

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO. 269/2009 + 277/09
R.A./CP/NO.2015
E.P./M.P./NO.2015

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12/07/2015
SECTION OFFICER (JUDL.)

6-7-2015

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET

1. ORIGINAL APPLICATION No : 269 / 2009
2. Transfer Application No : ----- / 2009 in O.A. No. -----
3. Misc. Petition No : ----- / 2009 in O.A. No. -----
4. Contempt Petition No : ----- / 2009 in O.A. No. -----
5. Review Application No : ----- / 2009 in O.A. No. -----
6. Execution Petition No : ----- / 2009 in O.A. No. -----

Applicant (S) : Shri Raghabendra Nath Das

Respondent (S) : Union of India & ors

Advocate for the : Mr. M. Chanda, Mr. S. Nath
{Applicant (S)} Ms. L. Dutta

Advocate for the : Mrs. M. Das
{Respondent (S)} Gr EGSC.

Notes of the Registry

Date

Order of the Tribunal

23.12.2009

This application is in form
is filed/C.F. Form 50/-
deposited vide P. 3D
No. 396-436488
Dated 22.11.09

18.12.09
Dy. Registrar
HS/12/05

17.12.09

6(Six) copies application
with envelopes received
for issue notices to the
respondents. Copy served.
Extra charge for Res-
pondent No. 6 deposited
vide Receipt No.
3053 dtd 17/12/09.

HS
17/12/09

By this O.A. applicant makes a prayer for maintaining parity with Central Secretariat Stenographers Services, in respect of pay scale. Mr. M. Chanda, learned counsel for applicant submitted that Tribunal vide its order dated 16.01.2008 directed the Respondents to decide the issue afresh by keeping in mind the views expressed by this Tribunal in other connected matters. Learned counsel invited my attention on the order of the Tribunal in O.A. No. 548 of 1994 dated 19.01.1996. In this order it is held that Tribunal maintained parity of the Stenographers, Directorate of Advertising & Visual Publicity, Ministry of Information & Broadcasting with their counter in the Central Secretariat Stenographers Service. In the impugned order there is no discussion in regard to the reasons for rejection of claim.

Contd/-

(2)

Contd/-

23.12.2009

Order copy
received on
behalf of
Mrs. M. Das,
Sr. C.S.C.
CS Nagarika
4.1.10.

Petition copy received
a/w: order dt. 23.12.2009
for respondent no. 8
Binnu (Sobis Xr. Binnu)
UDC
05/01/2012

Notice duly served
on R-6.

5/01/10.

Copies of notices along with
order dated 23/12/09 /pb/
sent to D/Sec. for issuing
to the R-8 to 5 by regd.
A/D post

08.02.2010

D/No - 112 to 116

Dt. 06-01-2010

5/01/10

No W/S filed

5.2.2010

/bb/

~~The case~~

10.03.2010

No W/S filed

9.3.2010

No W/S filed

/pb/

8.4.2010

Mrs. M. Das, learned Sr. Standing Counsel for Respondents submitted that the judgment referred to by learned counsel is judgment in personam. It is not judgment in rem. It was rendered in the context of a different set of facts. As such matter cannot be adjudicated on the basis of this judgment.

Having heard rival submission, I admit the O.A. and direct the Learned Sr. Standing Counsel for Respondents to file reply within four weeks time.

List on 08th February, 2010.

(Madan Kumar Chaturvedi)
Member (A)

Mrs. M. Das, learned Sr. C.G.S.C. for the Respondents seeks and allowed four weeks time to file reply.

List on 10.03.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

Proxy counsel for Respondents seeks four weeks time to file reply.

Accordingly list on 09.04.2010

(Mukesh Kumar Gupta)
Member (J)

O.A. 269 of 09

09.04.2010 On the request of Mr. M. Das,
learned Sr. CGSC for Respondents, time
is extended to file reply.

W/s not filed

List on 10.05.2010.

7.5.2010

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/pb/

10.05.2010

On the request of Mrs. M. Das,
learned Sr. CGSC for Respondents, time
is extended by four weeks to file reply.

List the matter on 07.06.2010.

(Madan Kumar Chaturvedi)
Member (A)

/pb/

07.06.2010

Further time is sought by Mrs.M.Das,
learned counsel for respondents to file reply
stating that draft reply as vetted has been
dispatched to learned counsel and it is in the
process. Hence adjourned to 14.06.2010.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

14.06.2010

Reply has been filed on behalf of
respondents 1 & 4-6. Mrs.U.Dutta, learned
counsel for applicant seeks and allowed four
weeks time to file rejoinder. List on 12.07.2010.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/bb/

No w/s filed

4.6.2010

No w/s filed

11.6.2010

*W/s. & counter
filed by the Respondents*

*No. 1, 4, 5, 6
through Ms. M. Das,
in CGSC. Copy
served.
11/6/10*

12.07.2010

Last and final opportunity is granted to file rejoinder within three weeks.

List on 02.08.2010 for hearing.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

02.08.2010

List on 04.08.2010 along with

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

04.08.2010

Short question involved in these two applications i.e. O.A. No. 269 & 273 of 2009 is whether applicants are entitled to extension of benefit of judgment dated 19.1.1996 in O.A.144/93, 985/93 and 546/94 decided by Principal Bench (Annexure 3). Applicants also seek extension of the benefit of O.M dated 31.7.1990.

Respondents in their impugned Memo dated 22.5.2009 vide para 2.3 and 4 have placed reliance on Ministry of Finance, Department of Expenditure O.M. dated 10.2.2009 and 31.7.2000 respectively, but said O.Ms have not been placed on record. Learned counsel for the respondents seek ten days time to place the same on record, which will facilitate adjudication of the issue raised, in an appropriate manner.



Confd.

O.A. 269/09
04.08.2010

List on 23.8.2010. It is made clear
no further adjournment will be allowed.
Applicants should also highlight as to
whether they are similarly placed to
applicants in said judgment relied upon, and
whether the said judgment was a judgment
in rem or in personam.

Received order copy
dtd 4.8.10 for
Mrs. M. Das, Sr. C.G.S.C.
M/Deka
9.8.10

04-8-2010


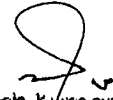

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

5-8-2010

/pg/


Rejoinder filed 23.08.2010
on behalf of the
applicant, at page
124 to 130.

In purported compliance of order
dated 04.08.2010, the respondents have
produced certain O.M.s which are totally
illegible. In the circumstances adjourned to
30.08.2010. It is made clear that no further
adjournment will be allowed.


(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)



nkm

30.08.2010 Heard: Mr M. Chanda, learned
counsel for applicant and Mrs M. Das,
learned Sr. C.G.S.C. for the respondents.
Hearing concluded. Reserved for orders.


(Madan Kumar Chaturvedi)
Member (A)
(Mukesh Kumar Gupta)
Member (J)

nkm

06.09.2010 Judgment pronounced in open court
kept in separate sheets.
OA is dismissed in terms of common
order. No costs.


(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application Nos.269 & 277 of 2009

DATE OF DECISION: 6.09.2010

Sri R.N.Das & AnotherApplicant/s.

Mr.M.Chanda
..... Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors.
.....Respondent/s

Mrs.M.Das & Mr.Kankan Das respectively
.....Advocate for the
Respondents

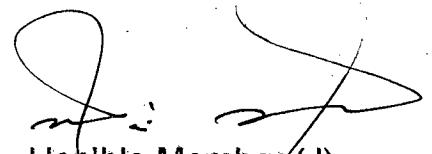
CORAM

THE HON'BLE MR.MUKESH KUMAR GUPTA, MEMBER (J).

THE HON'BLE MR.MADAN KUMAR CHATURVEDI, MEMBER (A)

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

Judgment delivered by


Hon'ble Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos. 269 & 277 of 2009

Date of Decision: This, the 6th day of September, 2010.

HON'BLE SHRI MUKESH KUMAR GUPTA, JUDICIAL MEMBER

HON'BLE SHRI MADAN KUMAR CHATURVEDI, ADMINISTRATIVE MEMBER

O.A.269 of 2009

Sri Raghabendra Nath Das
Stenographer Grade-1
Regional Office,
Directorate of Audio Visual and Publicity,
Nabin Nagar, Janapath
Guwahati-781024.

...Applicant

By Advocate: Mr.M.Chanda With Ms. U. Dutta.

-VERSUS -

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 Secretary to the
Govt. of India, Ministry of Finance
Department of Expenditure
North Block, New Delhi-110001.
3. The Secretary to the Government of India
Ministry of Personnel, Public Grievances
and Pension, Department of Personnel
Public Grievances & Pensions
Room No. 112, 1st Floor
North Block, New Delhi-110001.
4. The Director General
Directorate of Advertising and Visual Publicity
Ministry of Information and Broadcasting
CGO Complex, Sanchar Bhawan
Lodhi Road, New Delhi-110003

5. Deputy Director (Admn)
DAVP, Ministry of I & B.
CGO Complex, Sanchar Bhawan
Lodhi Road, New Delhi-110003
6. The Director
Regional office
DAVP, Ministry of I & B
Nabin Nagar, Janapath,
Guwahati-781024.

...Respondents

Mrs. M.Das, Sr. C.G.S.C.

O.A. 277 of 2009

Sri Dipankar Chakraborty
Stenographer Grade-II
Regional Office, DAVP
Nabin Nagar, Janapath
Guwahati-781024.

...Applicant

By Advocate: Mr.M.Chanda with Ms. U. Dutta. 

-VERSUS -

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 Secretary to the
Govt. of India, Ministry of Finance
Department of Expenditure
North Block, New Delhi-110001
3. The Secretary to the Government of India
Ministry of Personnel, Public Grievances
and Pension, Department of Personnel,
Public Grievance & Pensions
Room No.112, 1st Floor
North Block, New Delhi-110001.
4. The Director General,
Directorate of Advertising and Visual Publicity
Ministry of Information and Broadcasting
CGO Complex, Sookna Bhawan
Lodhi Road, New Delhi-110003



5. Deputy Director (Admn)
DAVP, Ministry of I & B.
CGO Complex, Soochna Bhawan
Lodhi Road, New Delhi-110003
6. The Director
Regional office
DAVP, Ministry of I & B
Nabin Nagar, Janapath
Guwahati-781024

...Respondents

By Advocate: Mr. Kankan Das, Addl. C.G.S.C.

ORDER

MUKESH KUMAR GUPTA, MEMBER (J):

OA Nos. 269 and 277 of 2009 since raised common question of facts and law, were heard analogously and being disposed of by present common order.

2. Vide OA No.269/2009, applicant has challenged validity of OM dated 15.04.2004, 30.06.2005, 16.08.2005, 22.05.2009 and 24.08.2009. Direction is also sought to respondents to re-fix his pay in the revised scale of pay of Rs.1640-2900/- w.e.f. 22.08.1988 and corresponding revised pay of Rs.5500-9000/- w.e.f. 01.01.1996 with further direction to place him in next higher scale of Rs.6500-10500/- w.e.f. 24.06.2005 by necessary modification of promotion order dated 21/23.06.2005 with all consequential benefits including arrears etc.

The relief claimed vide OA No.277/2009, besides challenging communications dated 15.04.1994, 30.06.2005 and 22.05.2009 (as of OA No.269/2009), is for declaration to the effect that Stenographer Grade-II in Directorate of Advertising and Visual Publicity (hereinafter referred to as

DAVP) are entitled to higher revised scale of pay of Rs.5500-9000/- instead of Rs.5000-8000/- in terms of judgment and order dated 19.01.1996 of Principal Bench of this Tribunal in OA No.546/1994 (wrongly referred to as OA 548/1994). He also seeks grant of afore noted scale w.e.f. 09.08.1999 with modification of promotion order dated 07.08.2000.

3. Admitted facts are that applicant in OA No. 269/2009 was initially appointed as Stenographer Grade-III in General Central Service, after being selected by the Staff Selection Commission (hereinafter referred to as SSC) in the pay scale of Rs.330-560/- on 09.07.1982, in DAVP, Kolkata. Thereafter, he was promoted to next higher post of Stenographer Grade-II in the pay scale of Rs.1400-2300/- and posted at Guwahati w.e.f. 18.04.1988. He was further promoted to the post of Stenographer Grade-I at Guwahati w.e.f. 24.06.2005.

Applicant in OA No.277/2009 was also initially appointed as Stenographer Grade-III in Regional Office of DAVP, Guwahati through SSC w.e.f. 24.02.1983; granted first financial upgradation under ACP Scheme in the pay scale of Rs.5000-8000/- w.e.f. 09.08.1999 and thereafter promoted as Stenographer Grade-II in same pay scale on regular basis w.e.f. 17.04.2006 (AN).

4. Their basic grievance is that Principal Bench of this Tribunal vide common judgment and order dated 19.01.1996, in OA Nos. 144A/1993, 985/1993 and 546/1994 (wrongly referred as OA 546/1994) granted pay scale of Rs.1640-2900/- with limited arrears to applicants therein. Applicants therein were Crime Assistant and Stenographer Grade-

C in the department of CBI; Assistant in the office of Director General of Income Tax; Stenographer Grade-II, and Assistant in the Directorate of Field Publicity (hereinafter would be referred to as DFP), Ministry of Information & Broadcasting respectively. SLP filed against said judgment in OA No.985/1993 by Union of India was dismissed on 11.07.1996. They, being similarly situated, are entitled to said pay scale. Earlier, applicants herein had filed OA Nos.298 and 299 of 2005 seeking the prayer as of present OAs. Said OAs were disposed of vide, though separate, but identical, order dated 16.01.2008 remitting the matter to the respondents as well as granting liberty to applicants to put up their grievances by submitting comprehensive representation and thereafter requiring the respondents (Ministry of Information and Broadcasting) and Ministry of Finance to consider the matter afresh keeping in mind the views expressed by this Tribunal in other connected matters (namely, Principal Bench common judgment and order dated 19.01.1996). In compliance thereto, they submitted virtually identical representation dated 14.02.2008 and 18.02.2008 respectively. In terms of direction contained vide order dated 16.01.2008, on examination of afore-noted representations, the respondents passed though separate, but somewhat similar OMs dated 22.05.2009 impugned in present proceedings.

5. Mr.M.Chanda, learned counsel appearing for applicants strenuously argued following contentions:-

- (i) Applicants working in DAVP are similarly placed to applicants in OA No.546/1994. Applicants before the Principal Bench were

Stenographer Grade-II and Assistants in DFP (Ministry of Information and Broadcasting).

- (ii) Judgment and order dated 19.01.1996 has been accepted by the respondents, and even otherwise attained finality on dismissal of SLP vide order dated 11.07.1996. They, being similarly circumstanced, doing similar duties, responsibilities and nature of works, are entitled to extension of benefits of said judgment. Recruitment conditions, rank, status and scale of pay enjoyed by Stenographer Grade-II in DAVP are exactly similar to that of DFP, both being Central Government departments in the same Ministry i.e., Ministry of Information and Broadcasting.
- (iii) They fulfilled the criteria laid down vide DOPT OM No.2/1/90-CS-IV dated 31.07.1990 and as such are entitled to benefits of higher revised pay scale with all consequential benefits.
- (iv) The reasons assigned vide impugned communication dated 16.08.2005 while rejecting their claim are not sustainable in the eyes of law and benefits of judgment and order dated 19.01.1996 cannot be restricted and confined to applicants in said cases alone. It was contended with vehemence that said findings and order is judgment in rem and not personam. It is highly unjust to restrict the benefit of said judgment to applicants to said cases.

(v) As per Central Secretariat Service Rules, 1962, DAVP, Ministry of Information and Broadcasting is a participating office of Central Secretariat Service/CSSS (hereinafter referred as CSS/CSSS). Merely because applicants are recruited and posted in Regional office cannot be a ground to discriminate in the matter of pay scale. Even otherwise, impugned memorandum dated 22.05.2009 and 24.08.2009 are arbitrary, non-speaking and bald order. It is continuous wrong, and therefore, they have continuous cause of action.

(vi) Respondents' contention raised vide OM dated 15.04.1994 as well as impugned letter dated 30.06.2005 to the effect that as per extant policy, the benefits of common judgment and order dated 19.01.1996 passed by Principal Bench of this Tribunal cannot be extended to non-applicants is illegal, arbitrary and discriminatory, and therefore, the same are rendered unsustainable in the eyes of law.

6. Contesting the claim laid and by filing detailed reply in both the cases, apart from facts, as noticed hereinabove, respondents have stated that as per recommendation of 5th CPC, cadre of Stenographers in non-Secretariat Offices of DAVP were restructured. In the year 2000, there were two posts of Stenographer Grade-II, eight posts of Stenographer Grade-III, which were restructured in ratio of 40:40:20 and as per restructuring two posts of Stenographer Grade-I in the pay scale of Rs.5500-9000/- were created w.e.f. 14.01.2000 and consequently,

applicant in OA No.269/2009 was promoted against one of such post of Stenographer Grade-I, so created.

Stenographers are recruited through SCC in Secretariat offices as well as non-secretariat offices. But in Secretariat, they are recruited to CSSS and in non-Secretariat Offices, they are recruited to General Secretariat Service, having no specific cadre. Though headquarter of DAVP is participating in CSSS service, while the Regional Offices of DAVP are not participating in CSSS and recruitment is done by DAVP directly through the recruitment agency i.e., SCC. Stenographer Grade-C in CSSS in Secretariat Offices are not equivalent to Stenographer Grade-II in non-Secretariat Offices. Stenographer Grade-C belongs to Group 'B' non-Gazetted in the pay scale of Rs.5500-9000/-, while Stenographer Grade-II in Regional Offices are Group 'C' in non-Gazetted category in pay scale of Rs.5000-8000/-, and hence, the same are not equivalent or comparable post. Stenographer Grade-II in DFP were granted pay scale of Rs.5500-9000/- in compliance of Principal Bench judgment and order in OA No.546/1994. DFP was a participating office in CSSS from its inception and the post of Assistants and Stenographers in said office were included in the authorized permanent strength of the Ministry of Information and Broadcasting and manned by the personnel of said Ministry upto 1975. Thereafter, DFP was excluded from the purview of CSS/CSSS. At that time those, who opted for DFP, were retained in said Directorate with original status/pay scale etc. Applicants therein were given the benefits in terms of judgment and order dated 19.01.1996 without consulting with Ministry of Information and Broadcasting/Ministry

of Finance/DOPT. Subsequently, matter was considered by the Ministry of Information and Broadcasting in consultation with Ministries of Finance, Law and DOPT and it was decided that all the applicants in said OAs and similarly placed persons would be placed under said scale "**on personal basis**" and the pay scale of said post was revised downwards to pay scale of Rs.5000-8000/- to all future incumbents. Representations preferred by the applicants were considered, but finding no merits, the same were rejected. Applicants did not belong to CSSS. OM dated 31.07.1990 is not applicable in their case. Vide OM dated 10.02.1999 issued by the Department of Expenditure, it was clarified that designation is not the sole determinant of pay scale. There are many factors i.e., eligibility, minimum educational qualification, nature of duties and responsibilities, work load, professional skill and proficiency, which are considered while deciding the pay scale appropriate to the post. Ministry of Finance, Department of Experience vide OM dated 15.04.2004 had clarified that pay scale of Rs.1640-2900 revised to Rs.5500-9000/- is meant for Stenographers in Secretariat Offices. In any case, it was stated that 6th CPC has recommended same pay scales for Stenographers Grade-II of GCS cadre as well as CSSS cadre w.e.f. 01.01.2006 in the pay band 2 of Rs.9300-34800 with Grade Pay of Rs.4200/-, which recommendations were accepted. Vide circular dated 28.02.2005, it was decided to revise the RRs for the post of Assistants and Stenographer Grade-II to make their pay scale to Rs.5000-8000/- and till the RRs are revised, further appointment/promotion in said grades be stopped with immediate effect.

7. We have heard Mr.M.Chanda, learned counsel for applicant in both OAs; Mrs.M.Das, and Mr.Kankan Das, learned counsel for

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respondents in OA Nos. 269 and 277 of 2009 respectively at length, perused the pleadings and voluminous documents placed on record very minutely. Before proceeding further, it would be expedient to notice the contents of impugned memorandum dated 22.05.2009 in OA No.269 of 2009, which reads as under:-

"OFFICE MEMORANDUM

Subject: Representation of Shri R.N.Das Stenographer Grade I for enhancement of pre-revised pay scale of Stenographer Grade II as per CAT, Guwahati Bench's order dated 16.1.2008 in O.A.No.298/05 and O.A.No.299/05.

With reference to his representation dated 14.2.2008 on the above subject, Shri R.N.Das, Stenographer Grade I is intimated as follows:

1) No comments are required, being statement of facts.

2.1) DOPT&T's O.M.No.2/1/90/CS-IV dated 31.7.1990 had indicated that the Pay Scale of Rs.1640-2900 will be applicable to Assistants and Stenographers in other organizations like Ministry of External Affairs which are not participating in the Central Secretariat Service (CSS) and Central Secretariat Stenographers Service (CSSS) but where the posts are of comparable grades with same classification and pay scales and method of recruitment through open competitive examination. In the case of Shri R.N.Das, he was occupying the posts of Stenographer Grade II which was classified as a group 'C' post, whereas the post of Stenographer Grade 'C' in CSSS has been classified as group 'B'. Therefore this benefit could not be extended to Shri Das, as the two posts are classified differently.

2.2) Shri R.N.Das was never appointed to the CSSS cadre of Ministry of I & B/DAVP. His initial appointment was against post Stenographer Grade III in the General Central Service in the cadre of DAVP. Therefore his case cannot be compared with those Stenographers of CSSS service.

2.3) Shri Das had been promoted to the post of Stenographer Grade II from 22.8.88 in the pay scale of Rs.1400-2300. The request of Shri R.N.Das, Stenographer Grade-II for revision of the pay scale of Rs.1400-2600 to Rs.1640-2900 with effect from 1.1.1986 and from Rs.5000-8000

to Rs.5500-9000 with effect from 1.1.1996 had been considered in consultation with Ministry of Finance but was not agreed to as higher scale of Rs.1640-2900 had been restricted to Assistants/Stenographers in CSS/CSSS and the same had not been extended to similar posts in autonomous offices/subordinate offices. As per Ministry of Finance, Department of Expenditure's O.M.No.12(3)/E III B/99 dated 10.2.2009, the higher pay scale of Rs.1640-2900 cannot be extended to those post of Stenographers Grade II which are not participating in CSSS cadre.

2.4) Promotion post in the subordinate cadre of DAVP of Stenographer Grade-1 is in the scale of Rs.5500-9000. Shri R.N. Das cannot be considered for the scale of Rs.6500-10,500/- Shri Das was from the very beginning appointed as Stenographer Grade-III and his offer for appointment is also against the post of Grade-III. Shri Das had accepted the offer and accordingly he joined as Grade-III in DAVP. As such, he is now estopped from claiming that he had not applied for appointment against ex-cadre post. Though DAVP is a participating office of CSSS and there are posts of Stenographers/ Assistants/LDCs/UDCs in DAVP who belong to the CSS, CSSS, CSCS, and not in the CSSS, the fact is that Shri Das was appointed against an ex-cadre post was not in the CSSS cadre of M/O I & B. Staff Selection Commission has a common proforma for sending requisition for vacancies and the name of the service is not mentioned there in the requisition as for ex-cadre post was not required to be mentioned in the requisition form. That does not prove anything in favour of Shri Das. The seniority of Shri Das is to be counted in the General Central Service of Stenographers of DAVP. The seniority of officers recruited in a particular year is calculated on the basis of their rank in the respective examination conducted by SSC. Apart from that, Staff Selection Commission has no role in fixing seniority of the officials in different cadres. In the seniority list mentioned by Shri R.N.Das, the name of Shri Das shown along with Shri G.Manidharan. Shri Manidharan though initially recruited as Language Typist was appointed as Stenographer Grade-III w.e.f. 15.1.1997 as per the provisions of the recruitment rule which was then in existence. Departmental seniority is maintained by the respective cadre authorities and SSC has no role in this. Officials recruited through different nodes can be interpolated as per rules of seniority. There is no such rule that officials recruited through other modes or through promotion cannot interpolated with officials recruited through SSC and is sought to be made out by the representationist.

3. It is again reiterated that Shri R.N.Das was appointed against the ex cadre post in this Directorate and he cannot claim pay parity and promotion at par (sic) with CSSS. Shri



Das has been appointed at the regional office of DAVP and he must have worked with officers of Joint Secretary and Deputy Secretary level. That does not entitle him to claim parity with the CSSS cadre. The seniority of officers with whom a Stenographer is working is not a factor in fixing his seniority or promotion prospects.

4) As already mentioned that Ministry of Finance did not agree to granting him parity along with CSSS though DAVP/M/o I&B had taken up the matter. A copy of their decision (N.2/1/90-CS-IV & dated 31.7.2000 is enclosed at Annexure-1) However, on the implementation of the 6th Central Pay Commission, Stenographer Grade II in DAVP has been placed in PB-2 with grade pay of Rs.4200."

(emphasis supplied)

8. The questions, which arise for consideration, are to the following effect:-

- (i) Whether the judgment and order of Principal Bench in OA No.546/1994 dated 19.01.1996 is a judgment in rem or in personam?
- (ii) Whether the applicants, who are working as Stenographers in DAVP, Guwahati are similarly placed to applicants in OA No.546/1994, and thus are entitled to extension of benefits of order dated 19.01.1996?

9. Before proceeding further, it would be expedient to recapitulate the facts in OA No.546/1994 decided on 19.01.1996 by Principal Bench, whose benefit applicants seek extension of. Judgment of the Principal Bench in afore noted case in specific reveals that applicants therein were Stenographers Grade-II and Assistants in DFP, Ministry of Information and Broadcasting, which was participating office in CSS/CSSS from its inception upto 1975 and thereafter it was excluded from the



purview of CSS/CSSS. Their grievance had been the parity maintained through out had been disturbed vide OM dated 31.07.1990. It is in such circumstances, said judgment had been pronounced. On the other hand, we may note that facts revealed in present cases are that applicants were initially appointed as Stenographer Grade-III in "**General Central Service**" in DAVP and thereafter promoted to next grade of Stenographers Grade-II. Furthermore, the post of Stenographers Grade-C in CSSS in Secretariat of the Govt. of India belongs to Group 'B' non-Gazetted category while Stenographers Grade-II in non-Secretariat Office is a Group 'C' post. Furthermore, Regional Office of DAVP are not participating in CSSS and recruitment is done by SCC. Thus, facts of cases at hand are not similar to that of judgment dated 19.01.1996 relied upon. Furthermore, impugned OM dated 22.05.2009 also reveals that applicants were appointed in the Regional Offices of DAVP against ex-cadre post in the years 1982 and 1983 respectively through SCC. For claiming parity reliance was placed by applicants on DOPT OM dated 31.07.1990, application of which had been denied by the respondents. Even if for the sake of arguments, it is accepted that said OM is applicable, we may note that para 1 of said OM prescribes certain guidelines for its application, which read thus:-

"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 OA 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-800 for duly posts included in the Assistant Grade of Central Secretarial Service and Grade 'C' Stenographers of Central

Secretariat 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."

(emphasis supplied)

10. Bare perusal of above OM would establish that pay scale revised for the Assistant cadre of CSS service and Stenographer Grade-C in CSSS w.e.f. 01.01.1986 is extendable to Assistants and Stenographers in other organizations like Ministry of External Affairs, who are not participating in CSS/CSSS subject to condition that: (i) the posts are in comparable grades; (ii) with same classification and pay scale; (iii) and method of recruitment through Open Competitive Examination **is also the same**. As noticed hereinabove, the post excluded in Assistant Grade of CSS and Stenographer Grade-C of CSSS is not "with same classification" in non-Secretariat Departments/Organisations. At the cost of repetition we may note that post of Assistant and Stenographer Grade-C in CSS is a Group-B non-Gazetted while the post of Stenographer Grade-II in non-Secretariat is a Group-C post. The pay scale is also different in Secretariat. The afore-noted post carries pay scale of Rs.5500-9000/-, while in non-Secretariat pay scale available is Rs.5000-8000/-. Furthermore, the method of recruitment is also not the same, namely, Assistant and Stenographer Grade-C in CSS/CSSS belong to cadre post, which is not the fact in case of non-Secretariat offices. We may also observe at this stage that vide circular dated 28.04.2005, respondents have decided to allow the benefits of judgment in OA No.546/1994 (wrongly referred to by both sides

as OA No.548/1994) to applicants of said case, the scale allowed by this Tribunal "**on personal basis**". We may note that validity of said circular has not been questioned by applicants.

11. It is well settled law that mere designation is not the sole determinant for granting equivalent pay scale. There are other factors, viz., eligibility, minimum educational qualification, nature of duties and responsibilities, work load, professional skill and proficiency etc., which are also considered while deciding pay scale appropriate to post. It is trite law that the party who claims equal pay for equal work has to make necessary averments and prove that "**all things are equal**". Thus, before any direction can be issued by the Court, Court must first see that there are necessary averments and there is proof. Hon'ble Supreme Court in **Union of India v. Tarit Ranjan Das, (2003) 11 SCC 658**, where the respondent serving as Stenographer Grade-II, Geological Survey of India claiming parity of pay scale with that of Stenographer Grade-C of Central Secretariat, vide para 9 observed as under:-

"The equality is not based on designation or the nature of work alone. There are several other factors like responsibilities, reliabilities, experience, confidentiality involved, functional need and requirements commensurate with the position in the hierarchy, the qualifications required which are equally relevant."

On examination of law as well as factual aspects, judgment of this Tribunal, as upheld by Hon'ble Gauhati High Court, was set aside holding that both the forums "completely lost sight of" that settled aspect.

Similarly, after noticing host of judgments and summarizing the law on this aspect, Hon'ble Supreme Court in **State of Haryana & Others v. Charanjit Singh, (2006) 9 SCC 321**, observed as follows:-

"...The principle of "equal pay for equal work" has no mechanical application in every case. Article 14 permits reasonable classification based on qualities or characteristics of persons recruited and grouped together, as against those who were left out. Of course, the qualities or characteristics must have a reasonable relation to the object sought to be achieved. In service matters, merit or experience can be a proper basis for classification for the purposes of pay in order to promote efficiency in administration. A higher pay scale to avoid stagnation or resultant frustration for lack of promotional avenues is also an acceptable reason for pay differentiation. The very fact that the person has not gone through the process of recruitment may itself, in certain cases, make a difference. If the educational qualifications are different, then also the doctrine may have no application. Even though persons may do the same work, their quality of work may differ. Where persons are selected by a Selection Committee on the basis of merit with due regard to seniority a higher pay scale granted to such persons who are evaluated by the competent authority cannot be challenged. A classification based on difference in educational qualifications justifies a difference in pay scales. A mere nomenclature designating a person as say a carpenter or a craftsman is not enough to come to the conclusion that he is doing the same work as another carpenter or craftsman in regular service. The quality of work which is produced may be different and even the nature of work assigned may be different. It is not just a comparison of physical activity. The application of the principle of "equal pay for equal work" requires consideration of various dimensions of a given job. The accuracy required and the dexterity that the job may entail may differ from job to job. It cannot be judged by the mere volume of work. There may be qualitative difference as regards reliability and responsibility. Functions may be the same but the responsibilities make a difference. Thus normally the applicability of this principle must be left to be evaluated and determined by an expert body. These are not matters where a writ court can lightly interfere."

Similarly, in **Official Liquidator v. Dayanand & Others, (2008) 10**

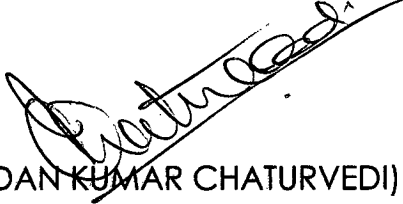
SCC 1, vide para 95, Hon'ble Supreme Court held that said Court consciously and repeatedly deviated from the ruling of **Randhir Singh v. Union of India, (1982) 1 SCC 618**.

12. Law laid down in afore noted judgments, noticed hereinabove, is squarely applicable in the given facts and circumstances of present cases. We may also observe that applicants in present cases are not placed at par with applicants in OA No.546/1994 as they were recruited in the years 1982 and 1983 respectively, while applicants in said


case before the Principal Bench of this Tribunal were appointed prior to year 1975 when a departure was made and said posts were taken out from the purview of CSS/CSSS. Thus, we have no hesitation to conclude that applicants' claim for parity is not justified and they are not comparable to applicants in judgment, relied upon. Parity can be claimed when the persons are placed like and not alike. We may also observe that Hon'ble Supreme Court in **Sumtibai & Others v. Paras Finance Co. Regd. Partnership Firm Beawer (Raj.), (2007) 10 SCC 82**, has held that judgments cannot be read like a statute and a little difference in facts or additional facts may make a lot of difference in presidential value of a decision, even a single significant detail may alter the entire aspect. It is a ratio decidendi and not the final orders in the judgment, which forms a precedent. Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases. Further it is well settled law that the courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed and judgment of courts should not be construed as statutes. [**Union of India & Another v. Major Bahadur Singh, (2006) 1 SCC 368**].

13. In the light of discussions, made hereinabove, we have no hesitation to conclude that Coordinate Bench judgment in OA No.546/1994 is, thus, not a judgment in rem but a judgment in personam and also that applicants are not similarly placed to applicants in relied upon judgment, and consequently, they are not entitled to extension of benefits of said judgment.

14. Taking a cumulative view in the matter and finding no merits,
OAs are dismissed. No costs.


(MADAN KUMAR CHATURVEDI)
MEMBER (A)

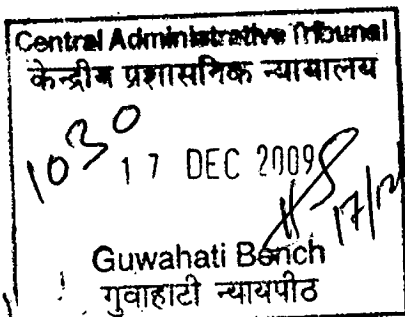
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(MUKESH KUMAR GUPTA)
MEMBER (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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



O. A. No. 267 /2009

Shri Raghabendra Nath Das

-Vs-

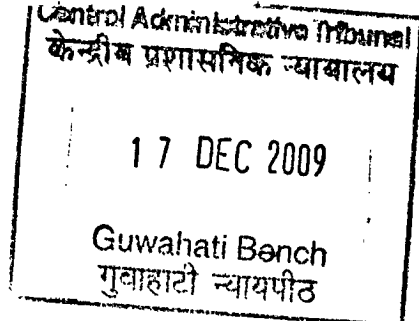
Union of India and Others.

SYNOPSIS OF THE APPLICATION

Applicant is serving as Stenographer Gr. I in the Regional Office, Directorate of Audio Visual and Publicity (in short DAVP), Guwahati. He was selected through Staff Selection Commission and appointed to the post of Stenographer Grade 'D'/III (Group 'C' non-gazetted) in the year 1982. The Govt. of India, Ministry of Finance vide OM dated 31.07.90 granted higher revised scale of pay of Rs. 1640-2900 w.e.f 01.01.1986 to the Stenographers and Assistance of CSS/CSSS and also to the Stenographers and Assistance of non participating offices who were recruited through open competitive examination. But the scale of pay of Rs. 1640-2900 denied to the applicant.

Similarly situated Stenographers Grade-II working in the Directorate of Field Publicity and ESI Corporation had approached the Hon'ble CAT, Principal Bench through O.A No. 548 of 1994 and O.A No. 985 of 1993 for grant of higher revised scale of pay of Rs. 1640-2900 (corresponding revised scale of Rs. 5500-9000) instead of Rs. 1400-2600 (revised 5000- 8000) w.e.f 01.01.1986 in terms of OM dated 31.07.1990. Said O.As were allowed vide judgment and order dated 19.01.1996. Hon'ble Supreme Court pleased to uphold the judgment of the learned CAT, Principal Bench passed in O.A No. 548 of 1994 and O.A No. 985 of 1993.

Applicant submitted representations for grant of 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 31.07.1990 since he is similarly situated Stenographer like those of applicants of O.A No. 548 of 1994 and O.A No. 985 of 1993. But the same was denied to him. Applicant approached the Hon'ble Tribunal through OA No. 298/05, which was disposed of on 16.01.08 with the direction to the applicant to file representation before the respondents. Applicant submitted representations, but the same were arbitrarily rejected by the respondents vide impugned orders dated 22.05.2009 (Annexure- 12) and 24.08.09 (Annexure- 16). Hence this Original Application.



LISTS OF DATES

- 1980- Applicant was selected through competitive examination conducted by the Staff Selection Commission for the post of Stenographer Grade 'D' / III (Group 'C' non-gazetted).
He was appointed as Stenographer Group 'D' in the department of DAVP, Kolkata under the Ministry of Information and Broadcasting.
- 28.01.1982- Govt. of India, Ministry of I & B conveyed sanction of President the scale of pay of Rs. 425-800 for the post of Stenographer Gr. 'C'.
(Annexure- 1)
- 22.08.1988- Applicant was promoted to the grade of Stenographer grade II in the pay scale 1400-2300 subsequently revised to Rs. 1400-2600.
Ministry of Finance revised pay scale of Rs. 1400-2300 to Rs. 1400-2600 vide O.M dated 04.05.1990.
- 31.07.1990- Govt. of India, Ministry of Finance granted higher revised scale of pay of Rs. 1640-2900 to the stenographers and Assistance of CSS/CSSS and also to the stenographers and Assistance where 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- 2)
- 19.01.1996 Hon'ble CAT, Principal Bench allowed O.A No. 548 of 1994 and O.A No. 985 of 1993, filed by the similarly situated Stenographers Gr. II working in the Directorate of field publicity and ESI corporation praying for grant of 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 31.07.1990.
(Annexure- 3)
- 11.07.1996- Hon'ble Supreme Court dismissed the SLP preferred against the judgment and order dated 19.01.06 passed in O.A No. 548 of 1994 and O.A No. 985 of 1993.
(Annexure- 4)
- 6-12, May, 2002- Govt. of India issued advertisement inviting application for filling up the post of Senior Personal Assistant in the scale of Rs. 6500-200-10,500.
(Annexure- 5)
- 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.
(Annexure- 6 series)
- 15.04.2004- Ministry of Finance, vide impugned O.M dated 15.04.04 denied higher revised pays scale to the applicant.
(Annexure- 7)
- 30.06.2005- Ministry of Finance, Dept. of Expenditure vide impugned letter dated 30.06.05 rejected prayer of the applicant.
(Annex- 8)
- 16.08.2005- Deputy Director vide impugned order dated 16.08.05 rejected claim of the applicant.
(Annexure- 9)

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- 2005- Applicant approached the Hon'ble Tribunal through OA No. 298 of 2005 for grant of benefit of higher revised scale Rs. 1640-2900 (revised 5500-9000) w.e.f 22.08.1988, in terms of the OM dated 31.07.1990.
- 16.01.2008- Hon'ble Tribunal disposed of O.A. No. 298/2005 with the direction to the applicant to submit representation to the respondents.
(Annexure- 10)
- 14.02.2008/09.04.2008- Applicant submitted representations claiming higher revised scale of pay against the post of Stenographer Gr. II/Stenographer Gr. 'C'.
(Annexure-11, 13)
- 22.05.2009- Directorate, DAVP vide impugned office memorandum dated 22.05.09 rejected claim of the applicant. (Annexure- 12)
- 08.07.2009- Applicant submitted representation against the impugned memorandum dated 22.05.09. (Annexure- 15)
- 24.08.2009- Directorate rejected the representation dated 08.07.09 of the applicant. (Annexure- 16)
- DAVP is a participating office of CSS/CSSS in terms of the First Schedule of the Central Secretariat Service Rules, 1962, the DAVP. (Annexure- 17)

PRAYERS

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned O.M dated 15.04.2004 (Annexure - 7), impugned letter dated 30.06.2005 (Annexure- 8), impugned office Memorandum bearing F. No. 18011/2/2006-Admn.I dated 22.05.2009 (Annexure- 12) as well as impugned office memorandum bearing F. No. 18011/2/2006- Admn.I dated 24.08.2009 (Annexure- 16).
2. 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.
3. Costs of the application.
4. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

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.

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. 269 /2009

Sri. Raghabendra Nath Das. : Applicant.

-Versus-

Union of India and Others. : Respondents.

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W/S

101-123

Filed By:

Aditha

Advocate

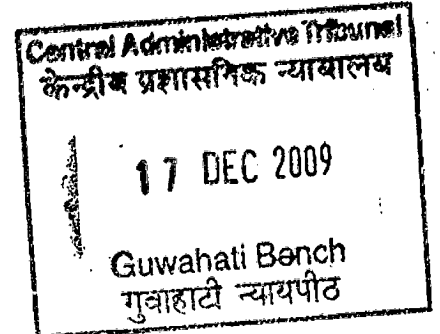
Date: - 17.12.09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O.A. No. 269/2009



BETWEEN:

Sri Raghabendra Nath Das,
Stenographer Grade - I
Regional Office,
Directorate of Audio Visual and Publicity,
Nabin Nagar, Janapath,
Guwahati- 781 024.

-----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 Secretary to the
Govt. of India, Ministry of Finance,
Department of Expenditure,
North Block, New Delhi-110001.
3. The Secretary to the
Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel, Public Grievance & Pensions,
Room No. 112, 1st Floor, North Block, New Delhi- 110 001.
4. The Director General,
Directorate of Advertising and Visual Publicity,
Ministry of Information and Broadcasting,
CGO Complex, Sanchar Bhawan,
Lodhi Road, New Delhi- 110 003.
5. Deputy Director (Admn.),
DAVP, Ministry of I & B,
CGO Complex, Sanchar Bhawan,
Lodhi Road, New Delhi- 110 003.
6. The Director,
Regional Office,
DAVP, Ministry of I & B,
Nabin Nagar, Janapath, Guwahati- 781 024.

..... Respondents.

Raghabendranath Das

*Filed by the applicant
through U. Dutta, advocate
on 17.12.09*

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 bearing F. No. 18011/2/2006-Admn.I dated 22.05.2009 (Annexure- 12) as well as impugned office memorandum bearing F. No. 18011/2/2006-Admn.I dated 24.08.2009 (Annexure- 16) 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. 548/1994, 144-A/1993 and 985/1993 to the applicant with all consequential benefits and arrear monetary benefits along with consequential fixation of revised corresponding scale of pay pursuant to the Revised Pay Rules, 2008 issued by the Ministry of Finance, 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.

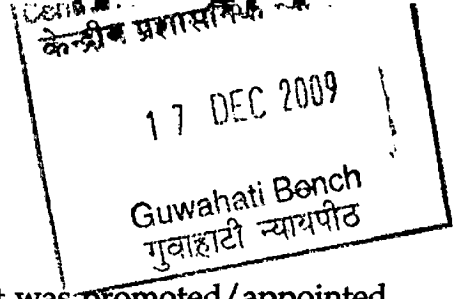
3. Limitation:

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).

Raghabendranath



- 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). It is pertinent to mention here that the Govt. of India, Ministry of Information and Broadcasting vide letter No. 3/8/81-Bud/DAVP/09 (I) dated 28.01.1982 conveyed sanction of President the scale of pay of Rs. 425-15-500-EB-15-560-20-EB-26-800 to the Stenographer Gr. 'C' in the Regional Office, DAVP, Guwahati. It is evident from the letter dated 28.01.1982 that the Presidential sanction of scale of pay of Rs. 425-800 was granted to the Stenographer Gr. 'C' at the Regional Office, DAVP, Guwahati, but the respondents most arbitrarily did not implement the scale of pay of Rs. 425-800 (Rs. 1400-2600/- w.e.f. 01.01.86) to the applicant when he joined at Regional Office, DAVP, Guwahati as Stenographer Gr. II in the year 1988 for the reasons best known to the respondents.

Copy of the letter dated 28.01.1982 is enclosed herewith and marked as Annexure- 1.

- 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

Raghabendra Nath Das

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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.

4.5 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 31.07.1990 revised/upgraded the scale of pay of Stenographer Grade 'C' in the Central

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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 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

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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	Deptt. 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	Deptt. 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

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

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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- 2 and 3 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 Secretariat. 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 Secretariat Services and Grade- C Stenographers of Central Secretariat 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

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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 learned Tribunal as Annexure- 4.

- 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 Secretariat which is evident from the comparative chart shown in 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 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

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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- 5.

- 4.13** 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- 6 (Series).

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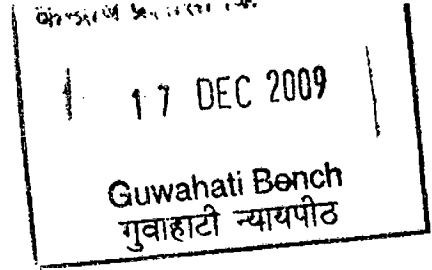
- 4.14 That your applicant beg to say that the grounds raised in the O.M. No. 6 (3)- 1C/95 dated 15.04.2004 as well as in the letter dated 30.06.2005 for denial of higher revised scale of pay cannot be sustained in the eye of law in view of the fact that in the case of similarly situated employees the 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 preceeding 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 liable to 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 - 7 and 8 respectively.

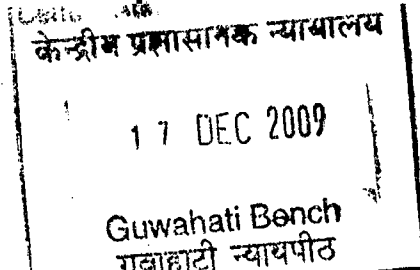
- 4.15 That it is stated that the respondents Union of India after considering grievance petition dated 03.12.03 issued the impugned office Memorandum bearing letter No. A-12033/1/202/Admn. 1 dated 16.08.2005, whereby the claim for extension of the benefit of higher pay scale of Rs. 1640-2900/- w.e.f. 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

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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.

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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- 9.

- 4.16 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.
- 4.17 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.
- 4.18 That your applicant being highly aggrieved with the impugned memorandum bearing letter No. A-12033/1/2002-Admn.I dated 16.08.2005 had approached this Hon'ble Tribunal through OA No. 298 of 2005 claiming higher scale of pay of Rs. 1640-2,900 w.e.f. 22.08.1988 and corresponding revised scale of pay of Rs. 5500-9000 w.e.f. 01.01.1996 in the light of the decision of the Hon'ble Tribunal dated 19.01.1996 in OA No. 548/1994, 144-A/93 and 985/93 to the applicant in the cadre of Stenographer Gr. II (now Stenographer Gr. I) and praying for a direction upon the respondents to grant the benefit of the higher revised scale of pay of Rs. 6500-200-10,500/- w.e.f. 25.06.2005 which was accepted and implemented by the respondents Union of India to the counterparts of the applicant working under the same Ministry of the Govt. of India.

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- 4.19 That the O.A No. 298 of 2005 was disposed of by the learned Tribunal on 16.01.2008 granting liberty to the applicant to put up his grievances by submitting a comprehensive representation to the respondents/competent authorities by the end of February, 2008; then the Respondents (Ministry of Information and 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.

Copy of the judgment and order dated 16.01.2008 is enclosed herewith and marked as Annexure- 10.

- 4.20 That the applicant in compliance with the direction passed by the Hon'ble Tribunal submitted a detailed representation on 14.02.2008 claiming higher revised scale of pay against the post of Stenographer Gr. II/Stenographer Gr. 'C'. In the said representation applicant contended that he appeared in the open competitive examination in the year 1980 on all India basis conducted by the Staff Selection Commission for direct recruitment to the post of Clerk and Stenographer Gr. 'D'. Thereafter he was selected by the SSC and nominated his names for Directorate of Advertising and Visual Publicity (in short DAVP) under the Ministry of Information and Broadcasting, Govt. of India, Kolkata which is a participating office of CSSS/CSSS/CSCS and attached office. Be it stated that the applicant was appointed in the post of Stenographer Gr. III in DAVP, Kolkata on 09.07.1982 in the scale of pay of Rs. 330-560. It is also pointed out in the representation that there was a sanctioned post of Stenographer Grade 'C' in the scale of pay of Rs. 425-800 (Rs. 1400-2600, subsequently revised to Rs. 1640-2900) at Regional Office, DAVP, Guwahati. The scale of which was at par with the Central Secretariat Stenographer Service (CSSS).

The applicant was promoted to the post of Stenographer Gr. II on 22.08.1988 in the scale of pay of Rs. 1400-2300 (revised Rs. 425-700). The scale of Rs. 1400-2600 was subsequently revised to Rs. 1640-2900, following the Ministry of Finance letter bearing No. 7 (18)-B-III/81 dated 04.05.1990. However from August, 1988 the applicant was granted scale of pay of Rs. 5000-8000 instead of Rs. 5500-9000 as given to CSSS Stenographers/

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Assistants effecting from 01.01.1996 according to DOPT&T's letter No. 20/29/2006-CS II (CS.I) dated 25.09.2006. It is stated that the CSSS Stenographers have been given the pay scale of Rs. 6,500-10,500 with effect from 15.09.2006. The applicant therefore discriminated with the matter of allotment of scale of pay at par with CSSS Stenographers/ Assistants although method of direct recruitment was the same with that of CSSS Stenographers/ Assistants.

The applicant was again promoted to the grade of Stenographer Gr. I in the scale of pay of Rs. 5500-9000 in the category of Group 'B' (non-gazetted) instead of promotion to the post of Private Secretary (Gazetted Gr. 'B') in the pay scale of Rs. 6,500-10,500 like that of Stenographers of CSSS placed from Group 'D' to Group 'C'/P.A.

The applicant also pointed out that DAVP is a participating office of CSS/CSSS/CSCS and an attached office as per Rule 2 (e), 2 (f) and 5- First Schedule of the Central Secretariat Service Rules, 1962.

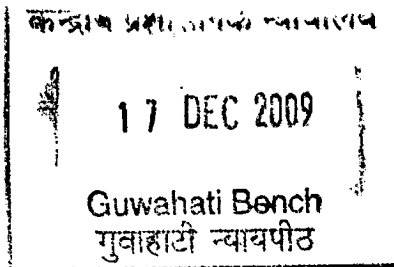
The applicant further contended in his representation that he was selected by the Staff Selection Commission for the post of Stenographer Gr. 'D' (Gr. III) and was nominated by the SSC for DAVP Office a participating office of the CSS/CSSS/CSCS and an attached office too. More so, when the initial pay scale is comparable grade was same for the post held by the applicant. As such the scale of pay should be same for the subsequent promotional channel as given to the Stenographer Gr. 'C'/PA/PS to CSSS.

The applicant also pointed out that he is attached to the officers in the level of Jt. Secretary by taking higher responsibilities, as such he claimed for grant of scale of pay at par with Stenographer Gr. 'C'/PA, Assistants of CSSS/CSS.

Copy of the representation dated 14.02.2008 is enclosed herewith as Annexure- 11.

- 4.21** That your applicant further begs to say that the Directorate, DAVP, New Delhi vide impugned office memorandum bearing letter F. No. 18011/2/2006-Admn. I dated 22.05.2009 rejected claim of the applicant on the alleged ground that the applicant is occupying the post of Stenographer Gr. II which was classified as Gr. C post whereas the post of Stenographer

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in CSSS has been classified as Group B. Therefore benefit of higher pay scale could not be extended to the applicant as the two posts are classified differently. It is also contended that the initial appointment of the applicant was against the post of Stenographer Gr. III in the General Central Service of Stenographers of DAVP. As such it is alleged that the case of the applicant cannot be compared with those Stenographers of CSSS service.

In para 2.3 and 2.4 it is further alleged that the request of the applicant for revision of the pay scale had been considered in consultation with the Ministry of Finance but Ministry of Finance did not agree to grant higher scale of pay of Rs. 1640-2900 but the same had been restricted to Assistants and Stenographers in CSS/CSSS and the same had not been extended to similar posts in autonomous offices/subordinate offices.

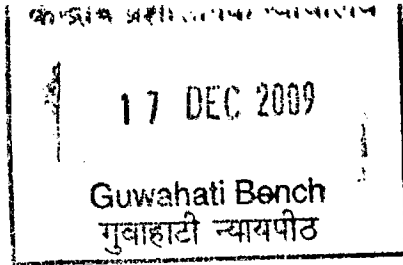
In para 2.4 it has been stated that since the applicant had accepted the offer as Grade III Stenographer in DAVP he is now estopped from claiming parity of pay at par with CSS/CSSS/CSCS and seniority of the applicant is counted in the General Central Services of Stenographers of DAVP and further alleged that merely working with officers of Joint Secretary and Deputy Secretary level does not entitle him to claim parity with CSSS cadres.

Copy of the impugned memorandum dated 22.05.09 is enclosed herewith and marked as Annexure- 12.

- 4.22 That it is stated that on a mere perusal of the impugned memorandum dated 22.05.2009 it appears that the Directorate of DAVP could not assign any valid reason for denying the higher revised scale of pay to the applicant. Moreover, the Ministry of Finance also failed to assign any acceptable reason while denying the benefit of higher revised scale of pay at par with CSSS cadre.

It would be evident that parity of pay has all along been maintained by the respondents Union of India with the post of Stenographer Grade III of Subordinate office along with the Stenographers and Assistants of CSS/CSSS/CSCS. However, subsequently the Stenographers and Assistants of Central Secretariat have been granted higher revised scale of pay. But the said discrimination in parity sought to be removed by the DOP&T vide letter dated 31.07.1990. But when such benefit of higher

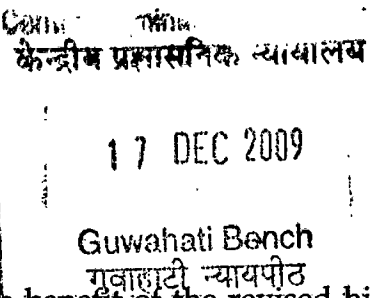
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revised pay was denied to the similarly situated employees of the subordinate offices working as Stenographer Gr. II in spite of issuance of DOP&T letter dated 31.07.1990. In this connection it may be stated that the impugned memorandum dated 22.05.2009 is silent about the extension of benefit to similarly situated employees of the subordinate offices of Directorate of Film Publicity under Ministry of Information and Broadcasting who had approached the Hon'ble Tribunal through OA No. 548 of 1994 under the same Ministry of Information and Broadcasting, Govt. of India. It is stated that in OA No. 548 of 1994 similar objection was raised regarding classification of category of Group 'C' and 'B' as well as category of non-gazetted and gazetted but the learned Tribunal, Principal Bench, New Delhi after adjudication of the matter in detail pleased to held that the Assistants and Stenographers of the Subordinate offices cannot be discriminated and allowed the O.A. Since the present applicant is similarly situated employee like those applicants of OA No. 548 of 1994, 985 of 1993, as such the impugned memorandum dated 22.05.2009 is not sustainable in the eye of law more so since the judgment and order in OA No. 548 of 1994 ahs already been implemented by the respondents Union of India. As such they are estopped from raising similar objections in the instant case of the applicant and on that score alone the O.M dated 22.05.2009 is liable to be set aside and quashed.

- 4.23** That your applicant further begs to say that he had also submitted representations on 09.04.2008, 12.12.2008 and 08.07.2009 praying inter alia for grant of higher revised scale of pay. However, the Directorate of Advertising and Visual Publicity has rejected the representation dated 08.07.2009 vide impugned memorandum bearing F. No. 18011/2/2006-Admn. I dated 24.08.2009 on the alleged ground that Ministry of Finance did not agree to the contention of the applicant for parity with Central Secretariat Stenographer Service in respect of pay scale and also on the alleged ground that no new fact has been brought for consideration. It is evident from the impugned memorandum dated 24.08.2009 that the Directorate did not refer the matter of the applicant to the DOPT. In this connection it may be stated that once the judgment and order date 19.01.1996 passed in OA No. 548 of 1994, 144-A/1993 and 985/1993 has

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attained finality on the similar issues and the benefit of the revised higher pay scale has been extended to similarly situated employees by implementing those judgments by respondents Union of India. As such the respondents are duty bound to extend similar benefits to the present applicant. The applicant further relies on the decision rendered by the Hon'ble Supreme Court in the following decisions:

- (i) (2006) 9 SCC 406 (K.T. Veerappa and Ors. Vs. State of Karnataka and Ors.)
- (ii) (2006) 12 SCC 435 (Union of India and Ors. Vs. Carpenter Workers union and Ors.)

In view of the aforesaid decisions the applicant has acquired a valuable and legal right rather fundamental right for extension of benefit of higher revised scale of pay as claimed in the instant Original Application.

Copy of the representation dated 09.04.08, 12.12.08, representation dated 08.07.09 and impugned memorandum dated 24.08.09 are enclosed herewith and marked as Annexure- 13, 14, 15 and 16.

4.24 That the applicant states that question of treating the applicant as ex-cadre/General Central Services does not arise as because applicant entered in service through competitive examination conducted by the Staff Selection Commission in the year 1980. It is further stated that as per Sl. No. 19 of the First Schedule of the Central Secretariat Service Rules, 1962, the DAVP, Ministry of Information and Broadcasting is a participating office of CSS/CSSS. Therefore the applicant should be treated as CSSS considering DAVP is a participating of CSS/CSSS and attached office and pay scale/status for the posting in its Regional Office cannot be discriminated in a latter stage while initial pay scale and its classification of Group of post were the same. As such the impugned memorandum dated 22.05.2009 and 24.08.2009 are arbitrary, non-speaking and the same are liable to be set aside and quashed.

Copy of extract of first schedule of the Central Secretariat Service Rules, 1962 is enclosed herewith and marked as Annexure- 17.

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4.25 That the applicant states that he had approached the authorities for redressal of his grievances but the respondents most arbitrarily rejected his prayers as stated in the preceeding paragraphs. As such finding no other alternative 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.

4.26 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

Raghabendranath Das

Central Secretariat service and Grade 'C' Stenographer of the Central Secretariat Stenographer Services and method of recruitment of both the categories are through open competition and posts are comparable to each other.

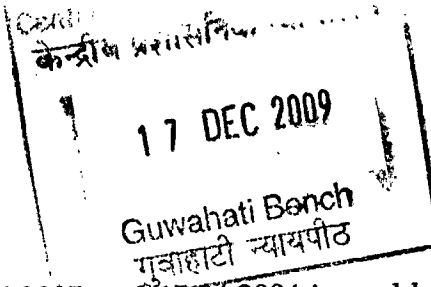
- 5.4 For that, the applicant fulfils all the criteria laid down in the O.M dated 31.07.1990 issued by the DOPT, Govt. of India and as such entitled to the benefit of higher revised scale contained in the aforesaid O.M dated 31.07.1990 with all consequential benefits.
- 5.5 For that, denial of benefit 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 and more so when the same judgment was accepted and implemented by the respondent Union of India in favour

Raghavendra Nath Das

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 as per Central Secretariat Service Rules, 1962, the DAVP, Ministry of Information and Broadcasting is a participating office of CSS/CSSS. Therefore the applicant should be treated as CSSS considering DAVP is a participating of CSS/CSSS and attached office and pay scale/status for the posting in its Regional Office cannot be discriminated in a latter stage while initial pay scale and its classification of Group of post were the same and keeping in view of the rules under common seniority list on all India basis framed by the DOP&T. As such the impugned memorandum dated 22.05.2009 and 24.08.2009 are arbitrary, non-speaking and the same are liable to be set aside and quashed.
- 5.11 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 22.05.2009 and 24.08.09 are liable to be set aside and quashed.
- 5.12 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

Raghobendranath Das

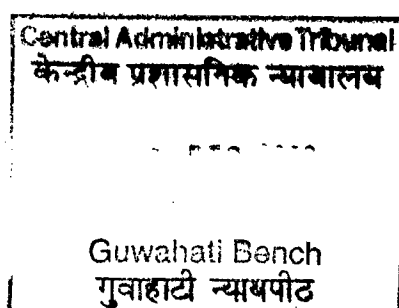


ground assigned in the letter dated 30.06.2005 and 15.04.2004 issued by the Govt. of India, Ministry of Finance is not sustainable in the eye of law.

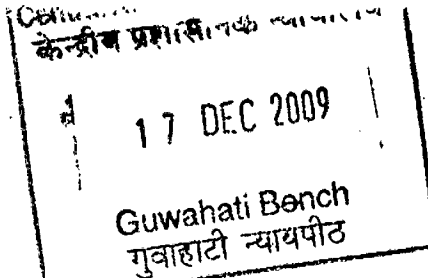
- 5.13 For that the contention of the respondents raised in O.M dated 15.04.2004 as well as in the impugned letter dated 30.06.05 after having been implemented the decision of the learned Tribunal granting the revised higher pay scales in terms of O.M dated 30.07.1990 to the similarly situated employees 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.
- 5.14 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.
- 5.15 For that the impugned memorandum dated 22.05.2009 has not assigned any valid reasons while rejecting claim of the applicant for higher revised scale of pay, as such the impugned memorandum dated 22.05.2009 is liable to be set aside and quashed.
- 5.16 For that in the impugned memorandum dated 22.05.2009 as well as in the impugned memorandum dated 24.08.2009 no valid reason has been assigned by the Ministry of Finance or the DAVP for denial of the benefit of higher revised scale of pay to the applicant. Moreover, the same Ministry of Finance did not assign any specific reasons for non-extension of the benefits of the revised scale of pay to the applicant. As such the impugned memorandum dated 22.05.09 and 24.08.09 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.



Raghabendra Nath Das



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

The applicant further declares that save and except filing of O.A No. 298 of 2003. 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 set aside and quash the impugned O.M dated 15.04.2004 (Annexure - 7), impugned letter dated 30.06.2005 (Annexure- 8), impugned office memorandum dated 16.08.2005 (Annexure- 9) as well as impugned office Memorandum bearing F. No. 18011/2/2006- Admn.I dated 22.05.2009 (Annexure- 12) and impugned office memorandum bearing F. No. 18011/2/2006- Admn.I dated 24.08.2009 (Annexure- 16).

8.2 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.

8.3 Costs of the application.

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

Raghavendranath Das

9. **Interim order prayed for:**

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

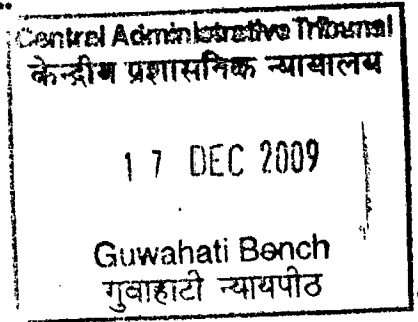
- 9.1 That the Hon'ble Tribunal be pleased to observe that pendency of this application shall not be a bar for grant of relief prayed for in this application.

10.

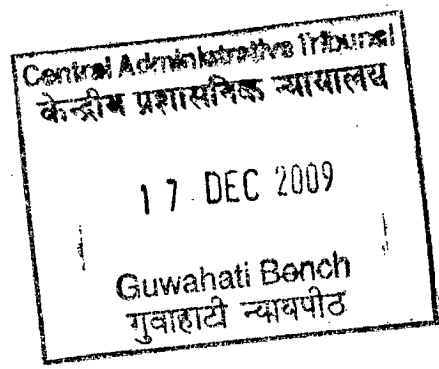
11. **Particulars of the L.P.O**

- | | | |
|------|---------------|-------------------|
| i) | I.P.O No. | : 39 G 436488 |
| ii) | Date of issue | : 27. 11. 09. |
| iii) | Issued from | : G.P.O, Guwahati |
| iv) | Payable at | : G.P.O, Guwahati |

12. **List of enclosures:**
As given in the index.



Raghavendranath Das



VERIFICATION

I, Sri Raghavendra Nath Das, aged about 51 years, working as Stenographer Grade - I, in the office of Regional Office, DAVP, Guwahati, applicant in the instant original application, 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 8th day of December, 2009.

Raghavendra Nath Das

-25-

ANNEXURE-1

No.3/8/81-Bud/DAMP/DS(1)
GOVERNMENT OF INDIA

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, dated 28th January, 1982.

To Director,
Directorate of Advertising & Visual Publicity
New Delhi.

Subject: Plan Proposals- North Eastern Region Regional Officer-
Production Centre for exhibition kits and exhibits at
Gauhati, Field Exhibition Units Aizawal, Itanagar and
van for movement of exhibits.

Sir,

I am directed to convey the sanction of the President to the
creation of the following temporary posts from the dates these are
filled upto 28th February, 1982 in connection with the implementation
of plan Schemes relating to Regional office at Gauhati, Production
Centre for exhibition Kits and exhibits at Gauhati, Field Exhibition
Units at Aizawal and Itanagar and van for movement of exhibits:

S.NO	Designation	No. of Posts	Scale of pay
1	Regional office at Gauhati		(As per A.D. note)
1.	Deputy Director (Now Joint Director)	1	Rs. 1500-60-1800
2.	Art Executive	1	Rs. 1100-50-1600
3.	Accounts officer	1	Rs. 840-40-1000-EB-40-1200
4.	Senior Artist	1	Rs. 650-30-740-35-810-EB-35- 880-40-1000-EB-40-1200
5.	Assistant Editor	1	Rs. -do-
6.	Asstt. Production Manager (PP)	1	Rs. -do-
7.	Technical Assistant (OP)	1	Rs. 550-25-750-EB-30-900
8.	Stenographer Gr. 'C' (Ex-cadre)	1	Rs. 425-15-500-EB-15-560-20- EB-26-800.
9. (i)	Upper Division Clerk (Ex-cadre)	2	Rs. 330-10-380-EB-12-500-EB- 15-560 -do-
10.	Accounts Clerk	2	-do-
11.	Stenographer Gr. III (Ex-cadre)	1	-do-
12.	Language Typist	1	Rs. 260-5-290-EB-6-326-8-366- EB-8-390-10-400
13.	Lower Division Clerk (Ex-cadre)	2	-do-
14.	Chowkidar	1	Rs. 196-3-220-EB-3-232
15.	Helper	4	-do-
16.	Sweeper	1	-do-
17.	Farash	1	-do-
11.	Production Centre at Gauhati for exhibition Kits & exhibits	23	
1.	Exhibition Officer (Design)	1	Rs. 1100-50-1600
2.	Research officer (Circulation)	1	-do-
	Senior Artist	1	Rs. 650-30-740-35-810-EB-35- 880-40-1000-EB-40-1200

Central Administrative Tribunal
Guwahati Bench
गुवाहाटी न्यायापीठ
17 DEC 2009

Noted
1/12/82

17 DEC 2009

Guwahati Bench

गुवाहाटी न्यायपीठ

- 2 -

- Technical Assistant (Audio Visual) 1
- Upper Division Clerk (ex-cadre) 1
- Store Keeper 1
- Stenographer Gr. III (ex-cadre) 1
- Lower Division Clerk (ex-cadre) 1
- Carpenter 2
- Helper 2
- Field Exhibition Unit at Aizawl and Itanagar 14
- Field Exhibition officer 2
- Projectionist 2
- Driver 2
- Cleaner 2
- Chowkidar 4

- Rs. 550-25-750-EB-32-9
- Rs. 330-11-380-EB-12-500-EB-15-560
- do-
- do-
- Rs. 260-6-290-EB-6-326-8-366-EB-8-390-10-400
- Rs. 260-6-326-EB-8-350
- Rs. 196-3-220-EB-3-232
- Rs. 650-30-740-35-880-EB-40-960
- Rs. 425-15-530-EB-15-560-20-600
- Rs. 260-6-326-EB-8-350
- Rs. 200-3-206-4-234-EB-4-250
- Rs. 196-3-220-EB-3-232.

The expenditure involved is debitabie to the budget grant of the Directorate of Advertising and visual Publicity under Demand No. 62-Information & Publicity Major Head '285' A. Information & Publicity, A-2(1) (1) salaries for the year 1981-82 (plan).

This sanction issues with the concurrence of the Finance Branch II vide their u.o.No. 101/82/Finance II, dated 15.1.82.

Yours faithfully,

Sd/-

(J.C.Dangwal)

Deputy Secretary to the Government of India. Tele: 384754

Copy to

1. Pay and Accounts officer (IRMA Group), A.G.C.R. Building, New Delhi
2. Finance Branch II, Ministry of I&B.
3. M.U.C., Ministry of I&B.
4. Pay & Accounts officer (DAVP) etc., Kasturba Ganchi Marg, New Delhi
5. Budget Section, DAVP
6. Purchase & Store Section, DAVP
7. O&M Section, DAVP
8. Cash Branch, DAVP
9. 25 spare copies.

Sd/-

(J.D.Dangwal)

Deputy Secretary to the Government of India
Tele: 384754

The pay scale mentioned above
is in date

17 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठAnnexure- 2(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 Secretariat 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.
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

Attested
M. S. S.
Adv.

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,

29 -
PRINCIPAL BENCH
NEW DELHI

Annexure-3

19-1-96

Original Application No. 144-A of 1993

THIS THE 19TH DAY OF JANUARY 1996.

IN THE MATTER OF THE STATE OF GUWAHATI
IN THE MATTER OF THE STATE OF GUWAHATI

V.R. Prasad Rao, 1/20 B-1, 1/20 P-4M, Room No. 4,
Andhra Gang, New Delhi, working as Crime Assistant
in the office of Central Bureau of Investigation, 1011
Region, Block No. 4, C.G.O. Complex, Lodi Road,

Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

17 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

1. H.M. Nandi, Crime Assistant/CBI, as on 1.1.1986
(now OS/CBI).

2. Kalam Lal, Crime Assistant/CBI as on 1.1.1986
(now OS/CBI).

3. H.M. Das, Crime Assistant/CBI as on 1.1.1986
(now OS/CBI).

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

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

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

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

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

9. L.G. Rao, Crime Assistant/CBI, as on 1.1.1986
(now JAO/CBI).



Sir

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Adv

17 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

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

13. Sobha Chand, Crime Assistant/CBI.

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

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

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

17. Naresh Kumar, Crime Assistant/CBI.

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

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

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

21. Rajinder Singh, Crime Assistant/CBI.

22. L.E. 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. O.P. Bhatia, P.A. (Steno Gr. 'C') as on 1.1.1986.

31. D.P. Vohra P.A. (Steno Gr. 'C') as on 1.1.1986
(now Sr. P.A.)

Sir

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received
no cash
P

39. S. L. Srivastava, PI/CH1.

Guwahati Bench
गुवाहाटी न्यायपीठ

5, Bureau, 101, N/A and Hospital 101, 100-101, West-
Vinod Nagar, Delhi.



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 320 Munirkh,
New Delhi.

6. C.S. Negi, S/o Late Sri H.S. Negi, R/o S-IV, B.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, 1/o
30, 13, Kailash Nagar, DIZ Area, New Delhi.

9. H.N. Chopra, S/o Late Sri S.D. Chopra, 94, Moti
Bagh, TYPE 111, 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 Girdi Raj Parshad, 1/o LP-61-A
Murya Enclave, Pitam pura, Delhi.

12. R.K. Arora, S/o Late Sri G.M. Arora, R/o 22-A
R/OH-117, D.D.A. Flats, Naraina, New Delhi.

13. R.K. Arora, S/o Lt. Sri G.M. Arora, R/o 22-A
R/OH-117, D.D.A. Flats, Naraina, New Delhi.

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- 33-
17. Radhey Bhyem, S/o Late Sri Barwari Lal, 250,
I.T. Colony, Unit, Pitam Pura, Delhi.
 18. Smt. Urmil Bhatia, W/o Sri Gulshan Bhatia, R/o
I.C. 1 Indira Garden, Delhi.
 19. Smt. Urmil Bhatia, W/o Sri Gulshan Bhatia, R/o
I.C. 1 Indira Garden, Delhi.
 20. Smt. Urmil Bhatia, W/o Sri Gulshan Bhatia, R/o
I.C. 1 Indira Garden, Delhi.
 21. Smt. Urmil Bhatia, W/o Sri Gulshan Bhatia, R/o
I.C. 1 Indira Garden, Delhi.
 22. Smt. Meelam 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, Shahdara, Delhi.
 24. Kasturi Lal, S/o Lt. Gh. Banshi Ram, S/o 4161/65
Gali Shahtara, Ajmeri Gate, Delhi.

Applicants

By Advocate : Sri R.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.

Respondent

V. P. J. S. S. L. 11

Central Administrative Tribunal
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with

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. Nahto, 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 Khurana, Directorate of Field Publicity, Ministry of I & B, R.K. Puram, New Delhi.

8. H.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. Shri Devi Arun Morelwar, Regional Officer, Directorate of Field Publicity, Ministry of I & B, Vidya Vihar, Pune.

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

Central Administrative Tribunal
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-7-

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

12. Dash Raj, Directorate of Field Publicity,
Ministry of I & B, R.K. Puram, New Delhi.

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

14. V. Padmanabhan, 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.N. Sudan

ORDER

D.C. VERMA, MEMBER (J)

In the three O.A.s, the applicants are

parity in the pay-scale, given to their counterparts in the Central Secretariat. As the points involved in the J.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 Director 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 except Steno Gr. II of the O.A. No. 548/94 Assistants or Stenographers Grade-II 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.A. No. 2/1/90 CS.4 dated 31.7.90 revised scale of pay of Rs. 1640-2900 in the pre-revised scale of Rs. 425-800/- for duty posts included in the Assistant Grade of Central Secretariat Services and Grade 'C'

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Stenographers
Stenographers of Central Secretariat Services
w.e.f. 1.1.1986 was given. The same revised pay-
scales 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 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
O.M./cause of grievance to employees of various
Govt. employed employees
Central/Departments. The files are in different
Benches of the Tribunal.

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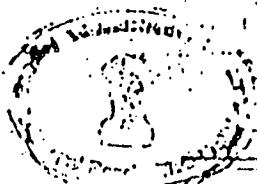
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Before discussing the facts of each case,
it would be better to transverse the case law on
the point.

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 be-cause
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
being a promotional avenue for officers
of the lower grade. The higher qualificat-
ions of the higher grade, which may be



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 *Bandhu Singh's case* (supra) has been reiterated in the case of *Newa Ram Kanodia vs. Maharashtra Institute of Medical Sciences and others* (A.F.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 employers holding the same rank perform similar functions and discharge similar duties and responsibilities treated differently. The application of the doctrine would arise where employees are equal in every respect but they are denied equality in matters relating to the scale of pay."

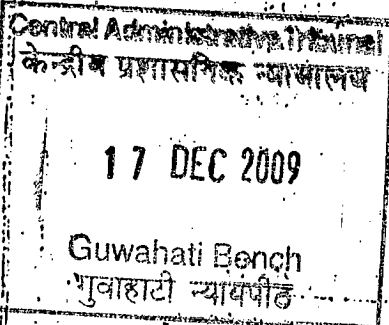
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7. In view of the above, the principle of "Equal pay for equal work" is applicable when employees holding the same rank perform similar functions and discharge similar duties and responsibilities are treated differently in the matter relating to the 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 (LJ) 71), the apex court relied on the earlier decision including Randhir Singh's case (supra) and the case of Angwandas 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."

B. 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 in action, favourable treatment has been given to some resulting unfair treatment to others, the court



may stand alone, even at necessity, 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 omitted 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-jurice. 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.A. of the Govt. of India dated 31.7.90.

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

In this case, the applicants are Crime Assistants and Stenographers Grade 'C'

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in the department of C.D.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.D.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.D.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.D.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 "quality 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.D.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' Stenographers of the department of C.D.I. and the

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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 J.A. No. 760/68 in the case of Jutan 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 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 U.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. recommended the pay-scales of Rs. 1400-2600/-

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(15)

fact that promotions to these are made 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. 440-750/-; (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."

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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 claimed as a matter of right for posts in different departments. The contention of the learned counsel

to all the above category i.e. Crime Assistant and the Personal Assistants of the department of C.B.I. and Assistants and Stenographers Grade 'C' of the CSS and CSSS and this recommendations of the Pay-scales was accepted by the Govt.

15. 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 :

B.41. The scale of Rs. 425-800/- covers posts of Assistant and Stenographer in different ministries/departments, Auditor under C&A, etc. The recruitment is either through competitive examination or by promotion from the scale of Rs. 330-560/-

B.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 (e)). The categories of posts covered by the scale of Rs. 425-750/- are engineering Assistant in communication and All India Radio, section grade, inspector of telegraph and assistant superintendent (telegraph and telephone) in P&T and stock verifiers 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.

B.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.

B.44. Considering the duties and responsibilities of these posts and the

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is merely on the ground that the applicants did not satisfy the conditions laid down in DMT O.M. dated 31.7.90. In other words, his contention is that the nature of work performed by the Assistants/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 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 CSE and CSSS. 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 CSE. 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 CSE and the applicants of this case. XXXXXXXX. 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 like Ministry of External Affairs which are not participating in the Central Secretariat Services".

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(18) 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 G.P.C. of CSS, 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 Bhagyan Das Vs. State of Maryland (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 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 over the country. We need not examine the merits of these modes for the very good reason that once the nature and functions and the work are not shown

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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 CSSE 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:



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

22. The above fact has not been denied by the respondents in their reply. The scale of Assistant 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 B. 1640-2900/- in place of B. 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 have been given in Annexure-2, is as below :

Item	Assistants in the Central Secretariat	Assistants in the Directorates of the CHDT
1. Classification	Group 'B' (Non-gazetted)	Group 'C'
2. Method of Recruitment	Partly by Direct Recruitment through UPSC and partly by promotion from UDCs	100% by promotion from UDCs. There is no Direct Recruitment
3. Nature of Duties and Responsibilities	Assistants in the Central Secretariat contribute to policy making of the Govt. of India	The Directorates of the CHDT not deal with any policy 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 the post of S.O. (B. 2000-3800) (Group 'B' Gazetted)	Assistants in the Directorates are eligible for promotion to the post of Sr. TIA/ Technical Research Assistants in the scale of B. 1640-2900

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

23. 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. 148-A/93, in view of apex court decision quoted in para 19

in the case of Bhagwan Das Vs. State of Haryana, at Sl. No. 1

As regards classification is concerned, the point was discussed by the ~~xxxxxx~~ 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 CELT do not deal with any policy matter and do only routine and clerical job, as ascertained. The ~~xxxxxx~~ Ernakulam Bench in O.A. No. 1322/94 and O.A. No. 276/95 in the case of K.R. Chandrasekharan Kunji Vs. Secretary, Deptt.

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of Revenue, Ministry of Finance, Government of India, New Delhi, decided on 20.7.95, (Supra) was also considering the case of Assistant 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 Enakulam 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."

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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 Rs. 1400-2600/-. The ~~analogue~~ Assistants of the Directorates (in the scale of Rs. 1400-2600/-) are promoted to the post of Senior Technical Assistant (in the scale of Rs. 1640-2900/-) and

27. The objection of the respondents that due to intermediary scale, the applicants were not given the scales of Rs. 1640-2960/- 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. Debashis Kar & others (1995 SCC (LUS) 1303. The apex court was dealing with the scale given to Draughtsmen Grade II in Civil 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 :

"BRI K.M. 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 CWD. Inasmuch as in CWD 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 Chargehand Grade II and thereafter as Chargehand Grade I and as Foreman and that the post of Chargehand Grade II which is the promotional post for draughtsman was not the post to which the respondents were promoted. He stated that the respondents were promoted to the post of draughtsman being placed at the same level as the promotional post of Chargehand Grade II and, therefore, the benefit of the revision of pay scales under Office Memorandum dated 12.9.1984 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 CWD. This contention was not agitated in any of the matters before the Tribunal and we, are, therefore, unable to entertain this plea urged by Sri Goswami on behalf of the appellants/petitioners.

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The seal of the Federal Bureau of Investigation (FBI) is located in the top right corner of the document. It features a central shield with a scale of justice, a sword, and a laurel wreath, surrounded by the words "DEPARTMENT OF JUSTICE" and "FEDERAL BUREAU OF INVESTIGATION".

As regards the post of Chergeman Gradell 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 Draughtsman and their being placed in the scale of Rs. 425-700/- on the basis of the Office Memorandum dated 13.3.1984 if such Draughtsman are otherwise entitled to such revision in the pay-scale on the basis of the said memorandum.

20. In the case before us, Assistants in the Directorates attached to CBOT 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 since establishment of the Directorate, all the previous 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 CBOT and that of CSS. The U.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.

30.

546/94
J.A. No. 546 of 1994

The applicants, in this case, are

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DFP

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Stenographers Grade-II and Assistants in the Directorate of Field Publicity, Ministry of Information & Broadcasting. Both the post belong to Central Central Service, Non-Gazetted ministerial post and are at present in the scale of R. 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 authorized permanent strength of the Ministry of 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. The O.M. dated 31.7.90 is the cause of grievance to the applicants.

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 R. 425-700/- which was subsequently revised to R. 1400-2300/- on the recommendations of the 4th P.C. and later on it was again revised to R. 1400-2600/- w.e.f. 1.1.1986 by the Ministry of Finance, O.M. dated 8.5.90 and (iii) since 5th P.C. has been announced by the Government, the



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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 9.14 of the U.A., and is being reproduced below:

Year Pay Scale of DFP Pay Scale of Steno in the Central Sect. Pay Scale of Assts. in the Central Sect.

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.

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

Central Administrative Tribunal
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participating in the CSS/CSSS and were discharging their duties of Stenographers Grade 11 and Assistant 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 11 and the Assistants in the LFP 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, it 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-11 of LFP 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 11 of LFP was subsequently revised to Rs. 1400-2600/-, by O.A. 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 Grade 11 of DFP w.e.f. 1.1.1986. The reason for doing so has not been brought on record. Whatever

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may be reasons, the Government in its own wisdom thought it proper to bring the Stenographers Grade-II of LEP 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 LEP cannot be discriminated.

HOUSE
3 MARC.
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Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

17 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

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 place the applicants of the respective O.M.s in

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.A.B. However, the fixation of pay will be effective w.e.f. 1.1.1986. 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.

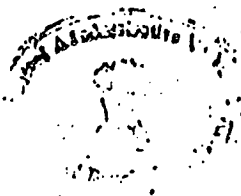
39. In the facts and circumstances of the case, there shall be no order as to costs.

Member (J)
SIRSIV-

11
Deputy Chairman

True Copy
Attested
11/11/86

Attested
Dutta
Adv



प्रमाणित प्रतिलिपि
Date.....
CERTIFIED TRUE COPY
Dated.....
11/11/86
Section Officer
Central Administrative Tribunal
Guwahati Bench

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

TARJOKOT HOUSE
COMMERICAL MARG,
NEW DELHI-110002

DT. 31.1.95

From
The Registrar,
Central Administrative Tribunal
Principal Bench, New Delhi.

To
Shri V.P. Upadhyay, Assistant for the Respondent,
C.A.T. Room, New Delhi.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
17 DEC 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

Shri Govardhan Lal A. Upd.

Applicant (S) D.A. No. 255/93

V/S

U.P. S. Dis.

Respondent (S)

Sir

I am Directed to forward here with a copy of Order Dt. 19.1.95
passed by this Tribunal in the above mentioned case for information and
necessary action, if any.

Please acknowledge receipt.

Yours faithfully

SECTION OFFICER J-1
FOR REGISTRAR.



SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Petition (s) for Special Leave to Appeal (Civil / Cr.) No. (s)/96 CC 2335
(From the Judgement and order dated 19.1.1996

(of the Hon'ble JUDGE)

Central Administrative Tribunal, Principal Bench, New Delhi,
in O.A. No. 985/93

Union of India & Ors.

Petitioner (s)

Versus

Goverdhan Lal & Ors.
(With I.A. 1(c/delay) in filing SLP)

432685

Respondent(s)

Date: 11.7.1996

This / These Petition (s) was/were called on for hearing today.

CORAM

Hon'ble Mr. Justice
Hon'ble Mr. Justice
Hon'ble Mr. Justice

S. C. Agrawal
G. L. Nanavati

certified to be true copy

Assistant Registrar (3rd fl)

26/12/2009

Supreme Court of India

For the petitioner (s)

Mr. R. Venugopal Reddy, Sr. Adv.,
Mr. B. Parthasarathi, Adv.,
Mr. S. N. Terdol, Adv., Ms. Sushma Suri, Adv.,
and Mr. B. V. Balaram Das, Adv.

For the Respondent(s)

Mr. N. K. Aggarwal, Adv. (Caveator)

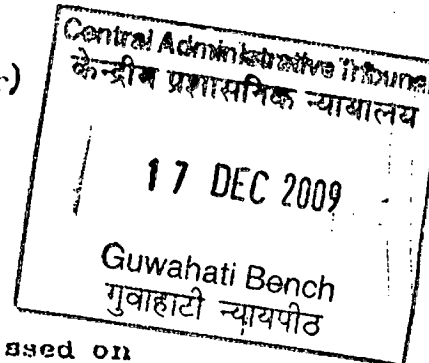
UPON hearing the Court made the following
ORDER

Delay condoned

The special leave petition is dismissed on
merits.

(V. K. SHARMA)
Court Master

(S. B. SHARMA)
Court Master



Attended
Dutta
Adv

To, *Y*
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 21.3.05 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 paid for its expeditious implementation/decision so that I being a junior staff keep my faith and regards to the Superiors for ever.

Thanking you.

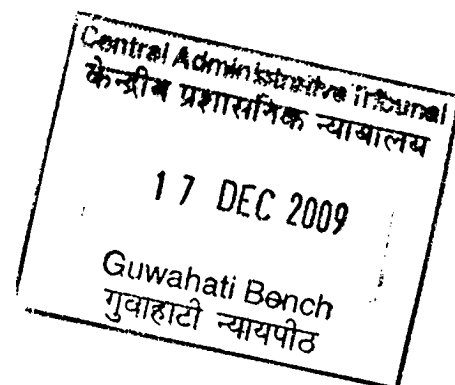
Yours faithfully,

Sd/- 4/9/08
(R.N. Das)

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

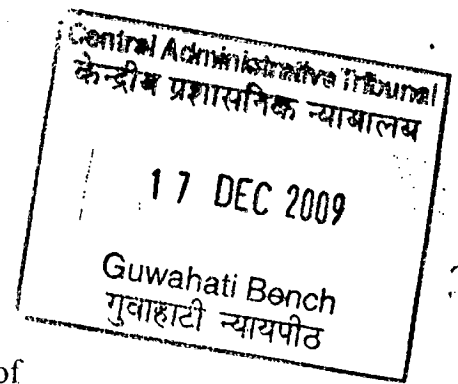
Date: 04.07.05

*Attested
with
del*



-62-

To
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 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 administrative, 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.

10/1/05

(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

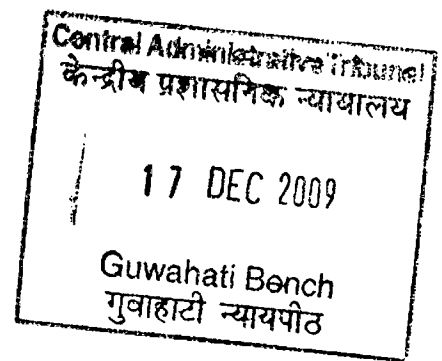
Affected
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10/1/05
(R. N. Das)
Stenographer Gr.II/'C'
Regional Office, DAVP, Guwahati

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 Competetive 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 August 1988. 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 post of 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 there 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 August'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 Competetive 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

Attended
10/11/09
Adm

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.Astts./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
(R.N. Das)

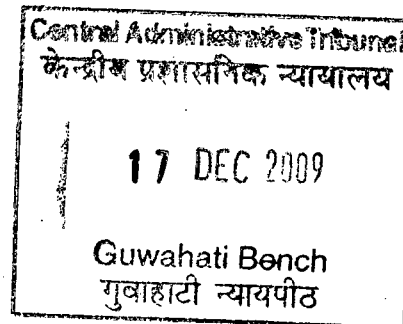
Stenographer Gr.II'C'

REGIONAL OFFICE; DAVP; GUWAHATI

Encl; as above

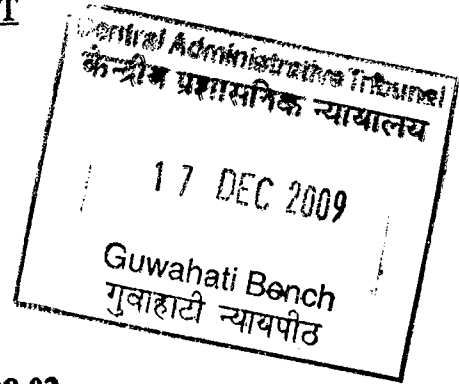
(Annexure-A-E) *Neelam letter*
sent to J.S., Min. of J & B.

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:- Leter 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 ~~each~~ 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,

Raghavendra Nath 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

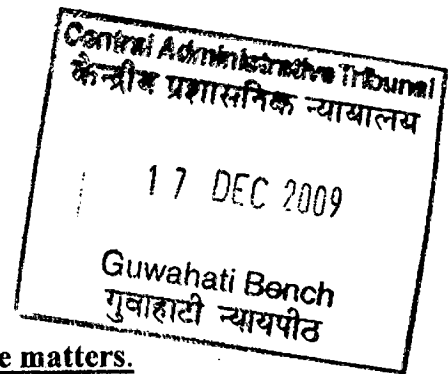
*Attested
By
Adm*

-66-

Speed
Post

Registered

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.

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,

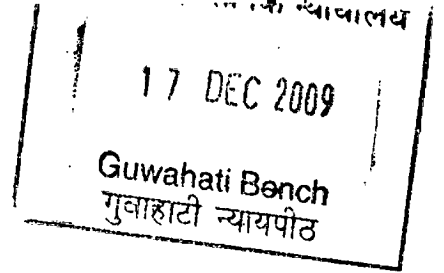
Raghavendranath Das
(RAGHABENDRANATH DAS)
Stenographer- Gr.II
Regional Office, DAVP, Mi. of I&B,
Nabin Nagar, Janpath,
Guwahati-781024(ASSAM)

Encls; as above

Date: 03.12.2003

*Left handed
Mita
Bh*

- 67 -



Bv 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.)

23/12/03

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

*Attended
Butta
Adm*

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

ANNEXURE-7

New Delhi, dated 15th April, 2004

OFFICE MEMORANDUM

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

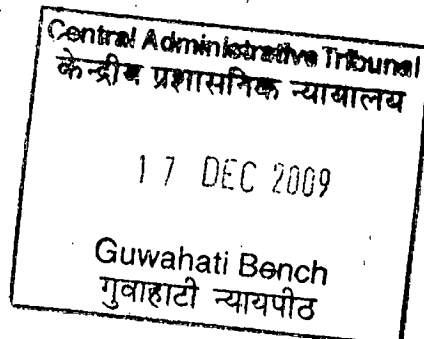
The undersigned is directed to refer to DOPT's O.M. No.6/6/90-CS-1 dated 3.1.91 and Ministry of Finance O.M. No.744/IC/90 dated 11th December, 1990 the subject mentioned above and to state that DOPT's O.M. dated 31.7.90 was meant exclusively for Assistants/Stenographers of the CSS/CSSS and this was not 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 vide 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, 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 measure 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.

*Attested
Mitra
Adv*

All F.A.s



(Anuradha Mittal)
Director (E)

- 69 -

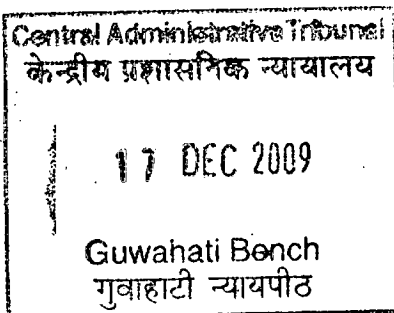
Ministry of Finance
Department of Expenditure
E.III B Branch

ANNEXURE-8

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 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 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 15.4.2004 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)

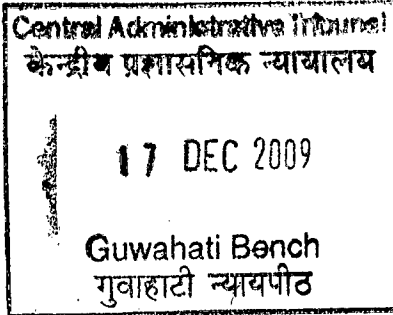
M/o Finance, Deptt. of Exp. U.O.No. 205/E-III CB/05

dated

30/6/05

All F As

*Attached
Dutta
Adv*



Annexure - 9

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)-IC/95 dated 15.04.2004 is enclosed for ready reference.

Incl. As above.

*Attested
Dutta
Adv*

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

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

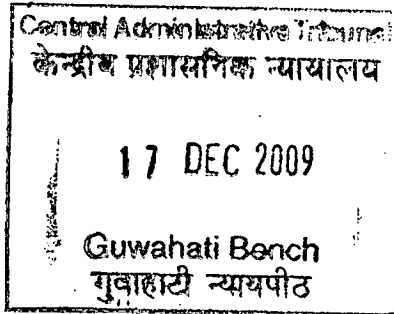
(Through Regional Office, DAVP, Bangalore)

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, Admn.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.)



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ANNEXURE 10

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.

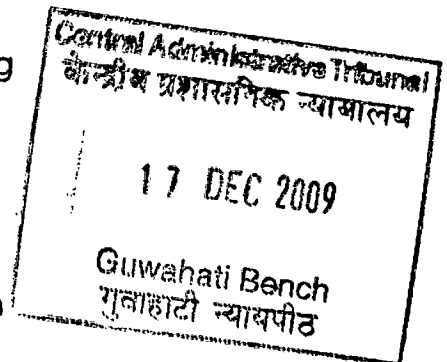
- Versus -

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.

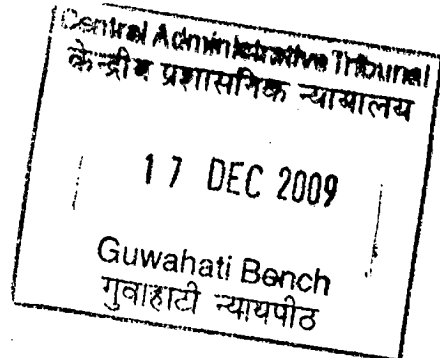


..... Respondents.

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

*Submitted
Mulla
Adv*

ORDER (ORAL)
16.01.2008



MANORANJAN 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/Guwahati) 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

A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line and a small circle.



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)



Administrative Tribunal
গুৱাহাটী ন্যায়ালয়
17 DEC 2009
Guwahati Bench
গুৱাহাটী ন্যায়ালয়

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.

2 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.

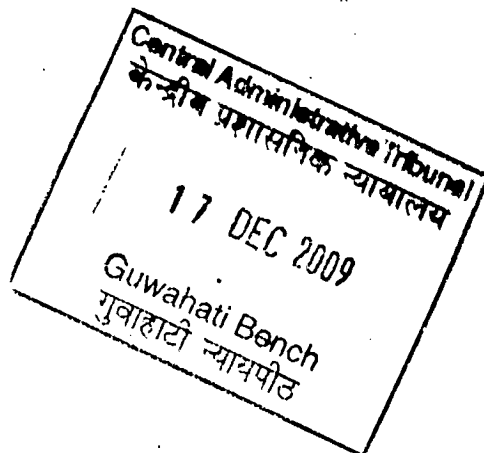
Date of Application : 22.1.08
 Date on which copy is ready : 1.2.08
 Date on which copy is delivered : 1.2.08
 Certified to be true copy

Sd/-
 Manoranjan Mohanty
 Vice Chairman
 Sd/-
 Kunalram
 Member (A)

Attested
 Mulla
 Adv

17 DEC 2009
 Guwahati Bench
 জাহাঙ্গীর আলম
 জাজ

1. To
The Secretary to the Govt. of India,
Ministry of Information & Broadcasting,
Govt. of India,
Shastri Bhawan,
New Delhi-110 001.
2. To
The Director General,
Dte. of Advertising & Visual Publicity,
Ministry of Information & Broadcasting,
Govt. of India,
CGO Complex, Sookhna Bhawan,
Lodhi Road, New Delhi-110 003
3. To
The Secretary to the Govt. of India,
Ministry of Finance,
(Department of Expenditure)
North Block ,
New Delhi-110 001
4. To
The Secretary,
Department of Personnel & Training,
Ministry of Personnel, Public Grievance & Pensions,
Room No.112, 1st Floor, North Block,
New Delhi-110 001.



(Through Proper Channel)

Sub:-Revision of higher pay-scale of Rs.1640/- -2900/- w.c.f. August,1988 to 31st December,1995 and Rs. 5500/- - Rs.9000/- from 1st January,1996 till 23rd June, 2005 to Shri Raghavendra Nath Das , earlier Stenographer Gr.II of DAVP, Guwahati , now working as Stenographer Gr.I(Group.'B' Non -gazetted) in the pay -scale of Rs.5500/- - Rs.9000/- instead of Rs.6500/- -10500/- (Group 'B' Gazetted) i.e. equivalent to P.S.

Ref:- Order (ORAL) dtd. 16.01.2008 of Hon'ble CAT, Guwahati Bench.

Sir,

I have the honour to beg to your kind attention on the subject and reference mentioned above.

That Sir, you might kindly be aware that I had been making correspondence for revision of higher pay -scale of Rs. 1640/- - Rs.2900/- since 1996 onwards on the basis of OA No. 548 CAT's Principal Bench , New Delhi Order dtd. 19th January, 1996 in OA No(s) 548/94, 144-A 93 and 985/93 granting thereof the higher pay-scale of Rs. 1640/- - Rs.2900/-(revised to Rs 500/- - Rs.9000/-) to the Stenographers Gr.II in various organizations including the stenographers Gr.II of Dte. of Field Publicity, Min. of I&B, Govt. of India.. But, I am sorry enough to state here that my above prayer being after influenced by All Administrative Competent Authorities forwarded it to the Ministry of Finance for necessary concurrence on the

---P/ 2.....

*Attested
Aditi
Adv*

17 DEC 2009
Guwahati Bench
गुवाहाटी बेंच

....P/2....

matter while Ministry of Finance had rejected vide Ministry of Finance (Deptt. of Expenditure) letter of U.O.No. 205/E-III(B)/2005 dtd. 30th June, 2005 with the reason that (1) I was not applicant and (2) I do not belong to CSSS (Central Secretariat Stenographer Service) and the same had been forwarded by Dy. Director (Admn.), DAVP, New Delhi vide letter No. A-12033/I/2002-Admn.I dtd. 16.08.05.

2. In this regard, I like to place a few points below for your kind perusal and for looking into the matter considerably and I believe that you would come to know the exact position that how I have been depriving from legitimate claims, if you take some pain to go through in details for finding out the discrimination made to me so far.

(i) Regarding Non-applicant- That Sir, I did not approach before CAT because I had an idea that on the basis of above CAT's order dtd. 19th January, 1996, I should have been considered as similarly placed persons need not to be appeared before CAT for having the same benefit. However, I approached before Hon'ble CAT, Guwahati Bench, immediately on receipt of your letter through DAVP Authority.

In terms of the DOP&T's letter No. 2 / I / 90- CS.IV dtd. 31.07.1990 wherein clearly indicated that the benefits for the pay-scale of Rs. 1640/- - Rs. 2900/- is also applicable to the Asstts. and Stenographers in other organizations like Ministry of External Affairs which are not participating office of CSS and CSSS but where the posts are in comparable grades with same classifications and the method of recruitment through open competitive examination is also the same, I should also had/ have been considered for the same benefit. Moreover, when DAVP is a participating office of CSS/ CSSS/CSCS and an Attached Office too in which my name being selected in comparable grade had been nominated by Staff Selection Commission (copy enclosed).

(Annexure-I)

(ii) Regarding CSSS - That Sir, since after Staff Selection Commission starts functioning from 1976, the SSC conducted examination for Clerk and Stenographer Grade 'D' for direct recruitment through open written competitive examination on All India basis in the year 1980 and I appeared for the same. Afterwards being passed for both the posts in written examinations, I appeared for Stenography Test and had been selected by the Staff Selection Commission and nominated my name for Directorate of Advertising & Visual Publicity (DAVP), Min. of Information & Broadcasting, Govt. of India, Kolkata, a participating office of CSS/CSSS/CSCS and attached office too. But, I had been appointed in the post of Stenographer Gr.III(Ex-cadre) in DAVP, Kolkata on 09.07.1982. It is not known how and why I had been given for the post of Stenographer Gr.III instead of Stenographer Gr.'D' by DAVP while SSC conducted for the post of Stenographer Gr.'D' only. Ofcourse the pay-scale of Stenographer Gr.'D' and Stenographer Gr.III was same i.e. Rs.330/- - Rs.560/- (pre-revised).

(iii) There was the sanctioned post of Stenographer Gr. 'C' in the pay-scale of Rs. 425/- - Rs.800/- (Rs. 1400/- Rs.2600/- subsequently which was revised as Rs. 1640/- Rs.2900/-) at Regional Office, DAVP, Guwahati the scale of which was at par with the Central Secretariat Stenographers Service (CSSS). Copy of Ministry's sanctioned letter No.3/ 8 /81-Bud /DAVP/ DS(I) dtd.28.01.1982 is enclosed.

(Annexure- II)

....P/3....

But, I had been promoted in the post of Stenographer Gr.II in the pay-scale of Rs. 1400/- - Rs. 2300/- at RO, DAVP, Guwahati and I joined in the post of Stenographer Gr.II on 22.08.1988 in the pay scale of Rs. 1400/- - 2300/- (pre revised pay-scale 425/- - Rs.700/-), which was subsequently revised it later on by the Ministry of Finance (Deptt. of Expenditure) vide its letter No.7(18)-B-III/81 dtd. 4th May, 1990, to Rs. 1400/- - Rs.2600/- i.e. at par with the pay-scale of CSSS Stenographers/ Assistants. But, from August, 1988 I had been given the pay-scale Rs. 5000/- - Rs.8000/- instead of Rs. 5500/- Rs.9000/- given to the CSSS Stenographers/ Assistants effecting them from 1st January, 1996 and according to DOP&T's letter No. 20/29/2006-CSII (CS.I) dtd. 25th September, 2006, they (Group 'B' Non-Gazetted) have been given the pay-scale of Rs.6500/- -10500/- w.e.f. 15th September, 2006. The reason was not known to me though at the **initial appointment the pay -scale** in the post of Steno.Gr.III/ Gr. 'D' was same i.e. Pre-revised Rs.330/- - Rs.560/-. Since the method for direct recruitment was the same I should have also been considered for the benefits given to CSSS/ Assistants keeping in view of my selection made by Staff Selection Commission .

(iii) Again promoted in the post of Stenographer Gr.I in the pay -scale of Rs. 5500/- Rs.9000/-, Group 'B' Non-gazetted (**Post not available at RO, DAVP, Guwahati**) instead of promotion to the post of Private Secretary (Gazetted Gr.'B) in the pay-scale of Rs.6500/- - Rs.10500/- as like the Stenographers of CSSS placed from Gr.'D' to Gr.'C'/PA to P.S etc. In my case also it should be given equal pay-scale of Rs.6500/- -Rs.10500/- in the post of Stenographer Gr.I (Group 'B' Gazetted i.e. at par with P.S).

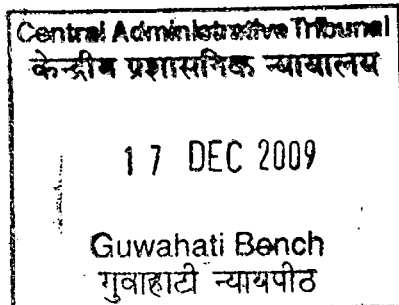
It may kindly be seen that I have got two promotions and placed in the post of Stenographer Gr.I in the pay -scale of Rs. 5500/- Rs. 9000/- while the Stenographers initially appointed as Stenographer Gr.'D' being appeared in the same examination given one promotion to Gr.'C' are drawing pay-scale Rs. 6500/- - Rs. 10500/- as per DOP&T's letter No. 20/29/2006-CS II(CS.I) dtd. 25.09.06 effecting from 15.09.2006.

Sir, since after my appointment and till functioned as Stenographer Gr.II i.e. 23.06.08, I was treated as Ex-Cadre which subsequently from 24.06.05 offering me the promotion to the post of Stenographer Gr.I as General Central Service (Gr.'B' Non-Gazetted ministerial). I thrice requested to clarify about the Ex-cadre/ GCS since June, 2006 but Department has not yet clarified. This is, I requested because I never applied for any particular post for a particular Department and I like the others togetherwith came through SSC after being appeared for direct recruitment should be also equally treated as CSSS. (copies enclosed). (Annexure-II)

DAVP is a participating office of CSS/CSSS/CSCS and an attached Office. This is as per Rules 2(e) and 2 (f) and (5)- **FIRST SCHEDULE OF THE CENTRAL SECRETARIT SERVICE RULES, 1962, OBTAINED FROM WEB SITE AND FROM DOWN LOAD FROM DAVP'S WEB SITE (EXTRACT COPIES ENCLOSED).**

(Annexure-III)

.....P/4.....



Copies of Proforma for sending requisition to Staff Selection Commission Office (nowhere mentioned about Ex-Cadre / General Central Service Post) along with the jurisdictions of Regional /Sub-Regional Offices of SSC are also enclosed for kind perusal and ready reference by which it may be clear that the discrimination occurred to me is genuine.

(Annexure-IV)

Further, I like to make it clear that as per DOP&T' guide lines framed in Nabhi's Referencer for Central Government Employees, 2006 indicating therein that Seniority should be maintained in order to merit list at the time of initial appointment and as well as at higher lever in case of both direct recruits and promotees (Copy enclosed) .

(Annexure-V)

Regarding Seniority List there is clearly indicated in Recruitment by Staff Selection Commission (SSC) of 11(iv)-Allotment of candidates by the Commission of Swamy's Master Mannual for DDOs And Heads of Offices Part -II Establishment ,that every Department should ascertain the common seniority list from the concerned SSC office(copy enclosed).

(Annexure-VI)

In this regard, I also requested to serve me seniority list and while draft seniority list was served to me it has been noticed that my name has been shown along with the candidate not came through SSC. Accordingly, I pointed it out to give the final Seniority List keeping in view of the guidelines framed by DOP&T and not by DAVP as my selecting Authority is SSC and not the DAVP. But, I have not received the same. This, I have written on the basis of DOP&T's letter O.M.No.AB.14017/532005-Estt.(RR) dtd. 17.02.06 framing of refresh model Recruitment Rules for various categories of posts of stenographers in non-secretariate organizations published in Swamy's News in May,2006, where in it was clearly mentioned that the benefits thereof will be applicable only the candidates came for direct recruitment through SSC.

Central Admin. Building
केन्द्रीय प्रशासनिक न्याय

17 DEC 20

Guwahati Bar
गुवाहाटी न्याय

But, my name being nominated by SSC in a participating office of CSS/CSSS/CSCS in DAVP should not be treated as otherwise. (Copy enclosed).

(Annexure-VII)

3. Sir, after fulfilling the requisite criteria/ qualifications as were required by the Staff Selection Commission, I appeared and selected for the post of Stenographer Gr.'D' and my name was nominated by the SSC for DAVP Office, a participating office of CSS/CSSS/CSCS and an Attached Office too. When the initial pay-scale in comparable grade was same for the post of which I applied for and keeping in view of subsequent promotional channel and its pay-scale should be the same as given to the Stenographers Gr.'C'/ PAs , PS of CSSS. Moreover, there was a sanctioned post of Stenographer Gr.'C' in the pay-scale of Rs.425/- -Rs.800/- - but I was given promotion for the post of Stenographer Gr.II in the pay -scale of Rs. 425/- - 700/- which was absolutely discriminated despite the recruitment method was same .

-80-

....P/4...

Copies of Proforma for sending requisition to Staff Selection Commission Office(nowhere mentioned about Ex-Cadre / General Central Service Post) along with the jurisdictions of Regional /Sub-Regional Offices of SSC are also enclosed for kind perusal and ready reference by which it may be clear that the discrimination occurred to me is genuine. (Annexure-IV)

Further, I like to make it clear that as per DOP&T' guide lines framed in Nabhi's Referencer for Central Government Employees, 2006 indicating therein that Seniority should be maintained in order to merit list at the time of initial appointment and as well as at higher lever in case of both direct recruits and promotees (Copy enclosed) .

(Annexure-V)

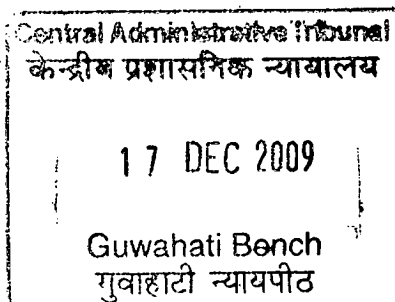
Regarding Seniority List there is clearly indicated in Recruitment by Staff Selection Commission (SSC) of 11(iv)-Allotment of candidates by the Commission of Swamy's Master Mannual for DDOs And Heads of Offices Part -II Establishment ,that every Department should ascertain the common seniority list from the concerned SSC office(copy enclosed). (Annexure-VI)

In this regard, I also requested to serve me seniority list and while draft seniority list was served to me it has been noticed that my name has been shown along with the candidate not came through SSC. Accordingly, I pointed it out to give the final Seniority List keeping in view of the guidelines framed by DOP&T and not by DAVP as my selecting Authority is SSC and not the DAVP. But, I have not received the same. This, I have written on the basis of DOP&T's letter O.M.No.AB.14017/532005-Estt.(RR) dtd. 17.02.06 framing of refresh model Recruitment Rules for various categories of posts of stenographers in non-secretariate organizations published in Swamy's News in May,2006, where in it was clearly mentioned that the benefits thereof will be applicable only the candidates came for direct recruitment through SSC.

But, my name being nominated by SSC in a participating office of CSS/CSSS/CSCS in DAVP should not be treated as otherwise. (Copy enclosed). (Annexure-VII)

3. Sir, after fulfilling the requisite criteria/ qualifications as were required by the Staff Selection Commission, I appeared and selected for the post of Stenographer Gr.'D' and my name was nominated by the SSC for DAVP Office, a participating office of CSS/CSSS/CSCS and an Attached Office too. When the initial pay-scale in comparable grade was same for the post of which I applied for and keeping in view of subsequent promotional channel and its pay-scale should be the same as given to the Stenographers Gr.'C'/ PAs , PS of CSSS. Moreover, there was a sanctioned post of Stenographer Gr.'C' in the pay-scale of Rs.425/- -Rs.800/- - but I was given promotion for the post of Stenographer Gr.II in the pay -scale of Rs. 425/- - 700/- which was absolutely discriminated despite the recruitment method was same .

.....P/ 5.....



.....P/ 5.....

Sir, I had / have been rendering services to the Joint Secretary / Dy. Secretary level Officers and so far I believe that I had/ have been discharging services much more than that of the Stenographers Gr. 'C'/ PAs working in DAVP Hqrs., by taking higher responsibilities, to assist in making scrutiny on various 'exhibition proposals, its financial estimates, process to arrange issuing financial sanction, approval of tentative / actual tour Programme of the officers / staff members of entire NE Region, maintaining of a number of files, to give notes on file with necessary observations, to prepare draft letters etc., in addition to my normal duties including proceedings of the meetings held time to time. I may point out that the Stenographer Gr.'C'/ PAs and P.S working in DAVP, Hqrs., had/have been attached with the officers i.e. Group 'B' Gazetted, and Class I officers, (below the rank of Dy. Secretary level officers) while the Stenographers 'Gr' D/III recently promoted to the post of Stenographer Gr. I had/has been working with Director General, DAVP for long years. According to the post and on the basis of its method of recruitment for the candidates by the Commission like SSC / UPSC, the pay-scale is given .

4. In view of the above , I earnestly hope that you will certainly realize that I have been depriving like anything and discriminated from all corners including to get transfer to other central govt. offices as the legitimate claims as was supposed to be equal with all the candidates appeared togetherly for the same examination wherever posted , the similar benefit had not been given to me though Ministry of Finance vide its letter dtd. 4th May,1990(mentioned above) gave concurrence for revising the earlier pay -scale Rs. 1400/- - Rs.2300/- (Rs. 425/- -700/-) to Rs.1400/- - Rs.2600/-(Rs.425/- - Rs.800/-) i.e. at par with Stenos.Gr.'C'/PAs ,Asstts.of CSSS /CSS.

I am submitting herewith keeping in view of the Order (ORAL) dtd. 16.01.2008 (Copy enclosed) of Hon'ble CAT, Guwahati Bench, for your kind perusal, ready reference and reconsideration on the matter and get me relieved from such deprivation and as well as humiliation by giving higher pay-scale of Rs 1640/- -Rs2900/- w .c.f. August, 1988 to 31st December, 1995 and Rs. 5500/- - Rs.9000/- w.e.f. 1st January, 1996 to 23rd June, 2005 against the post of Stenographer Gr.II/Stenographer 'C' and Rs. 6500/- - Rs .10,500/- from 25th June,2005 till date against the post of Stenographer Gr.I / P.S (Group 'B' Gazetted).
(Annexure-VIII)

Thanking you,

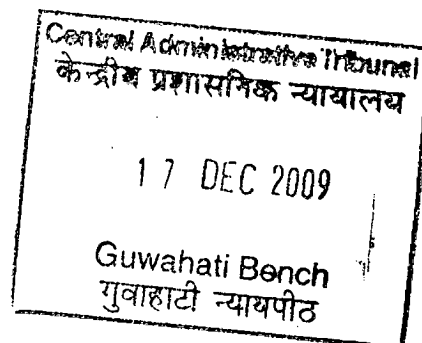
Encls: as above

Date:14.02.08

Yours faithfully,

Raghavendra Nath Das
14/02/08
(Raghavendra Nath Das)
Stenographer Gr.I
RO: DAVP: Guwahati-24

*Witnessed
Rita
dsh*



17 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

ANNEXURE-12

F.No.18011/2/2006-Admn.I
Government of India
Directorate of Advertising & Visual Publicity
Ministry of Information & Broadcasting
Soochna Bhavan, CGO Complex
Lodhi Road, New Delhi

Dated the 22nd May, 2009OFFICE MEMORANDUM

Subject: Representation of Shri R.N. Das, Stenographer Grade I for enhancement of pre-revised pay scale of Stenographer Grade II as per CAT, Guwahati Bench's order dated 16.1.2008 in O.A. No.298/05 and O.A. No.299/05.

With reference to his representation dated 14.2.2008 on the above subject, Shri R.N. Das, Stenographer Grade I is intimated as follows:

- i) No comments are required, being statement of facts.
- 2.1) DOP&T's O.M. No.2/1/90/CS-IV dated 31.7.1990 had indicated that the Pay Scale of Rs.1640-2900 will be applicable to Assistants and Stenographers in other organizations like Ministry of External Affairs which are not participating in the Central Secretariat Service (CSS) and Central Secretariat Stenographers Service (CSSS) but where the posts are of comparable grades with same classification and pay scales and method of recruitment through open competitive examination. In the case of Shri R.N.Das, he was occupying the posts of Stenographer Grade II which was classified as a group 'C' post, whereas the post of Stenographer Grade 'C' in CSSS has been classified as group 'B'. Therefore this benefit could not be extended to Shri Das, as the two posts are classified differently.
- 2.2) Shri R.N. Das was never appointed to the CSSS cadre of Ministry of I&B/ DAVP. His initial appointment was against post of Stenographer Grade-III in the General Central Service in the cadre of DAVP. Therefore his case cannot be compared with those Stenographers of CSSS service.
- 2.3) Shri Das had been promoted to the post of Stenographer Grade-II from 22.8.98 in the pay scale of Rs.1400-2300. The request of Shri R.N. Das, Stenographer Grade-II for revision of the pay scale of Rs.1400-2600 to Rs.1640-2900 with effect from 1.1.1986 and from Rs.5000-8000 to Rs.5500-9000 with effect from 1.1.1996 had been considered in consultation with Ministry of Finance but was not agreed to as higher scale of Rs.1640-2900 had been restricted to Assistants/ Stenographers in CSS / CSSS and the same had not been extended to similar posts in autonomous offices / subordinate offices. As per Ministry of Finance, Department of Expenditure's O.M. No.12(3)/E III B/99 dated 10.2.2009, the higher pay scale of Rs.1640-2900 cannot be extended to those post of Stenographers Grade II which are not participating in CSSS Cadre.
- 2.4) Promotion post in the subordinate cadre of DAVP of Stenographer Grade-I is in the scale of Rs.5500-9000. Shri R.N. Das cannot be considered for the scale of Rs.6500-10,500/ Shri Das was from the very beginning appointed as Stenographer Grade-III and his offer for appointment is also against the post of Grade-III. Shri Das had accepted the offer and accordingly he joined as Grade-III in DAVP. As such, he is now estopped from claiming that he had not applied for appointment against ex-cadre post. Though DAVP is a participating office of CSSS and there are posts of Stenographers / Assistants / LDCs/ UDCs in DAVP who belong to the CSS, CSSS, CSCS, and not in the CSSS, the fact is that Shri Das was appointed against an ex-cadre

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17 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

post was not in the ~~CS-IV~~ cadre of M/o I&B. Staff Selection Commission has a ~~proforma~~ for sending requisition for vacancies and the name of the service is not mentioned there in the requisition. as for ex-cadre post was not required to be mentioned in the requisition form. That does not prove anything in favour of Shri Das. The seniority of Shri Das is to be counted in the General Central Service of Stenographers of DAVP. The seniority of officers recruited in a particular year is calculated on the basis of their rank in the respective examination conducted by SSC. Apart from that, Staff Selection Commission has no role in fixing seniority of the officials in different cadres. In the seniority list mentioned by Shri R.N. Das, the name of Shri Das has shown along with Shri G. Manidharan. Shri Manidharan though initially recruited as Language Typist was appointed as Stenographer Grade-III w.e.f. 15.1.1997 as per the provisions of the recruitment rule which was then in existence. Departmental seniority is maintained by the respective cadre authorities and SSC has no role in this. Officials recruited through different nodes can be interpolated as per rules of seniority. There is no such rule that officials recruited through other modes or through promotion cannot be interpolated with officials recruited through SSC and is sought to be made out by the representationist. 1

3) It is again reiterated that Shri R.N. Das was appointed against the ex-cadre post in this Directorate and he cannot claim pay parity and promotion at par with CSSS. Shri Das has been appointed at the regional office of DAVP and he must have worked with officers of Joint Secretary and Deputy Secretary level. That does not entitle him to claim parity with the CSSS cadre. The seniority of

officers with whom a Stenographer is working is not a factor in fixing his seniority or promotion prospects.

4) As already mentioned that Ministry of Finance did not agree to granting him parity along with CSSS though DAVP / M/o I&B had taken up the matter. A copy of their decision (No 2/1/90-CS-IV & dated 31.7.2000) is enclosed at Annexure-I). However, on the implementation of the 6th Central Pay Commission, Stenographer Grade II in DAVP has been placed in PB-2 with grade pay of Rs.4200.

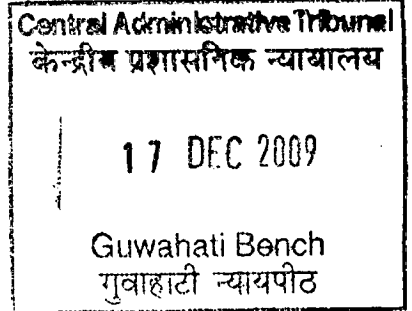
Chander Gandhi
(Chander Gandhi)
Section Officer

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

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ANNEXURE-13

To
The Secretary to the Govt. of India,
Ministry of Finance (Deptt. of Expenditure),
Govt. of India,
North Block,
New Delhi-11001/



- Ref:- 1. Order (ORAL) dtd. 16th January, 2008 of Hon'ble CAT,
Guwahati Bench, Guwahati – regarding revision of
higher pay-scale of Shri R. N. Das, Stenographer Gr. I,
DAVP, Guwahati.
2. DAVP I.D. No. C-18011/2/2006- Admn.I dtd. 31.03.08
of Shri P. M. George, Dy. Director (Admn.), Hqrs., New Delhi.

Respected Sir,

As per the above Judgment under reference no. 1 above, I represented to draw the attention of the Secretary, Min. of I & B, Director General, DAVP, Secretary , Min. of Finance (Department of Expenditure) and Secretary , DOP&T, through proper channel on 14.02.08 and requested therein for onwards transmission to the concerned authorities. However, all representations along with relevant **enclosures** were forwarded by DAVP Office, Guwahati to DG, DAVP, New Delhi , vide its letter of even no. dtd. 20.02.08.

Dy. Director (Admn.), DAVP, New Delhi, vide above cited reference (**copy enclosed**), keeping the representation addressed to DG, DAVP, for examining and its transmission to Secretary, Min. of I&B, has returned the representations addressed to Secretary , Min. of I&B, Secretary, Min. of Finance and Secretary , DOP&T with the instruction to send the same to the concerned authorities by me directly.

Accordingly, I am sending herewith the representation along with necessary enclosures for your kind perusal and consideration immediately and request to relief me from such long pending case. I, believe , that Sir, if you take some pain to go through my representation you may realize how I have been depriving from legitimate claims .

Thanking you,

Encls: Letter addressed to
Secretary ,Min. of I& B
A/w enclosures

Date: 09.04.08

Yours faithfully,
Raghavendranath Das
(Raghavendranath Das) 09/04/08
Stenographer Gr.I
Regional Office, DAVP,
Min. of I&B, Nabin Nagar,
Guwahati-781024

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Adv*

ANNEXURE 14

To
The Secretary to the Govt. of India,
Ministry Information & Broadcasting,
Shastri Bhawan,
New Delhi-110001.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

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Guwahati Bench
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Sub:- Order (ORAL) dtd. 16th January, 2008 of Hon'ble CAT, Guwahati Bench, Guwahati- regarding revision of higher pay-scale of Shri R.N. Das, Stenographer Gr. II (now Stenographer Gr.I), DAVP, Guwahati- OA No. 298/5.

Sir,

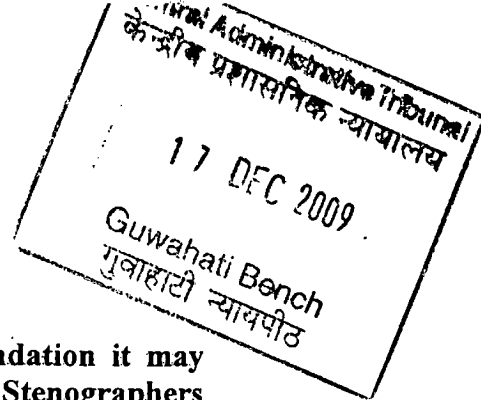
I beg to draw your kind attention to the fact that on the basis of the above Judgment and as per the direction of Dy. Director (Admn.I), DAVP, New Delhi, I directly sent my representation to you by **Speed Post 09.04.08** along with necessary papers for your kind perusal and necessary action, which may please be referred to.

However, S.O(Admn.I), DAVP, Hqrs., vide its O.M.No.C-18011/2/2006-Admn.I dtd. 16th June, 2008, has intimated that the matter is being examined in consultation with the Ministry of Finance. I talked to S.O (Admn.I), DAVP, New Delhi over phone on 08th September, 2008 while she informed that the file has been referred to Ministry of I&B/Min. of Finance. But, I am sorry enough to state here that I have not received any decision so far in the matter and as a result still I have been depriving from the legitimate claim from 22nd August, 1988 onwards to 24th June, 2005 during the period of holding the post of Stenographer Gr. II and from 25th June, 2008 to till date, the period of holding the post of Stenographer Gr. I. and due to this the pay-fixation of mine based on the 6th CPC Report may not be materialized suitably. In this regard, I represented twice to DG, DAVP on 22.09.08 and 10.11.08 the later of which has been forwarded vide this office I. D. No. A-20012/3/1079 dtd. 11.11.08 to DG, DAVP, New Delhi. But, till date I have not received anything which caused me very embarrassing.

In this regard, I would like to ^{draw attention} on the Point No.8 – Action on Judgement that the order of the Tribunal is final and binding on both the parties. It should be complied with within the time-limit prescribed in the order or within six (6) months of the receipt of the order, if no time-limit is prescribed. Failure to implement the order in time may give rise to cause of action for initiating contempt proceedings.

Further, I would like to reiterate that being selected through SSC and appointed in DAVP a participating of CSS/CSSS, I got two (2) Promotions i.e. in 1988 and in 2005 within 26 years of service i.e. in the post of Stenographer Gr.II and Stenographer Gr.I respectively in the pre-revised pay scale of Rs. 5000/- -Rs.8000/- and Rs.5500/- - Rs.9000/-. While the Stenographers Gr. 'C'/ PA (Group 'B' Non-gazetted) after being promoted (equivalent to Stenographer Gr.II) from the post of Stenographer Gr.'D'/Gr.III, had been placed in the pay-scale Rs.5500/- -Rs.9000/-(pre-revised and subsequently from September, 2006 onwards, it enhanced to the pay-scale Rs.6500/- - Rs.10500/- and their next promotional post is PS/ equivalent (Group 'B' Gazetted). Accordingly, my promotional post to Stenographer Gr.I (Group 'B' Non-gazetted) in the pay-scale (pre-revised) Rs.5500- Rs.9000/- should be in the pay-scale Rs. 6500/- - Rs.10500/- (pre-revised) of Group 'B' Gazetted. The sanctioned post was Steno. Gr. 'C' (Rs.4251--800/-) at DAVP, Guw. and not Steno. Gr. II (Rs.4251--700/-).

Attested
Adilla
Adv



As per the acceptance by the Govt. of 6th CPC recommendation it may please be seen that after getting 1 (one) Promotion/ 1st ACP the Stenographers Gr.'D'/ Gr.III those who were in the pre-revised scale of Rs. 4000/- - Rs.6000/-, have been placed together with the Stenographers Gr.'C'/Gr.II/ PA and PS(Group'B' Gazetted) in Pay Band - 2. I have so far got two promotions i.e. Steno.Gr.II and Steno. Gr. I equivalent to Steno. Gr. 'C'/PA(Group ' B' Non-Gazetted) P.S (Group ' B' Gazetted) respectively but treated me a Group ' B' Non-Gazetted official instead of Group ' B' Gazetted. I personally feel that this should be looked into administratively otherwise there will be of no meaning of gettinging two promotions other than humiliation.

I shall be highly grateful , if you would look into the matter on the basis of my earlier representation expeditiously so that I am not further deprived and not to be after on it by wasting your valuable time and energy.

Thanking you,

Encl: Copy of sanctioned post of Steno. Gr. 'C' for DAVP, Ghy.
in pay-scale Rs. 425/- - Rs. 800/- (Pre-revised)

Date: 12.12.08

Place: Guwahati

Yours faithfully,

Raghabendra Nath Das
(Raghabendra Nath Das) 12/12/08

Stenographer-Gr.I

Regional Office, DAVP,

Min. of I&B, Nabin Nagar,

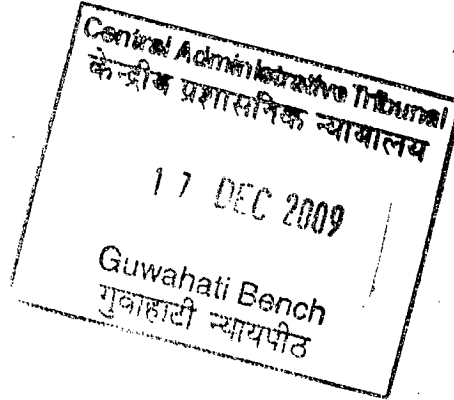
Guwahati-781024

ANNEXURE-15

To
The Director General,
DAVP, Min.of I&B,
CGO Complex, Sookna Bhawan,
Lodhi Road, New Delhi-110003

To
The Secretary,
Min.of Information&Broadcasting,
Shastri Bhawan, New Delhi-110001

To
The Secretary,
Ministry of Finance,
(Deptt. of Expenditure),
North Block, New Delhi-110001.



To
The Secretary,
Deptt. of Personnel & Training,
Min.of Personnel, Public Grievances& Pensions,
Room No.112, 1st Floor, North Block,
New Delhi-110001.

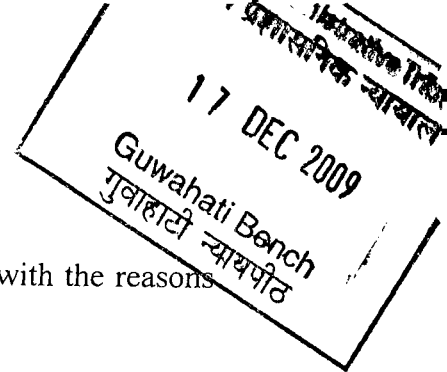
Sub:- Representation of Shri R. N. Das, Stenographer Gr.I for enhancement of pre-revised pay scale of Steno. Gr. II as per CAT, Guwahati Bench's order dtd. 16.01.2008 in O. A. No. 298/05 - reg.

Sir,

On the basis of the Judgement of the Hon'ble Judge of CAT, Guwahati Bench, I represented on the above subject on **14.02.2008** to you and other above Officers through proper channel which were forwarded by this office to DG, DAVP, New Delhi. But, retaining the representation meant for DG, DAVP, others were returned by Dy. Director (Admn.I), DAVP, New Delhi, with the instruction to send them by me directly. However, I accordingly, sent my representation along with grievances to above three officers subsequently on **09.04.08**.

Subsequently, I gave 2/3 reminders to all concerned to take decision within the stipulated time to avoid contempt of proceeding of the CAT's Judgement for crossing the fixed time framed under the CAT's Rules. However, I received an endorsement from the Ministry of Finance(Deptt.of Expenditure) original of which was sent to FA , Min. of I&B, vide its letter **No.7331/SE/08 dtd. 04.02.09**, seeking financial advise therein. And recently crossing beyond 6 months time, I have been intimated by S.O (Admn.I), DAVP, New Delhi that my claim on the above has not been accepted by

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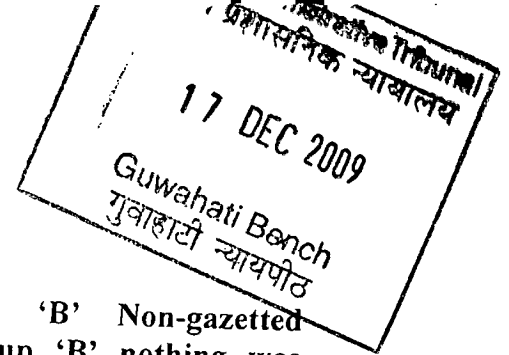


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Ministry of Finance, vide letter no.18011/2/2006-Admn.I dtd. 22.05.09 with the reasons explained in the letter of S.O , DAVP, may please be referred to.

In this regard, despite I explained various points in my several representations and I being not convinced the reasons communicated by S.O for regretting my genuine claims, like to reiterate some more points in addition for your kind perusal and reconsideration , keeping in view of the anomalies in pay matter has been pending and unsettled since 1996, though maximum number of officers in all the concerned Ministry/ Deptts., are available in Delhi. **Moreover, it may please be seen that DAVP/ Min. of I&B/ Min.of Finance are silent on the point that the post of Stenographer Grade 'C' (equal to group 'B' Non-gazetted) in the previous pay-scale of Rs. 425/- - 800/- for Regional Office, DAVP, Guwahati sanctioned by the Ministry of I & B vide no.3/8/81-Bud./DAVP/89(I) dtd. 28th February, 1982.**

1. SSC since after it starts functioning from 1976 conducts combined examinations for the Clerks Grade and Stenographers besides for the other posts. **Generally SSC conducts examination for Stenographer Gr. 'D'.**
2. I appeared through open written examination conducted by SSC for direct recruitment on All India basis both for the posts of Cerks / Stenographers in 1980 as advertised in the Newspapers/Employment News and there was nothing mentioned about either Stenographer Gr. 'D' or Gr.III nor as I remember there was mentioned anything about Ex-Cadre/ General Central Service/ CSSS nor even in the requisition form. But, being passed both for the posts , subsequently, I appeared only for Stenography Test and on the basis of the **results published in Newspapers/ SSC Notice Board**, I passed and selected by SSC and **not by DAVP.**
3. I had been given offer of appointment by DAVP, New Delhi in the post of Stenographer Gr.III in **Group 'C'** (Ex-cadre) in the pre-revised pay-scale of Rs.330/- - 560/- (subsequently to Rs.1200/-2040/- to 4000/- - 6000/-) for Regional Office, DAVP, Kolkata, my Home State (West Bengal) instead of **Stenographer Gr. 'D' in Group 'C'** in the pay-scale of Rs. 330/- -560/- (subsequently to Rs1200/- - 2040/- to 4000/- -6000/-). How, it happened it was not known to me and it was felt probably somewhere there was some lapses either on the part of DAVP or of SSC/ DOP&T. In this regard, it may be clear from the following points. However, I joined on **09th July, 1982 since the initial pay-scale of Steno. Gr. 'D' and Steno.Gr.III was same and also both the posts belong to group 'C' .**
4. I had been given promotion to the post of Stenographer GrII in the pre-revised pay-scale of Rs. 425/- - 700/- (i.e.later on Rs. 1400/- -2300/-) at RO, DAVP, Guwahati **despite the post was sanctioned by the Ministrdy of I&B as per its letter of even no. dtd. 28th February, 1982 for**



Stenographer Grade. 'C' equal to Group 'B' Non-gazetted (Classification of post i.e. Group 'C' or Group 'B' nothing was mentioned) in the pre-revised pay-scale of Rs. 425/- - 800/- (i.e. later on Rs.1400/- -2600/-). **However, Ministry of Finance vide letter No.7(18)-B-III/81 dtd.04.05.1990, enhanced the pay-scale of Rs.425/- -700 to Rs.425/- - 800/- (i.e. Rs1400- 2300/- to Rs. 1400/- 2600/- in the line of the pay-scale given to the Stenographers Gr. 'C'/PA/II, Group 'B'Non-gazetted. It may be mentioned here that all the Stenographers on their subsequent promotion is to render secretarial assistance to the Officers and hence the similar pay-scale enjoyed by the Stenographers Gr. 'C'/PA/II etc. cannot be denied by the Min. of Finance following its letter dtd. 04.05.90, in my case in a later stage while all initially appointed through same mode of examination conducted by SSC on All India basis for direct recruitment.**

5. The pay-scale of Stenographers Gr. 'C'/ PA/Assistants were enhanced from Rs.1400/- -2600/- to 1640/- -2900/- (i.e. Rs.5000/- -8000/- to Rs. 5500/- - 9000/-). And on the basis of Judement of Hon'ble CAT, New Delhi Bench, in 1996 some of the stenographers Gr. 'C'/PA/Gr.II / Assistants who were not earlier given the enhanced pay-scale of Rs. 1640/- -2900/-, had been given the higher pay-scale of Rs. 1640/- -2900/- (i.e. from Rs. 5000/- - 8000/- to 55000/- - 9000/-). The pay-scale of Stenographers Gr.'C' /PA/Gr.II and Assistants again enhanced to Rs. 6500/- - 10500/- (Group 'B'Non-gazetted) w.e.f. 15th Septemeber, 2006 onwards and till the CPC Report is accepted and implemented by the government.
6. I being selected initially by the SSC, I also have been representing for last 13 years or so supported with the Judgement of Hon'ble CAT, New Delhi Bench for enhancement of my pay-scale from Rs. 1400/- -2600/- to Rs. 1640/- - 2900 w.e.f. 22.08.1988 to 31.12.1995 and from Rs 5000/- -8000/- to Rs.5500/- -9000/- w.e.f. 01.01.1996 to 24.06.2005 i.e. till I was holding the post of Stenographer Gr.II.
7. But, only in 2005 i.e. crossing over 9 years I had been intimated that my claim could not be accepted by the Ministry of Finance the reasons of which were (i) I could not appear before CAT and (ii) I am not belonging to the cadre of CSSS which also does not bear to accept in accordance with the **DOP&T's Recruitment Rules for direct Recruitment and hence benefit cannot be denied in accordance with the decision of the Ministry of Finance in 1990.**
8. Though the grounds not to be convincing enough keeping in view of the norms of DOP&T as explained above and as compelled, I appeared before

Hon'ble CAT Guwahati Bench for getting the due justice on matter in 2005 itself.

9. Meanwhile, I like to state here that I had been given **upgradation promotion** to the post of Stenographer Gr.I **stating newly as General Central Service (Group 'B' Non-gazetted)** instead of earlier stated as **Ex-cadre for Regional Office, DAVP, Guwahati** in the pre-revised pay-scale Rs. 5500/- - 9000/- (earlier Rs.1640/- 2900/-) **instead of Rs.6500/- - 10500/- (Group 'B' Gazetted i.e. equivalent to the post of Private Secretary)** and this was highly illegal and humiliating on the basis of the facts mentioned above and thus I have been feeling unhappy due to not getting the suitable and administrative action from the competent authorities. **As after getting two promotions and rendering 27 years of service, I had been placed as Non-Gazetted Group 'B' and in the below scale than that of the Stenographer Gr. 'C' /PA/Gr.II those who after getting only one promotion from Steno. Gr. 'D' appearing from the same examination conducted by the SSC, had been enjoying the higher pay-scale and higher status till the 6th CPC Report is accepted/ implement.**
10. As per Rules 2 (c) and 2(f) and (5) – first schedule of the Central Secretariat Rules 1962, **DAVP is a participating office of CSS/ CSSS and also attached office to Min.of I&B while Dte. of Field Publicity Office in the same Ministry is not but the Stenos.Gr.II had been given the higher pay-scale.** Regional Offices of DAVP also to be attached office as like the Regional Staff Selection Offices and other Regional Offices functioning from various States/ Zones by coordinating the activities of its Directorates in the Region.. Moreover, the powers of Head of Department are bifurcated to the Regional Heads of various offices in the country and almost everything except a few cases are exercised by the Regional Heads as like the powers exercised on various subjects to accord approval/ sanctions by the Hqrs. **If the Regional Offices are to be treated as Subordinate Office in that case the Regional Heads should have been from the Officers who had/ have been appointed only for the particular Department and initially applied for the particular post advertised either advertised by the concerned Department through Newspapers/ Employment Exchange/ Employment News specifically mentioned by SSC/ UPSC may be treated as Ex-Cadre/GCS.** But, where the officers selected through open written competitive examination on All India basis for direct recruitment and after being selected by the SSC/UPSC/ other selecting authority, their posting in any offices in India even in the remote localities may not be treated as Ex-cadre/ GCS.

17 DEC 2009

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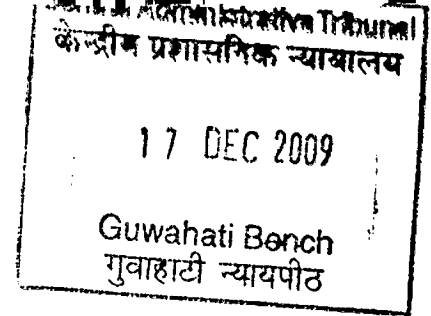
11. Regarding the Ex-cadre post- DAVP Authority may please refer to letter of Shri D. Chakraborty, Stenographer Gr.II of this office who raised for clarification for this. And thereafter during the upgradation promotion given to me to the post of Steno.Gr.I it was newly stated as GCS for which I also sought clarification about the difference between the Ex-cadre and GCS but not yet received.
12. It may please be seen that Ministry of Finance vide its letter no. 7(18)-B-III/81 Dtd. 04.05.90 , had enhanced the pay-scale from 1400/- - 2300/- to 1400/- -2600 of Stenographer Gr. II working in various central govt. offices , and made it at par with the stenographers Gr. 'C'/PA etc. of CSSS/ CSS.
13. But, subsequently, while I claimed for enhancement of pay-scale to Rs.1640/-- 2900/-(Rs.5000/- - 8000/- to 5500/- - 9000/-) in January, 1996 and made correspondences later on , the claims had been regretted by the Ministry of Finance and the same was communicated by DAVP only in 2005, the grounds of which was not tenable .
14. Again, it may please be seen that the pay-scale of Stenos. Gr. 'C'/PA/II/Asstts. and others including their pay-band & grade pay have been merged together with the Stenographers Gr.II in other organizations and accepted by the **Ministry of Finance and anomalies thus developed have been waived in the 6th CPC . Hence, as per the decision of Min.of Finance in 1990 and 2008, I am very much eligible to get the enhanced pay-scale including its arrears thereof as was claimed and appeared before CAT and Ministry of Finance cannot ignore it on the basis of the facts mentioned above.**
15. Regarding Seniority:- I have already sent relevant papers giving the references of DOP&T's Rules towards Direct Recruitment and also drawn attention on DOP&T's O.M. No.14017/53/2005-Estt.(RR) dtd. 17.02.06 framing of fresh model of RRs for various categories of posts of Stenographers in Non-secretariat organizations published in Swamy's News in May, 2006 from which it may be seen the benefits thereof thus implemented to the candidates came through SSC only and may not be given the same to the candidates not came through SSC and hence question of seniority of those not came through SSC may not be amalgamated with the officials came through SSC. **Extracts of notes contained in letter dtd. 17.02.06 of DOP&T that "vacancies caused by the incumbent being away on transfer on deputation or long illness or study leave or under other circumstances for duration of one year or more may be filled on transfer on deputation from the officials of the Central Govt.**

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holding analogous posts on regular basis and possessing the qualification prescribed for the direct recruits. Accordingly, **question does not arise to treat me as Ex-cadre / GCS but to be equally treated as CSSS considering DAVP is a participating of CSS/CSSS and attached office and pay-scale /status for the posting in its Regional Office cannot be discriminated in a later stage while initial pay-scale and its classification of Group of post were the same,** as per year wise common selection list of SSC / DOP&T. However extract points towards common seniority list on the basis of DOP&T's norms for direct recruitment are placed below for reference and information:

- A) Relative Seniority of all direct recruits will be according to the order of merit in the select list drawn by UPSC/ SSC/other Selecting Authorities. Persons appointed in earlier select list rank senior en block to those appointed from subsequent list.
- B) Allotment of candidates by the Commission- After final selection list have been prepared by the Commission on the basis of examination or interview.....Common Seniority List for all the offices in the State / Regiondetails of inter-se-seniority of all such candidates as per their ranking in the examination/ interview have to be ascertained from the Commission.
- C) Seniority should be maintained in an organized service/ post at the entry level as well as at a higher level in cases of both direct recruits/ promotees – which has not been done in my case though SSC conducted examination for direct recruitment - DAVP Authority had not ascertained the details of inter-se-seniority from the concerned SSC Office causing inconveniences to the candidates concerned.
- D) Recruiting Authorities- But with the setting up of the Staff Selection Commission, recruitment to all non-technical Group 'C' posts is entrusted to the Commission. At present the Commission is looking after the recruitment to most of the Group 'C' posts in Central Govt. offices . Recruitment to only a few categories of posts – mostly technical is being made by the departments. Even among these, in some departments, the Zonal/ Regional Authority has been entrusted with recruitment to certain post. Thus the Head of Office is now to look after the recruitment to Group 'D' Posts and some categories of Group 'C' Posts only.



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16. A Copy of appointment order of Shri U.S. Mukherjee, who was engaged as Stenographer **for a short period of 3 months only** for Regional Distribution Centre, DAVP, Kolkata and subsequently he was appointed to the post of Stenographer Gr.III (Ex-cadre) in 1977 is enclosed. He did not come through SSC and in that case he may be treated as Ex-cadre as either he was engaged through advertisement made by DAVP in the newspapers or from Employment Exchange against a particular post for a particular department. Besides, for reference, perusal and information, I am enclosing a copy of an extract from the advertisement made by SSC in the Employment News in Advt. No. SR- 1/2005, (13-19 August,2005) specifically inviting applications for Southern Region only for the post of Photographic Asstt. (Group 'C' Non-gazetted in General Central Services) in Patent Office, Chennai, which is not similarly to be treated the officials initially selected and recruited through SSC for Direct Recruitment.
17. I also feel that my representations made on the basis of Hon'ble CAT's judgement towards above mentioned claims **has not been referred to DOP&T** by Ministry of Finance / DAVP as nothing in this line has been indicated in the S.O's letter though my selection was made through SSC under DOP&T.

Be that as it may Sir, I am to state here that DAVP Authority after appx. 13/14 years is stating that I have accepted the offer of appointment which means that my grievance towards ex-cadre/ GCS as I am treated should not have been in view of the DOP&T's norms and was supposed to be equally treated as like the others posted from the same examinations conducted by SSC and also in the line of the instructions for maintaining the Common Seniority List. And I personally feel that probably it was a serious lapse either on the part of the DAVP or SSC/ DOP&T.

Sir, I have been making correspondences for more than 14 years on this issue incurring a good amount by way of contacting the authorities / officials / filing papers before CAT and mentally suffered a lot in various ways. It is a case of anomalies in the pay-scale and it is sorry enough to state that maximum years have already been for taking decision. **This would not at all be required as Ministry's sanctioned post was for Stenographer Grade 'C' and pay-scale was Rs.425/- - 800/- for Regional Office, DAVP, Guwahati.**

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Sir, I understand that the anomalies have been solved in the 6th CPC, has been accepted by the Min. of Finance and accordingly implemented by the Govt. But, my claim for enhancement of pay-scale Rs. 1400/- -2600/- to 1640/- -2900/- w.e.f. 22.08.1988 to 31.12.95 and also pay-scale from Rs. 5000/- - 8000/- to 5500/- - 9000/- w.e.f. 01.01.96 to 24.06.2005 till I was holding the post of Steno.Gr.II and also pay scale from Rs. 5500/- - 9000/- to Rs.6500/- - 10500/- in the event of my upgradation promotion to the post of Stenographer Gr.I (should be equivalent to group 'B' gazetted) from 25.06.2005 till the acceptance of 6th CPC Report is implemented, has not been granted by the Ministry of Finance which is contradictory on the basis of the above facts.

It may be pointed out that after being selected through the same mode of open examination conducted by SSC on All India basis for direct recruitment and on their posting initially in the same pay-scale and same status (i.e. classification of post) subsequently during their promotion, the pay-scale / status cannot be changed among the stenographers/ other officials even their posting either in Metropolitan Cities / or in remote localities of any central govt. offices in a Country otherwise conducting of examination by SSC becomes fruitless.

With a view to the above, I would once again request your kindness for taking pain to go through the facts narrated above on merit basis and arrange me the pay-scale/status as was claimed before Hon'ble CAT, Guwahati Bench and in my earlier representations so that my pay fixation is done afresh, including its arrears thereof immediately and within one month and keeping in view of the decision taken by Min. of Finance in 1990 and 2008 respectively.

This is, I am writing in response to S. O(Admn. I), DAVP, New Delhi's letter dtd. 22.05.09 and I may expect that due consideration will be given accordingly.

Thanking you,

Yours faithfully,

Raghubendranath Das
(R.N. Das) 08/07/09

Stenographer Gr.I

RO:DAVP:Guwahati

Encls:as above

Date: 08.07.09

Attested
R.N. Das
Adm

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ANNEXURE-16

F.No.18011/2/2006-Admn.I
Government of India
Directorate of Advertising & Visual Publicity
Ministry of Information & Broadcasting
Soochna Bhavan, CGO Complex
Lodhi Road, New Delhi

Dated the 24th August 2009

OFFICE MEMORANDUM

Subject: Representation of Shri R.N. Das, Stenographer Grade I for enhancement of
pre-revised pay scale of Stenographer Grade II as per CAT, Guwahati Bench's
order dated 16.1.2008 in O.A. No.298/05 and O.A. No.299/05.

With reference to his representation dated 8.7.2009 on the above subject, it is stated that his earlier representations with identical grievances have already been examined in detail by the Ministry of Information and Broadcasting in consultation with Ministry of Law and Ministry of Finance (Department of Expenditure). Ministry of Finance does not agree to his contention for parity with Central Secretariat Stenographers Service in respect of pay scale. However, on the implementation of Sixth Central Pay Commission, Stenographer Grade-II in DAVP has been placed in PB-II with grade pay of Rs.4200/- with effect from 1.1.2006. With reference to his current representation, no new fact has been brought for consideration.

(Chander Gandhi)
(Chander Gandhi)
Section Officer

Shri R.N. Das
Stenographer
Regional Office
DAVP
Guwahati

*Attested
Datta
Adv*

FIRST SCHEDULE
(See Rules 2(c) and 2(f) and (5))

ANNEXURE-17

Names of Ministries/Offices to whom the Central Secretariat Service Rules, 1962, Central Secretariat Stenographers' Service Rules, 1962 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, NH IV Faridabad. (iv) Dte. Of Marketing and Inspection NH IV Faridabad (v) Directorate of Economics and Statistics	Directorate of Plant Protection Quarantine and Storage, NH IV Faridabad. Dte of Marketing and Inspection (Branch head Office) New Sectt. Building Nagpur.
2.	Ministry of Chemicals and Fertilizers (Department of Fertilizers)	(i) Office of the FICC 8 th Floor, Sewa Bhavan, New Delhi (ii) Department of Chemicals and Petro-Chemicals. (iii) National Pharmaceutical Pricing Authority (NPPA), 21/21, Jhandewalan Extn., 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

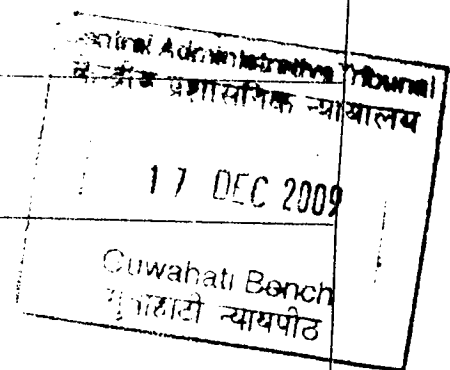
Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

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*Affected
Under
Advt*

		(ix) Tariff Commission. (x) Ministry of Agro and Rural Industries. (xi) Office of Economic Adviser (xii) Ministry of Food Processing (xiii) 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. Integrated 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 Vanaspathi Veg. Oils & Fats	
13	Ministry of Defence (Main Sect)		
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	



(vii) Prime Minister's Office.

(viii) Department of Justice.

(ix) Directorate of
Coordination Police
Wireless &

(x) Computers Centre.

(xi) Office of the Registrar
General of India.(xii) Institute of Secretariat
Training & Management.(xiii) Staff Selection
Commission.Regional Offices at
Calcutta, Mumbai,
Chennai, Chandigarh,
Bangalore, Raipur,
Shillong(xiv) Department of Ocean
Development.(xv) Cabinet Secretariate
(NSCS)(xvi) Inter State Council
(xvii) Department of
Development of North
Eastern region18 Ministry of Human
Resources Development
(Department of Secondary
and Higher Education)(i) Ministry of Culture
(ii) Department of Women
and Child Development
(iii) Ministry of Youth
Affairs and Sports.
(iv) Archaeology Survey of
India(i) Directorate and
Advertising and
Visual Publicity

(ii) Directorate

General, All India

(iv) Radio.

(v) Press

Information
Bureau.(vi) Office of the
Registrar of
Newspaper of
India.(vii) Directorate
General,
Doordarshan.

(viii) Publication

19 Ministry of Information and
BroadcastingCentral Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

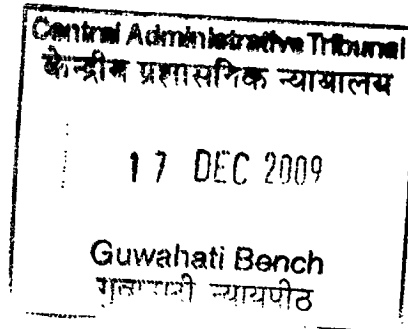
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		(iv) Directorate of General Employment and Training.	Mumbai. Chennai. Kalkatta. Thrianthanpuram
		(v) Protector of Immigrants.	
1	Ministry of Law, Justice and Company Affairs (Department of Legal Affairs).	(i) Department of Legal Affairs	Branch Sectt., Mumbai. Kalkatta. Bangalore. Chennai
2	Ministry of Law, Justice and Company Affairs (Department of Company Affairs).	(ii) Legislative Department.	
3	Ministry of Petroleum and Natural Gas		
4	Planning Commission		
5	Ministry of Power.	(i) Ministry of Power (ii) Central Electricity Authority (iii) Ministry of Non-Conventional Energy Sources	<div>Central Administrative Tribunal</div> <div>केन्द्रीय प्रशासनिक न्यायालय</div> <div>17 DEC 2009</div> <div>Guwahati Bench</div> <div>गुवाहाटी न्यायपीठ</div>
6	Ministry of Road Transport and Highways	(i) Ministry of Road Transport & Highways (ii) Ministry of Shipping.	
7	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(CPMIC)	
8	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.	Office at Mumbai
	Ministry of Social Justice and Empowerment	(i) Ministry of Tribal Affairs. (ii) National Commission for Scheduled Castes and Scheduled Tribes. (iii) National	

Ministry of Water Resources	(v) Land & Development office	
	(i) Central Water Commission.	Central Water Commission has regional offices in various parts of the country
	(ii) Central Soil and Research Institute.	

Attested
M. K. Adh



Filed by -
The Respondent Nos.
1, 4, 5 and 6
Through -
Mangul Das
Sr. C.B.S.C.
EAT 14/6/2010

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

IN THE MATTER OF :

O.A.No.269/2009

Sri Raghabendra Nath Das

...Applicant

-VS-

Union of India and others

...Respondents

-AND-

IN THE MATTER OF:

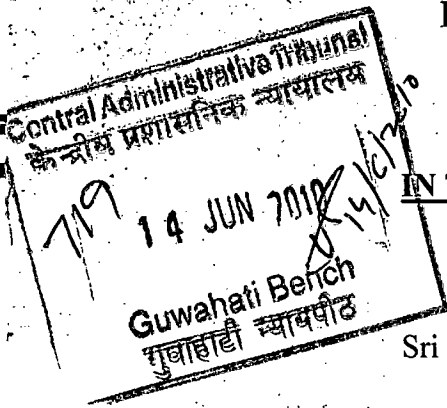
Written statement on behalf of the Respondent Nos. 1, 4, 5, and 6.

**(WRITTEN STATEMENT ON BEHALF OF THE RESPONDENT
NOS. 1, 4, 5 AND 6)**

I, Sri Arun Kumar, S/o Late Sri K. Prasad aged about 58 years, presently, working as Deputy Director (Admn.), Directorate of Advertising and Visual Publicity, Ministry of Information and Broadcasting, Soochana Bhavan, CGO Complex, Lodhi Road, New Delhi, do hereby solemnly affirm and state as follows:-

1. That, I am the Deputy Director (Admn.), Directorate of Advertising and Visual Publicity, Ministry of Information and Broadcasting, Soochana Bhavan, CGO Complex, Lodhi Road, New Delhi, and have been impleaded as party Respondent no. 5 in the instant case. I have gone through the original application and have understood the contents thereof. I am conversant with the facts and circumstances of the case. I have authorized to file this Written Statement on behalf of the Respondent nos. 1, 4, 5 and 6.

*Reviewed
Dutta
14/05/10*



2. That, I do not admit any of the statements save and except which are specifically admitted hereinafter and the same are deemed as denied.

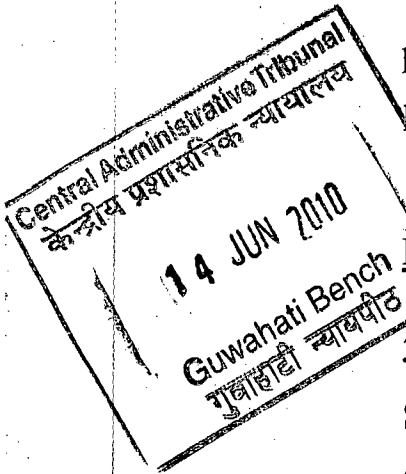
3. That, before traversing various paragraphs of the present Original Application, the answering respondent would like to place the brief facts of the case.

BRIEF FACTS OF THE CASE:

3.1 That the applicant after being selected by the Staff Selection Commission was initially appointed as the Stenographer Grade -III in the General Central Service in the pay scale of Rs. 330-10-380-EB-12-500-15-560/- on 9.7.1982 in the Directorate of Advertising and Visual Publicity (in short, DAVP), Kolkata under the Ministry of Information & Broadcasting.

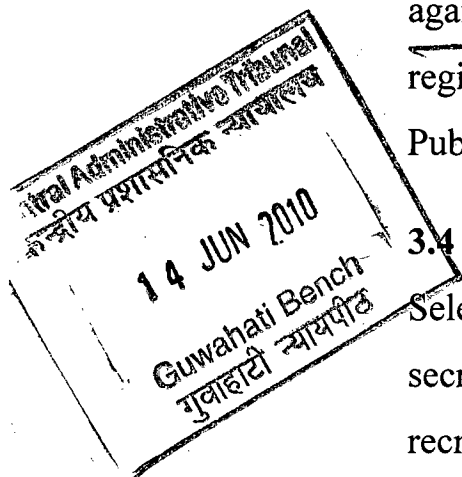
3.2 That the applicant was thereafter promoted to the post of Stenographer Grade-II in the scale of Rs. 1400-40-1800-50-2300 (pre-revised) and was posted in the Regional office of the Directorate of Advertising and Visual Publicity (in short, DAVP) at Guwahati w.e.f. 18.4.1988. Subsequently he was promoted to the post of Stenographer Grade I in the Regional office of the Directorate of Advertising and Visual Publicity (in short, DAVP). At present he is working as the Stenographer Grade I in the Regional office of the Directorate of Advertising and Visual Publicity (in short, DAVP) at Guwahati w.e.f. 24.6.2005.

3.3 That as per the recommendations of the Fifth Central Pay Commission (in short, 5th CPC) the cadre of the Stenographers in non-secretariat office of the Directorate of Advertising and Visual Publicity was restructured. In the year



Done

2000 and then existing two (2) posts of the Stenographer Grade II and Eight (8) posts of Stenographer Grade III in the Directorate of Advertising and Visual Publicity was restructured in the ratio 40:40:20. As per the restructuring two (2) posts of Stenographer Grade I in the scale of Rs 5,500-175-9000 was created w.e.f. 24.01.2000. Applicant was promoted against one of the post of stenographer Grade I so created at the regional office of Directorate of Advertising and Visual Publicity at Guwahati.

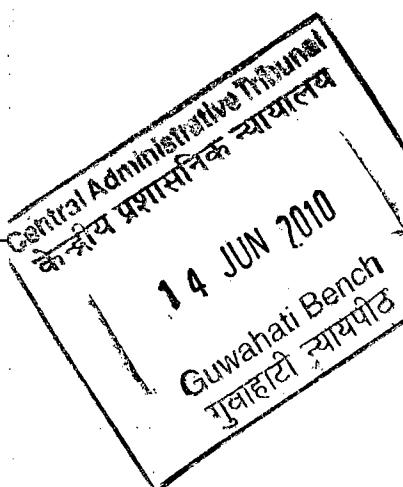


3.4 That the stenographers are recruited through Staff Selection Commission in secretariat offices as well as non-secretariat offices. But in the secretariat, the stenographers are recruited to the Central Secretariat Stenographers Service ('CSSS') and in non-secretariat offices, the stenographers are recruited to General Central Service having no specific cadre. The Head Quarters of DAVP in New Delhi is participating in CSSS service and recruitment of stenographers in this service in DAVP is done by the Ministry of Information and Broadcasting who are the cadre controlling authority. Regional Offices of DAVP are not participating in the CSSS and recruitment is done by DAVP directly through the recruiting agency which in both the cases is Staff Selection Commission.

3.5 That the Stenographer Grade C in CSSS in Secretariat offices are not equivalent to Stenographer Grade II in the non-secretariat offices. The Stenographer **Grade C** in CSSS in secretariat offices belongs to Group B non-Gazetted in pre-revised pay scale Rs. 5500-9000 and the stenographer **Grade II** in non-secretariat offices are Group C in non-Gazetted category in pre-revised pay scale of Rs. 5000-8000. Hence they are not in equivalent post.

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3.6 That the incumbents in the post of Stenographer Grade II in the Directorate of Field Publicity were given the pay scale of Rs.5500-9000 on the basis of the judgement of the Hon'ble CAT Principal Bench in O.A. No.548 of 1994. It is specifically stated that the consideration for giving the said scale of Rs.5500-9000 to them was that the Directorate of Field Publicity (DFP) was a participating office in the Central Secretariat Service (CSS)/Central Secretariat Stenographers Service (CSSS) from its inception and the post of Assistants and Stenographers in DFP were included in the authorized permanent strength of the Ministry of Information & Broadcasting and manned by the personnel of the said Ministry up to 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. The applicants of the said O.A No. 548/94 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 Information & Broadcasting in consultation with Department of Personnel & Training, M/o Law and M/o Finance and it was decided to allow all the applicants of the said O.A. and similarly placed persons who were placed in the higher scale of Rs.5500-9000 in consonance with Hon'ble Tribunal's order dated 19.01.1996 to continue in the said higher pay scale on personal basis and to revise the pay scales of the posts downwards to Rs.5000-8000 for all future incumbents.



3.7 That the applicant represented before the government of India for grant of pay- scale of Rs. 1640-2900 and his case was referred to Ministry of Finance through

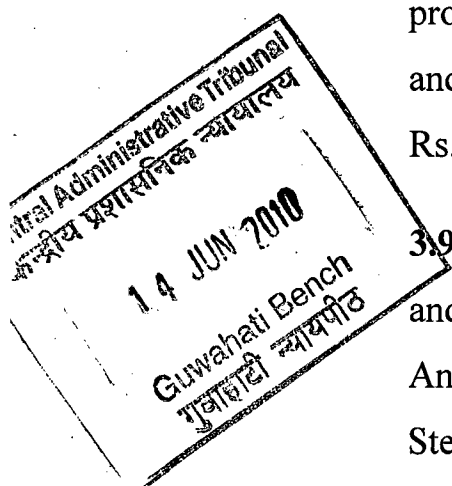
Ministry of Information and Broadcasting and they intimated that the said pay scale had been restricted to Assistants/Stenographs in CSS/CSSS and the same had not been extended to similar posts in autonomous organizations and subordinates offices.

3.8 That the applicant was appointed as Stenographer Grade III in the General Central Service (GCS) and does not belong to CSSS. Stenographer Grade III in GCS cadre is promoted as Stenographer II in the pay scale of Rs. 5000-8000 and then to the post of Stenographer Grade I in the pay scale of Rs. 5500-9000.

3.9 That the pay scale of GCS Stenographer Grade II and Assistants are different. The O.M. dated 31.07.90, Annexure 2 to the O.A., is not applicable in the instant case of Stenographers of GCS cadre.

3.10 That the Department of Expenditure, vide their O.M. dated 10.02.99, Annexure C to this Written Statement has clarified that the 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.

3.11 That the Department of Finance (Department of Expenditure) has clarified vide their O.M. dated 15.04.04 that the pay scale of Rs. 1640-2900 (Rs. 5500-9000) is meant for stenographers in secretariat offices. Therefore, the demand of the applicant who is working in non-secretariat office for the scale of Rs. 5500-9000 on promotion as Stenographer Grade II and Rs. 6500-10500 on promotion as Stenographer Grade I is not proper and justified as per law.



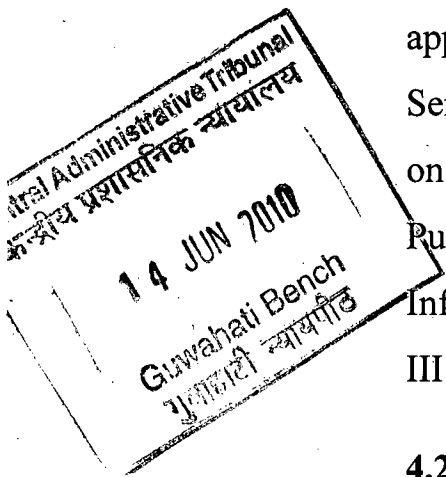
3.12 That it is to be stated here that the 6th CPC has recommended the same pay scales for Stenographer Grade II of GCS cadre as well as CSSS cadre w.e.f. 01.01.06 i.e. in the pay band 2 of Rs. 9300-34800 with Grade pay of Rs. 4200.

4. REPLY TO THE FACTS:

4.1 That with regard to the statement made in paragraph 4.1 of the Original Application the humble answering respondents begs to state that the applicant was initially appointed as the Stenographer Grade -III in the General Central Service in the pay scale of Rs. 330-10-380-EB-12-500-15-560/- on 9.7.1982 in the Directorate of Advertising and Visual Publicity (in short, DAVP), Kolkata under the Ministry of Information & Broadcasting and not as the stenographer Grade III.

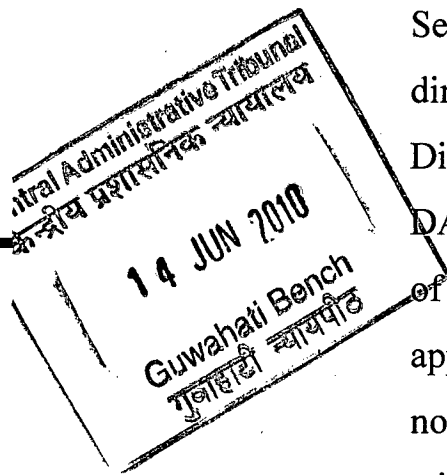
4.2 That with regard to the statements made in paragraph 4.2 of the Original Application the humble answering respondents begs to state that thereafter the applicant was promoted as Stenographer Grade II in the year 1988. The temporary posts were created in connection with implementation of plan schemes for a period upto 28-02-1982. Shri R. N. Das was promoted as Stenographer Grade II during 1988.

4.3 That with regard to the statements made in paragraph 4.3 of the Original Application the humble answering respondents begs to state that the Stenographers are selected through the Staff Selection Commission (in short, SSC) and thereafter recruited in secretariat offices as well as non secretariat offices. But in Secretariat Offices they are recruited to the Central Secretariat Stenographers Services (in short, CSSS) and in non secretariat offices they are recruited to General Central Service. The Headquarter of Directorate of



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Advertising and Visual Publicity (in short, DAVP) in New Delhi is a participating office in Central Secretariat Stenographer Service (in short, CSSS) and recruitment of stenographers in this service in DAVP is done by the Ministry of Information & Broadcasting who are the cadre controlling authority. But the Regional Offices of the DAVP are not participating offices in the Central Secretariat Stenographers Service (in short, CSSS) and recruitment is done by the DAVP directly through SSC. As such the Stenographer working in the Directorate of Advertising and Visual Publicity (in short, DAVP) in New Delhi and those working in the Regional offices of DAVP are not in the same cadre. The applicant was appointed against a post of regional office and as such he does not belong to CSSS cadre and as such cannot be treated at par with the Stenographer working in the headquarter of Directorate of Advertising and Visual Publicity (in short, DAVP) in New Delhi.

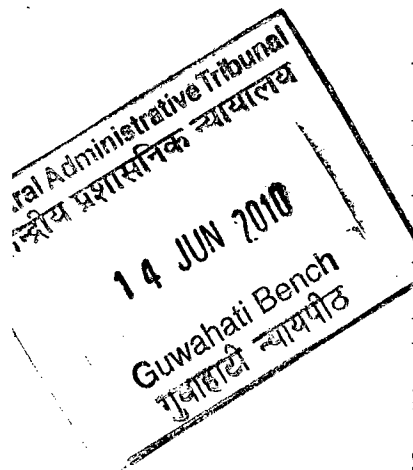


4.4 That with regard to the statements made in paragraph 4.4 of the Original Application the humble answering respondents begs to state that the Stenographer Grade 'C' in CSSS in secretariat offices are not equivalent to the cadre of Stenographer Grade -II in Non-Secretariat Offices. The Stenographer Grade 'C' in Secretariat Offices belongs to Group 'B' non-gazetted in the scale of Rs.5,500-9000 (Pre Revised) and the Stenographer Grade -II in the non Secretariat offices belongs to Group 'C' non gazetted category in the scale of Rs. 5,000-8000 (Pre Revised) and hence both the category are not equivalent.

4.5 That with regard to the statements made in paragraph 4.5 of the Original Application, the humble answering respondents begs to state that the Stenographer Grade II in the Directorate of Field Publicity were given the

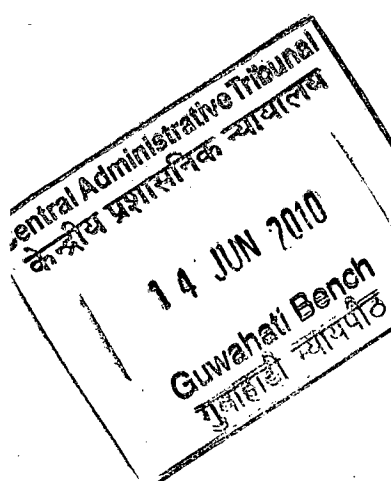
scale of Rs. 5,500-9000 (Pre Revised) on the basis of judgment of the Hon'ble Central Administrative Tribunal, Principal Bench in O.A. No 548 of 1994 (Annexure 3 of the present Original Application). The consideration for giving the scale of Rs. 5,500-9000 (Pre-Revised) to the Stenographers Grade II in the Directorate of Field Publicity was that the Directorate of Field Publicity (in short, DFP) was a participating office in the Central Secretariat Service (in short, CSS)/ Central Secretariat Stenographer Service (in short, CSSS) from its inception and the post of Assistant and Stenographers in Directorate of Filed Publicity were included in the authorized permanent strength of the Ministry of Information & Broadcasting and manned by the personnel of the Ministry up to 1975. Thereafter, Directorate of Filed Publicity was excluded from the purview of the Central Secretariat Service (in short, CSS)/ Central Secretariat Stenographers Service (in short, CSSS). At that time those who have opted for the Directorate of Field Publicity were retained in the Directorate of Field Publicity with their original status, pay scales etc. The applicants in the O.A. No. 548 of 1994 were given the benefit without consulting the Ministry of Information & Broadcasting, Ministry of Finance, Department of Personnel & Training as required.

✓ Further, it is stated that the Deputy Director (Admn.), Govt. of India, Directorate of Field Publicity, (Ministry of Information & Broadcasting) vide circular letter dated 28.04.05, intimated the pay and Accounts Officer, Ministry of Information & Broadcasting, New Delhi /Mumbai /Chennai /Kolkata /Guwahati /Lucknow, that the Ministry of Information & Broadcasting in consultation with the Department of Personnel & Training, Ministry of Law & Justice and Ministry of Finance it was decided to allow all the applicants in the aforesaid O.A. and other similarly placed



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persons, who were placed in the higher scale of Rs. 5,500-9000 (Pre Revised) in consonance with Hon'ble Central Administrative Tribunal, Principal Bench, order dated 19.01.1996 passed in O.A. No 548 of 1994, to continue in the said higher pay scale on personal basis and to revise the pay scale of the posts downwards to Rs. 5,000-8000 (pre revised) for all future incumbents. The Ministry of Information & Broadcasting further decided to revise the Recruitment Rules for the post of Assistant and Stenographer, Gr.II to make their pay scale to Rs. 5,000-8,000/- and till the Recruitment Rules revised, further appointment/promotion in the Grades of Assistant / Stenographer, Gr.II, be stopped with immediate effect.



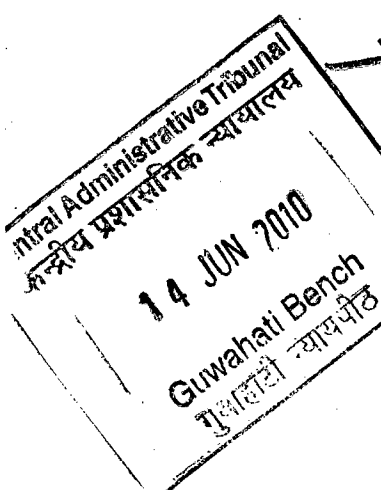
A copy of the said circular letter dated 28.04.05 is annexed herewith and marked as ANNEXURE-A.

4.6 That with regard to the statements made in paragraph 4.6 of the Original Application the humble answering respondent begs to offer no comment.

4.7 That with regard to the statements made in paragraph 4.7 of the Original Application the humble answering respondent begs to state that the Assistants and the Stenographers of CSS/CSSS cadres working in the Headquarter office of DAVP are drawing only the pay scales recommended for this category of employees. The stenographers in non-secretariat offices and in Regional offices of DAVP are always having different pay-scale as Grade II and Grade I.

4.8 That with regard to the statements made in paragraph 4.8 of the Original Application the humble answering respondent begs to state that the Ministry of

Personnel & Public Grievances and Pension vide their order no. 2/1/90 dated 31.07.90 has revised the pay of Assistants and Stenographers of CSS/CSSS cadre as well as Assistants and Stenographers of other organizations like Ministry of External Affairs where posts are incomparable grades with same classification and pay-scales. The Stenographers Grade II of General Central Service do not pertain to the same grade as Stenographer Grade C of CSSS cadre. The post of Stenographer Grade C of CSS cadre is a Group B non-gazetted post whereas Stenographer Grade II General Central Service belongs to Group C post. It is stated that Ministry of Finance vide OM dated 15.04.04 had withdrawn the benefit of higher pay-scale of Rs.1640-2900 from all autonomous bodies of Govt. of India which were erroneously granted.



4.9 That with regard to the statements made in paragraph 4.9 of the Original Application the humble answering respondent begs to state that the Ministry of Finance revised/ upgraded the pay scale of Stenographer Grade C in CSS from Rs. 1600-2600 to Rs. 1640-2900 and many sub-ordinate offices extended the aforesaid benefits to Stenographers in their offices. But when the matter came to the notice of Ministry of Finance by OM dated 15.04.04, withdrew the higher pay-scale of Rs.1640-2900 from all autonomous bodies. The present applicant also submitted representations for grant of pay scale of Rs.1640-2900. When his case was referred to Ministry of Finance through Ministry of Information & Broadcasting it was intimated vide order dated 30.06.05 that the said pay-scale has been restricted to Assistants/Stenographers in CSS/CSSS and the same had not been extended to similar posts in autonomous organizations and sub-ordinate offices which are not participating in CSS/CSSS.

A copy of the intimation contained in order dated 30.06.05 is annexed herewith and marked as **ANNEXURE-B.**

4.10 That with regard to the statements made in paragraph 4.10 of the Original Application the humble answering respondent begs to offer no comment.

4.11 That with regard to the statements made in paragraph 4.11 of the Original Application the humble answering respondent most respectfully begs to state that the applicant was appointed as Stenographer Grade III in GCS cadre and was subsequently promoted as Stenographer Grade II in pay scale of Rs.5000-8000. It is denied that the pay scale of Stenographers and Assistants in DAVP are comparable to the pay scale of Stenographer and Assistants in Central Secretariat. The pay scale of Stenographers Grade II in DAVP Regional offices i.e GCS cadre is Rs.5000-8000 whereas the pay scale of Assistant/ Stenographer Grade C is Rs.5500-9000. The OM dated 31.07.93 is not applicable in the case of the Stenographers in GCS cadre.

Further, it is stated that the O.M dated 10.02.99 issued by the Department of Expenditure clarified some points mentioned below:

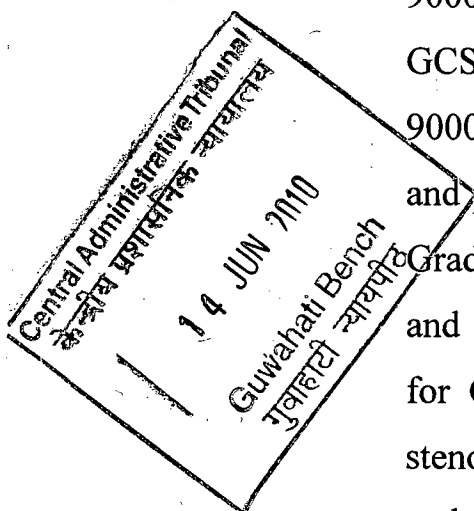
- 1) Designations are not the sole determinant of pay scales and there are many other factors viz. eligibility, minimum educational qualifications, nature of duties and responsibilities, work load, professional skill and proficiency which are considered while deciding the pay scale appropriate to the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

Hence the applicant as stated above is not similarly situated with the CSS/CSSS cadre.

Copy of the OM dated 10.02.1999 is annexed herewith and marked as ANNEXURE-C.

4.12 That with regard to the statements made in paragraph 4.12 of the Original Application the humble answering respondent begs to state that the applicant was promoted as Stenographer Grade I in the scale of Rs. 5500-9000 which is the approved scale of Stenographers Grade I of GCS cadre. The applicant is claiming the pay scale of Rs. 5500-9000 on promotion as Stenographer Grade II w.e.f. 18.04.1988 and pay scale of Rs.6500-10500 on promotion as Stenographer Grade I w.e.f. 24.06.2005. The applicant belongs to GCS cadre and the aforesaid pay scales are meant for CSS/CSSS and not for GCS cadre. The claim of the applicant that the post of stenographer Grade I and Senior Personal Assistant are same and equivalent in rank and status is not correct as there is no post of Senior Personal Assistant in CSSS cadre.

4.13 That with regard to the statements made in paragraph 4.13 of the Original Application the humble answering respondent begs to state that the Applicant submitted various representations for extension of benefit of higher pay scale of Rs.5,500-9,000/- Ministry of Finance (Department of Expenditure) who is the Nodal Ministry in the matter of pay scales and remunerations was approached through Ministry of Information & Broadcasting for their advice. They advised that the pay scale is not applicable to Stenographers in subordinate offices. The applicant was given reply on the basis of the advice given by the Ministry of Finance. The 5th Pay Commission also considered all aspects of the service conditions of



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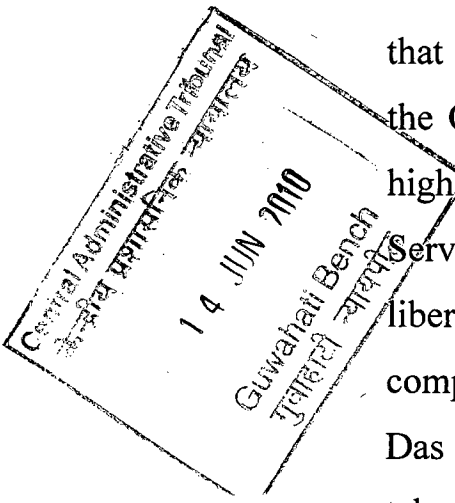
Stenographers in Secretariat and Non- Secretariat Office and in their view there is no absolute parity between the two groups of Stenographers to recommend same pay scales for Secretariat and Non-Secretariat Offices.

The case regarding granting of higher pay scale on the basis of O.A. No.548/94 was also considered in consultation with Ministry of Finance, Department of Expenditure and they have not agreed to the proposal since as per the extent policy; the benefit of any judgment/ order of the Court/ CAT cannot be extended to non-applicants. Sri R. N. Das was not a party in that case. As he was not satisfied with the reply he approached the Central Administrative Tribunal, Guwahati Bench seeking higher scale of pay equivalent to Stenographers in CSSS Service. The Hon'ble CAT disposed of the matter by granting liberty to the applicant to put up his grievances in writing to the competent authorities. On the basis of the Court order, Sri R. N. Das had submitted a representation and the case was again taken up with the Ministry of Expenditure and they have not agreed to revise the pay scales from 22.08.88

Accordingly the Ministry rejected the claim of the applicant and the same was communicated to the applicant vide O.M. dated 22.05.09.

A copy of the O.M. dated 22.05.09 is annexed herewith and marked as **ANNEXURE-D.**

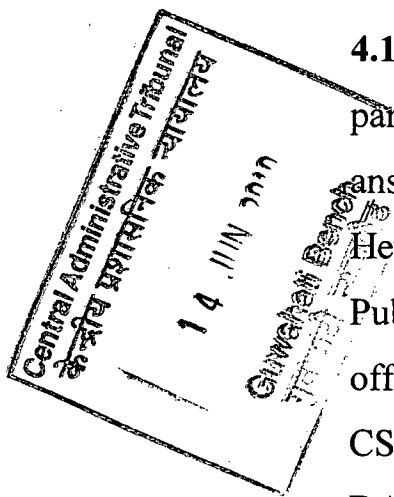
4.14 That with regard to the statements made in paragraph 4.14 to 4.20 of the Original Application the humble answering respondent reiterated the statements made in the above paragraphs and also states that O.M. dated 15.04.04 clearly mention that O.M. dated 31.07.90 was meant



Done

exclusively for Assistants and Stenographers of the CSS/CSSS and as such is not applicable to applicant. Applicant cannot claim the benefit of the above memorandum.

4.15 That with regard to the statements made in paragraph 4.21 to 4.23 of the Original Application the humble answering respondent begs to state that the benefit of the judgment/ court order/ Central Administrative Tribunal cannot be extended to the non applicants. Moreover as the applicant belongs to the General Central Services he cannot claim the benefit granted to the other cadre of the Central Govt.



4.16 That with regard to the statements made in paragraph 4.24 of the Original Application the humble answering respondent most respectfully begs to state that the Head Quarters of Directorate of Advertising and Visual Publicity (in short, DAVP) in New Delhi is a participating office in Central Secretariat Stenographers Service (in short, CSSS) and recruitment of stenographers in this service in DAVP is done by the Ministry of Information and Broadcasting who are the cadre controlling authority. But the Regional Offices of the DAVP outside Delhi are not participating office in the Central Secretariat Stenographers Service (in short, CSSS) and recruitment is done by the DAVP directly.

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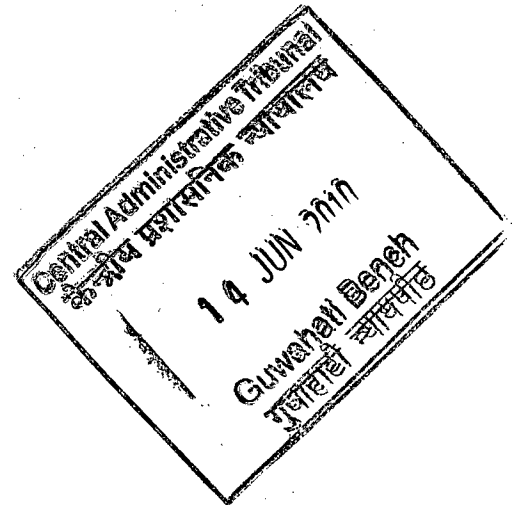
Hence as being the applicant a GCS Cadre recruited in Regional Office, DAVP, which in non-participating office in the CSS/CSSS, he is not at par with the Assistants/ Stenographers recruited in CSS/CSSS.

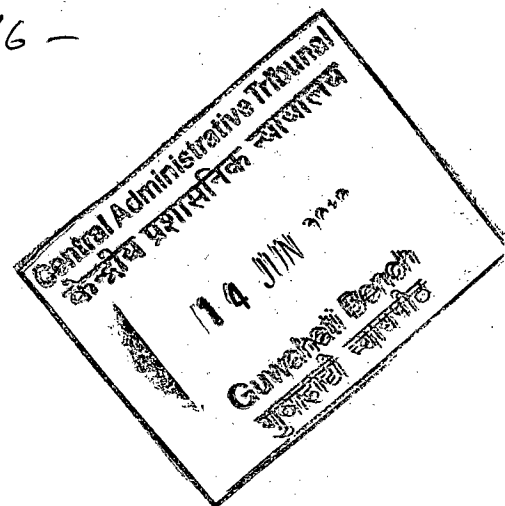
4.17 That with regard to the statements made in paragraph 4.24 & 4.25 of the Original Application the humble

answering respondent has nothing to make comment on it as they being matters of records of the case.

4.18 That the humble answering respondent begs to submit that the applicant could not make out a good case having no legal force and has no merit at all, therefore it is liable to be dismissed.

SD/





VERIFICATION

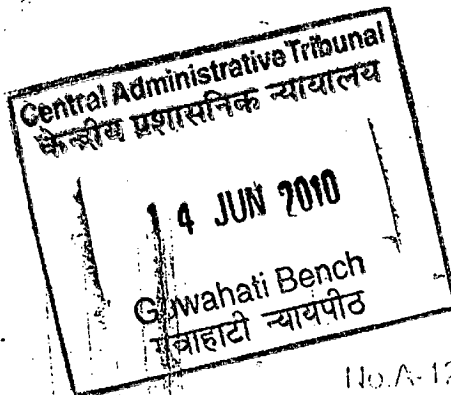
I, Sri Arun Kumar, S/o Late Shri K. Prasad, aged about 58 years, presently working as Deputy Director (Admn.), Directorate of Advertising and Visual Publicity, Ministry of Information and Broadcasting, Sookhana Bhavan, CGO Complex, Lodhi Road, New Delhi-110003, do hereby verify that the statements made in paragraphs ...1., 2., ...3:9... to ...3:11., ...4:4., 4:6., 4:7., 4:10., 4:12.,4:14... to 4:16.....

are true to my knowledge and belief, those made in paragraphs...3:1... to ...3:8., ...3:12., 4:1... to 4:3., 4:5., 4:8., 4:9, 4:11, 4:13 & 4:17 being matters of records of the case are true to my information derived therefrom and rests are my humble submission before the Hon'ble Tribunal. I have not suppressed any material fact before the Hon'ble Tribunal.

And I sign this verification on the 4th day of June, 2010 at New Delhi.

Deponent

(अरुण कुमार/ARUN KUMAR)
उप निदेशक (प्रशासन)
Deputy Director (Admn.)
वि. वृ. प्र. नि./D. A. V. P.
सू. प्र. मंत्रालय/Min. of I & B
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi



No.A-12020/1/2002-Admin.
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 or Rs. 5500-9000 in consonance with CAT's order dated 19.11.1996 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,

(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. Asstt. C&A Section. DFP (Hqrs) for necessary action.
4. All dealing assistants in Admn.I Section.
5. Guard file.

14 JUN 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

(2)

IMMEDIATE

भारत सरकार

Government of India

सूचना और प्रसारण मंत्रालय

Ministry of Information & Broadcasting

ए विंग शास्त्री भवन, नई दिल्ली - 110 001

'A' Wing Shastri Bhawan, New Delhi - 110 001

Subject: Upgradation or 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).

11-365/2004/Adm

12-10-04.

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

DFP (Shri Balraj Suri, Director)

M/o I&B

I.D.No.20/18/03-IP&MC

dated: 06/10.2004

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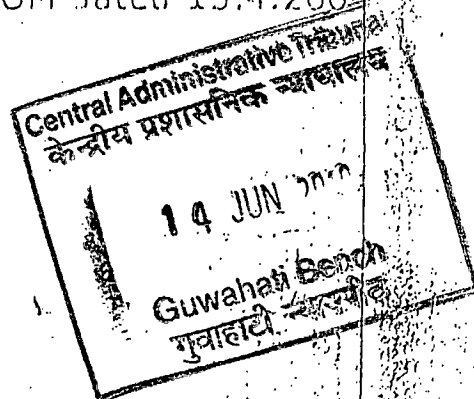
ANNEXURE - B

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 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 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 15.4.2004 issued in this regard may also be perused.

3. JS(Per) has seen.



(Karan Singh)

Under Secretary to the Govt. of India

IA (Information & Broadcasting)

M/o Finance, Deptt. of Exp. U.O.No. 205/E-III/236/05 dated 30/6/05

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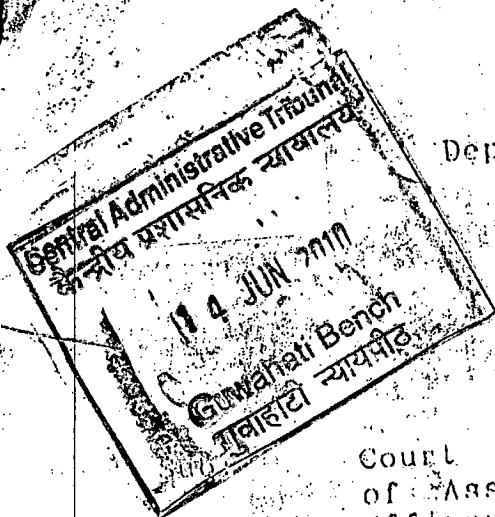
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ANNEXURE - C

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No. 12(3)-E.II(B)/99
Government of India
Ministry of Finance
Department of Expenditure



New Delhi dated 10th Feb. 1999.

OFFICE MEMORANDUM

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.M. No. 2/1/90-CS.IV dated 31.7.90 consequent upon the decision of the Government based on the judgement 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 11.12.90.

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.

(ii)

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 referred.

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(111)
The observations of the Supreme Court in the judgement quoted in para 8 of CAT, Principal Bench, New Delhi's order dated 9.7.97 in O.A. No. 1329/02 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. (CC 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 (Deptt.) of Expenditure before issue by respective Ministry/Deptt.

All FAs are requested to bring this to the notice of administrative Ministries concerned for compliance.

(T.S. Bhatia)
Under Secretary to the Govt. of India.

Copied to all concerned (7 copies).

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152 - 121 - 21

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

14 JUN 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

The observations of the Supreme Court
Judgement quoted in para 8 of CAT, Principal
Bench. Now Delhi's order dated 9.7.97 in O.A.
No. 1829/82 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. 7127/83 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 (Deptt.) of Expenditure before issue by
respective Ministry/Deptt.

All FAs are requested to bring this to the
notice of administrative Ministries concerned for
compliance.

T.S. Bhatia

(T.S. Bhatia)

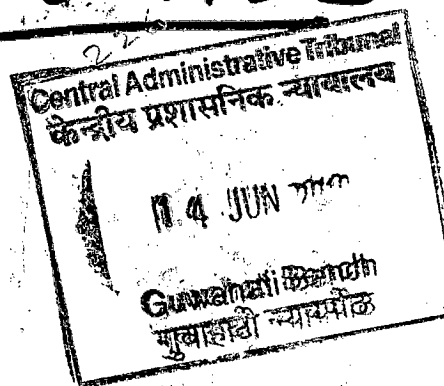
Under Secretary to the Govt. of India.

Copy to all concerned.

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ANNEXURE-D

F.No.18011/2/2006-Admn.I
Government of India
Directorate of Advertising & Visual Publicity
Ministry of Information & Broadcasting
Soochna Bhavan, CGO Complex
Lodhi Road, New Delhi



Dated the 22nd May, 2009

OFFICE MEMORANDUM

Subject: Representation of Shri R.N. Das, Stenographer Grade I for enhancement of pre-revised pay scale of Stenographer Grade II as per CAT, Guwahati Bench's order dated 16.1.2008 in O.A. No.298/05 and O.A. No.299/05.

With reference to his representation dated 14.2.2008 on the above subject, Shri R.N. Das, Stenographer Grade I is intimated as follows:

- 1) No comments are required, being statement of facts.
- 2.1) DOP&T's O.M. No.2/1/90/CS-IV dated 31.7.1990 had indicated that the Pay Scale of Rs.1640-2900 will be applicable to Assistants and Stenographers in other organizations like Ministry of External Affairs which are not participating in the Central Secretariat Service (CSS) and Central Secretariat Stenographers Service (CSSS) but where the posts are of comparable grades with same classification and pay scales and method of recruitment through open competitive examination. In the case of Shri R.N.Das, he was occupying the posts of Stenographer Grade II which was classified as a group 'C' post, whereas the post of Stenographer Grade 'C' in CSSS has been classified as group 'B'. Therefore this benefit could not be extended to Shri Das, as the two posts are classified differently.
- 2.2) Shri R.N. Das was never appointed to the CSSS cadre of Ministry of I&B/ DAVP. His initial appointment was against post of Stenographer Grade-III in the General Central Service in the cadre of DAVP. Therefore his case cannot be compared with those Stenographers of CSSS service.
- 2.3) Shri Das had been promoted to the post of Stenographer Grade-II from 22.8.98 in the pay scale of Rs.1400-2300. The request of Shri R.N. Das, Stenographer Grade-II for revision of the pay scale of Rs.1400-2600 to Rs.1640-2900 with effect from 1.1.1986 and from Rs.5000-8000 to Rs.5500-9000 with effect from 1.1.1996 had been considered in consultation with Ministry of Finance but was not agreed to as higher scale of Rs.1640-2900 had been restricted to Assistants/ Stenographers in CSS / CSSS and the same had not been extended to similar posts in autonomous offices / subordinate offices. As per Ministry of Finance, Department of Expenditure's O.M. No.12(3)/E III B/99 dated 10.2.2009, the higher pay scale of Rs.1640-2900 cannot be extended to those post of Stenographers Grade II which are not participating in CSSS Cadre.
- 2.4) Promotion post in the subordinate cadre of DAVP of Stenographer Grade-I is in the scale of Rs.5500-9000. Shri R.N. Das cannot be considered for the scale of Rs.6500-10,500/- Shri Das was from the very beginning appointed as Stenographer Grade-III and his offer for appointment is also against the post of Grade-III. Shri Das had accepted the offer and accordingly he joined as Grade-III in DAVP. As such, he is now estopped from claiming that he had not applied for appointment against ex-cadre post. Though DAVP is a participating office of CSSS and there are posts of Stenographers / Assistants / LDCs/ UDCs in DAVP who belong to the CSS, CSSS, CSCS, and not in the CSSS, the fact is that Shri Das was appointed against an ex-cadre

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- 3) It is again reiterated that Shri R.N. Das was appointed against the ex cadre post in this Directorate and he cannot claim pay parity and promotion at par with CSSS. Shri Das has been appointed at the regional office of DAVP and he must have worked with officers of Joint Secretary and Deputy Secretary level. That does not entitle him to claim parity with the CSSS cadre. The seniority of officers with whom a Stenographer is working is not a factor in fixing his seniority or promotion prospects.
- 4) As already mentioned that Ministry of Finance did not agree to granting him parity along with CSSS though DAVP / M/o I&B had taken up the matter. A copy of their decision (No 2/1/90-CS-IV & dated 31.7.2000) is enclosed at Annexure-I). **However, on the implementation of the 6th Central Pay Commission, Stenographer Grade II in DAVP has been placed in PB-2 with grade pay of Rs.4200.**

Cgandhi
22/5/09
(Chander Gandhi)
Section Officer

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

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Guwahati Bench

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Cgandhi
22/5/09

(Chander Gandhi)
Section Officer

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

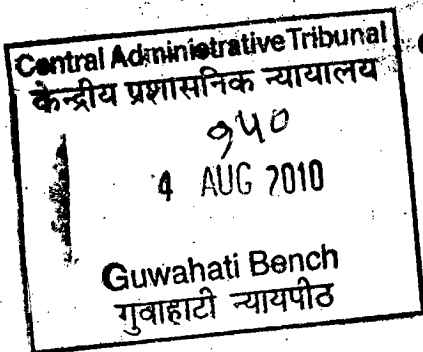
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26/5/09

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Filed by the applicant
through U. Dutta, advocate
on 04.08.2010

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI



In the matter of: -

O.A. No. 269 of 2009

Shri Raghabendra Nath Das.

..... Applicant.

-Vs-

Union of India and Others.

..... Respondents.

-AND-

In the matter of: -

Rejoinder submitted by the applicant against the
written statement filed by the Respondent No. 1,
4, 5 and 6 in the abovementioned O.A.

The humble applicant above named most respectfully begs to state as
follows ; -

1. That in reply to the statement made in Para 2, 3.1 and 3.2. of the written statement, the applicant begs to state that he was initially appointed as Stenographer Grade-III w.e.f. 09.07.1982, which was in fact a post of Steno Grade-D since the Staff Selection Commission (SSC) conducted examination for Steno Grade-D and not for Steno Grade-III. The post of Steno Grade-III and Steno Grade-D are equivalent in as much as that both the post were in the scale of Rs. 330-560/-, their method of recruitment were same and both are Group - 'C' Non-Gazetted posts. However, at the time of recruitment it was nowhere mentioned that the post of Steno grade-III belongs to General Central Services and that it is an ex-cadre post, which the respondents are stating now. On his promotion he was promoted as Steno grade-II and he joined as steno Grade-II on 22.08.1988 and not from 18.04.1988 as stated. The post of Steno Grade-II is equivalent to Steno Grade-'C' enjoined the scale of Rs. 425-800/- (pre-revised), subsequently revised as Rs. 1400-2600/-

Received copy
Mrs. M. Das,
Sr. CGSC
Deka
4.8.10

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Guwahati Bench
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and later on enhanced to Rs. 1640-2900/- and the post is in group - 'B' non gazetted cadre. The applicant was promoted as Steno Grade-II against the sanctioned post of Steno Grade-C in the scale of Rs. 425-800 (pre-revised), since there has been no post of Steno grade-II in the Plan Scheme in the Regional Office of the Directorate of Advertising and Visual Publicity (DAVP) at Guwahati. But in spite of that the applicant was placed in the scale of Rs. 1400-2300/- (earlier Rs. 425-700/- in the Group - 'C' Non-Gazetted cadre which instead ought to have been equivalent to that of Steno Grade-'C' i.e. the scale of Rs. 1400-2600/- (earlier Rs. 425-800/- subsequently extended to Rs. 1640-2900/- and also in Group - 'B' Non-gazetted cadre, w.e.f. 22.08.1988. But the applicant was given a lower rank and status and pay scale in a discriminatory manner, although the mode of initial recruitment of the Steno's are same.

2. That, the applicant categorically denies the Statements made under Para 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11 AND 3.12 and begs to submit that the Stenographers are recruited through Staff Selection Commission and the mode of selection is same for all, irrespective of whether they are meant for Secretariat or Non-Secretariat Offices under the same ministry. Their placement in the Secretariat or Non-Secretariat Offices are not done on the basis of choice or option of the incumbents. The applicant did not apply for placement in the Non-Secretariat office. Further, all the Stenographers whether in the Secretariat or non-secretariat office renders same type of assistance to their officers and all of them discharge the same duties and responsibilities and they are similarly situated irrespective of their posting in the Secretariat or non-secretariat office. It is also relevant to mention here that the DAVP is an attached and participating office of the Central Secretariat Service (CSS), Central Secretariat Stenographers Service (CSSS) and Central Secretariat Clerical Services (CSCS) and as such all rules applicable to CSS, CSSS and CSCS are applicable to the Stenographers of DAVP as per rule 2(e) (f), (4) and (5) under the 1st Schedule of CSS Rules, 1962, CSSS Rules, 1962 and CSCS Rules 1962. The fact that the stenographers Grade-II in DAVP and Stenographers Grade-'C' in Secretariat office are equivalent, is evident from the decision rendered by the Principal Bench of this Tribunal in O.A. No. 548/1994 whereby the scale of Rs. 5500-9000/- (i.e. scale of Steno Grade-'C') were granted to the Steno

Grade-II of DAVP, as admitted by the Respondents in Para 3.6 of their written statement. The recommendation of the 6th CPC providing for the same pay scales of Steno Grade-II of General Central Services (GCS) and central Secretariat Stenographers Services (CSSS) as stated in Para 3.12 of the written statement reaffirms that the said posts are equivalent and similarly situated. Even thereafter, the categorization of the similarly situated stenographers into two different categories merely on the basis of their placement in the Secretariat and No-Secretariat offices under the same ministry and nomenclature of the posts into two classes separately under GCS and CSSS with two different sets of pay scales, is an unreasonable classification, having no nexus to the object sought to be achieved. Such a classification and denial of the scale of Rs. 5500-9000/- to the applicant w.ef. 22.08.1988 is malafide, arbitrary, unfair, discriminatory and strikes at the root of Article 14 and 16 of the constitution of India.

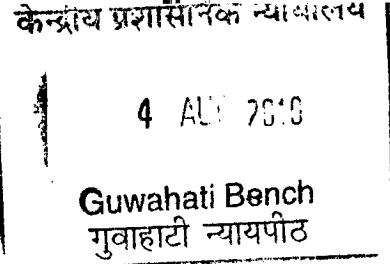
3. That, that applicant emphatically denies the statements made in Para 4.1, 4.2 and 4.3 of the written statement and begs to submit that the statements are misleading and distortion of facts. As stated by the respondents, all the stenographers are initially recruited through SSC by All India Open Competitive examination in the same manner and are given a uniform status which cannot be changed by their place of subsequent posting. The SSC makes the selection of all stenographers against the uniform cadre of Stenographer Grade-'C' and not Stenographer Grade-III and as such their rank and status after subsequent promotion also remain uniform which cannot be changed in a discriminatory manner merely by changing the nomenclature of the post the reason of which is unexplained. The statement that the cadre Controlling Authority of the Delhi based Stenographers is the Ministry of Information and Broadcasting and that of Regional Offices is DAVP is not sustainable inasmuch as that the name of cadre controlling authority is not the deciding factor when recruitment of stenographers for both the said cadre controlling authorities are made through a single agency i.e. SSC under the same mode and manner of recruitment i.e. All India Open Competitive examination. The SSC while making the recruitment, does not classify the Stenographers as Delhi based or Regional Office based, nor it is specifically mentioned by the cadre controlling authority at the time of their initial recruitment. The subsequent posting of

the Stenographers either in Delhi or in Regional Offices are made according to requirements which cannot change the rank and status of the Stenographers, when their duties and responsibilities are similar and identical. The nomenclature of stenographers Grade-III, Grade-II, Grade-I etc., are the DAVP's own creation which are not known to SSC nor mentioned anywhere at the time of recruitment and are not reflected in the staffing pattern specified by the ministry of I&B. The sanctioned post for the DAV Regional Office as stipulated in the scheme by the Ministry is the post of Stenographer Grade-'C' in the scale of Rs. 425-800/- and the applicant was recruited against that post only and as such he cannot be designated as steno grade-II and cannot be placed in a lower scale of Rs. 425-700/- leading to subsequent discrimination in their rank, status and pay in their promoted posts.

The statement made in Para 4.2 of the written statement that the applicant was promoted in 1988 against the temporary post of Stenographer Grade-II sanctioned under the plan scheme for the period upto 28.02.1982 is unsustainable. Under the plan schemes, approximately 36 posts (including officers and staff members) for Regional Office and Kit Production Centre, DAVP, Guwahati were sanctioned by the Ministry of I & B vide it's communication No. 3/8/81-Bud/DAVP/DS(I) dated 28.01.1982. It is relevant to mention here that all the officers and staff members under the said scheme joined in the Regional Ofifice/KPC, Guwahati after 1982 like the applicant and all are working in the same rank and status with earlier scale of Rs. 425-800/- (subsequently revised to Rs. 1400-2600/- and then enhanced to Rs. 1640-2900/-, which has been denied to the applicant in a discriminatory manner. As such, the statement of the respondents amounts to suppression of material facts and hence not sustainable.

4. That, the applicant categorically denies the statements made in Para 4.4, 4.5, 4.7, 4.8, 4.9, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16 and 4.17 and begs to reiterate that the classification of the stenographers of Delhi office and the Regional Offices into two different cadres i.e. GCS and CSS/CSSS are irrational and unreasonable for the reasons stated in the preceding paragraphs hereinabove. Such classification is also against the principles laid down by

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the DOP & T. it is an admitted fact that the post of Steno Grade-III is equivalent to Steno Grade-'D', post of Steno Grade-II is equivalent to Steno Grade-'C'/PA/ Asstts and the post of Steno Grade-I is equivalent to the post of Private Secretary and their sanctioned scale of pay are as follows:-

- (1) Steno Grade-'D' (i.e. Steno Gr-III) - Rs. 330-560/- (initial)
- (2) Steno Grade-'C' (i.e. Steno Gr-II) - Rs. 425-800/-,[finally enhanced to Rs. 1640-2900/- (pre-revised)]

The applicant was promoted to Steno Grade-II w.e.f. 22.08.1988 and then to the post of Steno Grade-I w.e.f. 24.06.2005 and the revised pay scales for the said posts were ;-

Steno Grade-II	-	Rs. 5500-9000/-
Steno Grade-I	-	Rs. 6500-10500/-

As such, the applicant is entitled to the scale of Rs. 5500-9000/- w.e.f. 22.08.1988 instead of Rs. 5000-8000/- when he was holding the post of Steno Grade-II and the subsequent scale of Rs. 6000-10,5000/- instead of Rs. 5500-9000/- w.e.f. 24.06.2005 i.e. on his promotion to Steno Grade-I.

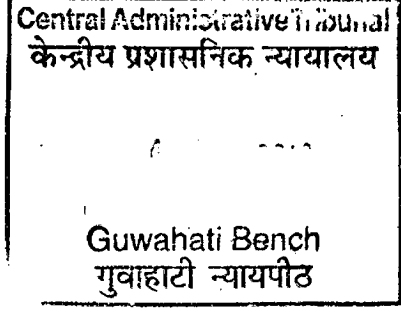
It is relevant to mention here that as stated in Para 4.5 of the written statement, the Hon'ble Principal Bench of this Tribunal vide its judgment dated 19.01.1996 in O.A. No. 548/1994 categorically declared the pay scale of STneo Grade-II as rs. 5500-9000/- (Pre-revised) which was also implemented by the respondents and granted to a large section of the persons appointed as steno Grade-II. Even thereafter, the reduction of the scale of Steno Grade-II subsequently appointed, from Rs. 5500-9000/- to Rs. 5000-8000/- (as in case of the applicant) amounts to utter violation of the settled position of law and such acts of the respondents are malafide, arbitrary, unfair and opposed to the principles of natural justice and as such denial of the scale of Rs. 5500-9000/- and further scale of Rs. 6500-10,500/- to the applicant and rejection of his representations on a vague plea that he was not an applicant in the O.A. No. 548/1994, is without the authority of law.

Further, the O.M. dated 10.02.1999 of the department of expenditure as referred to by the respondents in Para 4.11 of the written statement is vague inasmuch as that the said O.M. has not specified as to in what way the Stenographers in Delhi Office and the Regional Offices of DAVP are

distinguished in terms of their eligibility for the same rank, status and pay, when they are similarly situated and recruited by a common agency (i.e. SSC) through the same mode and manner of recruitment. The statement therefore is unsustainable.

5. That, the applicant denies the statements made in Para 4.18 of the written Statement and begs to submit that the O.A. is full of merit which is based on facts and hence, filed bonafide and in accordance with law and as such the O.A. deserves to be allowed with costs.
6. Under the facts and circumstances stated above, the Hon'ble Tribunal be pleased to grant the reliefs prayed for and allow the O.A. with costs.

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VERIFICATION

I, **Shri Raghabendra Nath Das**, age about 52 years, working as Stenographer Grade-I, in the Office of Regional Office, DAVP, Guwahati applicant in the instant Original application, do hereby verify that the statements made in Paragraph 1 to 6 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 1st day of August, 2010.

Raghabendra Nath Das