

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE**

ORIGINAL APPLICATION NO.170/00745/2019

DATED THIS THE 03rd DAY OF MARCH, 2020

HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER

HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER

Dr.L.Ramakrishna
S/o. V.Lakshmaiah
Aged about 49 years
Senior Survey Officer
Southern Region
SU: Karnataka & Goa
Geological Survey of India
Kumaraswamy Layout
Bengaluru-560 111.

....Applicant

(By Advocate Sri P.Prakash Shetty)

Vs.

1. Union of India
By its Secretary
Ministry of Mines
Shastry Bhavan
New Delhi-110 001.

2. Director General
Geological Survey of India
Ministry of Mines
27 JL Nehru Road
New Kolkata-16.

3. ADG & Head of Department
Southern Region
Geological Survey of India
Ministry of Mines
Bandlaguda GSI Post
Hyderabad-500 068.

4. DDG, State Unit:
Karnataka & Goa
Geological Survey of India
Ministry of Mines
Kumaraswamy Layout
Bengaluru-560 111.

5. Dr.Ishwar Dan Ashiya
Aged about 59 years
Father name not known
DDG, State Unit
Geological Survey of India
Ministry of Mines
Kumaraswamy Layout
SU: K&G, Bengaluru-560 111.Respondents

(By Advocate Sri N.Amaresh, Sr.PC for CG)

O R D E R

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))

The case of the applicant is that he joined the Geological Survey of India (GSI) through Direct Recruitment by UPSC during 2002 as an Officer Surveyor(re-designated as Assistant Survey Officer(ASO)) in PB-2 GP 4600 vide order dtd.6.2.2002(Annexure-A1) and was engaged in supervising and monitoring of survey field works, field deployment of survey personnel and equipments for the completion of survey work targets of annual Field Season Programmes(FSP) and completed 17 years of service. He was promoted as Survey Officer on 13.8.2012 vide notification dtd.7.9.2012 in PB 3 GP 5400(Annexure-A3). He was further promoted to the post of Senior Survey Officer(SSO), senior time scale in Survey stream in PB 3 GP 6600, Group 'A' Gazetted on 27.8.2015 (Annexure-A6). While working as such, he was transferred to State Unit Karnataka & Goa, GSI, Bengaluru on 16.4.2019 from Southern Region Office, GSI, Hyderabad vide transfer order dtd.29.3.2019(Annexure-A8). The applicant submitted a letter dtd.15.5.2019(Annexures-A11 & A12) with regard to notification of the work of the Senior Survey Officer and Group-A officer. He had clearly stated that he is the supervising officer and the duty of the officer is supervision and monitoring and field checks. The 5th respondent issued office order dtd.30.5.2019(Annexure-A13) directing the applicant to carry out detailed mapping and survey work. The

applicant has given representation dtd.31.5.2019(Annexure-A14) and letter dtd.4.6.2019 requesting for issue of revised work assignment order(Annexure-A15). The 5th respondent issued a communication dtd.4/6.4.2019(Annexure-A16) refusing to modify the work allotment. Another communication was sent to the applicant on 7.6.2019(Annexure-A17). The applicant submits that there are 7 Senior Survey Officers in GSI and when some of them are being given the supervisory and monitoring assignments of the concerned regions, the applicant being senior most officer under survey stream is denied the supervisory and monitoring assignments. The representations submitted by the applicant have been unattended to. Meanwhile, the 4th respondent without making any consultations with either the applicant or any discussions with the Director, CT Division, has issued an office order dtd.10.6.2019(Annexure-A18) assigning the overall charge of day-to-day activities of Survey stream of Southern region to the applicant. The office order dtd.21.5.2019 was issued by Director, PSS, SRO, Hyderabad where two Senior Survey officers were given the work assignments as Part Time Field Coordinators. But the applicant along with other Sr.Survey officers are placed under the work assignments of lower most grades level 5/6. The applicant submits that one Shri Ishwar Dan Ashiya, the DDG, SU: K&G, GSI, Bengaluru who is acting against the recognitions to the survey personnel in GSI is implicating and instigating the other officer to issue unlawful office orders with an intention to damage the reputation of the applicant. The applicant reported to Sri N.G.Tom, Director, Projects(Koppal Camp) on 31.5.2019 as per office order dtd.30.5.2019 issued by the DDG, SU: K&G, Bengaluru and requested for the provision of Sr.Surveyors to carry out the field surveys pertaining to the project. But his requests were turned down and the DDG, SU: K&G failed to provide the

required number of Survey personnel. Further he failed to approve the tour programme from 18.6.2019 to 21.6.2019 to visit the assigned works at Koppal camp, Karnataka as per the SOPs. Thus the DDG, SU: K&G is trying to obstruct the applicant in performing his duties as a Sr.Survey officer in survey stream in GSI. In addition, the DDG, SU: K&G has issued a threatening letter to the applicant in writing against the standing government guidelines vide letter dtd.7.6.2019 stating that if the applicant remain fails to proceed to field, he will be treated as unauthorised absent sitting at headquarters as no work at headquarters is assigned to the applicant by the DDG, SU: K&G. The DDG, SU: K&G has conveyed the applicant through Director, CT, SU: K&G against the tour proposal dtd.17.6.2019 stating that 'neither assigned supervision nor monitoring work to you of any item. You have to take up independent survey work (that of a Level 5/6 grade Group C staff) of assigned item. ADG & HOD had not given any directive regarding SOP for survey stream. Till his order, you have to take up independent survey work showing independent target' which is an act of causing obstruction to the applicant to perform his duties assigned by competent authority in GSI/Min. of Mines. The applicant made representations to the 1st respondent i.e. GSI/Min. Mines, the Director General, GSI and the ADG & HOD, SR for issue of revised work assignments as per the standing government orders and notifications. But till today, no action is taken by the respondents. There are a number of officers whose services have been under threat due to non implementation of the guidelines on duties for officers under survey stream in GSI recruited through UPSC as Assistant Survey Officers.

2. The applicant submits that the roles & responsibilities for Sr.Survey officer in Survey stream in GSI issued by competent authority in GSI/Min. of Mines vide

notification dtd.21.4.2017 and the Standard Operating Procedures(SOPs) for officer under Survey stream approved and issued by competent authority in GSI/Min.of Mines implies that all the officers joined as ASO/OS with duties to supervise and monitor the work carried out by the field going junior grade officers and staff mentioned in the UPSC advertisements will become higher supervisory officers naturally on promotion to the post of Survey officer, Sr.Survey officer, Supdt. Survey officer and so on. The applicant who is a Sr.Survey officer in Survey stream in GSI has the responsibilities mentioned in the SOPs. As per notification issued by the UPSC, Asst.Survey Officer is Group-B Gazetted Officer. Duties of the Asst.Survey Officer are supervision of the work, guide and train survey personnel, ensure quality of work and completion of survey task. Order passed by the 3rd and 5th respondents to carry out the work of the Group-C employees is wholly illegal and contrary to law. The 5th respondent misused his office with a view to harass and punish the applicant and has even rejected the applicant's leave application and abused him in the office making allegations on account of extraneous reason. Applicant was given 7sq.mts. in respect of the work as per Annexure-A18 whereas Group-C employees and others were given 1.5, 2 etc., which clearly shows the harassment of the 5th respondent. Aggrieved by the same, the applicant has filed the present OA seeking the following relief:

"To quash the order Annexure-A13 bearing No.768/FSP/SU:K&G/2019-20 dated 30.5.2019, issued by the 4th respondent and Annexure-A18 bearing No.474/TC/SUKG/19-20 dated 10.6.2019, issued by 4th respondent in so far as applicant concerned and Annexure-A16 order bearing No.625/Survey/SUKG/GSI/19-20, dated 4.6.2019, and communication Annexure-A17 bearing No.833/Survey/SUKG/PSS/SR/2018-19 dated 21.5.2019 issued by the 3rd respondent at item no V in so far as applicant is concerned"

3. Per contra, the respondents have submitted in their reply statement that the applicant has joined GSI through UPSC in 2002 as an Officer Surveyor and

promoted to the post of Sr.Survey Oficer in 2015. On his own interest, the applicant got transfer from Southern Region, Hyderabad and joined State Unit: Karnataka & Goa, GSI office on 16.4.2019 and was assigned duties to take up survey assignment for the Field Season Programme(FSP) 2019-20 as per Annexures-A16,17 & 18. He was transferred with a direction to report to the office of Dy.Director General/Director(TC) Division for further assignments. The applicant mentioned in the OA that he has reported to the duties in TC Division under TC Director for further assignments as a supervisory and monitoring officer with the duties of SSO in GSI by ADG & HOD Southern Region GSI Hyderabad who is his controlling officer for the region. Whereas the fact is that nobody declared the applicant as supervisory officer and ADG & HOD is not his controlling officer. The applicant claims himself as a Supervisory officer of all survey works of the Southern Region as being the senior in the region that his job is only supervision of the work and does not want to take up the survey duties independently which he considers it as below his dignity and rank. But the fact is that the roles and responsibilities of all streams and cadres are defined by the Min. of Mines. The roles and responsibilities of Sr.Survey officers is that they shall take up the FSP programme along with targets and stay in the field in completing the FSP targets independently and other work including monitoring of survey work as per the requirement. The sole contention of the applicant is that he is a Group 'A' Gazetted officer and he cannot be given duties less than a Supervisory officer. His work is only supervision and monitoring of where survey component is involved and in this process he is making all sorts of allegations on the respondents when they issue office orders to carry out the work in public

interest. Hence, all the averments of the applicant are vehemently refuted and hence, the interim order is to be vacated.

4. The respondents submit that there are 7 Sr.Survey officers(SSO) in GSI and none of them is a Supervisory officer(JAG). While mentioning the names of other SSOs, the applicant is consciously excluding the name of Sri Y.C.Puttabasappa who is also a Sr.Survey officer working in SU; Karnataka & Goa as he never claimed that he is a supervisory officer of projects in SU: Karnataka & Goa and discharging his duties as per the office orders without any complaints. The applicant is a Sr.Survey officer(STS Level) only and his duties include taking up independent control of survey and detailed mapping works of the FSP items of the region/State Units. Moreover, he is posted at GSI state unit K&G, Bangalore which comes under the GSI SR Hyderabad. None of the mentioned offices falls under the JAG cadre. Hence, considering the applicant as a supervisory officer is against the law. Regarding the office order dtd.21.5.2019 issued by Director PSS, SRO wherein two persons have been given part time field coordination duties purely based on technical reasons as per the requirement at regional HQ, the DDG State Unit: K&G has never instigated his junior or senior officers to issue unlawful orders or communications. Whatever communications and correspondence made with the application is purely based on public service as part of discharging official duties without any prejudice. The Dy.DG, State Unit: K&G has requested the applicant to carry out the official duties(Survey work) as per the roles and responsibilities of an SSO and directed him to carry out his duties. Reluctant to take up his duties, the applicant has asked his subordinate staff to take up his job, assuming himself as supervisory officer, and denied the office orders and since then he is sitting idly at Headquarters. Hence, his tour

proposal was returned and advised by the Director TC to take up the field assignments as per the office order of the SU: K&G till such order comes from the competent authorities declaring him as supervisory officer of survey unit. The applicant is constantly insisting that he is a supervisory officer and the fact is that he is a STS level officer and not a JAG cadre. In no office order or notification, the department declared Sr.Survey officer as Supervisory officer. In fact, the applicant's reporting officer is Director CT and the reviewing officer is Dy.DG of State Units. He has to work under the guidance and supervision of Director (TC) in State Unit. By quoting UPSC notification by which he has been appointed in GSI, the applicant is challenging the notification issued by the Ministry dtd.21.4.2017 which is the latest one. The guidelines in respect of roles and responsibilities is the subject matter of competent authority i.e. Min. of Mines and orders subject to change as and when required by the competent authority i.e. Min. of Mines/Director General GSI. As a responsible officer of the organisation and public servant, the applicant cannot sit idly without taking any assignment claiming himself as a Supervisory officer. The senior most officer of survey stream of the region will be treated as supervisory officer for all survey bound items of the region. At point of times second senior most person will head in the absence of first one. Rest all from Survey stream, irrespective to their designations shall take up field survey assigned to them. The field visit of Supervisory officers will be 3-4 days in each time maximum for two to three trips in a field season. The 5th respondent on whom the applicant made allegations, as DDG, State Unit: K&G, GSI discharged his duties as Head of the State Unit in the pure spirit of public interest which is his primary duty as a responsible officer following a document with respect to roles and responsibilities of survey stream

dtd.21.4.2017. The applicant is not interested to take up duties less than a supervisory officer and reluctant to carry out survey work independently. He is forgetting the facts that he is governed and guided by the directives and notifications by the ministry and competent authorities issued from time to time. Hence, all the averments levelled against the respondents are illegal. The area of 7 Sq.km on small scale 1:4000 is given and not split for administrative convenience to more than one. The large scale area of almost same target is given to other senior survey officers. The area given to Sr.Surveyors for mapping on large scale is slightly more than the applicant's target and the area given to him is of exclusively plain area while other survey personnel area is of hilly terrain. Hence, the averments of the applicant are denied and the OA is liable to be dismissed.

5. The applicant has filed rejoinder reiterating the submission made in the OA and submits that the respondents have produced a letter dtd.21.4.2017 which is not issued by the competent authority i.e. Min. of Mines or DOPT, hence it is not valid in the eye of law. The said document is created with a view to mislead the Tribunal as the said documents are incomplete and fabricated. They are liable to be rejected. The applicant who is recruited through UPSC in 2002 is the senior most survey officer in Southern Region, GSI and hence, is a Supervisory officer as per the Standing Operating Procedures (SOPs) for officers in Survey Stream in GSI vide office order dtd.15.5.2019 and bound to take up the supervisory and monitoring assignments. The respondents have not taken approval with regard to duties and responsibilities by the DOPT on all India basis. The respondents by way of affecting the modifications to the predefined duties for survey personnel in GSI are trying to degrade and demote the officers recruited through UPSC in

their responsibilities. The lower cadre officers and staff in survey stream such as Survey Officer, Asst.Survey Officer and the Senior Surveyors of concerned region and State Units are to be reported to the concerned Sr.Survey officers in GSI. Hence, the Sr.Survey officer(STS) have the responsibilities of supervision, monitoring, deployment of personnel, training and guidance in the survey field works of the juniors in survey stream. Whereas the Sr.Survey officers are to be reportable to the concerned Director, CT/PSS/DDG/ADG only for reporting and reviewing of the APARs, as mentioned in the duties and responsibilities. The applicant is engaged in the duties and responsibilities as per the SOPs such as supervision and monitoring of the survey field targets, coordination with survey personnel and the Director, TC, Project Director, procurement of survey equipment, field deployments, day-to-day technical, administrative and scientific works in survey section etc. The respondents failed to implement the SOPs for officers in Survey stream in Southern Region, GSI. Thus injustice is being done to the applicant.

6. The respondents have filed additional reply statement reiterating the points already made in the main reply and submit that the applicant wants to discriminate others in the same cadre with the illusion that UPSC candidates are superior to the promotees in the same rank which is illegal and condemnable. The applicant is denying the fact that his same cadre officers are assigned independent mapping/survey work and carrying out duties as per requirement in the state unit offices. The applicant is always quoting SOP. SOP is a guideline to carry out the work within the department to achieve the desired targets in time bound manner. SOP does not supersede the notifications issued by the Ministry

from time to time. Deployment of personnel is effected for the project needs and the time schedule given to the projects.

7. We have heard the Learned Counsel for both the parties and perused the materials placed on record in detail. The applicant has filed written arguments note. The applicant assails the office order issued vide Annexure-A10 where he has been entrusted with the Mission II survey items of SU: Karnataka & Goa and along with another Senior Survey Officer Sri Y.C.Puttabasappa. The applicant claims that he can do only supervisory work and by the impugned order at Annexure-A18 and Annexure-A13, he has been reduced to the level of Group-C employee while in fact he is a Group-A employee. In Annexure-A18, similar works assigned to the applicant have been entrusted to Sri Puttabasappa who is also a Senior Survey Officer. From the revised roles & responsibilities of officers of Survey Stream in GSI vide Annexure-R1, the roles and responsibilities of Senior Survey Officer (STS level) are given as below:

Senior Survey Officer (STS level):

- *The Senior Survey Officer shall take up the FSP programme along with targets and stay in the field in completing the FSP targets. He shall take up independently control survey and detailed mapping of FSP items of Regions/State Units with the latest instruments like Total Station/DGPS etc. For proper execution of the projects. He shall also guide the surveyors in handling the latest instruments like Total Station/DGPS etc. He requires to guide and monitor survey works of the projects of the Region/State Units as per requirement.*
- *Shall process field survey data, prepare maps and attend digitization works from time to time during field survey to support the geo-scientists at the field as well as at Headquarters.*
- *Shall be responsible for planning and distribution of all surveying and mapping tasks, proper deployment of survey personnel and optimum utilization of survey instruments.*
- *Shall monitor the progress and quality of survey work of FSP items and shall ensure timely completion of survey works.*
- *Shall ensure relevant training to all survey personnel; organize periodical training. Ensure proper and systematic storage of digital data and survey records.*

- *Shall appraise Director, PSS of Regions/State Units regarding timely maintenance, calibration and procurement of survey instruments and survey stores.*
- *Shall assist Superintending Survey Officer and Director PSS of concerned Region on technical and administrative matters relating to survey unit of Regional/State Unit offices.*
- *Shall report to Superintending Survey Officer/Director, PSS/DDG.*

8. As can be seen from the above, taking up independently control survey and detailed mapping of FSP items of regions/state units with the latest instruments like Total Station/DGPS etc. for proper execution of the projects is among the duties specified for the persons like the applicant. The applicant would also say that the Senior Survey Officers in other regions like Northern, Central, Eastern etc. are all being given only supervisory work vide Annexures-A20, A21 & A22. There is no doubt in the claim of the applicant that he is a senior officer and should be normally entrusted with certain higher level of work. However, we also see that a similarly placed Senior Survey Officer Sri Puttabasappa has been given similar work by the respondents and Sri Puttabasappa has not raised any objection as has been pointed out by the respondents. Looking at the role of the Senior Survey Officer(STS), it is obvious that the kind of work which has been entrusted to the applicant vide Annexure-A10 and A13 are perfectly within the domain of the respondents with the responsibility to assign such work. As noted already, another officer of a similar grade is also being given similar work as was given to the applicant. Therefore, there is no merit in the contention of the applicant that he has been singled out for harassment by the superior officer in the Karnataka region. Having said that, we also wish to point out that the applicant has considerable experience and very impressive qualifications as has been given by him in the written arguments note. It is obvious that persons of higher calibre and seniority should normally be entrusted with the higher

responsible work. The applicant would also claim that the work at Koppal to which he is assigned vide Annexure-A13 has already been completed. Therefore, it is for the respondents to take an appropriate decision in entrusting the applicant with the suitable responsibility. We would however like to reiterate that the respondents have every right to assign duties and responsibilities to the applicant as they deem fit in the interest of the organisation.

9. The OA is disposed of with the above orders. No costs.

(C.V.SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ps/

Annexures referred by the applicant in OA.No.170/00745/2019

Annexure-A1: Order dtd.6.2.2002

Annexure-A2: Order dtd.11.3.2002

Annexure-A3: Notification dtd.7.9.2012

Annexure-A4: Appreciation dtd.10.5.2013
Annexure-A5: Office order dtd.10.6.2015
Annexure-A6: Notification dtd.27.8.2015
Annexure-A7: Experience certificate dtd.22.9.2015
Annexure-A8: Transfer order dtd.29.3.2019
Annexure-A9: Notification in the year 2015
Annexure-A10: Office order dtd.21.5.2019
Annexure-A11: Representation dtd.15.5.2019
Annexure-A12: Representation dtd.15.5.2019
Annexure-A13: Office order dtd.30.5.2019
Annexure-A14: Representation dtd.31.5.2019
Annexure-A15: Representation dtd.4.6.2019
Annexure-A16: Communication dtd.6.6.2019
Annexure-A17: Letter dtd.7.6.2019
Annexure-A18: Office order dtd.10.6.2019

Annexures with reply statement:

Annexure-R1: Notification dtd.21.4.2017
Annexure-R2: Standard Operating Procedure of Surveying in GSI

Annexures with rejoinder:

Annexure-A19: Notification dtd.20.11.2012
Annexure-A20: Office order dtd.30.5.2019
Annexure-A21:Office order dtd.8.7.2019
Annexure-A22: Office order dtd.15.5.2019
Annexure-A23: Training Survey Stream at GSI institute

Annexures with additional reply:

Annexure-R3: Office order dtd.21.5.2019
Annexure-R4: Consultation of Survey stream in SU: K&G, Bengaluru
Annexure-R5: Communication dtd.7.6.2019
Annexure-R6: Clarification dtd.28.5.2019
Annexure-R7: Office order dtd.10.5.2019
Annexure-R8: Office order dtd.26.7.2019
Annexure-R9: Office order dtd.17.7.2019
Annexure-R10: Letter dtd.31.7.2019

Annexures with written statement of the applicant:

Annexure-1: AIR 1981 SC 1636
