

(1993) 10 DEL CK 0009

In the Delhi High Court

Case No : Civil Writ Petition No. 319 of 1993

Jagat Singh

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 13-10-1993

Acts Referred:

Citation : (1993) 4 AD 465 : (1993) 52 DLT 407 : (1993) 27 DRJ 619 : (1995) 1 LLJ 617

Hon'ble Judges : B.N. Kirpal, J;Arun Madan, J

Bench : Division Bench

Advocate : R.K. Saini, Meera Bhatia, Gajendra Kumar, S.K. Mahajan, Sanjay Yadav, B.S. Nanda and Vipin Sanghi, for the Appellant;

Judgement

B.N. Kirpal, J.

(1) The petitioners who are Readers on the establishment of the District & Sessions Judge, Delhi have filed the present writ petition praying for the grant of revised higher pay-scale of Rs.2000-3200.

(2) Briefly stated the facts are that the posts of Reader attached to the Additional District & Sessions Judges are equal status posts with those of the Stenographers attached to the Additional District & Sessions Judges in the establishment of the District & Sessions Judge, Delhi. In other words the posts of Readers and Stenographers in the subordinate Courts are based on equal status and have had identical pay-scales.

(3) It appears that for want of parity amongst the said Readers with the Stenographers in the subordinate Courts a writ petition was filed in this Court which was then transferred to the Central Administrative Tribunal being case of Shakti S. Pun Vs. Uoi & Ors. (Case No.T-1050/85). Vide judgment dated 17th July, 1986 the Central Administrative Tribunal came to the conclusion that the posts of Reader and Stenographer in the office of the District & Sessions Judge, Delhi were of equal status having identical pay-scales and it directed the posts of

Reader in the office of District & Sessions Judge to be upgraded in exactly the same identical terms, manner, number, scale of pay and dates of up graduation as had been done in the case of "Stenographers". This decision has become final in the sense that the respondents did not challenge the same by way of an appeal to the Supreme Court and the said decision has been implemented.

(4) As a result of the 4th Pay Commission report some officers of the Delhi Administration had been placed in the pay-scale of Rs-5900-6700. The Delhi Administration had decided that those stenographers who were attached to officers in the Grade of Rs-5900- 6700 should be placed in the pay-scale of Rs.2000-3200. 12 Posts in the Delhi Higher Judicial Service were in the pay-scale of Rs.5900-6700 and, Therefore, a writ petition was filed by Stenographers working on the establishment of the District & Sessions Judge, Delhi in this Court being Civil Writ No-48/90 entitled Civil Sessions Courts Stenographers Association and Ors. Vs. Union of India & Ors. in which the prayer was that those Stenographers who were attached to the 12 officers in the Dhjs in the pay-scale of Rs. 5900-6700 should be placed in the pay-scale of Rs. 2000-3200. Vide judgment dated 12/2/1991 the said writ petition was allowed and it was directed that 12 Stenographers who were the senior most and could have been attached to the 12 Additional District & Sessions Judges who were in the Selection Grade should be placed in the scale of Rs.2000-3200w.e.f. 1/1/1986 or from subsequent date when the Selection Grade posts of ADJs were increased.

(5) The present writ petition, as already indicated, has been filed by the Readers of the same Court contending that they were holding equal status post as that of the." Stenographers and secondly in view of the decision of this Court in the aforesaid case of Civil Sessions, Courts Stenographers Association the petitioners should also be granted identical pay-scale as that of the Stenographers.

(6) One more development has taken place during the pendency of this writ petition. The Delhi Judicial Service Association had filed a writ petition being C. Writ No.4196/93 in which it had been contended that all the members of the Delhi Higher Judicial Service should be placed in a uniform time-scale. Vide judgment delivered today the said writ petition has been allowed and 72 officers belonging to the Delhi Higher Judicial Service have been directed to be placed in the uniform scale of pay of Rs.5900-6700 w.e.f. 1/1/1986. The effect of this is that for the reasons stated in our judgment dated 12/2/1991 in C. Writ No.48/90 all the Readers and Stenographers attached to the Additional District & Sessions Judges in the pay-scale of Rs.5900-6700 would be entitled to the fixation of their salaries in the pay-scale of Rs-2000-3200. This would also follow from the earlier judgment of the Central Administrative Tribunal who had, on an earlier occasion, directed parity between the Stenographers and the Readers in the matter of scales of pay and other benefits.

(7) In view of the aforesaid decision of the Tribunal as well as the decision of this Court in Civil Writ No.48/90 and Civil Writ No.4196/93 it must follow that the petitioners and other like placed persons who are attached to the members of

the Delhi Higher Judicial Service who have been held to be entitled to the grant of pay-scale of Rs.5900-6700 should be granted the pay-scale of Rs.2000-3200. This scale will be granted to them - according to their seniority and w.e.f. 1/1/1986 or thereafter from a date when they were appointed and posted as Readers with the members of the Delhi Higher Judicial Service. The revised pay fixation should be done within a period of four months from today and arrears of salary, if any, be paid to them within two months thereof.

(8) There will be no order as to costs.

(9) A copy of the order be given dusty to counsel for the respondents.