

**CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH**

**O.A. No.2888/2004**

New Delhi, this the <sup>23<sup>rd</sup></sup> day of May, 2007

**HON'BLE SHRI SHANKER RAJU, MEMBER (J)**  
**HON'BLE MRS. NEENA RANJAN, MEMBER (A)**

1. Surveyors Association.  
 Survey of India. Delhi Branch.  
 C/o Directorate of Survey (Air)  
 And Delhi. CDC  
 West Block-IV, R.K. Puram,  
 New Delhi-110 006
2. A.S. Bhatnagar  
 S/o Late Shri B.S. Bhatnagar  
 Surveyor.  
 Directorate of Survey (Air)  
 And Delhi. CDC  
 West Block-IV, R.K. Puram,  
 New Delhi-110 006
3. Harbir Singh  
 Surveyor.  
 Directorate of Survey (Air)  
 And Delhi. CDC  
 West Block-IV, R.K. Puram.  
 New Delhi-110 006.

Applicants

By Advocate: Shri A.K. Behera.

Versus

1. The Union of India  
 Through the Secretary.  
 Department of Science and Technology.  
 Technology Bhawan,  
 New Mehrauli Road.  
 New Delhi-110 016
2. The Secretary.  
 Ministry of Finance.  
 Department of Expenditure,  
 North Block. New Delhi-110 001.
3. The Surveyor General of India,  
 Hathi Barkala Estate.  
 Dehradun-248 001.

.....Respondents

By Advocate: Shri Amit Anand.

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**ORDER****MRS. NEENA RANJAN, MEMBER (A) :**

By filing this OA, applicants who are Surveyors in the Survey of India, Ministry of Science and Technology, pray for the following reliefs:-

- (i) the records be called for from respondent No.3 to ascertain the extent of hostile discrimination meted to Surveyors Division I due to State action/inaction.
- (ii) It is held that Surveyors Division I cannot be placed in a pay scale lower than that of Draftsman Division I as long as the basic qualifications, rigorous of training, classification and functional responsibilities are not altered.
- (iii) Consequent to (b) above it is held that non-placement of the Surveyors Division-I in the same pay scale as of Draftsman Division I in the past is illegal and unjust.
- (iv) Consequent to (c) above the respondents be directed to place Surveyors Division I in the pay scale of Rs.550-900, Rs.1640-2900 and Rs.5500-9000 respectively from 13.5.1982, 1.1.1.986 and 1.1.1996 in the same manner and fashion as granted to Draftsman Division-I.

2. The facts of this OA are that within the Survey of India in the Ministry of Science and Technology is an organization of Group 'C' Division Cadres, consisting of two cadres, Draughtsmen (Division I) and Surveyors (Division I), hereinafter called Surveyors and Draughtsmen Insectors. Till 2000 both cadres were the feeder grade to the same Group 'B' posts. After implementation of Second

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CPC, the post of Surveyors Division I was brought in the scale of Rs.210-425 and that of Draftsman Division I in Rs.180-380.

3. According to the Office Surveyor (Group 'B') Recruitment Rules, 1983, 75% posts of Office Surveyors are to be filled by promotion from the grade of Surveyors, Survey Assistant and Draftsman Division I, Geodetic Computers and Scientific Assistants. A combined seniority list of all these categories is maintained. The remaining 25% vacancies in Officer Surveyors are filled through a Limited Departmental Examination open to these five categories. Thus Surveyors and Draftsman Division I always enjoyed the same status and promotional avenues to the same grade of Office Surveyor through a combined seniority list till 2000.

4. The applicants have also relied upon the view of the direction given by the Central Administrative Tribunal, Guwahati Bench in OA No. 52/1996 decided on 17.7.1997 the pay scale of Draughtsmen were revised to Rs.5500-9000 but the pay scale of Surveyors were not revised. They have also relied on the judgments given in the case of V.R. Panchal and Others Vs. Union of India in OA No.144A of 1993, Govardhan Lal and Others Vs. UOI and Others in OA No. 985/1993 and Braham Das and Others Vs. UOI and Others in OA No. 548/1993 wherein directions were given to grant pay scale of Rs.5500-9000 w.e.f. 1.1.1996 in support of their contentions.

5. Respondents by filing counter have rebutted the arguments of disclaim parity with the cadre of Draughtsmen of Survey of India specially Draughtsmen Division-I. They are of the view that Surveyor include Surveying and Mapping while duties of Draughtsmen are to produce fair drawings over the impressions

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given. Thus there is a difference among duties, responsibilities and education qualification of Surveyors and Draughtsmen as claimed by either side. Hence the claim of Surveyors to give them pay scale of Rs.5500-9000 vis-à-vis Draughtsmen Division-I is unjustified.

6. This OA thus seeks to resolve an anomaly in the pay parity between Surveyors (Division I) and Draughtsmen (Division I). The applicants are surveyors and have raised the issue that if draftsmen, whose pay scales were lower than those of surveyors after the second pay commission, were brought at par with surveyors after the third pay commission, should the surveyors not be brought at par with Draughtsmen when the draftsmen's pay scales are revised as a result of state action?

7. The respondent authorities have taken the stand that the surveyors cannot be given parity with draftsmen, because the pay scales of Draughtsmen were revised upwards as a result of a Board of Arbitration award for Draughtsmen of the Central Public Works Department (CPWD) and orders of this Tribunal to extend that revision to Draughtsmen of the Survey of India. They have argued that the duties and responsibilities as well as entry qualifications of the two cadres are different, and that the scope of promotion in the two cadres is differently paced.

8. They have also contended that it is not for courts to decide parity between different categories of employees. It is the domain of the Central Pay Commission (CPC). They also argue that in none of the past orders, a decision about parity between the Surveyors and Draughtsmen was taken. For this reliance has been placed on **Randhir Singh Vs. Union of India and Others, AIR 1982 SC 877**

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**and Mewa Ram Kanojia Vs. All India Institute of Medical Sciences and Others, ATJ 1989 (1) 654.**

9. We have heard both the learned counsels for parties, perused the records and also perused the judgments.

10. According to the applicants the second pay commission recommended, and the government implemented, the pay scale of Rs.180-380 for Draughtsmen and Rs.210-425 for surveyors in the Survey of India. The third pay commission removed the difference and recommended a uniform pay scale of Rs.425-700 for both Draughtsmen and surveyors, and the government implemented it. The fourth pay commission continued the pay parity at Rs.1,400-2,600 for both cadres, as did the fifth pay commission at Rs. 5,000-8,000, and the government implemented these recommendations. The respondents have disputed this parity. They have stated that the fifth pay commission recommended Rs. 5,000-8,000 for 70% of surveyors and Rs.5,500-9,000 for 30% surveyors (in lieu of special pay of Rs.100), which was accepted by the government, but the pay commission did not mention anything for draftsmen. They have submitted that the pay scales of Draughtsmen have evolved as narrated in the following paragraph.

11. As per the respondents, in an autonomous development after the implementation of the third pay commission recommendations, the Draughtsmen of CPWD won an award for higher revised pay scales from the Board of Arbitration, which was extended to Draughtsmen of other ministries by the government in the ministry of finance *vide* its order dated 13.3.1984, provided that their entry qualifications were similar to those of CPWD draftsmen. Later, the government in the ministry of finance *vide* its order of 19.10.1994

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removed the condition of similar entry qualifications. The Survey of India did not implement this order of the government on the ground that the nature of duties of their Draughtsmen was different from the CPWD draftsmen. This was struck down by the Guwahati bench of this Tribunal by its order of 17.7.1997 (OA no. 52/1996) and later extended to all Draughtsmen of the Survey of India by the Principal Bench of this Tribunal by its order of 7.2.2002 (OA no. 2094/2001). As such the Draughtsmen of the Survey of India have got the pay scale of Rs. 5,500-9,000, while the surveyors have got the pay scales recommended by the various pay commissions, i.e., Rs. 5,000-8,000.

12. On weighing the arguments of both sides we note that the applicants have furnished some evidence to substantiate their claim that various pay commissions had established pay parity between Surveyors and Draughtsmen of the Survey of India. If this is not disputed that pay parity between Surveyors and Draughtsmen exists and they are at par this would create an anomaly and would need to be resolved.

13. We are primarily concerned here with the issue of whether there has been adequate application of mind and observance of natural justice in passing the impugned order. If an anomaly has been created and if parity exists, respondents are directed to examine the same and pass a reasoned and speaking order granting pay scale of Rs.5500-9000 within a period of four months.

15. In view of the above OA is partly allowed. No costs.

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**(NEENA RANJAN)**  
**MEMBER (A)**

*S. Raju*

**(SHANKER RAJU)**  
**MEMBER (J)**