

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

Original Application No.936 of 2012

Date of Order: 14.09.2018

Between:

1. R. Harigopal, S/o. Sri R.P. Gupta,
Aged about 48 years, working as Stenographer Grade – I,
O/o. Chief Signal & Telecommunication Engineer,
South Central Railway, Rail Nilayam, Secunderabad.
2. P. Bharat Ram, S/o. Sri P. Krishna Rao,
Aged about 38 years, Working as Stenographer Grade – I,
O/o. Chief Signal & Telecommunication Engineer (CN),
South Central Railway, Rail Nilayam, Secunderabad.
3. Y. Eswar Rao, S/o. Sri Y.K. Raju,
Aged about 53 years, Working as Stenographer Grade – I,
O/o. Chief Signal & Telecommunication Engineer (M),
South Central Railway, Rail Nilayam, Secunderabad.
4. P.S. Ramachandran, S/o. Sri K.S. Mani,
Aged about 45 years, Working as Stenographer Grade – I,
O/o. Chief Commercial Manager, South Central Railway,
Rail Nilayam, Secunderabad.
5. M. Samrajya Lakshmi, W/o. Sri M.V. Bhanu,
Aged about 42 years, Working as Stenographer Grade – I,
O/o. Chief Signal & Telecommunication Engineer (C),
South Central Railway, Rail Nilayam, Secunderabad.
6. R. Sreenivasulu, S/o. R. Rama Murthy,
Aged about 41 years, Working as Stenographer Grade – I,
O/o. Chief Signal & Telecommunication Engineer (C),
South Central Railway, Rail Nilayam, Secunderabad.
7. N. Srinivasa Rao, s/o. Sri N.P. Venkateswarlu,
Aged about 48 years, Working as Stenographer Grade – I,
O/o. Controller of Stores, South Central Railway, Secunderabad.
8. D. Sanjula, W/o. Sri D. Aditya Kumar,
Aged about 43 years, Working as Stenographer Grade – I,
O/o. Chief Commercial Manager, South Central Railway,
Rail Nilayam, Secunderabad.
9. B. Hanumantha Raju, S/o. late B. Pentanna,
Aged about 41 years, Working as Stenographer Grade – I,
O/o. Chief Operations Manager,
South Central Railway, Rail Nilayam, Secunderabad

10. B. Gangadhar, S/o. Sri B. Sangaiah,
Aged about 34 years, Working as Stenographer Grade – I,
O/o. Senior Divisional Operations Manager,
Divisional Railway Manager/ Secunderabad,
Sanchalan Bhavan, South Central Railway, Secunderabad.
11. M. Rangacharyulu, S/o. late M.R.K. Ayyangar,
Aged about 46 years, Working as Stenographer Grade – I,
O/o. Financial Adviser & Chief Accounts Officer,
South Central Railway, Rail Nilayam, Secunderabad.
12. D. Giridhar, S/o. D. Yadagiri,
Aged about 38 years, Working as Stenographer Grade – I,
O/o. Chief Personnel Officer,
South Central Railway, Rail Nilayam, Secunderabad.
13. A.A. Varadharajan, S/o. A.S. Ananthasubramanian,
Aged about 47 years, Working as Stenographer Grade – I,
O/o. Chief Personnel Officer,
South Central Railway, Rail Nilayam, Secunderabad

(All the applicants herein are all erstwhile Grade II Stenos, which is now re-designated as Grade I Stenos)

... Applicants

And

1. The Secretary, (Rep. UOI),
Ministry of Railways,
Govt. of India, New Delhi.
2. The Chairman,
Railway Board, Ministry of Railway,
Government of India, New Delhi.
3. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
4. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad.

... Respondents

Counsel for the Applicant ... Mrs. Rachna Kumari

Counsel for the Respondents ... Mr. D. Madhava Reddy, SC for Railways

CORAM:

Hon'ble Mr. Justice L Narasimha Reddy, Chairman

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER
{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}

The applicants are working as Stenographers Grade-I in various establishments of the Railways. Since long time, they have been making efforts to get parity of pay with the Stenographers of similar category in the Central Secretariat. It is stated that, at one point of time, the scale of pay for all the Stenographers in the Central Secretariat as well as the Railways was only Rs.1400-2600 and with effect from 01.01.1986, the pay scale for the Stenographers in Central Secretariat was fixed at Rs.1640-2900. The applicants and similarly situated persons earlier filed OA 1276/2004 before this Bench of the Tribunal claiming benefit of pay scale of Rs.1640-2900 / Rs.5500-9000 on par with the Stenographers in other departments. The OA was disposed of on 10.10.2007 with a direction to the respondents to examine the matter or in the alternative, refer the matter to the VI Central Pay Commission, which was in operation at that time. The matter is said to have been referred to the VI Central Pay Commission and based on the recommendations made by it, the Railway Board issued notification dated 04.09.2008 in this behalf.

2. The applicants contend that though the benefit of parity of pay scale for the Stenographers was extended to various organizations other than Central Secretariat, the distinction was made in respect of the Stenographers working in the field area.

3. The Ministry of Finance, Department of Expenditure issued an Office Memorandum dated 16.11.2009 as regards implementation of pay scales for Stenographers and other similar categories of posts. Railway Board issued order

dated 14.12.2009 regarding the implementation of the Office Memo. dated 16.11.2009 issued by the Ministry of Finance. Reference was also made to its notification dated 04.09.2008. The applicants challenge the order dated 14.12.2009 in so far as it has not brought about parity in the pay scale of Stenographers on par with the employees of Central Secretariat and Railway Board Secretariat. The applicants contend that when the duties that are being discharged by them are similar to those of the Stenographers in Railway Board Secretariat and Central Secretariat, then there is no reason as to why the same pay scale should not be extended to them.

4. The respondents have filed a detailed counter affidavit. Extensive reference is made to the proceedings that have taken place earlier. While making reference to the judgment of the Hon'ble Supreme Court in *Union of India Vs. P.V. Hariharan*, in Civil Appeal No. 2129/1993, they contend that the Tribunal should be loath to interfere in the matter of pay scales and such matters are required to be dealt with by the concerned administration.

5. We have heard Mrs. Rachna Kumari, learned counsel for the applicants and Mr. Pavan Maitreya, learned counsel representing Mr. D. Madhava Reddy, learned Standing Counsel for the respondents in detail.

6. This is second round of litigation initiated by the applicants in their attempt to bring about parity of pay scales, to be on par with those of the stenographers working in the Central Secretariat and Railway Board Secretariat. On the basis of the order passed by this Tribunal in OA 1267/2004, the matter was referred to the VI Central Pay Commission. The recommendations of the VI

Central Pay Commission on this issue are not before us. Similarly, the notification dated 04.09.2008 issued by the Railway Board in the context of pay scales of Stenographers is also not made part of the record. In the absence of those two important documents, we find it difficult to analyse the issue or to give any specific directions. The applicants have made a representation dated 29.01.2010 ventilating their grievance in this behalf. Though the matter was considered earlier, there does not appear to be any specific discussion in this regard subsequent to the VI Central Pay Commission recommendations and the notification dated 04.09.2008 issued by the Railway Board.

7. We therefore dispose of the OA directing the Railway Board to consider the representation dated 29.1.2010 submitted by the applicants in the light of the notification date 04.09.2008 and other relevant orders or notification on the subject within a period of three months from the date of receipt of this order.

No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

(Dictated in open court)
Dated, the 14th day of September, 2018

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