

Eastern Railway
(Personnel Department)

Sl.No.49/2016

No.E.890/0/Steno

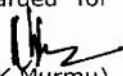
Kolkata, 5th May 2016

All Concerned

Sub: Sharing of judgment – Applicability of CAT/ Madras judgment dated 05/06/2012 in O.A. No. 658/2010 (S.Shivagurunathan & Ors Vs UOI & Ors) in other cases.- Judgment dated 13/04/2016 of CAT Bangalore in O.A.No.640-649/2014 (V.N.Narayanappa & Ors Vs UOI & Ors).

The following copy of Board's letter no. PC-VI/2014/MISC/04 (PC-VI/367) dated 25/04/2016 along with CAT/Bangalore Judgment dated 13/04/2016 is forwarded for information and guidance.

DA: As mentioned.


(K.K.Murmu)
Asstt.Personnel Officer/R&B
For Chief Personnel Officer

Copy of Board's letter no. PC-VI/2014/MISC/04 (PC-VI/367) dated 25/04/2016 is addressed to General Managers (P), All Zonal Railways and others.

Sub: Sharing of judgment – Applicability of CAT/ Madras judgment dated 05/06/2012 in O.A. No. 658/2010 (S.Shivagurunathan & Ors Vs UOI & Ors) in other cases.- Judgment dated 13/04/2016 of CAT Bangalore in O.A.No.640-649/2014 (V.N.Narayanappa & Ors Vs UOI & Ors).

A number of court cases have been filed by Private Secretaries Grade II of various Railways seeking the benefits of CAT/Madras orders dated 05/06/2012 in O.A. No. 658/2010 (S.Shivagurunathan & Ors Vs UOI & Ors). The issue has been gone into the merits by CAT/Bangalore vide their judgment dated 13/04/2016 and O.A. No.640-649/2014 (V.N.Narayanappa & Ors Vs UOI & Ors). Hon'ble Tribunal has dismissed above OAs vide orders dated 13/04/2016 (Copy enclosed) holding as follows:-

"40. Therefore after taking into consideration the entire material placed before us and after considering the facts and circumstances of the case in detail, we are of the view that the applicants herein do not have any historical parity with that of employees of CSSS/RBSS/CAT and as such they are not entitled to higher grade pay of Rs.4800 initially and 5400 with gazetted status on completion of four years in the cadre of Private Secretary Grade II as claimed by them on the analogy of judgment in S.R.Dheer vs UOI in OA No.164/2009. Therefore, after detailed consideration, we hold that the OAs are devoid of merits and are liable to be dismissed.

41. Accordingly the OAs are dismissed. No order as to costs."

2. The Railways may bring the position to the notice of Railway Advocate contesting such other cases and take necessary action to file a copy of above judgment before the respective Tribunals.

Sd/-
(M.K.Panda)
Jt.Director, Pay Commission
Railway Board

Index No.1057: Private Secretaries Grade II are not entitled to higher grade pay of Rs.4800 initially and 5400 with gazetted status on completion of four years in the cadre of Private Secretary Grade II that of employees of CSSS/RBSS/CAT- judgment of CAT/Bangalore.

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

S.No. PC-VI/ 367
No. PC-VI/2014/MISC/04

New Delhi, dated 25.04.2016

**The General Manager (P),
All Zonal Railways/ Production Units**

Sub: Sharing of judgement – Applicability of CAT/ Madras Judgement dated 05.06.2012 in O.A. No. 658/2010 (S. Sivagurunathan & Ors Vs UOI & Ors) in other cases. – Judgement dated 13.04.2016 of CAT Bangalore in O.A. No. 640-649/2014 (V.N. Narayanappa & Ors Vs UOI & Ors).

A number of court cases have been filed by Private Secretaries Grade II of various Railways seeking the benefits of CAT/ Madras orders dated 05.06.2012 in O.A. No. 658/2010 (S. Sivagurunathan & Ors Vs Union of India & Ors). The issue has been gone into the merits by CAT/ Bangalore vide their judgement dated 13.04.2016 in O.A. No. 640-649/2014 (V. N. Narayanappa & Ors Vs UOI & Ors) and O.A. No. 1001-1030/2014 (G. Pavanasam & Ors Vs UOI & Ors). Hon'ble Tribunal has dismissed above OAs vide orders dated 13.04.2016 (**copy enclosed**) holding as follows:-

“40. Therefore, after taking into consideration the entire materials placed before us and after considering the facts and circumstances of the case in detail, we are of the view that the applicants herein do not have any historical parity with that of employees of CSSS/RBSS/CAT and as such they are not entitled to a higher grade pay of Rs. 4800 initially and 5400 with gazetted status on completion of four years in the cadre of Private Secretary Grade II as claimed by them on the analogy of judgement in S.R. Dheer vs UOI in OA No. 164/2009. Therefore, after detailed consideration, we hold that the OAs are devoid of merits and are therefore, liable to be dismissed.

41. Accordingly the OAs are dismissed. No order as to costs.”

2. The Railways may bring the position to the notice of Railway Advocate contesting such other cases and take necessary action to file a copy of above judgement before the respective Tribunals.

3. Receipt of this letter may please be acknowledged.

DA: As above



**(M. K. Panda)
Jt. Director, Pay Commission
Railway Board**

o/c

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

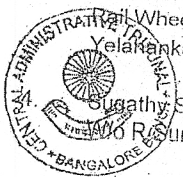
ORIGINAL APPLICATIONS NO.640 to 649 and 1001 to 1030 of 2014

DATED THIS THE 13TH DAY OF APRIL, 2016

HON'BLE SHRI JUSTICE HARUN UL RASHID...MEMBER (J)
HON'BLE SHRI P. K. PRADHAN, MEMBER (A)

(OA.No.640-649/2014)

1. V.N.Narayanappa
S/o Nagappa
Aged about 59 years
O/o Chief Electrical Engineer's Office
Rail Wheel Factory
Yelahanka, Bangalore-560064
Resident of No.408, West Colony
Rail Wheel Factory
Yelahanka, Bangalore-560 064.
2. B.Rajanna
S/o Late Y.K.Brahma Suraiah
Aged about 59 years
O/o PSII to Dy.CME/ASM
Chief Mechanical Engineer
Rail Wheel Factory
Yelahanka, Bangalore-560064
Resident of No.415, West Colony
Rail Wheel Factory
Yelahanka, Bangalore-560 064.
3. S.Sudha
D/o M.K.Seetharaman
Aged about 56 years
O/o Rail Wheel Factory
Yelahanka, Bangalore-560064
Resident of No.454/D, West Colony
Rail Wheel Factory
Yelahanka, Bangalore-560 064.



Sugathy Sundararaman
D/o R. Sundara Raman

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- Aged about 47 years
O/o PS/Gr.II, CME's Office
Rail Wheel Factory
Yelahanka, Bangalore-560064
Resident of No.3, Vijay Nivas
Mathru Layout, 1st Cross
G.K.V.K. (P), Bangalore-560 065.
5. Shanthi.A
W/o Arumugam.S
Aged about 45 years
M/S Center
Rail Wheel Factory
Yelahanka, Bangalore-560064
Resident of No.25, Amar Jyothi Layout
Cholanagar 2nd Main
R.T.nagar (P), Bangalore-560 032.
6. N.Savithri
D/o K.Narasimha Murty
Aged about 42 years
O/o Mechanical department
Rail Wheel Factory
Yelahanka, Bangalore-560064
Resident of No.303/A, West Colony
Rail Wheel Factory
Yelahanka, Bangalore-560 064.
7. Subhashini K.P.
D/o B.S.Ravi
Aged about 45 years
O/o PS-II, Accounts Office
Rail Wheel Factory
Yelahanka, Bangalore-560064
Resident of No.13, 8th 'E' Main
Srinidhi Layout, Vidyaranyapura
Bangalore-560 097.
8. P.Sridhar
S/o Late M.D.Purnachandran
Aged about 45 years
O/o General Manager's Office
Rail Wheel Factory
Yelahanka, Bangalore-560064
Resident of No.48, Ramakrishna Mut Road
Ulsoor, Bangalore-560 008.
9. T.V.Krishnan



S/o V.R.Venkatesan
Aged about 53 years
O/o General Manager's Office
Rail Wheel Factory
Yelahanka, Bangalore-560064
Resident of No.85, 5th Cross
Akshaya nagar, Attur
Yelahanka, Bangalore-560 064.

10. S.Hema
W/o B.G.Bhargava
Aged about 44 years
O/o PS-II, Office of CAO Construction BNC
Millers Road
Bangalore
Resident of LR 6, SFHS BDA
Nandini Layout
Bangalore-560 096.

... Applicant

(By Advocate Shri B.Veerabhadra)

Vs.

1. The Secretary
Railway Board
Railway Bhavan,
New Delhi-110 001.
2. The Union of India
Represented by
The General Manager,
Rail Wheel Factory
Yelahanka, Bangalore-560 064.

... Respondents

(By Shri N.S.Prasad & N.Amaresh, Advocates)

(OA.No.1001-1030/2014)

1. G. Pavanasam,
S/o late P.A. Ganapathy,
Aged 49 years
No.288/A/2, Ganeshnivas,
Keshavnagar



2. V.P.Joy,
S/o V.T.Philip,
Aged 58 years,
Railway Quarter No.1415/E,
Vidyanarayana Nagar,
Hubli,
Karnataka.
3. Tenzing Wangpo,
S/o Phurbu Tenzing,
Aged 46 years,
No.321, B-block,
Madura Colony,
Keshwapur,
Hubli,
Karnataka.
4. Mathew. T. Abraham,
S/o T.M. Abraham,
Aged 49 years,
Quarter No.1464/D, Rail Nagar,
Gadag Road,
Hubli,
Karnataka.
5. U.G. Venkatesh,
S/o U. Ganesh,
Aged 52 years,
No.11, Sri Ganesh Gayathri Colony,
Hubli,
Karnataka.
6. K.T. Pushpalatha,
W/o Diananad M. Angadi
Aged 32 years
H.No.114, 3rd Cross, M.R. Nagar,
Hebbali,
Agasi,
Dharwad,
Karnataka.
7. Rajan Mathews,
S/o M.D. Matyhew,
Aged 49 years,
H.No.11, KPIL, 2nd Floor,
Akshay. Hemanth Nagar,
Kusugal Road,
Hubli,
Karnataka.



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8. A.G. Ramadevi,
W/o Nanjundaswamy,
Aged 66 years,
No.13/193, Maha Lakshi Rice Mill Road,
Sirangapattanam,
Mandya Dist.
9. T. Paparao,
S/o T. Hanumantharao,
Aged 34 years
Railway Quarter No.1461/B,
Railnagar,
Hubli,
Karnataka.
10. P.V. Raghunathan,
S/o K.P.K. Nambiar,
Aged 58 years
Railway Quarter No.1414/F,
Vidya Narayana Nagar,
Gadag Road,
Hubli.
11. Maria G. Sequeria,
W/o Gracian Sequeria
Aged 54 years
Gem Villa, LBS Colony,
Gadag Road,
Hubli,
Karnataka.
12. G. Kiran Bose,
S/o Kireety
Aged 33 years.
H.No.61, State Bank of India Colony,
Keshwapur,
Hubli,
Karnataka.
13. B.S. Padmasri,
W/o B.L. Seshadri Rao
Aged 44 years
No.S-3, Sri Mahalakshmi Nivas Apartments,
30/31, 5th Main, 8th Cross,
Malleshwaram,
Bangalore-40.



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14. S. Guruprasad,
S/o A.M.Srinivasamurthy,
Aged 50 years
No.146/9, 4th B Main, 10th Cross,
Govindaraja Nagar,
Bangalore-40.
Karnataka.
15. T.C. Rajan,
S/o T.V. Chindan,
Aged 51 years
No.11, 1st Main, 3rd Cross,
Malleshpalya,
NT Sandrapost
Bangalore
Karnataka.
16. K.K. Thomas,
S/o K.T. Kuriakose,
Aged 58 years
No.26, AMS Layout,
Vidyaraynapura,
Bangalore
Karnataka.
17. Ashalatha,
~~W/o Sathish Kumar Hoode,~~
Aged 57 years,
192, RUTHU,
10th B Cross,
Yelahanka New Town,
Bangalore-64
Karnataka.
18. V. Jayanthi,
W/o N. Sukumar,
Aged 57 years,
No.10, Sri Ganesh Sadana,
7th B - block, 7th Cross,
Cauvery Nagar,
Bangalore-32.
Karnataka.
19. Joseph Antony,
S/o K. Antony,
Aged 63 years,
No.208, 10th Cross,
Vijaya Nagar, Railway Layout,
Metahalli,



Mysore,
Karnataka.

20. M.N. Amudavēni,
W/o M. Nagaraj,
Aged 43 years
No.342-B, MG Railway Colony,
Bangalore-23.
Karnataka.
21. M. Manjuvani,
W/o late R. Muniswamappa,
Aged 57 years
No.116-A, Nanda Gokula Block,
Aravindnagar Street,
St. Thomas Road,
Nehru Main Road,
Bangalore,
Karnataka.
22. M.V. Ravindran,
S/o Sankarawarrier
Aged 65 years
Sathee Sadanam,
Thaikkattuseery,
Ollur,
Trisshur-680306
23. K. Hemalatha,
W/o B. Krishnan,
Aged 53 years,
H.No.46, Behind Maruthi Temple,
Manjunath Nagar,
Gokul Road,
Hubli,
Karnataka.
24. Saroja V. Naik,
W/o B.V. Naik,
Aged 47 years
H.No.33A, Near Siva Ganesh Mandir,
Uday Nagar,
Keshwapur,
Hubli,
Karnataka.
25. N. Vijendra Babu,
S/o T.V. Natarajan,
Aged 53 years,



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Railway Quarter No.184-C,
Benson Town Post,
Bangalore-46,
Karnataka.

26. K. Jayalakshmi,
W/o K. Sathyanarayana,
Aged 52 years,
H.No.287/CH 19,
N.N. Joyce Road,
Near Marimallappa College,
Mysore,
Karnataka.
27. B.P. Yashodha,
D/o B.M. Puttiah,
Aged 49 years,
No.19, Radha Krishna Nagar,
Vivekananda Bock,
Mysore,
Karnataka.
28. B. Lingaraju,
S/o B.K. Murthy,
Aged 35 years,
No.1492-B, Rail Nagar,
Gadag Road,
Hubli,
Karnataka.
29. Amoljoshi,
S/o Suresh
Aged 47 years,
No.82, Kalyani Apatment,
Vijayanagar,
Hubli,
Karnataka.
30. B.S. Vijayalakshmi
W/o K. Buchhappa,
Aged 63 years,
No.1041, II Block, BEL Colony,
Subramanya Nilaya,
Opp. To Celestial Apartments,
Vidyaranyapur,
Bangalore-97
Karnataka.

... Applicant

(By Advocate Shri S. Ramaswamy Rajarajan.)

Vs.

1. Union of India
Rep. by The Chairman,
Railway Board,
Rail Bhavan,
New Delhi-110 001.
2. The General Manager,
South Western Railway,
Keshwapur
Hubli-580020.

...Respondents

(By Shri N.S.Prasad & N.Amaresh, Advocates)

ORDER

(PER HON'BLE PRASANNA KUMAR PRADHAN, MEMBER (A))

Since the cause of action and the relief sought for in both the sets of OAs are similar, they have been taken together by passing a common order.

2. The present OAs have been filed by the applicants seeking a direction on the respondents to fix and grant grade pay of Rs.4800/- initially and 5400/- with gazetted status with effect from the date of completion of 4 years of regular service in the cadre of Private Secretaries Grade II in respect of each applicant and to give all consequential benefits with arrears for serving officers as well as retired officers along with the interest at the rate of 18% for the accrued amount and also quash impugned letter No.RWF/NG-37/772 dt.7.3.2014 (Annexure-A5 in OA.No.640-649/2014).

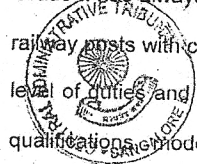
3. The applicants were working as Private Secretaries Grade-II in Southern Railways in the pay scale of Rs.6500-10200. Four applicants, namely, 8, 19, 22 and 30 in OA.No.1001-1030/2014 had already retired from service. According to the applicants, their colleagues who are working in South Central Railways as Private Secretaries filed OA No. 658/2010 before the Central Administrative Tribunal, Madras Bench and the Tribunal vide order dated 05.06.2012 directed the respondents to grant grade pay of Rs.4800/- initially and Rs.5400/- on completion of 4 years regular service in the cadre of



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Private Secretaries Grade II with gazetted status with effect from 01.01.2006 (Annexure-A2 in OA.No.1001-1030/2014). The said order of the Tribunal was challenged before the Hon'ble High Court of Madras in Writ Petition No. 5393/2013 and the Hon'ble High Court after hearing both the parties dismissed the Writ Petition by order dated 08.03.2013 (Annexure-A3 of OA.No.1001-1030/2014) thereby confirming the order of the Central Administrative Tribunal. The order of Hon'ble High Court was again challenged before the Hon'ble Supreme Court in SLP No. 19892/2013 and the Hon'ble Apex Court dismissed the same on 08.08.2013. A Review Petition No. 3202/2013 was also dismissed by the Hon'ble Apex Court on 28.01.2014. According to the applicants, they are similarly placed Private Secretaries Grade II like the applicants in OA No. 658/2010 and hence they made representation to the Chairman, Railway Board, i.e., to 1st respondent requesting for extending the benefits to them also. But there was no response from the respondents till now. Applicants in OA.No.640-649/2014 stated that in response to their representations, 2nd respondent therein i.e. GM, Rail Wheel Factory, Yelahanka send a reply dt.7.3.2014(Annexure-A5) that in the absence of any instructions from Railway Board no financial benefits can be extended. Aggrieved by the same, they filed these applications seeking the relief as prayed for.

4. The respondents have filed reply statement in which they have submitted that the applicants are working as Private Secretaries Grade II in Pay Band 2 with grade pay of Rs.4600/- in the South Western Railway, which is a Zonal Railway/Railway Wheel Factory (field organization). The applicants are governed by various rules and instructions issued by Ministry of Railways/Railway Board. They have been allotted PB 2 with grade pay of Rs.4600/- based on specific recommendation of the 6th Central Pay Commission as contained in para 3.1.14 (Annexure-R9). The post of Private Secretary Grade II has always been Group-C non-gazetted post as is the case of numerous other railway posts with comparable pay structure, standard of recruitment and promotion and level of duties and responsibilities shouldered etc. The Recruitment Rules, recruitment qualifications, mode of recruitment, eligibility conditions for promotion, pay scales,



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hierarchical structure etc. of the posts presently designated as Private Secretaries Grade II are entirely different from the posts designated as Private Secretary in the Central Secretariat Stenographers Service (CSSS). There has been no past established parity amongst the posts designated as Private Secretary in the Secretariat and those designated as Private Secretary Grade II (Sr. PA) in the Zonal Railways. The applicants have not produced any material in support of the claims proving equivalence with CSSS. The primary ground of the relief sought in this Original Application is the order passed by the Central Administrative Tribunal, Madras Bench in OA No. 658/2010 and rejection of Writ Petition No. 5393/2013 by Hon'ble High Court of Madras and SLP by the Hon'ble Supreme Court. It is submitted that the Central Administrative Tribunal allowed the OA mainly on the ground that the respondents did not produce any Recruitment Rules to prove that applicants are recruited by separate Recruitment Rules with different standards of academic and professional qualification and thus it can be said that there is no statutory rule which differentiates the applicants in OA No. 658/2010 from that of the Private Secretaries in the Central Secretariat or Central Administrative Tribunal. The Writ Petition against that order was also disposed of at the admission stage itself without going into merit and without issuing notice to the respondents therein.

5. According to the respondents, various important facts, materials including statutory rules, recommendations of the 6th CPC could not be placed for consideration before the Madras Bench of the Tribunal or the Hon'ble High Court of Madras, as such they could not consider the important and relevant material and facts and since implementation of the same would lead to miscarriage of justice, SLP was filed but the same was dismissed at the threshold without reasons at the admission stage itself. The Review Application filed before the Hon'ble Supreme Court also did not succeed.

However, the dismissal of the SLP by way of one line order does not imply that the Hon'ble Apex Court endorses the view of Central Administrative Tribunal, Madras. Further, it is settled law that mere rejection of SLP does not imply upholding of the



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orders of lower Courts. (Kunhayammed & Ors. Vs. State of Kerala & Anr. (2000) 6 SCC 359 AIR 2000 sc 2587). It was held in State of Punjab Vs. Davinder Pal Singh Bhular (2011) 14 SCC 770 that order of dismissing SLP in limine does not imply affirmation of impugned judgment or its merger with Supreme Court's order nor does it constitute a declaration of law or binding precedent.

6. The respondents submit that there are no common recommendations of 6th CPC/rules implementing them in favour of Private Secretaries Grade II of zonal Railways (field offices/organization) and CSSS (Secretariat)/Central Administrative Tribunal. While the Private Secretaries of Secretariat (CSSS and various organizations having historical parity) are governed by para 3.1.9 of 6th CPC report, the other Private Secretaries including Private Secretaries Grade II of Zonal Railways (field offices/organizations) are governed by para 3.1.14 thereof. The relevant rules implementing the said recommendations are also different (Annexure-R7). The assumption that the decision dated 19.2.2009 of the Principal Bench of the Tribunal in OA.No.164/2009 (S.R.Dheer & Ors Vs. UOI) has finalized the issue involved in OA.No.658/2010 is not correct as all the applicants of that OA were of other department and not of the Railways. In OA.164/2009 the Tribunal had analysed the detailed material produced by the applicants therein and thereafter reached a conclusion that they had historical parity with the Private Secretaries of CSSS. Above order had only interpreted the scope of applicability of para 3.1.9 in the case of applicants in that case and never set aside different recommendations of the Commission as in para 3.1.9 and 3.1.14 for Stenographer of Secretariat (and specified organizations having historical parity) and Non-Secretariat/Field offices respectively. Subsequent to order of the Madras Bench of the Tribunal in OA No.658/2010 (dt.5.6.2012), the Principal Bench of the Tribunal had dismissed the OA No.2102/2010 (Shri.Rabindra Nath Basu & Ors Vs UOI & Ors) & OA No.2114/2010 (DGOF Stenographers Welfare Association & Anr Vs. UOI & Others) (Annexure-R2), OA No.2380/2011 (Zamir Hasan Khan & Ors Vs. UOI & Ors) (Annexure-R4) and OA.No.4154/2010 (Mrs.Shakuntala Saxena & Ors vs UOI &

of

Ors) (Annexure-R3) holding that the decision in OA.No.164/2009 was specific to that case and not applicable to Stenographers of field/subordinate offices which are to be governed by separate recommendation of 6th Central Pay Commission in para 3.1.14 and thus separate pay structure applies to them as specified in the relevant rules.

7. The category of "Private Secretary Grade II" (erstwhile Sr. Confidential Assistants/Stenographer Grade 2000-3200) in Zonal Railways/Production Units have never been identically placed with the posts designated as 'Private Secretaries' in Secretariat/Central Administrative Tribunal and therefore there has never been any historical parity. The respondents have also given a comparative table to show that the designations, pay structure and classification as attached to CSSS and Zonal Railways/production unit are completely different. Further the Private Secretaries of Central Secretariat Stenographers Service (CSSS) are governed by specific/separate statutory service rules known as Central Secretariat Stenographers Service Rules, 1969 read with regulations notified there under and thereafter re-notified as Central Secretariat Stenographers Service Rules, 2010 (Annexure-R13) read with regulations notified by Department of Personnel in exercise of powers conferred by Proviso to Article 309 of Constitution. Similarly Private Secretaries of Central Administrative Tribunal are also governed by their own specific service rules (Annexure-R15). As per the said rules also, they have been historically classified as Group "B" Gazetted Officers. The said rules and classification have never been applicable to the Private Secretaries Grade II working in Zonal Railways/Production Units (field offices/organizations under Ministry of Railways) which have always been categorised as Group 'C' staff.

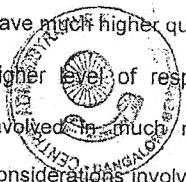
8. According to the respondents there also exist glaring differences in the academic and professional qualifications and norms of initial recruitment and promotion and hierarchical structure as applicable to the categories of Private Secretaries of CSSS vis-à-vis Private Secretary Grade II of the Zonal Railways. A Comparative position has also been provided in tabular form highlighting the differences. The recruitment



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rules/eligibility qualification/feeder and promotional grades etc. for Private Secretaries Grade II on Zonal Railways are also different from Private Secretaries in the Central Secretariat Stenographers Service. They have provided a table showing the comparative position between the two to highlight the differences.

9. The respondents further submitted that the applicants have not produced any material to prove that they have any historical parity with posts designated as 'Private Secretaries' of CSSS or Central Administrative Tribunal or that their duties/responsibility/mode of recruitment/recruitment qualification etc. are same as in the case of 'Private Secretaries of Secretariat'. On the contrary the rule/factual position unequivocally establishes that there is no identity/parity as claimed by the applicants. Further acceptance of demand made will have cascading effect on established vertical and horizontal relatives on the Railways and implementation thereof will seriously disturb all existing relatives leading to severe financial, administrative and functional ramifications. There are numerous categories on the Railways which have historically been in identical/comparable or even superior pay scale as compared to Private Secretaries Grade II (erstwhile Sr. Confidential Assistants/Stenographers Grade 2000-3200) for whom revised pay structure of PB2/GP Rs.4600 with classification of 'Group C' is applicable. Such categories include Section Engineers, Sr. Section Engineers, Station Superintendents, Dy. Station Superintendents, Commercial Superintendent, Chief Ticket Inspectors, Chief Inquiry and Reservation Supervisors, Chief Law Assistants, Chief Commercial Inspectors, Dy. Chief Controller, Loco Inspectors, Office Superintendents Grade I, Chief Office Superintendents, Depot Material Superintendent Grade I, Chemical and Metallurgical Supervisors etc. A number of these categories have much higher qualifications (B.E., LLB etc.) mandated and also involve significantly higher level of responsibilities as compared to stenographers (PS Gr.II) and are involved in much more critical duties of the organization which involves safety considerations involved in running of trains. Further promotional post of PS (Grade-II) is PS Grade I which has grade pay of Rs.4800. Thus acceptance of demand will result in



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an anomalous situation wherein a Private Secretary Grade II drawing GP Rs.5400 (after 4 years of service in GP Rs.4800) will have to be placed in a lower scale with grade pay of Rs.4800 on promotion as Private Secretary Grade I.

10. Applicants in OA.No.1001-1020/2014 have filed rejoinder wherein they stated that the RBSS (Railway Board Secretariat Services) is covered under 6th CPC recommendation at para No.3.1.9 but para No.3.1.14 clearly mentions that parity between Field and Secretariat Offices is recommended. The same was also reiterated at para No.7.32.15 of the 6th CPC report wherein it is mentioned that the Commission has already recommended parity between similarly placed posts in field offices and Secretariat and no separate recommendation is, therefore, required. The applicants have not asked for parity with CSSS, but grant of the Grade Pay equal to that of Private Secretaries of Railway Board whose recruitment rules and other eligibility conditions and nature of work are one and the same with the applicants as well as Stenographers of CAT whoever applicants in OA.No.164/2009. There has been no past established parity between posts designated as 'Private Secretaries' in Secretariat and those designated as 'Private secretaries Grade-ii' of field offices of Railway Board. In OA.No.658/2010, the Hon'ble Tribunal had gone through all the relevant documents produced by both the parties and were satisfied that the principle applied in OA.No.164/2009 (S.R.Dheer & others vs. Union of India & ors) squarely applies to applicants in that OA. The respondents have deliberately suppressed the original service rules of Private Secretaries in CAT which were in existence at the time of acceptance of recommendations of 6th CPC report which formed the basis for the Private Secretaries Grade II of Zonal Railways to file the OA.No.658 of 2010 and got the relief. The Hon'ble Supreme Court had dismissed the SLP as there was nothing found to interfere.

11. The contention that the Private Secretaries (CSSS and various organizations having historical parity) are governed by para 3.1.9 of 6th CPC report, while the other Private Secretaries including Private Secretaries Grade II of Zonal Railways (field



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offices/organizations) which are equivalent to Private Secretaries in other field organisations are governed by para 3.1.14 is not correct because in para 3.1.9, itself states that 'these recommendations shall apply *mutatis-mutandis* to the post of Private Secretary/equivalent in these services as well'. So, going by this very specific recommendations of the 6th CPC report, the respondents ought to have taken action on priority to remove the disparity in the service conditions of Private Secretaries posted in Secretariat and Zonal Railways/production Units/Field Offices. But the respondents ignoring the 6th CPC recommendation, had treated the applicants as equal to that of stenographers outside the secretariat stating that the functional requirement of secretariat and field offices/organizations are entirely different and also differentiated applicants from the Railway Board Secretariat stenographers whose recruitment rules and nature of duties are similar and pay scales were also same till 5th pay commission. Parity with RBSS (Railway Board Secretariat Stenographers) has been denied in the guise of different service rules which is not sustainable.

12. The applicants further contended that the table given by the respondents to support their argument itself shows that there was historical parity in pay scale between the Central Secretariate and Zonal Railways (field offices) till the 5th CPC, the only difference being the classification of Group given to the private secretaries in zonal railways as Group 'C'. And even the 6th CPC recommended for parity on par with the RBSS at para No.3.1.14 and 7.32.15. But the respondents had deprived their legitimate right which is guaranteed under Article 14 of the Constitution, by misconceiving the 6th CPC recommendation. Thus it is argued that the above ground relied upon by the respondents is not sustainable. The notification dated 9.4.2009 issued by DOP&T(Annexure-R15) has granted Group 'B' status/classification uniformly to all the central civil posts carrying the Grade Pay of Rs.5400/-, Rs.4800/-, Rs.4600/-, and Rs.4200/- thereby removing the previous anomaly/disparity in the classification of posts by virtue of which the Private secretaries of CSS and CAT have also become eligible and granted/acquired Group 'B' status. The respondents ought to have modified the



classification of posts on par with other departments, according to the DoP&T notification to remove the anomaly taking into account the genuine grievance of the private secretaries of zonal railways. Even the Private Secretaries of CAT were placed in Group 'C' previously and after implementation of the judgment of CAT in OA No.164 of 2009 they have been re-classified into Group 'B'. Further financial hardship to the department cannot be a valid ground in a welfare state to deny legitimate rights of its employees, particularly when the same was duly covered by the recommendations of 6th CPC.

13. The applicants in OA.No.640-649/2014 have also filed a rejoinder wherein it is submitted that the VI CPC has recommended parity between the subordinate office vis-à-vis the Secretariat, which was accepted by the Union of India. Having accepted the recommendations of the VI CPC, it is incumbent upon the respondents to implement the same, without any discrimination among the similarly situated. It is submitted that even the Secretarial Staff in CAT, has been granted with parity. The duties and responsibilities would differ from office to office and the officers to whom they are attached. The same officers are liable for transfer to any other zone in India or even to Railway Board. That being so, they cannot discriminate with regard to the pay scale. Further, it is submitted that the Railway Recruitment Board called for the applications and upon selection for the post of Stenographer even the candidates have been allotted to Railway Board, DRM Office and other formations within the Railways. There is no distinction or discrimination between the stenographers and it is a common recruitment at sometimes, as evident from the employment notice No.RRB/CDG/EL-2/86 (ANNEXURE-A10).

14. It is further submitted that the Chapter 4 para 29 deals with stenographers of four grade namely Grade A; Grade-B; Grade C and Grade D. Further, it indicates that as the designation indicates the stenographers take dictation of notes, memoranda, drafts, etc., and type them on behalf of the officers with whom they are deputed. Likewise, there are four grades in the case of the applicants also and they have to take dictation of notes, memoranda, drafts, if any and type them on behalf of the officers with whom



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they are attached. Apart from that they have to maintain other duties and responsibilities as classified and required to be performed. The applicants are working in the organisation, which is classified as field organization and it is similar to that of other colleagues in other Zonal railways.

15. The respondents have filed additional reply statement wherein it is stated that the stenographers of Secretariat and Field/subordinate offices have been treated by successive Pay Commissions as two distinct categories. Sixth CPC had recommended a limited parity between Secretariat and Field/subordinate offices only up to the level of Assistant (i.e. equivalent to the level of P.A in Secretariat) through a specific mechanism i.e. by way of merger of pre-revised scales Rs.5000-8000, 5500-9000 and 6500-10500. Duly taking into consideration the principles/extent of parity and methodology for achieving such a parity, the Commission had itself made different/distinct recommendations for posts designated as Private Secretaries of Secretariat and those designated as Private Secretaries/Sr.Private Secretaries etc. and equivalent in Field/Non-Secretariat offices. The 6th Central Pay Commission itself had treated them as two different group/entities going by the recommendations in Para 3.1.3 wherein it was mentioned that absolute parity will be till the grade of Assistant only.

16. The Commission recommended specific pay structures for various posts in Secretariat and outside Secretariat. The hierarchical structure outside Secretariat was different and the posts of Private Secretaries were in two grades viz. Private Secretaries scale Rs.6500-10500 (equivalent posts designated as Private Secretary Grade II on Zonal Railways) and Sr. Private Secretaries scale Rs.7500-12000 (equivalent posts designated as Private Secretaries Grade I on Zonal Railways). The Commission had recommended revised pay structure of PB 2 GP Rs.4200 to the posts designated as Private Secretaries scale Rs.6500-10500 (equivalent posts designated as Private Secretary Grade II on Zonal Railways) and that of PB 2 GP Rs.4800 (initially) and PB 2 GP Rs.5400 (after 4 years) to the Sr. Private Secretaries scale Rs.7500-12000 (equivalent posts designated as Private Secretaries Grade I on Zonal Railways). The



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Private Secretaries of CAT were earlier governed by the provisions of Central Administrative Tribunal Stenographers Service (Group B and C posts) Recruitment (Amendment) Rules, 1998 (Annexure-RJ3). According to which, the Private Secretaries of CAT were in higher Scale of Rs.2000-3500 and classified as Group 'B' Gazetted. Even at that time (i.e prior to 2006) they were having different and superior eligibility conditions for recruitment and promotion as compared to Private Secretaries Grade II of Zonal Railways.

17. The respondents further submitted that there has been no historical parity between Private Secretaries Grade II of S.Railways vis-à-vis Private Secretaries of Railway Board Secretariat Service or Central Administrative Tribunal and gave a comparative picture between Private Secretaries of Central Administrative Tribunal (rules framed in 1989) vis-à-vis Private Secretaries Grade II of Zonal Railways and between Private Secretaries of RBSS and Zonal Railway/field organisation.

18. Heard the learned counsel for both sides. Written arguments have also been filed. The learned counsel for the applicants while reiterating the submission made in the OA and the rejoinder referred to judgments of the Madras Bench of this Tribunal in OA No. 658/2010 wherein vide order dated 05.06.2012 the applicants who were working as Private Secretaries were allowed a grade pay of Rs.4800/- initially and Rs.5400/- on completion of 4 years regular service as allowed to Private Secretaries of Central Secretariat and the Central Administrative Tribunal. The said order was challenged before the Hon'ble High Court of Madras in WP No. 5393/2013 which was dismissed vide order dated 08.03.2013. SLP No.19892/2013 filed by respondents was dismissed vide order dated 08.08.2013. Review Petition No. 3202/2013 was also dismissed vide order dated 28.01.2014. Thereafter, the respondents implemented the order. The present applicants who were working as Private Secretaries Grade II in Southern Railway are exactly similarly placed as that of the applicants in South Central Railways. The learned counsel for the applicant referred to the recommendation of the Pay Commission para 3.1.9 and para 3.1.14 saying that it recommends parity between



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the Field and Secretariat offices and hence as such there remains no distinction between the Railway Board and the Zonal Offices. Hence the applicants who were Private Secretary Grade II in the Zonal Offices are entitled to get the same benefits as that allowed for the Railway Secretariat and Others. Ld. Counsel also referred to various judgments of the Hon'ble Apex Court which have been filed separately by him to emphasize that in terms of several order of the Hon'ble Apex Court whenever an order passed by the court have attained finality, it is binding on the department specially when the SLP has been dismissed by the court. He also referred to several judgments which lays down the principle of equal pay for equal work and submitted that not treating similarly placed person in similar way violates Article 14 of the Constitution of India and differences in sources of recruitment will not be a ground for differentiation since qualification, functions and duties are similar in nature. According to him, the task performed by the Private Secretaries is exactly similar to that in Railway Board or CSSS and they are entitled to similar benefits. He also referred to judgment of the Principal Bench of this Tribunal wherein two stenographers working under Director General of Inspector of Customs and Central Excise were similarly placed with stenographers in CCS and given same pay scale in spite of separate Recruitment Rules. He also referred to another order of the Principal Bench dated 25.09.2009 wherein the applicants were held as having parity in CSS upto 01.01.1996 and hence they were granted same benefit as allowed in S.R. Dheer vs. Union of India and that is the same OA No. 164/2009 based on which the applicants in Madras Bench of the Tribunal were given benefits. Therefore, he contended that the applicants are entitled to similar benefits as already have been granted to their colleagues in South Central Railway.

19. The learned counsel for the applicant in OA No. 640-649/2014 while supporting the contention already made by the learned counsel in OA No. 1001-1030/2014 submitted that the applicants have been recruited by the Railway Recruitment Board with the same qualification for the zonal offices vis-a-vis the Railway Board. One of the applicants initially worked in Railway Board and transferred to the Rail Wheel Factory at

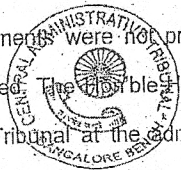


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his own request. Further it called for volunteers in a communication dated 19.05.2003 who were interested to come on transfer to Board's office as Steno Grade D on bottom seniority.

20. He referred to Finance Ministry OM dated 16.11.2009 wherein grade pay of Rs.4600/- in PB 2 was extended to Assistants belonging to Central Secretariat Services, Armed Force Services, Indian Foreign Service and Railway Board Secretariat Services and Personal Assistants (PAs) and their counterpart Steno Services with effect from 01.01.2006 to say that this indicate that Railway Board Secretariat Services and their counterparts are equal. The Railway Board staff and Zonal Railway staff are governed by same Board, IRES leave rules, pension rules, medical rules etc., and there is no separate set of rules governing the field staff. He submitted that since benefits have already been granted to counterparts of the applicants in Southern Railways pursuant to the order of the Madras Bench of the Tribunal, the applicants are also entitled to the same relief as they are similarly situated.

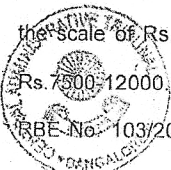
21. The learned counsel for the respondents admitted the fact that the Madras Bench of the Tribunal had allowed benefits to applicants who were working as Private Secretaries Grade II in OA.No.658/2010 and the Writ Petition filed against the order of the Tribunal was also dismissed by the Hon'ble High Court. The SLP and the Review Petition filed before the Hon'ble Supreme Court also did not succeed. Referring to the judgment of the Tribunal in OA No. 658/2010 which mentioned that no Recruitment Rules was produced to prove that the applicants were recruited with different standards of academic and professional qualification and there is no statutory rule to differentiate the applicants therein from that of the Private Secretaries in Central Secretariat or the Central Administrative Tribunal, Ltd. Counsel contended that only because necessary documents were not produced by the respondents during the hearing, the OA was allowed. The Hon'ble High Court dismissed the Writ Petition filed against the order of the Tribunal at the admission stage itself simply saying that they see no reason to interfere with the order passed by the Tribunal. The Writ Petition was therefore not



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dismissed on merit. Ld. Counsel referred to a judgment of the Hon'ble Apex Court in Kunhayammed and Ors. Vs. State of Kerala & Anr. in which the Hon'ble Apex Court in its order dated 19.07.2000 had spelled out the logic underlining the doctrine of merger. While exercising the appellate jurisdiction, the Hon'ble Apex Court mainly exercises its discretionary jurisdiction to grant leave to appeal. He then referred to a judgment of the Hon'ble Supreme Court in Civil Appeal No. 1272/2011 State of Orissa & Another vs. Mamata Mohanty in which it is said that if some other similarly situated persons have been granted benefits inadvertently or by mistake such order does not confer any legal right on the petitioner to get the same relief. Further, once the court comes to the conclusion that a wrong order has been passed, it becomes the solemn duty of the court to rectify the mistake rather than perpetuate the same. Therefore, he contended that the order of the Madras Bench of the Tribunal did not take into consideration the Recruitment Rules and simply allowed the applicants the benefits which was earlier allowed by Principal Bench to Private Secretaries of the CAT, even though the applicants therein and the Private Secretaries of the CAT are not in same footing and there is complete variance in the Recruitment Rules. Therefore, he contended that the applicants cannot be allowed the benefits on the analogy of the same order.

22. The learned counsel for the respondents referred to recommendation of the Pay Commission para 3.1.14 wherein Steno Grade II, Grade I and Private Secretaries were all granted PB 2 with grade pay of Rs.4200/-. In the same recommendation, the Administrative Officer Grade II, Senior Private Secretaries whose pay scale was Rs.7500-12000 were given PB 2 with grade pay of Rs.4800/- and after 4 years of service they will get a grade pay of Rs.5400/-. He submitted that in the recommendations there is clear distinction between the Private Secretaries, Steno Grade II who were in the scale of Rs.6500-10500 and Senior Private Secretaries who were in the scale of Rs.7500-12000. He referred to the revised pay rules issued by the Railway Board in RBE No. 103/2008 dated 04.09.2008 in which schedule 1 indicates the present scale and the corresponding pay structure and Part B of the said 1st schedule mentioned pay



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scale allowed to the Private Secretaries of Railway Board's office. He then referred to subsequent communication from the Railway Board dated 22.12.2009 (RBE No. 226/2009) in which a grade pay of Rs.4600/- in the pay band of PB 2 was allowed to the posts that existed in the pre-revised scale of Rs.6500-10500. This was granted in lieu of grade pay of Rs.4200/- and accordingly the applicants have been granted grade pay of Rs.4600/- in the pay band of PB 2 which corresponds to the previous scale of Rs.7450-11500 with effect from 01.01.2006.

23. The learned counsel referred to the Recruitment Rules of Private Secretary Grade I (Group B recruitment 2011) and submitted that the post of Private Secretary Grade I which is Group B gazetted and in pay band 2 with a grade pay of Rs.4800/- is to be filled up 100% by promotion from Private Secretary Grade II in the PB 2 with grade pay of Rs.4600/- with 2 years of regular service in the grade on the basis of a written test followed by viva and assessment of record of service. Therefore, he contended that the grade pay of Rs.4800/- is admissible only to a promotional post and the applicants who were working as Private Secretary Grade II can get into that scale by way of promotion only. Therefore, automatically granting that scale to the applicants would be against the provisions of the Recruitment Rules. He also submitted that the drawal of analogy by the applicants with Private Secretaries of CAT who were already in Group B and drawing a higher scale than the applicant is also not tenable. The learned counsel also referred several orders of the Principal Bench of the Tribunal where the OAs which had sought parity with S.R. Dheer and others who were granted relief in OA No. 164/2009 were dismissed. The learned counsel mentioned that the Madras Bench of Tribunal assumed parity of the applicants therein with S.R. Dheer and others while granting relief in OA No.658/2010 which is not a fact in reality. He submitted that in terms of the provisions of Recruitment Rules etc., and other aspects highlighted by him the applicants cannot draw parity with Private Secretaries of Central Secretariat Service or Central Administrative Tribunal and hence they are not entitled to grade pay of Rs.4800/- which is meant for the promotional post of PS Grade I.



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24. We have carefully considered the fact of the case and also the averments made by all parties. It is an admitted fact that the applicants herein who are Private Secretaries Grade II in the Southern Railways are similarly placed with that of the applicants in OA No. 658/2010 who were Private Secretaries Grade II in South Central Railways. Para 6 to 8 of the order passed by the Madras Bench of the Tribunal in OA.658/2010 states as follows:

'6. The respondents have taken the stand that the Recruitment Rules for the Private Secretaries in the Railways and Private Secretaries in the other departments of the Government of India are different. However, they have not produced any Recruitment Rules to prove that the applicants herein are recruited by separate Recruitment Rules with different standards of academic and professional qualifications etc.

7. From all this it can be said that there is no statutory rule which differentiates the applicants herein from that of the Private Secretaries in the Central Secretariat or the Central Administrative Tribunal. Under such circumstances, we are of the opinion that the respondents have not made out a convincing case to deny the benefit of OA.164/2009 to the applicants before us.

8. For the aforesaid reasons we are of the opinion that impugned order cannot be sustained and the same is set aside. The respondents are directed to grant the Grade Pay of Rs.4800/- initially and Rs.5400/- on completion of 4 years regular service in the cadre of Private Secretaries Grade II with Gazette Status with effect from 01.01.2006 as claimed in the OA.

The OA was thus allowed on the presumption that there is no statutory rule to differentiate the applicants from that of the Private Secretaries of Central Secretariat or CAT and no recruitment rules were produced to prove that the Private Secretaries in Railways of other department are different. Writ Petition No. 5393/2013 was filed against the order of the Madras Bench of the Tribunal and the Hon'ble High Court vide order dated 08.03.2013 dismissed the WP at the admission stage itself. The order of the Hon'ble High Court stated as follows:

4. Heard the learned counsel for the petitioners and perused the materials available on record.

5. While allowing the OA., the Tribunal held that there is no statutory rule, which differentiates the applicants herein from that of the Private Secretaries in the Central Secretariat of the Central Administrative Tribunal. The Tribunal has granted the same relief to the applicants, following the order dated 19.02.2009 passed in OA.No.164/2009, since they are similarly placed as that of the applicants in OA.No.164 of 2009. We see no reason to interfere with the order passed by the Tribunal. The writ petition fails and the same is dismissed. Consequently, the connected M.P. is also dismissed. However, there shall be no order as to costs.

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It is evident from the order that the Hon'ble High Court of Madras did not examine the matter on merit. SLP filed against the order of the Hon'ble High Court of Madras and the Review Petition before the Hon'ble Apex Court thereafter were dismissed. The order dt.8.8.2014 of Hon'ble Supreme Court in SLP.No.19892 states as follows:

*'Heard.
No reason to interfere. The special leave petition is dismissed.'*

The order dt.28.1.2014 in the Review Application No.1202/13 states as follows:

*'Application for oral hearing is rejected.
Delay condoned.
The review petition is dismissed.'*

Thereafter, the respondents have implemented the order and extended the benefit to the applicants in OA No. 658/2010.

25. The issue that has been raised before us is whether the order of the Tribunal extending benefits to the applicants therein and which was decided without fully examining the matter in the context of Recruitment Rules would have a binding effect and entail benefit to the applicants herein automatically or based on the records placed before us a distinction could be made to examine the matter on merit and in terms of the statutory rules. In a reference to the dismissal of the SLP and the Review Petition, the respondents had referred to the Hon'ble Apex Court judgment in Kunhayammed vs. State of Kerala and Others wherein it was held that dismissal at the stage of special leave and without reason is no res judicata and no merger.

26. The learned counsel for the applicant made reference to judgments of the Hon'ble Apex Court in *Civil Appeal No. 3565/1999, Shreedharan Kallat vs. Union of Indian & Others* 1995 SCC L&S 960 and in *WP.No.509/1997 Rupa Ashok Hurra vs. Ashok Hurra & Another*, 2002 SCC (4) 388 to say that in service matters whenever an order passed by court achieve finality, it becomes binding on the department specially when the SLP has been dismissed by the court. On the other hand, the learned counsel for the respondents referred to Kunhayammed & Others vs. State of Kerala in saying



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that dismissal at the stage of SLP and without reason is no res judicata and no merger. Further in State of Orissa & Another vs. Mamata Mohanty in Civil Appeal No. 1246-1271/2011, the Hon'ble Apex Court held that when some benefits granted is inadvertently and an order is prima facie not based on facts it does not confer right to others to claim relief and it is the duty of the court to rectify it rather than perpetuate it. Further Principal Bench in OA No. 1373/2010 in Harendra Kumar vs. Government of India submitted that every decision of the superior courts or of the tribunal does not take place of statute and cannot be cited as binding precedence.

27. Hon'ble Apex Court in Civil Appeal No. 1272/2011 in State of Orissa & Anr vs. Mamata Mohanty vide para 36 and para 43 of the order dt.09.02.2011 held as follows:

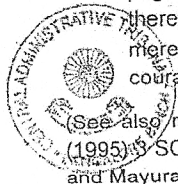
"36. It is a settled legal proposition that Article 14 is not meant to perpetuate illegality and it does not envisage negative equality. Thus, even if some other similarly situated persons have been granted some benefit inadvertently or by mistake, such order does not confer any legal right on the petitioner to get the same relief. (Vide Chandigarh Administration & Anr v. Jagjit Singh & Anr., AIR 1995 SC 705);

Yogesh Kumar & Ors. v. Government of NCT Delhi & Ors., AIR 2003 SC 1241; M/s Anand Buttons Ltd. etc. v. State of Haryana & Ors., AIR 2005 SC 565; K.K. Bhalla v. State of M.P. & Ors., AIR 2006 SC 898; Maharaj Krishan Bhatt & Anr. v. State of Jammu & Kashmir & Ors., (2008) 9 SCC 24; Upendra Narayan Singh (supra);

And Union of India & Anr. v. Kartick Chandra Mondal & Anr., AIR 2010 SC 3455).

This principle also applies to judicial pronouncements. Once the court comes to the conclusion that a wrong order has been passed, it becomes the solemn duty of the court to rectify the mistake rather than perpetuate the same. While dealing with a similar issue, this Court in Hotel Balaji & Ors. v. State of A.P. & Ors., AIR 1993 SC 1048 observed as under:

"... To perpetuate an error is no heroism. To rectify it is the compulsion of judicial conscience. In this, we derive comfort and strength from the wise and inspiring words of Justice Bronson in *Pierce v. Delameter* (A.M.Y. at page 18: 'a Judge ought to be wise enough to know that he is fallible and, therefore, ever ready to learn; great and honest enough to discard all mere pride of opinion and follow truth wherever it may lead; and courageous enough to acknowledge his errors'").



(See also re: Sanjiv Datta, Dy. Secy., Ministry of Information & Broadcasting, (1995) 3 SCC 619; Nirmal Jeet Kaur v. State of M.P. & Anr., (2004) 7 SCC 558; and Mayuram Subramaniam Srinivasan v. CBI, AIR 2006 SC 2449)

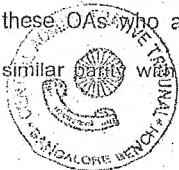
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43. "Incuria" literally means "carelessness". In practice per incuriam is taken to mean per ignoratum. The Courts have developed this principle in relaxation of the rule of stare decisis. Thus the "quotable in law", is avoided and ignored if it is rendered, in ignoratum of s Statute or other binding authority.

In Mamleshwar Prasad & Anr. v. Kanahaiya Lal (Dead) by Lrs., AIR 1975 SC 907, this Court held :

".... where by obvious inadvertence or oversight a judgment fails to notice a plain statutory provision or obligatory authority running counter to the reasoning and result reached, it may not have the sway of binding precedents. It should be a glaring case, an obtrusive omission."

28. In the context of the above, we are inclined to examine this case further on its own merit rather than taking a decision on account of the fact that some similarly placed persons in South Central Railway have been awarded benefit based on the judgment of the Madras Bench of the Tribunal. The Madras Bench of the Tribunal while deciding the OA No. 658/2010 tried to place the applicants similar to the applicants in OA No. 164/2009 and allowed benefits accordingly. The applicants in OA No. 164/2009 were Private Secretaries and Section Officers working in the Principal Bench of the Central Administrative Tribunal who claimed that there is no distinction or difference in pay scale between them and their counterparts in CSS/CSSS and there is a historical parity between the two groups. After detailed examination, the Tribunal in the said OA came to a conclusion that the petitioners therein are having established historical parity with their counterparts in CSS/CSSS and as such the decision of the government to deny them the benefits allowed to their counterparts in CSS/CSSS is not justified and the applicants therein are entitled to pay bands with grade pay as available to their counterparts in CSS/CSSS. As the fact stands, only in view of the fact that there is a historical parity between the PS and SOs in the CAT with that of their counterparts in CSS/CSSS, benefits available to CSS/CSSS was made available to the applicants in OA.No.164/2009. Therefore the main issue that arises here is whether the applicants in these OAs who are Private Secretaries Grade II in the Zonal Railways are having similar parity with Private Secretaries either in the Central Administrative Tribunal or




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with the CSS/CSSS since they are claiming same benefit as admissible to the CSS and other organization having historical parity.

29. The respondents in their reply have brought out detailed comparison between the Private Secretary Grade II in Zonal Railways and the Private Secretary in the Central Secretariat Stenographers Services both in terms of the Recruitment Rules, eligibility, qualification, promotional grades. They have also brought out detailed comparative position of the Private Secretaries in CAT vis-a-vis Private Secretaries Grade II of the Zonal Railways. From the said comparative chart, it appears that prior to the 6th CPC recommendation the pay scales enjoyed by the Stenos/Private Secretaries Grade II in the Zonal Railways /Production Units or Filed Organisations are different from what is available to Private Secretaries both in Central Secretariat as well as in the CAT. In 5th Pay Commission though both the groups had the same pay scale of Rs.6500-10500, in case of CSS the minimum starting pay was Rs.6900. Moreover, prior to 6th Pay Commission the classification of Group A,B, C, D was different and at that time also the Private Secretaries Grade II were classified as Group C as against categorisation of Private Secretaries in CAT as well as in CSS as Group B.

30. In their reply and additional reply the respondents have also given tables showing comparative position between the pay scales and classifications applicable to the Private Secretary of the Central Secretariat Services and the Zonal Railways and the production units, comparison between the Railway Board Secretariat Services and the Zonal Railway (Field Officers) and also a comparison between the Central Administrative Tribunal and the Zonal Railways under different pay commissions. It would be evident from those tables showing the comparative position that there is a clear distinction between the pay scales and classification of Private Secretaries of Zonal Railway/Field Offices and that of the Private Secretaries in all the other three categories. While there is a parity between the Central Secretariat Stenographer Services, RBSS and Central Administrative Tribunal, the scales and classification allowed to the stenos in Zonal Railway Field Offices are different. Further, prior to the 6th



Pay Commission all along the Private Secretary in the Zonal Railways and Field Offices have been classified as Group C whereas in all other categories they are classified as Group B.

31. Separate tables showing comparative position have also been provided in regard to the mode of recruitment/ academic/professional qualification / promotional avenues, and hierarchical structure between Private Secretaries of CSSS and Zonal Railways. It also appears that there is significant difference between recruitment, promotion norms and rules of Private Secretary in Railway Board Secretariat Stenographer Service and those of Private Secretaries Grade II of Zonal Railways as would be evident from the following table:

S.No.	Item of differentiation	Private Secretary (Grade A&B) Merged of RBSS	Private Secretary Gr.II of Zonal Railways / Us
1	Classification	Group 'B' (Gaz.) as per Rule 3 of RBSSS Rules, 1971	Group 'C' (Non-Gaz) as per Rule 107 of Indian Railway Estt. Code.
2	Nature of recruitment rules	Statutory recruitment Rules: notified under article 309 viz Rule 3 of Fifth Schedule of Railway Board Secretariat Stenographers Service Rules 1971 read with Railway Board Secretariat Stenographers Service Grade B (Limited Departmental Competitive Examination) Regulations, 1977. (Grade A and B of the service were placed in common Group B Gaz. Scale / designation of Private Secretary based on recommendations of 4 th Central Pay Commission.	Rules complied in chapter I and II of Indian Railway Establishment Manual Vol.I and supplementary instructions issued by Railway Board under delegated powers.
3.	Classification of post	Group 'B' Gazetted	Group 'C' Non-gazetted
4.	Mode of recruitment to the Grade in question / being compared	Promotion through seniority (50%):- Eligibility: Stenographers Grade C of RBSSS who have rendered 8 years of approved service in the	Promotion (100%) Eligibility:- 2 yrs in lower grade of Stenographer in 5 th CPC scale Rs.5500-9000 Rs.1640-2900 (5 th PC Scale Rs.5500-9000)



		grade (5 th CPC scale Rs.5500-9000)	Railway Board's letter No.E(NG)/91/PM4/1 dated 13.10.1994 is annexed as Annex: RJ-4.
		<p>Mode LDCE (50%):-</p> <p>Eligibility</p> <p>Stenographers Grade C of RBSSS who have rendered 5 years of regular service in the grade (5th CPC scale Rs.5500-9000)</p>	
5	Next functional promotional Grade to the Grades in question / being compared	Principal Private Secretary in scale Rs.10000-15200	Principal Private Secretary Grade II in Scale Rs.8000-13500.

Further, the Recruitment Rules of Private Secretary Grade I which has been notified in GSR 6 (D) dated 01.04.2007 indicates that it is to be filled up 100% promotion from Private Secretary Grade II in Pay band 2 (9300-34800 with grade pay of Rs.4600/-) with two years of regular service in the grade on the basis of written test followed by viva-voce and assessment of record of services. Therefore, there is a clear distinction between the Private Secretary Grade II and Grade I and they cannot be taken as equal. From the details of the pay structure, recruitment rules, promotion, hierarchy etc., between the four categories, i.e., Central Secretariat Services/Central Secretariat Stenographer Services, Central Administrative Tribunal, Railway Board and the Zonal Railways it is clearly apparent that there is no established parity between the Private Secretaries of the Zonal Railways with that of the other three categories.

32. In this context, we would like to refer to the recommendation of the 6th Pay Commission vide para 3.1.9 and 3.1.14 which have been referred to by both the applicants and the respondents.

3.1.9: Accordingly, the Commission recommends upgradation of the entry scale of Section Officers in all Secretariat Services (including CSS as well as non participating ministries/departments/organisations) to Rs.7500-12000




corresponding to the revised pay band PB 2 of Rs.8700-34800 along with grade pay of Rs.4800. Further, on par with the dispensation already available in CSS, the Section Officers in other Secretariat Offices, which have always had an established parity with CSS/CSSS, shall be extended the scale of Rs.8000-13500 in Group B corresponding to the revised pay band PB 2 of Rs.8700-34800 along with grade pay of Rs.4800 on completion of four years service in the lower grade. This will ensure full parity between all Secretariat Offices. It is clarified that the pay band PB 2 of Rs.8700-34800 along with grade pay of Rs.4800 is being recommended for the post of Section Officer in these services solely to maintain the existing relativities which were disturbed when the scale was extended only to the Section Officers in CSS. The grade carrying grade pay of Rs.4800 in pay band PB-2 is, otherwise, not to be treated as a regular grade and should not be extended to any other category of employees. These recommendations shall apply mutatis-mutandis to post of Private Secretary/equivalent in these services as well. The structure of posts in Secretariat Offices would not be as under:-

Post	Pre revised pay scale	Corresponding revised pay band and grade pay
LDC	Rs.3050-4590	PB-1 of Rs.4860-20200 along with grade pay of Rs.1900
UDC	Rs.4000-6000	PB-1 of Rs.4860-20200 along with grade pay of Rs.2400
Assistant	Rs.6500-10500	PB-2 of Rs.8700-34800 along with grade pay of Rs.4200
Section Officer	Rs.7500-12000 Rs.8000-13500 (on completion of four years)	PB-2 of Rs.8700-34800 along with grade pay of Rs.4800. PB-2 of Rs.8700-34800 along with grade pay of Rs.5400* (on completion of four years)
Under Secretary	Rs.10000-15200	PB-3 of Rs.15600-39100 along with grade pay of Rs.8100
Deputy Secretary	Rs.12000-16500	PB-3 of Rs.15600-39100 along with grade pay of Rs.6600
Director	Rs.14300-18300	PB-3 of Rs.15600-39100 along with grade pay of Rs.7600

* This scale shall be available only in such of those organisations/services which have had a historical parity with CSS/CSSS services like AFHQSS/AFHQSSS/RBSS and Ministerial/Secretarial posts in Ministries/Departments organisations like MEA, Ministry of Parliamentary Affairs, CVC, UPSC, etc. would therefore be covered.

3.1.14 In accordance with the principle established in the earlier paragraphs, parity between Field and Secretariat Offices is recommended. This will involve merger of few grades. In the Stenographers cadre, the posts of Stenographers Grade II and Grade I in the existing scales of Rs.4500-7000/ Rs.5000-8000 and Rs.5500-9000 will, therefore, stand merged and be placed in the higher pay scale of Rs.6500-10500. In the case of ministerial post in non-secretariat Offices, the posts of Head Clerks, Assistants, office Superintendent and Administrative Officers Grade III in the respective pay scale of Rs.5000-8000, Rs.5500-9000 and Rs.6500-10500 will stand merged. The existing and revised structure in Field Organization will, therefore, be as follows:-



Designation	Present pay scale	Recommended pay scale	Corresponding Pay Band & Grade Pay	
			Pay Band	Grade Pay
LDC	3050-4590	3050-4590	PB-1	1900
UDC	4000-6000	4000-6000	PB-1	2400

Head Clerk/Assistants/Steno Grade II/equivalent	4500-7000/5000-8000	6500-10500	PB-2	4200
Office Superintendent/Steno Grade I/equivalent	5500-9000			
Superintendent/Asst. Admn. Officer / Private Secretary/equivalent	6500-10500			
Administrative Officer Grade II/Sr. Private Secretary/equ.	7500-12000	7500-12000 (entry grade for fresh recruits) 8000-13500 (on completion of four years)	PB-2	4800 (5400 after 4 years)
Administrative Officer Grade I	10000-15200	10000-15200	PB-2	6100

Note 1 The posts in the intermediate scale of Rs.7450-11500, wherever existing, will be extended the corresponding replacement pay band and grade pay.

Note 2 The existing Administrative Officer Grade II/Sr. Private Secretary/equivalent in the scale of Rs.7500-12000 will, however, be placed in the corresponding replacement pay band and grade pay till the time they become eligible to be placed in the scale of Rs.8000-13500 corresponding to the revised pay band PB 2 of Rs.8700-34800 along with grade pay of Rs.5400.

33. The recommendations made in these two paras should be read in the context of the observations made in the previous paras and the suggested pay structure recommended by the 6th Pay Commission. In para 3.1.2 and 3.1.3 the disparity between the Secretariat and the Field Officers have been discussed and it has been mentioned that time has come to grant parity between the similarly placed personnel employed in the Field Offices and the Secretariat. It has also been mentioned in the said para that this parity would need to be absolute till the grade of Assistant. Beyond this it may not be possible or even justified to grant complete parity between the hierarchy and career progression because the hierarchy and career progression would need to be different taking in view the functional conditions and relativities across the board. The commission also suggested amalgamation of Secretariat and Steno cadres saying that no justification exist for maintaining distinct steno cadre in any of the government offices. Emphasis should be on recruiting multi-skilled personnel at Assistant level to be designated as Executive Assistant who will discharge the functions of present day Assistants besides performing all the stenographic functions. Keeping this object in view where the Secretariat and stenographer cadre would stand merged in future there is a

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need for ensuring parity between these two cadres right from this stage. The commission suggested for merger of the 3 payscales, namely, Rs.5000-8000/- Rs. 5500-9000/-, and Rs.6500-10500 into one, i.e., Rs.6500-10500 while recommendations in para 3.1.9 suggested the structure of post in the Secretariat Offices while para 3.1.4 indicated the existing revised structure in the field organizations. In para 3.1.4 the pay scales to Private Secretaries were also recommended. In the said recommendations vide Note 2 the Sr. Private Secretary/equivalent were offered a different grade pay. Hence in the recommendation under para 3.1.14 itself, there were different set of recommended scales for the two categories. It will be inappropriate to refer to the recommendation of the pay commission in piecemeal and to arrive at a conclusion that only because the Pay Commission mentioned about need for parity between the Field and Secretariat Offices they have to be awarded same pay scale in spite of the fact that there is no historical parity between the two and Pay Commission itself suggested different pay scales.

34. It has been highlighted during the arguments that subsequent to the order passed in OA No. 164/2009 by the Principal Bench of the Tribunal in S.R. Dheer and Others vs. Union of India & Others, several other group of employees in field units of various departments have also approached the Principal Bench of the Tribunal claiming similar parity but they were not considered. In OA No. 2102/2010 in Rabindra Nath Basu & Others vs. Union of India & Others and connected matters wherein the applicants were Assistant Staff Officers of the Ordinance Factory Board it was held that the applicants belong to non-secretariat organization and would be covered by pay scale prescribed in para 3.1.14 of the 6th Pay Commission recommendation and accepted by the government. Para 18 & 19 of the order stated as follows:

18. It is noted that the Chapter 3.1. of the 6th CPC recommendation dealt very comprehensively the issues brought before it on the subject of disparity between Secretariat and Field Offices. The role and responsibilities of the Secretariat and Field Officers have been identified to be different. Parity of certain posts, disparity in other posts, anomaly in pay scale have been analysed in Para 3.1.7 and the 6th CPC has given its recommendations in Para 3.1.8 to 3.1.15. Para 3.1.9 provides the pay structure of LDC to Director levels in the Secretariat in Pay



bands and grade pay whereas Para 3.1.14 gives the pay structure for non-Secretariat Organisation. On our direction, the Respondents have provided a copy of Swamy's Compilation of 6th CPC Report Part I pages 141 to 147 and Swamy's Manual on Office Procedure 2006 and 2009. In the definition Chapter at entry 53, Secretariat Offices are defined as those which are responsible for formulation of the policies of the Government and also for the execution and review of those policies. As per this definition, the Organisation where the applicants are working cannot be termed as Secretariat. On the contrary, the Non-Secretariat Organisations where the Applicants are working are either attached offices or subordinate offices. Definition of the attached offices are generally responsible for providing executive direction required in the implementation of the policies laid down by the department to which they are attached. They also serve as repository of the technical information and advise the department on technical aspects of question dealt with by them. The meaning of subordinate offices signifies that these function as field establishments or as agencies responsible for the detailed execution of the policies of Government. They function under the direction of an attached office or directly under a department. Having examined the definitional aspects and the averments made by the Respondents, we are of the opinion that there is exist distinction in the works, functions and responsibilities between the Secretariat and non-Secretariat Organisation. If there is functional dissimilarities, there is bound to be financial disparity in pay and allowances.

19. Considering the totality of the facts and circumstances of the case in both OAs, we find that Applicants belong to Non-Secretariat Organisation. We also come to the considered conclusion that the distinction brought in the year 2003 for CSS/CSSS/AFHQ is not applicable to the Applicants. All the Applicants would be covered by the pay scale prescribed in Para 3.1.14 of the 6th CPC recommendations and accepted by the Government.'

In OA No. 2380/2011 in Zamir Hasan Khan & Others vs. Union of India & Others wherein the applicants were Private Secretaries/Sr. Private Secretaries/Administrative Officers Grade II and III in gazetted Group B posts in the office of various Commissioner, Chief Commissioner of Income Tax and who claimed similar parity in Central Secretariat Services and later claimed for the same pay scale as allowed to Central Secretariat Steno Services, the Tribunal vide para 37, 43 and 44 of the order held as follows:

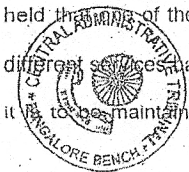
137. The claim of historical parity has also not been successfully proved by the applicants, as the so-called claim of parity had been disturbed already in the years 2003 and 2004, as per the admission of the applicants themselves, as recorded above, and also the applicants later had full opportunity to represent their case before the VIth CPC, which they may have done also, and it does not appear that the VIth CPC did not want their cases to be classified under para-3.1.14, rather than under para-3.1.9, which is applicable only to the Secretariat employees.

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43. We have also examined all the case laws as cited by the respondents, and by the learned counsel for the applicants, in detail. Although we are not discussing the salient points and ratio emerging out of each of those cases here, but we find that in none of those cases it has been clearly held that this Tribunal would be bound to provide relief only by a claim of historical parity, when an expert body like the Pay Commission has had an occasion to examine threadbare in detail the rival claims and contentions, and has arrived at conclusions, and has divided its recommendations into two separate Paragraphs 3.1.9 and 3.1.14 of its recommendations.

44. Therefore, it is held that the respondent – Union of India have correctly decided to follow the recommendations of the VIth CPC, as contained in Para-3.1.14, and applied that specific recommendation in the case of the applicants, and the applicants cannot claim any relief merely on the basis of a claim of a past historical parity, even though in some case some such parity may have been granted to them by the Courts and this Tribunal in the past from time to time, in view of the prayers made in those cases, and the circumstances prevailing at that point of time.

35. In OA No. 4154/2010 Shakuntala Saxena & Others vs. Union of India & Others wherein the applicants were working in the Land and Development Office, an attached office of the Ministry of Urban Development and claimed parity with Section Officer of CSS cadre. It was held that the applicants belong to attached office i.e., non-secretariat organisation and would be covered by pay scales in para 3.1.14 of the 6th pay recommendation and accepted by the government. Further in OA No. 1373/2010 and connected matters Harendra Kumar vs. Ministry of Home Affairs wherein the applicants were Section Officers, Assistant, Private Secretaries working in the ITBP and CISF and claimed parity with CSS on the analogy of the relief granted to S.R. Dheer & Others in OA No. 164/2009, the Tribunal held that mere historical parity in scales is not sufficient to warrant the same scale of pay. The nature of service involved, duties and responsibilities, the level of their decision making are some of the other factors which have also to be considered. The said order had also referred to the order of the Tribunal in Harjeet Singh vs. Union of India in OA No. 4254/2012 wherein on similar issue it was held that the duty of the pay commission is to view the issue of parity among different services based upon so many criteria and give its findings in terms of whether it is to be maintained or some new equilibrium is to be created. Where services are



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different, the issue of parity is best left to the expert bodies like the pay commission appointed by the government. The Tribunal vide para 10 of the order observed as follows:

"10. In context of the third issue, the Tribunal had clearly found that which services should have priority and which services should have parity is in the domain of the executive as a part of policy decision. The job of the Pay Commission is not merely creating alignment of pay structure and cost of living index but is also to examine the working of the Government in totality to make recommendations by which efficiency of the Government goes up. The Tribunal, therefore, held that the work of the Courts/Tribunals is in a very narrow compass and it is the prerogative of the executive to decide such issues which are clearly best left to expert bodies like Pay Commission."

Accordingly the Tribunal dismissed all the four OAs as being bereft of merit.

36. The Ld.Counsel for the applicants has referred to some decisions of the Principal Bench and Ernakulam Bench of the Tribunal to support his contention. He referred to the decision in *Rohtash Sharma & ors vs. Union of India* in OA.No.81/2008, *S.Haja Najeemudeen Vs. Union of India* in OA.No.882/2010 and *K.K.Jose & Ors Vs. Union of India & Ors.* in OA.No.532/2011. In OA.No.81/2008, the applicants were Private Secretaries in Controller General of Accounts and in the said OA, the Tribunal had concluded that the applicants had been in historical parity with CSSS up to 1.1.1996 in the pay scale of Rs.6500-10500 and pay scale of Private Secretaries of C&AG with four years of service has been revised to Rs.8000-13500 notionally from 1.1.1996 and actually from 2003 but the same was not considered in case of the applicants due to constitution of VI Central Pay Commission. Since the applicants were having historical parity with CSSS, they are covered by the decision of the Tribunal in S.R.Dheer's case. Thus in this case, the Tribunal concluded that there was historical parity with the CSSS and accordingly granted benefit. In OA.No.882/2010, the applicants were Computers in ICAR and the issue therein was completely different and does not involve parity of scale with CSS. In OA.No.532/2010 where the applicants were Private Secretaries in the CAT, the issue related to creation of post 'Principal Private Secretary' in the CAT and hence it

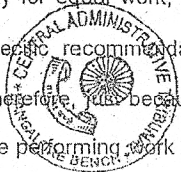


has also no bearing with the present OAs.

37. The Ld.Counsel for the applicants has also argued that there should be equal pay for equal work and cited the following cases to highlight that similarly placed person should be given similar benefit in spite of separate recruitment rules.

1. OA.527/1997 (P.K.Sehgal & Ors V. Union of India & Ors), CAT, Principal Bench
2. CA.1216-56/2003 (K.T.Veerappa & Ors V. State of Karnataka & Ors), 2006 SCC L&S 1823
3. WP.2308/2008 (Mohan Singh v. Union of India & Ors.) SLJ 2009 (Vol.II) 88
4. CA.4104/2004. (State of Kerala v. B.Renjith Kumar & Ors.), 2009(1) SCC L&S 142
5. CA.1147-1151/2009 (State of Kerala v. Mahesh Kumar & Ors.), SLJ 2009 93) 27

The principle of equal pay for equal work has been discussed and applied in a number of cases by Hon'ble Apex Court and others. The issue of equal pay for equal work as mentioned in various judgments of different Courts has also been highlighted in the judgment of the Tribunal in OA.No.164/2009 in S.R.Dheer v. Union of India. Reference has also been made to State of Haryana and Anr. vs. Haryana Civil Secretariat Personal Staff Assn., (2002) 6 SCC 72 wherein the principle of equal pay for equal work was considered in great detail. In the said judgment the Hon'ble Apex Court observed that the fixation of pay and determination of parity in duties and responsibilities is a complex matter which is for the executive to discharge. Ordinarily courts should not try to delve into administrative decisions pertaining to pay fixation and pay parity. The Courts must realise that job evaluation is both a difficult and time consuming task which even expert bodies having the assistance of staff with requisite expertise have found difficult to undertake. Fixation of pay and determination of parity is a complex matter which is for the executive to discharge. Further granting of pay and acceptance of demand will have cascading effect and the results will have adverse consequences. In the matter of equal pay for equal work, it has to be carefully considered, specially in the context of the specific recommendation made by an expert body like Central Pay Commission. Therefore, just because a specific group of persons have same nomenclature or they are performing work of similar nature does not mean that it would amounts to seeking



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equal pay for equal work. Various other factors have also to be considered in deciding the applicability of the principle of equal pay for equal work.

38. As it would be evident from the discussions in the preceding paras, there is a significant difference in the recruitment rules, promotional hierarchy etc. between the applicants who are Private Secretaries Grade-II in the Zonal Railways with that of Private Secretaries in the Railway Board, Central Secretariat Services/ CSSS or CAT. There also no case of any historical parity between the applicants and their counterparts in CSSS or CAT or RBSS. Therefore the applicants cannot claim the benefits of pay scales allowed to CSSS in the ratio of judgments in OA.No.164/2009 in S.R.Dheer & ors V. Union of India wherein the Private Secretaries in the CAT were granted the benefit on the basis of establishment of a historical parity with CSS.

39. In this context, we also note the submission made by the respondents about the consequential implications on various other categories/groups under the respondents if such benefit is granted to the applicants even though they do not have any parity with RBSS and CSSS and are not entitled to the same. The Railways is a vast organisation where there are many cadres/category of employees having identical pay scale and equal parity with that of Private Secretaries Grade-II in the Zonal Railways. A list of such groups has been highlighted in the reply statement. Therefore, grant of benefit which the applicants are otherwise not entitled to will also have an effect on the other cadres of Railways as contended.

40. Therefore, after taking into consideration the entire materials placed before us and after considering the facts and circumstances of the case in detail, we are of the view that the applicants herein do not have any historical parity with that of employees of CSSS/RBSS/CAT and as such they are not entitled to a higher grade pay of Rs.4800 initially and 5400 with gazetted status on completion of four years in the cadre of Private Secretary Grade-II as claimed by them on the analogy of judgment in S.R.Dheer vs.



UOI in OA.No.164/2009. Therefore, after detailed consideration, we hold that the OAs are devoid of merit and are therefore, liable to be dismissed.

41. Accordingly, the OAs are dismissed. No order as to costs.



(P.K.PRADHAN)
MEMBER (A)

N. N. N. N. N.
Sd-
(HARUN UL RASHID)
MEMBER (J)

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SECTION OFFICER
Central Administrative Tribunal
Bangalore Bench, Bangalore