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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision : September 18, 2015*

+ **LPA 635/2015**

APEDA ASSISTANT AND STENOGRAPHER - I
EMPLOYEES ASSOCIATION Appellant
Represented by: Mr.Anshul Narayan, Advocate

versus

UNION OF INDIA & ORS Respondents
Represented by: Mr.Jasmeet Singh, Advocate with
Mr.Srikant Misra, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

PRADEEP NANDRAJOG, J. (Oral)

CM No.20179/2015

For the reasons stated in the application the delay of 73 days in re-filing the appeal is condoned.

LPA No.635/2015

1. The appellant is the association of Assistants and Stenographers Grade I under Agricultural and Processed Food Products Exports Development Authority (APEDA), which is an autonomous body set up an act of Parliament and is under the direct control of the Ministry of Commerce and Industries Union of India. The claim in the writ petition was to be accorded benefit of 4th Central Pay Commission by placing Assistants and Stenographers Grade I in the replacement pay scale ₹1640-2900 with effect from January 01, 1986 and not ₹1400-2600. Further prayer was that

with the implementation of the recommendations of the 5th Central Pay Commission the Stenographers and Assistants be place in the replacement pay scale proposed to the pay scale ₹1640-2900. The learned Single Judge has dismissed the writ petition.

2. For academic purposes we may record that there is a chain of decisions pronounced by the Supreme Court when equivalence in pay scales were sought by Assistants and Stenographers working under the subordinate offices and autonomous bodies of or under the Central Government with Assistants and Stenographers working in the Central Secretariats of the various Ministries under the Government of India. The Supreme Court declined relief in some noting that the qualitative work in the context of levels of secrecy to be maintained at the Central Secretariat being non-existent in the subordinate offices under the Central Government, this itself was a good ground to deny parity and in some decisions relief was granted. But the first decision on the point is the one reported as AIR 1988 SC 1291 Federation of All India Customs and Central Excise Stenographers (Recognised) & Ors. v. UOI & Ors., where relief was declined.

3. It being settled law that where an expert body has delved into the issue and has given reasons in support of its recommendations, the Court would not interfere with the decision of the expert body. The fourth Central Pay Commission recommended placement of Assistants and Stenographers working in the Ministries of the Union of India in the pay scale ₹1640-2900 and for Assistants and Stenographers working in subordinate offices and autonomous bodies under the Union in the pay scale ₹1400-2600. Since there were certain court decisions against the Union of India or autonomous bodies under the Union of India and some in favour of Union of India and its

autonomous bodies, the 5th Central Pay Commission considered the issue of parity and paragraph 46.31 to 46.34 of its report are relevant. We note the same. They read 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 ₹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:-

<i>Secretariat</i>	<i>Non-Secretariat</i>
<i>a) Stenographer Grade D (₹1200-2040)</i>	<i>a) Stenographer Gr.III (₹1200 – 2040)</i>
<i>b) Stenographer Grade C (₹1640-2900)</i>	<i>b) Stenographer Gr.II (₹1400-2300) (₹1400-2600) (₹1640-2900)</i>
<i>c) Stenographers Grades ‘A’ & ‘B’ (Merged) (₹2000-3500)</i>	<i>c) Stenographer Gr.I (₹1640-2900)</i>

<i>d) Principal Private Secretary (₹3000-4500)</i>	<i>d) Senior Personal Assistant (₹2000-3200)</i> <i>e) Private Secretary (₹2000-3500)</i> <i>f) Principal Private Secretary (₹3000-4500)</i>
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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 ₹1600-2600 instead of ₹1400-2300/₹1400-2600. The next available grade of stenographers in non-Secretariat offices is ₹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 ₹2000-3000 and ₹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 ₹2000-3500 and known as Private Secretaries. Stenographers in the newly recommended grade of ₹2500-4000 should be known as Senior Private Secretaries and those in the pay scale of ₹3000-4500 shall continue to be known as Principal Private Secretaries.”

4. In a nut shell the reasoned report brings out that work performed by

Stenographers and Assistants in the Secretariat of Union of India is qualitatively different; much heavier workload as compared to the subordinate offices and the autonomous bodies under the Union.

5. We terminate our opinion by noting that in the decisions reported as AIR 1989 SC 90 State of UP Vs. J.P.Chaurasia, (1994) 27 ATC 524 State of West Bengal Vs. Hari Narayan Bhowal and 1997 SCC (L&S) 838 UOI & Anr. Vs. P.V.Hariharan & Ors. the Supreme Court held that opinions of expert bodies like Central Pay Commission, unless shown to be manifestly wrong, should not be interfered with and that it is the nomenclature of a post but the qualitative and quantitative work performed by the holder of the post which has to be considered on the subject of parity in the pay scale.

6. The appeal is accordingly dismissed in limine but without any order as to costs.

(PRADEEP NANDRAJOG)
JUDGE

(MUKTA GUPTA)
JUDGE

SEPTEMBER 18, 2015

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