
(2013) 01 DEL CK 0149
In the Delhi High Court
Case No : W.P. (C) 1774/2001

IARI Stenographers Welfare Association APPELLANT
Vs
I.C. of Agricultural Research RESPONDENT

Date of Decision : 14-01-2013

Acts Referred:

Citation : (2013) 01 DEL CK 0149

Hon'ble Judges : Veena Birbal, J; Pradeep Nandrajog, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Pradeep Nandrajog, J.—The issue of pay parity amongst Stenographers working in the Central Secretariat of the Government of India i.e. in the various Ministries of the Central Government and Stenographers working in subordinate/attached offices of the Government of India as also Stenographers working in various Institutes established as Autonomous Bodies by the Government of India was exhaustively considered by a Division Bench of this Court in WP(C) No. 102/2001 Mohinder Singh & Ors. v. UOI & Ors. Two pay-scales were in place. Stenographers in the Central Stenographers Service working in the Head Offices i.e. the Ministries of the Union were placed in the pay-scale Rs. 1640-2900 and all other Stenographers were placed in the pay-scale Rs. 1400-2600. Whereas some decisions were pronounced on the principle of pay parity, but the same ignored the qualitative and quantitative nature of work performed by Stenographers in the Central Secretariats being onerous. The 5th Central Pay Commission which maintained the difference had in paragraph 46.31 to paragraph 46.34 of its report noted as under:-

46.31 The pay scale of Assistants in the Central Secretariat Service (CSS) and Stenographers in the CSSS was revised by the Government on 31.7.1990, effective from 1.1.1986. Some of the Assistants/Crime Assistants and Stenographers Grade II working in the CBI, Directorate General of Income Tax (Investigation) and Directorate of Field Publicity filed a number of petitions

before the Principal Bench of the Central Administrative Tribunal seeking benefit of the orders dated 31.7.90. Rejecting the contention of the Union of India that Stenographers Grade II and Assistants in the non-Secretariat offices could not be compared with Stenographers Grade C of CSSS and Assistants of CSS because of the different classification, method of recruitment, nature of duties and responsibilities and eligibility for promotion to higher grade, the CAT directed the UOI to place the petitioners in the pay scale of Rs. 1640-2900. The judgment of the CAT has been implemented.

46.32 The comparative position of Stenographers in the Secretariat and offices outside the Secretariat as it existed at the time of constitution of the Fifty CPC is as under:-

46.33 Associations representing stenographers have urged before us that there should be complete parity between stenographers in non-secretariat offices and in the Secretariat in matters relating to (a) pay scales, (b) designations, (c) cadre structure, (d) promotion avenues, (e) level of stenographic assistance to officers in technical, scientific and research organizations, etc. Suggestions have also been made for a higher pay scale for stenographers in the entry grade, treating advance increments granted for acquiring proficiency in stenography at higher speed as pay, allowing stenographers in non-Secretariat offices to compete in the Limited Departmental Competitive Examination (LDCE), and grant of Special Pay for operating computers, fax machines, etc.

46.34 We have given our careful consideration to the suggestions 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 he was working with an officer in Secretariat or with an officer in a subordinate office. The Commission was of the considered view that the size of the stenographer's job was very much dependent upon the nature of work entrusted to that officer and that it would not be correct, therefore, to go merely by the status in disregard of the functional requirement. By the very nature of work in the Secretariat, the volume of dictation and typing work was expected to be heavier than in a subordinate office, the requirement of secrecy even in civil offices of the secretariat could be very stringent. Considering the differences in the hierarchical structures and in the type of work transacted in the Secretariat and in the subordinate offices, the Commission was not in favour of adopting a uniform pattern in respect of matters listed in the preceding paragraph. To our mind, the observations of the Third CPC are as relevant today as they were at that point of time and we are not inclined to overlook them totally. In view of the above mentioned distinguishable features, we do not concede the demand for absolute parity in regard to pay scales between stenographers in offices outside the Secretariat and in the secretariat notwithstanding the fact that some petitioner stenographers Grade II have got the benefit of parity in pay scale through

Courts. However, pursuing the policy enunciated by the Second CPC that disparity in the pay scale prescribed for stenographers in the secretariat and the non-secretariat organizations should be reduced as far as possible, we are of the view that Stenographers Grade II should be placed in the existing pay scale of Rs. 1600-2600 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. 2000-3000 and Rs. 2000-3500 respectively. Giving the Senior PAs the benefit of rationalization of pay scales, we recommend that both Sr.PAs and Private Secretaries should 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.

2. Since an Expert Body had gone into the issue and had given good reasons to justify two pay-scales, the claim for parity was rejected by a Division Bench of this Court in Mohinder Singh's case (supra).

3. In the instant writ petition the IARI Stenographers' Welfare Association claims pay parity with Stenographers working in the Ministries and the Head Office.

4. Suffice would it be to state that the petitioner cannot predicate any such claim inasmuch as duties performed by Stenographers in the Central Secretariat of the Government of India and Head Offices of Autonomous Institutes established by the Government of India are much more onerous than those performed by other Stenographers in the subordinate offices. We note that the 5th Central Pay Commission has gone into this issue and being an Expert Body its opinion cannot be likely interfered by us.

5. The petitioners have been granted substantial relief by the department when an Office Order dated June 16, 1997 was issued which reads as under:-

No. P. 15(8)/96-Estt.I Dated the 16th June, 1997

OFFICE ORDER

Sub: Extension of revised pay scale of Rs. 1640 -2900 for the Assistants/ Stenographer (Grade-II) of Indian Council of Agricultural Research Institutes - Implementation of Cabinet's decision - regarding.

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1. In pursuance of the decision of the Union Cabinet on the above subject in its meeting held on 29th April, 1997, the Competent Authority has been pleased to approve the unification of the cadres of Assistants/Stenographers (Grade-II) at the ICAR Hqrs. and its Research Institutes with immediate effect. In pursuance of the aforesaid decision of the Union Cabinet the Competent Authority has also

approved extension of the revised pay scale of Rs. 1640-2900 to the existing Assistants/Stenographers (Grade-II) working at the ICAR Research Institutes with immediate effect.

2. Consequently the existing recruitment rules for the post of Assistants/Stenographers (Grade-II) at the ICAR Research Institute will cease to have effect and no recruitment will be made thereunder hereinafter. The existing recruitment rules for the posts of Assistants/Stenographers (Gr.II) at the ICAR Hqrs. shall henceforth apply to the Assistants/Stenographers (Gr.II) at the ICAR Research Institute.

6. Now, the argument is that the Government of India has accepted the claim for parity and with effect from June 1997 Stenographers Grade-II have been placed in the pay-scale Rs. 1640-2900 requires the decision taken by the Central Government to its logical conclusion i.e. placement of Stenographers Grade-II in the said pay-scale with effect from January 01, 1986.

7. The answer is simple.

8. If the Government decides to enhance the pay-scale, it is a matter of a policy decision and not a matter of law. The fact that the Government chooses to have a single cadre of Stenographers notwithstanding some Stenographers performing less onerous duties and the decision made prospective by the Government would not empower this Court to give retrospective effect to the decision.

9. We note that though not expressly stated with afore-noted line of reasoning, the sum and substance of the decision pronounced against the writ petitioners by the Central Administrative Tribunal is the same. Accordingly, we dismiss the writ petition but refrain from imposing any costs.