

M.C. Vats Vs. Delhi Development Authority

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Court : Delhi

Decided On : May-27-1998

Reported in : 1998IVAD(Delhi)347; 74(1998)DLT185

Judge : K. Ramamoorthy, J.

Acts : [Constitution of India, 1950](#) - Article 226

Appeal No. : CW. No. 3342 of 1995

Appellant : M.C. Vats

Respondent : Delhi Development Authority

Advocate for Def. : Mr. Apurb Lal, Adv.

Advocate for Pet/Ap. : Mr. Jitender Pal Singh, Adv

Judgement :

ORDER

K. Ramamoorthy, J.

1. The petitioner joined the respondent as stenographer and he was placed in the scale of Rs.1400-2300/- w.e.f.1.1.1986 as per the recommendations of the Fourth Pay Commission. The petitioner was granted the revised scale of pay as per the decision dated the 28th of August, 1992. The petitioner prays for the grant of scale

of pay of Rs.1640-2900 w.e.f 1.1.1986 in terms of notification dated 29.10.1986 on par with pay scales granted to his counterparts in the Central Government/Union Territory of Delhi etc.

2. The learned counsel for the petitioner, Mr.J.P.Sengh referred to the communication dated the 29th of October, 1986 issued by the Government of India and the same reads as under:-

'As the Ministry of Home Affairs etc. are aware, the Government have already issued orders regarding revision of pay scale of Central Government employees belonging to Group 'B', 'C' and 'D' categories on the basis of the recommendations of the Fourth Central Pay Commission. It has been decided that these orders may be extended to the employees of autonomous organisations etc., where pattern of emoluments structure i.e. pay scales and allowances (in particular the Dearness Allowance, the House Rent Allowance and the City Compensatory Allowance) are identical to those of the Central Government employees. This is further subject to the stipulation that the conditions of service of employees of those organisations, specially those relating to hours of work, payment of OTA etc., would also be exactly similar to those in Government Departments. There is no objection to the autonomous organisations etc. adoption the Central Civil Services (Revised Pay) Rules, 1986. It may, however, be clarified that the revised pay scales would be admissible to those employees who opt for these in accordance with the extent rules. The arrears accruing to the employees for the period from 1.1.1986 to 31.3.1986 will have to be deposited in their Provident Fund Accounts in accordance with the instructions issued by the Department of pension. Likewise, deduction on account of Provident Fund subscriptions will have to be made on the basis of the revised pay w.e.f the date the employee opts to elect the revised pay scale.

The guidelines regarding revision of pay scales etc., of employees corresponding in Group 'A' employees of the Central Government as also in to organisations whose pattern of emoluments structure is different from that of Central Government, would be issued later.

Revision of pay scales etc. on the lines of those guidelines may be done in consultation with the Financial Adviser of the administrative Ministry concerned.'

3. According to the learned counsel, the DDA being a public authority is bound to follow the communication and should have granted the pay scale as per the directions by the Government of India and learned counsel submitted that the University Grants Commission had acted pursuant to this communication dated the 29th of October, 1986 by issuing office order dated the 3rd of September, 1990 which reads as under:-

'In partial modification of this office order No.110/86 Admn.I) dated 29.10.1986 notifying the revised scale of pay of different categories of posts in the office of the University Grants Commission and in pursuance of the decision of the Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) O.M.No.2/1/90-CS.IV dated 31st July, 1990, the scale of pay of Assistants and Grade 'C' Stenographers appearing at Sl.No.12 & 14 of the Office Order referred to above has been revised further as under:-

Designation of Pre-revised scale Existing Revised scale the post grade of of pay
12. Assistant Rs.425-15-500-EB- Rs.1400-40- Rs.1640-60-(including 15-580-20-700-EB- 1600-50- 2600-EB-Cashier and 25-800 2300-EB- 75-2600 Hospitality 60-2600 Assistant)
14. Stenographer Rs.425-15-500-EB- Rs.1400-40- Rs.1640-60-(including 15-580-20-700-EB- 1600-50- 2600-EB- Hindi 25-800 2300-EB- 75-2600 Stenographer) 60-2600 The above scale of pay will be effective from 1.1.86.

The method of fixation of pay in the revised scale of pay and the mode of payment of arrears will be same as accepted by the Government of India for its employees.'

4. The Council of Scientific & Industrial Research had issued similar proceedings on the 9th of June, 1995 which reads as under:-

'I am directed to state that it has been decided with the approval of the competent authority that the pay-scale of Assistants (Gen) and Senior Stenographers of CSIR and its National Labs./Instts. be revised from Rs.1400-2600 (pre-revised Rs.425-

800) to Rs.1640-2900 w.e.f.1.1.1986.

The employees concerned shall be given option to opt for the revised scale of pay from 1.1.1986. This option should be exercised within three months of the date of issue of these orders. The option once exercised shall be final.

The pay of the concerned employees will be fixed as per rules.'

5. The Indian Council of Medical Research had followed the same by issuing order dated the 18th of April, 1994 which is in the following terms:-

'I am directed to say that the question regarding revision of scale of pay for the post of Assistants and Grade 'C' Stenographers on the pattern of scales of pay as admissible to Assistants in the Central Secretariat Service and Grade 'C' Stenographers of Central Secretariat Stenographers Service, has been under consideration for some time past.

2. The Director-General, ICMR is pleased to inform you that the Government of India in the Ministry of Health & Family Welfare, have approved the grant of the scale of pay of Rs.1640-2900 to the Assistants and Stenographers Grade 'C' of the ICMR w.e.f.1.1.1986. Accordingly, the revised pay scale of Assistants in the Administrative Cadre and Senior Stenographers in the Council's Hqrs. Office and its permanent Institutes/Centres referred to in Column 4 of item 11(a) and (b) under the heading 'I-Administrative & Ministerial' of the Appendix attached to the Council's letter No.16/23/86-Admn.II dated 13.11.1986 shall be Rs.1640-60-2600-EB-75-2900 with effect from 1st January, 1986 in lieu of Rs.1400-40-1600-50-2300-EB-60-2600.

3. Pay of the Assistants and Grade 'C' Stenographers in position as on 1.1.1986, shall be fixed in terms of Central Civil Service (Revised Pay) Rules, 1986. The employees concerned shall be given option to opt for the revised scale of pay from 1.1.1986. This option should be exercised within three months of the date of issue of this letter. The option once exercised shall be final.

4. Further necessary action may please be taken accordingly.

5. Receipt of this letter may please be acknowledged.'

6. On the 7th of February, 1995, the National Airports Authority had also issued similar order which reads as under:-

'In pursuance of Department of Personnel and Training O.M.No.02/1/90 CS IV dt.31.7.90, Chairman is pleased to revise the scale of pay of Sr.Stenographers and Office Superintendents at CHQ from the scale of Rs.1400-40-1640-50-2300-EB-60-2600 to Rs.1640-60-2600-EB-75-2900 w.e.f.the date of their appointment in the grade.

2. The Office Superintendents in the regions/filed stations are placed in the scale of Rs.1640-60-2600-EB-75-2900 w.e.f.01.12.89 i.e. the date from which the grades of Head Clerk and Superintendent in the regions/field stations were merged in the scale of Rs.1400-40-1600-50-2300-EB-60-2600 or from the date of appointment as Office Superintendent, whichever is later.

3. The revised scale will be admissible to those who are presently in the service of N.'

7. The learned counsel for the petitioner submitted that this aspect of the matter had been considered by this Court in the following writ petitions:-

1. CWP.4462/94 dated 16.10.1995, 'P.S.Gopinathan Nair & Others v. All India Institute of Medical Sciences'

2. CWP.290/95 dated 29.11.95, 'Shri Satishwar Sharma & Others v. National Institute of Health & Family Welfare & Another'

3. CW.3248/94 dated 16.1.1996, 'National Cooperative Development Corporation Employees Welfare Association & Another v. National Cooperative Development Corporation & Another'.

4. CWP.4414/94 dated 16.7.1997 'Kendriya Vidyalaya Sangathan Staff Association & Others v. Kendriya Vidalaya Sangathan & Others'

8. According to the learned counsel for the petitioner, Mr.Jitender Pal Singh, the DDA ought to have issued proceedings granting the scale of pay of Rs.1640-2900 following the Government of India communication dated the 29th of October, 1986, and the petitioner would be entitled to the relief.

9. In the counter-affidavit in paragraph 3 it is stated:-

With regard to the statements contained in paragraph No.3 of the writ petition, it is stated, the respondent being an autonomous body can fix up any scale which may even not be prevalent in the Government of India and is not bound by the pay scale framed/accepted by the Government of India e.g. pay scale of stenographers was Rs.330-700/- (pre-revised) before 1.1.1986 which was nowhere prevalent in Government of India or any Government Department, local authorities. There was a unified pay scale for the stenographers i.e. Rs.330/- 700/- prior to 1.1.1986. Thus this plea of the petitioner is not correct. Rest of the averments in the said paragraph is matter of record.

10. The fact that the DDA was paying the same scale of pay payable to the Central Government employees to the stenographer is not disputed. What is asserted in the counter-affidavit is that the pay scale adopted by the Government of India, local bodies or any autonomous organisations would not be a binding on the DDA. The service conditions of the petitioner and those of the stenographers working under the Central Government are different.

11. In the light of the judgments of this Court and the attitude of the other organisations like the University Grants Commission, I have no hesitation in coming to the conclusion that the petitioner shall be entitled to the relief prayed for. Accordingly, the writ petition is allowed.

12. The DDA shall grant pay scale of Rs.1640-2900/- to the petitioner w.e.f.1.1.1986 as per the communication dated the 29th of October, 1986 issued by the Government of India, and grant the petitioner all monetary benefits. However, it is made clear that the petitioner shall not be entitled to any interest on the amounts payable to him. The DDA shall pay the amounts payable to the petitioner on or before the 31st of July, 1998.

13. There shall be no orders as to costs.

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