

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIRCUIT SITTING AT UTTARANCHAL (NAINITAL)

ORIGINAL APPLICATION NO.16 OF 2003 (U)
NAINITAL THIS THE 15TH DAY OF APRIL, 2004

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

HON'BLE MAJ GEN. K.K. SHIVASTAVA, MEMBER-A

1. Shri T. Pandey, S/o Shri Nardeo Pandey, Resident of Guniyal Gaon, P.O. Sinaula, Dehradun, Recently retired as Record Keeper Division I from the Surveyor General's Office, Survey of India, Hathibarkala Estate, Dehradun(Uttaranchal).
2. Shri R.M. Hoon, S/o Late H.L. Hoon, resident of F-10, Race Course, Dehradun, Recently retired as Record Keeper Division I from the Office of the Surveyor General's Office, Hathibarkala Estate, Dehradun
3. Shri C.P. Chawla, S/o Shri Chiman Lal, Resident of House No.10, Street No.10, Ashirwad Enclave, Dehradun (Uttaranchal), Presently working as Record Keeper Division I in Northern Circle Office, Survey of India, 17 EC Road, Dehradun (Uttaranchal).
4. Shri R.D. Thapliyal, S/o L.D. Thapliyal, resident of 58 Inder Vihar, Kalidas Road, Dehradun (Uttaranchal), Recently retired as Record Keeper Division I from the office of Northern Circle, Survey of India,17 EC Road, Dehradun (Uttaranchal).
5. Shri Brahmdeo S/o Bhim Rao, Resident of Qr.No.I-III-49, Hathibarkala Estate, Dehradun (Uttaranchal), Presently working as Record Keeper Division I in Map Record and Issue Office, Survey of India, Hathibarkala Estate, Dehradun (Uttaranchal)
6. Sri Ram Niwas S/o ~~Man Singh~~, Resident of Qr.T-III-5, GBO Compound,17 EG Road, Dehradun (Uttaranchal).Presently working as Record Keeper Division I in Map Record and Issue Office, Survey of India, Hathibarkala Estate, Dehradun (Uttaranchal).

(Signature)

7. Shri Shyam Sunder S/o Bela Ram, Resident of Qr. No.T-III-27, Hathibarkala Estate, Dehradun (Uttranchal). Presently working as Record Keeper Division I in Map Publication Office, Survey of India, Hathibarkala Estate, Dehradun (Uttranchal).
8. Shri Bharosi Mistri, S/o Umadu Mistri, Resident of Lower Adhoiwala, Pragati Vihar, Dehradun (Uttranchal), Retired as Record Keeper Division I on 31.08.1996 from the Office of Surveyor General Of India, Hathibarkala Estate, Dehradun (Uttranchal).
9. Shri Ram Swaroop Teshwar S/o Late Hargu Lal, Resident of Qr.No.T-III-26, Hathibarkala Estate, Dehradun (Uttranchal). Retired as Record Keeper Division I on 31.12.1996 from Map Publication Office, Survey of India, Hathibarkala Estate, Dehradun (Uttaranchal).
10. Shri Devendra Pujara, S/o Amba Pujara, Resident of 44-C, Arya Nagar, Dehradun (Uttranchal). Retired as Record Keeper Division I on 31.8.2000 from Map Record and Issue Office, Survey of India, Hathibarkala Estate, Dehradun (Uttranchal).
11. Shri Siffat Ribbani S/o G.H. Ansari, Resident of Shahid Bhagat Singh Colony, Inder Road, Dehradun (Uttranchal). Retired as Record Keeper Division I on 31.08.2000 from Map Record And Issue Office, Survey of India, Mathibarkala Estate , Dehradun (Uttranchal).
12. Shri Om Prakash Dera, S/o Ami Chandra, Resident of 43, Khurubura Mohalla, Dehradun (Uttranchal), Retired as Record Keeper Division I on 12.03.1998 from North Zone Office, Survey of India, Chandigarh.
13. Shri Kameshwar Nath, S/o of Lalita Prasad Chaturvedi, Resident of Arya Samaj Bhawan, Mussoorie (Uttranchal). Retired as Record Keeper Division I on 28.02.2001 from Geodetic and Research Branch, Survey of India, Dehradun (Uttranchal).
- 13-A Shri C.L. Meena, S/o Shri G. L. Meena, Resident of Civil Lines, Jaipur, working as Record Keeper Division I under the Surveyor General Of India, Dehradun (Uttranchal).

Par

14. Shri Arjun Singh Rawat, S/o of Late Dayal Singh, Resident of Kudiyal, P.O. Thane, Dehradun (Uttranchal). Retired as Record Keeper Division I on 28.02.2001 from the Northern Circle Office, Survey of India, 17 E.C. Road, Dehradun(Uttranchal).
15. Shri S.K. Ghosh, S/o of Atul Chandra Ghosh, Resident of 90 Arya Nagar, Dehradun (Uttranchal), Retired as Record Keeper Division I on 31.03.2001 from the Office of Surveyor General Of India, Dehradun (Uttranchal).
16. Shri Dinesh-Chander, S/o of Debat Ram Sharma, Resident of Bhagwantpur P.O. Sinola, Dehradun (Uttranchal). Presently working as Record Keeper Division I in Northern Circle Office, Survey of India, 17 EC Road, Dehradun (Uttranchal).
17. Shri S.C. Dhaundiyal, S/o Govind Ram, Resident of 25, Teachers Colony, Govindgarh, Dehradun (Uttranchal). Retired as Record Keeper Division I from the Office of the No.69 @ Party (G&RB), Survey of India, 17 EC Road, Dehradun (Uttranchal).
18. Smt. Manjula Debbal, W/o of Ashek Debbal, Resident of Arya Nagar, Dehradun (Uttranchal). Presently working as Record Keeper Division I in the Office of the Map Publication Office, Survey of India, Hathibatkala Estate, Dehradun (Uttranchal).
19. Shri Tika Ram, S/o Khushi Ram, Resident of Dharmpur Dehradun (Uttranchal). Presently working as Record Keeper Division I in the Office of the Surveyor General of India, Hathibarkala Estate, Dehradun (Uttranchal).
20. Shri O.P. Baid, S/o of Late Bal Krishna, Resident of 56/2 Arya Nagar (Block -II), Dehradun (Uttranchal). Working as Record Keeper Division I in the Office of the No.68 (T) Party (G&RB) Survey of India, 17 EC Road, Dehradun (Uttranchal).
21. Shri Padam Singh , S/o Banwari Lal, Resident of 45/12 Block III Chakarata Road, Dehradun. Presently working as Record Keeper Division I in the Office of the Surveyor General of India, Hathibarkala Estate, Dehradun Uttranchal.

22. Shri A.K. Banerjee, S/o Late B.N. Banerjee, Resident of Bangali Mehalla, Dehradun (Uttarakhand). Presently working as Record Keeper Division I in the Office of No.69 (C) Party (G&RB), Survey of India, 17 EC Road, Dehradun (Uttarakhand).
23. Shri D.K. Gupta, S/o R.K. Gupta, Resident of Survey of India Complex Dakshin Marg, Chandigarh. Working as Record Keeper Division I in the Office of the N.W.C. under the Surveyor General of India, Dehradun (Uttarakhand).
24. Shri Chandra Prakash, S/o Balbir Singh, Resident of R.K. Puram, New Delhi, Working as Record Keeper Division I in the Office of the Directorate Survey (Air) under the Surveyor General of India, Dehradun (Uttarakhand).
25. Smt. Khetramani Devi W/o of Shri I.B. Mahapatra, resident of Chandrasekhpur, Bhubaneswar. working as Record Keeper Division I in the Offices of South Eastern Circle under the Surveyor General of India, Dehradun (Uttarakhand).
26. Shri C.A. Thomakutty S/o Shri C.A. Kutty, Resident of Surveyor Colony Bangalore. Working as Record Keeper Division I in the Office of the Southern Circle Office under the Surveyor General of India, Dehradun (Uttarakhand).
27. Shri Jagannath, S/o Shri Sehba Ram, Resident of Sector-9, 747, Lodhi Colony, New Delhi, Retired as Record Keeper Division I from the Office of the Directorate Of Survey (Air), under the Surveyor General of India Dehradun (Uttarakhand).
28. Shri Dharam Singh Panwar S/o of Shri Mohan Singh Panwar, Resident of 1-17 Gali No.1 Garhwali Mehalla New Delhi-92. Retired as Record Keeper Division I on 31.07.2002 from the Office of the Directorate of Survey (Air) under the Surveyor General of India Dehradun (Uttarakhand).
29. Surveyors Association ,
CHQ: Dehradun. C/o No.26(P) Party (NC),

109

17 EC Road Dehradun (Uttarakhand). through the
General Secretary, Shri Brundaban Patro.

.....Applicant

(By Advocate Shri K.C. Sinha)

Versus

1. Union of India,
through The Secretary,
Ministry of Science and Technology,
Technology Bhawan, New Mehrauli Road,
New Delhi-110016.

2. Surveyor General of India, Hathibarkala Estate,
Post Box No.37, Dehradun-248 001 (Uttarakhand).

.....Respondents

(By Advocate Shri R.C. Joshi)

O R D E R

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

Heard Shri K.C. Sinha, learned counsel for the applicant and Shri V.V. Mishra, holding brief of Shri R.C. Joshi, Senior Standing Counsel representing the U.O.I. We have also perused the pleadings and the documents annexed thereto.

2. The applicants 1 to 28 are Record Keepers Division I in the Office of the Surveyor General of India, Dehradun (Uttarakhand). Earlier they had instituted O.A. No.53/01(U) challenging therein the orders dated 22.08.2000 and 23.07.00. By order dated 22.08.2000 the claim of applicant Shri Ram Swaroop Teshwar for payment of stagnation increments had been rejected on the ground that he had not completed two

(P&J)

years of service at the time of his retirement on 31.12.1996.

By order dated 23.07.2000 impugned in the said ~~order~~ ^{OA} the proposal of the applicants for moderation of pay scale of ~~of~~ ⁹ Record Keeper Division I had been rejected. The Tribunal by its judgment and order dated 29.08.2002 disposed of the O.A. with a direction to the respondent no. 1 to consider and decide the representation by a reasoned order. Consequent upon the said direction the representation was taken up by the concerned Ministry and by impugned order dated 14.01.2003 the representation came to be rejected. The said order is quoted below for ready reference:-

"Hon'ble Central Administrative Tribunal, Allahabad Bench vide their Order dated 29.08.2002 in O.A. No. 53/2001(U) directed the Respondents to decide the representation of the applicants for grant of pay scale of Rs.5000-8000 to the Record Keeper Division-I at par with other Division-I employees.

2. The Record Keeper Division-I is presently placed in the pay scale of Rs4500-7000 after the V Central Pay Commission (CPC). The applicants have stated that their cadre has been given lower pay scale since the IV CPC when they were placed in the pay scale of Rs.1400-2300 and were denied the selection grade. On acceptance of the recommendations of the V CPC, as there was no specific recommendations regarding the cadre of Record Keeper in Survey of India, they were given the replacement pay scale of Rs.4500-7000. The applicants have further stated that with the merger of the pay scales of Rs1350-2200 and Rs 1400-2300, the feeder cadre of Record Keeper Division-II and promotional cadre of Record Keeper Division-I is having the same scale of pay, i.e. Rs4500-7000.

3. The representation of the applicants has been considered by the respondents. It is not correct to state that V CPC has missed the case of applicants and has not made any specific recommendations. While deciding the pay scales the V CPC has gone into the duties and responsibilities of the different cadres and fixed appropriate pay scales. In the present case also, the IV CPC and V CPC has gone into the matter and recommended pay scales. The applicants have also compared their duties and responsibilities with Head Clerks, Store Assistants, Librarians, Draftsmen, etc. which is not correct. Each cadre has its own specific duties and responsibilities and pay scales allocated to them accordingly. Therefore any comparison with the pay scales given to those cadres is not justifiable.

4. The V CPC had, a measure of rationalization, merged some of the pre-revised pay scales and had recommended single replacement pay scales which has

T.S.J.

been accepted and notified by the Government for implementation. Ministry of Finance; Department of Expenditure, Govt. of India, vide their office Memorandum No. 169/2/2000-IC dated 24.11.2000 has given detailed guidelines regarding action to be taken in fixation of pay in such cases.

5. As explained in the foregoing paragraphs, the representations of the applicants have been thoroughly examined in pursuance of the judgment dated 29.08.2002 of the Hon'ble Central Administrative Tribunal, Allahabad Bench, Allahabad in O.A. No. 53/2001(U) and in the light of the spirit (measure of rationalization) underlying the V CPC's recommendations which has been accepted and implemented in organisation. Due to the reasons cited in the foregoing paragraphs, the request of the applicants for grant of higher pay scale of Rs.5000-8000 cannot be agreed to."

3. Shri K.C. Sinha, learned counsel appearing for the applicant has submitted that the pay scale admissible to Record Keeper Division-II is Rs4500-7000/- and, therefore, there is no justification for giving the same pay scale to Record Keeper Division-I recruitment to which is made by promotion from Grade-II. Learned counsel for the applicant has submitted that this point was specifically raised in the representation and although it has been noted in the order impugned herein but no decision has been given on the issue. Learned counsel for the applicant has further submitted that no recommendation was made by the V Central Pay Commission in respect of the post of the Record Keeper Division I and observation to the contrary made in the impugned order is incorrect.

4. Para 85.31 of the V Central Pay Commission, it may be pointed out, pertains to Stores Assistants and has nothing to do with the post of Record Keeper. In paragraph 85.34 the V Central Pay Commission has observed that prior to the V Central Pay Commission there was a substantial gap at the higher end of the two grades of Class III, Division II staffs although the starting point was the same and accordingly in

Gej

view of the general proposals on replacement scales, it was recommended that the scale of Rs1400-2600/- will be merged with Rs.1600-2660/- and the scale of Rs.1350-2200/- would be merged with the scale of Rs1400-2300/-. The scale of Rs.1400-2660/- has been revised to Rs.5000-150-8000/-. But in the absence of specific revision in respect of the post of Record Keeper Division I the same scale could not be given to the applicants. The Secretary of the concerned Ministry while disposing of the representation appears to have missed the Government's decision contained in Ministry of Defence No.50(1)/IC/97 dated 30.09.1997 which contains the following amongst other clauses:

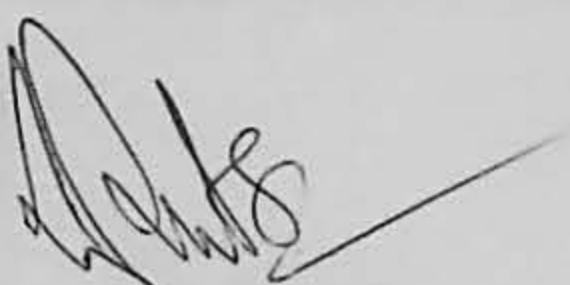
"In the event of any Central Government Post being left out without allotment of revised pay scales in the report, it should be given the commensurate revised scale of pay as applicable for posts with similar entry qualifications, duties and responsibilities, duly retaining the horizontal and vertical relativities in the organisation. (Chapter 168, Para 168.3)."

4. Concededly the post of Record Keeper Division-I was left out without allotment of revised pay scale in the report of Fifth Central Pay Commission and accordingly in view of the afore extracted decision of the Govt. of India, the applicants are entitled to commensurate revised pay scale as applicable for posts with similar entry qualification, duties and responsibilities, duly retaining the horizontal and vertical relativities in the organisation as provided in the afore extracted recommendation of the Pay Commission that has been accepted by the Central Government by means of the aforesaid resolution. It may be pertinently stated that the post of Record Keeper Division-I being a higher post recruitment to which is made by promotion from amongst eligible and qualified Record Keepers Division-II, it would not be just and reasonable to give them the same scale which

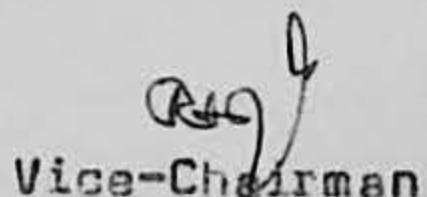
REJ

is applicable to Record Keeper Division-II. What scale is to be given to Record Keeper Division-I has to be decided by the Central Government keeping in view the aforesaid resolution of the V CPC which has been accepted by Central Government. The decision contained in the impugned order, in the circumstances, cannot be sustained.

5. Accordingly the O.A. succeeds and is allowed. The impugned order dated 14.01.2003 is set aside and the respondent no.1 is directed to decide the representation of the applicants afresh in accordance with law keeping in view the observations made in this order within a period of three months from the date of production of the copy of this order. No costs.



Member-A



RAJ

Vice-Chairman

/Neelam/