

Arif (2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Registration O.A. No. 518 of 1987

P.K.Dobhal & Others

Applicants

vs.

Union of India & Others

Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. U.C. Srivastava, V.C.)

The applicants who are working as Trigonometrical Computers Grade-I in the Survey of India have filed this application under Section 19 of the Administrative Tribunals Act, 1985 in the year 1987 praying that the post of Trigonometrical Computer be declared a Division I post and Trigonometrical Computer be awarded the same pay scale and other emoluments which are given to a Division I employee and a separate seniority list be maintained for purposes of promotion of Trigonometrical Computers in Division I Service and they should be conformed as Trigonometrical Computers Grade-I after training. According to the applicant the respondents have violated the provisions of Article 16 and 19 of Constitution of India. From the pleadings of the parties it is clear that there is no difference and integration between the post of Trigonometrical Computers and Topographical Trainee and their duties and responsibilities are also same. It has been stated by that the applicants Trigonometrical Computers were not given and promotional avenues the same status as given to the Topographical Trainee and this according to them is dismally and substantial.

2. The respondents have denied the claim of the applicants and they have stated that the training and duties of these two posts are different though the qualification

at the entry point for both the cadres is same. According to the respondents the Topo Training Type A is given two years of rigorous training in all the fields of Surveying, Photogrammetry, Cartography, Geodesy, Map reproduction including rigorous and arduous field work in the related discipline of map making before he is classified as Surveyor(Division I) whereas a Trigonometrical Computers after appointment is given only 6 months training in carrying out Survey Computation including field training in secondary and tertiary levelling and traverse only. It is further stated by the respondents that the applicants were employed on productive computational work and remain temporary for three years. After completing three years of service they were classified as Grade III provided they pass a trade test as laid down in para 9(c) part III of the Circular Order 435. There was a provision that $33\frac{1}{3}\%$ of the total vacancies in a year of the grade of surveyor will be filled by promotion from amongst the Class III Division II employees of Survey of India on the basis of seniority cum fitness and the applicants were/eligible for this scheme and according to the respondents they have not opted for the post of Surveyors Division-I and that is why they were not considered for promotion to the post of Surveyor Division-I. As the Trigonometrical Computers also posses requisite educational qualifications they were also eligible for appointment to the post of T.T.T.A.'s provided they fulfill other eligibility conditions. Many of those, who had joined as Trig. Computers with them and had availed any of the such opportunity and are gazetted officer now. The matter was referred as reference no.C.A. 7 of 1981 before the Board of Arbitration, Ministry of Labour, Government of India, consisting three Members and the Board of Arbitration gave the award vide order dated 14.3.1984.

3. The contention on behalf of the applicants is that the award was given before the recommendation of 4th Pay Commission Report and the Surveyor General of India had also recommended that the Commission may grant pay scale to the Trigonometrical Computers analogous to that of Surveyors. The dispute which has been raised by the applicant regarding upgradation is concerned is that the upgradation of the post of Trig. Computers to Division I cadre was not implemented by the Department.

4. The Board of Arbitration after considering all the relevant factors bearing on the matter came to the conclusion that all the Trigonometrical Computers after classification shall be given the pay-scale of Rs.425-600/- which they are entitled to after passing a trade test. But so far as other reliefs are concerned the same was rejected by the Board of Arbitration.

5. It appears that the matter was recommended by the 4th Pay Commission and also by the Surveyor General of India and no reasons was given why the upgradation was not given to the applicants. It is still open for the respondents to consider the claim of the applicants for upgradation and promotion in Division I service in case they fulfill the eligibility criteria, but even otherwise there is no bar ^{in this regard} on the Executive Officer. Accordingly, with the observation that Government of India may consider the case of upgradation of the applicants, the application is dismissed in respect of all the other reliefs. No order as to costs.

Amarnath
Member (A)

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Vice-Chairman.

7th May, 1992, A.I.I.D.

(sph)