

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 404 of 2000

Jabalpur, this the 13th day of February, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

V.D. Chowdhary, son late Shri H.T. Chowdhary, aged about 58 years, resident of C/o. Shri S.L. Mahor's H.No. 43, Chhola Mandir, Colony, Near Nishatpura Running Room, Bhopal - 462 010 (M.P.), Presently posted as Stenographer Grade-II (Senior), Press Information Bureau (Central Region), Government of India, Ministry of Information & Broadcasting, 80, Malviya Nagar, Bhopal-462003 (M.P.). ... Applicant

(By Advocate - Shri M.K. Verma through Shri S.P. Pathak)

V e r s u s

1. Union of India, through Secretary, Ministry of Information & Broadcasting, Government of India, Shastri Bhawan, Wing "A", Dr. Rajendra Prasad Road, New Delhi.1.
2. The Principal Information Officer, Press Information Bureau, Government of India, Ministry of Information & Broadcasting, Shastri Bhawan, Wing "A", Dr. Rajendra Prasad Road, New Delhi.1.
3. Additional Principal Information Officer, Press Information Bureau, Government of India (Central Region), 80, Malviya Marg, Bhopal - 462003 (M.P.). ... Respondents

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (Oral)

By G. Shanthappa, Judicial Member -

The above Original Application is filed seeking the following main /reliefs :-

"(i) to give the pay scale of Rs. 5500-175-9000/- to the applicant w.e.f. 28.7.1998, the date of on which the applicant was promoted on the post of Stenographer Grade-II.

(ii) to give arrears of pay calculated on the basis of the pay scale of Rs. 5500-175-9000/- with interest @ minimum 18% per annum.

(iii) the impugned communication dated 13.5.1999 (Annexure A-5) may be quashed and set aside.

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(iv) to hold that denial of pay scale of Rs. 5500-175-9000/- to the applicant is discriminatory.

2. The brief facts of the case are that the applicant is presently working as Stenographer Grade-II in the pay scale of Rs. 4500-7000/-. The pay scale of Information Assistant is 5500-9000/-. The applicant earlier worked as Information Assistant Grade-IV in CIS on deputation when he was posted at Jaipur. The Stenographer Grade-II working in the Central Secretariat Service are in the pay scale of Rs. 5500-9000/-. The corresponding pay ^{scale} of Rs. 4500-7000/- before recommendation of Vth Pay Commission was Rs. 1400-2600/- and corresponding pay scale of Rs. 5500-9000/- was Rs. 1640-2900/- prior to Vth Pay Commission. The pay scale of the post of Stenographer Grade-II prior to recommendations of Vth Pay Commission was Rs. 1400-2600/- but the pay scale of Stenographer Grade-II who were working in the Central Secretariat Service/Central Secretariat Stenographers Service was Rs. 1640-2900/-. The work performed by the Stenographers under both the categories whether Central Secretariat Service/Central Secretariat Stenographer Service and General Central Service, Non-Gazetted Ministerial post are the same.

2.1. The applicant is being paid lower pay in comparison with the Stenographer Grade-II who are similarly situated in the Central Secretariat Service/Central Secretariat Stenographers Service. The discrimination in the pay scale is without any reasonable basis, justification and co-relation with the work/duties. The Stenographer Grade-II posted at Regional Office also perform the work of coordination in various branch offices. The report submitted by the various Branch Offices to the Regional Office is being compiled by the applicant and thereafter

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the same is produced before the higher authorities in the form of precis, which is prepared by the applicant. Thus the applicant performed the responsible work of preparing the notes. The Stenographer Grade-II working in the Press Information Bureau at Delhi do not perform this type of job ^{is} ~~in~~ which ~~in~~ the applicant ^{is} performing. In this sense the work of applicant is higher responsible than the Stenographers posted in Press Information Bureau, Delhi. The applicant had submitted his representation dated 26.11.1998 to the respondents for redressal of his grievances vide Annexure A-1. The applicant referred the case of one Shri V.K. Devangan in his representation to whom the pay scale of Rs. 5500-9000/- was sanctioned vide order dated 5.3.1998. The respondents did not give any reply to the said representation. The applicant submitted one more representation dated 6.4.1999 by way of notice for demand of justice. The respondents have rejected the request of the applicant by issuing an order dated 13.5.1999 only on the ground that the pay scale of Rs. 5500-9000/- which is being given to the Stenographers working in the Office of Press Information Bureau, Delhi has ^{been} given on account of directions issued by the Central Administrative Tribunal, Principal Bench at Delhi in their cases and the applicant who was not a party to that Original Application before the Principal Bench of Tribunal cannot be granted the same pay scale. The applicant is challenging the said order of rejection dated 13.5.1999 as illegal and which shows discrimination among the Central Secretariat staff and the applicant. The applicant is also entitled for the pay scale on par with the Central Secretariat Stenographers in view of the order passed by the CAT, Principal Bench, dated 19.1.1996 in OA No. 144-A/1993, V.R. Panchal Vs. Union of India and Ors. The respondents have violated the Articles 14 and 39(1) of the Constitution. Aggrieved by this the applicant has filed this original

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Application claiming the aforesaid reliefs.

3. The respondents have filed their reply denying the averments made in the Original Application. Their specific contention is that the revised pay scale of Stenographer (Senior)/Grade-II is Rs. 5000-150-8000/-. This pay scale is subject to conditions in para 46.43 of Vth Central Pay Commission report. The rational for the disparity between the pay scales of Stenographers of Secretariat and Non-Secretariat is outlined in para 46.34 of the report. The respondents had wrongly fixed the pay scale of the applicant as Rs. 4500-7000/-. Immediate action has been taken to grant the correct scale of Rs. 5000-150-8000/- to the applicant by the respondents. There is no discrimination or disparity between the applicant and the other similarly situated employees. The applicant compared his services on par with Stenographers of the Central Secretariat. As per paras 46.34 and 46.37 of the report of the Vth Central Pay Commission, the Commission, after taking into account the volume of dictation and typing work, requirement of secrecy and the differences in the hierarchical structures and the type of work transacted, agreed with the IIIrd Central Pay Commission and rejected the demand for absolute parity in regard to pay scales between Stenographers in offices outside the Secretariat and in the Secretariat. Hence the applicant has no case and accordingly the Original Application is liable to be dismissed.

4. Subsequent to filing the reply the applicant had submitted his rejoinder clarifying the facts that the posts of Stenographer Grade-II in the Directorate of Field Publicity, Ministry of Information and Broadcasting/Press Information Bureau, Ministry of Information and Broadcasting was Rs. 425-700/- which was subsequently revised to Rs.



1400-2300/- on the recommendation of IVth Pay Commission and later it was again revised to Rs. 1400-2600/- with effect from 1.1.1986 by the Ministry of Finance vide OM dated 4.5.1990. The CAT, Principal Bench, New Delhi on 19.1.1996 in original Application No. 144-A of 1993 granted few revised scale of Rs. 1640-2900/- to the Stenographer Grade-II of Directorate of Field Publicity working in Delhi, Raipur (MP), Lucknow (UP) etc. Since consequent upon implementation of the recommendation of the Vth Pay Commission all Sr. Stenographer Grade-II of the Directorate of Field Publicity have been revised in the time scale of Rs. 5500-175-9000/-. The lot of equality and equal treatment should be applied in the case of the applicant also and the disparity between applicant and the Stenographer Grade-II of the Directorate of Field Publicity be removed by way of granting the applicant the time scale of Rs. 5500-175-9000/-. Accordingly, the relief of the applicant should be granted by allowing the Original Application.

5. Heard the learned counsel for the parties and perused the records carefully.

6. The relief of the applicant is for grant of pay scale of Rs. 5500-9000/- on par with the pay scales granted to the Central Secretariat Service/Central Secretariat Stenographers Service. The pay scale/has been given to the ^{which} ~~Central~~ ^{by} ~~Stenographers in/~~ Secretariat Service/Central Secretariat Stenographers Service was in accordance with the recommendations of the Vth Pay Commission. As per the ^{of the CPC} recommendations/the respondents have properly fixed the ^{by} pay scale to the Stenographers in different offices, including the Central Secretariat. It is relevant to quote paragraph 46.34 and 46.37 of the report of the Vth Central Pay Commission :



"46.34. We have given our carefull consideration to the susgestions made by Associations representing stenographers in offices outside the Secretariat in the light of observations made by the Third CPC. The Commission had observed that as a general statement, it was correct to say that the basic nature of a stenographer's work remained by and large the same whether was working with an officer in the secretariat or with an officer in a subordinate office. The Commission was of the considered view that the size of the stenographer's job was very much dependent upon the nature of work entrusted to that officer and that it would not be correct, therefore, to go merely by the status in disregard of the functional requirement. By the very nature of work in the secretariat, the volume of dictation and typing work was expected to be heavier than in a subordinate office; the requirement of secrecy every civil offices of the secretariat could be very stringent. Considering the differences in the hierarchical structures and in the type of work transacted in the Secretariat and in the subordinate offices, the Commission was not favour of adopting a uniform pattern in respect of matters listed in the preceding paragraph. To our mind, the observations of the Third CPC are as today as they were at that point of time and we are not inclined to overlook them totally. In view of the above-mentioned distinguishable features do not concede the demand for absolute parity in regard to pay scale between stenographers in offices outside the secretariat and in the secretariat notwithstanding the fact that some petitioner stenographer Grade II have got the benefit of parity in pay scale through court. However, pursuing the policy enunciated by the Second CPC that disparity in the pay scale prescribed for stenographers in the secretariat and the non-secretariat organisations should be reduced as far as possible. we are of the view that Stenographers Grade II should be placed in the existing pay scale of Rs. 1600-2660 instead of Rs. 1400-2300/ Rs. 1400-2600. The next available grade of stenographers in non-secretariat offices is Rs. 1640-2900 (Grade I). We do not recommend any change in the existing pay scale of Stenographers Grade I. Senior Personal Assistants and Private Secretaries are at present in the pay scale of Rs. 2000-3200 and Rs. 2000-3500 respectively. Giving the senior PAs the benefit of rationalisation of pay scales, we recommend that both Senior PAs and Private Secretaries shall be placed in the pay scale of Rs. 2000-3500 and known as Private Secretaries. Stenographers in the newly recommended grade of RS. 2500-4000 should be known as Senior Private Secretaries and those in the pay scale of Rs. 3000-4500 shall continue to be known as Principal Private Secretaries.

46.37. Having due regard to the difference in the volume of dictation and typing work, heirarchical structure, type of work transacted in secretariat and non-secretariat offices, it will be worthwhile to aim for parity in respect of scale and level of stenographic assistance between officers in the

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Central Secretariat and non-Secretariat offices. As regards level of stenographic assistance to officers of technical, scientific and research organisations, we are of the view that mere scale of pay of such officers cannot be the criterion for provision of stenographic assistance. The level of stenographic assistance to such officers has to be linked with quantum of workload, to be determined by the Staff Inspection Unit/Internal Work Study Unit. We feel that the existing guidelines relating to provision of stenographic assistance to officers of technical, scientific and research organisations are based on rational consideration and we, therefore, recommend that the existing practice of provision of stenographic assistance based on the quantum of workload may continue."

6.1. The expert body i.e. the Central Pay Commission has been appointed by the Government to look into the matter regarding disparity of the pay scale. When the recommendations of the Vth Pay Commission has been accepted by the Government, then we cannot assess and decide the disparity of pay scale among different organisations. The respondents have assigned proper reasons according to Annexure A-5 dated 13.5.1999. The Hon'ble Supreme Court in the case of Union of India and Anr. Vs. P.V. Hariharan and Anr., 1997 SCC (L&S) 838, held as under :

"Quite often the Administrative Tribunals are interfering with pay scales without proper reasons and without being conscious of the fact that fixation of pay is not their function. It is the function of the Government which normally acts on the recommendations of a Pay Commission. Change of pay scale of a category has a cascading effect. Several other categories similarly situated, as well as those situated above and below, put forward their claims on the basis of such change. The Tribunal should realise that interfering with the prescribed pay scales is a serious matter. The Pay Commission, which goes into the problem at great depth and happens to have a full picture before it, is the proper authority to decide upon this issue. Unless a clear case of hostile discrimination is made out, there would be no justification for interfering with the fixation of pay scales. Sometimes orders have been passed by Single Members and that too quite often Administrative Members, allowing such claims. These orders have a serious impact on the public exchequer too. It would be in the fitness of things if all matters relating to pay scales, i.e., matters asking for a higher pay scale or an enhanced pay scale, as the case may be, on one or the other ground, are heard by a Bench comprising at least one Judicial Member."



7. In view of the aforesaid discussion made above and relying on the judgment of the Hon'ble Supreme Court referred to above, we find that the Original Application has no merit and is accordingly dismissed. No costs.

(G. Shanthappa)
Judicial Member

(G. Shanthappa)
Judicial Member

(M.P. Singh)
Vice Chairman

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पठांकन रं. ओ/व्या.....जबलपुर, दि.....

प्रधिकारिता विवरण

(1) इनिंग्स, वार्ष १८८१-८२, ग्रामीण, शास्त्र, चालालपुर

(२) अद्यते विविध विषयों के विवरण - के विवरण

(१) एक विद्युत वित्तीय संस्थान के काउंसिल के द्वारा

(3) स्वतंत्र विद्या का विवरण

सूचना एवं आपरायक कार्यकारी देव राजिनद *Rajinder*
उप राजस्त्र 29/3/04

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