the Assistant and Stenographer Grade- II who are working under the same Ministry in the Directorate of Field Publicity were accepted and implemented by the Respondents Union of India. However, the respondents Union of India preferred a Special Leave Petition before the Hon'ble Supreme Court against the judgment passed in O.A. No. 985/93 and the same was dismissed on merits vide order dated 11.07.1996.

A copy of the order of the Hon'ble Supreme Court is annexed herewith for perusal of Hon'ble Tribunal as Annexure- III.

4.11 That it is stated that the applicant was initially selected through Staff Selection Commission by competitive examination for direct recruitment on all India basis in the cadre of Grade-III Stenographer and subsequently promoted to the post of Steno Gr. II. Stenographer and Assistant in the DAVP are comparable to the scale of Stenographer and Assistant in the Central Secretariate which is evident from the comparative chart shown in

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the preceding paragraph as such the applicant is entitled to the benefit of higher revised pay scale of Rs. 1640-2900/- w.e.f. 22.08.1988 in terms of O.M dated 31.07.1990. Moreover, post of Stenographer Grade-II and Assistant of DAVP are equivalent in the rank and status and comparable to the Stenographer Grade-II and Assistant of DFP, since the applicant is similarly situated like the applicants of O.A. No. 548/94, therefore entitled to benefit of higher scale of pay contained in above mentioned O.M dated 31.07.1990.

4.12 That your applicant submitted numbers of representations for extension of benefit of higher scale of pay of Rs. 1640-2900 w.e.f. 22.08.1988 since the applicant was promoted to the grade of Stenographer Grade- II w.e.f. 22.08.1988. Applicant submitted representations on different dates i.e. on 18.03.96, 29.08.96, 25.02.97, 05.01.01, 01.05.02, 30.04.02, 24.06.02, 04.12.02, 03.12.03, 10.01.05, 04.07.05, praying interalia for extension of the benefit of the higher revised scale w.e.f. 22.08.88, in terms of the O.M dated 31.07.1990, in the light of decision rendered by the Hon'ble Tribunal in O.A. No. 548/94, which was accepted and implemented by the respondents Union of India, in favour of the counterparts of the applicant working under the same Ministry in the department of Directorate of Field Publicity and on the ground that the applicant is similarly situated in rank, status, scale of pay like those Stenographers Grade- II who are working in the Directorate of Field Publicity and approached the CAT, Principal Bench, New Delhi through O.A. No. 548/94.

Copy of few representation dated 04.12.02, 03.12.03, forwarding letter dated 23.12.03, representation dated 10.01.05 and 04.07.05 are enclosed herewith for perusal of the Hon'ble Tribunal as Annexure- IV (Series).

4.13 That it is stated that the respondents Union of India after considering grievance petition dated 03.12.03 issued the impugned office Memorandum bearing letter No. A-12033/1/202/Admn. 1 dated 16.08.2005, whereby the

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claim for extension of the benefit of higher pay scale of Rs. 1640-2900/- w.e.f. 22.08.88 and corresponding revised scale Rs. 5500-9000 w.e.f. 01.01.96 has been rejected in a most mechanical manner without application of mind on the pretext that benefit of a judgment/order of a Central Administrative Tribunal cannot be extended to the non-applicants and further stated that higher pay scale of Rs. 1640-2900 has been restricted to the Assistants/Stenos in CSS/CSSS and the same has not been extended to the similar post in subordinate offices/ autonomous organizations in terms of Ministry of Finance letter dated 30.06.05 and in terms of O.M dated 15.04.04. It is surprising to note that the ground on which the claim of the applicant has been rejected by the DAVP is not sustainable in the eye of law, as because Government of India being a modal employer cannot force the employees of a particular class to approach the Court of law and obtain individual order in their favour on a particular issue more so when the judgment and order passed in O.A. No. 548/1994 by the learned Principal Bench New Delhi was accepted and implemented by the respondents Ministry, now they cannot deny the extension of the said benefit to the similarly situated employees like the applicant. Moreover, when the respondents Union of India accepted and implemented the judgment dated 19.01.1996 passed in O.A. No. 548/1994 in favour of the employees working in the subordinate offices like DFP and other Central Government departments indicated in the preceding paragraphs as such their contention that the benefit of higher revised scales of Rs. 1,640-2,900/- (corresponding revised scale of Rs. 5,500-9000) has been restricted to the Assistant and Stenos in CSS/CSSS is false and misleading, on the one hand they have admitted the implementation of the judgment and order dated 19.01.1996 in O.A. 548/94, 144-A/93 and 985/93, therefore the statement and contention of the respondents are self contradictory. Moreover, further contention of the respondents that in view of the Ministry of Finance letter dated 30.06.2005 and 15.04.2004 the benefit of higher revised scales cannot be granted to the applicant is totally wrong as because it would be evident

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from a mere reading of the O.M dated 15.04.2004 that the Ministry of Finance, department of Expenditure has imposed restrictions regarding extension of benefit of higher scale contained in O.M dated 31.07.1990 exclusively to the Assistant and Stenographers of Autonomous bodies, it is categorically submitted that the applicant is working in Central Government department, therefore the O.M dated 30.06.2005 or O.M dated 15.04.2004 cannot be made applicable in the instant case of the applicant and on that ground alone the impugned order dated 16.08.2005 is liable to be set aside and quashed.

It is submitted that although reference is made regarding letter dated 30.06.2005 but the same has not made available to the applicant as such contention of the U.O letter dated 30.06.2005 is not known to the applicant.

A copy of the impugned order dated 16.08.05 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- V.

- 4.14 That your applicant being similarly situated like those Stenographers Grade-II, who were applicant in O.A. No. 548/94 of the Directorate of Field Publicity, as such denial of the benefit of higher revised scale of pay contained in O.M dated 31.07.1990 is highly discriminatory, arbitrary and such action is in violation of Article 14 of the Constitution of India and on that ground alone the impugned office memorandum dated 16.08.2005 is liable to be set aside and quashed.
- 4.15 That it is stated that applicant was promoted to the cadre of Grade- I Stenographer in the scale of pay of Rs. 5,500-9,000 w.e.f 24.06.2005 and he was placed in the scale of pay of Rs. 5,500-9000/- vide order bearing letter No. 12011/3/2001 Admn. I dated 21/23.06.2005, whereas in view of the O.M dated 31.07.1990 the applicant is entitled to be placed in the scale of Rs. 1640-2900 w.e.f 22.08.1988 and applicant is further entitled to be placed in the scale of Rs. 5,500-9000 (revised) w.e.f 01.01.1996 onwards, therefore,

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his placement in the scale of Rs. 5,500-9,000 after his promotion to the cadre of Stenographer Grade-I w.e.f. 24.06.2005 is not correct rather he is entitled to be placed in the next higher scale of Rs. 6500-200-10,500/- w.e.f. 24.06.2005 with all consequential benefit. Be it stated that Stenographer Grade-I and the post of Senior Personal Assistant in the office of the Central Government are same and equivalent in the rank and status. It would be evident from the Employment News dated 6-12th July' 2002 that the Government of India issued advertisement inviting application for filling up the post of Senior Personal Assistant in the scale of Rs. 6500-200-10,500. Since the applicant is promoted in the cadre of Stenographer Grade-I is entitled to be placed in the further higher scale of Rs. 6500-10,500/- w.e.f 24.06.2005.

A copy of the Employment News dated 6-12th July' 2002 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- VI.

4.16 That your applicant submitted representations but the same have been rejected in a most arbitrary manner and thereby denied the appropriate scale of pay of Rs. 1640-2900 (revised Rs. 5500-9000/-) w.e.f. 22.08.1988 and as such applicant is incurring financial loss each and every month due to non-fixation of his pay in the appropriate scale of pay and as such it is a continuous wrong giving recurring cause of action due to negligence and inaction of the respondents Union of India.

In the circumstances stated above applicant has no other alternative remedy but to approach this Hon'ble Tribunal for protection of his valuable and legal right and be pleased to pass appropriate order directing the respondents to grant and fix the pay in the scale of Rs. 1640-2900/- w.e.f. 22.08.1988 and further corresponding scale of Rs. 5500-9000/- w.e.f. 01.01.96 and the Hon'ble Court further be pleased to direct the respondents to grant the scale of Rs. 6,500-200-10,500/- w.e.f 24.06.2005 with all consequential benefit and arrears monetary benefits.

Raghabendranath Das

4.17 That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

5.1 For that, the applicant being similarly circumstanced like the Stenographer Grade- II of Directorate of Field publicity who were applicants in O.A. No. 548/1994 for extension of the benefit of higher revised scale of Rs. 1640-2900/- (revised Rs. 5500-9000) in terms of the DOPT O.M dated 31.07.1990 entitled to the same benefit of higher scale of Rs. 1640-2900 w.c.f. 22.08.1988, in light of the judgment and order dated 19.01.1996 passed in favour of those employees of the same Ministry which was further accepted by the same respondents Union of India

5.2 For that, the applicant is similarly circumstanced like those Stenographers Grade- II of the Directorate of Field Publicity and was vested with similar duties, responsibilities and nature of work, moreover, recruitment conditions, rank, status and scale of pay of the Stenographer Grade-II of the Directorate of Advertising and Visual Publicity are exactly similarly with that of Directorate of Field Publicity and both are Central Government department under the Ministry of Information and Broadcasting.

5.3 For that, applicant was selected from open market through competitive examination and the Grade, rank, duties and responsibilities and scale of pay of Stenographer Grade- II of the Directorate of Advertising and Visual Publicity are equivalent to the post included in the Assistant Grade of Central Secretariate service and Grade 'C' Stenographer of the Central Secretariate Stenographer Services and method of recruitment of both the categories are through open competition and posts are comparable to each other.

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5.4 For that, the applicant fulfils all the criteria laid down in the O.M dated 31.07.1990 issued by the DOPT, Govt. of India and as such entitled to the benefit of higher revised scale contained in the aforesaid O.M dated 31.07.1990 with all consequential benefits.

5.5 For that, denial of benefit of higher scale of pay to the applicant when the same was extended to the similarly situated employees of the Directorate of Filed publicity and also in other subordinate offices of the Central Government department either following the judgment and order of the learned Central Administrative Tribunal or by virtue of the administrative orders issued by the administrative Ministries of various Central Government department as such non-extension of the benefit to the applicant is highly discriminatory and the same is in violation of principles laid down in Article 14 of the Constitution of India.

5.6 For that, the judgment and order passed in favour of similarly situated employees in O.A. No. 985/1993 was carried on appeal by filing a Special Leave Petition before the Hon'ble Supreme Court but the same was dismissed by the Hon'ble Supreme Court by order dated 11.07.1996 on merit, and thereby confirmed the judgment and order passed by the learned Central Administrative Tribunal in O.A. No. 985/1993.

5.7 For that, the grounds assigned in the impugned order dated 16th August, 2005, while rejecting the claim of the applicant for grant of higher scale of pay of Rs. 1640-2900/- (revised Rs. 5500-9000/-) is not sustainable in the eye of law inasmuch as Union of India cannot compel each and every employee to approach the Court of law for obtaining a particular relief when the same was decided in favour of the similarly situated employees of the same Ministry by a competent Court of law by it's judgment and order dated 19.01.1996 passed in O.A. No. 548/94 under the same Ministry and more so when the same judgment was accepted and implemented by the respondent Union of India in favour of the employees

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of the subordinate offices of the Central Government department as such contention raised in the impugned order dated 16.08.05 is not sustainable in the eye of law.

- 5.8 For that the contention of the respondents that the benefit of a judgment rendered by a competent Court of law is restricted only to the applicants as per extend policy of the Government is highly arbitrary, unfair on the part of a model employer like Union of India.
- 5.9 For that, the contention of the respondents raised in the O.M dated 16.08.05 that the benefit of higher scale has been restricted to the Assistants and Stenos in CSS/CSSS is self contradictory and said statement is false and misleading inasmuch as the benefit has been extended to the Stenographer Grade- II working in the Directorate of Filed Publicity who are similarly situated like the present applicant.
- 5.10 For that, denial of allotment of appropriate scale of pay and re-fixation of pay to the similarly situated employees working under the same Ministry in the same rank and status is a continuous wrong, causing irreparable financial loss each and every month and on that score alone the impugned order dated 16.08.2005 is liable to be set aside and quashed.
- 5.11 For that the applicant being similarly situated like those Stenographers of Directorate of Film Publicity and working in the Central Government department as such denial of the benefit of higher scale of pay on the ground assigned in the letter dated 30.06.2005 and 15.04.2004 issued by the Govt. of India, Ministry of Finance is not sustainable in the eye of law.

6. Details of remedies exhausted.

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

Raghavendra Nath Das

7. **Matters not previously filed or pending with any other Court.**

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition, or Suit is pending before any of them.

8. **Relief (s) sought for:**

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1 That the Hon'ble Tribunal be pleased to direct the respondents to grant and re-fix the benefit of higher revised scale of pay of Rs. 1640-2900 with effect from 22.08.1988 and corresponding revised scale of pay of Rs. 5,500-9000/- w.e.f. 01.01.1996 onwards and further be pleased to direct the respondents to place the applicant in the next higher scale of Rs. 6,500-200-10,500/- with effect from 24.06.2005 by necessary modification of the promotion order bearing letter No. A-12011/3/2001 Admn. I dated 21/23-6/05 with all consequential benefits including arrear monetary benefit.

8.2 Costs of the application.

8.3 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. **Interim order prayed for:**

During pendency of the application, the applicant prays for the following interim relief: -

Raghabendranath Das

9.1 That the Hon'ble Tribunal be pleased to observe that pendency of this application shall not be a bar for grant of relief prayed for in this application.

10.

11. Particulars of the I.P.O

i) I.P.O No.	266 317128. S.
ii) Date of issue	28.11.05
iii) Issued from	G. P. O. Guwahati
iv) Payable at	G. P. O. Guwahati

12. List of enclosures:

As given in the index.

Raghabendranath Das

VERIFICATION

I, Sri Raghabendra Nath Das, aged about 47 years, working as Stenographer Grade - I, in the office of Regional Office, DAVP, Guwahati, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 26th day of November, 2005.

Raghabendranath Das

Annexure- I

(Typed copy)

(Extract)

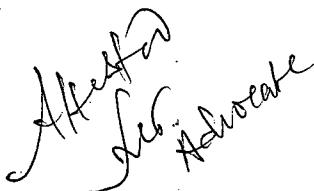
No. 2/1/90-CS-IV

Government of India

Ministry of Personnel, Public Grievances and Pension
Department of Personnel & TrainingNew Delhi, dated the 31st July, 1990

Subject: Revision of Scale of Pay of Assistant Grade of Central Secretarial Service and Grade 'C' Stenographers of Central Secretarial Stenographer Service.

1. The undersigned is directed to say that the question regarding revision of scale of pay for the post of Assistants in the Central Secretarial etc., has been under consideration of the Government in terms of order dated 23rd May, 1989 in O.A. No. 1530/87 by the Central Administrative Tribunal, Principal Bench, New Delhi for some time past. The President is now pleased to prescribe the revised scale of Rs. 1640-60-2600-EB-75-2900 for the pre-revised scale of Rs. 425-15-560-20-700-EB-25-800 for duly posts included in the Assistant Grade of Central Secretarial Service and Grade 'C' Stenographers of Central Secretarial Stenographers Service with effect from 1.1.1986. The same revised pay scale will also be applicable to Assistants and Stenographers in other Organisations like Ministry of External Affairs which are not participating in the Central Secretarial Service and Central Secretarial Stenographers Service but where the post are in comparable grades with same classification and pay scale and the method of recruitment through Open Competitive Examination is also the same.



A. K. Subramanian
Advocate

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2. Pay of the Assistants and Grade 'C' Stenographers in position as on 1.1.1986, shall be fixed in terms of Central Civil Service (Revised Pay) Rules 1986. The employees concerned shall be given option to opt for the revised scale of pay from 1.1.1986 or subsequent date in terms of Rule 5 ibid, read with Ministry of Finance O.M. No. 7 (52)-E.III/86 dated 22.12.1986 & 27.5.1988 in the form appended to Second Schedule of the rule ibid. This option should be exercised within three months of the date of issue of the O.M. This option once exercised shall be final.

3. Formal amendment to CSS (RP) Rules, 1986 will be issued in due course.

4. This issues with concurrence of Ministry of Finance (Department of Expenditure) vide their U.O. No. 7(48)/IC/89 dt. 30.7.90.

Sd/- Illegible

Under Secretary to the Govt. of India.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
DISBURSEMENT BY PRINCIPAL BENCH-II

NEW DELHI

10.30 A.M. IST

Annexure-II

Original Application No. 144-A of 1993

THIS DAY OF 19th January, 1996.

HON'BLE MR N.V. KRISHNAN, ACTING CHAIRMAN
HON'BLE MR D.C. VERMA, JUDICIAL MEMBER

V.R. Panchal, S/o Sri Rati Lal, R/o F-49, Road No. 4,
Andrews Ganj, New Delhi, working as Crime Assistant
in the office of Central Bureau of Investigation, Delhi
Region, Block No. 4, C.G.O. Complex, Lodi Road,
New Delhi.

2. B.S. Sethi, Crime Assistant/CBI, as on 1.1.1986
(now JA/CBI)

3. Pritam Lal, Crime Assistant/CBI as on 1.1.1986
(now OS/CBI).

4. M.C. Das, Crime Assistant/CBI as on 1.1.1986
(now OS/CBI)

5. G.V.S. Rao, Crime Assistant/CBI, as on 1.1.1986
(now OS/CBI).

6. V.R. Prasad Rao, Crime Assistant/CBI as on 1.1.1986
(now OS/CBI).

7. Joy Joseph, Crime Assistant/CBI as on 1.1.1986
(now OS/CBI).

8. D.G.K. Sastry, Crime Assistant/CBI as on 1.1.1986
(now OS/CBI)-

9. B.D. Goel, Crime Assistant/CBI as on 1.1.1986
(now OS/CBI).

*Attaf
Advocate*

11. B.B. Goel, Crime Assistant/CBI.

12. M.C. Kholia, Crime Assistant/CBI.

13. Sobha Chand, Crime Assistant/CBI.

14. P.V. Krishnamurthy, Crime Assistant/CBI.

15. R.N. Murthy, Crime Assistant/CBI.

16. L.R. Chandra, Crime Assistant/CBI.

17. Naresh Kumar, Crime Assistant/CBI.

18. G.K. Garg, Crime Assistant/CBI.

19. H.S. Chakravarthy, Crime Assistant/CBI.

20. R.N. Prashad, Crime Assistant/CBI.

21. Rajinder Singh, Crime Assistant/CBI.

22. R.N. Bhardwaj, Crime Assistant/CBI.

23. Prem Prakash, Crime Assistant/CBI.

24. N.K. Tiwari, Crime Assistant/CBI.

25. G.K. Swamy, Crime Assistant/CBI.

26. K.D. Singal, P.A. (Steno Gr.'C') as on 1.1.1986
(now Sr. P.A.).

27. Smt. Krishna Anand, PA (Steno Gr.'C') as on 1.1.1986
(now Sr. P.A.).

28. Smt. Kanta Gaba, PA (Steno Gr.'C') as on 1.1.1986
(now Sr. P.A.).

29. Prabha B. Singh P.A. (Steno Gr.'C').

30. Uppi Bhatia, P.A. (Steno Gr.'C') as on 1.1.1986

32. Smt. Parvesh Chawla PA (Steno Gr. 'C') as on
11.1.1986 (now Sr. P.A.).

33. Sri Ashok Sahaney, PA/CBI.

34. N. N. Datta, P.A./CBI.

35. R.N. Lutha PA/CBI.

36. Smt. Jayshree, P.A./CBI.

37. S.P. Narula, P.A./CBI.

38. M.L. Khanna, PA/CBI.

39. S.K. Srivastava, PA/CBI.

Applicants

By Advocate : Sri V.S. R. Krishna

Versus

Union of India through its Secretary, Department of
Personnel & Training, New Delhi.

2. Union of India through its Secretary, Ministry of
Finance (Department of Expenditure), New Delhi.

3. Central Bureau of Investigation, Block No. 3 CGO
Complex, New Delhi.

Respondents

By Advocate : Sri M.M. Sudan

With

Original Application No. 985 of 1993

Goverdhan Lal, S/o Late Sri Permanand, R/o SEC V/1558,
R.K. Puram, New Delhi.

2. Murari Lal, S/o Sri Boman Lal, R/o E-574, West.

3. Bajjeet Singh, S/o Sri Ramji Lal, R/o 548, Chirag,
Delhi.

4. Lakshman Dass, S/o Late Sri Behari Lal, R/o 510,
Rishi Nagar, Shakur Basti, Delhi.

5. Charan Singh, S/o Sri Prem Singh, R/o 328 Munirka,
New Delhi.

6. C.S. Negi, S/o Late Sri H.S. Negi, R/o S-IV, E.B.
Road, New Delhi.

7. R.K. Chopra, S/o Sri Hans Raj Chopra, R/o 84, East/
Azad Nagar, New Delhi.

8. D.R. Khullar, S/o Late Sri Lal Chand Khullar, R/o
60/43, Kalibari Marg, DIZ Area, New Delhi.

9. M.N. Chopra, S/o Late Sri S.D. Chopra, 94, Moti
Bagh, TYPE III, New Delhi.

10. Sampat Sahni S/o Sri M.L. Sahni, R/o 165-A Mayur
Vihar, Phase II, Pocket-C, New Delhi.

11. P.G. Kirar, S/o Giri Raj Parshad, R/o LP-61-A
Murya Enclave, Pitam pura, Delhi.

12. Miss Sarla Sachdeva, D/o Sri Kanaya Lal Sachdeva,
R/OH-117 , D.S.A. Flats, Naraina, New Delhi.

13. R.K. Aroga, S/o Lt. Sri G.N. Arora, R/o 22-A
Indra Park Palam Road, New Delhi.

14. R.M. Sharma, S/o Lt. Sri Ram Dhari Sharma, R/o
40-F Aram Bagh, Type-B, New Delhi.

15. S.R. Ghai, S/o Late Sri B.R. Ghai, R/o Sec. 3/928
K.K. Puram, New Delhi.

17. Radhey Shyam, S/o Late Sri Banwari Lal, 250,
I.T. Colony, Unit, Pitam Pura, Delhi.

18. Smt. Urmil Bhatia, W/o Sri Gulshan Bhatia, R/o
C-1 G.2 Dislshad Garden, Delhi.

19. Sri Bhanshyam, S/o Lt. Sri Rama Ram, R/o Vill &
Post Karala, Delhi.

20. Ishwar Singh, S/p Lt. Sri Raja Ram, R/o Vill.
Balanr, P.O. Bahadurgarh, Dist. Rohtak (Haryana).

21. Surinder Singh, S/o Sri J.B. Singh, R/o G-39
Nanakpura, New Delhi.

22. Smt. Neelam Raichand, W/o Sri Arun Kumar Raichand,
R/o 9, Mousam Vihar, New Delhi.

23. Rajinder Kumar Arora, S/o late Sri O.P. Arora,
R/o H.No. 494, Circular Road, Shahadara, Delhi.

24. Kasturi Lal, S/o Lt. Sh. Banshi Ram, R/o 4161/65
Gali Shahtara, Ajmeri Gate, Delhi.

Applicants

By Advocate : Sri M.L. Ohri

Versus

Union of India through the Secretary, Ministry of
Finance, Dept. of Revenue, North Block, New Delhi.

2. The Secretary, Ministry of Personnel, Public
Grievances and Pensions, Dept. of Personnel &
Training, New Delhi.

3. The Chairman, Central Board of Direct Taxes,
Ministry of Finance, Department of Revenue, North
Block, New Delhi.

Respondents

By Advocate : U.P. Uppal

Brahm Dass, Directorate of Field Publicity, Ministry of Information & Broadcasting, East Block 4, Level 3,

R.K. Puram, New Delhi.

2. H.K. Mahto, Directorate of Field Publicity,

Ministry of I & B, R.K. Puram, New Delhi.

3. Sukhdev Raj Sharma, Directorate of Field Publicity, Ministry of I & B, R.K. Puram, New Delhi.

4. J.K. Garg, Directorate of Field Publicity, Ministry of I & B, R.K. Puram, New Delhi.

5. V.S. Negi, Directorate of Field Publicity, Ministry of I & B, R.K. Puram, New Delhi.

6. Mrs. Harbans Ahuja, Directorate of Field Publicity, Ministry of I & B, R.K. Puram, New Delhi.

7. Mrs. Rashmi Marwaha, Directorate of Field Publicity, Ministry of I & B, R.K. Puram, New Delhi.

8. N.S. Srivastava, Regional Office, Directorate of Field Publicity, Ministry of I & B, Vidhan Sabha Marg, Lucknow.

9. Vishan Das, Regional Office, Directorate of Field Publicity, Ministry of I & B, Chittranjan Marg, Jaipur.

10. Mrs. Shreemati Arun Moralwar, Regional Office, Directorate of Field Publicity, Ministry of I & B, Vidya Vihar, Pune.

11. K.K. Sharma, Regional Office, Dte of Field

Publicity, Ministry of I & B, Sector 34-A, Chandigarh.

12. Desh Raj, Directorate of Field Publicity,

Ministry of I & B, R.K. Puram, New Delhi.

13. Desh Raj, Regional Office Dte. of Field Publicity,

Assam Region, Guwahati.

14. V. Padmabhan, Regional Office, Dte. of Field
Publicity, Ministry of I & B, Tamil Nadu Region,
Madras.

Applicants

By Advocate : Sri V.S. R. Krishna

Versus

Union of India through the Secretary, Ministry of
I & B, Shastri Bhawan, New Delhi.

2. The Secretary, Department of Personnel &
Training, Ministry of Personnel & Public Grievances
& Pensions, New Delhi.

3. The Secretary, Ministry of Finance, North
Block, New Delhi.

4. The Director of Field Publicity, East Block 4
Level 3, R.K. Puram, New Delhi.

Respondents

By Advocate : Sri M.M. Susan

ORDER

D.C. VERMA, MEMBER (J)

In the three O.A.s, the applicants are
Restaurants and Stenographers. The

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disparity in the Pay-scales given to their counterparts

in the Central Secretariat. As the points involved in the 3 O.A.s are common, it is being disposed of by a single order.

2. In O.A. No. 144-A/93, 39 applicants are

working as 'Crime Assistants' and Stenographers Grade 'C'

(P.A.) in the department of Central Bureau of Investigation (in short C.B.I.) attached office of the Ministry of Personnel & Public Grievances & Pensions, Govt. of India.

3. In O.A. No. 985/93, 24 applicants are Assistants in the office of Directorate General of Income Tax (INV), North, New Delhi which is attached office of Central Board of Direct Taxes, Ministry of Finance, Department of Revenue.

4. In O.A. No. 548/94, 14 applicants are working as Stenographers Grade-II and Assistants in the Directorate of Field Publicity (in short DFP), Ministry of Information & Broadcasting.

5. All the applicants who are working as Assistants or Stenographers Grade-II of the O.A. No. 548/94 pay-scale of Rs. 1400-2600/- by the 4th Pay Commission (in short P.C.). The same recommendation was made by the 4th P.C. to the Assistants and Stenographers Grade-II (P.A.) who are working in the Central Secretariat. However, by a subsequent O.M. No. 2/1/90 CS.4 dated 31.7.90 revised scale of pay of Rs. 1640-2900 in the pre-revised scale of

Stenographers
Stenographers of Central Secretariat Services
to revised pay-scales from 1.1.1986 was given. The same revised pay-
scales for NCC Level E.F. 1.1.1986 was also made applicable to Assistants and
"B" Grade Clerks. The revised pay-scales was also made applicable to Assistants and
"B" Grade Clerks who are working in other organisation
like the Ministry of External Affairs which were not
participating in the Central Secretariat Services
(in short CSS) and Central Secretariat Stenographers

Services (in short CSSS) but where the posts were in comparable grades with same classification and pay-scales and the method of recruitment through open competitive examination was the same. This is the case with regard to employees of various O.M./cause of grievance to employees of various Govt. agrieved employees Central/departments. They file As in different Benches of the Tribunal.

Benches of the Tribunal.

Before discussing the facts of each case, it would be better to transverse the case law on the point.

In the case of Randhir Singh Vs. Union of India & others (AIR 1982 SC, 877), the apex court has held as below :

"It is true that equation of posts and equation of pay are matters primarily for Executive Government and expert bodies like the Pay Commission and not for courts, but where all things are equal that is, where all relevant considerations are the same, persons holding identical posts may not be treated differentially in the matter of their pay merely because they belong to different departments. Of course, if officers of the same rank perform dissimilar functions and the powers, duties and responsibilities of the posts held by them vary, such officers may not be heard to complain of dissimilar pay merely because the posts are of the same rank and the nomenclature is the same." It is also known that there can be and

" It is well-known that there can be and there are different grades in a service, with varying qualifications for entry into a particular grade, the higher grade often

either academic qualifications or experience based on length of service, reasonably sustain the classification of the officers into two grades with different scales of pay. The principle of equal pay for equal work would be an abstract doctrine not attracting Art. 14 if sought to be applied to them AIR 1962 SC 1139, "Distinguished."

"It is true that the principle of "equal pay for equal work" is not expressly declared by our Constitution to be a fundamental right. But it certainly is a Constitutional goal."

"Constructing Articles 14 and 16 in the light of the preamble and Article 39(d), it is clear that the principle "Equal pay for Equal work" is deducible from those Articles and may be properly applied to cases for unequal scales of pay based on no classification or irrational classification though those drawing the different scales of pay do identical work under the same employer."

The principle as laid down in Ranbir Singh's case (supra) has been reiterated in the case of Mewa Ram Kanodia vs. All India Institute of Medical Sciences and others (A.R.J. 1989 (1) page 654) in the following words :

"The doctrine of "Equal Pay for equal work" is not expressly declared a fundamental right under the Constitution. But Article 39 (d) read with Articles 14 and 16 of the Constitution declares the constitutional goal enjoining the State not to deny any person equality before law in matters relating to employment including the scales of pay. Article 39(d) read with Articles 14 and 16 of the Constitution enjoins the State that where all things are equal, persons holding identical posts, performing identical and similar duties under the same employer should not be treated differently in the matter of their pay. The doctrine of "Equal pay for equal work" is not abstract one, it is open to the State to prescribe different scales of pay for different post having regard to educational qualifications, duties and responsibilities of the post. The principle of "Equal pay for equal work" is applicable when employees holding the same rank perform similar functions and discharge similar duties and responsibilities are treated differently. The application of the doctrine would arise where employees are equal in every respect but they are denied equality in payment."

occupying the post 7. In view of the above, the principle of

"Equal pay for equal work" is applicable when employees holding the same rank perform similar functions and discharge similar duties and responsibilities are treated differently in the matter relating to the scale of pay. While

dealing with the parity of the pay-scale in the case of State of U.P. & others Vs. J.P. Chaurasia & others (1989 SC (I&S) 71), the apex court relied on the earlier decision including Randhir Singh's case (supra) and the case of Bagwandas Vs. State of Haryana (1987 (4) SCC 634) and observed as below :

"Primarily it requires among others, evaluation of duties and responsibilities of the respective posts. More often functions of two posts may appear to be the same or similar, but there may be difference in degrees in the performance. The quantity of work may be the same, but quality may be different that cannot be determined by relying upon averments in affidavits of interested parties. The equation of posts or equation of pay must be left to the Executive Government. It must be determined by expert bodies like Pay Commission. They would be the best judge to evaluate the nature of duties and responsibilities of posts. If there is any such determination by a Commission or Committee, the court should normally accept it. The Court should not try to tinker with such equivalence unless it is shown that it was made with extraneous consideration."

8. In view of the above, the Court should normally accept the decision taken on the basis of recommendations of the P.C., which is an expert body to determine pay-scales. However, in case it is found that for extraneous consideration, by a subsequent State action or inaction,

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may sometime feel it necessary, for the purpose of providing justice, to interfere with the orders issued by the executive. Some such situations, amongst others, are as below, where,

(i) the pay commission committed to consider the pay-scale of some posts of any particular service, or

(ii) the Pay-commission recommended certain scales based on no classification or irrational classification, or

(iii) after recommendation of the Pay-commission is accepted by the Govt., there is unjust treatment by subsequent arbitrary State action/or in action. In other words the subsequent State action/in action results in favourable treatment to some and unfair treatment to others.

9. In the case of all the above three situations, courts interference is absolutely necessary to undo the in-justice. Aggrieved employees have a right and the courts have jurisdiction to remedy the unjust treatment metted by arbitrary State action or in action.

10. In view of the principle of law derived as above, facts of each case has to be examined separately to find whether the applicants of the three O.A.s are entitled to have their pay-scales revised on the basis of the O.M. of the Govt. of India dated 31.7.90.

11. O.A. No. 144-A/93

in the department of C.B.I. which is an attached office of Ministry of Personnel, Public Grievances & Pensions, Govt. of India. It is stated in the O.A., and not denied in the Counter reply that prior to 24.11.1967, all the ministerial posts in C.B.I. (Head Office) were manned by Personnel belonging to CSS, CSSS and CSCS services.

It is also not denied that for the first time, the Ministry of Home Affairs vide its letter dated 24.11.1967 redesignated post of Assistant to Crime Assistant and Stenographer as Personal Assistant in the department of C.B.I. with a specific mention that "the redesignated posts would carry the same scale of pay and allowances as at present and there would also be no change in their classification". The result being that the Assistants and P.A.s in the department of C.B.I. stand automatically excluded from the purview of the CSS, CSSS and CSCS cadres of the Ministry of Home Affairs.

12. In para 4.8 of the O.A., it is clearly stated that the "equality and nature of work, functions, duties and responsibilities of the Section Officers vis-a-vis Crime Assistants, Grade 'C' Stenographers vis-a-vis Personal Assistants of C.B.I. are identical and similar in all respects". This fact is not denied by the respondents in their reply. As regards the nature of work, functions, duties and responsibilities of the Crime Assistants and Grade 'C' Stenogra-

Assistants and Grade 'C' Stenographers of the
Ministry of Finance at the Civil Secretariat, we are of the view, are
assessments of duty identical and similar in all respects. The
judgment given by the Tribunal in S.A. No.

760/88 in the case of Puran Chand & others vs.

Union of India & others, the following paragraph

so far it relates to work and duties of the Assistants
in the CSS and Crime Assistants of the C.B.I. are
concerned, is very relevant and so extracted
below:

"The Ministry of Finance have not
agreed with the recommendations of the
Department of Personnel without explain-
ing as to show the work done by the
Crime Assistants in the C.B.I. on their
promotion as Office Superintendent is of
lower category, or responsibility. From
the noting in the file of Ministry of
Personnel, it is quite clear that the
Ministry of Personnel have reached the
conclusion that there is a parity between
the duties and responsibilities of the
applicants with those of the Assistants
and Section Officers in the CSS and as
such they should be entitled to "equal
pay for equal work". They should be
entitled to the same facilities. The
Supreme Court has already held that
"Equal pay should be paid for equal work!"

13. Thus, from the documents on record, it
is fully established that there is parity between
the duties and responsibilities of the applicants
in S.A. No. 144-A/93 with those of Assistants and
Stenographers Grade 'C' in the CSS and CSSS.

14. As regards the pay-scales prior to
4th P.C., the scales of Crime Assistants of the
C.B.I. and the Assistants of CSS cadres were
Rs. 425-800/- and those of Personal Assistants
of the C.B.I. and Stenographers Grade 'C' of
CSSS cadres were also Rs. 425-800/-. The 4th P.C.

to all the above category i.e. Crime Assistants.

in para 8.15. 92nd of and the Personal Assistants of the department of
own level including those of the C.B.I. and Assistants and Stenographers Grade 'C'
(s) 8.15. 92nd of the CSS and CSSS and this recommendations of
(a) 8.15. 92nd of the CSS and CSSS and this recommendations of
the 4th P.C. was accepted by the Govt. of the
Govt. of India in 1947. The recommendations of the
4th P.C. has been quoted in para 4.14 of the O.A. The
relevant portion of the 4th P.C. as quoted in the
O.A. are given below :

"8.41. The scale of Rs. 425-800/- covers
posts of Assistant and Stenographer in
different ministries/departments, auditor
under C&AG, etc. The recruitment is
either through competitive examination or
by promotion from the scale of Rs. 330-560/-

"8.42. There are three other scales which
are segments of the scale of Rs. 425-800/-
and these are Rs. 425-700/-, Rs. 440-750/-
(at (c)) and Rs. 440-750/- (at (c)). The
categories of posts covered by the scale
of Rs. 425-750/- are engineering assistant
in doordarshan and all India radio,
selection grade, inspector of telegraph
and assistant superintendent (telegraph
and telephone) in P&T and stock verifier
in railways. The scale of Rs. 440-750/-
at (c) and the scale of Rs. 440-750/- at
(e) are for trained graduate teachers,
the scale of Rs. 440-750/- at (e) having
been introduced subsequent to the report
of the Third Pay Commission, appointment
to all these posts is partly by promotion
from the scales of Rs. 330-560/- and
Rs. 425-640/- and partly by direct
recruitment.

"8.43. The scale of Rs. 470-750/- covers
categories of posts like scientific assis-
tant in departments of atomic energy and
space, tradesman in the department of
space, section controller in the railways,
assistant foreman in the department of
energy and grade IV officers of the
Central Information Service (CIS).
Appointment to these categories of posts
is mostly by promotion from the level
of Rs. 330-560/- and Rs. 425-700/-. There
is also direct recruitment for certain
categories of posts like reporter in
All India Radio, Scientific Assistant in
department of Space and for grade IV of
CIS.

15. In order to avoid siting of posts in the same pay-scale, we recommend that all categories of posts presently covered by the scales of (a) to (e) and the scales of Rs. 425-800/-; (b) Rs. 425-750/-; (c) Rs. 410-750/-; (d) Rs. 470-750/- and (e) Rs. 440-750/- may be grouped together and given the scale of Rs. 1400-40-1600-50-2300-EB-60-2600/-. In respect of the categories of posts in the scale of Rs. 470-750/- where graduates in science are directly recruited, we recommend that a suitable higher start may be given in the scale of Rs. 1400-40-1600-50-2300-EB-60-2600." (Emphasis added)

16. Thus, it is clear that after considering various factors to attract persons of required qualifications and calibre and with a view that the salary structure should be coherent and should adequately reflect the substantial differences in the nature and responsibilities of the various posts and to avoid frustration in the employees on comparing his lot with his peers and to minimise the number of pay-scales, the pay-commission made the above recommendations on the basis of duties and responsibilities of various posts. The concept of "Equal pay for equal work" as principle for determining the salary of the Government employees was also taken note of. The 4th P.C. observed in para 7.12 that " in the absence of any distinguishing features, employees of the Central Government in different branches should be paid equally, if their work was adjudged to be of equal value."

17. The learned counsel for the respondents has contested the claim of the applicants on the ground that each department had its own methods of recruitment and same/equal pay-scales cannot be

-18-

-3-

is merely on the ground that the applicants did not satisfy the conditions laid down in DP&T O.M. dated 31.7.90. In other words, this contention is based on the fact that the nature of work performed by the Assistants/ notaries and Stenographers Grade I in the Ministry of the Govt. of India and duties/functions of the Petitioners working in the C.B.I. are quite different and the posts with different qualifications have different methods of recruitment and source of entry and as such there cannot be any parity to justify the grant of the revised higher pay-scales to the petitioners.

18. It has been already discussed above

and found established that so far the work, duties and responsibilities of the applicants as Crime Assistants and P.A.s are concerned, they are equal to that of their counterparts working in the Civil Secretariat in the cadres of CSS and CSJS.

It has also been found that even the department of Personnel had found parity between the duties and responsibilities of the applicants working as Crime Assistant with that of Assistants of CSS.

The matter was examined by 4th P.C. and 4th P.C. also recommended the same scales to both the categories of employees.

Issue of O.M. dated 31.7.90, disparity has been created between the employees of CSS and the applicants of this case. Even in O.M.

dated 31.7.90, it is mentioned that the same revised pay-scale will also be applicable to

Assistants and Stenographers in other organisation

and the Central Secretariat Stenographers Services but where the posts are in comparable grades with same classification and pay-scales and the method of recruitment through Open Competitive Examination is also the same." This part of the O.M. has been examined by the various Benches of the Tribunal.

Assistants & Stenographers Grade 'C' working in the department of Central Administrative Tribunal, Border Security Force, Indo Tibetan Border Police, Central Industrial Security Force and Bureau of Police & Research Development were parity with Assistants of CSS and Steno Gr'C' of CSSS, granted by the Tribunal. It is also worthwhile mentioning that there was no provision for direct recruitment to the post concerned in Border Security Force and to the post of assistants in Central Administrative Tribunal.

19. Besides the above, this point has been already considered by the apex court in the case of Bhagwan Das Vs. State of Haryana (1987 (2) A.T.J. 479. Therein, the contention on behalf of State was that the respondents were selected by the subordinate service Selection Board after competing with candidates from any part of the country and applicant's that normally the selection at best is limited to the candidates from the cluster of a few villages only. Repelling the arguments of State's Counsel, the apex court has held as below :

"We need not enter into the merits of the respective modes of selection. Assuming that the selection of the petitioners has been limited to the cluster of a few villages whereas Respondents 2 to 6 were selected by another mode wherein they had faced competition from candidates from all

to be dissimilar the fact that the recruitment was made in one way or the other would hardly be relevant from the point of view of "Equal Pay for equal Work" doctrine. It was open to the State to resort to a selection process where the candidates from all over the country might have competed if they so desired. If however they deliberately chose to limit the selection of the candidates from a cluster of a few villages it will not absolve the State from treating such candidates disadvantage of the selectees of an discriminatory manner to the once they are appointed provided the work done by the candidates so selected is similar in nature."

(Emphasis made)

20. Thus, in view of the above discussions, the applicants are entitled to the scale of Rs. 1640-2900/- at par with the Assistants and Stenographers Grade 'C' working in the CSS and CSSS cadres.

21. O.A. No. 985/93

The applicants, in this case, are Assistants in the office of Director General of Income Tax (INV) North, New Delhi, in the pay-scales of Rs. 1400-2600/-. The office of the Director General of Income Tax is an attached office of the Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, New Delhi. The applicants are holders of Group 'C' Non-Gazetted post. The case of the applicants is that by all 4 previous P.C.S., parity was maintained between the applicants and their counterparts working in the CSS cadres. In para 4.3. of the O.A., the pay-scales of Assistant in the office of Central Board of Direct Taxes and Central Secretariat Services has been given, which is as below :

20. Most judiciary of this time before
1982 to the court to help to file
cases of any kind.

state exceeding 6000/- & 6000/-
which is not true. As revised by
Central Govt. of India, the pay scale
of 2nd Pay Commission is 1400/- to 2600/-
which is not true. The revised pay scale
does not go with the revised pay scale
of 1st Pay Commission.

Scale of pay of
Assistants in the attached
office of Central Board of
Direct Taxes & Central
Secretariat Service

1st Pay Commission	Rs. 160-450
2nd Pay Commission	Rs. 210-530
3rd Pay Commission	Rs. 425-800
4th Pay Commission	Rs. 1400-2600 "

21. The above fact has not been
denied by the respondents in their reply. The scale of Assistants
working in the Central Secretariat Service were
revised by O.M. dated 31.7.90 but w.e.f. 1.1.1986.

Assistants working in the Central Secretariat
were given the pay-scale of Rs. 1640-2900/- in place
of Rs. 1400-2600/-. The same revision in the scale
of pay of the applicants was not made and the
representation was rejected by the order dated
4/9/12/92 (Annexure-2). The grounds for rejection
given in Annexure-2, is as below :

"Item	Assistants in the Central Secretariat	Assistants in the Directorates of the CBDT
1. Classification	Group 'B' (Non-gazetted)	Group 'C'
2. Method of Recruitment	Partly by Direct Recruitment through UPSC and partly by promotion from UDCs. There is no Direct Recruitment from UDCs.	100% by promotion from UDCs. There is no Direct Recruitment from UDCs.
3. Nature of Duties & Responsibilities	Assistants in the Central Secretariat contribute to policy making of the Govt. of India.	The Directorates of the CBDT not deal with any policy making of the matter. The nature of duties and responsibilities of Assistants is routine and clerical.
4. Promotion to Higher Grade	Assistants in the Central Secretariat are eligible for promotion to	Assistants in the Directorates are eligible for promotion to

as well, as in the scale of Rs. 2000-3200 p.s per Recruitment Rules (Group 'C' Non-gazetted)."

23. (i) Issue As regards the grounds of rejection at S.I. No. xxxxx 2 is concerned, we need not discuss the same in detail, as the same has been already examined and found not tenable in the earlier O.A. No. 144-A/93, in view of apex court decision quoted in para 19 in the case of Bhagwan Das Vs. State of Haryana. at S.I. No. 1 As regards classification is concerned, the point was discussed by the ~~xxxxx~~ Ernakulam Bench in its judgment dated 26.7.95 in O.A. No. 1322/94 & O.A. No. 276/95 in the case of K.R. Chandrasekharan Kunji Vs. The Secretary, Department of Revenue, Ministry of Finance, Central Secretariat, New Delhi

The Ernakulam Bench has held as below :

"It was argued further that Assistants in the External Affairs Ministry are in Group 'B' while Assistants in the Passport Office are in Group 'C'. This exactly is the grievance of the applicants. According to them two classes who are similar are differently treated by dividing them into Group 'B' and 'C'. Therefore, the argument of respondents would only establish the case of discrimination and not justify it."

24. The third point is that the

nature of duties and responsibilities of the Assistants in the Central Secretariat is to contribute to policy making of the Govt. of India and whereas the applicants who hold the posts of Assistants in CBDT do not deal with any policy matter and do only routine and clerical job. ~~xxx~~

~~xxx~~ The ~~xxxxx~~ Ernakulam Bench in

of Revenue, Ministry of Finance, Central Secretariat,

is at New Delhi, decided on 20.7.95, (supra) which

was also considering the case of Assistants
in the Enforcement Directorate and Passport Office
for the scale of Rs. 1640-2900/- (See *infra* 1.1.1986).

A similar ground was taken, and Ernakulam Bench
observed "we find it difficult to endorse the
view that officials at a comparatively lower
level like Assistants in the Ministry have anything
to do with policy matters in the real sense."

25. We are in full agreement with the
views expressed by the Ernakulam Bench, on the point.

26. The fourth ground of rejection is that
Assistants in the Central Secretariat are eligible
for promotion to the post of Section Officer in
the pay-scale of Rs. 2000-3500/- (Grade 'B' Gazetted),
on the other hand, the Assistants in the
Directorates are eligible for promotion to the
post of Senior Technical Assistant/Technical
Research Assistant in the scale of Rs. 1640-2900/-
as well as in the scale of Rs. 2000-3200/- which is
Group 'C' Non-Gazetted post. In other words, the
case of the respondents is that scale of
Rs. 1640-2900/- is an intermediary scale between
the post of Assistants and Technical Research
Assistant which is a promotional posts of the
applicants who are working in the scale of

thereafter Technical Research Assistant (Scale

Rs. 2000-3200/-).

27.

that due to intermediary scales, the applicants were not given the scales of Rs. 1640-2900/- is also not sustainable. This point has already been considered, in a similar matter by Hon'ble Supreme Court in the case of Union of India & Others Vs. Debasish Kar & others (1995 SCC (L&S) 1303.

The apex court was dealing with the scale given to Draughtsmen Grade II in C.W.D and Ordnance Factories. A similar objection, as in the case before us regarding intermediary scale, was taken before the apex court and the same was repelled in the following words :

"Sri N.N. Goswami, learned Senior Counsel appearing in support of the appeals as well as the special leave petitions and the review petition, has urged that the channel of promotion in Ordnance Factories is different from the channel of the promotion in C.W.D inasmuch as in C.P.D there is no further promotion after a person reaches the scale of Draughtsman Grade I while in Ordnance Factories a draughtsman is entitled to be promoted as Chargeman Grade II and thereafter as Chargeman Grade I and as Foreman and that the post of Chargeman Grade II which is the promotional post for draughtsman was in the pay-scale of Rs. 425-700 would result in placement of Draughtsman in the said pay-scale of Rs. 425-700/- would result in Draughtsman being placed at the same level as the promotional post of Chargeman Grade II and, therefore, the benefit of the revision of pay-scales under Office Memorandum dated 13.3.1984 cannot be extended to the Draughtsman in Ordnance Factories. On behalf of the respondents, it is disputed that there are no promotional chances for Draughtsman Grade I in C.P.D. This for Draughtsman Grade I in C.P.D. This

As regards the post of Draughtsmen and being a promotional post for Draughtsmen in Ordnance Factories and it being in the scale of Rs. 425-700/- cannot be a justification for denying the revision of pay scales to Draughtsmen and their being placed in the scale of Rs. 425-700/- on the basis of the Office Memorandum dated 13.3.1984 if such Draughtsmen are otherwise entitled to such revision in the pay-scale on the basis of the said memorandum.

28. In the case before us, Assistants in the Directorates attached to CBDT and Assistants in CSS were in the same scale prior to issue of O.M. dated 31.7.90. Thus, for more than 4 decades Directorate, all the previous since establishment of the ~~Ministers~~ Pay-Commissions till the 4th P.C., the parity of the pay-scales between the two were maintained. There is nothing on record to show that after recommendation of the 4th P.C., which was accepted by the Govt., any new developments occurred to create differentiation between the status of the Assistants working in the Directorates attached to CBDT and that of CSS. The O.M. dated 31.7.90 has, thus, created dis-parity between the two and, therefore, the order dated 4/9.12.92 refusing the pay-scale of Rs. 1640-2900/- to the applicants cannot be sustained on the ground of discrimination.

29. In our view, therefore, the present applicants are entitled to the scales of Rs. 1640-2900/- at par with the Assistants in the CSS.

Stenographers Grade-II and Assistants in the
Directorate of Field Publicity, Ministry of
Information & Broadcasting. Both the post
belong to General Central Service, Non-Gazetted
ministerial post and are at present in the scale
of Rs. 1400-2600/- The Directorate of Field
Publicity was a participating office in the
Central Secretariat Service/Central Secretariat
Stenographers Service from its inception. The
posts sanctioned for the DFP were included in
the authorised permanent strength of the Ministry
of Information & Broadcasting and manned by the
Personnel of the said Ministry upto 1975. Thereaft
er, DFP was excluded from the purview of the
Central Secretariat Service/Central Secretariat
Stenographers Service. At that time, those who
had opted for the DFP were retained in the DFP
with their original status, pay, scales etc.
The O.M. dated 31.7.90 is the cause of grievance
to the applicants.

31. The main ground for rejection of the claim of the applicants is (i) that the method of recruitment to these posts in the Directorate is not through open competition; (ii) that the pay-scales for the post of Stenographer Grade-II in the I.F.P. was Rs. 425-700/- which was subsequently revised to Rs. 1400-2300/- on the recommendations of the 4th P.C. and later on it was again revised to Rs. 1400-2600/- w.e.f. 1.1.1986 by the Ministry of Finance, D.M. dated 8.5.90 and (iii) since 5th

matter will be taken with them. 46

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32. It is not denied that right from

the year 1971, the scales of Stenographers and

Assistants in the DFP were comparable to the scale

of Stenographers and Assistants in the Central

Secretariat. A comparative table showing the

equation of posts and pay-scales has been given

in para 4.12 of the O.A., and is being reproduced

below.

"Year Pay-Scale of Assts. & stenos in the Central Sectt. Pay Scale of Assts. & stenos in the Central Sectt. Pay Scale of Assts. & stenos in the Central Sectt.

DFP

other organi-
sations like
ITBP, CISF,
Cabinet Sectt
as also in
EPR&D AFHQ, IB
CBI,SSB RAW &
BSF

Year	Pay-Scale of Assts. & stenos in the Central Sectt. DFP	Pay Scale of Assts. & stenos in the Central Sectt.	Pay Scale of Assts. & stenos in the Central Sectt.
1971	210-530	210-530	210-530
CONSEQUENT UPON RECOMMENDATIONS OF 3RD PAY COMMISSION			
1973	425-800	425-800	425-800
CONSEQUENT UPON RECOMMENDATIONS OF 4TH PAY COMMISSION			
1986	1400-2600	1400-2600	1400-2600

Upon issue of GOI Ministry of Personnel OM No. 2/1/90-CS.IV dated 31.7.90 (Ann.A-1) revising the pay-scales of Stenographers Grade 'C' and Assistants from Rs. 1400-2600/- to Rs. 1640-2900/- to be effective retrospectively from 1.1.1986 in the Central Secretariat Service.

33. The applicants till the year 1975, were

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participating in the CSS/CSSS and were discharging

their duties of Stenographers Grade II and Assistants

in the same manner as those of Stenographers and

Assistants in the CSS/CSSS. It has been asserted

in para 4.7 of the O.A. that the job contents of

the Stenographers Grade II and the Assistants in

the DFP was absolutely the same as in the comparable

departments. It has been further asserted that

status and responsibilities of the applicants in

the DFP is in no way inferior than in any of the

comparable posts in the CSS. This fact too has

not been denied in the reply. Thus, as regards

work, duties and responsibilities of the applicants

vis-a-vis their counterparts in the CSS/CSSS

are concerned, is not in dispute that they are

comparable.

34. The point that there is no provision for direct recruitment on the basis of open competition, has already been discussed and found not sustainable, in our discussions in the earlier O.A.s above.

35. The other point is that pay-scale of Stenographers Grade-II of DFP was only Rs. 425-700/- whereas those of CSSS was Rs. 425-800/-. It is not disputed that the scale of Rs. 425-700/- was revised to Rs. 1400-2300/-, but the scale of Stenographers Grade II of DFP was subsequently revised to Rs. 1400-2600/-, by O.M. dated 4.5.90 w.e.f. 1.1.1986. Thus, the benefit of the scale of Rs. 1400-2600/- was made available to Stenographer

may be reasons, the Government in its own wisdom thought it proper to bring the Stenographers

Grade-II of DFP at par with CSSS. However, by

the impugned order dated 31.7.90 different scale

was given to CSSS and Stenographer Grade-II of

some other departments. The ground mentioned

in the O.M. dated 31.7.90 for putting CSSS in

a higher pay-scale has not been found tenable;

in view of various apex court judgments, by the

Tribunal in various cases. In the case before

us, we are of the view that the case of the

applicants who are working as Assistants &

Stenographers Grade-II in the DFP cannot be

discriminated.

36. The third point that since 5th P.C.

has been announced by the Government and the matter will be taken-up with them, the applicants should wait till the recommendations of the 5th P.C., is also not tenable. The

applicants are claiming parity w.e.f. 1.1.1986.

The Government has, after, putting the applicants at par with CSSS/CSSS created a discrimination by issue of O.M. dated 31.7.90 and hence this matter can be well decided by this Tribunal.

37. In our view, therefore, the applicants, in this case, are also entitled to the scale of Rs. 1640-2900/- as their counterparts in the CSS/CSSS.

38. In view of our discussions made above,

all the three O.M.s are allowed and the respondents of the respective O.M.s are directed to make

the scale of Rs. 1640-2900/-, but the payment of arrears would be limited to one year prior to date of filing of the respective U.n.s. However, the fixation of pay will be effective w.e.f. 1.1.1966. If any of the applicant has, in the meanwhile, during the pendency of the case, retired he will be given consequential benefits thereof. The order and directions given in the case shall be complied with by the respondents within a period of two months w.e.f. the date of communication of this order.

39. In the facts and circumstances of the case, there shall be no order as to costs.

Member (J)

SIRISH/-

19/1/1966
Acting Chairman

CERTIFIED COPY
Date: 19/1/1966
Central Administrative Tribunal
Section Office
Central Administrative Tribunal
Sankat Mumba, New Delhi

Attest
Advocate

To
The Joint Secretary(P&A),
and
Director of Grievance,
Ministry of Information&'B' Casting,
'A' Wing, Shawstri Bhawan,
New Delhi-110001.

Sub:- Grievance Petition of Sh.R.N.Das, Stenographer-Gr.II of DAVP-reg.

Sir,

In response to Min.of I&B,Admn.IV Section's I.D.No.5/6/2002-Admn.IV dtd.13.1.05 and subsequent it's letter of even no. dtd. 03.02.05, on the above subject, kindly refer to the endorsement letter of DAVP I.D.No.A-12033/1/2002-Admn.I(Part) dtd. 04.02/05 to Sh.G.S.Pundir,US(A),Min.of I&B and also its endorsement letter of even no.dtd. 17/22/2/05 to him, the original of which are addressed to Sh.Dinesh Arora, Section Officer, MUC,Min.of I&B. But, so far, I neither received the due benefits nor any decision in this regard.

Meanwhile, I talked to Sh.N.P.Joshi,S.O,MUC,Min.of I&B over phone on 15.03.05 and 28.3.05 while I have been informed that the file has been referred to the DOP&T/Law Ministry respectively.

Sir, you may kindly be aware that the decision is pending almost for 10 years and I do not know how much time will further be required to get the legitimate claims /Ministry's decision. As stated earlier that I was selected through Staff Selection Commission and not by any Department and hence considering all the facts narrated by me in my several grievances supported with various required papers , I think personally that the decision for its implementation is unnecessarily being delayed causing harassment to me like anything.

Further, I am to mention here that the Expenditure Secretary, Ministry of Finance had a meeting with the staff side of All India Audit and Accounts Association,Distt.Ghaziabad(UP) on 15.02.1999 and the views as opined by the Expenditure Secretary as indicated in the letter No.AIA/HQ/01-5/99 dtd. 23.02.99 in regard to the pay-scale of Stenographer Gr.II, the extract of the views is reproduced below for kind information, perusal and necessary action.

"In many departments the Stenographer-Gr.II were in the pay-scale of Rs.1400/- -Rs.2600/-have been granted the upgraded pay-scale of Rs.1640/- - 2900/- and also implemented by the Government. The result is that Stenographers Gr.II in some departments have been assigned the higher grade of Rs.5500/- - Rs.9000/- , it is still Rs.5000/- -Rs.8000/- in other departments where they could not go to the Tribunals or where the decision of CAT could not be implemented before the pay-scales of V CPC were implemented. The Expenditure Secretary said that CAT decision should be implemented before any contempt petitions are filed."

In the light of the above, I would request you to please take some pain for its expeditious implementation/decision so that I being a junior staff keep my faith and regards to the Superiors for ever.

Thanking you,

Yours faithfully,

53/4/2005
(R.N. Das)

Stenographer-Gr.II
Regional Office, DAVP,
Min.of I&B, Nabin Nagar,
Janapath,Guwahati-781024.

Date: 04.04.05

*Advocate
Advocate*

To
The Joint Secretary(P&A)
And
Director of Grievances,
Ministry of I&B,
'A' Wing, Shastri Bhawan,
New Delhi-110001.

Sub:- Grievance Petition-Other Service matters in respect of
Sh.R.N.Das, Stenographer Gr.II/'C', Regional Office, DAVP,
Guwahati- regarding.

Respected Sir,

With reference to my letter dated 3.12.03 on the above subject, I have the honour to draw your kind attention under compulsion again to the effect that, I received a letter on 31.12.2003, issued by the Dy. Director(Admn.I), DAVP, New Delhi, intimating me vide its letter No. A12033/1/2002-Admn.I dated 23.12.2003, that the matter relating to the revision of pay-scale etc. was still under consideration in consultation with the Min. of I&B and the decision taken by the Ministry would be communicated to me in due course. I am enclosing herewith a copy each of the above two letters for your ready reference, perusal and kind intervention please(Annexure-'A&B').

Sir, I am sorry enough to mention here that it is almost 10 years(ten) passing away but, I have neither received the due and genuine benefits as requested for in my Grievance Petitions time to time nor I have been communicated the Ministry's decision so far despite there is clear guidelines contained in the Ministry of Personnel, Public Grievances and Pensions 'D.O.Letter No.K-11011/5-2003-PG dated 3rd May, 2003, that the petitioner should be informed of the progress of his/her grievance. And it may be stated that, when no decision has not been taken by the Ministry for last 10 years, it may be presumed that obviously there was a merit and this should be considered favourably without further loss of time and energy in all respects.

Sir, though it may be irrelevant but I like to say here that my Home Town is at Kolkata(West Bengal). I have served at RO, DAVP, Guwahati(NE Region) being promoted wrongly from Kolkata, from August '88 to December '95, transferred to DAVP, Hqrs along with the post and served there from January '96 to July '97 and again transferred along with the post to REO, DAVP, Kolkata and served there from August '97 to Nov. '2000 and further transferred to Guwahati and have been working from Dec. '2000 to till date.

However, on the above subject, I have requested before Director, DAVP, conveying in details so as to take necessary and proper action administratively by the Deptt./Ministry as well. I am also enclosing herewith a copy of the letter along with its enclosures, addressed to the Director, DAVP, New Delhi, for your kind perusal and immediate relief from this long pending matter(Annexure-'C').

I believe in right earnest Sir, that perhaps you would be kind enough for its convincing, if you would kindly take some pain to go through the merit of my case narrated in the enclosed copy of my letter to the Director, DAVP, New Delhi.

Your kind and soonest favourable action is highly expected in this regard.

Thanking you,

Yours faithfully,

Encls: 1) Annexure-A&B'

2) Copy of letter to Director a/w
its enclosures.

Date: 10.01.05.

✓ Copy for information and kind action at the earliest. Please, to:

Director, DAVP, New Delhi

10.01.05
(R. N. Das)

Stenographer Gr.II/'C'

Regional Office: DAVP: Guwahati

10.01.05
(R. N. Das)
Stenographer Gr.II/'C'
Regional Office, DAVP, Guwahati

7c

To
The Director,
DAVP, Min:of I&B,
New Delhi-110001.

(Through Proper Channel)

Sub:- Grievance petition for revising the pay-scale from Rs.1400/-Rs.2600/- to Rs.1640/- Rs.2900/- w.e.f. 1.1.1986 on the basis of O.A.No.548/94 of Principal Bench of the CAT, New Delhi's judgement dtd. 2/2/1996 and from Rs.5000/- -Rs.8000/- to Rs.5500/- -Rs.9000/- w.e.f. 1.1.196 in respect of Sh.R.N.Das,Stenographer Gr.II/'C',Regional Office, DAVP,Guwahati and other service matters-reg.

Ref:1)Letter No.42/4/239/2002 -AD IV(PG) dtd. 12.8.02 of Sh.V.K.Sekhri,Under Secretary to the Govt. of India ,Min.of I&B,New Delhi(Copy enclosed- Annexure 'A').

2)Letter No.A-12013/1/2002-Admn.I dtd. 23.12.2003 issued by Dy.Director (Admn.I),DAVP,New Delhi(Copy enclosed-Annexure-'B').

Respected sir,

I have the honour to draw your kind and proper attention sympathetically on the above subjects and for the decision of the Ministry as indicated in the letter under reference (2) above which is still awaited, though as per Ministry of Personnel, Public Grievances and Pensions' letter dtd. 5.3.2003, the petitioner should be informed of the progress of his/her grievance.

Sir, I have been writing on the above revision of pay-scale for about 10(ten) years. But, the reason for keeping it non-implemented/undecided over the matter by the Deptt./Ministry as well for such a long years causing me irritated because of deprivation from the legitimate claims since **August'88 and onwards** , is not known to me.

On the above matter, I like to state here that I belong to Kolkata (West Bengal). I applied and appeared in the All India Open Competitive Examination conducted by the Staff Selection Commission in 1980 for the post of Stenographer Gr.III/'D' in the pay-scale of Rs.330/- -560/- (revised as 1200-2040/- &4000/- -6000/-) and was appointed at Regional Exhibition Office, DAVP,Kolkata in July,1982 in the post of Stenographer Gr.III/'D'. And afterwards, I was offered promotion for the post of Stenographer Gr.II/'C' at RO,DAVP,Guwahati as sanctioned vide Ministry's letter No.3/8/81-Bud./DAVP/DS(I)dtd. **28.1.1982**(Copy Enclosed-Annexure-'C')in the pay-scale of Rs.1400/- -Rs.2300/- which was revised it subsequently to Rs.1400/- -2600/- (now Rs.5000/- -Rs.8000/-) wrongly, and I joined in August1988. I was also transferred to DAVP,Hqrs. in Dec.1995 to DAVP,Kolkata in July,1997 and to Guwahati in Nov.2000. But, the candidates joined in Delhi including DAVP and other places in the poast kof Stenographer Gr.III/'D' in the same pay-scale of Rs.330/- -560/- (revised 1200/-2040/4000/- -6000/-), while promoted to the post of Stenographer Gr.II/'C' or PA, they have been given the pay-scale of Rs.1640/- -2900/- (now Rs.5500/- -9000/-). It may be found that there was absolute anomalies towards pay-scale and also in the designation despite the rank /nature of the job was same. Moreover, there was clearly mentioned in the said judgement that even the similarly placed persons having similar nature of duties, posted in any corner including the villages/remote areas of the country, pay-scale would be the same and jthere should not be any discrimination. Again, it may be reiterated that the Supreme Court has given the similar view for a particular case published in the Swamy's News in Agust'04. A copy of the same is also enclosed for ready reference and kind perusal(Annexure-'D').

Though, I had been appointed through the Open Competitive Examination conducted by the Staff Selection Commission in All India basis and **not through Employment Exchange or through Advertisement published in the News papers for a particular post and for a particular Department**, I do not understand why I am not given the due benefit so far as like the benefits given to similarly placed persons and treated me other categories of employees wrongly by the Deptt. And thus, I have been holding the post of Steno.Gr.II/'C' as yet ,otherwise perhaps, I would have been eligible for the post of P.S during the 23 years of service in DAVP. In this regard, I am enclosing herewith a copy of an extract taken from the

Swamy's Master Manual for DDOs and Heads of Offices towards mode of recruitment etc.(i.e.Recruitment by Staff Selection Commission- 11 (iv)- Allotment of candidates by the Comission, for ready reference, perusal and necessary action(Annexure- 'E').

Accordingly, it seems that prior to Commission starts, if the recruitment made either through local Employment Exchange/Central Employment Exchange/Advertisement in the News papers for a particular post and for a particular Deptt., only, seniority lists would be prepared by the concerned Deptt., only, while like me, the candidates selected through Staff Selection Commission for various posts, common Inter-se-Seniority list would be prepared in the state/Region by the Deptt., after it was ascertained from the Commission which had not been done.

It may be mentioned here that the other categories of officers appointed through UPSC/through open Advertisement etc., and posted in various parts of the country are drawing the same pay-scale those who are J.Ds/ROs/Eos/Sos/Aos/FEOs/Exh.Asts./Sr.Artists/TA(M) etc.etc.

Further, I like to say that, as I have come to know from DAVP Admn.I Sec., I am going to be given upgradation promotion in the post of **Stenographer Gr.I** in the pay-scale of Rs.5500/- -9000/- in stead of the pay-scale Rs.6500/- -10500/- of P.S(which should be promoted like from Gr.III/D' to Gr.II'C' or PA to Gr.I or P.S). It may be mentioned here that Regional Director is also eligible for one P.S.

In view of the above, I shall be highly grateful, if you would arrange to give me the due benefits accordingly or intimate me the Ministry's decision immediately without killing furthermore time as this has already been delayed by taking 10 years which also proves that there was a merit to my grievance, to avoid any litigation in the matter in future.

Thanking you,

Yours faithfully,

2/10/05
(R.N. Das)

Stenographer Gr.II/C'

REGIONAL OFFICE;DAVP;GUWAHATI

Encl:as above

(Annexue-A-E') A copy of letter
sent to J.S., Min. of S&B.

Date:10.01.05.

SPEED POST

To
Sh. V.K. Sekhri,
Under Secretary to the Govt. of India,
Ministry of I&B,
'A' Wing, Shastri Bhavan,
Dr. Rajendra Prasad Road,
New Delhi-110001.

Sub:- Grievance Petition- Other service matters.
Ref:- Letter No.42/4/239/2002-AD IV(PG), Dtd. 12.08.02.

Sir,
With due respect, I would like to draw your kind attention on the above subject and reference.

Sir, I am enclosing herewith a copy each of letters dtd. 29.7.02 and 3.9.02 so far received from my Deptt., Hqrs., New Delhi, for your kind perusal and action.

As advised in the above cited reference, accordingly under compulsion I am to state here that I have not received the due claims so far from my Hqrs., New Delhi. And thus, I am still being deprived from getting the legitimate claims such as non-implementation of revised pay-scale from Rs.1400/- -2600/- to Rs.1640/- -2900/- w.e.f. August, 1988 applicable to me, on the basis of Judgement dtd. 2.2.1996 vide OA No.548/94 of CAT Principal Bench, New Delhi and from Rs.5000/- -8000/- to Rs.5500/- -9000/- w.e.f. 1.1.1996, ACP and also the benefit of upgradation of post as per DOP&T's letter dtd. August, 1999.

Meanwhile, I requested again to the Dy. Director(Admn.I), DAVP, New Delhi on 29.11.02 on the above subject and the same has been duly forwarded by this office vide letter No.GHT/RO/A-20012/10/01-02-1148 dtd. 29.11.02. I am also enclosing herewith a copy of the same for your kind perusal, ready reference and immediate action on the matters.

In view of the above, I would request you to kindly look into the matter so as to settle all of my long pending cases and relieve me from all mental anxieties without further delay.

Thanking you in anticipation, Sir.

Yours faithfully,

Raghunandranath Das.

(R.N.DAS)

Stenographer Grade-II/'C'
Regional Office, DAVP, Min. of I&B,
Nabin Nagar, Janpath, Guwahati-24.

Encls: as above

Date: 04.12.02

*Abhishek
Advocate*

To
Sh.Sudhir,Sharma,
Joint Secretary(P&A)
And
Director of Grievances,
Ministry of I&B,
'A'Wing, Shastri Bhavan,
New Delhi-110001.

Sub:-Grievance Petition – Other Service matters.

Sir,

Kindly refer to letter No.42/4/239/2002-AD IV(PG) dtd. 12.08.2002 of Sh.V.K.Sekhri, Under Secretary to the Govt. of India, Min. of I&B, New Delhi, on the above subject. I am enclosing herewith a copy of the same for your ready reference and kind perusal.

Sir, I understand from the endorsement copies of DAVP I.D.No.A-12033/1/2002-Admn.I dtd. 29.7.02 and subsequent of its even no. dtd. 03.09.02, that the decision on my grievances is still awaited. I am also enclosing herewith both the copies for your ready reference, kind perusal and necessary action.

the benefit of
Sir, I am surprised to state here that almost 8 years have been passed away to take a decision on my grievances for its implementation and thus I have been depriving from getting the due claims in regard to revision of pay-scale as was requested for earlier and also the upgradation of Post as has already been restructured in the ratio 40:40:20 of the Cadre of Non-Secretariat Stenographers *has not yet been given to me.*

I am writing this again, because till today I have neither received the benefits nor any decision about the progress of my Grievance Petition.

With a view to the above facts, I would seek your kind intervention on my grievances so as to settle the cases expeditiously and accordingly I may not have to disturb you time and again.

Thanking you, Sir,

Encls:as above

Date: 03.12.2003

Raghabendranath Das
(RAGHABENDRANATH DAS)
Stenographer- Gr.II
Regional Office, DAVP, Mi.of I&B,
Nabin Nagar, Janpath,
Guwahati-781024(ASSAM)

9c

By Speed Post

Government of India
Ministry of Information & Broadcasting
Directorate of Advertising & Visual Publicity
3rd Floor, PTI Building, Parliament Street,

No.A-12033/1/2002-Admn.I

New Delhi, dated 23-12-2003

Office Memorandum

Subject:- Representation of Shri R.N. Das, Stenographer Grade II, DAVP for enhancement of his pre-revised pay scale from Rs.1400-2600 to Rs.1640-2900 w.e.f 1.1.1986 as per CAT, New Delhi's order in O.A. No.548/94 filed by Assistants and Stenographers Grade -II of DFP.

The undersigned is directed to refer to a Grievance Petition dated 3.12.2003 of Shri R.N. Das, Stenographer Grade II, DAVP, Guwahati on the subject noted above and to say that the matter is still under consideration in consultation with the Ministry of Information & Broadcasting. In this connection the Ministry has sought some additional information in respect of Stenographers in the Directorate of Field Publicity (DFP). Accordingly, DFP has been requested to furnish the requisite information for onward transmission to the Ministry. The matter is being pursued with the DFP to expedite the information. The decision taken in the matter will be communicated in due course.

P.S. 22
(Puran Singh)
Dy. Director (Admn.)

✓ Shri R.N. Das,
Stenographer Grade II,
Regional Office,
DAVP Guwahati

I Through RO, DAVP, Guwahati
I
I
I

BY SPEED POST

**No. A-12033/1/2002-Admn.I
Government of India
Directorate of Advertising & Visual Publicity
(Ministry of Information & Broadcasting)**

**Soochana Bhavan, C.G.O. Complex, Lodhi Road,
New Delhi, Dated the 16th August 2005**

OFFICE MEMORANDUM

Subject : Representation of Shri R. N. Das, Stenographer Grade- II (now Stenographer Grade-I), Regional Office, DAVP, Guwahati regarding enhancement of pre-revised pay scale of Stenographer Grade - II as per CAT, New Delhi's Order in O.A. No. 548/94 filed by Assistants and Stenographers - II of DFP.

The undersigned is directed to refer to a Grievance Petition dated 03.12.2003 of Shri R. N. Das, Stenographer Grade - II (now Stenographer Grade - I), Regional Office, DAVP, Guwahati on the subject cited above and to say that the matter has been examined in consultation with the Ministry of Information & Broadcasting, Ministry of Law & Justice, Department of Personnel & Training and Ministry of Finance, Department of Expenditure. The Department of Expenditure has not agreed to this Directorate's proposal for extension of benefits of the CAT's Order dated 19.01.1996 in O.A. No.(s) 548/94, 144-A/93 and 985/93 to Shri R. N. Das, Stenographer Grade - II (now Stenographer Grade - I), Regional Office, DAVP, Guwahati for revision of the pay scale of Rs.1400-2600 w.e.f. 01.01.1986 and from Rs.5000-8000 to Rs.5500-9000 w.e.f. 01.01.1996. As per the extant policy, the benefit of any judgement/order of Court/Tribunal cannot be extended to the non-applicants. Further, the higher pay scale of Rs.1640-2900 has been restricted to the Assistants/Stenos in CSS/CSSS and the same has not been extended to the similar posts in subordinate offices/autonomous organizations. A copy of the Ministry of Finance, Department of Expenditure's U.O. No. 205/E.III dated 30.06.2005 along with their O.M. No. 6(3)-1C/95 dated 15.04.2004 is enclosed for ready reference.

Encl. As above.

**(ASHOK KUMAR)
DEPUTY DIRECTOR (ADMN.)
TELE. 2371 7023**

**Shri R. N. Das,
Stenographer Grade -I, (Through Regional Office, DAVP, Bangalore)
Regional Office, DAVP,
Guwahati.**

*Attest for
Smt. Advocate*

Copy to :-

BY SPEED POST

1. Regional Office (Shri S. C. Talukdar, Assistant Editor), DAVP, Guwahati. It is requested that the enclosed O.M. addressed to Shri R. N. Das, Stenographer Grade Regional Office, DAVP, Guwahati may please be got delivered to him under intimation to this Directorate.
2. Ministry of Information & Broadcasting, Admin.IV Section, Shastri Bhavan, New Delhi.
3. Ministry of Information & Broadcasting (Shri S. V. Krishnan, US (MC)), Shastri Bhavan, New Delhi with reference to their I.D. Note No. 1/35/2003-MUC dated 06.07.2005.

(ASHOK KUMAR)
DEPUTY DIRECTOR (ADMN.)

MAHARAJA RAHIL KHAN COLLEGE

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Guwahati Bench

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI**

O.A. No.298/2005

Sri Raghabendra Nath Das Applicant

Vs.

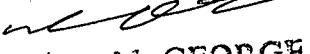
Union of India and others Respondents

**COUNTER AFFIDAVIT/REPLY ON BEHALF OF
RESPONDENTS**

Background of the Case.

Shri R.N. Das presently working as Stenographer Grade -I in the Regional Office of Directorate of Advertising & Visual Publicity(DAVP), Ministry of Information & Broadcasting at Guwahati was initially appointed as Stenographer Grade-III in the General Central Service in the pay scale of Rs.330-10-380-EB-12-500-15-560 w.e.f. 9.7.1982 in DAVP, Regional Office, Kalkota. He was promoted as Stenographer Grade-II in the scale of Rs.1400-40-1800-50-2300(pre-revised) in DAVP Regional Office, Guwahati w.e.f. 18.4.1988.

As per the recommendations of the Fifth Central Pay Commission, the cadre of Stenographers in non-Secretariat office of DAVP was restructured. In January, 2000, the then existing 2 posts of Stenographer Grade-II and 8 posts of Stenographers Grade III in DAVP was restructured in the ratio of 40:40:20 and 2 posts of Stenographer Grade-I in the scale of


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Adv. (A)

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5500-175-9000 were created w.e.f. 24.1.2000. Shri R.N. Das was promoted against one of two upgraded posts w.e.f. 24.6.2005 at DAVP Regional Office, Guwahati.

PARA-WISE COMMENTS.

1. Contents of para 1 is a matter of record. Hence, needs no reply.
2. No comments.
3. No comments.
- 4.1 & 4.2 The contents of these paras are matter of record. Hence needs no reply.
- 4.3 In reply to the averments made in this para, it is submitted that only the Hqrs. of DAVP in New Delhi is a participating Office of CSS/CSSS and its Regional Offices at various places are not participating in Central Secretariat Scheme.
- 4.4 As already mentioned in the background note, the applicant was appointed as Stenographer Grade-III in the General Central Service and he does not belong to the Central Secretariat Stenographers Service (CSSS). The promotional avenues and hierarchies mentioned by the applicant in this Para pertain to the CSSS Cadre in Secretariat offices and these are not applicable to the applicant.
- 4.5 It is a fact that the Stenographers Grade-II in the Directorate of Field Publicity (DFP) are drawing

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the scale of pay of Rs.5500-9000/-(revised) at present. They were given this pay scale on the basis of the judgment of the Hon'ble CAT Principal Bench in O.A. No.548 of 1994. The applicants in O.A. No.548/1994 were given the benefit of the pay scale by DFP in pursuance of the CAT's order dated 19.01.1996 without consulting Ministry of Information & Broadcasting/ Ministry of Finance/ Department of Personnel & Training. The matter was subsequently considered in the Ministry of I&B in consultation with DoP&T, M/o Law and M/o Finance and it was decided to allow all the applicants and similarly placed persons, who were placed in the higher scale of Rs. 5500-9000 in consonance with CAT's order dated 19.01.1996 to continue in the said higher pay scale on personal basis. Further, it was decided to revise the pay scale of the post of Stenographer Grade II in DFP, downwards to Rs. 5000-8000/- for all future incumbents. Therefore, there is no case for upgradation of the scale of Stenographer Grade II in DAVP on the basis of parity with their counterpart in DFP. The consideration for giving this scale to them was that the DFP was a participating office in the Central Secretariat Service/Central Secretariat Stenographers Service from its inception and the post of Assistants and Stenographers in DFP were included in the authorized permanent strength of the Ministry of

and so on

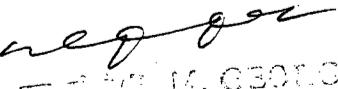
Dr. M. S. T. L. GOSWAMI
Dy. Dir. (A)

Information & Broadcasting and manned by the personnel of the said Ministry upto 1975. Thereafter, DFP was excluded from the purview of the Central Secretariat Service/Central Secretariat Stenographers Service. At that time, those who had opted for the DFP were retained in the DFP with their original status, pay scales, etc. Therefore, it is clear that there is no discrimination in the matter of pay scale of the applicant as he belongs to the General Central Service in a non-secretariat office and the pay scales of Stenographers in non-secretariat offices have been different during different pay commission times. He has been given the appropriate pay scale recommended by the Pay Commissions for non-secretariat offices from time to time and at present he is in the pay scale of Rs.5500-9000/- which is the scale recommended for Grade-I Stenographers in the restructured cadre in non-secretariat offices by the 5th Central Pay Commission.

The Fifth Pay Commission had considered the issue of pay parity between Stenographers outside the Secretariat and in the Secretariat and had not recommended the same. This has also been accepted by the Government.

4.6

The contents of this Para is a matter of record and


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4.7 The applicant is trying to confuse the issue with his averments in this Para. It is only the Assistants and Stenographers of CSS/CSSS Cadres working in the Hqrs. office of DAVP who are drawing the pay scales recommended for this category of employees in the Central Secretariat. Stenographers in non-Secretariat offices were having different pay scales in Grade-II and Grade-I of their service always.

4.8 Averments in this Para could be correct to some extent. But, the respondents do not have any official records of the pay scales drawn by the Stenographers of the sub-ordinate offices mentioned by the applicant in this Para to verify his claim. The fact is that M/o Finance (D/o Expenditure) was seized of the issue of grant of higher pay scales to their Stenographers by various autonomous organizations who have adopted the higher pay scales inadvertently and therefore they issued an office memorandum on 15.04.2004 withdrawing the benefit of the higher pay scale of Rs.1640-2900 (pre-revised) from all the autonomous bodies of Government of India which were erroneously granted by them. The case of Shri R.N. Das, for grant of the pay scale of 1640-2900 was taken up with Ministry of Finance (Department of Expenditure) through the Ministry of Information and Broadcasting. The D/o

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Expenditure vide their reply dated 30.6.2005 did not agree to grant of the said pay scale to the Applicant on the ground that this pay scale is restricted to the Assistants/Stenographers in CSS/CSSS only.

4.9 & 4.10 The contents of these Paras are a matter of record and hence no comments.

4.11 The averments in this Para are not correct. The applicant was initially appointed as a direct recruit Stenographer Grade-III in the pay scale of Rs. 330-560, which is a group 'C' post. He was subsequently promoted as Stenographer Grade-II in the pay scale of Rs.5000-8000 (revised) on 18.4.1988, which is also a Group 'C' post. A Stenographer Grade-III in CSSS who holds a Group 'C' post gets his next promotion to a Group 'B' non-gazetted post in the scale of Rs.5500-9000. The matter regarding pay scale was considered by the Ministry in consultation with DoP&T, Ministry of Law and Ministry of Finance and after due examination of the relevant factors, it was decided not to extend the upgradation of pay scale in respect of Assistants/ Stenographers of CSS/ CSSS to similar posts in other non-Secretariat offices.

The Department of Expenditure vide their O.M. No. 12(3)-E III(B) 199 dated 10.2.99 has clarified that designations are not the sole determinant of

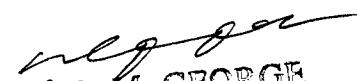
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pay scales and there are many other factors viz. eligibility, minimum educational qualifications, nature of duties and responsibilities, work load, professional skill and proficiency which are considered while deciding the pay scale appropriate to the post.

The associations of Stenographers have urged that there should be complete parity between Stenographers in non-Secretariat offices and in the Secretariat in matters relating to pay scales, designations, cadre structure, promotion avenues, level of stenographic assistance to officers in technical, scientific and research organization, etc. The matter was examined by the 5th Central Pay Commission. "The Commission had observed that as a general statement, it was correct to say that the basic nature of a Stenographer's work remained by and large the same whether he was working with an officer in the secretariat or with an officer in a subordinate office. The Commission was of the considered view that the size of the stenographer's job was very much dependent upon the nature of work entrusted to that officer and that 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, the requirement of secrecy even in civil offices of the

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secretariat could be very stringent. 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 in respect of matters listed in the preceding paragraph. To our mind, the observations of the Third CPC are as relevant today as they were at that point of time and we are not inclined to overlook them totally. In view of the above mentioned distinguishable features, we do not concede the demand for absolute parity in regard to pay scales between stenographers in offices outside the secretariat and in the secretariat notwithstanding the fact that some petitioner stenographers Grade II have got the benefit parity in pay scale through courts. However, pursuing the policy enunciated by the Second CPC that disparity in the pay scale prescribed for stenographers in the secretariat and the non-secretariat organizations should be reduced as far as possible, we are of the view that Stenographers Grade II should be placed in the existing pay scale of Rs.1600-2660 instead of Rs.1400-2300/Rs.1400-2600. The next available grade of stenographers in non-secretariat offices Rs.1640-2900 (Grade I)". Therefore, to say that the pay scale of the applicant and similar non-Secretariat Stenographers in the Regional Offices of DAVP is comparable to the pay scale of


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Stenographers of CSSS is not correct. The applicant is not similarly placed, has been explained in reply to Para 4.5 above.

The Supreme Court in judgment quoted in Para 8 of CAT, Principal Bench New Delhi's order dated 9.7.1997 in O.A. No.1629/92 has observed that it is the function of the Government which normally acts on the recommendations of Pay Commission, to revise pay scales. (CA No.7127/93 in the case of Shri P.V. Hariharan & Others). (Copy enclosed).

4.12 The representations submitted by the applicant were duly examined by the Govt. at the level of the Ministry of Finance (D/o Expenditure). A copy of their reply dated 30.6.05 has already been annexed at R.II.

4.13 As explained above, the representations of the Applicant were examined and replies were given to him on the basis of the Government policy with regard to the pay scales to be given to Stenographers in non-secretariat offices.

4.14 The averments in this Para has already been replied to in Para 4.5 and therefore not repeated.

4.15 The averments in this Para are personal views of the Applicant and therefore no comments are offered.

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4.15A Special thoughts and consideration were given to the category of Stenographers outside the Secretariat by the 5th Pay Commission in paras 46.27 to 46.43 of their report. Though the Commission had observed as a general statement that the basic nature of Stenographers work remained by and large the same, whether he was working in Secretariat or in sub-ordinate office. But due to various micro factors of their work, the pay commission did not concede the demand for absolute parity in pay scales between stenographers in offices outside the secretariat and in the secretariat notwithstanding the fact that some petitioner stenographers Grade-II have got the benefit of parity in pay scale through courts. Therefore, the 5th Pay Commission recommended varied pay scales to the Stenographers of Secretariat offices and non-secretariat offices. On his promotion to Stenographer Grade-I, the applicant was given the pay scale approved by the Government for Grade-I Stenographer in non-secretariat offices.

4.16 The averments in this Para have already been replied vide replies to various paragraphs above. No further comments are needed.

4.17 No comments.

5. **REPLY TO THE GROUNDS**

5.1& 5.2 That in reply to Para 4.5, it has been explained that Stenographers Grade-II in DFP were not similarly placed as the applicant. Therefore, the applicant is not entitled to the same benefits, which are available to Stenographer Grade-II in DFP. The applicants were given the benefit of the pay scale by DFP in pursuance of the CAT's order dated 19.01.1996 without consulting Ministry/ Ministry of Finance/ DoP&T. The matter was subsequently considered in the Ministry of I&B in consultation with DoP&T, M/o Law and M/o Finance and it was decided to allow all the applicants and similarly placed persons, who were placed in the higher scale of Rs. 5500-9000 in consonance with CAT's order dated 19.01.1996 to continue in the said higher pay scale on personal basis. Further, it was decided to revise the pay scale of the post of Stenographer Grade II in DFP, downwards to Rs. 5000-8000/- for all future incumbents.

As per the observation of the Supreme Court in judgement quoted in para 8 of CAT, Principal Bench, New Delhi's order dated 9-7-97 in O.A. No.1629/92, it is the function of the Government, to revise pay scales on the recommendations of Pay Commission.

5.3 As explained in reply to Para 4.3, Stenographers Grade-II of CSSS and Assistants of CSS cadres

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who are posted in the Directorate of Advertising & Visual Publicity by the Ministry of Information & Broadcasting, who are the controlling authority for these cadres, belong to Group 'B' non-gazetted post. But the applicant belongs to General Central Service (GCS) and Stenographer Grade-III and Grade-II in this service are Group 'C' posts and therefore these are not equivalent posts, although all these categories of employees are initially recruited through open competitive examinations.

As explained in Para 4.11 the designations are not the sole detriment of pay scales and many other factors are considered while deciding the pay scales.

5.4 M/o Finance vide their O.M. dated 15.4.2004 clarified that the DOPT's O.M. dated 31.7.1990 cited by the Applicant is meant exclusively for Assistants/Stenographers of CSS/CSSS Cadre. However, since the applicant belongs to GCS, the said O.M. is obviously not applicable to him.

5.5 In reply to various preceding Paras, it has been clarified that the applicant has not been discriminated by the Government in the matter of pay fixation and there is no violation of Article 14 of the Constitution in his case.

5.6 No comments.

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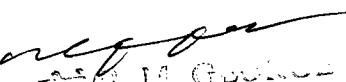
5.7 As far as pay fixation and other financial issues are concerned, Ministry of Finance (D/o Expenditure) is the Nodal Ministry. The reply given to the Applicant by the Respondent on 16.8.2005 was based on the advice tendered by the Nodal Ministry and it is considered proper.

5.8 This is a matter of the applicant's opinion. No comments are required.

5.9 The grounds raised in this Para have already been discussed in earlier Paras and not found tenable.

5.10 As already explained in the above Paras, no wrong has been perpetuated on the Applicant. He was initially appointed as Stenographer Grade-III in the scale of pay of Rs. 4000-6000(revised) and on his promotion as Stenographer Grade-II and Stenographer Grade-I, he has been given the pay scales of Rs.5000-8000 and Rs. 5500-9000 respectively. These are the scales recommended for these categories of posts in non-secretariat offices by the 5th Pay Commission and therefore no injustice done to the applicant.

5.11 to 5.13 These are repetition of earlier averments. The reasons for granting higher pay scale by the Hon'ble Court to the Stenographers of DFP have already been explained in reply to various Paras


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above. Since the Regional Offices of DAVP have never been participating in CSSS and the Stenographers working therein have always been recruited in the General Central Service as per the recruitment rules for these posts, there is no absolute parity in the two services and the ground mentioned by the Applicant for treating him at par is not sustainable. The applicants were given the benefit of the pay scale by DFP in pursuance of the CAT's order dated 19.01.1996 without consulting Ministry of Information and Broadcasting/ Ministry of Finance/ Department of Personnel & Training. The matter was subsequently considered in the Ministry of Information and Broadcasting in consultation with Department of Personnel & Training, M/o Law and M/o Finance and it was decided to allow all the applicants and similarly placed persons, who were placed in the higher scale of Rs. 5500-9000 in consonance with CAT's order dated 19.01.1996 to continue in the said higher pay scale on personal basis. Further, it was decided to revise the pay scale of the post of Stenographer Grade II in DFP, downwards to Rs. 5000-8000/- for all future incumbents

As explained in Para 5.2 as per the judgement made by the Hon'ble CAT in C.A. No.7127/95 in the case of Shri P.V. Hartiharan and others, it is the function of the Government to revise the pay

scales on the recommendations of the Pay Commission.

6. No comments.
7. No comments.
8. In view of the replies given to various Paras above, the application is devoid of merit and this Hon'ble Tribunal may be pleased to reject it.

PRAYER

In view of the facts and circumstances, as brought out above, in reply to the various Paras of the O.A., and there is no merit in the original application filed by the applicant and therefore this Hon'ble Tribunal may be pleased to dismiss it.

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RESPONDENTS

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सप्त निदेशक (प.) Dy. Dir. (A)

VERIFICATION

Verified at New Delhi on this 29th day of August 2006 as contents of the above Reply/Counter Affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

no signature
RESPONDENTS

पा० एस एस/र० M. GEORGE
सप्त निदेशक (प.) Dy. Dir. (A)
THROUGH

Dated: 29.08.2006

Counsel
Central Government Standing Counsel

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.
O.A. No.298/2005**

In the matter of

R.N. DAS

Applicant

Versus

Union of India

Respondents

AFFIDAVIT

I, P.M. George, S/o Late Shri P.T. Mathew, on behalf of Union of India, do hereby solemnly affirm and declare as under:

1. That I am competent to file the Reply/Counter Affidavit on behalf of the respondents and well conversant with the facts and circumstances of the case and competent to swear this Affidavit.

2. That Accompanying Reply/Counter Affidavit on behalf of Respondents has been drafted by my Counsel under my instructions and the contents of the same has been repeated herein for the sake of brevity, prolixity and repetition and the same may be read as part and parcel of this affidavit.

Signature
DEPONENT
(मेरा दावा, मेरी वकालत)
मेरी वकालत (प्रशासन) / Dy. Director (Admn.)
मेरी वकालत (प्रशासन) / Min. of I & B
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

VERIFICAITON

Verified at New Delhi on this 29th day of August 2006 as contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

mlgss

DEPONENT

(पी. एम. जोर्ज/ P. M. GEORGE)
उप निदेशक (एडमिन.)/Dy. Director (Admin.)
डि. ए. ए. वी. पी./D. A. V. P.
मु. ए. कंसाली/Min. of I & B
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

New Delhi dated 10th Feb., 1990.

OFFICE MEMORANDUM

Subject: Court cases regarding revision of Pay Scales of Assistants/Stenographers in Subordinate Offices/Autonomous Bodies - regarding

The undersigned is directed to say that the scale of pay of Assistants/Stenographers of CSS/CSSS was revised to Rs. 1640-2900 (pre-revised) vide DOPT's O.T.M. No. 2/I/90-CS. IV dated 31.7.90 consequent upon the decision of the Government based on the judgment of Central Administrative Tribunal, Principal Bench, New Delhi. The revised pay scale of Rs. 1640-2900 was also made applicable to Assistants/Stenographers in other organisations like Ministry of External Affairs etc. subject to the conditions laid down in the above O.M. The instructions contained in the DOPT's O.M. dated 31st July, 1990 were not applicable to autonomous bodies of Central Govt. etc. as clarified vide this Ministry's O.M. No. 744/IC/90 dated 14.12.90.

It has come to notice that a large number of employees in Subordinate Offices/autonomous organisations etc. have filed court cases demanding parity with the staff having identical designations/nomenclature in CSS/CSSS. In some of the cases, contempt petitions have been filed in the High Court. These cases are being defended by respective Ministries/Depts. under whose administrative control these employees are functioning.

In order to ensure that these cases are defended in a uniform manner, in the replies filed by the Departments, the following points may invariably be brought out:

(i) Designations are not the sole determinant of pay scales and there are many other factors viz. eligibility, minimum educational qualifications, nature of duties and responsibilities, work load, professional skill and proficiency which are considered while deciding the pay scale appropriate to the post.

The Fifth Pay Commission had considered the issue of parity between Stenographers outside the Secretariat and in the Secretariat and had not recommended the same. This has also been accepted by the Government. The relevant recommendations of the Fifth CPC may be ~~examined~~ in the draft counter reply.

Quoted

161

(iii)

The observations of the Supreme Court in judgement quoted in para 8 of CAT, Principal Bench New Delhi's order dated 9.7.97 in O.A. No. 1629/82 that it is the function of the Govt., which normally acts on the recommendations of Pay Commission, to revise pay-scales should also be highlighted in the counter reply. (CCA No. 7127/85 in the case of Sh. P.V. Hariharan & others). (copy enclosed)

All Ministries/Departments, etc. are requested to incorporate the above points in the counter replies while defending such cases in various courts of law. Draft counter reply may invariably be shown to Ministry of Finance (Dept.) of Expenditure before issue by respective Ministry/Dept.

All FAS are requested to bring this to the notice of administrative Ministries concerned for comments.

T.S. Bhatia

(T.S. Bhatia)

Under Secretary to the Govt. of India

Copy to Mr. J. K. Jain (M&A)

Mr. A

regress

O.M.No.6(3)-IC/95
 Government of India
 Ministry of Finance
 Department of Expenditure

78

New Delhi, dated 15th April 2004

2004

OFFICE MEMORANDUM

Sub: Revision of scale of pay of Assistant Grade of Central Secretarial Service and Grade 'C' Stenographers to Central Secretarial Stenographers Service.

The undersigned is directed to refer to DOPT's O.M. No.6/G/90-CS-1 dated 31.7.91 and Ministry of Finance O.M. No.744/IC/90 dated 1.1.91. December 1990 to the subject mentioned above and to state that DOPT's O.M. dated 31.7.90 was meant exclusively for Assistants/Stenographers of the CSS/CSSS and this was not to be extended to autonomous organization etc. However, it has come to the notice of the Govt. that some autonomous organizations have adopted the pay scale of Rs. 1640-2900 to their Assistants/Stenographers inadvertently. In some cases, the scale has been extended to autonomous organization on the basis of order of the CAJ.

It may be stated in this connection that the hon'ble High Court of Delhi vide their judgment dated 31.5.2002 and 18.12.2003 have specifically rejected the contention of the employees of autonomous organizations (e. KVS/NVS, NB and NIEPA etc.) that Assistants/Stenographers of autonomous bodies are entitled to the scale of Rs. 1640-2900 (pre-revised) w.e.f. 1.1.86. Accordingly, the benefit of higher pay scale is being withdrawn from all the autonomous bodies under the control of Ministry of HRD. The same benefit may also be withdrawn from the employees of other autonomous bodies of Govt. of India as well.

All the Financial Advisors are requested to take urgent corrective measures to withdraw the scale of Rs. 1640-2900 (pre-revised) from Assistants/Stenographers of autonomous organizations. The amount of Pay & Allowances already paid to the employees on this account may also be recovered.

(Anuradha Mittal
 Director)

AII F/As

algebra
 2004
 9 April 2004

Annexe - R F
21/04/05
103

No A-12020/1/2002-Admn.
Government of India
Directorate of Field Publicity
(Ministry of I&B)

New Delhi-66, dated 28th April, 2005

To,

The Pay & Accounts Officers,
Ministry of I&B,
New Delhi/ Mumbai/ Chennai/ Kolkata/ Guwahati/ Lucknow.

Subject:- Upgradation of Pay Scales to Assistants and
Stenographers Grade II in DFP in pursuance of CAT's order
in OA No. 548 of 1994 – regarding.

Sir,

The Ministry of I&B in consultation with Ministry of Law and Ministry of Finance has decided vide their ID No. 20/18/03-IP&MC dated 7.10.2004 (copy enclosed) to allow all the applicants and similarly placed persons, who were placed in the higher scale of Rs. 5500-9000 in consonance with CAT's order dated 19.11.1990 in OA No. 548 of 1994, to continue in the said higher pay scale on personal basis and the pay scale of the posts to be revised downwards to Rs.5000-8000 for all future incumbents. Ministry of I&B has further decided to revise the Recruitment Rules for the posts of Assistants and Stenographer Gr. II to make their pay scale to Rs.5000-8000 and till the Recruitment Rules are revised, further appointment/ promotion in the grades of Assistant/ Stenographer Gr.II be stopped with immediate effect.

Yours faithfully,

Dalela
(Madhu Dalela)
Dy. Director(Admn.)

Copy to :

1. All Regional Heads, DFP alongwith its enclosure for information and necessary action.
2. All Section Heads, DFP (Hqrs.).
3. Shri J.K. Garg, Asslt. C&A Section, DFP (Hqrs) for necessary action.
4. All dealing assistants in Admin.I Section.
5. Guard file.

S. No. 15 (R)

IMMEDIATE

Government of India

શૂદ્રાંતિક અને પ્રયારણ વિશ્વાસ

Ministry of Information & Broadcasting
A Wing Shastri Bhawan, New Delhi - 110 001
'A' Wing Shastri Bhawan, New Delhi - 110 001

Subject: Upgradation of Pay Scales to Assistants and Stenographer Grade II in DFP in pursuance of CAT's order in OA No.548 of 1994 - regarding.

Reference is invited to this Ministry's I.D. note of even number dated 10.08.2004 on the subject cited above.

2. The matter has been considered in the Ministry in consultation with the M/o Law and M/o Finance. It has been decided to allow all the applicants and similarly placed persons, who were placed in the higher scale of Rs. 5500-9000/- in consonance with CAT's order dated 19.01.1996, to continue in the said higher pay scale on personal basis. The pay scale of the posts be revised downwards to Rs. 5000-8000/- for all future incumbents.

3. DFP may issue necessary orders accordingly. The Recruitment Rules for the posts of Stenographers Grade II and Assistants in DFP may be revised to make their pay scale Rs. 5000-8000/- . In the meantime, till the RRs are revised, further appointment/ promotion in the grade of Assistant/ Stenographer Grade II may be stopped with immediate effect.

4. This has the approval of Joint Secretary (P).

Dharini Mishra
(Dharini Mishra)
Officer on Special Duty (IP)

DFP (Shri Balraj Suri, Director)

M/o 18 B

I.D.No:20/18/03-IP/3/MC

dated: 08/10/2004

23-100-
(89) *Amritpal Singh* 27
Ministry of Finance
Department of Expenditure
E.III-B Branch

1. Ministry of Information & Broadcasting may please refer to their notes on pre pages relating to the extension of the benefit of CAT's order dated 19.1.96 in OA Nos. 548/94, 144-A/93 and 985/93 filed by Assistants and Stenographers Gr.III of DFP(M/o I&B), CBI and CBDT respectively, to Sh. R.N. Das, Stenographer Gr. II (ex-cadre) of DAVP for revision of the pay scale of Rs. 1400-2600 to Rs. 1640-2900 w.e.f. 1.1.86 and from Rs. 5000-8000 to Rs. 5500-9000 w.e.f. 1.1.96.

2. The matter has been examined in this Department and the same has not been agreed to since as per the extant policy, the benefits of any judgment/order of Court/CAT cannot be extended to the non-applicants. Further, the higher pay scale of Rs. 1640-2900 has been restricted to the Assistants/Stenos in CSS/CSSS and the same has not been extended to the similar posts in autonomous organizations/subordinate offices. The enclosed OM dated 15.4.2001 issued in this regard may also be perused.

3. JS(Per) has seen.

Karan Singh
(Karan Singh)
Under Secretary to the Govt. of India

IA (Information & Broadcasting)

M/o Finance, Deptt. of Exp. U.O.No. 205/E-III/C36/05-dated 30/6/05

also see

File in Court c.t. 3.10.07
D No 11
Court Officer
Court Officer

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

filed by the applicant
266
Shriongi: S. Nath.
Ahuwade
03/10/2007.

In the matter of: -

O.A. No. 298 of 2005

Shri Raghabendra Nath Das.

-Vs-

Union of India and Others.

-And-

In the matter of: -

Rejoinder submitted by the applicant in
reply to the written statements
submitted by the respondents.

The applicant above named most humbly and respectfully begs to state as
under: -

1. That the applicant categorically denies the statement made in paragraphs 4.3 and 4.5 of the written statement and begs to state that he is performing the same duties and responsibilities as that of employees of Headquarters of DAVP in New Delhi. Moreover, the Directorate and Advertising and Visual Publicity under the Ministry of Information and Broadcasting is a participating department under the CSS/CSSS/CSCS Scheme which is evident from "The Central Secretariat Service Rules, 1962". Therefore, when the DAVP is participating office under the CSS/CSSS/CSCS Scheme as per the Central Secretariat Service Rules 1962, in that event it's Regional/branch offices will be automatically part of it, especially when the applicant was appointed through Staff Selection Commission after being qualified through all India competitive examination, as such classifying the Hqrs. of DAVP in New Delhi is a participating office of CSS/CSSS and it's Regional Offices at various places are not participating in Central Secretariat Scheme that too without any supporting document is vague, arbitrary, and such classification is opposed to the Central

300/-

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

Secretariat Service Rules, 1962 as well as principle laid down in Article 14 and 16 of the Constitution of India.

Copy of extract of First Schedule of the Central Secretariat Service Rule 1962 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- A.

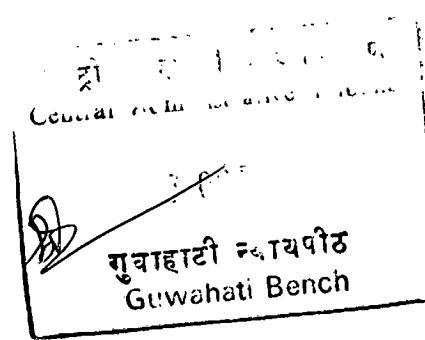
2. That with regard to the statement made in paragraph 4.5 of the written statement the applicant begs to state that the similarly situated Stenographer Gr. II of Directorate of Field Publicity under the Ministry of Information and Broadcasting were initially denied the scale of pay of Rs. 1640-2900/-, however on being approached before the Hon'ble CAT Principal Bench by those Stenographer Gr. II through OA No. 548/1994 the when similarly situated Stenographer Grade-II in the Directorate of Field Publicity are getting the scale of Rs. 5,500-9,000/- by virtue of the judgment and order dated 19.01.1996 in OA No. 548/1994 of Hon'ble CAT Principal Bench, the present applicant being similarly situated Stenographer Grade- II under the same Ministry of Information and Broadcasting cannot be denied the benefit of the scale of pay of Rs. 5,500-9,000/-.
3. That with regard to the statements made in paragraph 4.7, 4.8 and 4.11 the applicant begs to state that the duties and responsibilities of Stenographer Gr. II in the Headquarter, DAVP, New Delhi and duties and responsibilities of the applicant is same, as such denial of scale of pay of Rs. 5,500-9,000/- to the applicant is highly discriminatory. Moreover, the applicant is not comparing with the duties responsibilities of Stenographers of other departments but praying for same scale of pay of Rs. 5,500-9,000/- of Stenographer Gr. II who are working in the same department i.e. Headquarter DAVP, New Delhi since the duties and responsibilities of the Stenographer Gr. II in the Headquarter, DAVP and the applicant is same. It is also relevant to mention here that once a benefit is given in terms of direction passed by a competent Court in that event the employees identically situated are also entitled to the same benefit. In the instant case the applicant is identically situated in terms of rank,

3 OCT 20

गुवाहाटी न्यायपीठ
Guwahati Bench

status, scale of pay of to his counterparts working in the Directorate of Field Publicity under the same Ministry who were granted the scale of Rs. 5,500-9,000/- in compliance to the direction passed in OA No. 548/1994 by the learned CAT Principal Bench, New Delhi, as such the present applicant is also entitled to the benefit of Rs. 5,500-9,000/-.

4. That the applicant categorically denies the statements made in paragraph 4.12, 4.13, 4.14, 4.15, 4.15A, and 4.16 of the written statement saves and except which are borne out of record and further begs to state that he is entitled to the benefit of scale of pay of Rs. 1640-2900/- w.e.f. 22.08.1988 and corresponding revised scale of Rs. 5500-9000/- w.e.f. 01.01.1996 since the respondents have accepted and implemented the judgment dated 19.01.1996 passed in OA No. 548/1994 in favour of the identically situated employees working in the subordinate offices like DFP and other Central Government departments. As such denial of the said benefit to the applicant attracts violation of Article 14 and 16 of the Constitution of India.
5. That the applicant categorically denies the statements made in paragraph 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.8, 5.9, 5.10, 5.11 to 5.13 of the written statement save and except which are borne out of record and further submits that when the respondents have extended the benefit of scale of pay of Rs. 1,640-2,900/- (revised Rs. 5,500-9,000/-) to the identically situated Stenographer Gr. II, working in the Directorate of Field Publicity under the same Ministry in terms of the direction passed by a competent Court of law in that event the applicant being identically situated entitled to the same benefit. Therefore, the respondents are duty bound to extend the benefit of scale of pay of Rs. 1640-2900/- (revised Rs. 5500-9000/-) to the present applicant.
6. That in the facts and circumstances, the applicant reiterates the submission made in the Original Application and further submits that he is entitled to the reliefs prayed for and the O.A. deserves to be allowed with costs.



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VERIFICATION

I Sri Raghabendra Nath Das, aged about 48 years, working as Stenographer Grade - I, in the office of Regional Office, DAVP, Guwahati, applicant in the Original Application, do hereby verify that the statements made in Paragraph 1 to 6 of the rejoinder are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 3rd day of October 2007.

Raghabendra Nath Das

THE CENTRAL SECRETARIAT SERVICE RULES, 1962

FIRST SCHEDULE
(See Rules 2(e) and 2(f) and (5))

Annexure-A

Names of Ministries/Offices to whom the Central Secretariat Service Rules, 1962, Central Secretariat Stenographers' Service Rules, 1969 Central Secretariat Clerical Service Rules, 1962 apply

S.No	Name of Cadre controlling Authority of CSS/CSSS/CSCS	Name of participating Office under the Cadre Controlling Authority mentioned in Column 2	Remarks if any Name of office with address located outside Delhi
1.	Ministry of Agriculture (Department of Agriculture and Cooperation).	(i) Department of Animal Husbandry and Dairying. (ii) Department of Agriculture Research and Education (iii) Directorate of Plant Protection Quarantine and Storage, NII IV Faridabad. (iv) Dte. Of Marketing and Inspection NII IV Faridabad (v) Directorate of Economics and Statistics	Directorate of Plant Protection Quarantine and Storage, NII IV Faridabad. Dte. of Marketing and Inspection (Branch head Office) New Seett. Building Nagpur.
2.	Ministry of Chemicals and Fertilizers (Department of Fertilizers)	(i) Office of the FICCI 8th Floor, Sewa Bhavan, New Delhi (ii) Department of Chemicals and Petro-Chemicals. (iii) National Pharmaceutical Pricing Authority (NPPA), 2E/21, Jhandewalan Exten., New Delhi	
3.	Ministry of Civil Aviation.	(i) Directorate General of Civil Aviation. (ii) Bureau of Civil Aviation Security (iii) Commissioner of Railway Security. (iv) Fin.H Section of M/o Tourism (v) CSSS posts of	Railway Safety Section 10 Ashoka Road Lucknow

Ahsan
Jabir Advocate

		(iv) Tariff Commission. (v) Ministry of Agro and Rural Industries. (vi) Office of Economic Adviser. (vii) Ministry of Food Processing. (viii) Ministry of Small Scale Industries	
8	Ministry of Commerce and Industry Department of Commerce (Supply Division)	(i) Directorate General of Supply and Disposal.	1. Integrated Finance Wing, Kolkata. 2. Intergrated Finance Wing, Mumbai
9	Ministry of Communications (Department of Telecommunication)		
10	Ministry of Communication (Department of Posts)	i) Department of Posts (Secretariat) ii) Postal Life Insurance Directorate iii) Business Development Directorate	
11	Ministry of Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs).		
12	Ministry of Consumer Affairs, Food and Public Distribution (Department of Food and Public Distribution).	i) Directorate of Sugar ii) Dir. of Vanaspati Veg. Oils & Fats	
13	Ministry of Defence (Main Seett)		
14	Ministry of Environment and Forests.	i) National Afforestation and Eco Development Board ii) National River Conservation Directorate	
15	Ministry of Finance (Department of Expenditure).	i) Department of Expenditure ii) Department of Economic Affairs. iii) Department of Revenue iv) Banking Division v) Ministry of Disinvestment.	
16	Ministry of Health and Family Welfare (Department of Health)	i) Directorate General of Health Services ii) Department of Family Welfare. iii) Department of Indian systems of Medicine and	

	<ul style="list-style-type: none"> (vii) Prime Minister's Office. (viii) Department of Justice. (ix) Directorate of Coordination Police Wireless & (x) Computers Centre. <ul style="list-style-type: none"> (xi) Office of the Registrar General of India. (xii) Institute of Secretariat Training & Management. (xiii) Staff Selection Commission. <ul style="list-style-type: none"> (xv) Department of Ocean Development. (xvi) Cabinet Secretariate (NSCS) (xvii) Inter State Council (xviii) Department of Development of North Eastern region 	Regional Offices at Calcutta, Mumbai, Chennai, Chandigarh, Bangalore, Raipur, Shillong
18	<ul style="list-style-type: none"> (i) Ministry of Culture (ii) Department of Women and Child Development (iii) Ministry of Youth Affairs and Sports, (iv) Archaeology Survey of India <ul style="list-style-type: none"> (i) Directorate and Advertising and Visual Publicity, (ii) Directorate General, All India Radio, (iii) Press Information Bureau, (iv) Office of the Registrar of Newspapers of India, (v) Directorate General, Doordarshan, Publication 	
	<ul style="list-style-type: none"> (i) Directorate and Advertising and Visual Publicity, (ii) Directorate General, All India Radio, (iii) Press Information Bureau, (iv) Office of the Registrar of Newspapers of India, (v) Directorate General, Doordarshan, Publication 	

		(iv) Directorate of General Employment and Training.	Mumbai, Kalkatta, Thrianthampuram
21	Ministry of Law, Justice and Company Affairs (Department of Legal Affairs).	(v) Protector of Immigrants.	
22	Ministry of Law, Justice and Company Affairs (Department of Company Affairs).	(i) Department of Legal Affairs (ii) Legislative Department.	Branch, Secr., Mumbai, Kalkatta, Bangalore, Chennai
23	Ministry of Petroleum and Natural Gds		
24	Planning Commission		
25	Ministry of Power	(i) Ministry of Power (ii) Central Electricity Authority (iii) Ministry of Non-Conventional Energy Sources	
26	Ministry of Road Transport and Highways	(i) Ministry of Road Transport & Highways (ii) Ministry of Shipping.	
27	Ministry of Rural Development (Department of Rural Development)	(i) Department of Land Resources. (ii) Department of Drinking Water Supply. (iii) Central project Management Cell for UNICEF Stores(CPMC)	Office at Mumbai
28	Ministry of Science and Technology (Department of Science and Technology).	(i) Department of Science and Technology (ii) Department of Scientific and Industrial Research. (iii) Department of Bio-technology.	
29	Ministry of Social Justice and Empowerment.	(i) Ministry of Tribal Affairs. (ii) National Commission for Scheduled Castes and Scheduled Tribes. (iii) National	

33.	Ministry of Water Resources.	Water	(v) Land Development office		
				(i)	Central Water Commission.
			(ii)	Central Soil and Research Institute.	Central Water Commission has regional offices in various parts of the country