

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOWINDEX SHEETCAUSE TITLE O.A. 133 of 1990 (W)

Name of the parties

Suroj Bakash

Applicant.

Versus.

Union of India

Respondents.

Part A.B.C.

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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
(LUCKNOW CIRCUIT BENCH)

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Registration D. A. No. 133 of 1990(L)

Suraj Prakash. A. M. Applicant

VS.

Union of India & Ors. Respondents.

Hon'ble Mr D.K. Agrawal, J.M.

Hon'ble Mr K. Obayya, A.M.

(By Hon'ble K. Obayya, A.M.)

This application under Section '19' of the Administrative Tribunals Act, 1985 has been filed for a direction to respondents to provide a channel of promotion to the post of Deputy Director General (Personnel) in the Administrative Stream of Geological Survey of India and to consider the case of the applicant for promotion to the said post in case, he is considered suitable.

2. The relevant facts of the case are that the applicant entered service in the Geological Survey of India (G.S.I.) as a Regional Administrative Officer (R.A.O.) in 1977 as a direct recruit on selection by U.P.S.C. The next higher post was that of Director of Administration, which was initially filled up by deputation, but later converted as a promotion post from the feeder category of RAOs. Based on the recommendation of the Review Committee, the post of Deputy Director General (Personnel) (D.D.G.(P)) was created on a fixed pay of Rs.2750/-, and according to the applicant, this has become the top post to oversee the administrative stream.

3. It is contended by the applicant that after the Fourth-Pay-Commission, the pay-scales of R.A.O. & Director (Admin.) were equated, and the post of Director (Admin.) no more remained as a Promotion Post, and the only higher post available is that of Deputy Director ^{General} (Personnel) which is being filled up by deputation and the channel of promotion

should be provided to the Administrative Stream, to be promoted to this post. The further contention of the applicant is that the posts of D.D.G. are Promotion Posts in all the other streams, and the denial of promotion avenue to the Administrative Stream amounts to discrimination, and this goes counter to the recommendation of the Fourth-Pay-Commission according to which, there should be at least one promotion after 15 years of service in a regular post.

4: The respondents have filed a counter contesting the case, in which it is stated that the work in the G.S.I. is organised broadly in three streams, namely Scientific Stream, Technical Stream & Administrative Stream and that there are 8 divisions/wings under Scientific Stream, 5 divisions/wings under Technical Stream, and 4 divisions/wings under Administrative Stream. The posts of D.D.G. are sanctioned in 3 divisions under Scientific Stream, namely Geology, Geophysics (Exploration) and Geophysics (Insttn.) and 1 division/wing in Engineering under Technical Stream, and 2 divisions/wings under Administrative Stream, namely Personnel & Finance. It is also stated that the post of Director (Administration) is the highest post in the Administrative Stream, and this post is vested with certain statutory powers, which are not vested with R.A.Os. It is also stated that the recruitment in the Financial & Administrative Streams is not upto 50% and as such they are not eligible for Selection grade. The Technical Stream of G.S.I. has been classified as 'G.S.I. Gr-A' service while Financial & Administrative Streams have been classified as 'Gr-A', 'Gr-B' services.

5: In the rejoinder, the stand taken in the application is reiterated. It is also admitted that the post of D.D.G. are sanctioned only in certain divisions, and other divisions have been left out as their cadres are too small. It is also stated that there is no bifurcation of Personnel and Administrative cadres in the G.S.I., and that the post of

Contd.....

D.D.G.(P) is the highest post in the Administrative Stream and not the Director of Administration;

6. We have heard the learned counsel for the parties. We have also gone through the report of the G.S.I. Review Committee, Vol. I dated 18.12.87 placed before us by the learned counsel for the applicant. The Review Committee was set-up by Government of India to study the present structure and organisation, and suggest measures for rationalisation and improvement in its working. The report is comprehensive and covers all facets of work of G.S.I. The terms of reference of the committee among others included identifying problems of personnel management and to suggest measures for its improvement including perspective manpower planning and appropriate recruitment, promotion and posting policies etc. Para 3.17 (p.41) of this report deals with Personnel Management and Recommendation 51 is to the effect that G.S.I. must build up a Modern Personnel Management Organisation with primary functions of Planning, Development & Management of Human Resources. The committee considered that G.S.I. "required a professional man" at a very high level, who would have to interact with the senior level officials of G.S.I. and to build up a system with the help of both experts, and consultants from outside as well as with persons available within, and recommended creation of a post of Sr. D.D.G.(P) on a fixed pay of Rs.2,750/-? Recommendation 53 suggested creation of post of three Directors- (1) Director of Personnel A & B (2) Director of Personnel C & D and (3) Director of Administration. The work of distribution is that the Director of Personnel would be in-charge of recruitment, promotion, transfers, posting, cadre planning, training etc. while the Director of Administration would be in-charge of Estate Management and House Keeping, Administration etc. The suggested organisational structure (Annexure-9) to this report indicates that under Sr. D.D.G.(P), divisions are

Career Development, Recruitment, Training & Development, Welfare, Establishment, Administration, Estate & House Keeping in coming up with these recommendations, the committee evidently had futuristic outlook and clearly distinguished the functions of Personnel Department from that of Administration and suggested creation of three Directors posts to look after Personnel & Administrative work. The word 'administrative' is generic term and at one time embraced all activities of a department/organisation, but over the years, there has been specialisation and development of Management Science; today we have Personnel Management, Financial Management, Legal Cells etc. distinct from each other and with expertise in their own spheres - may be at lower levels- there is overlap of these spheres, but not at middle or top level. Administrative work pure and simple means, Estate Management, House Keeping, Routine Charges etc. and not the work of 'Personnel Department' which has become complex. The D.D.G.(P) is a very specialised post and administration only forms a part of his areas of responsibilities as perceived by the committee.

7. Admittedly the applicant was recruited as R.A.O. The notification of recruitment issued by U.P.S.C. indicates that this is a middle-level-post, eligibility being 45 years of age with 10 years experience in Administration & Establishment matters; the duties mentioned are to supervise and direct the work relating to administration in Regional Offices and to assist a D.D.G. in administrative work. Though, the learned counsel for the applicant has stated that the post of R.A.O. and Director (Admn) have been equated; no notification to that effect has been shown to us.

8. We have also seen the Recruitment Rules filed by the learned counsel for the applicant, relating to different posts in G.S.I., at the level of Director, Sr. Dy. Director, D.D.G. etc. These rules provide for promotion and for some posts by deputation, and direct recruitment is also mentioned. The contention of the learned counsel for the applicant that the post of D.D.G.(P) should also be made open for promotion on par with other posts of D.D.Gs, has undoubtedly some merit. The G.S.I. is a premier scientific agency in the country in regard to geological activities and mineral exploration with more than 17,000 employees on its rolls, mostly Technical, Scientific and Professional personnel - it is vested with the responsibility to map the mineral sources of the country and is considered as third oldest organisation of its kind and second largest in the world with outstanding achievements in the field of Science & Technology. Such an organisation, in our view should not be fettered in its search for tapping the talent available to man different posts. "The right man for the right job" is the concept of these days - in fact in the report, there are many references suggesting that G.S.I. should be rid of governmental controls in its day-to-day working to enable it to pursue its objectives more efficiently. In this background, we are of the view that consistent with standard of efficiency and nature of work, G.S.I. should also keep in view the 'morals' of the personnel working in different limbs - some of them may not be significant, and provide a channel of promotion to the post of D.D.G.(P) by prescribing suitable qualifications, experience etc. required to perform the duties efficiently.

(16)

- 6 -

Accordingly we direct respondents to make suitable amendment in the rules of recruitment as to provide for Channel of promotion to the post of D.D.G.(P). Regarding the promotion of applicant to the post of D.D.G.(P), no direction can be issued by us. In any case it is for the respondents to consider the promotion of the applicant on merits. The application is disposed of as above with no order as to costs.

MEMBER (A)

MEMBER (J)

(Karn/
sns)

November 22nd, 1990

Allahabad.

Attested

True copy

(Mehd. Ur Khan)

C.T. Ghosh

Executive Tribunal,

Circuit Bench,

LUCKNOW.

[(1993) 2 UPLBEC 1185]

SUPREME COURT

K. M. SAHAI AND N. VENKATACHALA, JJ.

Contempt Petition Nos. 130 and 195 of 1991

In

Civil Appeal No. 2054 of 1990, decided on May 14, 1993.

S. Sarkar and others

Petitioners

Versus

R. D. Kriston, Chairman Railway Board, Rail Bhawan
New Delhi and others

Respondents

Service—Order regarding appointment—Passed by Supreme Court—
Railway authorities not implementing it on ground that its implementation
will disturb seniority and result in inapplicability to many others—Supreme
Court refused to examine that aspect because in a contempt petition,
Supreme Court is concerned only with implementation of the order passed
by it—Thus, instead of taking any action for contempt, Supreme Court
directed that its order be implemented. [Paras 5 to 7]

COUNSEL.—Mr. G. S. Chatterjee and Mr. Avjit Bhattacharjee, Advocates for
appellant, Dr. Anand Prakash, Senior Advocate, Mr. P. Narasimhan
for Mr. B. K. Prasad, Advocates with him, for respondents.

JUDGMENT

R. M. Sahai and N. Venkatachala, JJ.—Why the appellants should
have been forced to file these contempt applications for enforcement of the
order passed by this Court as far back as on 30th April, 1990 in Civil
Appeal No. 2054 of 1990, is not without reason.

2. Grievance of the applicants is that despite clear findings recorded
by this Court, opposite parties are going back on it and persisting the
implementation of the order in a manner which frustrates the entire
purpose for which the applicants approached this Court and is a clear
violation of directions of this Court issued on 30th April, 1990.

3. Entire dispute centered round the practice of exercising option
by Assistant Station Masters who were recruited directly. Were they
left any choice in the matter or was it compulsory, it was held by this
Court, that various letters issued made it clear that the option had to
be exercised at the time of appointment and where no option was exercised
it was deemed to have been exercised. This Court found that the
applicants were those persons who had to exercise option at the time of
appointment and their options were irrevocable. Effect of this was that
they had to wait till 1983 when restructuring was done. The Court further
found that the cadre of Assistant Station Master/Station Master
in South Eastern Railway was separate and not combined. But the
Chief Personnel Officer applied alternative-I, which under restructuring
was to be applied to a zone where combined cadre was in vogue, as it
was acceptable to leaders of the Union and beneficial to large number
of employees. The Court therefore did not interfere with implementa-
tion of the alternative-I, but protected the interests of the applicants by
holding thus :

13. We are therefore, of the view that the High Court in Civil Writ Petn. No. 4532 of 1977 and the Administrative Tribunal in the judgment under appeal transgressed its limits in issuing the impugned directions. We set aside the judgment of the Tribunal and dismiss the Representation Petition No. 578/78 filed by M. Srinivasan and 44 others to the extent indicated above.

on other points as indicated by us or as may be raised by the parties. The Tribunal shall give further opportunity to the parties to file additional affidavits documents. We request the Tribunal to decide the matter expeditiously and if possible within three months. The appeals are disposed of in the above terms with no order as to costs.

Order accordingly.

AIR 1990 SUPREME COURT 1256

(From : Patna)

B. C. RAY AND K. N. SAIKIA, JJ.

Civil Appeal No. 1613 of 1990 (In Special Leave Petn. Civil No. 5473 of 1987), D/- 27-3-1990.

Awadh Prasad Singh and others, Appellants v. State of Bihar and others, Respondents.

(A) Bihar and Orissa Excise Act (2 of 1915), Ss. 2(7), 7(2)(a), 7(2)(f) and 89 — Inspectors of Excise Recruitment Rules (1936), Rr. 1, 4 — Seniority of Inspectors of Excise — Determination — Excise Commissioner not vested with power of determining such seniority — Seniority list prepared by State Govt. — Cannot be held to be unauthorised on ground that it was beyond powers of State Govt. as not prepared by Excise Commissioner.

Seniority — Excise Inspectors — Preparation of seniority list

(Para 7)

(B) Bihar and Orissa Excise Act (2 of 1915), Ss. 2(7), 7(2)(a), 7(2)(f), 89 — Inspectors of Excise Recruitment Rules (1936), Rr. 1, 4 — Promotion to post of Excise Inspectors — Promotion made in excess of quota — Direct recruit appointed within their quota — Are senior to promotees who have been promoted in quote of direct recruits.

CWJC No. 4097 of 1985, D/- 1-4-1987. (Patna), Reversed.

Seniority — Determination — Quota rule.

DH DH S185 90 JIS

14. Mr. C. S. Vaidyanathan, learned counsel, appearing for the respondents, however, contends that the Special Rules are arbitrary and are violative of Articles 14 and 16 of the Constitution of India. He contends that at the time of initial recruitment to Class V the Government at its discretion picks-up persons for appointment to any of the categories. According to him neither there are any statutory rules or executive instructions providing options to class V officers to join category of their choice nor in fact any such options were given at the relevant time. He had further argued that the posts in seven categories of class V are inter-transferable. He invited our attention to the documents on record showing transfers from one category to another. Mr. Madhava Reddy learned counsel appearing for the State of Andhra Pradesh on the other hand has controverted the above arguments. According to him options were not only given at the time of initial recruitment into class V service but also subsequently as and when the rules were amended. He categorically denied that the posts in various categories are interchangeable. The learned counsel on both sides wanted us to go into the various documents in support of their respective contentions. We do not have before us the factual-matrix to appreciate the argument of Mr. Vaidyanathan that the Special Rules are arbitrary. We, however, find from the judgment under appeal that all these points were raised before the Tribunal in one form or the other but the Tribunal based its judgment on the observations of the High Court in Civil Writ Petition No. 4532, 71 and did not go into any other point.

15. While setting aside the judgment under appeal we remit the case to the Andhra Pradesh Administrative Tribunal for decision

6. Accordingly, the appeal fails and is dismissed. There is no order as to costs.

Appeal dismissed.

AIR 1990 SUPREME COURT 1251

(From: Andhra Pradesh)

KULDIP SINGH AND

S. C. AGRAWAL, JJ.

Civil Appeal No. 3677 of 1987, D/- 10-4-1990.

Mullikarjuna Rao and others etc. etc.,
Appellants v. State of A.P. and others etc.
etc., Respondents.

(A) Constitution of India, Art. 309, Proviso — A.P. Animal Husbandry Service Special Rules, 1977, R. 2 — Veterinary Assistant Surgeon belonging to Class V — Promotion of, to Class IV — Eligibility for, is restricted to their respective categories — Seniority in Class V — Irrelevant.

It is obvious from the provisions of the Special Rules that the Veterinary Assistant Surgeons who are Class V are only eligible for promotion to Class IV in their respective categories. Category 1, Class V is only eligible for promotion to Category 1, Class IV and similarly Category 2 of Class V is eligible for Category 2 of Class IV and so on. Although there is one common seniority of Class V officers but the promotion being categorywise the seniority becomes irrelevant as a senior man in Category 1, Class V cannot be promoted to any other category in Class IV except Categories 1 and 8.

(Para 6)

(B) Constitution of India, Arts. 226 and 309, Proviso — Service rules — Framing of — High Court or Service Tribunals cannot even indirectly require executive to exercise its rule-making power.

Administrative Tribunals Act (13 of 1985). S. 14.

Service rules — Framing of — Direction by High Court or Administrative Tribunals to executive for exercise of rule-making power — Not warranted.

DH/EH/S208/90/SNV

It is neither legal nor proper for the High Courts or the Administrative Tribunals to issue directions or advisory sermons to the executive in respect of the sphere which is exclusively within the domain of the executive under the Constitution. The Special Rules have been framed under Art. 309 of the Constitution. The power under Art. 309 of the Constitution to frame rules is the legislative power. This power under the Constitution has to be exercised by the President or the Governor of a State as the case may be. The High Courts or the Administrative Tribunals cannot issue a mandate to the State Government to legislate under Art. 309 of the Constitution. The Courts cannot usurp the functions assigned to the executive under the Constitution and cannot even indirectly require the executive to exercise its rule-making power in any manner. The Courts cannot assume to itself a supervisory role over the rule-making power of the executive under Art. 309 of the Constitution.

(Faras 10, 12)

Cases Referred: Chronological Paras

AIR 1989 SC 1899 : 1989 Supp (2) SCC 364

11

AIR 1985 SC 910 : (1985) 3 SCC 169

11

AIR 1971 SC 2399 : (1972) 1 SCR 940 : 1971

Tax LR 1734

11

KULDIP SINGH, J.:—The questions arising for our consideration in these appeals are as under :

(1) Can the High Court/Administrative Tribunal direct the State Government to frame or amend the existing statutory rules to alter the conditions of service of the civil servants in terms of the directions?

(2) When there are specialised posts in a feeder cadre and also in the higher cadre, can the Government restrict the promotions from feeder cadre to the higher cadre only specialitywise irrespective of the seniority?

2. The conditions of service of the Andhra Pradesh Animal Husbandry Department were initially governed by the Andhra Pradesh Animal Husbandry Service Rules, 1961 (hereinafter called 1961 Rules).

(48)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
73. Deputy Director General (Personnel)	1* (1993)	General Central Service Group A (Gazetted)	Rs. 5900- 200- 6700/-	Sele- ction	NA	NA	NA	NA	NA

*Subject to
variation depen-
dent on workload.

(50)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH : LUCKNOW.

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I N D E X

I N

COMPILATION NO. ONE

I N

ORIGINAL APPLICATION NO. 133/1990 (L)

(U/S 19 of the Administrative Tribunal Act, 1985).

Suraj Parkash

Applicant

versus

Union of India & Others.

Respondents.

S.No.	Particular of documents	Page No.

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Dated, the April 17th, 1990.

COUNSEL FOR THE APPLICANT.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDL. BENCH

CIRCUIT BENCH AT LUCKNOW.

ORIGINAL APPLICATION NO. 133/1990(L)

(Under Section 19 of the Administrative Tribunal Act).

Suraj Parkash
S/O Late Chanan Ram
Regional Administrative Officer,
Geological Survey of India,
Northern Region Aliganj Scheme,
Sector E, Lucknow.

Applicant

AND

Union of India through Secretary
Department of Mines,
Shastri Bhawan,
New Delhi.

Director General,
Geological Survey of India,
27, J. L. Nehru Road,
Calcutta-700016.

Respondents.

DETAILS OF THE APPLICATION :

1. PARTICULAR OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The aforesaid application is being filed seeking relief that the avenue of promotion should be open for filling the post of Dy. Director General (P) in the Admn. stream of the Geological Survey of India and the petitioner since occupying the post of Regional Administrative Officer

and at present he is No. One, he may be allowed to be promoted on the post of Dy. Director General (P) in Administrative Stream of the Geological Survey of India,

2. JURISDICTION OF THE TRIBUNAL : The applicant declares that the subject matter of the present application is within the jurisdiction of this ~~KAN~~ Hon'ble Tribunal.

3. LIMITATION : The applicant further declares that the present petition is being filed within the limitation as prescribed under Section 21 of the Admn. Tribunal Act, 1985.

4. FACTS OF THE CASE : The facts of the present case are given below :-

i. That before inducting as Regional Administrative Officer under the Control of Respondents, the applicant has worked as Civilian Officer Grade II (Group A) in General Reserve Engineering Force under the Ministry of Transport and Shipping from 23rd June 1970 to 15th April 1977 through Union Public Service Commission, New Delhi.

Under these Rules Veterinary Assistant Surgeons were eligible for promotion to three different categories of posts called Class IV posts and R. 6 provided special eligibility qualifications for those posts. Only those Veterinary Assistant Surgeons were considered for promotion to Class IV posts who fulfilled the qualifications/specialised training prescribed under R. 6 of the 1961 Rules.

3. Some of the Veterinary Assistant Surgeons challenged the vires of R. 6 of the 1961 Rules by way of Civil Writ Petition No. 4532 of 1971 in the Andhra Pradesh High Court. It was alleged that at the time of recruitment all the Veterinary Assistant Surgeons possessed Bachelor Degree in Veterinary Science and the special qualifications and training prescribed under R. 6 could only be acquired after joining as Veterinary Assistant Surgeon and that also at the discretion of the Government. It was open to the Government to choose any person for the specialised training and may deny such an opportunity to another person who may be equally or better suited for such training. Since the imparting of specialised qualifications/training was under the control of the Government it could pick and choose persons for the purpose and in the process making favoured persons eligible for promotion to Class IV posts under the 1961 Rules. Learned single Judge by his judgment dated August 24, 1973 rejected the contentions of the writ petitioners in the following words:

"I do not find it possible to agree with the broad contention that Rule 6 is ultra vires and unconstitutional for the reasons stated by the petitioners. As stated earlier, Rule 6 merely prescribed certain qualifications for promotion to certain posts by way of experience in a particular specialised service of undergoing training in a particular field. It cannot be argued and in fairness to the learned counsel for the petitioners it may be stated, it was not argued, that is not permissible to prescribe such qualifications. The main reason for contending that R. 6 is ultra vires was not that it prescribed certain qualifications but because in the absence of any guiding principles the Government would be able to pick

and choose persons who would be given opportunities to obtain those qualifications which would enable them to get promotion. This circumstance cannot in my view render the rule itself ultra vires. If the Government or the Authorities concerned posted certain employees in the special sections or gave them opportunity to undergo a service in a special issued section for a particular period or denied similar opportunity to deserving candidates with the oblique motive of preferring one set of persons to another for the purposes of promotion, it was open to the aggrieved officer to challenge the act of the Government in each particular case. The postings and directions have been made from time to time from 1962 and none of these petitioners approached this Court questioning the denial of the posting as the case may be all these years."

"I therefore see no reason for declaring R. 6 as ultra vires and unconstitutional."

4. While holding that R. 6 was intra vires, the learned Judge also made the following observations:

"Though I have held that R. 6 is not unconstitutional there cannot be any doubt that as it stands at present, it is left to the discretion of the authorities concerned to post any particular Veterinary Surgeon to any Special Section or to give him training in any advanced course. It is not surprising that such a state of affairs should result in dissatisfaction and suspicion in the mind of the officers concerned. Development of animal husbandry is extremely important in the interests of economy and a satisfied and contented service is a pre-requisite for such development. It is not advisable to it that a particular authority however high placed he may be to choose persons at his sweet will and pleasure to undergo training in a particular field or have service in a particular sections especially when such training and service would affect the chances of promotion to higher posts. In this connection, it may be noted that in regard to the Andhra Pradesh Agricultural Service, it was realised that condition of separate section within the same service results in great injustice as several

senior officers would be deprived of their promotion while the junior who happened to work in a specialised section get early promotion. By G.O. dated 27-6-1972 all these sections were merged into one unit and all the posts were brought under a common set of rules. It would be advisable to frame a similar rule for the Animal Husbandry Department also and see that as far as possible the area of discretion on the part of the authorities concerned is reduced if not eliminated altogether."

5. The State Government amended Rule 6 of the 1961 Rules on May 10, 1976 by which the categories of Class IV posts were increased to thirteen. The 1961 Rules were superseded by the Andhra Pradesh Animal Husbandry Service Special Rules, 1977 (hereinafter called the Special Rules) which came into force on September 24, 1977. Rule 1 of the Special Rules provides for the constitution of the service. Class IV posts, which were re-designated as Assistant Directors, were divided into eight categories. Similarly, Veterinary Assistant Surgeons come under the heading class V and are divided into seven categories. Rule 2 of the Special Rules provides method of promotion from class V to Class IV. The relevant provisions of these Rules are reproduced as under:

1. Constitution:

Class IV

Category (1) Assistant Directors of Animal Husbandry (formerly District Veterinary Officers & Livestock Officers Incharge Key Villages and Regional Cattle Development Units) including Superintendents, Veterinary Hospitals & Poly Clinics, Assistant Directors of Animal Husbandry, Liverfluke Control Scheme; Anti Liverfluke Control Scheme; Dairy Extension Rinderpest; Animal By-products Plant, Zoo Park, Asst. Director of Animal Husbandry (Technical) in Directorate and Gazetted Instructors in Animal Husbandry, Village Development Officers Training Centre.

Category (2) Assistant Directors of Animal Husbandry, Government Livestock Farms including Assistant Directors of

Animal Husbandry Progeny Testing Unit, Feed Mixing Plant; Livestock Assistants Training Centre; Goshalas and Asst. Director of Animal Husbandry (Farms) in Directorate.

Category (3) Lecturers, Institute of Animal Reproduction, including Asst. Director of Animal Husbandry (Cattle Development) and Centralised Semen Collection Centre.

Category (4) Assistant Directors of Animal Husbandry, Sheep Farms including Assistant Directors of Animal Husbandry (Sheep Development) and Officers of similar rank in Sheep Section.

Category (5) Assistant Directors of Animal Husbandry, Pig Breeding Station; Piggery Development Officer and Officers of similar rank in piggery section.

Category (6) Asst. Directors of Animal Husbandry, Regional Poultry Demonstration and Research Farm and Asst. Directors of Animal Husbandry, Poultry Marketing Centres.

Category (7) Asst. Directors of Animal Husbandry (Formerly Disease Investigation Officers and Research Officers) and Officers of similar rank in Vety. Biological Institute, Hyderabad; Asst. Directors of Animal Husbandry, Animal Health Centres, and Officers of similar rank in Municipal Corporation of Hyderabad such as Public Health Veterinarian.

Category (8) Asst. Director of Animal Husbandry (Statistics)

Class V.

Category (1) Veterinary Officers.

Category (2) Veterinary Officers (Cattle Farms)

Category (3) Asst. Lecturers, Institute of Animal Reproduction and Veterinary Officers, Centralised Semen Collection Centres.

Category (4) Veterinary Officers (Sheep Farms)

Category (5) Veterinary Officers, Pig Breeding Stations.

Category (6) Veterinary Officers, Poultry Farms.

Category (7) Veterinary Officers in Veterinary Biological and Research Institute; Animal Health Centres, Clinical Laboratories and Municipal Corporation of Hyderabad."

2. Appointment:

Class IV:

Category (1) Asst. Directors of.... (i)

(ii) by promotion from among the Veterinary included in category (1) of class V of the said service.

(iii)

Category (2) Asst. Directors of.... (i)

(ii) by promotion from among the Vety. Officers included in Cat. (2) of Class V of the said service

(iii)

Category (3) Lecturers.... (i)

(ii) by promotion from among the Vety. Officers included in Cat. (3) of Class V of the said service

(iii)

Category (4) Asst. Directors of.... (i)

(ii) by promotion from among the Vety. Officers included in Category 4 of Class V of the said service

(iii)

Category (5) Asst. Directors of.... (i)

(ii) by promotion from among the Vety. Officers included in Cat. (5) of Class V of the said service

(iii)

Category (6) Asst. Directors of.... (i)

(ii) by promotion from among the Vety. Officers included in Cat. (6) of Class V of the said service

(iii)

Category (7) Asst. Directors of.... (i)

(ii) by promotion from among the Veterinary Officers included in Cat. (7) of Class V of the said service

(iii)

Category (8) Asst. Directors of.... (i)

(ii) by promotion from the Veterinary Officers in Class V of Andhra Pradesh Animal Husbandry Service

(iii)

6. It is obvious from the provisions of the Special Rules reproduced above that the Veterinary Assistant Surgeons who are class V are only eligible for promotion to class IV in their respective categories. Category 1 class V is only eligible for promotion to category 1 class IV and similarly category 2 of class V is eligible for category 2 of class IV and so on. Although there is one common seniority of class V officers but the promotion being category-wise the seniority becomes irrelevant as a senior man in category 1 class V cannot be promoted to any other category in class IV except category 1 and 8.

7. M. Srinivasan and 44 other class V officers filed Representation Petition No. 578 of 1978 before the Andhra Pradesh Administrative Tribunal seeking a direction that the Special Rules be amended or modified in terms of the observations made by the Andhra Pradesh High Court in Civil Writ Petn. No. 4532 of 1971. In other words, it was prayed that the State Government be directed to merge all the respective categories in class IV and class V of the Special Rules and promotions from class V to class IV be made on the basis of seniority alone. The Administrative Tribunal by its judgment dated July 4, 1985 allowed the Petition and issued the directions asked for by the petitioners. The Tribunal in its judgment posed the question to be decided in the following manner:

"The question to be decided is whether the Department of Animal Husbandry is justified in not following the directions of the A.P. High Court referred to above."

The Tribunal then answered the question as under:

"It must be observed that not to speak of direction, even an observation from the High Court of the land is binding on the State Government when the State Government has not chosen to set aside the said observation in the Supreme Court.

The petitioners are, therefore, entitled to the relief asked for and I find no good reasons not to grant the same. The R.P., is accordingly allowed and once again directions are issued to the respondents to evolve proper and rational method of determination of seniority among the Veterinary Assistant Surgeons in the matter of promotions to the next higher rank of Assistant Director of Veterinary Surgeons in the light of the one framed under G.O.Ms. No. 1 supra."

8. It may be mentioned that G.O.Ms. No. 1 dated 1-1-76 which was directed to be adopted and followed in the Animal Husbandry Department related to the Agriculture Department. It was argued before the Tribunal that because of functional differences between the two departments it would not be possible to adopt the conditions of service prevalent in the Agriculture Department. The Tribunal, however, issued the above quoted directions primarily on the ground that the State Government was bound to follow the observations of the High Court made in Civil Writ Petn. No. 4532 of 1971.

9. The State of Andhra Pradesh has challenged the judgment of the Tribunal in Civil Appeal No. 1519 of 1986, Civil Appeal No. 124/1987 and Civil Appeal No. 3677 of 1987 have been filed by the officers who have been affected by the judgment of the Tribunal but were not parties before the Tribunal.

10. The observations of the High Court which have been made as the basis for its judgment by the Tribunal were only of advisory nature. The High Court was aware of its limitations under Article 226 of the Constitution and as such the learned Judge deliberately used the word "advisable" while making the observations. It is neither legal nor proper for the High Courts or the Administrative Tribunals to issue directions or advisory sermons to the executive in respect of the sphere which is exclusively

within the domain of the executive under the Constitution. Imagine the executive advising the judiciary in respect of its power of judicial review under the Constitution. We are bound to react scowlingly to any such advice.

11. This Court relying on *Narender Chand Hem Raj v. Lt. Governor, Union Territory, Himachal Pradesh* (1972) 1 SCR 940 : (AIR 1971 SC 2399) and *State of Himachal Pradesh v. A Parent of a Student of Medical College, Simla* (1985) 3 SCC 169 : (AIR 1985 SC 910) held in *Asif Hameed v. State of Jammu & Kashmir*, 1989 Supp. (2) SCC 364 : (AIR 1989 SC 1899) as under (Para 19):

"When a State action is challenged, the function of the Court is to examine the action in accordance with law and to determine whether the legislature or the executive has acted within the powers and functions assigned under the Constitution and if not, the court must strike down the action. While doing so the court must remain within its self-imposed limits. The court sits in judgment on the action of a coordinate branch of the Government. While exercising power of judicial review of administrative action, the court is not an appellate authority. The Constitution does not permit the court to direct or advise the executive in matters of policy or to sermonize qua any matter which under the Constitution lies within the sphere of legislature or executive."

12. The Special Rules have been framed under Art. 309 of the Constitution. The power under Art. 309 of the Constitution to frame rules is the legislative power. This power under the Constitution has to be exercised by the President or the Governor of a State as the case may be. The High Courts or the Administrative Tribunals cannot issue a mandate to the State Government to legislate under Article 309 of the Constitution. The Courts cannot usurp the functions assigned to the executive under the Constitution and cannot even indirectly require the executive to exercise its rule making power in any manner. The Courts cannot assume to itself a supervisory role over the rule making power of the executive under Article 309 of the Constitution.

BEFORE THE LARGER BENCH, CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW

I N D E X

In

Contempt Petition No. 11 of 1992 (L)

in

Original Application No. 133 of 1990(L)

Suraj Parkash,
Aged about 54 years,
S/o. Shri Chanan Ram,
Regional Administrative Officer,
Geological Survey of India,
Northern Region,
Lucknow.

.....Petitioner

Vs.

1. Shri V. Krishnan,
Secretary, Ministry of
Mines, New Delhi.
2. Shri C.P. Vohra,
Director General,
Geological Survey of India,
Calcutta.

..... Respondents.

S.No.	Particulars of documents	Page No.
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4.	Supreme Court of India, orders dt. 24.8.92 dismissing the SLP filed by the respondents.	31
5.	Affidavit dt. 23.12.92 submitted by the Additional Central Govt. Standing Counsel on behalf of the respondents seeking extension of time to comply with the directions of the Central Administrative Tribunal dt. 22.11.90.	32 to 36
6.	Central Administrative Tribunal, Lucknow Bench, Lucknow order dated 30.4.1993 & 24.2.93 for referring the case to Larger Bench.	37 to 39
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8.	Original Application No.133/1990(L)	51 to 79
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As per
(Suraj Parkash)
Applicant.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

Contempt petition No. // of 1992

(Under section 17 of the Administrative Tribunal
Act 1985)

In re: CA No. 133 of 1990(L)

Suraj Parkash,
Aged about 52 years,
S/o. Late Chanan Ram
Regional Administrative Officer,
Geological Survey of India,
Northern region, Sector-E,
Aliganj, Lucknow

... Petitioner

-versus-

Shri V. Krishnan
Secretary,
Ministry of Mines,
Shastri Bhawan,
New Delhi

2. Shri C.P. Vohra,
Director General,
Geological Survey of India,
27, J.L. Nehru Road,
Calcutta-700 016.

... Opposite parties.

To

The Hon'ble Vice Chairman and his other
Companion Hon'ble members of aforesaid
Tribunal/Court.

The humble contempt petition on behalf of

the petitioner above named most respectfully submit as under:-

1. That the petitioner Shri Suraj Parkash is working as Regional Administrative Officer in Geological Survey of India, Northern Region, Sector-3, Aliganj, Lucknow under the department of Mines, Ministry of Steel & Mines, of the Central Government under the control of the opposite party no. 1, 2.
2. That in the Geological Survey of India, the department has denied promotion to the officer of Administrative stream to the post of Dy. Director General (P).
3. That the petitioner filed claim petition before this Hon'ble Tribunal claiming a direction, the same was marked as Registration O.A. No.133 of 1990 (L). The brief facts of the case are as under:
4. That in the Geological Survey of India, there are several streams in which officers are working and the petitioner belongs to the Administrative stream and holding group 'A' post (Junior Administrative Grade) in the scale of Rs. 3700-5000/-.
5. That the petitioner belong to group 'A' post (Junior Administrative Grade) has originally

been appointed to this post on 27-4-77 and since then petitioner is continuing on this post without any promotion. The petitioner represented number of times for opening the promotional channel to the post of Dy. Director General (P) out of the feeder grade of regional Administrative officers instead of filling this post through deputation as in all other streams the posts of Dy. Director General are being filled up from the concerned feeder grade i.e. Junior Administrative Grade.

6. That when repeated representations proved abortive the petitioner filed an application registration No. O.A. No. 133 of 1990 (L) which came up for hearing before this Tribunal, Circuit Bench at Lucknow and was disposed off through judgement dated 22nd November, 1990 and the judgement was passed. The operative part of the judgement is as under;

7. In this background, we are of the view that consistent with standard of efficiency and nature of work, Geological Survey of India should also keep in view the 'morals' of the personnel working in different limbs-some of them may not be significant, and provide a channel of promotion to the post of Dy. Director General (P) by prescribing suitable qualifications, experience etc., required to perform the duties efficiently.

Accordingly, we direct respondents to make suitable amendment in the rules of recruitment as to provide for channel of promotion to the post of Dy. Director General (P). regarding the promotion of applicant to the post of Dy. Director General(P), no direction can be issued by us. In any case it is for the respondents to consider the promotion of the applicant on merits. The application is disposed off as above with no order as to cost. A true copy of the aforesaid judgement is being filed as ANNEXURE NO. 1 to this application.

8. That the above said judgement was forwarded to the respondents through the Dy. Director General, Geological Survey of India, Northern region, Lucknow, by the Additional Central Government Standing Counsel, Lucknow Bench, Lucknow and in turn the Dy. Director General, Geological Survey of India, Northern region, Aliganj, Lucknow forwarded the judgement to the respondents No. 1 & 2 vide letter No. 1249/C-18011/2/90-Legal dated 4-12-90 for implementation. A true copy of this said letter is enclosed herewith as ANNEXURE NO. 2 to this application.

9. That the petitioner addressed an application dated 26-4-91 to the Secretary, Ministry of Steel & Mines, Department of Mines, Shastri Bhawan, New Delhi, which was forwarded to the Director General, Geological Survey of India, Calcutta

Respondent No. 2 by the Dy. Director General, Geological Survey of India, Northern Region, Lucknow vide letter No. 91429/Misc./P&C/conf./IR dated 29-4-91, but the petitioner has not heard anything from the respondents regarding implementation. A true copy of this application and letter is being filed herewith as ANNEXURE NO. 3 to this application.

10. That the petitioner sent another application dated 15-11-91 addressed to the Secretary, Ministry of Steel & Mines, Department of Mines, Shastri Bhawan, New Delhi which was forwarded to the Director General, Geological Survey of India, Calcutta by the Dy. Director General, Geological Survey of India, Northern Region, Aliganj, Lucknow, vide letter No. 1079R/P&C/Misc./91 dated 20-11-91. A true copy of this application and letter is being filed herewith as ANNEXURE NO. 4 to this application.

11. That the Respondent No. 2 issued one letter No. 1/conf/31/1(617)/Law-59/90 dated 18-1-91 intimating the Dy. Director General, Geological Survey of India, Northern Region that the recruitment rules for the post of Dy. Director General (P) providing channel of promotions scope for Director of Administration has been submitted to the Ministry on 25-8-89 and the judgement in O.A. No. 134 of 1990 (L), the matter is under examination and process. The letter further states above position may be brought to the notice of the applicant and Central Administrative Tribunal in consultation with the Standing Counsel.

12. That Shri V.K. Chaudhury, Additional Central Government Standing Counsel, Lucknow Bench, Lucknow was approached by the Dy. Director General, Geological Survey of India, Northern Region, for legal opinion who in turn informed that the judgement is clear and opens the promotion channel from the post of Regional Administrative Officer to the post of Dy. Director General (P). It is not open to the Directors in other stream of Geological Survey of India as they already have the cadre promotion to the post of Dy. Director General in their respective streams. The letter is being filed as ANNEXURE NO. 5.

13. The petitioner again approached Shri C.P. Vohra, Director General, Geological Survey of India, Respondent No. 2 for taking action regarding implementation of the judgement through D.O. letter dated 29-11-91. The Respondent No. 2 has replied to the petitioner vide letter No. 4849B/A-11013/SI.Gr./91/19A dated 30-12-91 that the proposal for amendment of the recruitment rules making a channel of promotion to the post of Dy. Director General (personnel) out of the feeder grade of the Regional Administrative Officer/Director of Administration has been sent to the Ministry under letter No. 830B/A-12018/1/88/19A dated 1-7-91, which is filed as ANNEXURE NO. 6 to this application.

14. That the respondents inspite of the directions of the Hon'ble Central Administrative Tribunal dated 22-11-90 and number of reminders from the petitioner, have not complied with the directions of the Hon'ble Central Administrative Tribunal, Circuit Bench, Lucknow, so far.

15. That it has been established the dis-respectful attitude of the respondents towards the orders passed by this Hon'ble Tribunal for not complying with the directions issued by them so far.

16. That these opposite parties have deliberately and willfully not complied with the directions dated 22-11-90 of this Hon'ble Tribunal and it appears that they have no respect of the Hon'ble Tribunal and in order to undermine the authority of this Hon'ble Tribunal.

17. That in the circumstances narrated above it is mentioned that the opposite parties have not complied with the directions of of this Tribunal dated 22-11-90 and applicant is submitting this petition and relevant information in this Hon'ble Tribunal for committing contempt by all respondents of this Hon'ble Tribunal's directions.

18. That the applicant/petitioner has not received any notice from the Hon'ble Supreme Court of India

and he has reason to believe that the department has not filed the special leave petition against the findings of the Hon'ble Tribunal.

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Tribunal be graciously pleased to punish the contem'nors and start contempt proceedings against the opposite parties in accordance with the Law.

Place : Lucknow
Dated : Feb. '1992

(Suraj Parkash)
APPLICANT

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

Contempt Petition No. of 1992

in re: OA No.123 of 1990(L)

Suraj Prakash

-- Petitioner

-versus-

Shri V. Krishnan,
and two others

.. Contemnors/Respondents

AFFIDAVIT IN SUPPORT OF PETITION UNDER
SECTION 17 OF THE ADMINISTRATIVE TRIBUNALS
ACT, 1985.

I, Suraj Prakash, aged about 52 years,
son of Shri Chanan Ram, at present posted as
Regional Administrative Officer, Geological Survey
of India, Northern Region, Lucknow do hereby
solemnly affirmed and state as under:-

1. That the deponent is the petitioner
in the above noted contempt petition and he is
well conversant with the facts of the case and
facts deposed to herein under :-
2. That the contents of para 1 to 18
of the accompanying petition are true to my
personal knowledge and on the basis of information
gathered as well as on the basis of legal advice.

- 2 -

3. That the Annexures nos.1 to 6 are true copies of their originals which have been compared by me while Annexure no. — is certified copy.

Deponent.

Lucknow,

Dated: Feb. 1992.

Verification.

I, the deponent above named do hereby verify that the contents of para 1 to 3 of this affidavit are true to my personal knowledge and on the information gathered as well as the legal advice. No part of it is false and nothing material fact has been concealed.

Deponent.

Lucknow,

Dated: Feb. 1992.

I hereby identify the deponent who has signed before me, who is personally known to me.

(Advocate)

GOVERNMENT OF INDIA
GEOLOGICAL SURVEY OF INDIA
NORTHERN REGION
SECTOR 'E' ALIGANJ COMPLEX
LUCKNOW.

No.1249 to1251/C-18011/2/90-Legal. Dated: 4.12.90.

To

The secretary to the Govt. of India,
Ministry of Steel & Mines,
Department of Mines,
Shastri Bhawan,
New Delhi.

The Director General,
Geological Survey of India,
27, J.L. Nehru Road,
Calcutta-16.

Sub: Forwarding of judgements in respect of OA No.133/
90(L) and No.134/90(L) filed by Shri Suraj Prakash,
Regional Adm. Officer, NR.

Ref: This office encl. No.10719 to 10721A/C-18011/1/90-
Legal dated 27.9.90.

Sir,

I am to forward herewith original copy/photo copies
of the judgements delivered by the Hon'ble Central
Administrative Tribunal, Circuit Bench, Lucknow in respect
of OA No.133/90(L) and No.134/90(L) filed by Shri Suraj
Prakash, Regional Administrative Officer, NR, GSI versus
Union of India and others for your information and necessary
action in the matter.

please acknowledge receipt.

Encl.: As above.

yours faithfully,

Sd/-4.12.90
(K.P. Gautam)
Administrative Officer,
for Dy. Director General, NR.

No. _____/C-18011/2/90-Legal. Dated:

Copy forwarded for information and necessary action
to the Dy. Director General(P), GSI, 4, Chowringhee Lane,
Calcutta-16.

sd/-

(K.P. Gautam)
Administrative Officer,
for Dy. Director General, NR.

From : SURAJ PARKASH,
Regional Admn. Officer,
Geological Survey of India,
Northern Region,
L U C K N O W - 20

To : The Secretary,
Ministry of Steel & Mines,
Department of Mines,
Shastri Bhavan,
NEW DELHI

Through Proper Channel

SUB : Central Administrative Tribunal, Allahabad,
Circuit Bench, Lucknow - Judgement dated
22.11.1990 pertaining to O.A. No. 134/90(L)
and O.A. No. 133 of 1990(L) filed by
Shri Suraj Parkash versus Union of India
and others.

Sir,

With due respect I beg to state that I filed two petitions No. O.A. 134/90(L) and O.A. No. 133 of 1990(L) in the Central Administrative Tribunal, Allahabad, Circuit Bench Lucknow regarding creation of Selection Grade posts in Administrative Stream in Junior Administrative Grade level and opening of promotional channel to the post of Dy. Director General(P) in Administrative Stream respectively. The Central Administrative Tribunal, Allahabad, Circuit Bench Lucknow delivered the judgements on 22nd Nov. 1990 pertaining to the above petitions in my favour accepting the plea made by me in the applications. The above judgements have been received by the Central Government Standing Council on 27.11.1990 on behalf of the department and the same have been sent to you by the Dy. Director General, Geological Survey of India, Northern Region, Lucknow vide letter No. 1249/C-18011/2/90-Legal dated 4.12.1990.

2. The Central Administrative Tribunal, Allahabad, Circuit Bench Lucknow vide judgement dated 22.11.90 pertaining to O.A. No. 134/90(L) directed the Respondents for creation of Selection Grade posts in Junior Administrative Grade level in the Administrative Stream and also quashed the order dated 2.8.89 and 14/21.9.1989 issued by the department.

.....2/-

- 2 -

of Personnel and Training, denying the Selection Grade to the officers of the Administrative Stream. In this connection, it is stated that there are 21 posts of Senior Time Scale level and Junior Administrative Grade level (Senior Time Scale - 13, Junior Administrative Grade - 8) in Group 'A' in the Administrative Stream. Hence 3 posts in the Selection Grade in Junior Administrative Grade level may be created in Administrative Stream which being 15% of the total number of Senior Time Scale and Junior Administrative Grade level posts in the Administrative Stream as per the provision of Ministry of Personnel and Public Grievances and Pensions, (Deptt. of Personnel & Training) O.M. No. 19/1/86-PP dated 14th Aug. 1987. In this regard Office Memorandum No. A-11013/1/86-M.2 dated 20.6.1989 addressed to the Deptt. of Personnel & Training, New Delhi may kindly be referred to.

3. The Central Administrative Tribunal, Allahabad, Circuit Bench Lucknow vide judgement dated 22.11.90 pertaining to O.A. No. 133/90(L) directed the Respondents to make suitable amendments in the rules of recruitment so as to provide the channel of promotion to the post of Dy. Director General(P) from the grade of Regional Administrative Officer. In this connection it is stated that there is one post of Dy. Director General(P) available in the department which is being filled up through deputation as per the existing Recruitment Rules. It is, therefore, requested that Recruitment Rules of Dy. Director General(P) may be amended so as to make it a promotional post from the grade of Regional Administrative Officer in the light of above judgement. It will not be out of place to mention that the post of Dy. Director General in other streams in Geological Survey of India are being filled up through promotion from the officers of Junior Administrative Grade level in their respective stream, and after making the post of Dy. Director General(P) as promotional post from the grade of Regional Administrative Officer it shall help the department to bring Administrative Stream at par with other streams.

In view of the above, I, therefore, request you that an early action may please be taken to implement the

- 3 -

above judgements in the right spirit so that my claim to these posts does not suffer any more as I have already put more than 14 years service in the present Junior Administrative Grade level post and holding Group 'A' post since 1970 excluding Army Emergency Commissioned Officer service i.e. from 25.8.63 to 25.6.1969.

Thanking you,

Yours faithfully,

(SURAJ PARKASH)

Dated : 26th April, 1991

A copy of the above in advance is forwarded herewith for favour of information and necessary action to Shri K.S. Bajwa, Director, Deptt. of Mines, Ministry of Steel & Mines, Shastri Bhavan, New Delhi with the request to expedite implementation of the judgements.

(SURAJ PARKASH)

(21)

GOVERNMENT OF INDIA
NORTHERN REGION
GEOLOGICAL SURVEY OF INDIA
LUCKNOW.

No.91429/Miso/P&C/Conf/NR

Dated 29.4.91

To:

The Director General,
Geological Survey of India,
27, J.L.Nehru Road,
Calcutta-6.

Sub.: Central Administrative Tribunal Allahabad,
Circuit Bench Lucknow- Judgement dated
22.11.1990, pertaining to O.A.No.134/90(L)
OA No.133 of 1990(L) filed by Shri Suraj
Parkash versus Union of India and others.

Sir,

Kindly find enclosed, in duplicate, an application addressed to the Secretary, Ministry of Steel & Mines, Deptt. of Mines, New Delhi received from Shri ~~Raj~~ Suraj Parkash, Regional Administrative Officer, NR, GSI, Lucknow, for favour of your kind perusal and necessary action.

Encls/m.

Yours faithfully,

N.K. Mandwal

(N.K.MANDWAL)
Director, P&C,
for Dy. Director General, NR.

Spam copy of Vg. Section. / C

From:

(22)

ANNEXURE-A

SURAJ PARKASH,
Regional Administrative Officer,
Geological Survey of India,
Northern Region,
LUCKNOW -20.

To:

The Secretary,
Ministry of Steel & Mines,
Department of Mines,
Shastri Bhavan,
NEW DELHI.

Through Proper Channel

SUB: Central Administrative Tribunal, Allahabad,
Circuit Bench, Lucknow - Judgement dated
22.11.1990 pertaining to O.A. No.134/90(L)
and O.A. No.133 of 1990(L) filed by Shri
Suraj Parkash versus Union of India and
others.

Sir,

Kindly refer to my letter dated 26.4.1991 forwarded to the Director General, Geological Survey of India by the Dy. Director General, Geological Survey of India, Northern Region, Lucknow vide letter No.91429/Misc./P&C/Conf./MR dated 29.4.1991 (copy attached) on the subject noted above, and to point out that nothing has been heard so far in the matter as the above said judgements have been received in your office in the first week of December, 1990 for implementation.

In this connection it may not be out of context to mention that the judgements of the Central Administrative Tribunal shall be final and should be complied within the stipulated time limit as the Central Administrative Tribunal was established by the Government of India with a view to provide speedy and inexpensive relief to the Government servants in the matter of deciding their complaints and grievances on recruitment and conditions of service. In this connection Department of Personnel, Government of India Office Memorandum No.A-11019/37/85-AT dated 13th Aug, 1985 may be referred and paragraph 13 of the said Office Memorandum is reproduced below:

"The orders of the Tribunal shall be final and binding on both the parties. The order of the Tribunal should be complied with within the time-limit prescribed in the order or within six months of the receipt of the order where no such time-limit is indicated in order"

....2.

(23)
In view of the above, I therefore again earnestly request you that an early action may please be taken to implement the above judgements in the right spirits so that my claim to the post of Dy. Director General (P) and selection grade in the Junior Administrative Grade (Regional Administrative Officer) does not suffer any more and to avoid me for approaching the court of law again.

Thanking you,

Yours faithfully,

Dated: 15th Nov, 1991.

(SURAJ PARKASH)

A copy of the above in advance is forwarded for favour of information and necessary action to the Secretary, Ministry of Mines, Government of India, Shastri Bhavan, New Delhi, with the request to expedite implementation of the judgements which have been received in his office in the first week of December, 1990 and pending.

(SURAJ PARKASH).

(24)

SPEED POST

GOVERNMENT OF INDIA
NORTHERN REGION
GEOLOGICAL SURVEY OF INDIA
LUCKNOW.

No. _____ / P&C/Misc/91

Dated 20.11.91.

To:

The Director General,
Geological Survey of India,
27, J.L. Nehru Road,
Calcutta-16.

Subject: Central Administrative Tribunal, Allahabad, 9th
Circuit Bench, Lucknow- Judgement dated 22.11.91
pertaining to Q.A.No.134/90(L) and O.A.No.133
of 1990(L) filed by Shri Suraj Parkash Versus
Union of India and others.

Sir,

Kindly find enclosed a copy of letter
dated 15.11.91 alongwith its enclosures received from
Shri Suraj Parkash, Regional Admn. Officer, NR, GSI,
Lucknow, for your kind perusal and necessary action
at your end as deemed fit.

Yours faithfully,

(N.K.MANDWAL)
Director, P&C,
for Dy. Director General, NR

1080R
No. _____ P&C/Misc/91

of date. 20/11/91

Copy forwarded for information to:

- ✓ 1. Shri Suraj Parkash, Regional Admn. Officer, NR, GSI
Lucknow.
2. The Administrative Officer, Legal Section, NR, GSI,
Lucknow, alongwith a copy of enclosures.

N.K. Mandwal
(N.K.MANDWAL)
Director, P&C,
for Dy. Director General, N.R.

वीरेन्द्र कुमार चौधरी

अपर केन्द्रीय सरकार स्थायी अधिवक्ता

उच्च न्यायालय लखनऊ बेंच

चेम्बर नं० 14

V. K. Chaudhari

Addl. Central Govt Standing Counsel

HIGH COURT, LUCKNOW BENCH.

CHAMBER NO. 14

पत्र सं०

Letter No.



दूरभाष - [Cham- 33640] चेम्बर
Phones - [Resi - 34986] निवास
निवास एवं चेम्बर

14/629 बरफ खाना, नई बस्ती (अलंकार

सिनेमा के पास) लखनऊ पिन - 226001

Residence Cum Chamber

14/629 Baraf Khana Nai Basti

(Near Alankar Cinema)

Lucknow, Pin Code - 226001

दिनांक/Date 4th, february, 91.

To:

The Dy. Director General,
Geological Survey of India,
Northern Region,
Lucknow.

Subject: Legal opinion as per your letter dated 1.2.91 -
regarding judgement dated 22.11.91 in O.A
No. 133/90(L) in the case of Shri Suraj Parkash,
Versus U.O.I. & Others.

Dear Sir,

With reference to your letter dated 1.2.1991 ~~in~~ and enclosing therewith an extract of the proposed amendments in the recruitment rules to the post of Dy. Director General (P) in G.S.I. submitted to the Ministry of Steel & Mines, (Department of Mines) on 25.8.89, I am to state that ~~the~~ the proposal is not at all in the line of the judgement in O.A No. 133/90 (L) wherein Hon'ble C.J. had observed that there is undoubtedly some merit in the contention of the applicant that the post of DDG (P) should be made open for promotion on par with posts of DDG in other streams, and accordingly directed the respondents to make amendment in the recruitment rules to provide channel of promotion to the post of Dy. Director General (P) and to consider the applicant on merits.

The judgement is clear and opens the cadre promotion channel only for the ~~post~~ post of Regional Administrative Officer to the post of Dy. Director General (P). It is not open to the Directors in other streams of G.S.I. as they already have cadre promotion to the post of D.D.G. in their respective streams.

In all other streams except Administration the Directors have their channels of promotion in their own cadre as Dy. Director General, but it will be arbitrary and discriminatory if for the post of D.D.G. (P) all the Directors (of all the streams) are being kept in the zone of eligibility. If this has to be done then Department will have to amend rules of ~~all~~ all the streams and should club all the streams together and prepare a common seniority list of all the Directors (all streams) / Regional Administrative Officer, and in that ~~event~~ event the Director (Administrative stream) / Regional Administrative Officer working in the streams of Administration will also be liable to be considered for promotion in all other streams on the posts of DDGs in Geological

Cont..2..

Chamber Timing 7.30 A. M. to 9 A. M. & 6.30 P. M. to 8.30 P. M.

वीरेंद्र कुमार चौधरी

अपर केन्द्रीय सरकार स्थायी अधिवक्ता

उच्च न्यायालय लखनऊ बेंच

चेम्बर नं० 14

V. K. Chaudhari

Addl. Central Govt Standing Counsel
HIGH COURT, LUCKNOW BENCH.
CHAMBER NO. 14

पत्र सं०

Letter No.



दूरभाष - [Cham- 33840] चेम्बर
Phones - [Resi - 34986] निवास
निवास एवं चेम्बर

14/629 बरफ खाना, नई बस्ती (अलंकार
सिनेमा के पास) लखनऊ पिन - 226001

Residence Cum Chamber
14/629 Baraf Khana Nai Basti
(Near Alankar Cinema)
Lucknow, Pin Code - 226001

दिनांक/Date

-2-

survey of India. In my opinion it will further create more problems and ~~inconvenience~~ in-convenience to the Department, as such the stream of Administration/ personnel should be kept separate up to post of DDG and only the officers working in Administrative stream at JAG level should be made eligible for considerations in the post of DDG (P). If proposed rules are made effective the RAOs / Directors working in Administrative stream may also claim promotion on the posts of DDGs in other stream on the basis of seniority.

So, please amend the draft rules accordingly as I opinioned in para 1 & 2 above.

Thanking you.

yours faithfully,

(V.K. Chaudhari)

(V. K. Chaudhari)

Addl. Cen. Govt. Standing Counsel
High Court, Lucknow Bench

क/From

निदेशक, कर्मिक

भारतीय भूवैज्ञानिक सर्वेक्षण

4, चौरंगी लेन, DY DIRECTOR GENERAL (P).

~~THEORETICAL (P)~~

GEOLOGICAL SURVEY OF INDIA

4, Chowringhee Lane

(27)

Calcutta-16

ANNEXURE-6

सेवा में

To

Shri Suraj Prakash,
Regional Admn. Officer,
NR,
Geological Survey of India
Sector-E, Aliganj,
Lucknow-226020.

Sub:- Promotional channel of RAO/D(A) to the
post of DDG(P) & creation of Sl.Gr. to
JAG level posts in Adm. stream.

Ref:- Your DO No. 158/RAO/Misc/91 dt.29.11.91.

The revision of Recruitment Rules for the post of DDG(P)
keeping the promotional channel of JAG posts in administrative
stream and creation of sl. Grade posts to the JAG level posts
in administrative stream have already been taken up with the
Ministry. Ministry is being requested to expedite the matter.

A. Chowdhury
(A. Chowdhury) 24/12/91
Director
for Deputy Director General (P)
Geological Survey of India.

- (ii) Proforma duly filled
in for referring to DPT &
UPSC - Annexure-II.
(iii) Draft revised R/Rules
proposed - Annexure - III

(28)
From :
THE DIRECTOR GENERAL
GEOLOGICAL SURVEY OF INDIA
27, Jawaharlal Nehru Road,

To
The Secretary to the
Government of India,
Ministry of Steel & Mines,
Department of Mines,
Shastri Bhawan,
New Delhi - 110001.

(Attention : Shri K.S. Bajwa, Director)

Sub : Amendment of Recruitment Rules for the post of
Dy. Director General (Personnel) in Geological Survey
of India.

Sir,

In supersession of the Recruitment Rules for the post of Dy. Director General (P) proposed for revision vide this office letters No. 1251M/A-12018/1/88-19A dated 25-8-89 & No. 249M/A-12018/1/88/19A dated 21-2-91, a revised proposal according to the judgement of the Hon'ble CAT, Lucknow Circuit Bench and Allahabad Bench Against OAS No. 133 of 1990 (I) & No. 134 of 1990 respectively is enclosed for consideration and approval.

In this connection, it is stated that as per the existing R/Rules, the vacancy in the grade of Dy. Director General (P) is filled up by transfer on deputation from All India Service/Central Services Group 'A' Officers of appropriate status. It is now felt necessary that the post of Dy. Director General (P) should be made cadre post, so that the departmental eligible Officers, who fulfil the requisite experience and qualifications, may get fair chance in their career prospect and to overcome the difficulties being experienced by this department in filling up of the post from All India Central Service Group 'A' cadres on deputation basis from time to time. In this vast department, if such a post is kept vacant for some period it would be very difficult to carry out the administrative functions smoothly.

It is, therefore, requested that the Ministry may kindly examine the proposed revised draft R/Rules sent herewith and communicate the Government of India decision/approval at an early date.

Yours faithfully,

Sd/-

(Baban Modak)
Director (Personnel)
for Director General
Geological Survey of India.

Encl : (i) Existing approved
R/Rules-Annexure-I
(ii) Proforma duly filled
in for referring to DPT &
UPSC Annexure-II.
(iii) Draft revised R/Rules
proposed - Annexure - III

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW Bench, LUCKNOW

CO. TEMPE. TRIB. NO. ~~122~~ 11/92(L)

in re: OA No. 133/90(L)

Shiraj Prakash

.. Petitioner

-versus-

Shri V. Krishnan and another ... Opp. parties/Contemners

APPLICATION FOR FILING COUNTER AFFIDAVIT
ON BEHALF OF CONTEMNORS/OPP PARTIES

REQUEST FOR FURTHER TIME.

.....

The opposite parties/contemners above named begs
to submit as under:-

1. That ~~it~~ against the order of the Hon'ble Tribunal
the Contemners/opposite parties filed an SLP and the
contemners/opposite parties awaiting the outcome of
the SLP, hence the implementation of the orders of
this Hon'ble Tribunal has been delayed. Now the Hon'ble
Supreme Court has rejected the SLP on 24.8.1992
and only after that the contemners/opposite parties
have started the steps to implement the judgement.
In order to implement the judgement a proposal
for amendment of the recruitment rules for the post
of DMS(P) has been called for and file has been



referred to Department of Personnel and Training.

since amendment of recruitment rules involves different
~~departments~~ ^{Govt -} viz. Department of Personnel & Training

Ministry of Law and Justice and this being a time
 consuming process.

2. That however the Government is taking steps
 for change of recruitment rules which requires
 at least 3 more months time to implement the
 orders of the Hon'ble U.T.

3. That it is expedient in the interest of
 justice that the contemners/opposite parties may
 be allowed 3 months further time for filing their
 counter affidavit/compliance on the Judgement of this
 Hon'ble Tribunal.

PRAYER.

It is, therefore, most respectfully prayed
 that the Hon'ble Tribunal be graciously pleased to
 allow three ^{months} further time to the contemners/opposite
 parties to implement the U.T.'s order in toto in the
ends of justice.

(V.K. Chaudhari)
 Addl. Standing Counsel for Central Govt
 (Counsel for the Contemners/
 opp. parties.)

Lucknow,

Dated: 18 Sept. 1992.

ITEM No. 20

COURT No 2

SECTION

XI

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

NOTE: 76/92

Petition(s) for Special Leave to Appeal (Civil/CX No.(s) /92 CC 17488

(From the judgment and order dated 22.11.90 of the ~~High Court~~ CAT
Circuit

Allahabad, Lucknow/Bench in O.A.No.133/90

Petitioner (s)

U.O.I. & Ors.

Versus

Shri Suraj Prakash

With I.A.No.1-2(Appls. for c/delay in filing ~~SLP~~) Respondent (s)

Date: 24.8.92

This/these petition (s) was/were called on for hearing today.

CORAM:

Hon'ble Mr. Justice
Hon'ble Mr. Justice
Hon'ble Mr. Justice

Lalit Mohan Sharma
N. Venkataswami

For the petitioner (s)

Mr. K.Lahiri, Sr. Adv.
M/s. S.N.Terdol & Manoj Prasad, Advts.

For the respondent (s)

Ms. Sandhya Goswami, Adv.

UPON hearing counsel the Court made the following
ORDER

This Special Leave Petition has been filed 441 days after the expiry of period of limitation. We have examined the application for condonation of delay closely and we find that there is absolutely no justification for the delay of several months as detailed at page 44, I.A.Nos.1-2 are therefore dismissed. Consequently, the S.L.P is dismissed.

Dhamija

(I.L.Dhingra)
Court Master

Js
25/8 dh

IN THE HON'BLE GENERAL ADMINISTRATIVE TRIBUNAL

LUCKNOW Bench, LUCKNOW.

Content Petition No. 11 of 1992.

In Re:

G.A. No. 133 of 1990 (1)

Suraj Prasad Applicant.

Versus

Grant Sri "rishna" and others Respondents.

APPLICATION FOR GRANTING SIX WEEKS TIME
FOR EXECUTING THE JUDGMENT

The respondent begs to submit as under:-

That for the facts and reasons mentioned in accompanying affidavit, it is most respectfully prayed that the applicant /opposite parties may be allowed six weeks ~~time~~ further time for complying the judgment of this Hon'ble Tribunal dated 22.11.90 given in the aforesaid application.

Lucknow.

(V.K. Chaudhary)

Adl. Standing Counsel.

Dated: 23.12.1992

(33)

IN THE OFFICE OF THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

Contest Petition No. 11/19.2-

In Re:

O.A. No. 133/90 (1)

Suraj Prakash Applicant.

Versus

Sri V. Arisumanam and others .. Opp. Parties.

AFFIDAVIT

I, Ganeshwar Pant aged about 54 years,
son of Late Dhananand Pant presently posted as
Director Geology group in G.S.I Northern Region,
Lucknow, do hereby solemnly affirm and state on oath
as under:-

1. That the Deponent is working as Director
Geology in the office of Northern Region G.S.I Lucknow
and well conversant with the facts of the case.

2. That this Hon'ble Tribunal was pleased to
direct the respondent to amend the Service Rules in
order to provide promotional to the post of
Deputy Director (General) persons from amongst officers

of the administrative extremely needy by raising

..2..

..2..

..2..

dated 22.11.1990.

3. That the procedure of S for amendment of Service Rules requires lengthy procedure such as consultation with various Ministers and U.P.S.C. etc. Although the department has tried ^{its} best to get the direction of this Hon'ble Tribunal complied with but due to some procedural delay the amendment

Frank: Rules as yet not been published.

4. That the Ministry of personnel has approved the proposed amendment in Service Rules and the file has been sent for ^{Commencement} commencement to the U.P.S.C. which is still awaited. As soon as the the U.P.S.C. is received to the Ministry will get it published.

5. That it is expected that the judgment of this Hon'ble Tribunal will be complied within six weeks. Thus it is expedient in the interest of justice to allow the respondent six weeks further time for the compliance of the order.

Lucknow.

Dated 23.12.92

(Deponent)

Verification

I, the above named Deponent do hereby verify

..2..

...3...

that the contents of paras 1 to of this affidavit
are true to my own knowledge. and those of paras
are believed by me to be true.

Signed and verified this day of December
1942 in the court compound at Lucknow.

Lucknow.

Dated: 23.12.42.

(Deponent)

I identify the deponent who has signed
before me.

Advocate

C.P. M.

(36)

VCS

Koby.

30.4.93

As the matter has already been referred to the larger Bench and it is expected that the cases may be listed before larger Bench as and when it is constituted. This case will not be listed before Division Bench. Dr. A. Nigam Chief SC of UOI states that he is appearing in this case on behalf of the Respondents.

(37)

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

.....

Contempt Petition No. 11 of 1992

IN

Original Application No. 133 of 1990(L)

Suraj Parkash Applicant

Versus

2.6.93 Union of India
3 & others Respondents

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

7.6.93 Hon'ble Mr. K. Chayya, A.M.

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

4/6/93
This contempt application has been filed against the non-compliance judgement and order dated 22.11.1990 . The applicant has been working as Regional Assistant Officer in Geological Survey of India , Northern Region, Lucknow. The petitioner belongs to grade 'A' post and he was originally appointed on 27.4.1977 on the said post. There was no promotion channel in the Department. He made representation for opening the channel of promotion to the Deputy Director General instead of filling the post by taking persons on deputation. When, there was no fruitful result despite the reminders, he filed O.A. No. 133/90 before Central Administrative Tribunal, Lucknow which was decided vide its judgement dated 22.11.1990 in which following directions were given.

" The respondents to make suitable amendment in the rules of Recruitment as to provide for channel of promotion to the post of Dy. Director General (P). Regarding the promotion of applicant to the post of Dy. Director

General (P) , no direction can be issued by us. In any case it is for the respondents to consider the promotion of the applicant on merits.

2. The copy of the judgement was sent by the applicant to the Secretary, Ministry of Steel & Mines , Department of Mines on 26.4.1991. No reply to these said application was received. As the particular time granted has already elapsed. The applicant moved an application under contempt of court's act. The respondents who have put in appearance have stated that the matter is being looked into and action is being taken.

3. The applicant has prayed for taking action against the respondents for committing the contempt of court's act and as much as they have not implemented the judgement of this Tribunal. We have our own doubts in this behalf as if an order or direction is beyond the competence of court or Tribunal as the case. There may not be any contempt in not implementing such a judgement. It is for this reason the matter was referred to a Larger Bench but as a Single Member cannot do so this Division Bench has assembled. This is also of the view that this matter may be referred to a Larger Bench. As much as no directions can be given by the Tribunal to amend the statutory rules. Any such directions will be beyond the competence of the Tribunal and as much the party will not be complying with the same, say as escape the clutches of the law i.e. contempt of court act. In this connection a reference is made to the case of Mullikarjuna Rao & others Vs. State of Andhra Pradesh.

AIR 1990, Supreme Court, page 1251 wherein it was held that the Court/Tribunal cannot direct Government to frame statutory rules or amend the existing statutory rules under article 309 in a specific manner, So as to alter conditions of service of a civil servant in terms of the directions. It was observed in the said case that it is neither legal nor proper for the High Court or the Administrative Tribunal to issue directions or advisory sermons to the executive in respect of the sphere which is exclusively within the domain of the executive under the Constitution. The Court cannot assume to itself a supervisory role over the rule-making power of the executive under article 309 of the constitution. In the said case it was held that the High Courts and the Administrative Tribunals transgressed, their limits in issuing the impugned direction. In view of the fact apparently by issuing the directions, this Tribunal has exceeded its jurisdiction whether the respondents can be punished for committing contempt of the court in not abiding by the said directions is a matter which is now to be referred to larger Bench. Accordingly the papers may be placed before Hon'ble Chairman for constituting a larger Bench for deciding this matter and the contempt case itself.

A.M.

V.C.

Lucknow

Dated 24.2.1993

(g.s.)

Beauchamp

3/6/93

LKNOW.

(40)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW-NEW DELHI

Contempt Petition No. 11 of 1992

In re:

Original Application No. 133 of 1990(L)

22/8/93 G.L.

Suraj Prakash

....

Petitioner.

versus

Sri V. Krishnan & another

....

Opp. Parties.

APPLICATION FOR RECONSIDERATION/RECALLING THE ORDER DATED

24.2.1992 PASSED BY HON'BLE MR. JUSTICE D.C. SRIVASTAVA J.

AND HON'BLE MR. JUSTICE L. ODAYYA J.

That for the facts, reasons and circumstances mentioned in the accompanying affidavit it is most respectfully prayed that your lordship may be pleased to reconsider and recall the order dated 24.2.93 in the present circumstances which could not be placed before your lordship.

Lucknow:

Dated : March , 1993

COUNSEL FOR THE PETITIONER/
APPLICANT.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH : LUCKNOW

Contempt petition no. 11 Of 1992

In re:

Original Application no. 133 Of 1990(L)

Suraj Prakash aged about 53 years,
son of Late ^{Chaman Lal} ~~Changan Lal~~ resident of
Regional Administrative Officer,
Geological Survey of India,
Northern Region, Sector- E,
Aliganj, Lucknow.

.. Petitioner.

Versus

1. Sri V. Krishnan,
Secretary,
Ministry of Mines,
Shastri Bhawan,
New Delhi.
2. Sri C.P. Vohra,
Director General,
Geological Survey of India,
27- J.L. Nehru Road,
Calcutta- 700 016.

.. Opp. Parties.

AFFIDAVIT

I Suraj Prakash, aged about 63 years,
Ethiraman Narm
son of Shri Chinnangaram, presently posted as Regional
Administrative Officer, Geological survey of India,
Northern Region, Lucknow do hereby solemnly affirmed
and state as under:

1. That the deponent is the petitioner/applicant
in the above noted case and as he is fully conversant
with the facts of the case.

2. That the deponent filed an application
No. 133 of 1990 before this Hon'ble Tribunal praying
that a direction be issued as the petitioner being
belong two group 'A' (Junior Administrative Grade)
has originally appointed on 27.4.1977 and continuing
as such without any benefit and promotion the Hon'ble
Tribunal decided the claim by the order dated 23.11.90
holding that the suitable amendment in the rules of
recruitment as to provide promotion channel to the
post of Deputy Director General (Personal) and also
provided that the applicant be considered for promotion.

3. That accordingly the applicant waited for
a long time, finding no fruitful result, the applicant
then filed a contempt petition which was regarded as
contempt petition no. 1 of 1992, the notices were
issued to the opposite parties, the opposite parties
filed an affidavit on 15.6.1992 requesting to the
Hon'ble Tribunal for four weeks time to bring order of
the Hon'ble Supreme Court as the special leave petition
has been referred by the opposite parties

3. That the Hon'ble Tribunal allowed the time to the opposite parties, that after the expiry of the period the opposite party gave an undertaking by filing an affidavit dated 11.3.1992 that the Hon'ble Tribunal may grant three months time for implementing the judgement dated 20.11.1990.

4. That the opposite parties sought the time for implementation of the order of the Hon'ble Tribunal as the special leave petition was dismissed by the order dated 24.1.92. A copy of the same is annexed as Annexure No.1 to this affidavit.

6. That the opposite party moved an application on 23.12.92 requesting the Hon'ble Tribunal to grant some more time for complying the judgement of the Hon'ble Tribunal dated 22.11.90.

7. That now the Government of India, Ministry of Air has amended the recruitment rules in group 'A' and group 'B'. Post and notification has also been given for publication in gazette of India Part II Section 3 sub-section 1 dated 19.2.93. A copy of the same is annexed as Annexure No.2 to this affidavit.

8. That the respondent on the judgement proceeded for making suitable amendment in the rules for recruitment and to provide channel of promotion for the post of Deputy Director General (Personal).

9. That the Hon'ble Tribunal passed the order on 26.1.53 which is mentioned below:

This contempt application arises out of judgement and order dated 22.11.50. The Tribunal directed to the respondents to make suitable amendment in the rules of recruitment as to provide for channel of promotion to the post of M.B.O.(P). The respondents have still not amended that they want to take time. The Tribunal has not jurisdiction to issue a direction for amending the rules. Accordingly, the case may be referred to a larger Bench.

WWS
PNS
SWS

10. That again the Tribunal passed the order by which the matter has been referred to the Large Bench.

11. That the opposite parties has now considered the aspects and amended the rules and as such in the interest of justice it is requested that the order dated 4.1.53 may kindly be considered.

Lucknow, dated:

March 18, 1953

Deponent.

VERIFICATION

I, the deponent named above do hereby verify that the contents of para 1 to 11 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed. So help me God.

Lucknow, dated:
March 18, 1953

Deponent.

10.4.53

I identify the deponent who has signed
this affidavit before me.

Sd/-

(S.C. Srivastava)
Clerk to Sri Vishal Singh, Advocate.

Solemnly affirmed before me on 18.3.93 at 10.40 a.m/p.m.
by the deponent who is identified by Shri G.C.Srivastava
Clerk to Sri Vishal Singh, Advocate, High Court, Lucknow.

I have satisfied myself by examining the deponent that
he understands the contents of this affidavit which
have been read out and explained to him by me.

EM No. 20

COURT No 2

SECTION

XI

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

11075-76/92

Petition(s) for Special Leave to Appeal (Civil/~~CC~~ No.(s)/92 CC 17488

(From the judgment and order dated 22.11.90 of the Hon'ble CAT
Circuit

Allahabad, Lucknow/Bench in O.A.No.133/90

Petitioner (s)

*U.O.I. & Ors.

Versus

Shri Suraj Prakash

With I.A.No.1-2 (Applns. for c/delay in filing ~~SIP~~ Respondent (s)

Date: 24.8.92

This/these petition (s) was/were called on for hearing today.

CORAM:

Hon'ble Mr. Justice

Lalit Mohan Sharma

Hon'ble Mr. Justice

N. Venkatachala

Hon'ble Mr. Justice

For the petitioner (s)

Mr. K. Lahiri, Sr. Adv.
M/s. S.N. Terdol & Manoj Prasad, Adv.

For the respondent (s)

Ms. Sandhya Goswami, Adv.

UPON hearing counsel the Court made the following
ORDER

This Special Leave Petition has been filed 441 days after the expiry of period of limitation. We have examined the application for condonation of delay closely and we find that there is absolutely no justification for the delay of several months as detailed at page 44, I.A.Nos.1-2 are therefore dismissed. Consequently, the S.L.P is dismissed.

Dhamija

(I.L. Dhirga)
Court Master

Js
25/8 dm

2. That against an advertisement for the post of Regional Administrative Officer by the Union Public Service Commission, the applicant applied and after due process, he was selected As Regional Admn. Officer by the Union Public Service Commission and on 27th April 1977 he joined under the control of Respondents after being relieved from the General Reserve Engineering Force in the afternoon of April 15, 1977, after availing the joining period from 16th April 1977 to 26th April 1977, on 27th April 1977 in the office of Respondent No.2 against 33.3% quota of Direct Recruitment, provided under the Recruitment Rules.

3. That it will be pertinent to mention here that under the control of Respondents there are about 10 streams in which the officers are working in the Department which read as under :-

- i. — Geology
- ii. Geophysics (Exploration)
- iii. Geophysics (Instrumentation)
- iv. Chemical
- v. Mineral Physics
- vi. ~~Drilling~~ Mechanical
- vii. Drilling
- viii. Stores
- ix. Administrative
- x. Finance

4. That at the time of recruitment, i.e. in the year 1977, the post of Regional Administrative Officer was the highest post in the Administrative Stream of Geological Survey of India.

5. That upto IIIrd Pay Commission, there was one post slightly above the post of Regional Administrative Officer in Administrative Stream of Geological Survey of India, namely Director of Administration, which was being filled through deputation, but the said post was converted as Promotional post after 1981 out of the feeder grade of Regional Administrative Officer.

6. That after the acceptance of IVth Pay Commission's report, the pay scale of Director of Administration and Regional Administrative Officer have been equated and as such the said post can not be said to be higher post.

7. That on the basis of recommendation of Geological Survey OR I Committee, Review Committee one post of Deputy Director General (P) was created in the year 1978 in the Geological Survey of India to head the Administrative Wing of the Geological Survey of India, A photostat copy of extract of recommendation printed on page 42 of the Report

published by the Government of India in the year 1977, is being filed herewith and marked as Annexure A-1 to this Petition. The perusal of the aforesaid recommendation would go to show that recommendation No.52 specifically says that to introduce a modern personnel management-systems in an organisation as large as Geological Survey of India, and where no systematic personnel management system exists today, will be an enormous task. This would require a professional man at a very high level who would have to interact with the Senior level officials of Geological Survey of India. It further recommends that a competent and experience person should be inducted to head the vital personnel management wing of Geological Survey of India immediately, who will be known as Senior Deputy Director General (P) at a fixed pay of Rs.2750/= per month and it was further recommend that for the present, this position has to be filled from outside.

8. That by using the word 'AT PRESENT' it appears that the Review Committee intended to fill up the said post by deputation only due to circumstances of non-availability of experienced and qualified and eligible persons in the Admn. Stream as early as in 1977.

9. That it is also pertinent to mentioned here that all streams mentioned above in Geological Survey of Indi are discharging the equal responsibilities of the work and persons who were working in the scale of Rs.1100-1600/= (IIIrd Pay Commission) in other streams of officers of Geological Survey India have been given promotion to the post of Dy. Director General (P). Whereas in the year 1977, the petitioner joined services of respondents in the scale of Rs.1300-1700/= and he is still continuing on the same status.

10. That in other streams of the officers of Geological Survey of India, the post of Dy. Director General is promotional post whereas in Administrative Stream, as stated above, the post of Dy. Director General was to be filled up in view of recommendation of the Review Committee, from outside (Deputation) and the said principle is still being followed and the gate of promotional avenue has not been opened.

11. That as stated above because of non-availability of the officers in the feeding grade in Geological Survey of India in the Administrative Stream, at that time the post of

Dy. Director General was not open for the promotion but after a lapse of more than 13 years, the position as well as strength of the officers have been changed and there are so many officers in the Administrative Stream, who are eligible to be promoted to the post of Dy. Director General in Administrative Stream of Geological Survey of India and as such in case the said principle for filling up the post of Dy. Director General (P) through deputation is being followed after 13 yrs, the chance of promotion of those officers would have been marked.

12. That after acceptance of report of the IVth Pay Commission, both the levels in the Sr. Administrative Grade, i.e. SAG level II (in the scale of Rs. 2250-2500/=) and SAG level I (2500-2750/=) have been merged into revised scale Rs. 5800-6700/=. All the posts of the Dy. Director General in various streams of Geological Survey of India are the post of Senior Administrative Grade and prior to IVth Pay Commission, the recruitment rules provided for separate criteria for promotion to SAG level II, thereafter to SAG level I but after the merger the recruitment rules have been amended and it has been decided that eligible service for promotion from Junior Administrative Grade to Sr. Administrative Grade level will be eight years

Regular service in the Grade or 17 yrs. regular service in Group A post out of which atleast four years regular service should be in Junior Administrative Grade level. A photostat copy of the Office Memorandum dated 8th May 1987 issued by the Department of personnel and mining published in the Swamy's Annual, 1987 compendium of orders ~~xx~~ on Service Matters at page 438 and 439 and its photostat copy of is being filed herewith and marked as Annexure A-2 to this petition.

13. That in view of aforesaid fact since the post of Dy. Director General in other streams have been recognised as Sr. Administrative Grade and it has been provided that said post shall be filled in from the Junior Administrative Grade level but in the case of Administrative Stream of officers of Geological Survey of India, a stop-motherly treatment is being given by not introducing the channel of promotion for filling up the post of Dy. Director General (P) and recommendation of said Review Committee of 1977 is still being followed.

14. That it is also pertinent to mention here that the IVth Central Pay Commission has recommended that every employee should be able to get atleast one promotion after 15 yrs. of service in a Grade.

15. That as stated above, the applicant has joined the services of respondents in the year 1977 as Regional Admn. Officer and after putting more than 13 yrs. of service, he is still continuing on the same post and in view of present policies he can not get any promotion to the post of Dy. Director General being a member of Administrative Stream of Geological Survey of India and in rest of service i.e. 7 $\frac{1}{2}$ yrs. and he will retire from the said post.

16. That the applicant is eligible for promotion to the post of Dy. Director General (P) as he is senior most (No. one) officer in the present grade and in case the promotional avenue is open for the post of Dy. Director General (P) in Administrative Stream he is bound to be promoted to the said post but because of non-availability of promotional avenue, he is still continuing on the same post.

17. That the petitioner has enjoyed blotless career since the date of induction into services of the Geological Survey of India and he has not given any chance/opportunity who may warrant any displeasure of the respondents.

- 10 -

18. That as stated above, in other streams of Geological Survey of India, the Senior Administrative Grade post i.e. Dy. Director General are being filled out of concerned feeder grade in Junior Administrative Grade level but in the Administrative Stream it is being filled up on deputation basis when the experienced and eligible officers are available in the Administrative Stream itself.

19. That the treatment of respondents in respect of officers of Administrative Stream for promotion on the post of Dy. Director General, is highly discriminatory with reference to other streams of officers of Geological Survey of India.

20. That it is well settled law that a Government employee must be given an opportunity of advance in his service career, which is a requirement of perfectence of any Organisation and incentive for personal development as well. The Government must provide the rolistic opportunities for promissing and eligible officers to move upward.

21. That in view of facts and circumstances stated above, the respondents have illegally not opened the promotional

avenue in Administrative Stream of Geological Survey of India for the post of Dy. Director General (P) and they are still continuing with the Recommendation of the Review Committee's report of 1977, where the said recommendation was given only in view of the circumstances of that time, but now the circumstances have been changed and officers are available and it will be highly unjustified and discriminatory treatment to the officers of Administrative Stream if they are not allowed to be promoted to the post of Dy. Director General (P)

22. That the petitioner, after having the copy of Recommendation of IVT Pay Commission report and the office Memorandum dated 8th May 1987. Sometime in the year 1989, has preferred a representation of 20th May 1989 through which a request was made that the promotional avenue may be open on the post of Dy. Director General (P) in Administrative Stream of Officers of Geological Survey of India. A photostat copy of the said representation is being filed herewith and marked as Annexure A-3 to this petition.

23. That after having no response against the said representation as abandoned precaution, the petitioner preferred a reminder on 7th Feb. 1990 giving all the details

and a similar relief was sought but it appears that respondents have turned their deaf ears to the request of the petitioner and they have not even cared to acknowledge the petitioner's representations what to talk of giving relief. A copy of reminder dt.7.2.90 is enclosed as Annexure A-4 to this petition.

24. That the channel for filling the above post is introduced only in the circumstances, in case the officers in the feeding grade is not available in the Department, but in case they are available, the said channel should be abolished and channel for promotion should be opened.

5. GROUNDS : Grounds for the relief are as under :-

A. Because in other streams of officers of Geological Survey of India, the post of Dy. Director General (Sr. Administrative Grade level) have been opened for promotion whereas in the Administrative Stream, the post of Dy. Director General (P) is filled up by Deputation.

B. Because the channel for filling the above posts is introduced only in the circumstances in case the officers in the feeding grade is not available in the Department but in case they are available, the said channel should be abolished and channel for promotion should be opened.

C. Because the petitioner is fully eligible for promotion to the post of Dy. Director General (P) in Administrative Stream of Geological Survey of India as he has put in 20 yrs. ^{Cadre} service in Group A/including 13 yrs. in present grade and at Present he is Senior most (No. One) is Regional Adm. Officer of Administrative Stream of Geological Survey of India.

D. Because action of respondents is illegal and discriminatory as the petitioner's progress/advancement has been curtailed in the service career.

E. Because the action of respondents is illegal discriminatory & in violation of Article 14 & 16 of the constitution of India.

6. DETAILS OF THE REMEDIES EXHAUSTED : That the applicant declares that he has availed of all the remedies available to him under the relevant services rules, etc.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The applicant further declares that the matter regarding which this petition has been filed, is not pending before any Court of Law or before any other Bench of this Hon'ble Tribunal

8. RELIEF(S) SOUGHT :

That in view of facts and circumstances stated above, the applicant prays for the following reliefs :

a. a Writ in the nature mandamus directing the respondents to open the channel of promotion on the post of Dy. Director General (P) in Administrative Stream of Geological Survey of India and further a direction may be issued that said post may be filled from the feeder grade of Regional Administrative Officer (Junior Administrative Grade level) of Administrative Stream, of Geological Survey of India.

b. a direction may be issued that after introducing the promotional channel, the case of the applicant may be considered for promotion to the post of Dy. Director General (P) Administrative Stream of Geological Survey of India, as he is eligible for the post and in case he is found fit, he may be given promotion.

9. INTERIM RELIEF, IF ANY PRAYED FOR :

During pendency of the present petition, interim direction may be issued to respondents not to take further step to fill up the post of Dy. Director General (P) in

Administrative Stream of Geological Survey of India on deputation.

10. NIL

11. PARTICULAR OF POSTAL ORDERS :

- i. No. of postal order 02-409968
- ii. Name of issuing post office Lucknow.
- iii. Date of issue of postal order 17.4.90.
- iv. Post office at which payable Allahabad

12. LIST OF ENCLOSURES : AS PER INDEX.

VERIFICATION.

I, Suraj Parkash aged about 50 yrs. son of Late Shri Chanan Ram, R/O Aliganj, Lucknow working as Regional Administrative Officer, Geological Survey of India, Northern Region, Aliganj, Lucknow do hereby declare that the contents of paras 1 to 12 of this petition are true to my personal knowledge; and belief and I have not suppressed any material facts in it.

Dated : April, 17th 1990.

Place : Lucknow.

SIGNATURE OF THE APPLICANT.

(67)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDL. BENCH

CIRCUIT BENCH : LUCKNOW.

I N D E X

I N

COMPILATION NO. TWO

IN

ORIGINAL APPLICATION NO. 133/1990 (L)

(U/S 19 of the Administrative Tribunals Act, 1985)

Suraj Parbhash

Applicant

Versus

Union of India & Others

Respondents.

S.NO.	PARTICULAR OF DOCUMENTS	PAGE NO.
1.	Annexure A-1 Recommendation of GSI Review Committee, 1977.	18-19
2.	Annexure A-2 Page 438, 439 & 440 of Swamy's Annual, 1987 compendium of orders on Service matters.	20-22
3.	Annexure A-3 Representation dt. 20.3.89	23
4.	Annexure A-4 Representation dt. 7.2.90	24-30

DATED : APRIL 17, 1990.

COUNSEL FOR THE APPLICANT.

nishing of advice on the utilisation of ground water resources to the CCWB which has been specifically set up for this purpose.

3.16.5. In all the above diversification and growth of work, GSI will need to make more and more extensive use of facilities offered by the National Remote Sensing Agency (NRSA), Photogeology and Satellite Imagery. They would also have to make increasing use of such study tools as scanning electron microscope, computers and a variety of other sophisticated equipments which will progressively call for the build up within the GSI a need to have a specialised section on instruments and instrumentation.

3.17. PERSONNEL :

3.17.1. Personnel Management

3.17.1.1. The GSI has had no induction of modern personnel management techniques in its organisation so far, and there is much to be done in this direction. The main problems in the personnel field as seen by the employees are stagnation dead end posts, obsolescence of expertise and knowledge at superior levels; inadequate opportunities for specialisations; unreliable performance reporting, wrong seniority computations, and the like. From the organisation's stand point, these seem to be reflected by low productivity, excessive in-breeding and fall in quality.

3.17.1.2. After examining these problems in depth, the Committee recommends as below :

3.17.1.3. The GSI must build up a modern personnel management organisation whose primary function would be planning, development and management of human resources. An outside consultancy agency may be considered for developing this.

3.17.1.4. To introduce a modern personnel management systems in an organisation as large as GSI, and where no systematic personnel management system exists today, will be an enormous task. This would require a professional man at a very high level who would have to interact with the senior level officials of GSI and build up a system with the help of both experts/consultants from outside, as well as with persons available within. The Committee, therefore, recommends that a competent and experienced person should be inducted to head the vital personnel management wing of GSI immediately, who will be known as Senior DDG (personnel) at a fixed pay of Rs. 2750 p.m. For the present, this position has to be filled from outside.

Recommendation
No. 51.

Recommendation
No. 52.

(69)

A-1

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Recommendation
No. 53.

3.17.1.5. Three Directors have to be selected, from amongst those inside the GSI, who have the right aptitude to take over responsibility of the following functions:

1. Director of Personnel (A & B): Personnel establishment dealing with recruitment, promotion, transfers, posting, career planning/management, training and man power planning, with respect of Group 'A' & 'B' staff.
2. Director of Personnel (C & D): Similar responsibility with respect to Group 'C' & 'D' staff.
3. Director of Administration: Estate management and house keeping, administration, etc.

3.17.1.6. Whilst the training aspect of Director of Personnel (A & B) would relate to identification of training, placement of personnel in various places and/or deputation to seminars/symposia, etc. within India or elsewhere, a substantial part of the actual internal training course would be arranged in the proposed GSI Training Institute in Hyderabad. The latter would be under the control of a Director of Training Institute who would be responsible, in consultation with the Director of Personnel (A & B) and others concerned, in drawing up the actual types of courses and their contents.

3.17.1.7. The Sub-Committee of 'C' & 'D' employees have recommended a series of changes including rationalisation of cadres and opened up promotion avenues with adequate input of inservices professional training. This has to be followed up by the massive task of identifying of promotion opportunities likely to come up, eligible individuals, the specific types of training required, to what extent these can be arranged through Industrial Training Institutes or similar bodies available in the area, what needs to be done in the way of internal training by the G.S.I., etc. including the movement of category 'C' staff to category 'B'. This in turn has to be followed by the organisational task of arranging the most appropriate programme and of devising the most satisfactory certification procedure.

Recommendation
No. 54.

3.17.1.8. For these training arrangements it is recommended the Director of Personnel (C & D employees) is helped by a full time officer to be known as Staff Training Officer ('C' & 'D' employees) in the pay scale of Rs. 1300-1700 p.m. as the category of training would be totally different and highly job oriented.

3.17.1.9. Furthermore, this type of training would have to be conducted separately at the various regions and even at the Circle Headquarters. In

Fourth Pay Commission's recommendations --- Revision
of pay scales --- Amendment of recruitment rules

The undersigned is directed to invite attention to the Central Civil Services (Revised Pay) Rules as amended on 13th March, 1987, containing

RECRUITMENT

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the decision of the Government in regard to the revised scales of pay. Following consequential steps are required to be taken to amend the existing recruitment rules:—

(i) *Substituting the existing scales by revised scales.*—The existing pay scales may be substituted by the equated revised pay scales now prescribed, straightaway, without making a reference to DP & T/UPSC. In cases where deputation is also one of the methods of recruitment, the field of deputation which includes various posts should also reflect the revised scales of pay.

(ii) *Where there is an upgradation of posts.*—In some cases, the Fourth Pay Commission have recommended a higher pay scale and not equated revised scale. This amounts to upgradation of the existing posts. As per the guidelines issued by the DP & T, vide O.M. No. 14017/24/74-Est. (RR), dated the 22nd May, 1979, whenever it has been decided to upgrade any post, action should be taken by the Administrative Ministry/Department concerned to reframe the recruitment rules therefor. As the eligibility criteria for direct recruitment or promotion or transfer on deputation, etc., to the higher post will be different from those prescribed for a post on comparatively lower scale, it will be necessary to review the relevant columns of the existing recruitment rules for the post for which an upgraded revised scale has been approved and to prescribe age limits, qualifications, experience and eligibility service for promotion, transfer on deputation appropriate to the higher level.

(iii) *Merger of SAG Level II and Level I.*—In the case of organised Services, Senior Administrative Grade Level II (Rs. 2,250-2,500) and SAG Level I (Rs. 2,500-2,750) have been merged into a revised scale of Rs. 5,900-6,700. At present, the recruitment rules provide for separate criteria for promotion to Level II and thereafter to Level I. In view of the merger, the recruitment rules will have to be amended so as to provide for promotion from JAG to the merged SAG. It has been decided that the eligibility service for promotion from JAG Level to SAG Level (merged scale) will be 8 years regular service in the grade (including service, if any, in the non-functional Selection Grade) or 17 years' regular service in Group 'A' posts, out of which at least 4 years' regular service should be in JAG.

(iv) *Consequential changes.*—It will also be necessary to review other columns of the recruitment rules so as to prescribe eligibility conditions with reference to the revised pay scales, e.g., in Col. 12 where some minimum service in a particular pay scale is prescribed for consideration on transfer, on deputation, etc.

(v) *Departmental Promotion Committees.*—It has also been decided that where the scales have been merged the existing D.P.C. for the higher grade will be the D.P.C. for the integrated-merged grade.

As the Ministries are aware that recruitment rules are of statutory nature and, therefore, the changes brought out by other instructions may

have to be incorporated in the recruitment rules by amendments so that, necessary steps like holding of D.P.C., etc., are taken to fill the posts carrying the revised scales, particularly upgraded or merged scales, on regular basis. All the Ministries/Departments are, therefore, requested to issue necessary amendments to the recruitment rules notified by them after following the normal procedure of furnishing proposals to DP & T and U.P.S.C. in the prescribed format (Annexure III) and in consultation with the Legislative Department.

2. In view of the urgency for amending the recruitment rules on the above lines, it is expected that Ministries would complete the review and furnish necessary amendment proposals to the DP & T/U.P.S.C. in the case of Groups 'A' and 'B' posts within one month from the issue of this O.M. Simultaneously, they will, no doubt, be taking similar action for amending the recruitment rules for Groups 'C' and 'D' posts, which is within their competence.

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*D.P.T., O.M. No. 39021/18/84-Est. (B),
dated 14.5-1987*

**Operation of reserve list prepared on the
basis of selections made by U.P.S.C.**

The undersigned is directed to refer to this Department's O.M. No. 39021/18/84-Est. (B), dated the 6th February, 1985, 13th June, 1985 and 20th November, 1985 (copies enclosed) and to say that according to the existing procedure, the reserve lists prepared with effect from 1st January, 1985, were to be operated only to fill replacement vacancies. Earlier to this the reserve lists were being used both for replacement vacancies and fresh vacancies of identical nature. Some of the Ministries have reported difficulties in filling up of vacancies caused in a situation where the recommended candidate joined the post for a short period and then resigned or where the vacancy occurred on account of the death of the candidate. It was pointed out that the posts could not be kept vacant for a long time till the next recruitment took place.

2. The matter has been examined in consultation with U.P.S.C. and it has been decided that the reserve lists may be operated in cases where a vacancy is created by a candidate resigning the post or in the event of his death, within a period of six months from the date of his joining the post subject to the condition that such an operation of the lists should be limited in respect of statutory posts and those of scientific, technical, academic or medical nature or other similar nature where it may not be possible to keep the post vacant till the completion of fresh recruitment or to make local arrangements.

3. In other types of cases also where the posts could be manned normally on officiating basis or by internal arrangements, requests of the

Dated : 20.3.1989

From : SURAJ PARKASH,
Regional Adm. Officer,
Geological Survey of India,
Coal Division,
CALCUTTA

To : The Director General,
Geological Survey of India,
27, J.L. Nehru Road,
Calcutta

Through Proper Channel.

SUB : Creation of Selection Grade Post
in Administrative stream and
conversion of recruitment rules
of Dy. Director General(P)

Sir,

It is understood that the proposal for Selection Grade posts in Junior Adm. Grade in different streams have been approved but the same has not been approved in respect of Administrative stream of Geological Survey of India. As per the Government of India, Ministry of Personnel & Public Grievances and Training, New Delhi office Memorandum no. 19/1/86-SP dated 14.8.1987, 15% of Senior duty posts in JAG are to be created as Selection Grade post in JAG level, which comes to three post in Administrative stream. In view of this, it is requested that the Ministry may please be approached for creation of three Selection Grade post in Administrative stream as per Department of Personnel & Training, New Delhi letter dated 14.8.87.

Secondly, it is further requested that the recruitment rules for the post of Dy. Director General (P) may also be changed from deputation to promotional out of the feeder grade of Regional Adm. Officers as number of eligible officers are available in Administrative stream for promotion. The post of Dy. Director General in other streams is being filled-up through D.P.C. out of the feeder grade of JAG level i.e. Directors.

Yours faithfully,

Thanking you,

Suraj
(SURAJ PARKASH)

ANNEXURE NO. A-40

(73)

From : SURAJ PARKASH,
Regional Admn. Officer,
Geological Survey of India,
Northern Region,
Allimgaj Scheme, Sector 'E',
L u c k n o w.

To : THE SECRETARY TO THE
GOVERNMENT OF INDIA,
Ministry of Steel & Mines,
Deptt. of Mines,
N e w D e l h i

T h r o u g h P r o p e r C h a n n e l

SUB : Creation of Selection grade posts in
Junior Administrative grade (Group 'A'
Services) in the Administrative Stream
of Geological Survey of India and
change of recruitment rules of the post
of Dy. Director General (Personnel)
making it promotional out of feeder
grade of Regional Admn. Officers.

REF : The correspondence resting with
Department of Mines's letter No.
A-11013/1/88-N(A) dated 14/21.8.89

Sir,

I, Suraj Parkash, Regional Admn. Officer,
presently posted in Northern Region, Geological
Survey of India, Lucknow wish to put forth under-
mentioned facts justifying creation of Selection
grade posts in the Junior Administrative Grade
level in the administrative stream of Geological
Survey of India in view of the recommendations of
the Fifth Central Pay Commission and acceptance of
the same by Government of India as communicated vide
Department of Personnel & Training Office Memorandum
No. 19/1/86-PP dated 14.8.87 as well as conversion
of the present deputation post of Dy. Director General
(Personnel) into a promotional post out of the
feeder grade of Regional Administrative Officers.

1. I, joined Geological Survey of India on 27.4.77
in the present grade post of Regional Administrative
Officer after selection through the UPSC against
33 1/3 % quota of direct recruitment provided in the
recruitment rules of the post at that time. I am
continuing in the same post for almost 13 years.
There are no further prospects of promotion as no
higher promotional post in the cadre exists. One post
of Dy. Director General (Personnel) exists but is

.....2/-

2. I have already rendered 13 years of service in the present post of Regional Administrative Officer and if no further promotional posts are available, I shall be continuing in the present post for 20 years in my entire service career till retirement which falls on 31.8.1997.

3. Consequent upon the recommendations of the Fourth Central Pay Commission, Government of India vide Department of Personnel & Training Office Memorandum No. 19/1/86-PP dated 14.8.87 has decided that Selection Grade equal to 15% of the senior duty posts be introduced in all group 'A' Central Service at the level of Junior Administrative Grade. In response to the above Office Memorandum the Ministry of Steel and Mines, Deptt. of Mines vide ^{letter} no. A-11013/1/88 M2 dated 15.6.88 has sanctioned 244 posts of Selection Grade at Junior Admn. Grade level in the Scientific and Technical stream of Geological Survey of India including stores stream leaving the Administrative and Financial stream. The matter was taken up with the Department of Mines by the Director General, Geological Survey of India vide letter no. 722M/A-32013(4-DIR(D)Sel.Gr./82-19B dated 7.6.88 and no. 1390M/A-32013/4-DIR(Sel.Gr.)/82-19B dated 19.9.88 stating that Administrative and financial stream forms part of cadre strength of Geological Survey of India and the creation of Selection Grade at Junior Administrative Grade level in Administrative & Finance stream is justified. Taking into cognizance the genuineness of the claim of Geological Survey of India Department of Mines asked for a comprehensive proposal for creation of Selection grade posts at Junior Admn. level in Administrative and finance stream vide D.O. A-11013/1/88-M2 dated 9.3.89. The comprehensive proposal was sent to Department of Mines vide Director General, Geological Survey of India letter No. 32013(4-Dir.)/Sel.Gr./82/19B dated 15.3.89 again clearly stating that administrative and finance streams forms part of the cadre structure of Geological Survey of India and the post in these streams belong to General Central Service Group 'A' like other streams i.e. Geological /Geophysical/Drilling/Mechanical/

Stores etc. The proposal was forwarded by Department of Mines to Deptt. of Personnel vide office memorandum No. A-11013/1/88.M2 dated 20.6.89 for agreeing to the creation of selection grade posts at Junior Administrative Grade level in Administrative and finance streams and also mentioned that these creation of posts satisfy all the requirements and provisions of Deptt. of Personnel and Training office memorandum no. 19/1/88-PP dated 14.8.87 in response to which the selection grade posts at Junior Administrative Grade level in other streams of Geological Survey of India had already been created. This proposal of Deptt. of Mines was not agreed to by Deptt. of Personnel and Training on the ground that Non functional Selection grade is admissible only to the officers of organised group 'A' service where there is direct recruitment at level of junior time scale is 50% or more as intimated vide their O.M. No. 16/1/89-PP dated 2.8.1989.

The stand taken by Deptt. of Personnel & Training is not correct because Department of Mines in its proposal for creation of posts at Junior Administrative Grade level in administrative and finance streams vide No. A-11013/1/88.M.2 dated 20.6.89 had clearly stated that Department of Personnel & Training's office memorandum No. dated 14.8.87 wherein modalities guidelines for creation of Non functional selection grade at the level of Junior Administrative Grade level were given did not specify its applicability to organised Group 'A' services only. Rather as per the said office memorandum all group 'A' Central Services, the number of posts in the selection grade shall be equal to 15% of the duty posts (i.e. all duty posts at the level of senior time scale and above in the cadre) Moreover as per notification issued by Ministry of Finance, Deptt. of Expenditure No. F.15(7)/IC/86 dated 13.3.87 — the recommendations of Fourth Pay Commission with regard to selection grade posts in the scale of Rs. 4500-5700/- for other services will also apply to the officers of Geological Survey of India. Department of Mines in its recommendations for creation of posts submitted to Department of Personnel & Training had also stated that even if their office memorandum dated 14.8.87 is applicable to Central organised services, the Department of Mines had already intimated to Department of Personnel and Training that Geological Survey of India

is treated as organised services including posts in administrative and finance streams and accordingly selection grade in Junior Administrative Grade level was introduced in 1982 in Scientific and Technical streams under the guidelines issued by Department of personnel and Training regarding introduction of selection grade in pursuance of 3rd pay commission recommendations. However, selection grade was not introduced in Administrative & Finance streams in 1982 because at that time there was only one post of junior administrative grade in each stream and no officer had stagnated at maximum of the pay scale for two years as required under the relevant instructions. Department of Mines stated that as per the new guidelines of Department of Personnel the condition of 2 years stagnation at the maximum of pay scale of junior administrative grade level has been removed and accordingly the officers of the administrative and finance streams have become eligible for grant of selection grade.

From the above para it shall be noticed that the stand taken by Department of Personnel & Training is not correct as per the provisions of Department of Personnel and Training office memorandum no. 19/1/86-PP dated 14.8.87 as the mention of organised services is not available in this office memorandum and is the view of individualistic approach. The provisions of the said office memorandum of Department of Personnel & Training dated 14.8.87 are applicable to all group 'A' Central Services. Moreover Department of Mines classifies administrative and finance

/ as organised service and includes it as a cadre strength of G.S.I.

stream of Geological Survey of India. It is not understood why Department of Personnel and Training is taking an unhelpful attitude in creating posts of selection grade at junior administrative grade level in administrative stream of Geological Survey of India when it is satisfying all the requirement of their office memorandum dated 14.8.87. It is adversely affecting my career prospects as I shall retire in the same post in which I was recruited through UPSC 13 years ago after rendering 20 years service in one post in Geological Survey of India. At the time of my recruitment in the grade of Regional Admn. Officer the direct recruitment clause was available in the recruitment rules for the post of Regional Admn. Officer, Senior Admn. Officer and Administrative Officer and the recruitment was made by the UPSC in all the three grades as was done in other streams where the direct recruitment clause existed in the

recruitment rules of the posts equivalent to Administrative Officer and Senior Admn. Officer. The selection grade at junior administrative grade level in these streams has been introduced but not in administrative streams. This is a clear case of discrimination made by the Department of Personnel & Training when Department of Mines treats administration stream at par with other streams in Geological Survey of India.

15% posts of Non functional selection grade work out to be 3 in the junior administrative grade level if the existing 8 posts of Regional Admn. Officer/Director (Admn.) in scale of Rs. 3700-5000/- and 13 posts of Sr. Administrative Officer in the scale of Rs. 3000-4500/- are taken into account as per the provisions of Department of Personnel & Training office memorandum No. 19/1/86-PP dated 14.8.87. As the administrative stream of Geological Survey of India satisfy all the provisions and conditions of the said office memorandum 3 posts of Non functional Selection grade in the scale of Rs. 4500-5700/- may be created at junior administrative grade level to save me to ret in one post since my recruitment through UPSC till retirement. There are many other officers in the administrative stream who were recruited as Sr. Administrative Officer in the scale of Rs. 3000-4500/- shall retire in the post of Regional Admn. Officer in the pay scale of Rs. 3700-5000/- after getting ~~the maximum promotion~~ only one promotion in the entire Geological Survey of India service career. Therefore the creation of 3 posts of Non functional selection grade at junior administrative grade level in administrative stream of Geological Survey of India is justified.

4. In this connection it may further be mentioned that one post of Selection grade in junior administrative grade level has been sanctioned in stores stream vide Ministry of Steel and Mines Department of Mines letter no. A-11013/1/88-M2 dated 15.6.88 when the cadre structure of stores stream is similar to administrative stream in all level but the discrimination has been made in not creating the selection grade posts at junior administrative grade level in administrative stream.

5. There is one post of Dy. Director General (Personnel) in Geological Survey of India and the recruitment rules of the post provide for filling the post on deputation basis from I.A.S./All India Service cadres. The promotional

prospects of the undersigned are bleak as there is no possibility of promotion till the present post of Dy. Director General(Personnel) is made a promotional post to be filled from the grade of Regional Admn. Officer. I joined Geological Survey of India as direct recruit through UPSC in the present grade of Regional Admn. Officer on 27.4.77 and ~~am~~ continuing in the same post without any promotion when the next post exists but is a deputation post. All norms of natural justice require the change of recruitment rules of the only post of Dy. Director General(Personnel) making it a promotional post so that an officer like me could aspire for at least one promotion in the entire service career of Geological Survey of India. In other streams of Geological Survey of India, Dy. Director General post is a promotional post.

6. Fourth Central Pay Commission in its recommendations at item no. 3 of chapter 23 of the report has agreed that every employee should be able to get atleast one promotion after 15 years of service. In this connection it may not be out of place to mention that the Supreme Court in its judgement by the Division Bench comprising Sri Justice M.H. Kania and Sri Justice Kuldeep Singh made the observation while dismissing an appeal by the Council of Scientific & Industrial research & others Vrs. K.G.S. Bhatt Civil Engineer that the employees and management must give all their employees an opportunity to advance within the organisation "This is the oldest and most important feature of the free enterprise system" the court added.

The judge declared that an organisation public or private did not hire a hand but engaged or employed a whole man". The person is recruited by an organisation not just for a job but for a whole career. One must therefore be given an opportunity to advance" the judges observed.

The court emphasised that the opportunity for advancement was a requirement for progress of any organisation" It is an incentive for personal development as well. There could not be any modern management much less any career planning man power development or management development which is not related to a system of promotion."

This judgement of Supreme Court also justifies

3.10

the change of recruitment rules for the post of Dy. Director General(Personnel) from deputation to promotion out of feeder grade of Regional Admn. Officers.

In view of the above, it is requested kindly to create 3 non functional selection grade posts at junior administrative grade level in administration stream of Geological Survey of India so that I am accommodated in one of them. The post of Dy. Director General(P) may also be made a promotional post from feeder grade of Regional Admn. Officer so that I could think of atleast one promotion ~~xxx~~ in my service career of Geological Survey of India. Both the request may kindly be agreed to as these are genuine ones. In case both the matters are not settled within 30 days from the date of application, I shall be forced to move the court of justice.

Thanking you,

Yours faithfully,

Suraj
(SURAJ PARKASH) 7.2.1990
Regional Administrative Officer

Copy forwarded for favour of information and necessary action to the Director General, Geological Survey of India, 27, J.L. Nehru Road, Calcutta.

2-Shri J.B. Munirajulu, Under Secretary to the Govt of India, Ministry of Steel & Mines, Dept of Mines, Shastri Bhawan, New Delhi

(SURAJ PARKASH)
Regional Administrative Officer

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

O.A. NO. 133 of 1990(L)

Suraj prakash

....Applicant

- versus -

union of India and others .. respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.

I. N.K. MANDWAL, director
aged about 55 years, son of late B.K. Mandwal
in the office the deputy director general, geological
survey of India, northern region, Lucknow do hereby
solemnly affirm and state as under :

1. That the deponent has been authorised to
file this counter affidavit on behalf of all the
respondents. The deponent has read and understood
the contents of application filed by the applicant
as well as the reply/information as furnished by
the respondent No. 1 & 2 for preparation in this
counter affidavit and as such he is fully conversant
with the facts of the case as well as the fact
deposed to herein reply thereof.

2. That the contents of para, 1, 2 & 3 of the

application need not comments.

3. That the contents of para 4(i) and 4(ii) of the application do not required any comments.

4. That in reply to the contents of para 4(iii) of the application it is submitted that the respondent no. 2 has following streams with or without having post of deputy director general posts :-

SCIENTIFIC STREAM.

- i) geology (Having DDGs posts)
- ii) Geophysics (Exploration) (Having DDGs posts)
- iii) geophysics (Institution) - Having DDGs posts.
- iv) geo-chem. -do-
- v) Mineral physics
- vi) Library
- vii) computer science
- viii) hydrology.

TECHNICAL:

- 1) Engineering (Having DDG posts)
- ii) Mechanical
- iii) Drilling
- iv) Civil engineering
- v) Drawing

ADMINISTRATIVE

- i) personnel (Having DDG post)
- ii) finance -do-
- iii) Administration
- iv) stores.

5. That in reply to para 4(iv) of the application it is submitted at present the post of director of Administration is the highest post in the stream.

6. That the content of para 4(v) of the application need no comments.

7. That in reply to the contents of para 4(vi) of the application it is submitted that there are some statutory powers vested in the director (Administration) which are not in the hand of regional Administrative officer.

8. That in reply to the contents of para 4(vii) of the application to 4(xxiv) of the application do not require any comments from the respondents. However the facts mentioned below is the additional please may be looked into.

That the non-functional selection grade was introduced in organised group 'A'

central service (vide OM No. 5/12/79-pp.II dated the 31st July 1982). The fourth central pay commission in para 25 the report recommended that the condition then existing regarding stagnation at the maximum of the junior administrative grade for two years for appointment to selection grade (paragraph 8(d) of the said OM) should be removed and that the criteria for appointment to the selection grade and the basis for computing the number of selection grade posts should be uniform in the All India and group 'A' central services. The government of India accepted the recommendations of the fourth central pay commission and issued orders for grant of non-functional selection grade vi OM No. 19/1/85-pp dated the 14th August 1987 (Annexure A-1 to the petition). The orders for grant of non-functional selection grade are applicable only to the organised group-A central services/Cadres as had been the case with the earlier orders contained in O.M. dated the 31st July 1982. This position has also been made clear in subsequent OM No. 12/1/88- dated the 6th January, 1989, wherein it has been stated that an officer should hold the post of JAG in an

organised group-A central service before the could be considered for appointment to the non-functional selection grade.

that it may be added that only such of the group A central services/cadres which have direct recruitment at the level of junior time scale in the percentage of 50 and above are termed as group-A central services/cadres. since direct recruitment in the financial and Administrative streams in the GSI at the level of JTS in not 50 the provision of O.M. dated the 14th August 1987 for the grant of non-functional selection grade are not applicable to those streams as had already been made clear in our O.M. dated the 2nd August 1989 (Annexure A-3 of the petition). Attention in this connection is invited to para 4 of the O.M. dated the 14th August 87 (Annexure A-1 to the petition) which provided that no member of the service shall be eligible for appointment to the selection grade untill he has entered the 14th year of service on the 1st July of the year calculated from the year following the year of examination on the basis of which the members are recruited. It is abundantly clear that the provisions of OM dated the 14th August 87 are applicable to such of the services as have been recruited

- 6 -

on the basis of an examination and that the eligibility for grant of selection grade is 14th year following the year of examination. In the case of financial and administrative streams of GSI, direct recruitment is not made at the level of junior time scale on the basis of an examination and as such the provisions of this OM are not applicable to these streams. It may also be added that according to the existing instructions triennial cadre reviews are required to be carried out for organised group-A central services/ cadres and financial and administrative streams of GSI are not categorised as group/central services and these streams have not been covered in the cadre reviews. The technical streams of the GSI have been classified as geological survey of India group A service while financial and administrative streams have been classified as group-A service.

9. That in reply to the contents of para 5 of the application it is submitted that the grounds taken by the applicant are not tenable in the eyes of law in view of the reasons disclosed above.

10. That the contents of para 6 & 7 of the application needs no comments.

11. That in reply to the contents of para 8 of the application it is submitted that the applicant is not entitled to get any relief in view of the facts stated above.

12. That in reply to the contents of para 9 of the application it is submitted that the applicant is also not entitled to get any interim relief as claimed by the applicant.

13. That the contents of para 10 to 12 of the application need no comments.

14. That in view of the facts and circumstances stated in the foregoing paragraphs the application filed by the applicant is liable to be rejected with costs to the respondents and the application may be dismissed as misconceived without any basis on legal grounds.

deponent.

Lucknow,

Dated: 13th August, 1990.

verification

I, the above named deponent do hereby verify that the contents of para 1 of the affidavit are true to my personal knowledge and those of paragraphs 2 to 13 are believed to be true on the basis of official records and information gathered and those of paragraph 14 of the affidavit are believed to be true on the basis of legal advice. Nothing material fact has been concealed and no part of it is false.

deponent.

Lucknow,

Dated: 13th August, 1990.

I identify the deponent who has signed before me and is personally known to me.

(VK CHOUDHURY)

Addl. standing counsel for centralgov
(counsel for respondents)

(88)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
CIRCUIT BENCH, LUCKNOW.

..

REJOINDER AFFIDAVIT

IN

Registration O.A. No. 133 of 1990(L)

Suraj Prakash ... Applicant

vs

Union of India and others ... Respondents

AFFIDAVIT of Suraj Prakash
aged about 51 years, Regional
Administrative Officer,
Geological Survey of India,
Northern Region, Aliganj
Scheme, Sector-E, LUCKNOW.

(Deponent)

I, the deponent abovenamed do hereby
solemnly affirm on oath and state as under:

1. THAT the deponent is the sole petitioner
and as such he is conversant with the facts of
the case and he has gone through the counter
affidavit filed by Shri N.K. Mandawal and
the deponent has understood the contents thereof
and is in a position to reply the same.

:: 2 ::

2. THAT the contents of paragraph nos. 1, 2 and 3 of the counter affidavit need no comment.

3. THAT the contents of paragraph no. 4 of the counter affidavit are not correct as stated. The averments made in paragraph 4(3) of the application are re-affirmed as correct. However, the averments made in the counter affidavit, as well as, a rejoinder affidavit of the connected application No.134 of 1990(L) were also have been referred in this connection. It is further submitted that all the posts of Geological Survey of India have been classified as General Central Service Group 'A' as per the recruitment rules published in the Gazett of India. A photostat copy of the recruitment rules of the various Streams are annexed herewith and marked as Annexure-RA -1 to this affidavit for ready reference. It is, however, submitted that the post of Deputy Director General, had been sanctioned in the Stream of Geology, Geophysics, (Exploration/Instrumentation) Geochemistry^{2. Drilling} Mechanical have been clubbed together. The other streams which have been mentioned in the paragraph under reply are very small cadres and they have no junior administrative grade posts. Hence, there is

ANNEXURE-RA-1.

Forail

no question of having the post of Deputy Director General in these strength. It may also be noted here that in the Civil Engineering Stream, there is no cadre, except one post of Superintending Engineer ~~is~~ (construction) which is being filled up on deputation basis. There is no bifurcation of Personnel and Administrative Cadre in the Geological Survey of India as all the work pertaining to Personnel and Administrative is being looked after by the Officers belonging to the Administrative Cadre. There is one post of Deputy Director General (Personnel) to ~~head the~~ ^{head the} administrative Cadre which is being filled up on deputation. In all the Streams of Geological Survey of India, where there is a Feeder Grade i.e. ~~Indian Junior~~ ^{Grade} Administrative ^{the} Level, post of Deputy Director General, posts are being filled up by promotion from the Feeder Grade, which is not being done in the case of the Administrative Stream, and as such, the action of the respondents is discriminatory in nature. It is further submitted that there are 8 posts of Junior Administrative ^{Grade} Level in the Administration which are the Feeder Posts for the post of Deputy Director General (Personnel).

B. S. Rao

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some powers by the Ministry and he has got no statutory powers more than the Regional Administrative Officer.

7. ^{in reply to} THAT, the contents of paragraph 8 of the counter affidavit ^{as made in} ~~are not correct~~ ^{paragraphs 4 (5) to 4 (24) of application are reaffirmed as correct.} ~~as stated and hence are denied.~~ In fact the controversy raised under paragraph reply has got no relevance in the present application. However, in reply the averments made in paragraphs 4 (5), 4(6), 4(7), 4(8), 4(9), 4(10), 4(11), 4(12), 4(13) ~~and~~ 4(24) of the application are reaffirmed as correct.

8. THAT contents of paragraph 9 of the counter affidavit are not correct as stated, as such are denied. It is further submitted that in view of the admission of the respondents and the grounds taken by the applicant, the applicant is entitled for the relief and the grounds are sustainable in the eye of law.

9. THAT the contents of paragraph 10 of the counter affidavit need no comment.

10. THAT the contents of paragraph 11 and 12 of the counter affidavit are being ^{replied}

Byzant

that in view of the facts and circumstances stated in the counter affidavit, as well as in the petition, the applicant is entitled for the relief as prayed for.

11. THAT the contents of paragraph 14 of the counter affidavit are not correct as stated, hence are denied.

I, the deponent do hereby verify and declare that the contents of paragraph nos 1 to 11

of this rejoinder affidavit are true to my personal knowledge; and the paragraph nos.

of this affidavit are based on the information received from record and the contents of paragraph nos.

of this affidavit are based on legal advice, to which all the deponent believes to be true and that no part of this affidavit are false and nothing material has been concealed in it.

S. helm me God.

Bozall
(Deponent) 27/9/90

4. THAT the contents of paragraph 5 of the counter affidavit are not correct as stated, hence are denied. It is further submitted that the post of Deputy Director General (Personnel) is the highest post in the Administrative Stream and not the Director of Administration as pleaded in the paragraph under reply.

5. THAT the contents of paragraph 6 of the counter affidavit are ~~not~~ correct as stated. However, in reply the averments made in paragraphs 4 and 5 of the application are reaffirmed as correct.

6. THAT the contents of paragraph 7 of the counter affidavit are not correct as stated, hence are denied. However, in reply it is submitted that the averments made in paragraph 4(6) of the original application are re-affirmed as correct. It is further submitted that the post of Director Administration was being filled up on deputation basis, which was ~~subsequently~~ later been converted into promotional post. The posts of Director of Administration and Regional Administrative Officer are equivalent as the both the posts have grade of B. 3700 - 5000 and forms part of the same cadre. The Director Administrative has been delegated

for

that in view of the facts and circumstances stated in the counter affidavit, as well as in the petition, the applicant is entitled for the relief as prayed for.

11. THAT the contents of paragraph 14 of the counter affidavit are not correct as stated, hence are denied.

I, the deponent do hereby verify and declare that the contents of paragraph nos 1 to 11

of this rejoinder affidavit are true to my personal knowledge; and the paragraph nos.

of this affidavit are based on the information received from record and the contents of paragraph nos.

of this affidavit are based on legal advice, to which all the deponent believes to be true and that no part of this affidavit are false and nothing material has been concealed in it.

S. Help me God.

Bozall
(Deponent) 27/4/90

:: 5 ::

some powers by the Ministry and he has got no statutory powers more than the Regional Administrative Officer.

7. ^{in reply to} THAT, the contents of paragraph 8 of the counter affidavit ^{as made in} ~~are not correct~~ ^{paragraph 6 (7) to 4 (24) of application are reaffirmed as correct} ~~as stated and hence are denied.~~ In fact the controversy raised under paragraph reply has got no relevance in the present application. However, in reply the averments made in paragraphs 4 (5), 4(6), 4(7), 4(8), 4(9), 4(10), 4(11), 4(12), 4(13) ~~and~~ 4(24) of the application are reaffirmed as correct.

8. THAT contents of paragraph 9 of the counter affidavit are not correct as stated, as such are denied. It is further submitted that in view of the admission of the respondents and the grounds taken by the applicant, the applicant is entitled for the relief and the grounds are sustainable in the eye of law.

9. THAT the contents of paragraph 10 of the counter affidavit need no comment.

10. THAT the contents of paragraph 11 and 12 of the counter affidavit are being ^{replied} ~~replied~~

By your

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I, Km Sadhana Srivastava, Advocate,
do hereby identify the above named deponent,
who is known to me, is the same person
who is filing the affidavit.

(Km Sadhana Srivastava)
Advocate

Solemnly affirmed before me on
this day of August, 1990 at a.m./p.m.
by the deponent, who is identified by the
aforesaid Advocate.

I have satisfied myself by examining
the deponent that he understands the contents
of this affidavit which has been read over
and explained to him.

OATH COMMISSIONER.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

(To be heard on 16.2.94 Before the Hon'ble Full/Larger Bench)

Hon'ble Mr. Justice V.S. Malimath, Chairman

Hon'ble Mr. Justice R.K. Verma, Vice Chairman

Hon'ble Mr. V.K. Seth, Administrative Member

For Hearing:

1. Cont. No. 11/92

In

O.A. No. 133/90

Suraj Prakash

-Vs-

V. Krishnan & another " ^{V. Bal Singh} ~~Dr. Ashok Nigam~~

2. Cont. No. 12/92

In

O.A. No. 134/90

Suraj Prakash

-Vs-

V. Krishnan & another " ^{V. Bal Singh} ~~Dr. Ashok Nigam~~

Hon'ble Mr. Justice V.S. Malimath, Chairman (Single)

3. O.A. No. 636/93

Vilayat Jafari

-Vs-

" Sandeep Dixit

" Umesh Chandra

U.O.I. & Others

" ^{V. Bal Singh} ~~Dr. Ashok Nigam~~

.....
UPADHYAY/

15/2/94

^{S. K. Chakravarty}
Deputy Registrar

6. Accordingly, the appeal fails and is dismissed. There is no order as to costs.

Appeal dismissed.

AIR 1990 SUPREME COURT 1251

(From : Andhra Pradesh)

KULDIP SINGH AND
S. C. AGRAWAL, JJ.

Civil Appeal No. 3677 of 1987, D/- 10-4-1990.

Mallikarjuna Rao and others etc. etc.;
Appellants v. State of A.P. and others etc.
etc. Respondents.

(A) Constitution of India, Art. 309, Proviso — A.P. Animal Husbandry Service Special Rules, 1977, R. 2 — Veterinary Assistant Surgeon belonging to Class V — Promotion of, to Class IV — Eligibility for, is restricted to their respective categories — Seniority in Class V — Irrelevant.

It is obvious from the provisions of the Special Rules that the Veterinary Assistant Surgeons who are Class V are only eligible for promotion to Class IV in their respective categories. Category 1, Class V is only eligible for promotion to Category 1, Class IV and similarly Category 2 of Class V is eligible for Category 2 of Class IV and so on. Although there is one common seniority of Class V officers but the promotion being categorywise the seniority becomes irrelevant as a senior man in Category 1, Class V cannot be promoted to any other category in Class IV except Categories 1 and 8.

(Para 6)

(B) Constitution of India, Arts. 226 and 309, Proviso — Service rules — Framing of — High Court or Service Tribunals cannot even indirectly require executive to exercise its rule-making power.

Administrative Tribunals Act (13 of 1985). S. 14.

Service rules — Framing of — Direction by High Court or Administrative Tribunals to executive for exercise of rule-making power — Not warranted.

DH/EH/S208/90/SNV

It is neither legal nor proper for the High Courts or the Administrative Tribunals to issue directions or advisory sermons to the executive in respect of the sphere which is exclusively within the domain of the executive under the Constitution. The Special Rules have been framed under Art. 309 of the Constitution. The power under Art. 309 of the Constitution to frame rules is the legislative power. This power under the Constitution has to be exercised by the President or the Governor of a State as the case may be. The High Courts or the Administrative Tribunals cannot issue a mandate to the State Government to legislate under Art. 309 of the Constitution. The Courts cannot usurp the functions assigned to the executive under the Constitution and cannot even indirectly require the executive to exercise its rule-making power in any manner. The Courts cannot assume to itself a supervisory role over the rule-making power of the executive under Art. 309 of the Constitution.

(Paras 10, 12)

Cases Referred : Chronological Paras

AIR 1989 SC 1399 : 1989 Supp (2) SCC 364

11

AIR 1985 SC 910 : (1985) 3 SCC 169

11

AIR 1971 SC 2399 : (1972) 1 SCR 940 : 1971

Tax LR 1734

11

KULDIP SINGH, J.:—The questions arising for our consideration in these appeals are as under :

(1) Can the High Court/Administrative Tribunal direct the State Government to frame or amend the existing statutory rules to alter the conditions of service of the civil servants in terms of the directions?

(2) When there are specialised posts in a feeder cadre and also in the higher cadre, can the Government restrict the promotions from feeder cadre to the higher cadre only specialitywise irrespective of the seniority?

2. The conditions of service of the Andhra Pradesh Animal Husbandry Department were initially governed by the Andhra Pradesh Animal Husbandry Service Rules, 1961 (hereinafter called 1961 Rules).

Under these Rules Veterinary Assistant Surgeons were eligible for promotion to three different categories of posts called Class IV posts and R. 6 provided special eligibility qualifications for those posts. Only those Veterinary Assistant Surgeons were considered for promotion to Class IV posts who fulfilled the qualifications/specialised training prescribed under R. 6 of the 1961 Rules.

3. Some of the Veterinary Assistant Surgeons challenged the vires of R. 6 of the 1961 Rules by way of Civil Writ Petition No. 4532 of 1971 in the Andhra Pradesh High Court. It was alleged that at the time of recruitment all the Veterinary Assistant Surgeons possessed Bachelor Degree in Veterinary Science and the special qualifications and training prescribed under R. 6 could only be acquired after joining as Veterinary Assistant Surgeon and that also at the discretion of the Government. It was open to the Government to choose any person for the specialised training and may deny such an opportunity to another person who may be equally or better suited for such training. Since the imparting of specialised qualifications/training was under the control of the Government it could pick and choose persons for the purpose and in the process making favoured persons eligible for promotion to Class IV posts under the 1961 Rules. Learned single Judge by his judgment dated August 24, 1973 rejected the contentions of the writ petitioners in the following words:

"I do not find it possible to agree with the broad contention that Rule 6 is ultra vires and unconstitutional for the reasons stated by the petitioners. As stated earlier, Rule 6 merely prescribed certain qualifications for promotion to certain posts by way of experience in a particular specialised service of undergoing training in a particular field. It cannot be argued and in fairness to the learned counsel for the petitioners it may be stated, it was not argued, that is not permissible to prescribe such qualifications. The main reason for contending that R. 6 is ultra vires was not that it prescribed certain qualifications but because in the absence of any guiding principles the Government would be able to pick

and choose persons who would be given opportunities to obtain those qualifications which would enable them to get promotion. This circumstance cannot in my view render the rule itself ultra vires. If the Government or the Authorities concerned posted certain employees in the special sections or gave them opportunity to undergo a service in a special issued section for a particular period or denied similar opportunity to deserving candidates with the oblique motive of preferring one set of persons to another for the purposes of promotion, it was open to the aggrieved officer to challenge the act of the Government in each particular case. The postings and directions have been made from time to time from 1962 and none of these petitioners approached this Court questioning the denial of the posting as the case may be all these years."

"I therefore see no reason for declaring R. 6 as ultra vires and unconstitutional."

4. While holding that R. 6 was intra vires, the learned Judge also made the following observations:

"Though I have held that R. 6 is not unconstitutional there cannot be any doubt that as it stands at present, it is left to the discretion of the authorities concerned to post any particular Veterinary Surgeon to any Special Section or to give him training in any advanced course. It is not surprising that such a state of affairs should result in dissatisfaction and suspicion in the mind of the officers concerned. Development of animal husbandry is extremely important in the interests of economy and a satisfied and contented service is a pre-requisite for such development. It is not advisable to it that a particular authority however high placed he may be to choose persons at his sweet will and pleasure to undergo training in a particular field or have service in a particular sections especially when such training and service would affect the chances of promotion to higher posts. In this connection, it may be noted that in regard to the Andhra Pradesh Agricultural Service, it was realised that condition of separate section within the same service results in great injustice as several

senior officers would be deprived of their promotion while the junior who happened to work in a specialised section get early promotion. By G.O. dated 27-6-1972 all these sections were merged into one unit and all the posts were brought under a common set of rules. It would be advisable to frame a similar rule for the Animal Husbandry Department also and see that as far as possible the area of discretion on the part of the authorities concerned is reduced if not eliminated altogether."

5. The State Government amended Rule 6 of the 1961 Rules on May 10, 1976 by which the categories of Class IV posts were increased to thirteen. The 1961 Rules were superseded by the Andhra Pradesh Animal Husbandry Service Special Rules, 1977 (hereinafter called the Special Rules) which came into force on September 24, 1977. Rule 1 of the Special Rules provides for the constitution of the service. Class IV posts, which were re-designated as Assistant Directors, were divided into eight categories. Similarly, Veterinary Assistant Surgeons come under the heading class V and are divided into seven categories. Rule 2 of the Special Rules provides method of promotion from class V to Class-IV. The relevant provisions of these Rules are reproduced as under:

1. Constitution:

Class IV:

Category (1) Assistant Directors of Animal Husbandry (formerly District Veterinary Officers & Livestock Officers Incharge Key Villages and Regional Cattle Development Units) including Superintendents, Veterinary Hospitals & Poly Clinics, Assistant Directors of Animal Husbandry, Liverfluke Control Scheme; Anti Liverfluke Control Scheme; Dairy Extension Rinderpest; Animal By-Products Plant, Zoo Park, Asst. Director of Animal Husbandry (Technical) in Directorate and Gazetted Instructors in Animal Husbandry, Village Development Officers Training Centre.

Category (2) Assistant Directors of Animal Husbandry, Government Livestock Farms including Assistant Directors of

Animal Husbandry Progeny Testing Unit, Feed Mixing Plant; Livestock Assistants Training Centre; Goshalas and Asst. Director of Animal Husbandry (Farms) in Directorate.

Category (3) Lecturers, Institute of Animal Reproduction, including Asst. Director of Animal Husbandry (Cattle Development) and Centralised Semen Collection Centre.

Category (4) Assistant Directors of Animal Husbandry, Sheep Farms including Assistant Directors of Animal Husbandry (Sheep Development) and Officers of similar rank in Sheep Section.

Category (5) Assistant Directors of Animal Husbandry, Pig Breeding Station; Piggery Development Officer and Officers of similar rank in piggery section.

Category (6) Asst. Directors of Animal Husbandry, Regional Poultry Demonstration and Research Farm and Asst. Directors of Animal Husbandry, Poultry Marketing Centres.

Category (7) Asst. Directors of Animal Husbandry (Formerly Disease Investigation Officers and Research Officers) and Officers of similar rank in Vety. Biological Institute, Hyderabad; Asst. Directors of Animal Husbandry, Animal Health Centres, and Officers of similar rank in Municipal Corporation of Hyderabad such as Public Health Veterinarian.

Category (8) Asst. Director of Animal Husbandry (Statistics)

Class V.

Category (1) Veterinary Officers.

Category (2) Veterinary Officers (Cattle Farms)

Category (3) Asst. Lecturers, Institute of Animal Reproduction and Veterinary Officers, Centralised Semen Collection Centres.

Category (4) Veterinary Officers (Sheep Farms)

Category (5) Veterinary Officers, Pig Breeding Stations.

Category (6) Veterinary Officers, Poultry Farms.

Category (7) Veterinary Officers in Veterinary Biological and Research Institute; Animal Health Centres, Clinical Laboratories and Municipal Corporation of Hyderabad."

2. Appointment:

Class IV:

Category (1) Asst. Directors of.... (i)

(ii) by promotion from among the Veterinary included in category (1) of class V of the said service.

(iii)

Category (2) Asst. Directors of.... (i)

(ii) by promotion from among the Vety. Officers included in Cat. (2) of Class V of the said service

(iii)

Category (3) Lecturers.... (i)

(ii) by promotion from among the Vety. Officers included in Cat. (3) of Class V of the said service

(iii)

Category (4) Asst. Directors of.... (i)

(ii) by promotion from among the Vety. Officers included in Category 4 of Class V of the said service

(iii)

Category (5) Asst. Directors of.... (i)

(ii) by promotion from among the Vety. Officers included in Cat. (5) of Class V of the said service

(iii)

Category (6) Asst. Directors of.... (i)

(ii) by promotion from among the Vety. Officers included in Cat. (6) of Class V of the said service

(iii)

Category (7) Asst. Directors of.... (i)

(ii) by promotion from among the Veterinary Officers included in Cat. (7) of Class V of the said service

(iii)

Category (8) Asst. Directors of.... (i)

(ii) by promotion from the Veterinary Officers in Class V of Andhra Pradesh Animal Husbandry Service

(iii)

6. It is obvious from the provisions of the Special Rules reproduced above that the Veterinary Assistant Surgeons who are class V are only eligible for promotion to class IV in their respective categories. Category 1 class V is only eligible for promotion to category 1 class IV and similarly category 2 of class V is eligible for category 2 of class IV and so on. Although there is one common seniority of class V officers but the promotion being category-wise the seniority becomes irrelevant as a senior man in category 1 class V cannot be promoted to any other category in class IV except category 1 and 8.

7. M. Srinivasan and 44 other class V officers filed Representation Petition No. 578 of 1978 before the Andhra Pradesh Administrative Tribunal seeking a direction that the Special Rules be amended or modified in terms of the observations made by the Andhra Pradesh High Court in Civil Writ Petn. No. 4532 of 1971. In other words, it was prayed that the State Government be directed to merge all the respective categories in class IV and class V of the Special Rules and promotions from class V to class IV be made on the basis of seniority alone. The Administrative Tribunal by its judgment dated July 4, 1985 allowed the Petition and issued the directions asked for by the petitioners. The Tribunal in its judgment posed the question to be decided in the following manner:

"The question to be decided is whether the Department of Animal Husbandry is justified in not following the directions of the A.P. High Court referred to above."

The Tribunal then answered the question as under:

"It must be observed that not to speak of direction, even an observation from the High Court of the land is binding on the State Government when the State Government has not chosen to set aside the said observation in the Supreme Court.

The petitioners are, therefore, entitled to the relief asked for and I find no good reasons not to grant the same. The R.P., is accordingly allowed and once again directions are issued to the respondents to evolve proper and rational method of determination of seniority among the Veterinary Assistant Surgeons in the matter of promotions to the next higher rank of Assistant Director of Veterinary Surgeons in the light of the one framed under G.O.Ms. No. 1 supra."

8. It may be mentioned that G.O.Ms. No. 1 dated 1-1-76 which was directed to be adopted and followed in the Animal Husbandry Department related to the Agriculture Department. It was argued before the Tribunal that because of functional differences between the two departments it would not be possible to adopt the conditions of service prevalent in the Agriculture Department. The Tribunal, however, issued the above quoted directions primarily on the ground that the State Government was bound to follow the observations of the High Court made in Civil Writ Petn. No. 4532 of 1971.

9. The State of Andhra Pradesh has challenged the judgment of the Tribunal in Civil Appeal No. 1519 of 1986, Civil Appeal No. 124/1987 and Civil Appeal No. 3677 of 1987 have been filed by the officers who have been affected by the judgment of the Tribunal but were not parties before the Tribunal.

10. The observations of the High Court which have been made as the basis for its judgment by the Tribunal were only of advisory nature. The High Court was aware of its limitations under Article 226 of the Constitution and as such the learned Judge deliberately used the word "advisable" while making the observations. It is neither legal nor proper for the High Courts or the Administrative Tribunals to issue directions or advisory sermons to the executive in respect of the sphere which is exclusively

within the domain of the executive under the Constitution. Imagine the executive advising the judiciary in respect of its power of judicial review under the Constitution. We are bound to react scowlingly to any such advice.

11. This Court relying on *Narender Chand Hem Raj v. Lt. Governor, Union Territory, Himachal Pradesh* (1972) 1 SCR 940 : (AIR 1971 SC 2399) and *State of Himachal Pradesh v. A Parent of a Student of Medical College, Simla* (1985) 3 SCC 169 : (AIR 1985 SC 910) held in *Asif Hameed v. State of Jammu & Kashmir*, 1989 Supp. (2) SCC 364 : (AIR 1989 SC 1899) as under (Para 19):

"When a State action is challenged, the function of the Court is to examine the action in accordance with law and to determine whether the legislature or the executive has acted within the powers and functions assigned under the Constitution and if not, the court must strike down the action. While doing so the court must remain within its self-imposed limits. The court sits in judgment on the action of a coordinate branch of the Government. While exercising power of judicial review of administrative action, the court is not an appellate authority. The Constitution does not permit the court to direct or advise the executive in matters of policy or to sermonize qua any matter which under the Constitution lies within the sphere of legislature or executive."

12. The Special Rules have been framed under Art. 309 of the Constitution. The power under Art. 309 of the Constitution to frame rules is the legislative power. This power under the Constitution has to be exercised by the President or the Governor of a State as the case may be. The High Courts or the Administrative Tribunals cannot issue a mandate to the State Government to legislate under Article 309 of the Constitution. The Courts cannot usurp the functions assigned to the executive under the Constitution and cannot even indirectly require the executive to exercise its rule making power in any manner. The Courts cannot assume to itself a supervisory role over the rule making power of the executive under Article 309 of the Constitution.

13. We are therefore, of the view that the High Court in Civil Writ Petn. No. 4532 of 1977 and the Administrative Tribunal in the judgment under appeal transgressed its limits in issuing the impugned directions. We set aside the judgment of the Tribunal and dismiss the Representation Petition No. 578/78 filed by M. Srinivasan and 44 others to the extent indicated above.

14. Mr. C. S. Vaidyanathan, learned counsel, appearing for the respondents, however, contends that the Special Rules are arbitrary and are violative of Articles 14 and 16 of the Constitution of India. He contends that at the time of initial recruitment to Class V the Government at its discretion picks-up persons for appointment to any of the categories. According to him neither there are any statutory rules or executive instructions providing options to class V officers to join category of their choice nor in fact any such options were given at the relevant time. He had further argued that the posts in seven categories of class V are inter-transferable. He invited our attention to the documents on record showing transfers from one category to another. Mr. Madhava Reddy learned counsel appearing for the State of Andhra Pradesh on the other hand has controverted the above arguments. According to him options were not only given at the time of initial recruitment into class V service but also subsequently as and when the rules were amended. He categorically denied that the posts in various categories are interchangeable. The learned counsel on both sides wanted us to go into the various documents in support of their respective contentions. We do not have before us the factual-matrix to appreciate the argument of Mr. Vaidyanathan that the Special Rules are arbitrary. We, however, find from the judgment under appeal that all these points were raised before the Tribunal in one form or the other but the Tribunal based its judgment on the observations of the High Court in Civil Writ Petition No. 4532/71 and did not go into any other point.

15. While setting aside the judgment under appeal we remit the case to the Andhra Pradesh Administrative Tribunal for decision

on other points as indicated by us or as may be raised by the parties. The Tribunal shall give further opportunity to the parties to file additional affidavits documents. We request the Tribunal to decide the matter expeditiously and if possible within three months. The appeals are disposed of in the above terms with no order as to costs.

Order accordingly.

AIR 1990 SUPREME COURT 1256

(From : Patna)

B. C. RAY AND K. N. SAIKIA, JJ.

Civil Appeal No. 1613 of 1990 (In Special Leave Petn. Civil No. 5473 of 1987), D/- 27-3-1990.

Awadh Prasad Singh and others, Appellants v. State of Bihar and others, Respondents.

(A) Bihar and Orissa Excise Act (2 of 1915), Ss. 2(7), 7(2)(a), 7(2)(f) and 89 — Inspectors of Excise Recruitment Rules (1936), Rr. 1, 4 — Seniority of Inspectors of Excise — Determination — Excise Commissioner not vested with power of determining such seniority — Seniority list prepared by State Govt. — Cannot be held to be unauthorised on ground that it was beyond powers of State Govt. as not prepared by Excise Commissioner.

Seniority — Excise Inspectors — Preparation of seniority list

(Para 7)

(B) Bihar and Orissa Excise Act (2 of 1915), Ss. 2(7), 7(2)(a), 7(2)(f), 89 — Inspectors of Excise Recruitment Rules (1936), Rr. 1, 4 — Promotion to post of Excise Inspectors — Promotion made in excess of quota — Direct recruit appointed within their quota — Are senior to promoters who have been promoted in quote of direct recruits.

CWJC No. 4097 of 1985, D/- 1-4-1987. (Patna), Reversed.

Seniority — Determination — Quota rule.

DH DH 5185 90 JIS

I N D E X

In

Contempt Petition No. 11 of 1992 (L)

in

Original Application No. 133 of 1990(L)

Suraj Parkash,
Aged about 54 years,
S/o. Shri Chanan Ram,
Regional Administrative Officer,
Geological Survey of India,
Northern Region,
Lucknow.

.....Petitioner

Vs.

1. Shri V. Krishnan,
Secretary, Ministry of
Mines, New Delhi.
2. Shri C.P. Vohra,
Director General,
Geological Survey of India,
Calcutta.

..... Respondents.

S.No.	Particulars of documents	Page No.
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(Signature)
(Suraj Parkash)
Applicant.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

Contempt petition No. 11 of 1992

(Under section 17 of the Administrative Tribunal
Act 1985)

In re, CA No. 133 of 1990(L)

Suraj Parkash,
Aged about 52 years,
S/o. Late Chanan Ram
Regional Administrative Officer,
Geological Survey of India,
Northern Region, Sector-2,
Aliganj, Lucknow

... petitioner

-versus-

Shri V. Krishnan
Secretary,
Ministry of Mines,
Shastri Bhawan,
New Delhi

2. Shri C.P. Vohra,
Director General,
Geological Survey of India,
27, J.L. Nehru Road,
Calcutta-700 016.

... opposite parties.

To

The Hon'ble Vice Chairman and his other
companion Hon'ble members of aforesaid
Tribunal/Court.

The humble contempt petition on behalf of

the petitioner above named most respectfully submit as under:-

1. That the petitioner Shri suraj parkash is working as Regional Administrative Officer in geological survey of India, Northern Region, sector-S, Aliganj, Lucknow under the department of mines, Ministry of steel & mines, of the central government under the control of the opposite party no. 1, 2.
2. That in the geological survey of India, the department has denied promotion to the officer of Administrative stream to the post of Dy. Director General (P).
3. That the petitioner filed claim petition before this Hon'ble Tribunal claiming a direction, the same was marked as Registration O.A. No.133 of 1990 (L). The brief facts of the case are as under,
4. That in the geological survey of India, there are several streams in which officers are working and the petitioner belongs to the Administrative stream and holding group 'A' post (Junior Administrative grade) in the scale of Rs. 3700-5000/-.
5. That the petitioner belong to group 'A' post (Junior Administrative grade) has originally

been appointed to this post on 27-4-77 and since then petitioner is continuing on this post without any promotion. The petitioner represented number of times for opening the promotional channel to the post of Dy. Director General (P) out of the feeder grade of regional Administrative officers instead of filling this post through deputation as in all other streams the posts of Dy. Director General are being filled up from the concerned feeder grade i.e. Junior Administrative grade.

6. That when repeated representations proved abortive the petitioner filed an application registration No. O.A. No. 133 of 1990 (L) which came up for hearing before this Tribunal, Circuit bench at Lucknow and was disposed off through judgement dated 22nd November, 1990 and the judgement was passed. The operative part of the judgement is as under;

7. In this background, we are of the view that consistent with standard of efficiency and nature of work, geological survey of India should also keep in view the 'morals' of the personnel working in different limbs-some of them may not be significant, and provide a channel of promotion to the post of Dy. Director General (P) by prescribing suitable qualifications, experience etc., required to perform the duties efficiently.

Accordingly, we direct respondents to make suitable amendment in the rules of recruitment as to provide for channel of promotion to the post of Dy. Director General (P). regarding the promotion of applicant to the post of Dy. Director General(P), no direction can be issued by us. In any case it is for the respondents to consider the promotion of the applicant on merits. The application is disposed off as above with no order as to cost. A true copy of the aforesaid judgement is being filed as ANNEXURE NO. 1 to this application.

8. That the above said judgement was forwarded to the respondents through the Dy. Director General, Geological Survey of India, Northern Region, Lucknow, by the Additional Central Government Standing Counsel, Lucknow Bench, Lucknow and in turn the Dy. Director General, Geological Survey of India, Northern Region, Aliganj, Lucknow forwarded the judgement to the respondents No. 1 & 2 vide letter No. 1249/C-18011/2/90-Legal dated 4-12-90 for implementation. A true copy of this said letter is enclosed herewith as ANNEXURE NO. 2 to this application.

9. That the petitioner addressed an application dated 26-4-91 to the Secretary, Ministry of Steel & Mines, Department of Mines, Shastri Bhawan, New Delhi, which was forwarded to the Director General, Geological Survey of India, Calcutta

respondent no. 2 by the Dy. Director General, Geological Survey of India, Northern Region, Lucknow vide letter no. 91429/Misc./P&C/Conf./IR dated 29-4-91, but the petitioner has not heard anything from the respondents regarding implementation. A true copy of this application and letter is being filed herewith as ANNEXURE NO. 3 to this application.

10. That the petitioner sent another application dated 15-11-91 addressed to the secretary, Ministry of Steel & Mines, Department of Mines, Shastri Bhawan, New Delhi which was forwarded to the Director General, Geological Survey of India, Calcutta by the Dy. Director General, Geological Survey of India, Northern Region, Aliganj, Lucknow, vide letter no. 1079R/P&C/Misc./91 dated 20-11-91. A true copy of this application and letter is being filed herewith as ANNEXURE NO. 4 to this application.

11. That the respondent no. 2 issued one letter no. 1/Conf/31/1(617)/Law-59/90 dated 18-1-91 intimating the Dy. Director General, Geological Survey of India, Northern Region that the recruitment rules for the post of Dy. Director General (P) providing channel of promotions scope for Director of Administration has been submitted to the Ministry on 25-8-89 and the judgement in OA no. 134 of 1990 (L), the matter is under examination and process. The letter further states above position may be brought to the notice of the applicant and Central Administrative Tribunal in consultation with the standing counsel.

12. That Shri V.K. Chaudhury, Additional Central Government Standing Counsel, Lucknow Bench, Lucknow was approached by the Dy. Director General, Geological Survey of India, Northern Region, for legal opinion who in turn informed that the judgement is clear and opens the promotion channel from the post of Regional Administrative Officer to the post of Dy. Director General (P). It is not open to the Directors in other stream of Geological Survey of India as they already have the cadre promotion to the post of Dy. Director General in their respective streams. The letter is being filed as ANNEXURE NO. 5.

13. The petitioner again approached Shri C.P. Vohra, Director General, Geological Survey of India, Respondent No. 2 for taking action regarding implementation of the judgement through D.O. letter dated 29-11-91. The Respondent No. 2 has replied to the petitioner vide letter No. 48492/A-11013/SI.Gr./91/19A dated 30-12-91 that the proposal for amendment of the recruitment rules making a channel of promotion to the post of Dy. Director General (personnel) out of the feeder grade of the Regional Administrative Officer/Director of Administration has been sent to the Ministry under letter No. 8302/A-12018/1/88/19A dated 1-7-91, which is filed as ANNEXURE NO. 6 to this application.

14. That the respondents inspite of the directions of the Hon'ble Central Administrative Tribunal dated 22-11-90 and number of reminders from the petitioner, have not complied with the directions of the Hon'ble Central Administrative Tribunal, Circuit Bench, Lucknow, so far.

15. That it has been established the dis-respectful attitude of the respondents towards the orders passed by this Hon'ble Tribunal for not complying with the directions issued by them so far.

16. That these opposite parties have deliberately and willfully not complied with the directions dated 22-11-90 of this Hon'ble Tribunal and it appears that they have no respect of the Hon'ble Tribunal and in order to undermine the authority of this Hon'ble Tribunal.

17. That in the circumstances narrated above it is mentioned that the opposite parties have not complied with the directions of of this Tribunal dated 22-11-90 and applicant is submitting this petition and relevant information in this Hon'ble Tribunal for committing contempt by all respondents of this Hon'ble Tribunal's directions.

18. That the applicant/petitioner has not received any notice from the Hon'ble Supreme Court of India

and he has reason to believe that the department has not filed the special leave petition against the findings of the Hon'ble Tribunal.

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Tribunal be graciously pleased to punish the contem'nors and start contempt proceedings against the opposite parties in accordance with the Law.

Place : Lucknow

(Sursj Parkash)

Dated : Feb. '1992

APPLICANT

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

Contempt Petition No. of 1992

in re: OA No.133 of 1990(L)

Suraj Prakash

-- Petitioner

-versus-

Shri V. Krishnan,
and two others

.. Contemnors/Respondents

AFFIDAVIT IN SUPPORT OF PETITION UNDER
SECTION 17 OF THE ADMINISTRATIVE TRIBUNALS
ACT, 1985.

I, Suraj Prakash, aged about 52 years,
son of Shri Chanan Ram, at present posted as
Regional Administrative Officer, Geological Survey
of India, Northern Region, Lucknow do hereby
solemnly affirmed and state as under:-

1. That the deponent is the petitioner
in the above noted contempt petition and he is
well conversant with the facts of the case and
facts deposed to herein under :-
2. That the contents of para 1 to 18
of the accompanying petition are true to my
personal knowledge and on the basis of information
gathered as well as on the basis of legal advice.

- 2 -

3. That the Annexures nos.1 to 6 are true copies of their originals which have been compared by me while Annexure no. — is certified copy.

Deponent.

Lucknow,

Dated: Feb. 1992.

Verification.

I, the deponent above named do hereby vyerify that the contents of para 1 to 3 of this affidavit are true to my personal knowledge and on the information gathered as well as the legal advice. No part of it is false and nothing material fact has been concealed.

Deponent.

Lucknow,

Dated: Feb. 1992.

I hereby identify the deponent who has signed before me, who is personally known to me.

(Advocate)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
(LUCKNOW CIRCUIT BENCH)

.....

Registration O. A. No. 133 of 1990(L)

Sujay Prakash. A. O. Applicant?

vs.

Union of India & Ors. Respondents.

Hon'ble Mr D.K. Agrawal, J.M.
Hon'ble Mr K. Obayya, A.M.

(By Hon'ble K. Obayya, A.M.)

This application under Section '19' of the Administrative Tribunals Act, 1985 has been filed for a direction to respondents to provide a channel of promotion to the post of Deputy Director General (Personnel) in the Administrative Stream of Geological Survey of India and to consider the case of the applicant for promotion to the said post in case, he is considered suitable.

2. The relevant facts of the case are that the applicant entered service in the Geological Survey of India (G.S.I.) as a Regional Administrative Officer (R.A.O.) in 1977 as a direct recruit on selection by U.P.S.C. The next higher post was that of Director of Administration, which was initially filled up by deputation, but later converted as a promotion post from the feeder category of RAOs. Based on the recommendation of the Review Committee, the post of Deputy Director General (Personnel) (D.D.G.(P)) was created on a fixed pay of Rs.2750/-, and according to the applicant, this has become the top post to oversee the administrative stream.

3. It is contended by the applicant that after the Fourth-Pay-Commission, the pay-scales of R.A.O. & Director (Admin.) were equated, and the post of Director(Admin.) no more remained as a Promotion Post, and the only higher post available is that of Deputy Director^{General}(Personnel) which is being filled up by deputation and the channel of promotion

should be provided to the Administrative Stream, to be promoted to this post. The further contention of the applicant is that the posts of D.D.G. are Promotion Posts in all the other streams, and the denial of promotion avenue to the Administrative Stream amounts to discrimination, and this goes counter to the recommendation of the Fourth-Pay-Commission according to which, there should be at least one promotion after 15 years of service in a regular post.

4: The respondents have filed a counter contesting the case, in which it is stated that the work in the G.S.I. is organised broadly in three streams, namely Scientific Stream, Technical Stream & Administrative Stream and that there are 8 divisions/wings under Scientific Stream, 5 divisions/wings under Technical Stream, and 4 divisions/wings under Administrative Stream. The posts of D.D.G. are sanctioned in 3 divisions under Scientific Stream, namely Geology, Geophysics (Exploration) and Geophysics (Insttn.) and 1 division/wing in Engineering under Technical Stream, and 2 divisions/wings under Administrative Stream, namely Personnel & Finance. It is also stated that the post of Director (Administration) is the highest post in the Administrative Stream, and this post is vested with certain statutory powers, which are not vested with R.A.Os. It is also stated that the recruitment in the Financial & Administrative Streams is not upto 50% and as such they are not eligible for Selection grade. The Technical Stream of G.S.I. has been classified as 'G.S.I. Gr-A' service while Financial & Administrative Streams have been classified as 'Gr-A', 'Gr-B' services.

5: In the rejoinder, the stand taken in the application is reiterated. It is also admitted that the post of D.D.G. are sanctioned only in certain divisions, and other divisions have been left out as their cadres are too small. It is also stated that there is no bifurcation of Personnel and Administrative cadres in the G.S.I., and that the post of

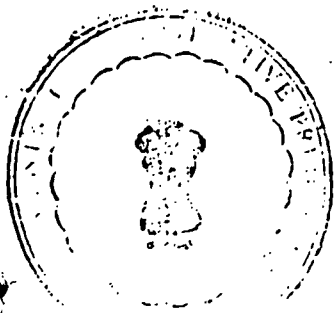
Contd.:.....2/-

D.D.G.(P) is the highest post in the Administrative Stream and not the Director of Administration.

6. We have heard the learned counsel for the parties. We have also gone through the report of the G.S.I. Review Committee, Vol. I dated 18.12.87 placed before us by the learned counsel for the applicant. The Review Committee was set-up by Government of India to study the present structure and organisation, and suggest measures for rationalisation and improvement in its working. The report is comprehensive and covers all facets of work of G.S.I. The terms of reference of the committee among others included identifying problems of personnel management and to suggest measures for its improvement including perspective manpower planning and appropriate recruitment, promotion and posting policies etc. Para 3.17 (p.41) of this report deals with Personnel Management and Recommendation 51 is to the effect that G.S.I. must build up a Modern Personnel Management Organisation with primary functions of Planning, Development & Management of Human Resources. The committee considered that G.S.I. "required a professional man" at a very high level, who would have to interact with the senior level officials of G.S.I. and to build up a system with the help of both experts, and consultants from outside as well as with persons available within, and recommended creation of a post of Sr. D.D.G.(P) on a fixed pay of Rs.2,750/-. Recommendation 53 suggested creation of post of three Directors- (1) Director of Personnel A & B (2) Director of Personnel C & D and (3) Director of Administration. The work distribution is that the Director of Personnel would be in-charge of recruitment, promotion, transfers, posting, cadre planning, training etc. while the Director of Administration would be in-charge of Estate Management and House Keeping, Administration etc. The suggested organisational structure (Annexure-9) to this report indicates that under Sr. D.D.G.(P), divisions are

Career Development, Recruitment, Training & Development, Welfare, Establishment, Administration, Estate & House Keeping in coming up with these recommendations, the committee evidently had futuristic outlook and clearly distinguished the functions of Personnel Department from that of Administration and suggested creation of three Directors posts to look after Personnel & Administrative work. The word 'administrative' is generic term and at one time embraced all activities of a department/organisation, but over the years, there has been specialisation and development of Management Science; today we have Personnel Management, Financial Management, Legal Cells etc. distinct from each other and with expertise in their own spheres - may be at lower levels- there is overlap of these spheres, but not at middle or top level. Administrative work pure and simple means, Estate Management, House Keeping, Routine Charges etc. and not the work of 'Personnel Department' which has become complex. The D.D.G.(P) is a very specialised post and administration only forms a part of his areas of responsibilities as perceived by the committee.

7. Admittedly the applicant was recruited as R.A.O. The notification of recruitment issued by U.P.S.C. indicates that this is a middle-level-post, eligibility being 45 years of age with 10 years experience in Administration & Establishment matters; the duties mentioned are to supervise and direct the work relating to administration in Regional Offices and to assist a D.D.G. in administrative work. Though, the learned counsel for the applicant has stated that the post of R.A.O. and Director (Admn) have been equated; no notification to that effect has been shown to us.



8. We have also seen the Recruitment Rules filed by the learned counsel for the applicant, relating to different posts in G.S.I., at the level of Director, Sr. Dy. Director, D.D.G. etc. These rules provide for promotion and for some posts by deputation, and direct recruitment is also mentioned. The contention of the learned counsel for the applicant that the post of D.D.G.(P) should also be made open for promotion on par with other posts of D.D.Gs, has undoubtedly some merit. The G.S.I. is a premier scientific agency in the country in regard to geological activities and mineral exploration with more than 17,000 employees on its rolls, mostly Technical, Scientific and Professional personnel - it is vested with the responsibility to map the mineral sources of the country and is considered as third oldest organisation of its kind and second largest in the world with outstanding achievements in the field of Science & Technology. Such an organisation, in our view should not be fettered in its search for tapping the talent available to man different posts. "The right man for the right job" is the concept of these days - in fact in the report, there are many references suggesting that G.S.I. should be rid of governmental controls in its day-to-day working to enable it to pursue its objectives more efficiently. In this background, we are of the view that consistent with standard of efficiency and nature of work, G.S.I. should also keep in view the 'morals' of the personnel working in different limbs - some of them may not be significant, and provide a channel of promotion to the post of D.D.G.(P) by prescribing suitable qualifications, experience etc. required to perform the duties efficiently,

- 6 -

Accordingly we direct respondents to make suitable amendment in the rules of recruitment as to provide for Channel of promotion to the post of D.D.G.(P). Regarding the promotion of applicant to the post of D.D.G.(P), no direction can be issued by us. In any case it is for the respondents to consider the promotion of the applicant on merits. The application is disposed of as above with no order as to costs.

MEMBER (A)

MEMBER (J)

(Karn/
ans)November 22nd, 1990

Allahabad.

Attested

True copy

(Mehd. Ur Khan)

C.T. ...
Executive Tribunal,
Circuit Bench,
LUCKNOW.

(17)

ANNEXURE-2
BY REGISTERED POST

GOVERNMENT OF INDIA
GEOLOGICAL SURVEY OF INDIA
NORTHERN REGION
SECTOR 'E' ALIGANJ COMPLEX
LUCKNOW.

No.1249 to 1251/C-18011/2/90-Legal. Dated: 4.12.90.
TO

The Secretary to the Govt. of India,
Ministry of Steel & Mines,
Department of Mines,
Shastri Bhawan,
New Delhi.

The Director General,
Geological Survey of India,
27, J.L. Nehru Road,
Calcutta-16.

Sub: Forwarding of judgements in respect of OA No.133/
90(L) and No.134/90(L) filed by Shri Suraj Prakash,
Regional Adm. Officer, NR.

Ref: This office encl. No.10719 to 10721A/C-18011/1/90-
Legal dated 27.9.90.

Sir,

I am to forward herewith original copy/photo copies
of the judgements delivered by the Hon'ble Central
Administrative Tribunal, Circuit Bench, Lucknow in respect
of OA No.133/90(L) and No.134/90(L) filed by Shri Suraj
Prakash, Regional Administrative Officer, NR, GSI versus
Union of India and others for your information and necessary
action in the matter.

please acknowledge receipt.

Encl.: As above.

yours faithfully,

Sd/-4.12.90
(K.P. Gautam)
Administrative Officer,
for Dy. Director General, NR.

No. ____/C-18011/2/90-Legal. Dated:

Copy forwarded for information and necessary action
to the Dy. Director General (P), GSI, 4, Chowringhee Lane,
Calcutta-16.

Sd/-
(K.P. Gautam)
Administrative Officer,
for Dy. Director General, NR.

From : SURAJ PARKASH,
Regional Admn. Officer,
Geological Survey of India,
Northern Region,
LUCKNOW - 20

To : The Secretary,
Ministry of Steel & Mines,
Department of Mines,
Shastri Bhavan,
NEW DELHI

Through Proper Channel

SUB : Central Administrative Tribunal, Allahabad,
Circuit Bench, Lucknow - Judgement dated
22.11.1990 pertaining to O.A. No. 134/90(L)
and O.A. No. 133 of 1990(L) filed by
Shri Suraj Parkash versus Union of India
and others.

Sir,

With due respect I beg to state that I filed two petitions No. O.A. 134/90(L) and O.A. No. 133 of 1990(L) in the Central Administrative Tribunal, Allahabad, Circuit Bench Lucknow regarding creation of Selection Grade posts in Administrative Stream in Junior Administrative Grade level and opening of promotional channel to the post of Dy. Director General(P) in Administrative Stream respectively. The Central Administrative Tribunal, Allahabad, Circuit Bench Lucknow delivered the judgements on 22nd Nov. 1990 pertaining to the above petitions in my favour accepting the plea made by me in the applications. The above judgements have been received by the Central Government Standing Council on 27.11.1990 on behalf of the department and the same have been sent to you by the Dy. Director General, Geological Survey of India, Northern Region, Lucknow vide C-18011/2/90-Legal dated 4.12.1990.

2. The Central Administrative Tribunal, Allahabad, Circuit Bench Lucknow vide judgement dated 22.11.1990 to O.A. No. 134/90(L) directed the creation of Selection Grade posts in Junior Administrative Stream level in the Administrative Stream and the order dated 2.8.89 and 14/21.9.1989 issued by the Dy. Director General, Geological Survey of India, Northern Region, Lucknow.

From : SURAJ PARKASH,
Regional Adm. Officer,
Geological Survey of India,
Northern Region,
LUCKNOW - 20

To : The Secretary,
Ministry of Steel & Mines,
Department of Mines,
Shastri Bhavan,
NEW DELHI

Through Proper Channel

SUB : Central Administrative Tribunal, Allahabad,
Circuit Bench, Lucknow - Judgement dated
22.11.1990 pertaining to O.A. No. 134/90(L)
and O.A. No. 133 of 1990(L) filed by
Shri Suraj Parkash versus Union of India
and others.

Sir,

With due respect I beg to state that I filed two petitions No. O.A. 134/90(L) and O.A. No. 133 of 1990(L) in the Central Administrative Tribunal, Allahabad, Circuit Bench Lucknow regarding creation of Selection Grade posts in Administrative Stream in Junior Administrative Grade level and opening of promotional channel to the post of Dy. Director General(P) in Administrative Stream respectively. The Central Administrative Tribunal, Allahabad, Circuit Bench Lucknow delivered the judgements on 22nd Nov. 1990 pertaining to the above petitions in my favour accepting the plea made by me in the applications. The above judgements have been received by the Central Government Standing Counsel on 27.11.1990 on behalf of the department and the same has been sent to you by the Dy. Director General, Geological Survey of India, Northern Region, Lucknow vide letter No. 1249/C-18011/2/90-Legal dated 4.12.1990.

2. The Central Administrative Tribunal, Allahabad, Circuit Bench Lucknow vide judgement dated 22.11.90 pertaining to O.A. No. 134/90(L) directed the Respondents for creation of Selection Grade posts in Junior Administrative Grade level in the Administrative Stream and also quashed the order dated 2.8.89 and 14/21.9.1989 issued by the department.

.....2/-

(20)

- 3 -

above judgements in the right spirit so that my claim to these posts does not suffer any more as I have already put more than 14 years service in the present Junior Administrative Grade level post and holding Group 'A' post since 1970 excluding Army Emergency Commissioned Officer service i.e. from 25.8.63 to 26.6.1969.

Thanking you,

Yours faithfully,

(SURAJ PARKASH)

Dated : 26th April, 1991

A copy of the above in advance is forwarded herewith for favour of information and necessary action to Shri K.S. Bajwa, Director, Deptt. of Mines, Ministry of Steel & Mines, Shastri Bhavan, New Delhi with the request to expedite implementation of the judgements.

(SURAJ PARKASH)

of Personnel and Training, denying the Selection Grade to the officers of the Administrative Stream. In this connection, it is stated that there are 21 posts of Senior Time Scale level and Junior Administrative Grade level (Senior Time Scale - 13, Junior Administrative Grade - 8) in Group 'A' in the Administrative Stream. Hence 3 posts in the Selection Grade in Junior Administrative Grade level may be created in the Administrative Stream which being 15% of the total number of Senior Time Scale and Junior Administrative Grade level in the Administrative Stream as per the provision of Government of India (Department of Personnel and Public Grievances and Pensions, Department of Personnel & Training) O.N. No. 19/1/86-PP dated 13th Aug. 1987. In this regard Office Memorandum No. 13/1/86-M.2 dated 20.6.1989 addressed to the Deptt. of Personnel & Training, New Delhi may kindly be referred to.

The Central Administrative Tribunal, Allahabad, Lucknow vide judgement dated 22.11.90 pertaining to No. 133/90(L) directed the Respondents to make amendments in the rules of recruitment so as to create a channel of promotion to the post of Dy. Director from the grade of Regional Administrative Officer. In connection it is stated that there is one post of Dy. Director General(P) available in the department which is filled up through deputation as per the existing Rules. It is, therefore, requested that Recruitment of Dy. Director General(P) may be amended so as to be a promotional post from the grade of Regional Administrative Officer in the light of above judgement. It is out of place to mention that the post of Dy. Director General in other streams in Geological Survey of India is filled up through promotion from the officers of Junior Administrative Grade level in their respective streams after making the post of Dy. Director General(P) in the department from the grade of Regional Administrative Officer. I hope the department to bring administrative reforms in the other streams.

In view of the above, I, therefore, request you that necessary action may please be taken to implement the

(21)

GOVERNMENT OF INDIA
NORTHERN REGION
GEOLOGICAL SURVEY OF INDIA
LUCKNOW.

No.91429/Miso/P&C/Conf/NR

Dated 29.4.91

To:

The Director General,
Geological Survey of India,
27, J.L.Nehru Road,
Calcutta-6.

Sub.: Central Administrative Tribunal Allahabad.
Circuit Bench, Lucknow- Judgement dated
22.11.1990, pertaining to O.A.No.134/90(L)
OA No.133 of 1990(L) filed by Shri Suraj
Parkash versus Union of India and others.

Sir,

Kindly find enclosed, in duplicate, an application addressed to the Secretary, Ministry of Steel & Mines, Deptt. of Mines, New Delhi received from Shri ~~xxx~~ Suraj Parkash, Regional Administrative Officer, NR, GSI, Lucknow, for favour of your kind perusal and necessary action.

Encls/m.

Yours faithfully,

N.K.Mandwal

(N.K.MANDWAL)
Director, P&C,
for Dy. Director General, NR.

Spare copy of Vg. Section. / C

From:

(22)

ANNEXURE-A

SURAJ PARKASH,
Regional Administrative Officer,
Geological Survey of India,
Northern Region,
L U C K N O W -20.

To:

The Secretary,
Ministry of Steel & Mines,
Department of Mines,
Shastri Bhavan,
NEW DELHI.

Through Proper Channel

SUB: Central Administrative Tribunal, Allahabad,
Circuit Bench, Lucknow - Judgement dated
22.11.1990 pertaining to O.A. No.134/90(L)
and O.A. No.133 of 1990(L) filed by Shri
Suraj Parkash versus Union of India and
others.

Sir,

Kindly refer to my letter dated 26.4.1991 forwarded to the Director General, Geological Survey of India by the Dy. Director General, Geological Survey of India, Northern Region, Lucknow vide letter No.91429/Misc./P&C/Conf./NR dated 29.4.1991 (copy attached) on the subject noted above, and to point out that nothing has been heard so far in the matter as the above said judgements have been received in your office in the first week of December, 1990 for implementation.

In this connection it may not be out of context to mention that the judgements of the Central Administrative Tribunal shall be final and should be complied within the stipulated time limit as the Central Administrative Tribunal was established by the Government of India with a view to provide speedy and inexpensive relief to the Government servants in the matter of deciding their complaints and grievances on recruitment and conditions of service. In this connection Department of Personnel, Government of India Office Memorandum No.A-11019/37/85-AT dated 13th Aug, 1985 may be referred and paragraph 13 of the said Office Memorandum is reproduced below:

"The orders of the Tribunal shall be final and binding on both the parties. The order of the Tribunal should be complied with within the time-limit prescribed in the order or within six months of the receipt of the order where no such time-limit is indicated in order"

....2.

(23)

In view of the above, I therefore again earnestly request you that an early action may please be taken to implement the above judgements in the right spirits so that my claim to the post of Dy. Director General (P) and selection grade in the Junior Administrative Grade (Regional Administrative Officer) does not suffer any more and to avoid me for approaching the court of Law again.

Thanking you,

Yours faithfully,

Dated: 15th Nov, 1991.

(SURAJ PARKASH)

A copy of the above in advance is forwarded for favour of information and necessary action to the Secretary, Ministry of Mines, Government of India, Shastri Bhavan, New Delhi, with the request to expedite implementations of the judgements which have been received in his office in the first week of December, 1990 and pending.

(SURAJ PARKASH).

(24)

SPEED POST

GOVERNMENT OF INDIA
NORTHERN REGION
GEOLOGICAL SURVEY OF INDIA
LUCKNOW.

No. _____ / P&C/Misc/91

Dated 20.11.91.

To:

The Director General,
Geological Survey of India,
27, J.L. Nehru Road,
Calcutta-16.

Subject: Central Administrative Tribunal, Allahabad, 90
Circuit Bench, Lucknow- Judgement dated 22.11.91
pertaining to Q.A.No.134/90(L) and O.A.No.133
of 1990(L) filed by Shri Suraj Parkash Versus
Union of India and others.

Sir,

Kindly find enclosed a copy of letter
dated 15.11.91 alongwith its enclosures received from
Shri Suraj Parkash, Regional Admn. Officer, NR, GSI,
Lucknow, for your kind perusal and necessary action
at your end as deemed fit.

Yours faithfully,

(N.K.MANDWAL)
Director, P&C,
for Dy. Director General, NR

1080R
No. _____ P&C/Misc/91

of date. 20/11/91

Copy forwarded for information to:

- ✓ 1. Shri Suraj Parkash, Regional Admn. Officer, NR, GSI
Lucknow.
2. The Administrative Officer, Legal Section, NR, GSI,
Lucknow, alongwith a copy of enclosures.

N.K. Mandwal
(N.K.MANDWAL)
Director, P&C,
for Dy. Director General, N.R.

वीरेन्द्र कुमार चौधरी

अवर केन्द्रीय सरकार स्थायी अधिवक्ता

उच्च न्यायालय लखनऊ बेंच

चेम्बर नं० 14

V. K. Chaudhari

Addl. Central Govt Standing Counsel
HIGH COURT, LUCKNOW BENCH.
CHAMBER NO. 14

पत्र सं०

Letter No.



दूरभाष - [Cham- 33640] चेम्बर
Phones - [Resi - 34986] निवास
निवास एवं चेम्बर

14/629 बरफ खाना, नई बस्ती (अलंकार
सिनेमा के पास) लखनऊ पिन - 226001
Residence Cum Chamber
14/629 Baraf Khana Nai Basti
(Near Alankar Cinema)
Lucknow, Pin Code - 226001

दिनांक/Date 4th, February, 91.

To:

The Dy. Director General,
Geological Survey of India,
Northern Region,
Lucknow.

Subject: Legal opinion as per your letter dated 1.2.91 -
regarding judgement dated 22.11.91 in O.A
No. 133/90(L) in the case of Shri Suraj Parkash,
Versus U.O.I. & Others.

Dear Sir,

With reference to your letter dated 1.2.1991 I am enclosing therewith an extract of the proposed amendments in the recruitment rules to the post of Dy. Director General (P) in G.S.I. submitted to the Ministry of Steel & Mines, (Department of Mines) on 25.8.89. I am to state that the proposal is not at all in the line of the judgement in O.A No. 133/90 (L) wherein Hon'ble CJ had observed that there is undoubtedly some merit in the contention of the applicant that the post of DDG (P) should be made open for promotion on par with posts of DDG in other streams, and accordingly directed the respondents to make amendment in the recruitment rules to provide channel of promotion to the post of Dy. Director General (P) and to consider the applicant on merits.

The judgement is clear and opens the cadre promotion channel only for the post of regional Administrative Officer to the post of Dy. Director General (P). It is not open to the Directors in other streams of G.S.I. as they already have cadre promotion to the post of D.D.G. in their respective streams.

In all other streams except Administration the Directors have their channels of promotion in their own cadre as Dy. Director General, but it will be arbitrary and discriminatory if for the post of D.D.G (P) all the Directors (of all the streams) are being kept in the zone of eligibility. If this has to be done then Department will have to amend rules of all the streams and should club all the streams together and prepare a common seniority list of all the Directors (all streams) / regional Administrative Officer, and in that event the Director (Administration stream) / regional Administrative Officer working in the stream of Administration will also be liable to be considered for promotion in all other streams on the posts of DDGs in Geological

Cont..2..

Chamber Timing 7.30 A. M. to 9 A. M. & 6.30 P. M. to 8.30 P. M.

वीरेंद्र कुमार चौधरी

अपर केन्द्रीय सरकार स्थायी अधिवक्ता

उच्च न्यायालय लखनऊ बेंच

चेम्बर नं० 14

V. K. Chaudhari

Addl. Central Govt Standing Counsel

HIGH COURT, LUCKNOW BENCH.

CHAMBER NO. 14

पत्र सं०

Letter No.



दूरभाष - [Cham- 33640] चेम्बर
Phones - [Resi - 34986] निवास
निवास एवं चेम्बर

14/829 बरफ खाना, नई बस्ती (अलंकार
सिनेमा के पास) लखनऊ पिन - 226001

Residence Cum Chamber

14/829 Baraf Khana Nai Basti

(Near Alankar Cinema)

Lucknow, Pin Code - 226001

दिनांक/Date

-2-

survey of India. In my opinion it will further create more problems and ~~inconvenience~~ in-convenience to the department, as such the streams of Administration/ personnel should be kept separate up to post of DDG and only the officers working in Administrative stream at JAG level should be made eligible for considerations in the post of DDG (P). If proposed rules are made effective the RAGs / directors working in Administrative stream may also claim promotion on the posts of DDGs in other stream on the basis of seniority.

So, please amend the draft rules accordingly as I opinioned in para 1 & 2 above.

Thanking you.

Yours faithfully,

(V.K. Chaudhari)

(V. K. Chaudhari)

Addl. Cen. Govt. Standing Counsel

High Court, Lucknow Bench

सेवा/From

निदेशक, सर्वेक्षण

माखीय भूवैज्ञानिक सर्वेक्षण

4, चौंगी लेन, DY DIRECTOR GENERAL (P).

~~THE DIRECTOR (GENERAL)~~

GEOLOGICAL SURVEY OF INDIA

4, Chowringhee Lane

सेवा में

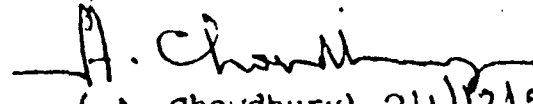
To

Shri Suraj Parkash,
Regional Admn. Officer,
NR,
Geological Survey of India,
Sector-E, Aliganj,
Lucknow-226010.

Sub:- Promotional channel of RAO/D(A) to the
post of DDG(P) & creation of sl.Gr. to
JAG level posts in Adm. stream.

Ref:- Your DO No. 158/RAO/Misc/91 dt. 29.11.91.

The revision of Recruitment Rules for the post of DDG(P)
keeping the promotional channel of JAG posts in administrative
stream and creation of sl. Grade posts to the JAG level posts
in administrative stream have already been taken up with the
Ministry. Ministry is being requested to expedite the matter.


(A. Chowdhury) 24/12/91
Director

for Deputy Director General (p)
Geological Survey of India.

- (11) Proforma duly filled
in for referring to DPT &
UPSC & Annexure-II.
- (111) Draft revised R/Rules
proposed - Annexure - III

From :
THE DIRECTOR GENERAL
GEOLOGICAL SURVEY OF INDIA
27, Jawaharlal Nehru Road,

(28)

To
The Secretary to the
Government of India,
Ministry of Steel & Mines,
Department of Mines,
Shastri Bhawan,
New Delhi - 110001.

(Attention : Shri K.S. Bajwa, Director)

Sub : Amendment of Recruitment Rules for the post of
Dy. Director General (Personnel) in Geological Survey
of India.

Sir,

In supersession of the Recruitment Rules for the post of Dy. Director General (P) proposed for revision vide this office letters No. 1251M/A-12018/1/88-19A dated 25-8-89 & No. 249M/A-12018/1/88/19A dated 21-2-91, a revised proposal according to the judgement of the Hon'ble CAT, Lucknow Circuit Bench and Allahabad Bench Against OAS No. 133 of 1990 (I) & No. 134 of 1990 respectively is enclosed for consideration and approval.

In this connection, it is stated that as per the existing R/Rules, the vacancy in the grade of Dy. Director General (P) is filled up by transfer on deputation from All India Service/Central Services Group 'A' Officers of appropriate status. It is now felt necessary that the post of Dy. Director General (P) should be made cadre post, so that the departmental eligible Officers, who fulfil the requisite experience and qualifications, may get fair chance in their career prospect and to overcome the difficulties being experienced by this department in filling up of the post from All India Central Service Group 'A' cadres on deputation basis from time to time. In this vast department, if such a post is kept vacant for some period it would be very difficult to carry out the administrative functions smoothly.

It is, therefore, requested that the Ministry may kindly examine the proposed revised draft R/Rules sent herewith and communicate the Government of India decision/approval at an early date.

Yours faithfully,

Sd/-

(Baban Modak)
Director (Personnel)
for Director General
Geological Survey of India.

Encl : (i) Existing approved
R/Rules-Annexure-I
(ii) Proforma duly filled
in for referring to DPT &
UPSC as Annexure-II.
(iii) Draft revised R/Rules
proposed - Annexure - III

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW Bench, LUCKNOW

CO TENURE PETITION NO. 192/92(L)

in re: GA No. 133/90(L)

Shri Rajesh

.. Petitioner

-versus-

Shri V. Krishnan and others ... Opp. parties/Contemners

PETITION FOR RELIEF, COUNTER AFFIDAVIT

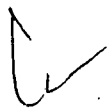
ON BEHALF OF CONTEMNORS/OPP PARTIES.

REQUEST FOR FURTHER TIME.

.....

The opposite parties/contemners above named begs
to submit as under:-

1. That against the order of the Hon'ble Tribunal the Contemners/opposite parties filed an SLP and the contemners/opposite parties awaiting the outcome of the SLP, hence the implementation of the orders of this Hon'ble Tribunal has been delayed. Now the Hon'ble Supreme Court has rejected the SLP on 24.8.1992 and only after that the contemners/opposite parties have started the steps to implement the judgement. In order to implement the judgement a proposal for amendment of the recruitment rules for the post of DM(S) has been called for and file has been



referred to Department of Personnel and Training.

since amendment of recruitment rules involves different
~~departments~~ ^{Govt -} viz. Department of Personnel & Training

Ministry of Law and Justice and this being a time
 consuming process.

2. That the Government of India is taking steps
 for change of recruitment rules which requires
 at least 3 more months time to implement the
 orders of the Hon'ble COT.

3. That it is expedient in the interest of
 justice that the contemners/opposite parties may
 be allowed 3 months further time for filing their
 counter affidavit/compliance on the Judgement of this
 Hon'ble Tribunal.

PRAYER.

It is, therefore, most respectfully prayed
 that the Hon'ble Tribunal be graciously pleased to
 allow three ^{months} further time to the contemners/opposite
 parties to implement the Hon'ble order in toto in the
 ends of justice.

(V.K. Chaudhari)
 Addl. Standing Counsel for Central Govt
 (Counsel for the Contemners/
 opp. parties.)

Lucknow,

Dated: 18 Sept. 1972.

(31)

ANNEXURE- 4

ITEM No. 20

COURT No. 2

SECTION

XI

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

11076-76/92

Petition(s) for Special Leave to Appeal (Civil/~~CC~~ No.(s) /92 CC 17488

(From the judgment and order dated 22.11.90 of the ~~XXXXXX~~ CAT

Circuit

Allahabad, Lucknow/Bench in O.A.No.133/90

Petitioner (s)

U.O.I. & Ors.

Versus

Shri Suraj Prekash

With I.A.No.1-2 (Appls. for c/delay in filing SLP) Respondent (s)

Date: 24.8.92

This/these petition (s) was/were called on for hearing today.

CORAM:

Hon'ble Mr. Justice Lalit Mohan Sharma

Hon'ble Mr. Justice N. Venkatachala

Hon'ble Mr. Justice

For the petitioner (s)

Mr. K.Lahiri, Sr. Adv.
M/s. S.N.Terdol & Manoj Prasad, Adv.

For the respondent (s)

Ms. Sandhya Goswami, Adv.

UPON hearing counsel the Court made the following
ORDER

This Special Leave Petition has been filed 441 days after the expiry of period of limitation. We have examined the application for condonation of delay closely and we find that there is absolutely no justification for the delay of several months as detailed at page 44, I.A.Nos.1-2 are therefore dismissed. Consequently, the S.L.P is dismissed.

Dhamija

(I.L.Dhingra)
Court Master

Js
25/8 dm

IN THE HON'BLE GENERAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW.

Content Petition No. 11 of 1992.

In Re:

O.A. No. 133 of 1990 (L)

Suraj Prakash Applicant.

Versus

G. Pandey Sri. Arishma Pandey and others Respondents.

JUDICIAL APPLICATION FOR GRANTING SIX WEEKS TIME
FOR IMPLEMENTING THE JUDGMENT

The respondent begs to submit as under:-

That for the facts and reasons mentioned in accompanying affidavit, it is most respectfully prayed that the applicant /opposite parties may be allowed six weeks ~~time~~ further time for complying the judgment of this Hon'ble Tribunal dated 22.11.90 given in the aforesaid application.

Lucknow.

(V.K. Chaudhary)

Addl. Standing Counsel.

Dated: 23.12.1992

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW Bench, LUCKNOW.

Content Petition No. 11/1972-

In Re:

O.A. No. 133/90 (I)

Suraj Prakash Applicant.

Versus

Sri V. Arisumanam and others Opp. Parties.

AFFIDAVIT

I, Gyaneshwar Pant aged about 54 years,
 son of late Dhananand Pant presently posted as
 Director Geology group in G.S.I Northern Region,
 Lucknow, do hereby solemnly affirm and state on oath
 as under:-

1. That the Deponent is working as Director
 Geology in the office of Northern Region G.S.I Lucknow
 and well conversant with the facts of the case.

2. That this Hon'ble Tribunal was pleased to
 direct the respondent to amend the Service Rules in
 order to provide promotional to the post of

Deputy Director (General) personnel from amongst officers

of the administrative extremely needy by rank and

...

...

...2..

dated 22.11.1990.

3. That the procedure ~~of~~ for amendment of Service Rules requires lengthy procedure such as

consultation with various Ministers and U.P.S.C. etc. Although the department has tried ^{its} best

to get the direction of this Hon'ble Tribunal complied

with but due to some procedural delay the amendment

~~has~~ ^{has} yet not been published.

4. That the Ministry of personnel has approved the

proposed amendment in Service Rules and the file

^{has} been sent for ^{Commencement} commencement to the U.P.S.C.

which is still awaited. As soon as the

the U.P.S.C. is received to the Ministry will get

~~it~~ published.

5. That it is expected that the judgment of

this Hon'ble Tribunal will be complied within six

weeks. Thus it is expedient in the interest of

to allow allow the respondent six weeks further

time for the compliance of the order.

Lucknow.

Dated 23.12.92

(Deponent)

Verification

I, the above named Deponent do hereby verify

...2..

...3...

that the contents of paras 1 to of this affidavit
are true to my own knowledge. and those of paras
are believed by me to be true.

Signed and verified this day of December
1992 in the court compound at Lucknow.

Lucknow.

Dated: 23.12.92.

[Signature]
(Deponent)

I identify the deponent who has signed
before me.

Advocate

30.4.93

VCS

Koby.

As the matter has already been referred to the larger Bench and it is expected that the cases may be listed before larger Bench as and when it is constituted. This case will not be listed before Division Bench. Dr. A. Nigam Chief SC of UOI states that he is appearing in this case on behalf of the Respondents.

(37)

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

.....

Contempt Petition No. 11 of 1992

Central Administrative Tribunal
Lucknow Bench, Lucknow

IN

Original Application No. 133 of 1990(L)

Suraj Parkash Applicant

Versus

2.6.93 Union of India
3 & others Respondents

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

7.6.93 Hon'ble Mr. K. Chayya, A.M.

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

4/8/93

Page

Under

Section

This contempt application has been filed against the non-compliance judgement and order dated 22.11.1990 . The applicant has been working as Regional Assistant Officer in Geological Survey of India , Northern Region, Lucknow. The petitioner belongs to grade 'A' post and he was originally appointed on 27.4.1977 on the said post. There was no promotion channel in the Department. He made representation for opening the channel of promotion to the Deputy Director General instead of filling the post by taking persons on deputation. When, there was no fruitful result despite the reminders, he filed O.A. No. 133/90 before Central Administrative Tribunal, Lucknow which was decided vide its judgement dated 22.11.1990 in which following directions were given.

" The respondents to make suitable amendment in the rules of Recruitment so to provide for channel of promotion to the post of Dy. Director General (P). Regarding the promotion of applicant to the post of Dy. Director

u

1.9.93

General (P) , no direction can be issued by us. In any case it is for the respondents to consider the promotion of the applicant on merits.

2. The copy of the judgement was sent by the applicant to the Secretary, Ministry of Steel & Mines , Department of Mines on 26.4.1991. No reply to these said application was received. As the particular time granted has already elapsed. The applicant moved an application under contempt of court's act. The respondents who have put in appearance have stated that the matter is being looked into and action is being taken.

3. The applicant has prayed for taking action against the respondents for committing the contempt of court's act and as much as they have not implemented the judgement of this Tribunal. We have our own doubts in this behalf as if an order or direction is beyond the competence of court or Tribunal in the case. There may not be any contempt in not implementing such a judgement. It is for this reason the matter was referred to a Larger Bench but as a Single Member cannot do so this Division Bench has assembled. This is also of the view that this matter may be referred to a Larger Bench. As much as no directions can be given by the Tribunal to amend the statutory rules. Any such directions will be beyond the competence of the Tribunal and as much the party will not be complying with the same, may as escape the clutches of the law i.e. contempt of court act. In this connection a reference is made to the case of Mullikarjuna Rao & others Vs. State of Andhra Pradesh.

AIR 1990, Supreme Court, page 1251 wherein it was held that the Court/Tribunal cannot direct Government to frame statutory rules or amend the existing statutory rules under article 309 in a specific manner, So as to alter conditions of service of a civil servant in terms of the directions. It was observed in the said case that it is neither legal nor proper for the High Court or the Administrative Tribunal to issue directions or advisory sermons to the executive in respect of the sphere which is exclusively within the domain of the executive under the Constitution. The Court cannot assume to itself a supervisory role over the rule-making power of the executive under article 309 of the constitution. In the said case it was held that the High Courts and the Administrative Tribunals transgressed, their limits in issuing the impugned direction. In view of the fact apparently by issuing the directions by this Tribunal has exceeded its jurisdiction whether the respondents can be punished for committing contempt of the court in not abiding by the said directions is a matter which is now to be referred to larger Bench. Accordingly the papers may be placed before Hon'ble Chairman for constituting a larger Bench for deciding this matter and the contempt case itself.

SL
A/M.

SL
V.C.

Lucknow

Dated 24.2.1993

(g.s.)

Belachandis

3/6/93

LUCKNOW

(40)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW

Contempt Petition No. 11 of 1992

In re:

Original Application No. 133 of 1990(L)

22/8/92 R.L.

Suraj Prakash

....

Petitioner.

Versus

Sri V. Arishnan & another

Opp. Parties.

APPLICATION FOR RECONSIDERATION/RECALLING THE ORDER DATED
24.2.1992 PASSED BY HON'BLE J. JUSTICE H.C. SRIVASTAVA J.
AND HON'BLE J. JUSTICE M. DAYA J.

That for the facts, reasons and circumstances mentioned in the accompanying affidavit it is most respectfully prayed that your lordship may be pleased to reconsider and recall the order dated 24.2.93 in the present circumstances which could not be put placed before your lordship.

Lucknow:

Dated : March , 1992

COUNSEL FOR THE PETITIONER /
APPLICANT.

Application (41)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH : LUCKNOW

Contempt petition no. 11 Of 1992

In re:

Original Application no. 133 Of 1990(L)

Suraj Prakash aged about 53 years,
Chanan Lal
son of Late ~~Changan Lal~~ resident of
Regional Administrative Officer,
Geological Survey of India,
Northern Region, Sector- E,
Aliganj, Lucknow.

.. Petitioner.

Versus

1. Sri V. Krishnan,
Secretary,
Ministry of Mines,
Shastri Bhawan,
New Delhi.
2. Sri C.P. Vohra,
Director General,
Geological Survey of India,
27- J.L. Nehru Road,
Calcutta- 700 016.

.. Opp. Parties.

AFFIDAVIT

I Suraj Prakash, aged about 53 years,
son of Shri ^{Chandran Lal} Chhannagar, presently posted as Regional
Administrative Officer, Geological survey of India,
Northern Region, Lucknow do hereby solemnly affirmed
and state as under:

1. That the deponent is the petitioner/applicant in the above noted case and as he is fully conversant with the facts of the case.
2. That the deponent filed an application No. 132 of 1990 before this Hon'ble Tribunal praying that a direction be issued as the petitioner being belong to group 'A' (Junior Administrative Grade) has originally appointed on 27.4.1977 and continuing as such without any benefit and promotion the Hon'ble Tribunal decided the claim by the order dated 23.11.90 holding that the suitable amendment in the rules of recruitment as to provide promotion channel to the post of Deputy Director General (Personal) and also provided that the applicant be considered for promotion.
3. That accordingly the applicant waited for a long time, finding no fruitful result, the applicant then filed a contempt petition which was regarded as contempt petition no. 1 of 1992, the notices were issued to the opposite parties, the opposite parties filed an affidavit on 15.6.1992 requesting to the Hon'ble Tribunal for four weeks time to bring order of the Hon'ble Supreme Court as the special leave petition has been referred by the opposite parties.

3. That the Hon'ble Tribunal allowed the time to the opposite parties, that after the expiry of the period the opposite party gave an undertaking by filing an affidavit dated 15.3.1992 that the Hon'ble Tribunal may grant three months time for implementing the judgement dated 10.11.1990.

4. That the opposite parties sought the time for implementation of the order of the Hon'ble Tribunal as the special leave petition was dismissed by the order dated 24.1.92. A copy of the same is annexed as Annexure No.1 to this affidavit.

6. That the opposite party moved an application on 23.12.92 requesting the Hon'ble Tribunal to grant some more time for complying the judgement of the Hon'ble Tribunal dated 10.11.90.

7. That now the Government of India, Ministry of Mines have amended the recruitment rules in group 'A' and group 'B'. Post and notification has also been given for publication in Gazette of India Part II Section 3 sub-section 1 dated 10.2.93. A copy of the same is annexed as Annexure No.2 to this affidavit.

8. That the respondent on the judgement proceeded for making suitable amendment in the rules for recruitment and to provide channel of promotion for the post of Deputy Director General (Personal).

9. That the Hon'ble Tribunal passed the order on 26.1.93 which is mentioned below:

This contempt application arises out of judgement and order dated 22.11.90. The Tribunal directed to the respondents to make suitable amendment in the rules of recruitment so as to provide for channel of promotion to the post of L.D.O.(P). The respondents have still not amended that they want to take time. The Tribunal has not jurisdiction to issue a direction for amending the rules. Accordingly, the case may be referred to a larger Bench.

WWS Mr. Jaiswal

10. That again the Tribunal passed the order by which the matter has been referred to the large Bench.

11. That the opposite parties has now considered the aspects and amended the rules and as such in the interest of justice it is requested that the order dated 4.2.93 may kindly be considered.

Lucknow:

March 18, 1993

Deponent.

VERIFICATION

I, the deponent named above do hereby verify that the contents of par 1 to 11 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed. So help me

God.

Lucknow, Dated:
March 18, 1993

Deponent.

1887512537

I identify the deponent who has
signed this affidavit before me.



(S.C. Srivastava)

Clerk to Sri Vishal Singh, Advocate.

Solemnly affirmed before me on 10/13/93
at 10⁰⁰ a.m. /p.m. by the deponent who is identified
by Sri S.C. Srivastava Clerk to Sri Vishal Singh,
Advocate, High Court, Lucknow.

I have satisfied myself by examining the deponent
that he understands the contents of this affidavit
which have been read out and explained to him by me.

(46)

ANNEXURE-1

EM No. 20

COURT No. 2

SECTION XI

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

NOTES 76/92

Petition(s) for Special Leave to Appeal (Civil/CAT No(s) /92 CC 17488

(From the judgment and order dated 22.11.90 of the Hon'ble CAT

Circuit
Allahabad, Lucknow/Bench in O.A.No.133/90

Petitioner (s)

U.O.I. & Ors.

Versus

Shri Suraj Prakash

With I.A.No.1-2 (Applns. for c/delay in filing Reply) Respondent (s)

Date: 24.8.92

This/these petition (s) was/were called on for hearing today.

CORAM:

Hon'ble Mr. Justice Lalit Mohan Sharma
Hon'ble Mr. Justice N. Venkataswami
Hon'ble Mr. Justice

For the petitioner (s) Mr. K. Lahiri, Sr. Adv.
M/s. S.N. Terdol & Manoj Prasad, Adv.

For the respondent (s) Ms. Sandhya Goswami, Adv.

UPON hearing counsel the Court made the following
ORDER

This Special Leave Petition has been filed 441 days after the expiry of period of limitation. We have examined the application for condonation of delay closely and we find that there is absolutely no justification for the delay of several months as detailed at page 44, I.A.Nos.1-2 are therefore dismissed. Consequently, the S.L.P is dismissed.

Dhamija

(I.L. Dhirga)
Court Master

7.5/8 dh

Am 2 (47)

New Delhi, the 19th Feb., 1993.

NOTIFICATION

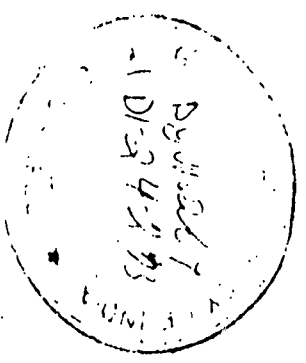
G.S.R..... In exercise of the powers conferred by the proviso to article

309 of the Constitution, the President hereby makes the following rules further to amend the Geological Survey of India (Group A and Group B posts) Recruitment Rules, 1967, namely :-

1. (1) These rules may be called the Geological Survey of India (Group A and Group B posts) Recruitment (Amendment) Rules, 1993.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Schedule to the Geological Survey of India (Group A and Group B posts) Recruitment Rules, 1967, for serial number 73 relating to the post of Senior Deputy Director General (Personnel) and the entries relating thereto, the following entries shall be substituted, namely :-



(48)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
73. Deputy Director General (Personnel)	1* (1993)	General Central Service Group A (Gazetted)	Rs. 5900/- 200- 6700/-	Sele- ction	NA	NA	NA	NA	NA

* Subject to
variation depen-
dent on workload.

(11)

(12)

(49)

(13)

(14)

By promotion,
failing which
by transfer
on deputation

(a) Promotion

Director (Rs. 3700-5000) in Personnel/
Administration/Regional Administra-
tive Officer with 8 years of regular
service in the Grade including in
the grade of Director (Selection
Grade) in scale (Rs. 4500-5700/-)
if any.

(b) Transfer on Deputation

All India Service Officers/Central
Services, Group 'A' officers holding
analogous posts on regular basis;
or with 2 years regular service in
the scale of Rs. 5100-5700/-; or
with 3 years regular service in the
scale of Rs. 4500-5700/-.

Period of deputation including
period of deputation in another
ex-cadre post held immediately
preceding this appointment in the
same organisation/department shall
not exceed five years.

Group 'A' Departmental
Promotion Committee

(For considering
promotion)

1. Chairman/Member,
Union Public Service
Commission - Chairman

2. Secretary/Additional
Secretary, Department
of Mines - Member

Consultation with
Union Public
Service Commission
is necessary on
each occasion of
appointment and
while amending/
relaxing any
provision of the
rules.

3. Director General,
Geological Survey
of India - Member

Group 'A' Departmental
Promotion Committee

(For considering
confirmation)

1. Secretary/Additional
Secretary, Dep-
artment of Mines
- Chairman.

2. Director General,
Geological Survey
of India - Member.

The proceedings of the
Departmental Promotion
Committee relating to
confirmation shall be sent
to the Commission for approval.
If, however, these are not
approved by the Commission a
fresh meeting of the Departmental
Promotion Committee to be presi-
ded over by the Chairman of Member
of the Union Public Service Commi-
ssion shall be held.

(50)

Foot Note : The principal rules were published in the Gazette of India vide G.S.R. No. 1883 dated 28th November, 1967 and were subsequently amended vide - G.S.R. No. 461 dated 11-4-1980.

MO to file

To

The Manager,
Government of India Press,
Maya Puri,
New Delhi.

With a copy of
Hindi version.

Deputy Secretary to the Govt. of India
(Rahul Asthana)

Copy to :-

- 1) The Director General, Geological Survey of India, 27, Jawahar Lal Nehru Road, Calcutta-700 016 with reference to their letter No. 728M/A-11013/Selection Grade/91/19A dated 8-5-1992.
2. Department of Personnel & Training, Establishment RR Section, North Block, New Delhi with reference to I.D.No. AB-14017/70/91-Estt. (RR) dated 20-10-92 and dated 9-12-1992.
- 3) Union Public Service Commission, (Shri A.N. Summan, Desk Officer Special Wing), Dholpur House, Shahjahan Road, New Delhi-110 011, with reference to their file No. F.3/2 (I)/92-SW(A) dated 22-12-1992.
- 4) Ministry of Law, Legislative I Section, Shastri Bhavan, New Delhi with reference to U.O.No. 550 dated 18-2-1993.

(51)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT L. BENCH

CIRCUIT BENCH : LUCKNOW.

.....

I N D E X

I E

COMPILATION NO. ONE

IN

ORIGINAL APPLICATION NO. 133/1990 (L)

(U/S 19 of the Administrative Tribunal Act, 1935).

Suraj Parkash

Applicant

Versus

Union of India & Others.

Respondents.

S.No.	Particular of documents	Page No.

1.	Original Application	1-17

Dated, the April 17th, 1990.

COUNSEL FOR THE APPLICANT.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDL. BENCH

CIRCUIT BENCH AT LUCKNOW.

ORIGINAL APPLICATION NO. 133/1990(L)

(Under Section 19 of the Administrative Tribunal Act).

Suraj Parkash
S/O Late Chanan Ram
Regional Administrative Officer,
Geological Survey of India,
Northern Region Aliganj Scheme,
Sector E, Lucknow.

Applicant

AND

Union of India through Secretary
Department of Mines,
Shastri Bhawan,
New Delhi.

Director General,
Geological Survey of India,
27, J. L. Nehru Road,
Calcutta-700016.

Respondents.

DETAILS OF THE APPLICATION :

1. PARTICULAR OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The aforesaid application is being filed seeking relief that the avenue of promotion should be open for filling the post of Dy. Director General (P) in the Admn. stream of the Geological Survey of India and the petitioner since occupying the post of Regional Administrative Officer—

and at present he is No. One, he may be allowed to be promoted on the post of Dy. Director General (P) in Administrative Stream of the Geological Survey of India,

2. JURISDICTION OF THE TRIBUNAL : The applicant declares that the subject matter of the present application is within the jurisdiction of this ~~K&K~~ Hon'ble Tribunal.

3. LIMITATION : The applicant further declares that the present petition is being filed within the limitation as prescribed under Section 21 of the Admn. Tribunal Act, 1985.

4. FACTS OF THE CASE : The facts of the present case are given below :-

1. That before inducting as Regional Administrative Officer under the Control of Respondents, the applicant has worked as Civilian Officer Grade II (Group A) in General Reserve Engineering Force under the Ministry of Transport and Shipping from 23rd June 1970 to 15th April 1977 through Union Public Service Commission, New Delhi.

2. That against an advertisement for the post of Regional Administrative Officer by the Union Public Service Commission, the applicant applied and after due process, he was selected as Regional Adm. Officer by the Union Public Service Commission and on 27th April 1977 he joined under the control of Respondents after being relieved from the General Reserve Engineering Force in the afternoon of April 15, 1977, after availing the joining period from 16th April 1977 to 26th April 1977, on 27th April 1977 in the office of Respondent No.2 against 33.33 quota of Direct Recruitment, provided under the Recruitment Rules.

3. That it will be pertinent to mention here that under the control of Respondents there are about 10 streams in which the officers are working in the Department which are as under :-

- i. Geology
- ii. Geophysics (Exploration)
- iii. Geophysics (Instrumentation)
- iv. Chemical
- v. Mineral Physics
- vi. Mining Mechanical
- vii. Drilling
- viii. Stores
- ix. Administrative
- x. Finance

4. That at the time of recruitment, i.e. in the year 1977, the post of Regional Administrative Officer was the highest post in the Administrative Stream of Geological Survey of India.
5. That upto IIIrd Pay Commission, there was one post slightly above the post of Regional Administrative Officer in Administrative Stream of Geological Survey of India, namely Director of Administration, which was being filled through deputation, but the said post was converted as Promotional post after 1981 out of the feeder grade of Regional Administrative Officer.
6. That after the acceptance of IVth Pay Commission's report, the pay scale of Director of Administration and Regional Administrative Officer have been equated and as such the said post can not be said to be higher post.
7. That on the basis of recommendation of Geological Survey of India Committee, Review Committee one post of Deputy Director General (P) was created in the year 1978 in the Geological Survey of India to head the Administrative Wing of the Geological Survey of India. A photostat copy of extract of recommendation printed on page 42 of the Report

published by the Government of India in the year 1977, is

being filed herewith and marked as Annexure A-1 to this

Petition. The perusal of the aforesaid recommendation would

go to show that recommendation No.52 specifically says that

to introduce a modern personnel management systems in an

organisation as large as Geological Survey of India, and where

no systematic personnel management system exists today, will

be an enormous task. This would require a professional man

at a very high level who would have to interact with the

Senior level officials of Geological Survey of India. It

further recommends that a competent and experience person

should be inducted to head the vital personnel management wing

of Geological Survey of India immediately, who will be known

as Senior Deputy Director General (P) at a fixed pay of

Rs.2750/= per month and it was further recommend that for the

present, this position has to be filled from outside.

8. That by using the word 'AT PRESENT' it appears that

the Review Committee intended to fill up the said post by

deputation only due to circumstances of non-availability of

experienced and qualified and eligible persons in the

Admn. Stream as early as in 1977.

9. That it is also pertinent to mentioned here that all streams mentioned above in Geological Survey of Indi are discharging the equal responsibilities of the work and persons who were working in the scale of Rs.1100-1600/= (Third Pay Commission) in other streams of officers of Geological Survey India have been given promotion to the post of Dy. Director General (P). Whereas in the year 1977, the petitioner joined services of respondents in the scale of Rs.1300-1700/= and he is still continuing on the same status.

10. That in other streams of the officers of Geological Survey of India, the post of Dy. Director General is promotional post whereas in Administrative Stream, as stated above, the post of Dy. Director General was to be filled up in view of recommendation of the Review Committee, from outside (Deputation) and the said principle is still being followed and the gate of promotional avenue has not been opened.

11. That as stated above because of non-availability of the officers in the feeding grade in Geological Survey of India in the Administrative Stream, at that time the post of

Dy. Director General was not open for the promotion but after a lapse of more than 13 years, the position as well as strength of the officers have been changed and there are so many officers in the Administrative Stream, who are eligible to be promoted to the post of Dy. Director General in Administrative Stream of Geological Survey of India and as such in case the said principle for filling up the post of Dy. Director General (P) through deputation is being followed after 13 yrs, the chance of promotion of those officers would have been marked.

12. That after acceptance of report of the IVth Pay Commission, both the levels in the Sr. Administrative Grade, i.e. SAG level II (in the scale of Rs. 2250-2500/=) and SAG level I (2500-2750/=) have been merged into revised scale Rs. 5900-6700/=. All the posts of the Dy. Director General in various streams of Geological Survey of India are the post of Senior Administrative Grade and prior to IVth Pay Commission, the recruitment rules provided for separate criteria for promotion to SAG level II, thereafter to SAG level I but after the merger, the recruitment rules have been amended and it has been decided that eligible service for promotion from Junior Administrative Grade to Sr. Administrative Grade level will be eight years

regular service in the Grade or 17 yrs. regular service in Group A post out of which atleast four years regular service should be in Junior Administrative Grade level. A photostat copy of the Office Memorandum dated 8th May 1937 issued by the Department of personnel and mining published in the Swamy's Annual, 1937 compendium of orders ~~xx~~ on Service Matters at page 438 and 439 and its photostat copy of is being filed herewith and marked as Annexure A-2 to this petition.

13. That in view of aforesaid fact since the post of Dy. Director General in other streams have been recognised as Sr. Administrative Grade and it has been provided that said post shall be filled in from the Junior Administrative Grade level but in the case of Administrative Stream of officers of Geological Survey of India, a step-motherly treatment is being given by not introducing the channel of promotion for filling up the post of Dy. Director General (P) and recommendation of said Review Committee of 1977 is still being followed.

14. That it is also pertinent to mention here that the IVth Central Pay Commission has recommended that every employee should be able to get atleast one promotion after 15 yrs. of service in a Grade.

15. That as stated above, the applicant has joined the services of respondents in the year 1977 as Regional Admn. Officer and after putting more than 13 yrs. of service, he is still continuing on the same post and in view of present policies he can not get any promotion to the post of Dy. Director General being a member of Administrative Stream of Geological Survey of India and in rest of service i.e. 7 $\frac{1}{2}$ yrs. and he will retire from the said post.

16. That the applicant is eligible for promotion to the post of Dy. Director General (P) as he is senior most (No. one) officer in the present grade and in case the promotional avenue is open for the post of Dy. Director General (P) in Administrative Stream he is bound to be promoted to the said post but because of non-availability of promotional avenue, he is still continuing on the same post.

17. That the petitioner has enjoyed blotless career since the date of induction into services of the Geological Survey India and he has not given any chance/opportunity who may warrant any displeasure of the respondents.

18. That as stated above, in other streams of Geological Survey of India, the Senior Administrative Grade post i.e. Dy. Director General are being filled out of concerned feeder grade in Junior Administrative Grade level but in the Administrative Stream it is being filled up on deputation basis when the experienced and eligible officers are available in the Administrative Stream itself.

19. That the treatment of respondents in respect of officers of Administrative Stream for promotion on the post of Dy. Director General, is highly discriminatory with reference to other streams of officers of Geological Survey of India.

20. That it is well settled law that a Government employee must be given an opportunity of advance in his service career, which is a requirement of perfectence of any Organisation and incentive for personal development as well. The Government must provide the rolistic opportunities for promissing and eligible officers to move upward.

21. That in view of facts and circumstances stated above, the respondents have illegally not opened the promotional

avenue in Administrative Stream of Geological Survey of India for the post of Dy. Director General (P) and they are still continuing with the Recommendation of the Review Committee's report of 1977, where the said recommendation was given only in view of the circumstances of that time, but now the circumstances have been changed and officers are available and it will be highly unjustified and discriminatory treatment to the officers of Administrative Stream if they are not allowed to be promoted to the post of Dy. Director General (P).

22. That the petitioner, after having the copy of Recommendation of IVt Pay Commission report and the office memorandum dated 8th May 1987. Sometime in the year 1989, has preferred a representation of 20th May 1989 through which a request was made that the promotional avenue may be open on the post of Dy. Director General (P) in Administrative Stream of Officers of Geological Survey of India. A photostat copy of the said representation is being filed herewith and marked as Annexure A-3 to this petition.

23. That after having no response against the said representation as abandoned precaution, the petitioner preferred a reminder on 7th Feb. 1990 giving all the details

and a similar relief was sought but it appears that respondents have turned their deaf ears to the request of the petitioner and they have not even cared to acknowledge the petitioner's representations what to talk of giving relief. A copy of reminder dt.7.2.90 is enclosed as Annexure A-4 to this petition.

24. That the channel for filling the above post is introduced only in the circumstances, in case the officers in the feeding grade is not available in the Department, but in case they are available, the said channel should be abolished and channel for promotion should be opened.

5. GROUNDS : Grounds for the relief are as under :-

A. Because in other streams of officers of Geological Survey of India, the post of Dy. Director General (Sr. Administrative Grade level) have been opened for promotion whereas in the Administrative Stream, the post of Dy. Director General (P) is filled up by Deputation.

B. Because the channel for filling the above posts is introduced only in the circumstances in case the officers in the feeding grade is not available in the Department but in case they are available, the said channel should be abolished and channel for promotion should be opened.

C. Because the petitioner is fully eligible for promotion to the post of Dy. Director General (P) in Administrative Stream of Geological Survey of India as he has put in 20 yrs. ^{Cadre} service in Group A/including 13 yrs. in present grade and at Present he is Senior most (No. One) in Regional Adm. Officer of Administrative Stream of Geological Survey of India.

D. Because action of respondents is illegal and discriminatory as the petitioner's progress/advancement has been curtailed in the service career.

E. Because the action of respondents is illegal discriminatory & in violation of Article 14 & 16 of the Constitution of India.

6. DETAILS OF THE REMEDIES EXHAUSTED : That the applicant declares that he has availed of all the remedies available to him under the relevant services rules, etc.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The applicant further declares that the matter regarding which this petition has been filed, is not pending before any Court of Law or before any other Bench of this Hon'ble Tribunal

8. RELIEFS SOUGHT :

That in view of facts and circumstances stated above, the applicant prays for the following reliefs :

a. a Writ in the nature mandamus directing the respondents to open the channel of promotion on the post of Dy. Director General (P) in Administrative Stream of Geological Survey of India and further a direction may be issued that said post may be filled from the feeder grade of Regional Administrative Officer (Junior Administrative Grade level) of Administrative Stream, of Geological Survey of India.

b. a direction may be issued that after introducing the promotional channel, the case of the applicant may be considered for promotion to the post of Dy. Director General (P) Administrative Stream of Geological Survey of India, as he is eligible for the post and in case he is found fit, he may be given promotion.

9. INTERIM RELIEF, IF ANY PRAYED FOR :

During pendency of the present petition, interim direction may be issued to respondents not to take further step to fill up the post of Dy. Director General (P) in

Administrative Stream of Geological Survey of India on deputation.

10. NIL

11. PARTICULAR OF POSTAL ORDERS :

i. No. of postal order 02-409968

ii. Name of issuing post office Lucknow.

iii. Date of issue of postal order 17.4.90.

iv. Post office at which payable Allahabad

12. LIST OF ENCLOSURES : AS PER INDEX.

VERIFICATION.

I, Suraj Parkash aged about 50 yrs. son of Late Shri Chanan Ram, R/O Aliganj, Lucknow working as Regional Administrative Officer, Geological Survey of India, North Region, Aliganj, Lucknow do hereby declare that the contents of paras 1 to 12 of this petition are true to my personal knowledge; and belief and I have not suppressed any facts in it.

Dated : April, 17th 1990.

Place : Lucknow.

SIGNATURE

(67)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDL. BENCH

CIRCUIT BENCH : LUCKNOW.

.....

I N D E X

I N

COMPILATION NO. TWO

IN

ORIGINAL APPLICATION NO. 133/1990 (L)

(U/S 19 of the Administrative Tribunals Act, 1985)

Suraj Parkash

Applicant

Versus

Union of India & Others

Respondents.

S.NO.	PARTICULAR OF DOCUMENTS	PAGE NO.
1.	Annexure A-1 Recommendation of GSI Review Committee, 1977.	18-19
2.	Annexure A-2 Page 438, 439 & 440 of Swaney's Annual, 1987 compendium of orders on Service matters.	20-22
3.	Annexure A-3 Representation dt. 20.3.99	23
4.	Annexure A-4 Representation dt. 7.2.90	24-30

DATED : APRIL 17, 1990.

COUNSEL FOR THE APPLICANT.

ishing of advice on the utilisation of ground water resources to the CCWB which has been specifically set up for this purpose.

3.16.5. In all the above diversification and growth of work, GSI will need to make more and more extensive use of facilities offered by the National Remote Sensing Agency (NRSA), Photogeology and Satellite Imagery. They would also have to make increasing use of such study tools as scanning electron microscope, computers and a variety of other sophisticated equipments which will progressively call for the build up within the GSI a need to have a specialised section on instruments and instrumentation.

3.17. PERSONNEL :

3.17.1. Personnel Management

3.17.1.1. The GSI has had no induction of modern personnel management techniques in its organisation so far, and there is much to be done in this direction. The main problems in the personnel field as seen by the employees are stagnation dead end posts, obsolescence of expertise and knowledge at superior levels; inadequate opportunities for specialisations, unreliable performance reporting, wrong seniority computations, and the like. From the organisation's stand point, these seem to be reflected by low productivity, excessive in-breeding and fall in quality.

3.17.1.2. After examining these problems in depth, the Committee recommends as below :

3.17.1.3. The GSI must build up a modern personnel management organisation whose primary function would be planning, development and management of human resources. An outside consultancy agency may be considered for developing this.

3.17.1.4. To introduce a modern personnel management systems in an organisation as large as GSI, and where no systematic personnel management system exists today, will be an enormous task. This would require a professional man at a very high level who would have to interact with the senior level officials of GSI and build up a system with the help of both experts/consultants from outside, as well as with persons available within. The Committee, therefore, recommends that a competent and experienced person should be inducted to head the vital personnel management wing of GSI immediately, who will be known as Senior DDG (personnel) at a fixed pay of Rs. 2750 p.m. For the present, this position has to be filled from outside.

Recommendation
No. 51.

Recommendation
No. 52.

Recommendation
No. 53.

3.17.1.5. Three Directors have to be selected, from amongst those inside the GSI, who have the right aptitude to take over responsibility of the following functions:

1. **Director of Personnel (A & B) :** Personnel establishment dealing with recruitment, promotion, transfers, posting, career planning/management, training and man power planning, with respect of Group 'A' & 'B' staff.
2. **Director of Personnel (C & D) :** Similar responsibility with respect to Group 'C' & 'D' staff.
3. **Director of Administration :** Estate management and house keeping, administration, etc.

3.17.1.6. Whilst the training aspect of Director of Personnel (A & B) would relate to identification of training, placement of personnel in various places and/or deputation to seminars/symposia, etc. within India or elsewhere, a substantial part of the actual internal training course would be arranged in the proposed GSI Training Institute in Hyderabad. The latter would be under the control of a Director of Training Institute who would be responsible, in consultation with the Director of Personnel (A & B) and others concerned, in drawing up the actual types of courses and their contents.

3.17.1.7. The Sub-Committee of 'C' & 'D' employees have recommended a series of changes including rationalisation of cadres and opened up promotion avenues with adequate input of inservices professional training. This has to be followed up by the massive task of identifying of promotion opportunities likely to come up, eligible individuals, the specific types of training required, to what extent these can be arranged through Industrial Training Institutes or similar bodies available in the area, what needs to be done in the way of internal training by the G.S.I., etc. including the movement of category 'C' staff to category 'B'. This in turn has to be followed by the organisational task of arranging the most appropriate programme and of devising the most satisfactory certification procedure.

Recommendation
No. 54.

3.17.1.8. For these training arrangements it is recommended the Director of Personnel (C & D employees) is helped by a full time officer to be known as Staff Training Officer ('C' & 'D' employees) in the pay scale of Rs. 1300-1700 p.m. as the category of training would be totally different and highly job oriented.

3.17.1.9. Furthermore, this type of training would have to be conducted separately at the various regions and even at the Circle Headquarters. In

**Fourth Pay Commission's recommendations — Revision
of pay scales — Amendment of recruitment rules**

The undersigned is directed to invite attention to the Central Civil
Services (Revised Pay) Rules as amended on 13th March, 1987, containing

RECRUITMENT

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the decision of the Government in regard to the revised scales of pay. Following consequential steps are required to be taken to amend the existing recruitment rules:—

(i) *Substituting the existing scales by revised scales.*—The existing pay scales may be substituted by the equated revised pay scales now prescribed, straightaway, without making a reference to DP & T/UPSC. In cases where deputation is also one of the methods of recruitment, the field of deputation which includes various posts should also reflect the revised scales of pay.

(ii) *Where there is an upgradation of posts.*—In some cases, the Fourth Pay Commission have recommended a higher pay scale and not equated revised scale. This amounts to upgradation of the existing posts. As per the guidelines issued by the DP & T, vide O.M. No. 14017/24/74-Est. (RR), dated the 22nd May, 1979, whenever it has been decided to upgrade any post, action should be taken by the Administrative Ministry/Department concerned to reframe the recruitment rules therefor. As the eligibility criteria for direct recruitment or promotion or transfer on deputation, etc., to the higher post will be different from those prescribed for a post on comparatively lower scale, it will be necessary to review the relevant columns of the existing recruitment rules for the post for which an upgraded revised scale has been approved and to prescribe age limits, qualifications, experience and eligibility service for promotion, transfer on deputation appropriate to the higher level.

(iii) *Merger of SAG Level II and Level I.*—In the case of organised Services, Senior Administrative Grade Level II (Rs. 2,250-2,500) and SAG Level I (Rs. 2,500-2,750) have been merged into a revised scale of Rs. 5,900-6,700. At present, the recruitment rules provide for separate criteria for promotion to Level II and thereafter to Level I. In view of the merger, the recruitment rules will have to be amended so as to provide for promotion from JAG to the merged SAG. It has been decided that the eligibility service for promotion from JAG Level to SAG Level (merged scale) will be 8 years regular service in the grade (including service, if any, in the non-functional Selection Grade) or 17 years' regular service in Group 'A' posts, out of which at least 4 years' regular service should be in JAG.

(iv) *Consequential changes.*—It will also be necessary to review other columns of the recruitment rules so as to prescribe eligibility conditions with reference to the revised pay scales, e.g., in Col. 12 where some minimum service in a particular pay scale is prescribed for consideration on transfer, on deputation, etc.

(v) *Departmental Promotion Committees.*—It has also been decided that where the scales have been merged the existing D.P.C. for the higher grade will be the D.P.C. for the integrated merged grade.

As the Ministries are aware that recruitment rules are of statutory nature and, therefore, the changes brought out by other instructions may

have to be incorporated in the recruitment rules by amendments so that, necessary steps like holding of D.P.C., etc., are taken to fill the posts carrying the revised scales, particularly upgraded or merged scales, on regular basis. All the Ministries/Departments are, therefore, requested to issue necessary amendments to the recruitment rules notified by them after following the normal procedure of furnishing proposals to DP & T and U.P.S.C. in the prescribed format (Annexure III) and in consultation with the Legislative Department.

2. In view of the urgency for amending the recruitment rules on the above lines, it is expected that Ministries would complete the review and furnish necessary amendment proposals to the DP & T/U.P.S.C. in the case of Groups 'A' and 'B' posts within one month from the issue of this O.M. Simultaneously, they will, no doubt, be taking similar action for amending the recruitment rules for Groups 'C' and 'D' posts, which is within their competence.

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*D.P.T., O.M. No. 39021/18/84-Est. (B).
dated 14-5-1987*

**Operation of reserve list prepared on the
basis of selections made by U.P.S.C.**

The undersigned is directed to refer to this Department's O.M. No. 39021/18/84-Est. (B), dated the 6th February, 1985, 13th June, 1985 and 20th November, 1985 (copies enclosed) and to say that according to the existing procedure, the reserve lists prepared with effect from 1st January, 1985, were to be operated only to fill replacement vacancies. Earlier to this the reserve lists were being used both for replacement vacancies and fresh vacancies of identical nature. Some of the Ministries have reported difficulties in filling up of vacancies caused in a situation where the recommended candidate joined the post for a short period and then resigned or where the vacancy occurred on account of the death of the candidate. It was pointed out that the posts could not be kept vacant for a long time till the next recruitment took place.

2. The matter has been examined in consultation with U.P.S.C. and it has been decided that the reserve lists may be operated in cases where a vacancy is created by a candidate resigning the post or in the event of his death, within a period of six months from the date of his joining the post subject to the condition that such an operation of the lists should be limited in respect of statutory posts and those of scientific, technical, academic or medical nature or other similar nature where it may not be possible to keep the post vacant till the completion of fresh recruitment or to make local arrangements.

3. In other types of cases also where the posts could be manned normally on officiating basis or by internal arrangements, requests of the

(72)

Annexure 5

Dated : 20.3.1989

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From : SURAJ PARKASH,
Regional Adm. Officer,
Geological Survey of India,
Coal Division,
CALCUTTA

To : The Director General,
Geological Survey of India,
27, J.L. Nehru Road,
Calcutta

Through Proper Channel.

SUB : Creation of Selection Grade Post
in Administrative stream and
conversion of recruitment rules
of Dy. Director General(P)

Sir,

It is understood that the proposal for Selection Grade posts in Junior Adm. Grade in different streams have been approved but the same has not been approved in respect of Administrative stream of Geological Survey of India. As per the Government of India, Ministry of Personnel & Public Relations and Training, New Delhi office Memorandum no. 12/1/86-PP dated 14.8.1987, 15% of Senior duty posts in JAG are to be created as Selection Grade post in JAG level, which comes to three post in Administrative stream. In view of this, it is requested that the Ministry may please be approached for creation of three Selection Grade post in Administrative stream as per Department of Personnel & Training, New Delhi letter dated 14.8.87.

Secondly, it is further requested that the recruitment rules for the post of Dy. Director General (P) may also be changed from deputation to promotional out of the feeder grade of Regional Adm. Officers as number of eligible officers are available in Administrative stream for promotion. The post of Dy. Director General in other streams is being filled-up through D.P.C. out of the feeder grade of JAG level i.e. Directors.

Yours faithfully,

Thanking you,

Suraj
(SURAJ PARKASH)

ANNEXURE NO. A-40 (73)

From : SURAJ PARKASH,
Regional Adm. Officer,
Geological Survey of India,
Northern Region,
Aliganj Scheme, Sector 'E',
L u c k n o w.

To : THE SECRETARY TO THE
GOVERNMENT OF INDIA,
Ministry of Steel & Mines,
Deptt. of Mines,
N e w D e l h i

T h r o u g h P r o p e r C h a n n e l

SUB : Creation of Selection grade posts in
junior Administrative grade (Group 'A'
Services) in the Administrative Stream
of Geological Survey of India and
change of recruitment rules of the post
of Dy. Director General (Personnel)
making it promotional out of feeder
grade of Regional Adm. Officers.

REF : The correspondence resting with
Department of Mines's letter No.
A-11013/1/86-N(A) dated 14/21.8.89

Sir,

I, Suraj Parkash, Regional Adm. Officer,
presently posted in Northern Region, Geological
Survey of India, Lucknow wish to put forth under-
mentioned facts justifying creation of Selection
grade posts in the Junior Administrative Grade
level in the administrative stream of Geological
Survey of India in view of the recommendations of
the Fifth Central Pay Commission and acceptance of
the same by Government of India as communicated vide
Department of Personnel & Training Office Memorandum
No. 19/1/86-PP dated 14.8.87 as well as conversion
of the present deputation post of Dy. Director General
(Personnel) into a promotional post out of the
feeder grade of Regional Administrative Officers.

1. I, joined Geological Survey of India on 27.4.77
in the present grade post of Regional Administrative
Officer after selection through the UPSC against
33¹/₃ % quota of direct recruitment provided in the
recruitment rules of the post at that time. I am
continuing in the same post for almost 13 years.
There are no further prospects of promotion as no
higher promotional post in the cadre exists. One post
of Dy. Director General (Personnel) exists but is

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manned by the deputationist as per the provisions of the present recruitment rules of the post.

2. I have already rendered 13 years of service in the present post of Regional Administrative Officer and if no further promotional posts are available, I shall be continuing in the present post for 20 years in my entire service career till retirement which falls on 31.8.1997.

3. Consequent upon the recommendations of the Fourth Central Pay Commission, Government of India vide Department of Personnel & Training Office Memorandum No. 19/1/86-PP dated 14.8.87 has decided that Selection Grade equal to 15% of the senior duty posts be introduced in all group 'A' Central Service at the level of Junior Administrative Grade. In response to the above Office Memorandum the Ministry of Steel and Mines, Deptt. of Mines vide ^{letter} no. A-11013/1/88 M2 dated 15.6.88 has sanctioned 244 posts of Selection Grade at Junior Admn. Grade level in the Scientific and Technical stream of Geological Survey of India including other stream leaving the Administrative and Financial stream. The matter was taken up with the Department of Mines by the Director General, Geological Survey of India vide letter no. 722M/A-32013(4-DIR(D)Sel.Gr./82-19B dated 7.6.88 and no. 1390M/A-32013/4-DIR(Sel.Gr.)/82-19B dated 19.9.88 stating that Administrative and financial stream forms part of cadre strength of Geological Survey of India and the creation of Selection Grade at Junior Administrative Grade level in Administrative & Finance stream is justified. Taking into cognizance the genuineness of the claim of Geological Survey of India Department of Mines asked for a comprehensive proposal for creation of Selection grade posts at Junior Admn. level in Administrative and finance stream vide D.O. A-11013/1/88-M2 dated 9.3.89. The comprehensive proposal was sent to Department of Mines vide Director General, Geological Survey of India letter No. 32013(4-Dir.)/Sel.Gr./82/19B dated 15.5.89 again clearly stating that administrative and finance streams forms part of the cadre structure of Geological Survey of India and the post in these streams belong to General Central Service Group 'A' like other streams i.e. Geological /Geophysical/Drilling/Mechanical/

Steros etc. The proposal was forwarded by Department of Mines to Deptt. of Personnel wide office memorandum No. A-11013/1/88.M2 dated 20.6.89 for agreeing to the creation of selection grade posts at Junior Administrative Grade level in Administrative and finance streams and also mentioned that these creation of posts satisfy all the requirements and provisions of Deptt. of Personnel and Training office memorandum no. 19/1/88-PP dated 14.8.87 in response to which the selection grade posts at Junior Administrative Grade level in other streams of Geological Survey of India had already been created. This proposal of Deptt. of Mines was not agreed to by Deptt. of Personnel and Training on the ground that Non functional Selection grade is admissible only to the officers of organised group 'A' service where there is direct recruitment at level of junior time scale is 50% or more as intimated vide their O.M. No. 16/1/89-PP dated 2.8.1989.

The stand taken by Deptt. of Personnel & Training is not correct because Department of Mines in its proposal for creation of posts at Junior Administrative Grade level in administrative and finance streams vide No. A-11013/1/88.M.2 dated 20.6.89 had clearly stated that Department of Personnel & Training's office memorandum No. dated 14.8.87 wherein modalities guidelines for creation of Non functional selection grade at the level of Junior Administrative Grade level were given did not specify its applicability to organised Group 'A' services only. Rather as per the said office memorandum all group 'A' Central Services, the number of posts in the selection grade shall be equal to 15% of the duty posts (i.e. all duty posts at the level of senior time scale and above in the cadre) Moreover as per notification issued by Ministry of Finance, Deptt. of Expenditure No. F.15(7)/IC/86 dated 13.3.87 — the recommendations of Fourth Pay Commission with regard to selection grade posts in the scale of Rs. 4500-5700/- for other services will also apply to the officers of Geological Survey of India. Department of Mines in its recommendations for creation of posts submitted to Department of Personnel & Training had also stated that even if their office memorandum dated 14.8.87 is applicable to Central organised services, the Department of Mines had already intimated to Department of Personnel and Training that Geological Survey of India

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is treated as organised services including posts in administrative and finance streams and accordingly selection grade in Junior Administrative Grade level was introduced in 1982 in Scientific and Technical streams under the guidelines issued by Department of personnel and Training regarding introduction of selection grade in pursuance of 3rd pay commission recommendations. However, selection grade was not introduced in Administrative & Finance streams in 1982 because at that time there was only one post of junior administrative grade in each stream and no officer had stagnated at maximum of the pay scale for two years as required under the relevant instructions. Department of Mines stated that as per the new guidelines of Department of Personnel the condition of 2 years stagnation at the maximum of pay scale of junior administrative grade level has been removed and accordingly the officers of the administrative and finance streams have become eligible for grant of selection grade.

From the above para it shall be noticed that the stand taken by Department of Personnel & Training is not correct as per the provisions of Department of Personnel and Training office memorandum no. 19/1/86-PP dated 14.8.87 as the mention of organised services is not available in this office memorandum and is the view of individualistic approach. The provisions of the said office memorandum of Department of Personnel & Training dated 14.8.87 are applicable to all group 'A' Central Services. Moreover Department of Mines classifies administrative and finance stream of Geological Survey of India. It is not understood why Department of Personnel and Training is taking an unhelpful attitude in creating posts of selection grade at junior administrative grade level in administrative stream of Geological Survey of India when it is satisfying all the requirement of their office memorandum dated 14.8.87. It is adversely affecting my career prospects as I shall retire in the same post in which I was recruited through UPSC 13 years ago after rendering 20 years service in one post in Geological Survey of India. At the time of my recruitment in the grade of Regional Admn. Officer the direct recruitment clause was available in the recruitment rules for the post of Regional Admn. Officer, Senior Admn. Officer and Administrative Officer and the recruitment was made by the UPSC in all the three grades as was done in other streams where the direct recruitment clause existed in the

/ as organised service and includes it as a cadre strength of G.S.I.

recruitment rules of the posts equivalent to Administrative Officer and Senior Admn. Officer. The selection grade at junior administrative grade level in these streams has been introduced but not in administrative streams. This is a clear case of discrimination made by the Department of Personnel & Training when Department of Mines treats administration stream at par with other streams in Geological Survey of India.

15% posts of Non functional selection grade work out to be 3 in the junior administrative grade level if the existing 8 posts of Regional Admn. Officer/Director (Admn.) in scale of Rs. 3700-5000/- and 13 posts of Sr. Administrative Officer in the scale of Rs. 3000-4500/- are taken into account as per the provisions of Department of Personnel & Training office memorandum No. 19/1/86-PP dated 14.8.87. As the administrative stream of Geological Survey of India satisfy all the provisions and conditions of the said office memorandum 3 posts of Non functional Selection grade in the scale of Rs. 4500-5700/- may be created at junior administrative grade level to save me to ret in one post since my recruitment through UPSC till retirement. There are many other officers in the administrative stream who were recruited as Sr. Administrative Officer in the scale of Rs. 3000-4500/- shall retire in the post of Regional Admn. Officer in the pay scale of Rs. 3700-5000/- after getting ~~the maximum promotion~~ only one promotion in the entire Geological Survey of India service career. Therefore the creation of 3 posts of Non functional selection grade at junior administrative grade level in administrative stream of Geological Survey of India is justified.

4. In this connection it may further be mentioned that one post of Selection grade in junior administrative grade level has been sanctioned in stores stream vide Ministry of Steel and Mines Department of Mines letter no. A-11013/1/88-M2 dated 15.6.88 when the cadre structure of stores stream is similar to administrative stream in all level but the discrimination has been made in not creating the selection grade posts at junior administrative grade level in administrative stream.

5. There is one post of Dy. Director General (Personnel) in Geological Survey of India and the recruitment rules of the post provide for filling the post on deputation basis from I.A.S./All India Service cadres. The promotional

prospects of the undersigned are bleak as there is no possibility of promotion till the present post of Dy. Director General(Personnel) is made a promotional post to be filled from the grade of Regional Adm. Officer. I joined Geological Survey of India as direct recruit through UPSC in the present grade of Regional Adm. Officer on 27.4.77 and am continuing in the same post without any promotion when the next post exists but is a deputation post. All norms of natural justice require the change of recruitment rules of the only post of Dy. Director General(Personnel) making it a promotional post so that an officer like me could aspire for at least one promotion in the entire service career of Geological Survey of India. In other streams of Geological Survey of India, Dy. Director General post is a promotional post.

6. Fourth Central Pay Commission in its recommendations at item no. 3 of chapter 23 of the report has agreed that every employee should be able to get atleast one promotion after 15 years of service. In this connection it may not be out of place to mention that the Supreme Court in its judgement by the Division Bench comprising Sri Justice M.H. Kania and Sri Justice Kuldip Singh made the observation while dismissing an appeal by the Council of Scientific & Industrial research & others Vrs. K.G.S. Bhatt Civil Engineer that the employees and management must give all their employees an opportunity to advance within the organisation "This is the oldest and most important feature of the free enterprise system" the court added.

The judge declared that an organisation public or private did not hire a hand but engaged or employed a whole man". The person is recruited by an organisation not just for a job but for a whole career. One must therefore be given an opportunity to advance" the judges observed.

The court emphasised that the opportunity for advancement was a requirement for progress of any organisation" It is an incentive for personal development as well. There could not be any modern management much less any career planning man power development or management development which is not related to a system of promotion."

This judgement of Supreme Court also justifies

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the change of recruitment rules for the post of Dy. Director General(Personnel) from deputation to promotion out of feeder grade of Regional Admn. Officers.

In view of the above, it is requested kindly to create 3 non functional selection grade posts at junior administrative grade level in administration stream of Geological Survey of India so that I am accommodated in one of them. The post of Dy. Director General(P) may also be made a promotional post from feeder grade of Regional Admn. Officer so that I could think of atleast one promotion xam in my service career of Geological Survey of India. Both the request may kindly be agreed to as these are genuine ones. In case both the matters are not settled within 30 days from the date of application, I shall be forced to move the court of justice.

Thanking you,

Yours faithfully,

Suraj
(SURAJ PARKASH) 7.2.1990
Regional Administrative Officer

Copy forwarded for favour of information and necessary action to the Director General, Geological Survey of India, 27, J.L. Nehru Road, Calcutta.
2-Shri J B Munirajulu, Under Secretary to the Govt of India, Ministry of Steel & Mines, Dept of Mines, Shastri Bhawan, New Delhi

(SURAJ PARKASH)
Regional Administrative Officer

CENTRAL JUDICIAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

O.A. NO. 133 of 1990(L)

Suresh Prakash

....Applicant

- Versus -

Union of India and others .. Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.

I, B.K. MANDEL, Director

aged about 55 years, son of late B.K. Mandal
in the office the deputy director general, Geological
Survey of India, Northern Region, Lucknow do hereby
solemnly affirm and state as under :

1. That the deponent has been authorised to
file this counter affidavit on behalf of all the
Respondents. The deponent has read and understood
the contents of application filed by the applicant
as well as the reply/information as furnished by
the respondent no. 1 & 2 for preparation in this
counter affidavit and as such he is fully conversant
with the facts of the case as well as the facts
deposed to herein reply thereof.

2. That the contents of para. 1, 2 & 3 of the

application need not comments.

3. That the contents of para 4(i) and 4(ii) of the application do not required any comments.

4. That in reply to the contents of para 4(iii) of the application it is submitted that the respondent no. 2 has following streams with or without having post of deputy director general posts :-

SCIENTIFIC STREAM.

- i) geology (Having DGS posts)
- ii) geophysics (Exploration) (Having DGS posts)
- iii) geophysics (Institution) - Having DGS posts.
- iv) geo-chem. -do-
- v) Mineral physics
- vi) Library
- vii) Computer science
- viii) Hydrology.

TECHNICAL:

- i) Engineering (Having DGS posts)
- ii) Mechanical
- iii) Drilling
- iv) civil engineering
- v) Drawing

ADMINISTRATIVE

- i) Personnel (having due post)
- ii) finance -do-
- iii) Administration
- iv) stores.

5. That in reply to para 4(iv) of the application it is submitted at present the post of Director of Administration is the highest post in the stream.

6. That the content of para 4(v) of the application need no comments.

7. That in reply to the contents of para 4(vi) of the application it is submitted that there are some statutory powers vested in the Director (Administration) which are not in the hand of Regional Administrative Officer.

8. That in reply to the contents of para 4(vii) of the application to 4(xiv) of the application do not require any comments from the respondents. However the facts mentioned below is the additional please may be looked into.

That the non-functional selection grade was introduced in organised group 'A'

control services (vide G.O. no. 5/12/79-PT.II dated the 31st July 1982). The fourth control pay commission in para 25 the report recommended that the condition then existing regarding stagnation at the maximum of the junior administrative grade for two years for appointment to selection grade (Paragraph 8(d) of the said G.O) should be removed and that the criteria for appointment to the selection grade and the basis for computing the number of selection grade posts should be uniform in the All India and group 'A' control services. The Government of India accepted the recommendations of the fourth control pay commission and issued orders for grant of non-functional selection grade VI G.O. no. 19/1/85-PT dated the 16th August 1987 (Annexure A-1 to the petition). The orders for grant of non-functional selection grade are applicable only to the organized group-A control services/cadres as had been the case with the earlier orders contained in G.O. dated the 31st July 1982. This position has also been made clear in subsequent G.O. no. 12/1/88 dated the 6th January, 1989, wherein it has been stated that an officer should hold the post of JAG in an

organised group-A central service before they could be considered for appointment to the non-functional selection grade.

That it may be added that only such of the group A central services/cadres which have direct recruitment at the level of junior time scale in the percentage of 50 and above are termed as group-A central services/cadres. Since direct recruitment in the financial and administrative streams in the GSI at the level of Rs 100 is not 50 the provision of C.M. dated the 14th August 1967 for the grant of non-functional selection grade are not applicable to these streams as had already been made clear in our C.M. dated the 2nd August 1969 (Annexure A-0 of the petition). Attention in this connection is invited to para 4 of the C.M. dated the 14th August 67 (Annexure A-1 to the petition) which provided that no member of the service shall be eligible for appointment to the selection grade until he has entered the 14th year of service on the 1st July of the year calculated from the year following the year of examination on the basis of which the members are recruited. It is abundantly clear that the provisions of CM dated the 14th August 67 are applicable to such of the services as have been recruited

on the basis of an examination and that the eligibility for grant of selection grade is 14th year following the year of examination. In the case of financial and administrative streams of G.I. direct recruitment is not made at the level of junior time scale on the basis of an examination and as such the provisions of this Act are not applicable to these streams. It may also be added that according to the existing instructions triennial cadre reviews are required to be carried out for organized group-A central services/ cadres and financial and administrative streams of G.I. are not categorised as group/central services and these streams have not been covered in the cadre reviews. The technical streams of the G.I. have been classified as geological survey of India group A service while financial and administrative streams have been classified as group-A service.

9. That in reply to the contents of para 5 of the application it is submitted that the grounds taken by the applicant are not tenable in the eyes of law in view of the reasons disclosed above.

10. That the contents of para 6 & 7 of the application needs no comments.

11. That in reply to the contents of para 8 of the application it is submitted that the applicant is not entitled to get any relief in view of the facts stated above.

12. That in reply to the contents of para 9 of the application it is submitted that the applicant is also not entitled to get any interim relief as claimed by the applicant.

13. That the contents of para 10 to 12 of the application need no comments.

14. That in view of the facts and circumstances stated in the foregoing paragraphs the application filed by the applicant is liable to be rejected with costs to the respondents and the application may be dismissed as misconceived without any basis on legal grounds.

Deponent.

Lucknow,

Dated, 13th August, 1990.

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verification

I, the above named deponent do hereby verify that the contents of para 1 of the affidavit are true to my personal knowledge and those of paragraphs 2 to 13 are believed to be true on the basis of official records and information gathered and those of paragraph 14 of the affidavit are believed to be true on the basis of legal advice. Nothing material fact has been concealed and no part of it is false.

deponent.

LUCINOW,

Dated: 13th August, 1990.

I identify the deponent who has signed before me and is personally known to me.

(WE CHANDLER)

Adv. Standing Counsel for Central Gov.
(Counsel for respondents)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
CIRCUIT BENCH, LUCKNOW.

..

RECOINDER AFFIDAVIT

IN

Registration O.A. No. 133 of 1990(L)

Suraj Prakash ... Applicant

vs

Union of India and others ... Respondents

AFFIDAVIT of Suraj Prakash
aged about 51 years, Regional
Administrative Officer,
Geological Survey of India,
Northern Region, Aliganj
Scheme, Sector-E, LUCKNOW.

(Deponent)

I, the deponent abovenamed do hereby
solemnly affirm on oath and state as under:

1. THAT the deponent is the sole petitioner
and as such he is conversant with the facts of
the case and he has gone through the counter
affidavit filed by Shri N.K. Mandawal and
the deponent has understood the contents thereof
and is in a position to reply the same.

Suraj

2. THAT the contents of paragraph nos. 1, 2 and 3 of the counter affidavit need no comment.

3. THAT the contents of paragraph no. 4 of the counter affidavit are not correct as stated. The averments made in paragraph 4(3) of the application are re-affirmed as correct. However, the averments made in the counter affidavit, as well as, a rejoinder affidavit of the connected application No.134 of 1990(L) were also have been referred in this connection. It is further submitted that all the posts of Geological Survey of India have been classified as General Central Service Group 'A' as per the recruitment rules published in the Gazett of India. A photostat copy of the recruitment rules of the various Streams are annexed herewith and marked as Annexure-RA -1 to this affidavit for ready reference. It is, however, submitted that the post of Deputy Director General, had been sanctioned in the Stream of Geology, Geophysics, (Exploration/Instrumentation) Geochemistry^{Drilling} Mechanical₂ have been clubbed together. The other streams which have been mentioned in the paragraph under reply are very small cadres and they have no junior administrative grade posts. Hence, there is

ANNEXURE-RA-1.

Annexure

no question of having the post of Deputy Director General in these strength. It may also be noted here that in the Civil Engineering Stream, there is no cadre, except one post of Superintending Engineer ~~is~~ (construction) which is being filled up on deputation basis. There is no bifurcation of Personnel and Administrative Cadre in the Geological Survey of India as all the work pertaining to Personnel and Administrative is being looked after by the Officers belonging to the Administrative Cadre. There is one post of Deputy Director General (Personnel) to ~~head the~~ ^{head the} administrative Cadre which is being filled up on deputation. In all the Streams of Geological Survey of India, where there is a Feeder Grade i.e. ~~Indian Junior~~ ^{Grade the} Administrative Level, post of Deputy Director General, posts are being filled up by promotion from the Feeder Grade, which is not being done in the case of the Administrative Stream, and as such, the action of the respondents is discriminatory in nature. It is further submitted that there are 8 posts of Junior Administrative Grade Level in the Administration which are the Feeder Posts for the post of Deputy Director General (Personnel).

Bozale

4. THAT the contents of paragraph 5 of the counter affidavit are not correct as stated, hence are denied. It is further submitted that the post of Deputy Director General (Personnel) is the highest post in the Administrative Stream and not the Director of Administration as pleaded in the paragraph under reply.

5. THAT the contents of paragraph 6 of the counter affidavit are ~~not~~ correct as stated. However, in reply the averments made in paragraphs 4 and 5 of the application are reaffirmed as correct.

6. THAT the contents of paragraph 7 of the counter affidavit are not correct as stated, hence are denied. However, in reply it is submitted that the averments made in paragraph 4(6) of the original application are re-affirmed as correct. It is further submitted that the post of Director Administration was being filled up on deputation basis, which was ~~subsequently~~ later been converted into promotional post. The posts of Director of Administration and Regional Administrative Officer are equivalent as the both the posts have grade of Rs. 3700 - 5000 and forms part of the same cadre. The Director Administrative has been delegated

for

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some powers by the Midstry and he has got no statutory powers more than the Regional Administrative Officer.

7. ^{unreplied to} THAT the contents of paragraph 8 of the counter affidavit ^{as stated in} are ~~not correct~~ ^{paragraphs 4(5) to 4(24) of application are reaffirmed as correct} as stated and hence are denied. In fact the controversy raised under paragraph reply has got no relevance in the present application. However, in reply the averments made in paragraphs 4 (5), 4(6), 4(7), 4(8), 4(9), 4(10), 4(11), 4(12), 4(13) ~~and~~ 4(24) of the application are reaffirmed as correct.

8. THAT contents of paragraph 9 of the counter affidavit are not correct as stated, as such are denied. It is further submitted that in view of the admission of the respondents and the grounds taken by the applicant, the applicant is entitled for the relief and the grounds are sustainable in the eye of law.

9. THAT the contents of paragraph 10 of the counter affidavit need no comment.

10. THAT the contents of paragraph 11 and 12 of the counter affidavit are being replied

By your

that in view of the facts and circumstances stated in the counter affidavit, as well as in the petition, the applicant is entitled for the relief as prayed for.

11. THAT the contents of paragraph 14 of the counter affidavit are not correct as stated, hence are denied.

I, the deponent do hereby verify and declare that the contents of paragraph nos. 1 to 11

of this rejoinder affidavit are true to my personal knowledge; and the paragraph nos.

of this affidavit are based on the information received from record and the contents of paragraph nos.

of this affidavit are based on legal advice, to which all the deponent believes to be true and that no part of this affidavit are false and nothing material has been concealed in it.

S. Help me God.

Bozall
(Deponent) 27/8/90

11 7 11

I, Km Sadhana Srivastava, Advocate,
do hereby identify the above named deponent,
who is known to me, is the same person
who is filing the affidavit.

(Km Sadhana Srivastava)
Advocate

Solemnly affirmed before me on
this day of August, 1990 at a.m./p.m.
by the deponent, who is identified by the
aforesaid Advocate.

I have satisfied myself by examining
the deponent that he understands the contents
of this affidavit which has been read over
and explained to him.

OATH COMMISSIONER.

(A)

J. M. B. by Andac

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 133 of 19890(1)

APPLICANT(S)

Sunaj Prakash

RESPONDENT(S)

NO

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 17/4/90

Date of Receipt by Post

Deputy Registrar (J)

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent ?
2. a) Is the application in the prescribed form ?
b) Is the application in paper book form ?
c) Have six complete sets of the application been filed ?
3. a) Is the appeal in time ?
b) If not, by how many days it is beyond time?
c) Has sufficient case for not making the application in time, been filed?
4. Has the document of authorisation/ Vakalatnama been filed ?
5. Is the application accompanied by B.D./Postal Order for Rs.50/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed?
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?
c) Are the documents referred to in (a) above neatly typed in double space ?
8. Has the index of documents been filed and paging done properly ?
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application?
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

No

(A2)

Particulars to be Examined

Endorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ?
12. Are extra copies of the application with Annexures filed ?
 - a) Identical with the Original ?
 - b) Defective ?
 - c) Wanting in Annexures
 Nos. _____ pages Nos _____ ?
13. Have the file size envelopes bearing full addresses of the respondents been filed ?
14. Are the given address the registered address ?
15. Do the names of the parties stated in the copies tally with those indicated in the application ?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
17. Are the facts of the case mentioned in item no. 6 of the application ?
 - a) Concise ?
 - b) Under distinct heads ?
 - c) Numbered consecutively
 - d) Typed in double space on one side of the paper ?
18. Have the particulars for interim order prayed for indicated with reasons ?
19. Whether all the remedies have been exhausted.

Y

Y

Y

Y

Y

NA

Y

Y

Y

dinesh/

Hon'ble Mr. P.S. Habib Mohammad, A.M.

notice served
on ~~2/26/99~~
2/27/99
@

Put up this case along with O.A.
NO.134 of 1990 (L) on 3.7.1990.

Sd/-
J.M.

rrm/

No sitting again to 18780

18-7 30. No sitting.

solg: to 28/8/9. 

2889. Hon. Mr. D. K. Agrawal, J. M.
Hon. Mr. K. Chatterjee, D. M.

on the request of Shri R. K. Chaturvedi, brief holder of Km. Sadhu Srivastava, counsel for the applicant, the case is adjourned to 29-10-70. Shri V. R. Chawdhary is present for obj. no. 1. 512/90 is allowed.

OR
Srs V.R Chaudhary
filed C.A along with
Application for
condonation of delay
R.A filed
S. F.O

24/0/4

Ain

Del
Jm

29-8-90

Harble D. K. Agard - 3M
Harble K. Obayya - AM

Km Sadhna Srinasthi for the Applicant
and Shri V.K. Chaudhary for the Respondent
are present and heard. Judgment
Reserved

[Handwritten signature]

del
FM

(Handwritten notes)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

D.A. No.
~~F.A. No.~~

133

1990 (L)

DATE OF DECISION _____

Suraj Prakash Petitioner

Mr. Sadhna Srivastava Advocate for the Petitioner(s)
Versus

Union of India & others Respondent,
(C.S.)

Shri V.K. Choudhary Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. E. K. Agrawal, J.M.

The Hon'ble Mr. K. Obayya, A.M.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether to be circulated to all other Benches ?

.....

Ghanshyam/

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
(LUCKNOW CIRCUIT BENCH)

.....
Registration O. A. No. 133 of 1990(L)

Suraj Prakash. A. M. Applicant.

vs.

Union of India & Ors. Respondents.

Hon'ble Mr D.K. Agrawal, J.M.
Hon'ble Mr K. Obayya, A.M.

(By Hon'ble K. Obayya, A.M.)

This application under Section '19' of the Administrative Tribunals Act, 1985 has been filed for a direction to respondents to provide a channel of promotion to the post of Deputy Director General (Personnel) in the Administrative Stream of Geological Survey of India and to consider the case of the applicant for promotion to the said post in case, he is considered suitable.

2. The relevant facts of the case are that the applicant entered service in the Geological Survey of India (G.S.I.) as a Regional Administrative Officer (R.A.O.) in 1977 as a direct recruit on selection by U.P.S.C. The next higher post was that of Director of Administration, which was initially filled up by deputation, but later converted as a promotion post from the feeder category of RAOs. Based on the recommendation of the Review Committee, the post of Deputy Director General (Personnel) (D.D.G.(P)) was created on a fixed pay of Rs.2750/-, and according to the applicant, this has become the top post to oversee the administrative stream.

3. It is contended by the applicant that after the Fourth-Pay-Commission, the pay-scales of R.A.O. & Director (Admin.) were equated, and the post of Director(Admin.) no more remained as a Promotion Post, and the only higher post available is that of Deputy Director ^{General} (Personnel) which is being filled up by deputation and the channel of promotion

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should be provided to the Administrative Stream, to be promoted to this post. The further contention of the applicant is that the posts of D.D.G. are Promotion Posts in all the other streams, and the denial of promotion avenue to the Administrative Stream amounts to discrimination, and this goes counter to the recommendation of the Fourth-Pay-Commission according to which, there should be at least one promotion after 15 years of service in a regular post.

4. The respondents have filed a counter contesting the case; in which it is stated that the work in the G.S.I. is organised broadly in three streams, namely Scientific Stream, Technical Stream & Administrative Stream and that there are 8 divisions/wings under Scientific Stream, 5 divisions/wings under Technical Stream, and 4 divisions/wings under Administrative Stream. The posts of D.D.G. are sanctioned in 3 divisions under Scientific Stream, namely Geology, Geophysics (Exploration) and Geophysics (Instn.) and 1 division/wing in Engineering under Technical Stream, and 2 divisions/wings under Administrative Stream, namely Personnel & Finance. It is also stated that the post of Director (Administration) is the highest post in the Administrative Stream, and this post is vested with certain statutory powers, which are not vested with R.A.Os. It is also stated that the recruitment in the Financial & Administrative Streams is not upto 50% and as such they are not eligible for Selection grade. The Technical Stream of G.S.I. has been classified as 'G.S.I. Gr-A' service while Financial & Administrative Streams have been classified as 'Gr-A', 'Gr-B' services.

5. In the rejoinder, the stand taken in the application is reiterated. It is also admitted that the posts of D.D.G. are sanctioned only in certain divisions, and other divisions have been left out as their cadres are too small. It is also stated that there is no bifurcation of Personnel and Administrative cadres in the G.S.I., and that the post of

P.

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D.D.G.(P) is the highest post in the Administrative Stream and not the Director of Administration.

6. We have heard the learned counsel for the parties. We have also gone through the report of the G.S.I. Review Committee, Vol. I dated 18.12.87 placed before us by the learned counsel for the applicant. The Review Committee was set-up by Government of India to study the present structure and organisation, and suggest measures for rationalisation and improvement in its working. The report is comprehensive and covers all facets of work of G.S.I. The terms of reference of the committee among others included identifying problems of personnel management and to suggest measures for its improvement including perspective manpower planning and appropriate recruitment, promotion and posting policies etc. Para 3.17 (p.41) of this report deals with Personnel Management and Recommendation 51 is to the effect that G.S.I. must build up a Modern Personnel Management Organisation with primary functions of Planning, Development & Management of Human Resources. The committee considered that G.S.I. "required a professional man" at a very high level, who would have to interact with the senior level officials of G.S.I. and to build up a system with the help of both experts, and consultants from outside as well as with persons available within, and recommended creation of a post of Sr. D.D.G.(P) on a fixed pay of Rs.2,750/-. Recommendation 53 suggested creation of post of three Directors- (1) Director of Personnel A & B (2) Director of Personnel C & D and (3) Director of Administration. The work of distribution is that the Director of Personnel would be in-charge of recruitment, promotion, transfers, posting, cadre planning, training etc. while the Director of Administration would be in-charge of Estate Management and House Keeping, Administration etc. The suggested organisational structure (Annexure-9) to this report indicates that under Sr. D.D.G.(P), divisions are

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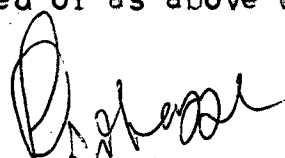
Career Development, Recruitment, Training & Development, Welfare, Establishment, Administration, Estate & House Keeping in coming up with these recommendations, the committee evidently had futuristic outlook and clearly distinguished the functions of Personnel Department from that of Administration and suggested creation of three Directors posts to look after Personnel & Administrative work. The word 'administrative' is generic term and at one time embraced all activities of a department/organisation, but over the years, there has been specialisation and development of Management Science; today we have Personnel Management, Financial Management, Legal Cells etc. distinct from each other and with expertise in their own spheres - may be at lower levels- there is overlap of these spheres, but not at middle or top level. Administrative work pure and simple means, Estate Management, House Keeping, Routine Charges etc. and not the work of 'Personnel Department' which has become complex. The D.D.G.(P) is a very specialised post and administration only forms a part of his areas of responsibilities as perceived by the committee.

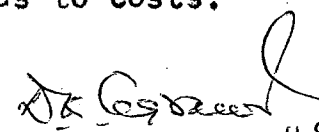
7. Admittedly the applicant was recruited as R.A.O. The notification of recruitment issued by U.P.S.C. indicates that this is a middle-level-post, eligibility being 45 years of age with 10 years experience in Administration & Establishment matters; the duties mentioned are to supervise and direct the work relating to administration in Regional Offices and to assist a D.D.G. in administrative work. Though, the learned counsel for the applicant has stated that the post of R.A.O. and Director (Admn) have been equated; no notification to that effect has been shown to us.

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Accordingly we direct respondents to make suitable amendment in the rules of recruitment as to provide for Channel of promotion to the post of D.D.G.(P). Regarding the promotion of applicant to the post of D.D.G.(P), no direction can be issued by us. In any case it is for the respondents to consider the promotion of the applicant on merits. The application is disposed of as above with no order as to costs.


MEMBER (A)


MEMBER (J)

(Karn/
sns)

November ^{22nd}, 1990

Allahabad.

17

All communications should
be addressed to the Registrar,
Supreme Court, by designation,
NOT by name.
Telegraphic address :-
"SUPREMECO"

No.

SUPREME COURT
INDIA

D.No.2753/92/XI

Dated New Delhi, the 2nd Sept., 1992 19

FROM

The Registrar
Supreme Court of India
New Delhi.

TO

The Deputy Registrar
Central Administrative Tribunal
(Lucknow Bench). LUCKNOW
Circuit

PETITION FOR SPECIAL LEAVE TO APPEAL(C) NO.11075-76 OF 1992
(Registration O.A.No.133 of 1990(L))

U.O.I. & Ors.

... Petitioners

vs.

Sh. Suraj Prakash

Sir,

I am to inform you that the Petition above-mentioned
for Special Leave to Appeal to this Court was filed on behalf of
the Petitioners above named from the judgment and order of
the High Court noted above and that the same was dismissed by
this Court on the 24th day of August, 1992.

A certified copy of this Court's Record of Proceedings
dated 24th August, 1992 is enclosed herewith for your information
and necessary action.

Yours faithfully,

for REGISTRAR

A Sri K.P. Singh
for n.a. to 25.8.92
DR. 10.9.92

9
10/9/92
R. No. 555/92

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil/Cr. No.(s) 110 75-76/92 CC 17488

(From the judgment and order dated 22.11.90 of the High Court CAT

Allahabad, Lucknow/Bench in O.A.No.133/90

U.O.I. & Ors.

Petitioner (s)

396370

Versus

Shri Suraj Prakash

With I.A.No.1-2 (Applns. for c/delay in filing Respondent (s)

Date: 24.8.92

This/these petition (s) was/were called on for hearing today.

CORAM:

Hon'ble Mr. Justice
Hon'ble Mr. Justice
Hon'ble Mr. Justice

Lalit Mohan Sharma
N. Venkatachala

Certified to be true copy

Assistant Registrar (Genl.)

Supreme Court of India

For the petitioner (s)

Mr. K. Lahiri, Sr. Adv.
M/s. S.N. Terdol & Manoj Prasad, Advs.

For the respondent (s)

Ms. Sandhya Goswami, Adv.

UPON hearing counsel the Court made the following ORDER

This Special Leave Petition has been filed 441 days after the expiry of period of limitation. We have examined the application for condonation of delay closely and we find that there is absolutely no justification for the delay of several months as detailed at page 44, I.A.Nos.1-2 are therefore dismissed. Consequently, the S.L.P is dismissed.

Dhamija

(I.L.Dhingra)
Court Master

I

Compilation No. I

Registration No. 133/1980(2)

Suraj Parkash

Versus

The Union of India & others

C/A Sathna Srivastava
Advocate.

C/R D S. Randhawa

28/8.

(116)

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 17-4-90
Date of Receipt by Post

Deputy Registrar (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDL. BENCH
CIRCUIT BENCH : MUMBAI.

....

I N D E X

IN

COMPILATION NO. ONE

IN

ORIGINAL APPLICATION NO. 133 /1990 (L)

(U/S 19 of the Administrative Tribunals Act, 1985)

Suraj Parkash

.applicant

Versus

Union of India & others.

.Respondents.

.....	Sl.No. Particular of documents.	Page No.
.....		

1. Original application.

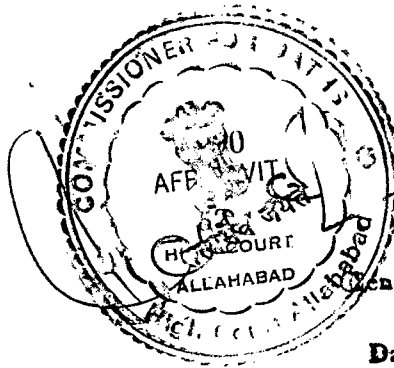
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.....

Dt/April 17th, 1990.

Soadha S. Srinivasan
COUNSEL FOR THE APPLICANT.

F.T.
Sub
18/4/90



(All)

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 17-4-80
Date of Receipt of Petition

Deputy Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDL. BENCH
CIRCUIT BENCH AT LUCKNOW.

.....

ORIGINAL APPLICATION NO. 132 /1990 (L)

(Under Section 19 of the Administrative Tribunals Act)

Suraj Poonkash
S/o Late Chanan Ram
Regional Administrative Officer,
Geological Survey of India,
Northern Region Aliganj Scheme,
Sector-E, Lucknow ...Applicant

A N D

1. Union of India through Secretary
Department of Personnel & Training,
P.P. Division, 6th Floor Nirvachan Sadan
New Delhi.

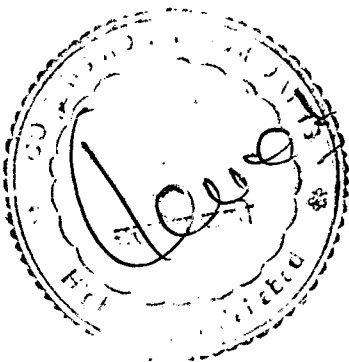
~~XXXXXXXXXXXX~~
2. Director General,
Geological Survey of India,
27, J.L. Nehru Road, Calcutta-700 016.

....Respondents.

: DETAIL OF THE APPLICATION :

1. PARTICULAR OF THE ORDER AGAINST WHICH THE
APPLICATION IS MADE :

The aforesaid application is being filed seeking
relief that the avenue of promotion should be open
for filling the post of Deputy Director General of



As per

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(Personal) in the Administrative Stream of the Geological-Survey of India and the petitioner since occupying the post of Regional Administrative Officer and at present he is no. ONE, he may be allowed to be promoted on the post of Deputy Director General (Personal) in Administrative Stream of the Geological Survey of India.

2. JURISDICTION OF THE TRIBUNAL : The applicant declares that the subject matter of the present application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION : The applicant further declares that the present petition is being filed within the limitation as prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE : The facts of the present case are given below :-

(1). That before inducting as Regional Administrative Officer under the control of Respondents, the applicant has worked as Civilian Officer Grade-II (Group A) in General Reserve Engineering Force under

Accepted

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the Ministry of Transport and Shipping from 23rd June 1970 to 15th April 1977 through Union Public Service Commission, New Delhi.

(2). That against an advertisement for the post of Regional Administrative Officer by the Union Public Service Commission, the applicant applied and after due process, he was selected as Regional Administrative Officer by the Union Public Service Commission and on 27th April 1977 he joined under the control of Respondents after being relieved from the General Reserve Engineering Force in the afternoon of April 15, 1977, after availing the joining period from 16th April 1977 to 26th April 1977, on 27th April 1977 in the office of Respondent no.2 against 33.3% quota of Direct Recruitment, provided under the Recruitment Rules.

(3). That it will be pertinent to mention here that under the control of Respondents there are about 10 streams in which the officers are working in the Department which reads as

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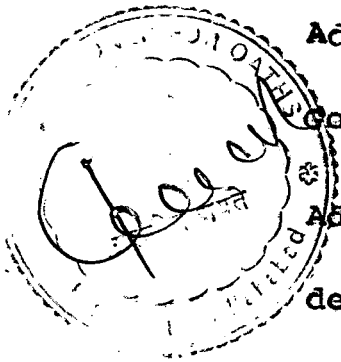
4.

under :-

- i) Geology
- ii) Geophysics (Exploration)
- iii) Geophysics (Instrumentation)
- iv) Chemical
- v) Mineral Physics
- vi) Mechanical
- vii) Drilling
- viii) Stores
- ix) Administrative
- x) Finance.

(4). That at the time of recruitment, i.e. in the year 1977, the post of Regional Administrative Officer was the highest post in the Administrative Stream of Geological Survey of India.

(5). That upto IIIrd Pay Commission, there was one post slightly above the post of Regional Administrative Officer in Administrative Stream of Geological Survey of India, namely Director of Administration, which was being filled through deputation, but the said post was converted as Promotional post after 1981 out of the feeder grade of Regional Administrative Officer.



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(6). That after the acceptance of IVth Pay

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Commission's report, the pay scale of Director of Administration and Regional Administrative Officer have been equated and as such the said post can not be said to be higher post.

(7). That on the basis of recommendation of Geological Survey Committee, the Review Committee one post of Deputy Director General (Personnel) was created in the year 1978 in the Geological Survey of India to head the Administrative Wing of the Geological Survey of India. A photostat copy of extract of Recommendation printed on page 41 of the Report published by the Government of India in the year 1977, is being filed herewith and marked

Ann-A-1. ^{A-1} as Annexure-1 to this petition. The perusal of the aforesaid recommendation would go to show that recommendation no.52 specifically says that to introduce a modern personnel management systems in an organisation as large as Geological Survey of India, and where no systematic personnel management system exists today, will be an enormous task. This would require a professional man at a very high level who would have to interact

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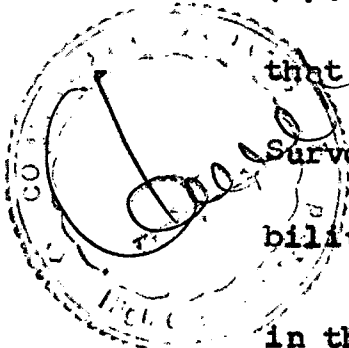
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with the senior level officials of Geological Survey of India. It further recommends that a competent and experienced person should be inducted to head the vital personnel management wing of Geological Survey of India immediately, who will be known as Senior Deputy Director General(Personnel) at a fixed pay of Rs. 2750/- per month and it was further recommended that for the present, this position has to be filled from outside.

(8). That by using the word 'AT PRESENT' it appears that the Review Committee intended to fill up the said post by deputation only due to circumstances of non-availability of experienced and qualified and eligible persons in the Administrative Stream as early as in 1977.

(9). That it is also pertinent to mention here that all streams mentioned above in Geological Survey of India are discharging the equal responsibilities of the work and persons who were working in the scale of Rs.1100-1600/- (IIIrd Pay Commission) in other streams of officers of Geological Survey of India have been given promotion to the post of



By Adm

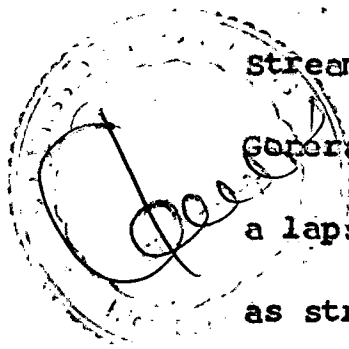
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Deputy Director General (P), whereas in the year 1977, the petitioner joined services of respondents in the scale of Rs.1300-1700/- and he is still continuing on the same status.

(10). That in other streams of the officers of Geological Survey of India, the post of Deputy Director General is promotional post whereas in Administrative Stream, as stated above, the post of Deputy Director General was to be filled up in view of recommendation of the Review Committee, from outside (Deputation) and the said principle is still being followed and the gate of promotional avenue has ~~been~~ not been opened.

(11). That as stated above because of non-availability of the officers in the feeding grade in Geological Survey of India in the Administrative Stream, at that time the post of Deputy Director General was not open for the promotion but after a lapse of more than 13 years, the position as well as strength of the officers have been changed and there are so many officers in the Administrative Stream who are eligible to be promoted to the post



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of Deputy Director General in Administrative Stream of Geological Survey of India and as such in case the said principle for filling up the post of Deputy Director General(P) through deputation is being followed after 13 years, the chances of promotion of these officers would have been marred.

(12). That ~~in the year 1952, the Government of India~~ after acceptance of report of the IVth Pay Commission, both the levels in the Senior Administrative Grade, i.e. SAG level II (in the scale of Rs. 2250-2500/-) and SAG level I (2500-2750/-) have been merged into revised scale of Rs. 5900-6700/-. All the posts of the Deputy Director General in various Streams of Geological Survey of India are the post of Senior Administrative Grade and prior to IVth Pay Commission, the recruitment rules provided for separate criteria for promotion to SAG level II, ~~and~~ thereafter to SAG Level I but after the merger, ~~of~~ the recruitment rules have been amended and it has been decided that eligibility services for promotion from Junior

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Administrative Grade to Senior Administrative Grade level will be eight years regular service in the Grade or 17 years regular service in Group A post out of which atleast four years regular services should be in Junior Administrative Grade Level.

A photostat copy of the Office memorandum dated 8th May 1987 issued by the Department of Personnel & Admining published in the Swamy's Annual, 1987 Compendium of Orders on Service Matters at page 438 and 439 and its photostat copy is being filed Ann-A-2. herewith and marked as Annexure-A-2 to this petition.

(13). That in view of aforesaid fact since the post of Deputy Director General in other streams have been recognised as Senior Administrative Grade and it has been provided that said post shall be filled in from the Junior Administrative Grade level but in the case of Administrative Stream of officers of Geological Survey of India, a step-motherly treatment is being given by not introducing the channel of promotion for filling up the post of Deputy Director General(P) and recommendation of said Review Committee of 1977 is still being followed.

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(14). That it is also pertinent to mention here that the IVth Central Pay Commission has recommended that every employee should be able to get atleast one promotion after 15 years of service in a Grade.

(15). That as stated above, the applicant has joined the services of respondents in the year 1977 as Regional Administrative Officer and after putting more than 13 years of service, he is still continuing on the same post and in view of present policies he can not get any promotion to the post of Deputy Director General being a member of Administrative Stream of Geological Survey of India and in rest of service, i.e. 7 1/2 years and he will retire from the said post.

(16). That the applicant is ^{eligible} ~~eligible~~ for promotion to the post of Deputy Director General(P) as he is senior most (No. one) officer in the present grade and in case the promotional avenue is open for the post of Deputy Director General(P) in Administrative Stream he is bound to be promoted to the said post but because of non-availability of promotional avenue, he is still continuing on the same post.

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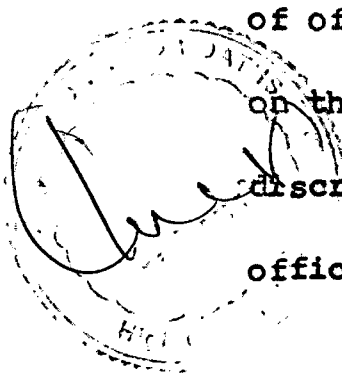
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(17). That the petitioner has enjoyed blotless career since the date of induction into services of the Geological Survey of India and he has not given any chance/opportunity who may warrant any displeasure of the respondents.

(18). That as stated above, in other streams of Geological Survey of India, the Senior Administrative Grade post, i.e. Deputy Director General are being filled out of concerned feeder grade in Junior Administrative Grade level but in the Administrative Stream it is being filled up on deputation basis when the experiences and eligible officers are available in the Administrative Stream itself.

(19). That the treatment of respondents in respect of officers of Administrative Stream for promotion on the post of Deputy Director General, is highly discriminatory with reference to other streams of officers of Geological Survey of India.



(20). That it is well settled law that a Govern-

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ment employee must be given an opportunity of advance in his service career, which is a requirement of perfectence of any Organisation and incentive for personal development as well. The Government must provide the realistic opportunities for promising and eligible officers to move upward.

(21). That in view of facts and circumstances stated above, the respondents have illegally not opened the promotional avenue in Administrative Stream of Geological Survey of India for the post of Deputy Director General(P) and they are still continuing with the Recommendation of the Review Committee's report of 1977, where the said recommendation was given only in view of the circumstances of that time, but now the circumstances have been changed and officers are available and it will be highly unjustified and discriminatory treatment to the officers of Administrative Stream if they are not allowed to be promoted to the post of Deputy Director General(Personnel).

[Circular stamp: Geological Survey of India, Dehra Dun]

[Signature: B. Adh.]

[Signature: R. S. Rao]

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(22). That the petitioner, after having the copy of Recommendation of IVth Pay Commission report and the Office memorandum dated 8th May 1987, sometime in the year 1989, has preferred a representation on 20th March 1989 through which a request was made that the promotional avenue may be open on the post of Deputy Director General(P) in Administrative Stream of officers of Geological Survey of India. A photostat copy of said representation is being filed herewith and marked as

Ann-A-3.

Annexure A-3 to this petition.

(23)- That after having no response against the said representation as abandoned precaution, the petitioner preferred a reminder on 7th February 1990 giving all the details and a similar relief was sought but it appears that respondents have turned ~~from~~ their deaf ears to the request of the petitioner

and they have not even cared to acknowledge the petitioner's representations what to talk of giving relief. A copy of reminder dt. 7.2.90 is enclosed as Annexure A-4 to this petition.

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(24). That the channel for filling the above post is introduced only in the circumstances, in case the officers in the feeding grade is not

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available in the Department, but in case they are available, the said channel should be abolished and channel for promotion should be opened.

5- GROUNDS : Grounds for the relief are as under :-

A. BECAUSE in other Streams of officers of Geological Survey Of India, the post of Deputy Director General (Senior Administrative Grade level) have been opened for promotion whereas in the Administrative Stream, the post of Deputy Director General (P) is filled up by ~~promotion~~ deputation.

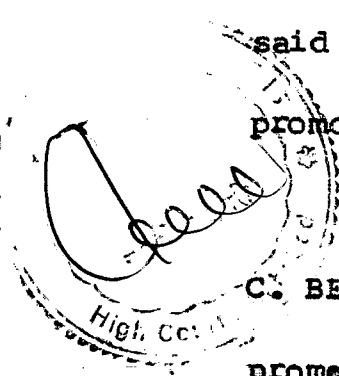
B. BECAUSE the channel for filling the above post is introduced only in the circumstances in case the officers in the feeding grade is not available in the Department but in case they are available, the said channel should be abolished and channel for promotion should be opened.

C. BECAUSE the petitioner is fully eligible for promotion to the post of Deputy Director General (P) in Administrative Stream of Geological Survey of India as he has put in 20 years serve in Group A including 13 years in present grade cadre/and at present he is senior most (No. one) in Regional Administrative Officers, of Administrative

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~~stream of Geological~~ Stream of Geological Survey
of India.

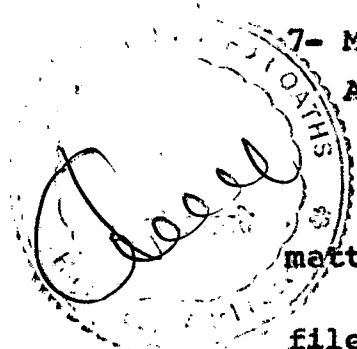
D. BECAUSE action of respondents is illegal and
discriminatory as the petitioner's progress/
advancement has been curtailed in the service
career.

E. BECAUSE the action of respondents is illegal
discriminatory and in violation of Article 14 and
16 of the Constitution of India.

6- DETAILS OF THE REMEDIES EXHAUSTED : ! That the
applicant declares that he has availed of all the
remedies available to him under the relevant service
rules, etc..

7- MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE
ANY OTHER COURT :

The applicant further declares that the
matter regarding which this petition has been
filed, is not pending before any Court of Law or
before any other Bench of this Hon'ble Tribunal.



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8. RELIEF(S) SOUGHT :

That in view of facts and circumstances stated above, the applicant prays for the following reliefs:

- a) a Writ in the nature of Mandamus directing the respondents to open the channel of promotion on the post of Deputy Director General(Personnel) in Administrative Stream of Geological Survey of India and further a direction may be issued that said post may be filled from the feeder grade of Regional Administrative Officers(Junior Administrative Grade level) of Administrative Stream, of Geological Survey of India.
- b) a direction may be issued that after introducing the promotional channel, the case of the applicant may be considered for promotion to the post of Deputy Director General(Personnel) Administrative Stream of Geological Survey of India, as he is eligible for the post and in case he is found fit, he may be given promotion.

9. INTERIM RELIEF, IF ANY PRAYED FOR :

During pendency of the present petition, interim direction may be issued to respondents not to take

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further step to fill up the post of Deputy Director General (Personnel) in Administrative Stream of Geological Survey of India on deputation.

10. NIL

11. PARTICULAR OF POSTAL ORDERS :

- i) No. of postal order, B 02 409968
- ii) Name of issuing post office, Golagunj, Lko
- iii) Date & issue of postal order. 17.4.90
- iv) Post office at which payable. Lucknow

12. LIST OF ENCLOSURES : AS PER INDEX.

VERIFICATION.

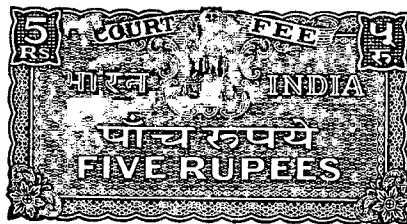
I, Suraj Parkash aged about 50 years, son of Late Shri Chanan Ram, r/o Aligarh, Lucknow, working as Regional Administrative Officer, Geological Survey of India, Northern Region, Aliganj, Lucknow do hereby declare that the contents of paras 1 to 12 of this petition are true to my personal knowledge; and belief and I have not suppressed any material facts in it.

Dated: April 17th, 1990.

Place: Lucknow.

SIGNATURE OF THE APPLICANT.

Adm.
The District Magistrate
Aligarh
Sl. No. 87203
16/6/90



Before Central Administrative Tribunal
Additional Bench Allahabad

Registration No. of 19⁹⁰

District Lucknow

Suraj Parkash

Applicant

VERSUS

The U.O.I & others

Respondents

I/We

Suraj Parkash S/o. Late S. Chanan Ram 9/9
50 years R/o. Aligarh, Lucknow

in the above matter hereby appoint and retain.

SHRI RAJESH CHANDRA SINHA, Advocate High Court

to appear, act and plead for me/us in the above matter and to conduct/prosecute and defend the same in all interlocutory or miscellaneous proceedings connected with the same or with any decree or order passed therein, appeals and or other proceedings therefrom and also in proceedings for review of judgment and for leave to appeal to Supreme Court and to obtain return of any documents filed therein, or receive any money which may be payable to me/us.

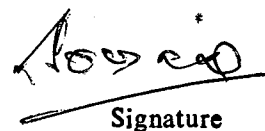
2. I/We further authorise him to appoint and instruct any other legal practitioner authorising him to exercise the powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so.

3. I/We hereby authorised him/them on my/our behalf to enter into a compromise in the above matter, to execute any decree order therein, to appeal from any decree/order therein and to appeal to act, add to plead in such appeal or in any appeal preferred by any other party from any decree/order therein.

4. I/We agree that if/we fail to pay the fees agreed upon or to give due instruction at all stages he/they is/are at liberty to retire from the case and recover all amounts due to him/them and retain all my/our monies till such are paid.

5. And I/We, the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my own acts, as if done by me/us to all intents and purposes.

Executed by me/us this 17 day of April 1990 at


Signature

Executant/s are personally known to me he has/they have/signed before me

Satisfied as to the identity of executant/s signature/s.

(where the executant/s is/are illiterate blind or unacquainted with the language of vakalat)

Certified that the content were explained to the executant/s in my presence in.....the language known to him/them who appear/s perfectly to understand the same and has/have signed in my presence.



Accepted

RAJESH CHANDRA SINHA

Advocate

High Court-Allahabad

Note :- Mr. S. C. Maheshwari Adv. will appear as Senior Counsel.

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Compilation No. II

Registration No 133 / 1990 (L)

Suraj Parkash

Versus

The Union of India & others

Sadhna Srivastava
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDL.BENCH

CIRCUIT BENCH : BUCKNOW.

.....

I N D E X

IN

COMPILATION NO. TWO

IN

ORIGINAL APPLICATION NO. _____/1990

(U/S 19 of the Administrative Tribunals Act, 1985)

Suraj Parkash

.applicant

Versus

Union of India & others.

.Respondents.

Sl.No.Particular of documents.-----Page No.

1.Annexure A-1.Recommendations of GSI Review Committee, 1977. 18-19

2.Annexure A-2.Page 438, 439 & 440 of Swamy's Annual, 1987 Compendium of orders on service matters. 20-22.

3.Annexure A-3.Representation dt.20.3.89 23-

4.Annexure A-4.Representation dt.7.2.90. 24-30.

DT | APRIL 7th 1990-

Sadhna Srivastava
COUNSEL FOR THE APPLICANT.

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ANNEXURE A

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nishing of advice on the utilisation of ground water resources to the CCWB which has been specifically set up for this purpose.

3.16.6. In all the above diversification and growth of work, GSI will need to make more and more extensive use of facilities offered by the National Remote Sensing Agency (NRSA), Photogeology and Satellite Imagery. They would also have to make increasing use of such study tools as scanning electron microscope, computers and a variety of other sophisticated equipments which will progressively call for the build up within the GSI a need to have a specialised section on instruments and instrumentation:

3.17. PERSONNEL :

3.17.1. Personnel Management

3.17.1.1. The GSI has had no induction of modern personnel management techniques in its organisation so far, and there is much to be done in this direction. The main problems in the personnel field as seen by the employees are stagnation dead end posts, obsolescence of expertise and knowledge at superior levels; inadequate opportunities for specialisations, unreliable performance reporting, wrong seniority computations, and the like. From the organisation's stand point, these seem to be reflected by low productivity, excessive in-breeding and fall in quality.

3.17.1.2. After examining these problems in depth, the Committee recommends as below :

3.17.1.3. The GSI must build up a modern personnel management organisation whose primary function would be planning, development and management of human resources. An outside consultancy agency may be considered for developing this.

3.17.1.4. To introduce a modern personnel management systems in an organisation as large as GSI, and where no systematic personnel management system exists today, will be an enormous task. This would require a professional man at a very high level who would have to interact with the senior level officials of GSI and build up a system with the help of both experts/consultants from outside as well as with persons available within. The Committee, therefore, recommends that a competent and experienced person should be inducted to head the vital personnel management wing of GSI immediately, who will be known as Senior DDG (personnel) at a fixed pay of Rs. 2750 p.m. For the present, this position has to be filled from outside.

Recommendation
No 51.

Recommendation
No. 52.

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Recommendation
No. 53.

3.17.1.5. Three Directors have to be selected from amongst those inside the GSI, who have the right aptitude to take over responsibility of the following functions :

1. **Director of Personnel (A & B) :** Personnel establishment dealing with recruitment, promotion, transfers, posting, career planning/management, training and man power planning, with respect of Group 'A' & 'B' staff.
2. **Director of Personnel (C & D) :** Similar responsibility with respect to Group 'C' & 'D' staff.
3. **Director of Administration :** Estate management and house keeping, administration, etc.

3.17.1.6. Whilst the training aspect of Director of Personnel (A & B) would relate to identification of training, placement of personnel in various places and/or deputation to seminars/symposia, etc. within India or elsewhere, a substantial part of the actual internal training course would be arranged in the proposed GSI Training Institute in Hyderabad. The latter would be under the control of a Director of Training Institute who would be responsible, in consultation with the Director of Personnel (A & B) and others concerned, in drawing up the actual types of courses and their contents.

3.17.1.7. The Sub-Committee of 'C' & 'D' employees have recommended a series of changes including rationalisation of cadres and opened up promotion avenues with adequate input of inservices professional training. This has to be followed up by the massive task of identifying of promotion opportunities likely to come up, eligible individuals, the specific types of training required, to what extent these can be arranged through Industrial Training Institutes or similar bodies available in the area, what needs to be done in the way of internal training by the G.S.I., etc. including the movement of category 'C' staff to category 'B'. This in turn has to be followed by the organisational task of arranging the most appropriate programme and of devising the most satisfactory certification procedure.

Recommendation
No. 54.

3.17.1.8. For these training arrangements it is recommended the Director of Personnel (C & D employees) is helped by a full time officer to be known as Staff Training Officer ('C' & 'D' employees) in the pay scale of Rs. 1300-1700 p.m. as the category of training would be totally different and highly job oriented.

3.17.1.9. Furthermore, this type of training would have to be conducted separately at the various regions and even at the Circle Headquarters. In

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which have adopted the instructions issued by this Department about regularisation of service of casual workers, but who are observing a five-day week. A question has been raised whether even in the organisation observing five-day week, the recruitment of 240 days or more of service during each of the two years may be enforced as it is, or whether the requisite number of days may be brought down proportionately.

2. The matter has been considered in this Department and it has been decided that in the organisations observing five-day week, casual workers may be considered for regular appointment to Group 'D' posts, if otherwise eligible, if they have put in 2 years of service as casual workers, with 206 days of service during each year (as against the usual 240 days). This may please be brought to the notice of all concerned.

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C. & A.G., Cir. No. 242-Exam/161-83, Vol. II,
dated 23-4-1987

**Departmental Competitive Examination for Matriculate
Group 'D' Employees for promotion as Clerks —
further liberalisation**

In partial modifications of the provisions of Para. 3.13.3 read with Para. 4.4 of the M.I.R. and the instructions contained in this Office Circular Letter No. 341-Exam/161-83, dated 30-4-1984 and No. 833-Exam/161-83, dated 23-7-1986, I am directed to state that as a measure of further liberalisation, the following decisions have been taken:—

- (a) The period of continuous service for eligibility to appear at the Departmental Competitive Examination for Group 'D' for promotion as Clerks will be reduced from 5 years to 3 years. Accordingly all Group 'D' staff who have completed 3 years, continuous services on the first day of the month in which the examination is held will now be eligible to appear in the said examination.
- (b) Candidates securing 45% marks in any paper(s) would be exempted from appearing in the paper(s) in subsequent examinations.

2. These orders would be effective from the Examination to be held in 1987 and onwards. Past cases will not be reopened.

327

D.P.T., O.M. No. 14017/11/87-Est. (RR),
dated 8-5-1987

**Fourth Pay Commission's recommendations — Revision
of pay scales — Amendment of recruitment rules**

The undersigned is directed to invite attention to the Central Civil Services (Revised Pay) Rules as amended on 13th March, 1987, containing

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the decision of the Government in regard to the revised scales of pay. Following consequential steps are required to be taken to amend the existing recruitment rules:—

(i) *Substituting the existing scales by revised scales.*—The existing pay scales may be substituted by the equated revised pay scales now prescribed, straightaway, without making a reference to DP & T/UPSC. In cases where deputation is also one of the methods of recruitment, the field of deputation which includes various posts should also reflect the revised scales of pay.

(ii) *Where there is an upgradation of posts.*—In some cases, the Fourth Pay Commission have recommended a higher pay scale and not equated revised scale. This amounts to upgradation of the existing posts. As per the guidelines issued by the DP & T, vide O.M. No. 14017/24/74-Est. (RR), dated the 22nd May, 1979, whenever it has been decided to upgrade any post, action should be taken by the Administrative Ministry/Department concerned to reframe the recruitment rules therefor. As the eligibility criteria for direct recruitment or promotion or transfer on deputation, etc., to the higher post will be different from those prescribed for a post on comparatively lower scale, it will be necessary to review the relevant columns of the existing recruitment rules for the post for which an upgraded revised scale has been approved and to prescribe age limits, qualifications, experience and eligibility service for promotion, transfer on deputation appropriate to the higher level.

(iii) *Merger of SAG Level II and Level I.*—In the case of organised Services, Senior Administrative Grade Level II (Rs. 2,250-2,500) and SAG Level I (Rs. 2,500-2,750) have been merged into a revised scale of Rs. 5,900-6,700. At present, the recruitment rules provide for separate criteria for promotion to Level II and thereafter to Level I. In view of the merger, the recruitment rules will have to be amended so as to provide for promotion from JAG to the merged SAG. It has been decided that the eligibility service for promotion from JAG Level to SAG Level (merged scale) will be 8 years regular service in the grade (including service, if any, in the non-functional Selection Grade) or 17 years' regular service in Group 'A' posts, out of which at least 4 years' regular service should be in JAG.

(iv) *Consequential changes.*—It will also be necessary to review other columns of the recruitment rules so as to prescribe eligibility conditions with reference to the revised pay scales, e.g., in Col. 12 where some minimum service in a particular pay scale is prescribed for consideration on transfer, on deputation, etc.

(v) *Departmental Promotion Committees.*—It has also been decided that where the scales have been merged the existing D.P.C. for the higher grade will be the D.P.C. for the integrated merged grade.

As the Ministries are aware that recruitment rules are of statutory nature and, therefore, the changes brought out by other instructions may

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have to be incorporated in the recruitment rules by amendments so that, necessary steps like holding of D.P.C., etc., are taken to fill the posts carrying the revised scales, particularly upgraded or merged scales, on regular basis. All the Ministries/Departments are, therefore, requested to issue necessary amendments to the recruitment rules notified by them after following the normal procedure of furnishing proposals to DP & T and U.P.S.C. in the prescribed format (Annexure III) and in consultation with the Legislative Department.

2. In view of the urgency for amending the recruitment rules on the above lines, it is expected that Ministries would complete the review and furnish necessary amendment proposals to the DP & T/U.P.S.C. in the case of Groups 'A' and 'B' posts within one month from the issue of this O.M. Simultaneously, they will, no doubt, be taking similar action for amending the recruitment rules for Groups 'C' and 'D' posts, which is within their competence.

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*D.P.T., O.M. No. 39021/18/84-Est. (B),
dated 14-5-1987*

**Operation of reserve list prepared on the
basis of selections made by U.P.S.C.**

The undersigned is directed to refer to this Department's O.M. No. 39021/18/84-Est. (B), dated the 6th February, 1985, 13th June, 1985 and 20th November, 1985 (copies enclosed) and to say that according to the existing procedure, the reserve lists prepared with effect from 1st January, 1985, were to be operated only to fill replacement vacancies. Earlier to this the reserve lists were being used both for replacement vacancies and fresh vacancies of identical nature. Some of the Ministries have reported difficulties in filling up of vacancies caused in a situation where the recommended candidate joined the post for a short period and then resigned or where the vacancy occurred on account of the death of the candidate. It was pointed out that the posts could not be kept vacant for a long time till the next recruitment took place.

2. The matter has been examined in consultation with U.P.S.C. and it has been decided that the reserve lists may be operated in cases where a vacancy is created by a candidate resigning the post or in the event of his death, within a period of six months from the date of his joining the post subject to the condition that such an operation of the lists should be limited in respect of statutory posts and those of scientific, technical, academic or medical nature or other similar nature where it may not be possible to keep the post vacant till the completion of fresh recruitment or to make local arrangements.

3. In other types of cases also where the posts could be manned normally on officiating basis or by internal arrangements, requests of the

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ANNEXURE - A-3

Dated : 20.3.1989

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From : SURAJ PARKASH,
Regional Admn. Officer,
Geological Survey of India,
Coal Division,
CALCUTTA

To : The Director General,
Geological Survey of India,
27, J.L. Nehru Road,
Calcutta

Through Proper Channel.

SUB : Creation of Selection Grade Post
in Administrative stream and
conversion of recruitment rules
of Dy. Director General(P)

Sir,

It is understood that the proposal for Selection Grade posts in Junior Admn. Grade in different streams have been approved but the same has not been approved in respect of Administrative stream of Geological Survey of India. As per the Government of India, Ministry of Personnel & Public Relations and Training, New Delhi office Memorandum no. 19/1/86-PP dated 14.8.1987, 15% of Senior duty posts in JAG are to be created as Selection Grade post in JAG level, which comes to three post in Administrative stream. In view of this, it is requested that the Ministry may please be approached for creation of three Selection Grade post in Administrative stream as per Department of Personnel & Training, New Delhi letter dated 14.8.87.

Secondly, it is further requested that the recruitment rules for the post of Dy. Director General (P) be, also be changed from recruitment to promotional and the feeder grade of Regional Admn. Officers. The number of eligible officers are available in Administrative stream for promotion. The post of Dy. Director General in other streams is being filled-up through D.P.C. out of the feeder grade of JAG level i.e. Directors.

Thanking you,

Yours faithfully,

Suraj Parkash
(SURAJ PARKASH)

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Adm

Adm

ANNEXURE NO. A-40

From : SURAJ PARKASH,
Regional Admn. Officer,
Geological Survey of India,
Northern Region,
Aliganj Scheme, Sector 'E',
Lucknow.

To : THE SECRETARY TO THE
GOVERNMENT OF INDIA,
Ministry of Steel & Mines,
Deptt. of Mines,
New Delhi

Through Proper Channel

SUB : Creation of Selection grade posts in
Junior Administrative grade (Group 'A'
Services) in the Administrative Stream
of Geological Survey of India and
change of recruitment rules of the post
of Dy. Director General (Personnel)
making it promotional out of feeder
grade of Regional Admn. Officers.

REF : The correspondence relating with
Department of Mines's letter No.
A-11013/1/86-M(A) dated 14/21.8.89

Sir,

I, Suraj Parkash, Regional Admn. Officer,
presently posted in Northern Region, Geological
Survey of India, Lucknow wish to put forth under-
mentioned facts justifying creation of Selection
grade posts in the Junior Administrative Grade
level in the administrative stream of Geological
Survey of India in view of the recommendations of
the Forth Central Pay Commission and acceptance of
the same by Government of India as communicated vide
Department of Personnel & Training Office Memorandum
No. 19/1/86-PP dated 14.8.87 as well as conversion
of the present deputation post of Dy. Director General
(Personnel) into a promotional post out of the
feeder grade of Regional Administrative Officers.

1. I, joined Geological Survey of India on 27.4.77
in the present grade post of Regional Administrative
Officer after selection through the UPSC against
33¹/₃ % quota of direct recruitment provided in the
recruitment rules of the post at that time. I am
continuing in the same post for almost 13 years.
There are no further prospects of promotion as no
higher promotional post in the cadre exists. One post
of Dy. Director General (Personnel) exists but is

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manned by the deputationist as per the provisions of the present recruitment rules of the post.

2. I have already rendered 13 years of service in the present post of Regional Administrative Officer and if no further promotional posts are available, I shall be continuing in the present post for 20 years in my entire service career till retirement which falls on 31.8.1997.

3. Consequent upon the recommendations of the Fourth Central Pay Commission, Government of India vide Department of Personnel & Training Office Memorandum No. 19/1/86-PP dated 14.8.87 has decided that Selection Grade equal to 15% of the senior duty posts be introduced in all group 'A' Central Service at the level of Junior Administrative Grade. In response to the above Office Memorandum the Ministry of Steel and Mines, Deptt. of Mines vide no. A-11013/1/88 M2 dated 15.6.88 has sanctioned 244 posts of Selection Grade at Junior Admn. Grade level in the Scientific and Technical stream of Geological Survey of India including stores stream leaving the Administrative and Financial stream. The matter was taken up with the Department of Mines by the Director General, Geological Survey of India vide letter no. 792M/A-32013(4-DIR(D)Sel.Gr./82-19B dated 7.6.88 and no. 1390M/A-32013/4-DIR(Sel.Gr.)/82-19B dated 19.9.88 stating that Administrative and financial stream forms part of cadre strength of Geological Survey of India and the creation of Selection Grade at Junior Administrative Grade level in Administrative & Finance stream is justified. Taking into cognizance the genuineness of the claim of Geological Survey of India Department of Mines asked for a comprehensive proposal for creation of Selection grade posts at Junior Admn. level in Administrative and finance stream vide D.O. A-11013/1/88-M2 dated 9.3.89. The comprehensive proposal was sent to Department of Mines vide Director General, Geological Survey of India letter No. 32013(4-Dir.)/Sel.Gr./82/19B dated 15.5.89 again clearly stating that administrative and finance streams forms part of the cadre structure of Geological Survey of India and the post in these streams belong to General Central Service Group 'A' like other streams i.e. Geological /Geophysical/Drilling/Mechanical/

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Stereo etc. The proposal was forwarded by Department of Mines to Deptt. of Personnel vide office memorandum No. A-11013/1/88.M2 dated 20.6.89 for agreeing to the creation of selection grade posts at Junior Administrative Grade level in Administrative and finance streams and also mentioned that these creation of posts satisfy all the requirements and provisions of Deptt. of Personnel and Training office memorandum no. 19/1/88-PP dated 14.8.87 in response to which the selection grade posts at Junior Administrative Grade level in other streams of Geological Survey of India had already been created. This proposal of Deptt. of Mines was not agreed to by Deptt. of Personnel and Training on the ground that Non functional Selection grade is admissible only to the officers of organised group 'A' service where there is direct recruitment at level of junior time scale is 50% or more as intimated vide their O.M. No. 16/1/89-PP dated 2.8.1989.

The stand taken by Deptt. of Personnel & Training is not correct because Department of Mines in its proposal for creation of posts at Junior Administrative Grade level in administrative and finance streams vide No. A-11013/1/88.M.2 dated 20.6.89 had clearly stated that Department of Personnel & Training's office memorandum No. dated 14.8.87 wherein modalities guidelines for creation of Non functional selection grade at the level of Junior Administrative Grade level were given did not specify its applicability to organised Group 'A' services only. Rather as per the said office memorandum all group 'A' Central Services, the number of posts in the selection grade shall be equal to 15% of the duty posts (i.e. all duty posts at the level of senior time scale and above in the cadre) Moreover as per notification issued by Ministry of Finance, Deptt. of Expenditure No. F.15(7)/IC/86 dated 13.3.87 - the recommendations of Fourth Pay Commission with regard to selection grade posts in the scale of Rs. 4500-5700/- for other services will also apply to the officers of Geological Survey of India. Department of Mines in its recommendations for creation of posts submitted to Department of Personnel & Training had also stated that even if their office memorandum dated 14.8.87 is applicable to Central organised services, the Department of Mines had already intimated to Department of Personnel and Training that Geological Survey of India

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is treated as organised services including posts in administrative and finance streams and accordingly selection grade in Junior Administrative Grade level was introduced in 1982 in Scientific and Technical streams under the guidelines issued by Department of personnel and Training regarding introduction of selection grade in pursuance of 3rd pay commission recommendations. However, selection grade was not introduced in Administrative & Finance streams in 1982 because at that time there was only one post of junior administrative grade in each stream and no officer had stagnated at maximum of the pay scale for two years as required under the relevant instructions. Department of Mines stated that as per the new guidelines of Department of Personnel the condition of 2 years stagnation at the maximum of pay scale of junior administrative grade level has been removed and accordingly the officers of the administrative and finance streams have become eligible for grant of selection grade.

From the above para it shall be noticed that the stand taken by Department of Personnel & Training is not correct as per the provisions of Department of Personnel and Training office memorandum no. 19/1/86-PP dated 14.8.87 as the mention of organised services is not available in this office memorandum and is the view of individualistic approach. The provisions of the said office memorandum of Department of Personnel & Training dated 14.8.87 are applicable to all group 'A' Central Services. Moreover Department of Mines classifies administrative and finance stream of Geological Survey of India. It is not understood why Department of Personnel and Training is taking an unhelpful attitude in creating posts of selection grade at junior administrative grade level in administrative stream of Geological Survey of India when it is satisfying all the requirement of their office memorandum dated 14.8.87. It is adversely affecting my career prospects as I shall retire in the same post in which I was recruited through UPSC 13 years ago after rendering 20 years service in one post in Geological Survey of India. At the time of my recruitment in the grade of Regional Admn. Officer the direct recruitment clause was available in the recruitment rules for the post of Regional Admn. Officer, Senior Admn. Officer and Administrative Officer and the recruitment was made by the UPSC in all the three grades as was done in other streams where the direct recruitment clause existed in the

as organised service and includes it as a core strength of G.S.I.

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recruitment rules of the posts equivalent to Administrative Officer and Senior Adm. Officer. The selection grade at junior administrative grade level in these streams has been introduced but not in administrative streams. This is a clear case of discrimination made by the Department of Personnel & Training when Department of Mines treats administration stream at par with other streams in Geological Survey of India.

15% posts of Non functional selection grade work out to be 3 in the junior administrative grade level if the existing 8 posts of Regional Adm. Officer/Director (Adm.) in scale of Rs. 3700-5000/- and 13 posts of Sr. Administrative Officer in the scale of Rs. 3000-4500/- are taken into account as per the provisions of Department of Personnel & Training office memorandum No. 12/1/86-PP dated 14.8.87. As the administrative stream of Geological Survey of India satisfy all the provisions and conditions of the said office memorandum 3 posts of Non functional Selection grade in the scale of Rs. 4500-5700/- may be created at junior administrative grade level to save one post since many recruitment through UPSC till retirement. There are many other officers in the administrative stream who were recruited as Sr. Administrative Officer in the scale of Rs. 3000-4500/- shall retire in the post of Regional Adm. Officer in the pay scale of Rs. 3700-5000/- after getting ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ only one promotion in the entire Geological Survey of India service career. Therefore the creation of 3 posts of Non functional selection grade at junior administrative grade level in administrative stream of Geological Survey of India is justified.

4. In this connection it may further be mentioned that one post of Selection grade in junior administrative grade level has been sanctioned in stores stream vide Ministry of Steel and Mines Department of Mines letter no. A-11013/1/88-M2 dated 15.6.88 when the cadre structure of stores stream is similar to administrative stream in all level but the discrimination has been made in not creating the selection grade posts at junior administrative grade level in administrative stream.

5. There is one post of Dy. Director General (Personnel) in Geological Survey of India and the recruitment rules of the post provide for filling the post on deputation basis from I.A.S./All India Service cadres. The promotional

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prospects of the undersigned are bleak as there is no possibility of promotion till the present post of Dy. Director General(Personnel) is made a promotional post to be filled from the grade of Regional Admn. Officer. I joined Geological Survey of India as direct recruit through UPSC in the present grade of Regional Admn. Officer on 27.4.77 and am continuing in the same post without any promotion when the next post exists but is a deputation post. All norms of natural justice require the change of recruitment rules of the only post of Dy. Director General(Personnel) making it a promotional post so that an officer like me could aspire for at least one promotion in the entire service career of Geological Survey of India. In other streams of Geological Survey of India, Dy. Director General post is a promotional post.

6. Fourth Central Pay Commission in its recommendations at item no. 3 of chapter 23 of the report has agreed that every employee should be able to get at least one promotion after 15 years of service. In this connection it may not be out of place to mention that the Supreme Court in its judgement by the Division Bench comprising Sri Justice M.H. Kania and Sri Justice Kuldeep Singh made the observation while dismissing an appeal by the Council of Scientific & Industrial research & others Vrs. K.G.S. Bhatt Civil Engineer that the employees and management must give all their employees an opportunity to advance within the organisation "This is the oldest and most important feature of the free enterprise system" the court added.

The judge declared that an organisation public or private did not hire a hand but engaged or employed a whole man". The person is recruited by an organisation not just for a job but for a whole career. One must therefore be given an opportunity to advance" the judges observed.

The court emphasised that the opportunity for advancement was a requirement for progress of any organisation" It is an incentive for personal development as well. There could not be any modern management much less any career planning man power development or management development which is not related to a system of promotion."

This judgement of Supreme Court also justifies

....7/-

[Signature]

[Signature]

the change of recruitment rules for the post of Dy. Director General(Personnel) from deputation to promotion out of feeder grade of Regional Admn. Officers.

In view of the above, it is requested kindly to create 3 non functional selection grade posts at junior administrative grade level in administration stream of Geological Survey of India so that I am accommodated in one of them. The poster Dy. Director General(P) may also be made a promotional post from feeder grade of Regional Admn. Officer so that I could think of atleast one promotion in my service career of Geological Survey of India. Both the request may kindly be agreed to as these are genuine ones. In case both the matters are not settled within 30 days from the date of application, I shall be forced to move the court of justice.

Thanking you,

Yours faithfully,

Suraj
(SURAJ PARKASH) 7.2.1990
Regional Administration Officer

Copy forwarded for favour of information and necessary action to the Director General, Geological Survey of India, 27, J.L. Nehru Road, Calcutta.
2. Shri J.B. Munirajulu, Under Secretary to the Govt of India, Ministry of Steel & Mines, Dept of mines, Shastri Bhawan, New Delhi

(SURAJ PARKASH)
Regional Administrative Officer

AH
7.2.90
ADW

Suraj

C. A. T.
IN THE HON'BLE ~~HIGH COURT~~ OF JUDICATURE AT ALLAHABAD,

LUCKNOW BENCH LUCKNOW.

M. P. No. 512/90 (L,
Civil Misc. Application No. (W) of 87.

In re;

~~Writ~~ Petition No. 133 of 1990 (L,

Suryj Prakash... Petitioner.

Versus,

Union of Borels & others Opp.-Parties.

APPLICATION FOR CONDONATION OF DELAY

IN FILING COUNTER AFFIDAVIT.

THE APPLICANTS/ Opposite-Parties Nos.

most respectfully beg to submit as under :-

1. That in the above noted Writ Petition the Opposite Parties Nos. could not file their/his counter affidavit with in time due to some unavoidable circumstances.
2. That it is expedient in the interest of justice that the accompanying counter affidavit be taken on record after condoning the delay.

It is therefore most respectfully prayed that the accompanying counter affidavit be taken on record after condoning the delay.

LUCKNOW: Aug 25, 1990
DATED: 24/8/90.

(V. K. CHAUDHARI)

ADDL. CENTRAL GOVERNMENT
STANDING COUNSEL
HIGH COURT LUCKNOW BENCH.

28-8-90
Filed today
24/8/90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

C.A. NO. 133 of 1990(L)

Suraj Prakash

... Applicant

-versus-

Union of India and Others ... Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.

I, N.K. MANDWAL

aged about 55 years, son of Late B.K. MANDWAL

at present posted as Director (P&C)

in the Office the Deputy Director General, Geological Survey of India, Northern Region, Lucknow do hereby

solemnly affirm and state as under:

1. That the deponent has been authorised to file this counter affidavit on behalf of all the Respondents. The deponent has read and understood the contents of application filed by the applicant as well as the reply / information as furnished by the Respondent No. 1 & 2 for preparation in this counter affidavit and as such he is fully conversant with the facts of the case as well as the facts deposed to herein reply thereof.

2. That the contents of para, 1, 2 & 3 of the

N.K. Mandwal
Director (P & C)
Northern Region,
Geological Survey of India,
LUCKNOW

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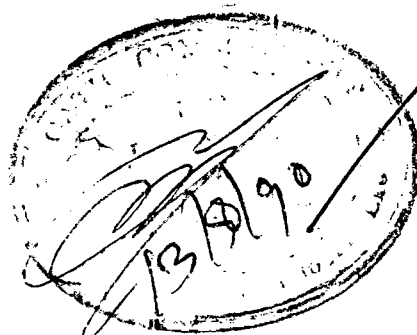
-2-

application need not comments.

3. That the contents of para 4(i) and 4(ii) of the application do not required any comments.

4. That in reply to the contents of para 4(iii) of the application it is submitted that the Respondent no.2 has following ~~Extream~~ ~~xxxxxx~~ ~~xxxxxx~~ with or without having post of Deputy Director General posts:-

SCIENTIFIC STREAM:

- i) Geology (Having DDGs posts)
- ii) Geophysics ((Exploration)(Having DDGs posts)
- iii) Geophysics (Inst~~tn~~) - Having DDGs posts.
- iv) Geo-Chem. 
- (v) Mineral Physics
- (vi) Library
- (vii) Computer Science
- (viii) Hydrology.

-do-

TECHNICAL:

- i) Engineering (Having DDG posts)
- ii) Mechanical
- iii) Drilling
- (iv) Civil Engineering
- (v) Drawing

N.K. Mandal
Director P & Q
Northern Region,
Geological Survey of India
LUCKNOW

ADMINISTRATIVE.

- i) Personnel (Having DDG post)
- ii) Finance (-d°-)
- iii) Administration
- iv) Stores.

5. That in reply to para 4(iv) of the application it is submitted at present the post of Director of Administration is the highest post in the stream.

6. That the content of para 4(v) of the application need no comments.

7. That in reply to the contents of para ~~xxix~~ 4(vi) of the application it is submitted that there are some statutory powers vested in the Director (Administration) which are not in the hand of Regional Dyx Administrative Officer

8. That in reply to the contents of para 4(vii) of the application to 4(xxiv) of the application do not require any comments from the Respondents, However the facts mentioned below is the additional please may be looked into.

That the non-functional selection grade was introduced in Organised Group 'A'

N.K. Mandal
Director (P & C)
Northern Region,
Geological Survey of India
LUCKNOW

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-4-

Central Service (vide CM No. 5/12/79-FP.II dated the 31st Jul 1982,) The Fourth Central Pay Commission in para 25.12 of the report recommended that the condition then existing regarding stagnation at the maximum of the Junior Administrative Grade for two years for appointment to Selection Grade (Paragraph 2(d) of the said CM) should be removed and that the criteria for appointment to the Selection Grade and the basis for computing the number of Selection Grade posts should be uniform in the All India and Group 'A' Central Services. The Government of India accepted the recommendations of the Fourth Central Pay Commission and issued Orders for grant of non-functional Selection Grade vide CM No. 19/1/85-PP dated the 14th August 1987 (Annexure A-1 to the petition). The Orders for grant of non-functional Selection Grade are applicable only to the Organised Group-A Central Services/Cadres as had been the case with the earlier Orders contained in C.M. dated the 31st July 1982. This position has also been made clear in subsequent CM No. 19/1/85-PP dated the 6th January, 1989, wherein it has been stated that an officer should hold the post of JAG in an

N.K. Mondal
Director (P & C)
Northern Region,
Geological Survey of India
LUCKNOW

14/8

Organised Group-A Central Service before & he could be considered for appointment to the non-functional selection Grade.

That It may be added that only such of the Group A Central Services/Cadres which have direct recruitment at the level of Junior Time scale in the percentage of 50% and above are termed as Group-A Central Services/Cadres. Since direct recruitment in the Financial and Administrative Streams in the ASI at the level of JTS is not 50% ~~xxxxxxxxxxxx~~ the provision of C.M. dated the 14th August 1987 for the grant of non-functional selection Grade are not applicable to those streams as had already been made clear in our C.M. dated the 2nd August 1989 (Annexure A-8 of the petition). Attention in this connection is invited to para 4 of the C.M. dated the 14th August 87 (Annexure A-1 to the petition) which provides that no member of the Service shall be eligible for appointment to the selection Grade until he has entered the 14th year of service on the 1st July of the year calculated from the year following the year of examination on the basis of which the members are recruited. It is abundantly clear that the provisions of CM dated the 14th August 87 are applicable to such of the Services as have been recruited

N.K. Mandal
Director (P & C)
Northern Region,
Geological Survey of India
LUCKNOW

A circular stamp, possibly a seal or a coin, with a signature and the number 152 written over it. The signature is in cursive and appears to be 'J. B. Smith'. The number 152 is written in a bold, sans-serif font. The stamp is surrounded by a circular border with some text, which is partially obscured by the signature and the number.

[Handwritten signature]

9. That in reply to the contents of para 5 of the application it is submitted that the grounds taken by the applicant are not tenable in the eyes of law, in view of the reasons disclosed above.

N. K. Mandal
Director (P & C)
Northern Region,
Geological Survey of India
LUCKNOW

APB

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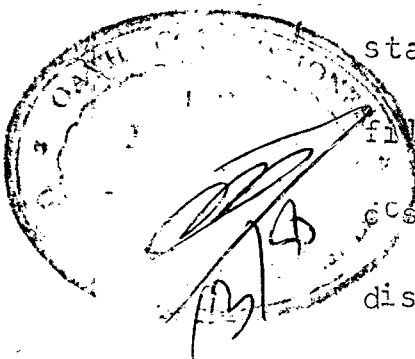
10. That the contents of para 6 & 7 of the application needs no comments.

11. That in reply to the contents of para 8 of the application it is submitted that the applicant is not entitled to get any relief in view of the facts stated above.

12. That in reply to the contents of para 9 of the application it is submitted that the applicant is also not entitled to get any interim relief as claimed by the applicant.

13. That the contents of para 10 to 12 of the application need no comments.

14. That in view of the facts and circumstances stated in the foregoing paragraphs the application filed by the applicant is liable to be rejected with costs to the respondents and the application may be dismissed as misconceived without any basis or legal grounds.



Lucknow,

Dated: 13th August, 1990.

N. K. Mandal
Director (P & C)
Deputy Director,
Geological Survey of India
LUCKNOW

Verificati n.

I, the above named defendant do hereby verify that the contents of para 1 of the affidavit are true to my personal knowledge and those of paragraphs 2 to 13 are believed to be true on the basis of official records and information gathered and those of paragraph 14 of the affidavit are believed to be true on the basis of legal advice. Nothing material fact has been concealed and no part of it is false.

Lucknow, W.

Dated: 13th August, 1990.

N-K-Manchival
Department.
Director (P & C)
Northern Region,
Geological Survey of India
LUCKNOW

I identify the deponent who
has signed before me and is personally known to me.

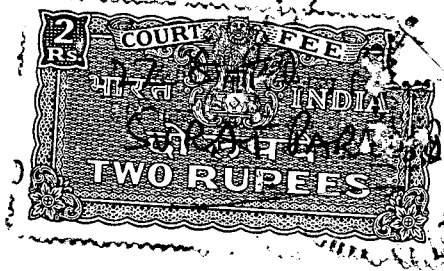
(VK CHAUDHARI)
Addl Standing Counsel for Central Govt.
(Counsel for Respondents)

solemnly affirmed before me, my office today
at 530h 100 R
who is duly qualified to administer the
Oath and I have administered the Oath to
him in a solemn and proper manner and he has
demeaned himself in a proper and correct
manner and I have signed this Affidavit with my hand and
placed my seal thereon and it has been
signed by me. Received at 530h 100 R

for office today
 ✓ K. Chandan Singh

10941
13/8/90

13/8/90



1990
AFFIDAVIT
82
HIGH COURT
ALLAHABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
CIRCUIT BENCH, LUCKNOW.

RECOINDER AFFIDAVIT

IN

f.r. 20/0/90

Registration O.A. No. 133 of 1990(L)

Suraj Prakash ... Applicant

vs

Union of India and others ... Respondents

AFFIDAVIT of Suraj Prakash
aged about 51 years, Regional
Administrative Officer,
Geological Survey of India,
Northern Region, Aliganj
Scheme, Sector-E, LUCKNOW.

(Deponent)

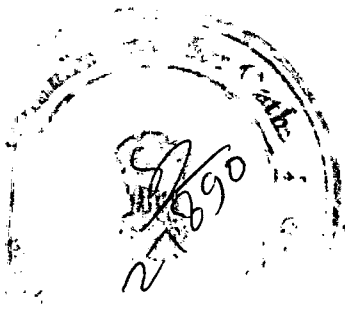
I, the deponent abovenamed do hereby
solemnly affirm on oath and state as under:

1. THAT the deponent is the sole petitioner
and as such he is conversant with the facts of
the case and he has gone through the counter
affidavit filed by Shri N.K. Mandawal and
the deponent has understood the contents thereof
and is in a position to reply the same.

Asad

*Recd w/z
Munshi Lal
27/8/90
Suraj; GSD, NR
HKO*

*Filed today
27/8/90*



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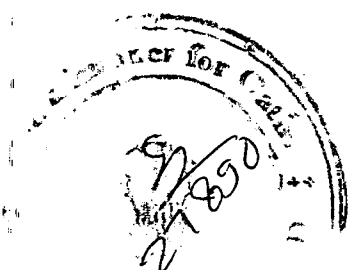
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2. THAT the contents of paragraph nos. 1, 2 and 3 of the counter affidavit need no comment.

3. THAT the contents of paragraph no. 4 of the counter affidavit are not correct as stated. The averments made in paragraph 4(3) of the application are re-affirmed as correct. However, the averments made in the counter affidavit, as well as, a rejoinder affidavit of the connected application No.134 of 1990(L) were also have been referred in this connection. It is further submitted that all the posts of Geological Survey of India have been classified as General Central Service Group 'A' as per the recruitment rules published in the Gazett of India. A photostat copy of the recruitment rules of the various Streams are annexed herewith and marked as Annexure-RA -1 to this affidavit for ready reference. It is, however, submitted that the post of Deputy Director General, had been sanctioned in the Stream of Geology, Geophysics, ~~Exploration~~ ^{and} ~~Instrumentation~~ ^{Drilling}, Geochemistry ^{and} Mechanical have been clubbed together. The other streams which have been mentioned in the paragraph under reply are very small cadres and they have no junior administrative grade posts. Hence, there is

ANNEXURE-RA-1.

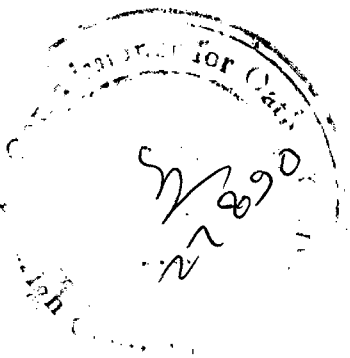


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no question of having the post of Deputy Director General in these strength. It may also be noted here that in the Civil Engineering Stream, there is no cadre, except one post of Superintending Engineer ~~in~~ (construction) which is being filled up on deputation basis. There is no bifurcation of Personnel and Administrative Cadre in the Geological Survey of India as all the work pertaining to Personnel and Administrative is being looked after by the Officers belonging to the Administrative Cadre. There is one post of Deputy Director General (Personnel) to ~~head~~ an administrative Cadre which is being filled up on deputation. In all the Streams of Geological Survey of India, where there is a Feeder Grade i.e. ~~Indian Junior~~ ^{Grade} Administrative Level, the post of Deputy Director General, posts are being filled up by promotion from the Feeder Grade, which is not being done in the case of the Administrative Stream, and as such, the action of the respondents is discriminatory in nature. It is further submitted that there are 8 posts of Junior Administrative ^{Grade} Level in the Administration which are the Feeder Posts for the post of Deputy Director General (Personnel).



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4. THAT the contents of paragraph 5 of the counter affidavit are not correct as stated, hence are denied. It is further submitted that the post of Deputy Director General (Personnel) is the highest post in the Administrative Stream and not the Director of Administration as pleaded in the paragraph under reply.

5. THAT the contents of paragraph 6 of the counter affidavit are ~~not~~ correct as stated. However, in reply the averments made in paragraphs 4 and 5 of the application are reaffirmed as correct.

6. THAT the contents of paragraph 7 of the counter affidavit are not correct as stated, hence are denied. However, in reply it is submitted that the averments made in paragraph 4(6) of the original application are re-affirmed as correct. It is further submitted that the post of Director Administration was being filled up on deputation basis, which was ~~not~~ later been converted into promotional post. The posts of Director of Administration and Regional Administrative Officer are equivalent as the both the posts have grade of Rs. 3700 - 5000 and forms part of the same cadre. The Director Administrative has been delegated

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some powers by the Ministry and he has got no statutory powers more than the Regional Administrative Officer.

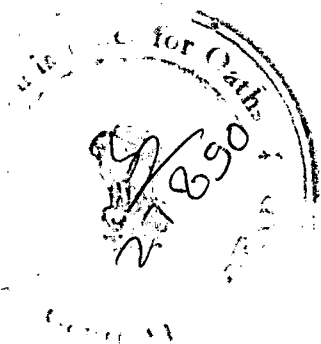
7. *Unreplied to* THAT the contents of paragraph 8 of the counter affidavit *averment made in* ~~are not correct~~ *paragraph 4(7) to 4(24) of the application are reaffirmed* ~~as stated and hence are denied~~. In fact *as correct* the controversy raised under paragraph reply has got no relevance in the present application. However, in reply the averments made in paragraphs 4 (5), 4(6), 4(7), 4(8), 4(9), 4(10), 4(11), 4(12), 4(13) *to* 4(24) of the application are reaffirmed as correct.

8. THAT contents of paragraph 9 of the counter affidavit are not correct as stated, as such, are denied. It is further submitted that in view of the admission of the respondents and the grounds taken by the applicant, the applicant is entitled for the relief and the grounds are sustainable in the eye of law.

9. THAT the contents of paragraph 10 of the counter affidavit need no comment.

10. THAT the contents of paragraph 11 and 12 of the counter affidavit are being replied

Replied



that in view of the facts and circumstances stated in the counter affidavit, as well as in the petition, the applicant is entitled for the relief as prayed for.

11. THAT the contents of paragraph 14 of the counter affidavit are not correct as stated, hence are denied.

I, the deponent do hereby vefify and declare that the contents of paragraph nos 1, 2, 3 to 11

of this rejoinder affidavit are true to my personal knowledge; and the paragraph nos. 12 to 14

of this affidavit are based on the information received from record and the contents of paragraph nos. 15 to 17

of this affidavit are based on legal advice, to which all the deponent believes to be true and that no part of this affidavit are false and nothing material has been concealed in it.

So help me God.

Rozan
(Deponent) 27.8.92

Commissioner for Oaths
27/8/92

ASE

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I, Km Sadhana Srivastava, Advocate,
do hereby identify the above named deponent,
who is known to me, is the same person
who is filing the affidavit.

Sadhana Srivastava.
(Km Sadhana Srivastava)

Advocate

Solemnly affirmed before me on 27.8.90
this 27 day of August, 1990 at 10.20 a.m./p.m.
by the deponent, who is identified by the ^{Usuraj Prasad} ^{Sadhana Srivastava} Adv
aforesaid Advocate.

Commissioner for Oaths
27/8/90

I have satisfied myself by examining
the deponent that he understands the contents
of this affidavit which has been read over
and explained to him.

Shashi Srivastava
Smt. Shashi Srivastava
OATH COMMISSIONER.

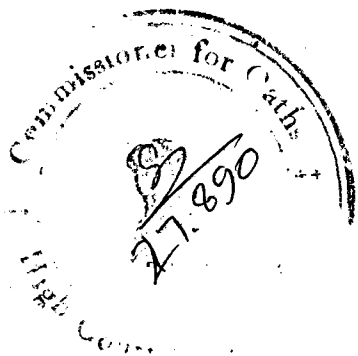
Oath Commissioner
Additional Magistrate Court
Lucknow Bench Lucknow.
No. 82 Date 27.8.90

1347

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RECRUITMENT RULES FOR THE POST OF
IN THE GEOLOGICAL SURVEY OF INDIA

1. Name of post : Controller of Stores
2. Number of posts : 1(one)
3. Classification : G.C.S. Group 'A' Gazetted.
4. Scale of pay : Rs.1500-60-1800/-
5. Whether selection or non-selection : Selection
6. Age limit for direct recruitment : Not exceeding 50 years(Relaxable for government servants).
7. Education and other qualifications required for direct recruitment : No Essential.
 - i) Degree in Mechanical/Civil/Electrical Mining Engineering of a recognised University of equivalent.
 - ii) 10 years' experience in a supervisory capacity in a Govt. Deptt. or a Public body or a private concern in procurement, provisioning & maintenance of technical stores, machineries & equipment.Desirable :
 - i) Certificate/post-graduate degree/diploma in Material Management.
 - ii) Knowledge of import control licensing shipping clearance, etc.
8. Whether age & educational qualifications prescribed for direct recruits will apply in the case of promotees.
9. Period of probation : 2 years
10. Method of recruitment : by promotion failing which by transfer on deputation(including short term contract) and failing both by direct recruitment.
 - 1) Whether by direct recruitment by promotion or transfer & percentage of vacancies to be filled by various methods.
11. In case of recruitment by promotion/transfer grades from which promotion to be made : Promotion:
By Controller of Stores with 5 years' regular service in the grade.
Transfer on deputation(including short-term contract)
Officers under the Central/State Govts./Public Sector Undertakings Semi-Govt. Statutory or Autonomous Organisation.
 - a) i) holding analogous posts; or
ii) with 5 years service in posts in the scale of Rs.1100-1600/- or equivalent.
 - b) possessing the educational qualifications and experience laid down under column-7 for direct recruits.(period of deputation/contract shall ordinarily not exceed 4 years).



RECRUITMENT RULES FOR THE POST OF
DEPUTY CONTROLLER OF STORES IN THE
GEOLOGICAL SURVEY OF INDIA.

158

1. Name of post : Deputy Controller of Stores
2. Number of posts : *7 *Subject to variation dependent on work load.
3. Classification : General Central Service, Group A, Gazetted.
4. Scale of pay : Rs. 1100-50-1600/-
5. Whether selection or non-selection : Selection
6. Age limit for direct Recruitment : Not exceeding 45 years.
(Relaxable of Government Servants)

Note : The crucial date for determining the age list shall be the closing date for receipt of applications from candidates in India (other than those in the Andaman and Nicobar & Lakshadweep).

7. Educational and other qualification required for Direct Recruitment.

Essential: (i) Degree in Mechanical/Civil/Electrical/Mining Engineering of a recognised University or equivalent.
(ii) Seven years' experience in a supervisory capacity in a Government Deptt. or a public body or a private concern in procurement, provisioning and maintenance of technical stores, machineries and equipment.

Note : Qualification are relaxable at the discretion of the UPSC in case of candidates otherwise well qualified.

Note 2 : The qualification regarding experience is relaxable at the discretion of the UPSC, in the case of candidates belonging to Scheduled Castes and Scheduled Tribes if, at any stage or selection, the UPSC is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.

Desirable : (i) Certificate in Material Management.
(ii) Knowledge of import central licensing shipping clearance, etc.

Commissioner for C.A.B.
27/8/90

(159)

RECRUITMENT RULES FOR THE POST OF
IN THE GEOLOGICAL SURVEY OF INDIA

1. Name of post Director(Mechanical Engineering).
 2. Number of posts 5(Permanent-2 + Temporary-3).
 3. Classification General Central Group 'A'.
 4. Scale of pay Rs. 1500-50-1800-100-2000/-
 5. Whether selection or non-selection Selection
 6. Age limit for direct recruitment Not exceeding 45 years(Relaxable for Govt. servants by 5 years).
 7. Education and other qualifications required for direct recruitment Essential : i) Degree in Mechanical or equivalent.
ii) 10 years experience in a supervisory capacity in the management of a reputed and well equipped workshop/establishment handling maintenance and repair of drilling and mining machinery equipment and automobile of various types. (Qualifications/experience relaxable at Commission's discretion in case of candidates otherwise well qualified).
 8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees Age - No, Essential qualification- Yes.
 9. Period of probation, if any. i) 2 years for promotee officers.
ii) 2 year for direct recruitments.
 10. Method of recruitment By promotion, failing which by direct recruitment.
(1) Whether by direct recruitment by promotion or transfer & percentage of the vacancies to be filled by various methods.
 11. In case of recruitment by promotion/transfer, grades from which promotion to be made. Promotion: Mechanical Engineer(Jr.) with 5 years service in the grade rendered after appointment thereto on a regular basis.
 12. If D.P.C. exists, what is its composition. Class-I Departmental Promotion Committee.
 13. Circumstances in which the UPSC is to be consulted in making recruitment Published in the Gazette of India on Ministry of P & C & M. & M. (Deptt. of M. & M.) notification No. As required under the Union Public Service Commission for (Exemption from Consultation) Regulation, 1958.
- dated
- 28/9/58

RECRUITMENT RULES FOR THE POST OF
IN THE GEOLOGICAL SURVEY OF INDIA

ACD

1. Name of post Mechanical Engineer(Sr.)
2. Number of posts 7(Permanent & 15(Temporary))
3. Classification G.C.S., Group 'A' Gazetted
4. Scale of pay Rs. 1100-50-1600/-
5. Whether selection or non-selection Non - selection
6. Age limit for direct recruitment Not exceeding 40 years(Relaxable)
7. Education and other qualifications required for direct recruitment
Essential: i) Degree in Mechanical or Automobile Engineering of a recognised University or equivalent.
ii) 7 years experience in the Management of a reputed and well equipped workshop of automobiles on heavy machinery.
(Qualifications are relaxable at the discretion of the UPSC in case of candidates otherwise well qualified).
8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. No.
Qualification : Yes
9. Period of probation, if any. Two years.
10. Method of recruitment
(1) Whether by direct recruitment by promotion or transfer and percentage of the vacancies to be filled by various methods. By promotions, failing which by direct recruitment.
11. In case of recruitment by promotion/transfer grades from which promotion to be made. Promotion : Mechanical Engineer (Jr.) with 5 years service in the grade rendered after appointment thereto on a regular basis.
12. If DPC exists, what is its composition. Group 'A' Deptt. Promotion Committee.
13. Circumstances in which the UPSC is to be consulted in making recruitment Published in the Gazette of India on under Ministry of P & C & M. & M. (Deptt. of M & M.)
notification no. dt.

for
27/8/05

RECRUITMENT RULES FOR THE POST OF
IN THE GEOLOGICAL SURVEY OF INDIA

(461)

1. Name of post Chemist(Senior)
2. Number of posts Permanent 24, temp. 51, total 75.
3. Classification G.C.S. Group 'A' Gazetted.
4. Scale of pay Rs. 1100-50-1600/- No 3000-4500/-
5. Whether selection or non-selection Non-selection
6. Age limit for direct recruitment 40 years and below(Relaxable for Govt. servants by 5 years).
7. Education and other qualifications required for direct recruitment Essential i) M.Sc. Degree in Chemistry or Applied Chemistry from a recognised University or equivalent.
ii) About 7 years experience in analytical work relating to rocks, minerals, ores, clays, coal, gas and petroleum products and of as saying for precious metals and determinations of trace and rare elements;
iii) Experience in modern instrumentation methods of analysis. (Qualifications relaxable at Commission's discretion in cases of candidates otherwise well qualified).
Desirable : a) Knowledge of Geochemistry b) Knowledge of Foreign Language preferably German, French or Russian
c) Experience in setting up field Laboratories.
8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. No
9. Period of probation, if any. 2 years in case of direct rectt.
10. Method of recruitment 75% by promotion, failing which by direct rectt. and 25% by direct rectt.
- (1) Whether by direct recruitment by promotion or transfer & percentage of the vacancies to be filled by various methods
11. In case of recruitment by promotion/transfer, grades from which promotion to be made. Promotion: Chemist(Jr.) with 5 yrs. service in the grade rendered after appointment thereto on a regular basis.
12. If D.P.C. exists, what is its composition. Class-I Departmental Promotion Committee.
13. Circumstances in which the UPSC is to be consulted in making recruitment Published in the Gazette of India on Ministry of P. & C. & M. & M. (Deptt. of M. & M.) notification No. under dated

Commissioner of
27890

A62

RECRUITMENT RULES FOR THE POST OF
IN THE GEOLOGICAL SURVEY OF INDIA

1. Name of post Director(Geo-Chemistry)
2. Number of posts ~~General Central~~
3. Classification ~~General Civil~~ Service Group 'A'
4. Scale of pay Rs.1500-50-1800-100-2000/-
5. Whether selection or non-selection Selection
6. Age limit for direct recruitment 45 years and below(Relaxable for Govt. servants)
7. Education and other qualifications required for direct recruitment Essential:
 - i) M.Sc. degree in Chemistry or Applied Chemistry from a recognised University or equivalent.
 - ii) About 12 years (independent analytical work relating to rocks, minerals, allied materials and assaying of precious metals. (Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified).

Desirable:

- i) Knowledge of Geochemistry. ii) Knowledge of foreign language preferably German, French or Russian iii) Experience in setting up of field laboratories.

8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. No
9. Period of probation, if any 2 years.
10. Method of recruitment By promotion failing which by direct recruitment.

- (1) Whether by direct recruitment by promotion or transfer & percentage of the vacancies to be filled by various methods.

11. In case of recruitment by promotion/transfer, grades from which promotion to be made.

Promotion:

Chemist(Selection grade) with 3 yrs. service in the grade. Failing which Chemist(Selection grade) with 6 years combined service as Chemist(Selection grade) and Chemist(Sr.) and failing that Chemist(Sr.) with 6 years service in the grade rendered after appointment thereto on a regular basis.

12. If D.P.C. exists, what is its composition.

Class-I Departmental Promotion Committee.

13. Circumstances in which the UPSC is to be consulted in making recruitment.

Published in the Gazette of India on Ministry of P. & C. & M.&M.(Deptt. of M.&M.) under notification No. dated letter No. A-12018/14/71-M.2 dated 26.11.73

ACB

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RECRUITMENT RULES FOR THE POST OF
IN THE GEOLOGICAL SURVEY OF INDIA

1. Name of the post	Director(Geophysics Instrumentation)
2. Number of posts	2(Permanent-1 + Temporary-1)
3. Classification	General Central Service Group-A Gazette
4. Scale of pay	Rs.1500-60-1800-100-2000/-
5. Whether selection or non-selection.	Selection.
6. Age limit for direct recruitment	45 years(Relaxable for Govt.servants)
7. Education and other qualifications required for direct recruitment	Essential i) Master's degree in Physics or Radio-physics and Electrosics or Geophysics of a recognised University or equivalent qualification.

OR

Degree in Instrument Technology or Degree in Electrical or Telecommunication or Electrosics Engineering of a recognised University or equivalent qualification).

ii) 12 years' experience of Geophysical Instrumentation work (including design and construction of procession geophysical instruments) used in prospecting for minerals and ground water and knowledge of airborne geophysical instrumentation; of which at least five years should be in supervisory capacity in a Geophysical Workshop. Qualifications relaxable at Commission's discretion in the case of candidates otherwise well-qualified).

8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.	No
9. Period of probation, if any	Two years.
10. Method of recruitment (1) Whether by direct recruitment by promotion or transfer & percentage of the vacancies to be filled by various methods.	By promotion failing which by direct recruitment.
11. In case of recruitment by promotion/transfer, grades from which promotion to be made.	Promotion: Geophysicist(Senior) (Instrumentation) with 5 years' service in the grade rendered after appointment thereto on a regular basis.
12. If D.P.C. exists, what is its composition	Group-A Departmental Promotion Committee.
13. Circumstances in which the UPSC is to be consulted in making recruitment Published in the Gazette of India on Ministry P.&C. & M.M. (Deptt. of M & M) notification No.	As required under the Union Public Service Commission (Exemption from consultation) Regulations, 1958. under dated

N.B. The post of Superintending Geophysicist(Instrumentation) in the GSI has been re-designed as Director(Geophysics Insttn.) in the GSI under the Ministry of Steel & Mines(Deptt. of Mines) letter No. A-12018/3/80-M.2 dt. 6.2.80.

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RECRUITMENT RULES FOR THE POST OF
IN THE GEOLOGICAL SURVEY OF INDIA

1. Name of post : Geophysicist(Sr.)(Instrumentation)
2. Number of posts : 9 (Permanent 7 and Temporary 2).
3. Classification : General Central Service Gr.A Gazette
4. Scale of pay : Rs.1100-50-1600/-
5. Whether selection or non-selection : Selection
6. Age limit for direct : Not exceeding 40 years(Relaxable for Government servants).

7. Education and other qualifications required for direct recruitment. : Essential :
- 1) Master's Degree in Physics or Radio Physics and Electronics, or Geophysics of a recognised University or equivalent qualification

OR

Degree in Instrument Technology or Degree in Electrical or Telecommunication or Electronics Engineering of a recognised University or equivalent qualifications.

ii) 5 years research or practical experience or both in Electronics or in construction and repair of scientific instruments or practical experience in a Geophysical Workshop (Qualification relaxable at the discretion of the U.P.S.C. in the case of candidates otherwise well qualified ; in particular the qualification regarding experience is relaxable in the case of candidates belonging to Scheduled Castes and Scheduled Tribes for posts reserved for them).

8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. : Age ; No
- Educational qualification : Yes

contd...p.2

प्रकाशन की तारीख : 11-6-88

अंतिम तारीख : 11-7-88 (विदेशों और अंदमान तथा निकोबार द्वीपसमूह, लक्षद्वीप तथा उत्तर-पूर्वी क्षेत्र के राज्यों/ संघ राज्य क्षेत्रों, जम्मू एवं कश्मीर राज्य के लडाख़ प्रमण्डल, सिक्किम, हिमाचल प्रदेश के काँगड़ा जिले के उप प्रमण्डल पांगी, लाहौल और स्पीति जिलों के उम्मीदवारों के लिए 26-7-88) ।

सं० एफ. 1/775 (162)/87-आर. III

संघ लोक सेवा आयोग

उम्मीदवारों के लिए सूचना

(आवेदन पत्र में दिए गए उम्मीदवारों को अनुदेश के साथ जोड़कर पढ़ा जाए)

बार्डस (कुछ स्थायी + सोलह अस्थायी) भूगोलिकीविद (वरिष्ठ), भारतीय भूविज्ञानिक सर्वेक्षण, इस्पात और खान मंत्रालय (खान विभाग), सामान्य केंद्रीय सेवा ग्रुप "क" राजपत्रित । स्थायी पद अस्थायी आधार पर भरे जाएंगे और अस्थायी पद अनिश्चित काल तक चल सकते हैं । बार्डस पदों में से चार पद (एक स्थायी + तीन अस्थायी) केवल अनुसूचित जाति के उम्मीदवारों के लिए, दो पद (एक स्थायी + एक अस्थायी) केवल अनुसूचित जन जाति के लिए आरक्षित हैं । एक स्थायी पद शुरू में अनुसूचित जन जाति के उम्मीदवारों के लिए आरक्षित है न मिले पर आरक्षित माना जाएगा । एक स्थायी पद शुरू में अनुसूचित जन जाति के लिए आरक्षित है न मिले पर अनुसूचित जाति के उम्मीदवारों के लिए आरक्षित माना जाएगा तथा शेष चौदह (दो स्थायी + बारह अस्थायी) पद आरक्षित हैं ।

1. वेतनमान : रु० 3000-100-3500-125-4500 (प्रारंभिक नियुक्ति पर न, प्र, म, तथा म, कि, म, को जोड़कर कुल परिलब्धियाँ लगभग रु० 3800/- प्र. मा. होंगी) ।

2. आयु :- 11-7-88 को 40 वर्ष से अधिक नहीं । (अनुसूचित जाति और अनुसूचित जन जाति के उम्मीदवारों के लिए 45 वर्ष से अधिक नहीं) । सरकारी कर्मचारियों को पाँच वर्ष तक की कटौती दी जा सकती है । कुछ अन्य वर्गों के आवेदकों पर उम्मीदवारों के लिए कृपया उम्मीदवारों को अनुदेश के संगत पत्र देखें) ।

(copy)

GOVERNMENT OF INDIA
MINISTRY OF STEEL AND MINES
DEPARTMENT OF MINES

No. 22018/3/88-MII

New Delhi, Dated 27th Jan. '89

OFFICE MEMORANDUM

Sub: Filling up the post of Deputy Director General (Personnel)
(Rs. 5900-6700/-) in Geological Survey of India on deputation basis.

The undersigned is directed to say that the Department of Mines required the services of a suitable officer on deputation for appointment to the following post in Geological Survey of India.

Deputy Director General (Personnel) - Rs. 5900-6700/- Officers of Central Services Gr.-A holding analogous posts or with two years service in the post carrying the pre-revised scale of Rs. 2250-2500 or with 3 years service in the pre-revised scale of Rs. 2000-2250/- or equivalent.

The selected Officers will be posted to Calcutta.

The period of deputation shall not exceed 4 years.

Ministry of Home Affairs etc. are requested to circulate the above post in their Ministry/Department and send the particulars in the enclosed proforma of the interested persons who fulfill the prescribed condition and who can be spared immediately alongwith their up-to-date C.R. decisions to this department latest by 31.3.1989.

Sd/-

(J.B. Munirajulu)

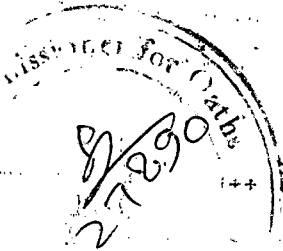
Under Secretary to the Govt. of India

Copy to Director General Geological Survey of India is requested to circulate the post within GSI and forward to this Department latest by 31.3.89 the applications received alongwith their C.R. decisions.

Sd/-

(J.B. Munirajulu)

Under Secretary



A67

Date of publication: 12.4.75

Closing date: 12.5.75 (26.5.75 for applicants from abroad and for those in the Andaman & Nicobar Islands and Lakshadweep).

No. 1/173(21)/75-RH
UNION PUBLIC SERVICE COMMISSION
INFORMATION FOR CANDIDATES

Recruitment of one Regional Administrative Officer, Geological Survey of India, Calcutta, Ministry of Steel and Mines (Department of Mines). General Central Service Class I - Gazetted. Post temporary but likely to continue indefinitely.

1. PAY: Rs.1300-50-1700.

(Higher initial pay may be granted to specially qualified and experienced candidate).

2. AGE LIMIT: 45 years on 1.1.75 (50 years for Scheduled Castes and Scheduled Tribes candidates). RELAXABLE FOR GOVERNMENT SERVANTS.

In case of Indian employees of the Government of Burma discharged owing to constitutional changes in that country, the conditions regarding upper age limit may not be enforced. For others, age limit will be strictly adhered to, save in exceptional circumstances and will in no case be relaxed beyond a limit of three years.

3. QUALIFICATIONS: ESSENTIAL:

(i) Degree of a recognised University or equivalent.

(ii) About 10 years experience in work relating to general administration and establishment matters in a Government Department or an organisation of repute in a responsible supervisory capacity.

(Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified).

DESIRABLE:

Degree in Law.

4. DUTIES: To supervise and direct the work relating to Administration in the Regional Offices and to assist the Deputy Director General as required in administrative work.

5. PROBATION: Two years.

6. HEADQUARTERS: Anywhere in India.

7. The post is non-pensionable at present, but will become pensionable if and when made permanent. If, however, a person already holding a permanent pensionable post under Government is appointed, he will continue to enjoy his pensionary status.

8. The candidate selected for appointment will be required to join duty immediately after selection.

9. The appointment can be terminated according to rules.

ADVERTISEMENT NO. 12

REF. NO. 8

Date of publication: 24.3.1973.

Closing date: 23.4.73 (7.5.73). Applicants from abroad and for those in the Andaman & Nicobar, Laccadive, Minicoy and Amindivi Islands).

No.F.1/183(29)/73-RH
UNION PUBLIC SERVICE COMMISSION
INFORMATION FOR CANDIDATES

Recruitment of one Senior Administrative Officer, Geological Survey of India, Ministry of Steel & Mines. General Central Service Class I Gazetted - Non-Ministerial. Post permanent but appointment will be made on temporary basis.

1. PAY: Rs.700-40-1100-50/2-1150.

(Higher initial pay may be granted to specially qualified and experienced candidate).

2. AGE LIMIT: 45 years on 1.1.1973 (50 years for Scheduled Castes and Scheduled Tribes candidates). RELAXABLE FOR GOVERNMENT SERVANTS.

In case of Indian employees of the Government of Burma discharged owing to constitutional changes in that country, the conditions regarding upper age limit may not be enforced. For others, age limit will be strictly adhered to, save in exceptional circumstances and will in no case be relaxed beyond a limit of three years.

3. QUALIFICATIONS; ESSENTIAL:

1) Degree of a recognised University or equivalent.

2) About 7 years' experience of work relating to administration and accounts in Government Department or Organisation of repute in a supervisory capacity.

(Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified).

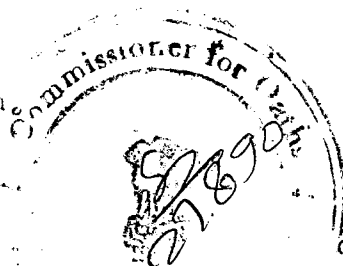
DESIRABLE:

Degree in Law.

4. DUTIES: Establishment and accounts work relating to the Geological Survey of India as required by the Director General, Geological Survey of India.

5. PROBATION: Two years.

6. HEADQUARTERS: Anywhere in India.



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(KSA)

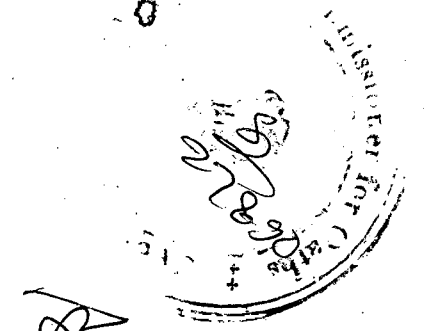
(ii) for serial number 9 relating to the post of Chief Chemist and the entries relating thereto, the following serial number and entries shall be substituted, namely:

1	2	3	4	5	6
Deputy Director General (Geo-Chemistry)	1	General Central Service, Group A, Gazetted.	Rs. 2250-125/2-2500	Selection	Not exceeding 50 years.

(Relaxable for Government servants)

Note: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in the Andaman & Nicobar Islands and Lakshadweep).

.....J4/-



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Group 'A' Departmental Promotion Committee
(for considering promotion)

1. Chairman/Member, Union Public Service
Commission

...Chairman

2. Additional Secretary or Joint Secretary
from Department of Mines.

...Member

3. Director General,
Geological Survey of India

...Member

Group 'A' Departmental Promotion Committee
(for considering confirmation)

1. Secretary or Additional Secretary
from Department of Mines

...Chairman

2. A Joint Secretary from
Department of Mines

...Member

3. Director General, Geological
Survey of India

...Member

Consultation with the Union Public
Service Commission necessary while
making promotion, direct recruitment
and amending/relaxing any of the
provisions of these rules."

13

Note: The proceedings of the D.P.C. relating
to confirmation shall be sent to the
Commission for approval. If, however,
a fresh meeting of the D.P.C. to be
presided over by the Chairman or a Member of the UPSC shall be held.

...16/-

Essential:

i)

M.Sc. degree in Physics/Geophysics/
Geology/Applied Geology of a
recognised University or equivalent.

Age: No 2 Years
Educational
Qualifications: Yes

By promotion
failing which
recruitment.

Promotion: Chief
Geophysicist

with 2 Years reg-
ular service in
the grade failing
which with 9
years regular
service in the
grades of the
Chief Geophysicist
and Director.
(Geophysics) // Director / or
(Instrumentation)
combined together.

ii)

18 Years field experience in geophysical
prospecting in a responsible and independent
charge of geophysical units with special
reference to exploration of metallic ores,
non-metallic minerals, groundwater and
civil engineering projects.

Note 1:

Qualifications are relaxable at the
discretion of the Union Public Service
Commission in case of candidates
otherwise well qualified.

Note 2:

The qualification regarding experience is
relaxable at the discretion of the Union
Public Service Commission in the case of candidates
belonging to the Scheduled Castes and the
Scheduled Tribes if, at any stage of selection,
the Union Public Service Commission is of the opinion
that sufficient number of candidates from these
communities possessing the requisite experience
are not likely to be available to fill up the
vacancies reserved for them.

Desirable:

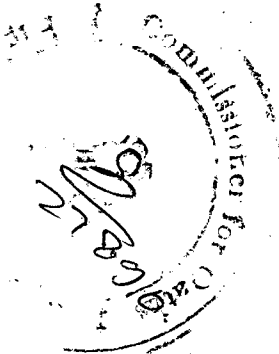
Doctorate degree in the subject concerned.

18/-

Copy to :-

1. The Director General, Geological Survey of India, 27, J. L. Nehru Road, Calcutta-700 016. (10 spare copies).
2. The Department of Personnel & A.R., East (RR) Section, New Delhi.
3. Ministry of Law (Legislative Deptt.), New Delhi with reference to their U.O. No. 4054/30-330 dt. 5.11.1980.
4. The Secretary, Union Public Service Commission, New Delhi with reference to their letter No. 3/14/(5)/79-RR, dated 20.9.80.

(H.L. ATTRI)
UNDER SECRETARY TO THE GOVT. OF INDIA



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

Registered A/D

Ghandi Bhawan
Opp. Residency
Lucknow.

Registration No. 133/90 (L)

No. CAT/ALL/100/ 4321, 4322

Dated:

Date: 19-4-90

Suraj Prakash

APPLICANT(S)

Union of India

VERSUS

RESPONDENT(S)

Union of India through Secretary
Department of Personal and Training
P.P. Division, 6th Floor
Mitrachan Sadan New Delhi

Please take notice that the applicant above named has represented
an application a copy of whereof is enclosed herewith has been fixed
registered in this Tribunal and the Tribunal has fixed 3-7-90
day of 1990.



It is hereby notified that your presence is required in your behalf, your pleader or by some
other duly authorised person to act and plead on your behalf in the said
application. It will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this

19

day of

4

1990

S. Pandey, S.S.C

He. L.C. through H2

FOR DEPUTY REGISTRAR
(JUDICIAL)

(1) Director General Geological
Survey of India 27, J.L. Nehru
Road, Calcutta - 700016

Recd. Gps
for registration
122

25-4-90
Senior Staff Counsel
Central Govt.

I N D E X

VOLUME I

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3. Annexure 2	Office Memorandum appointing Shri A.B. Das Gupta as Member and Vice-Chairman
4. Annexure 3	Office Memorandum appointing Dr. Hari Narain as a Member
5. Annexure 4	Itinerary of the Main Committee
6. Annexure 5	Office Memorandum constituting five Sub-Committee
7. Annexure 5A	Resolution of Committee constituting Training Sub-Committees
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9. Annexure 6	List of the eminent persons who met the Committee
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12. Annexure 9	Organisational structure and details of the activity grouping (Proposed).
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VOLUME II

SUB-COMMITTEE REPORTS

APPENDICES

- I. FINANCE
- II. INVENTORY CONTROL, STORES & WORKSHOP MANAGEMENT
- III. TRAINING & TRAINING INSTITUTE.
- IV. GROUP 'C' & 'D' EMPLOYEES.

FOREWORD

The Geological Survey of India happens to be the third oldest organisation of its kind and the second largest in the world. Only last year, it has celebrated the completion of its 125 years of service to the nation. The very limelight in which the GSI was placed by these celebrations also helped draw attention to various problems facing the GSI. The organisation which started in 1851 with Dr. T.H. Oldham, as the only Geologist, with a clerk and a peon as its staff in one room in 1, Hastings Street, Calcutta, has grown since then to a massive organisation of over 2,200 scientists and 15-17,000 other supporting staff, operating from 23 bases throughout the country.

2. Much of this growth is in the post independence era, at the commencement of which it had only about 40 geologists working from a single Headquarters. This rapid growth has brought in its wake enormous problems which are weighing down the organisation heavily. The past attempts at helping the GSI to cope with this situation, through surgical operations of various sorts had in many ways complicated the problems further. It is for this reason that the present Committee was appointed with the mandate to go into the GSI's problems of today in more detail, and offer comprehensive suggestions for their long term solution. The resultant Report presents the results of the work done by this Committee in as short a period of time practicable.

3. As an organisation grows in size and starts operating from multiple bases, its management problems become more and more complex. Furthermore when the organisation is concerned primarily with scientific work output, and all the rewards it can offer are based only on promotion to administrative managerial positions and not on scientific excellence, the problems become even more complex. Taking all these aspects into account, the attached Report has made a large number of recommendations, all of which when implemented should help the GSI move towards a better future in the service of the nation.

4. Many reorganisational reports in the past have suffered through either delays in implementation or fractional implementation or non-implementation. Considering the importance of the GSI, not only as a prestigious scientific body of the country, but as a body providing an essential part of the infrastructure to our national development and economy, it is vital that this Report is adopted and implemented in full with the utmost speed. Should this not happen through either delays or fractional implementation or non-implementation, the situation within the GSI could deteriorate further through disappointment and disillusionment. Also, as emphasised in the Report, the recommendations contained form parts of a comprehensive package

of the problems facing the younger generation of geo-scientists with whom he has excellent rapport was most useful to the Committee. In fact, the Committee had to blend his futuristic concepts with the existing pattern of the organisation to bring out a happy marriage, between idealism and reality.

10. The Committee has been fortunate in having as its Member-Secretary, a young officer, Shri G. Ghosh, Deputy Secretary in the Department of Mines. His unique background of a Master's Degree in Geology, experience as Director of Geology and Mining in Gujarat, and more recently as Deputy Secretary in the Ministry dealing with the GSI, and above all his deep sense of involvement to do something tangible to the GSI, have enabled him to play a key role in shaping the final report,

11. I would like to acknowledge the valuable advice given by Shri R. Ganapathi, Joint Secretary (Finance), Department of Mines, in regard to various matters concerning finance and personnel. Whenever necessary, he spared his valuable time to attend the various deliberations of the Committee, as an invitee, and to proffer helpful and constructive suggestion.

12. I will be failing in my duty if I do not record the enthusiastic and untiring services rendered by Shri Subrata Sinha, Director, GSI, who not only assisted the Vice-Chairman but was responsible in various ways in bringing out this report expeditiously.

13. As Chairman, my role has been to assist members to do their job unhampered, ensure that the solutions are practicable and pragmatic and acceptable, and to benefit from this unique exposure to scientific as well as management problems, especially in regard to a scientific organisation.

14. I could not have acted effectively, without the active encouragement and support of the Minister (Steel & Mines) and of Shri Mantosh Sondhi, Secretary, Ministry of Steel and Mines. The credit for initiating this exercise, at a crucial period of not only the GSI's history but that of the country, goes to them, their encouragement, and the confidence they have reposed in the Committee. Shri Sondhi's pragmatism has helped the Committee to make recommendations which will initiate not only major changes in the "culture" within the GSI, but also in generating harmonious relations between Government and this premier scientific Department. It is my hope, as well as the hope of the entire Committee, that the pattern of administration of a scientific organisation under Government will find acceptance for other similar organisations.

15. The members of the Committee are conscious that their recommendations, after acceptance by Government, will initiate a new pattern of functioning which will need patient nurturing and sympathetic implementation.

16. I would commend the report for acceptance and adoption, so that the process of implementation of recommendations is not delayed.

New Delhi,
December 18, 1977



(A. K. GHOSH)

CHAPTER ONE

INTRODUCTION

1. 1. The Geological Survey of India is the third oldest and second largest national survey of its kind in the world. Established in 1851, it was comparatively small till the late forties, when it had a total complement of only about 40 geologists and other staff. After independence, the activities of the GSI have increased vastly and today, the total employee strength is around 17000 - 18000, including contingent staff. The past three decades have not only quantitative expansion, but also major changes in the structure, programme content, and variety of scientific disciplines in the GSI. The GSI has had to make many adjustments to cope with the changing environmental needs and national priorities. No organisation can remain static. Organisations have to go through a process of overall review to set sights right on objectives-reorganise to meet newer challenges and programmes. To help the GSI in this task, the Department of Mines constitute the present Committee under office Memorandum No. J-11011/12/77-M,2, dated 1st August, 1977 (Annexure 1 & 1A). The terms of reference of the committee are :

- 1) To study the present structure and organisation of the Geological Survey of India appropriate to the objectives laid down in its charter and to suggest measures for its rationalisation and improvements both at the Central Headquarters and at the field level.
- 2) To identify problems of personnel management and to suggest measures for improvement of the same, including perspective manpower planning and appropriate recruitment, promotion and posting policies. This will also cover suggestions for appropriate career management policies of different cadres like Geophysicists, Chemists, etc.
- 3) To suggest measures for demarcating Headquarters and regional functions and to identify problems in the matter of Headquarters and field relationship and suggest measures for improvement.
- 4) To examine the functions and structure of the regional and Circle set up of the Geological Survey of India and to suggest measures for rationalisation of area management with adequate decentralisation of functions and responsibilities.
- 5) To review the existing set up of class III and class IV cadres and their dispersal in the regions and headquarters and to identify problems area and to suggest improvements/rationalisation.

areas, falling within the terms of reference. The committee took the opportunity of visiting all regional headquarters, some circle offices, the Training Institute at Raipur, some workshops, laboratories, other offices, the map printing press at Hyderabad, some drilling sites, and one expedition site. The Committee also met (Annexure-6) many geologists of eminence, former Directors General of the GSI, State Directors of Geology, Heads/Senior officers from sister organisations like AMD, NGRI, CGWB, CWC, HZL, HCL, BALCO, IBM, MEC, etc. The committee had detailed discussions (Annexure-7) with associations representing various sections of employees and obtained opinions from a wide section of the employees of the GSI, in response to a letter issued by the Chairman (Annexure-8).

1. 4. Additionally, the members of the Sub-Committee visited a large number of activity centres like workshops, stores, drilling sites etc. and have had intensive interaction with several functional groups in the GSI. As a result of these discussions, studies, visits and examination of written memoranda/suggestions submitted to the Committee, it has been possible to obtain a mass of relevant information useful in analysing the present status of operations of the GSI, its future prospects and problems.

1. 5. The Committee would like to acknowledge its grateful thanks to the Director General of the GSI, one and all of his colleagues and all agencies and individuals in and associated with the GSI who have liberally contributed their time, energy, suggestions, views and comments, which have helped the Committee enormously. The Committee is particularly grateful to the retired DGs of the GSI and the eminent geoscientists who gave their views to the Committee on various relevant aspects.

1. 6. The Committee's findings and recommendations are given in Chapters Two Three and Four. Considering the short time that has been available, those recommendations are not exhaustive. They are but an attempt to commence the process of problems-solving and to establish a dynamic process for providing future-orientation and capability to cater to the needs of growth and continuous improvement.

CHAPTER TWO

GENERAL BACKGROUND AND APPROACH OF THE COMMITTEE

2. 1. The GSI is an organisation with a glorious past, but current level of productivity offers scope for considerable improvement. The low level of output is claimed to be largely due to bottlenecks in administrative sanctions and procedural delays. Organisational morale appears to be low, but paradoxically, loyalty to the organisation is high. Virtually, all the employees suffer from feelings of stagnation and lack of opportunity for further growth. There is a discernible feeling amongst scientists other than geologists that they are not well looked after by the geological mainstream. Equally, there is a feeling amongst many geologists that these other scientific streams are not contributing as much to the main geological objectives of the organisation as one could hope.

2. 2. The confidence level in the current administrative systems, the systems of annual performance reports and promotion procedures is low. There is a feeling that too many important decisions in the organisation are being taken ad-hoc by too few people, and most employees appear to want system of group decision-making as one of the important recipes. 2. 3. Looking at it objectively one cannot blame the GSI for this situation. To quote from the report of a recent high level Committee on another scientific Department, "The very fact that the Department is treated as a subordinate office of the Ministry has been greatly responsible for this state of affairs.....the Secretariat has an over-riding role which is not very conducive for the promotion of science. As a result, the scientists are deprived of whatever initiative of feeling of responsibility they may have and keeping good relations with the Secretariat becomes a dominant role in all decisions making". *

2. 4. This Committee finds itself in agreement with much of approach adopted in the report of the Meteorological Department Review Committee, and would also like to reiterate that these recommendations are not only applicable to the GSI but to most other scientific departments of the Government in general, and earth sciences in particular. The most urgent need is to bring about a "cultural change" in the present organisational concept in the GSI as well as in the Ministry, and to integrate and harmonise the relationships between these two.

2. 5. As stated earlier, the problems of the GSI have evolved from its extremely rapid expansion, and dispersal and diversification of its activities both geographically and scientific-

be strengthened so that there can be more effective cost control and performance audit to aid in decision making. Delegation of authority would have to be simplified, enlarged and extended, so as to drastically reduce the need for innumerable fragmentary sanctions and references.

2. 9. Better attention would have to be paid to inventory control and the entire stores system revised and simplified with the introduction of modern concepts of Materials Management. Detailed planning and programming would have to be made an integral function of all operations. The GSI also needs considerable modernising of its outlook and work-mode from the scientific standpoint.

2. 10. In this context, the committee would take the opportunity to again quote the relevant portion from the report of the Meteorological Department Review Committee which summarises the approach as mentioned earlier and is applicable to all scientific organisations in India :

" The administrative set up of any scientific organisation should be such that the objectives set forth are fulfilled effectively and in the shortest possible time. For large scientific organisations it is necessary to decentralise powers, so that each individual unit can function with a certain degree of autonomy within the framework and policies of the main organisation. The scientists and technologists at all levels should be involved in planning and should have freedom to implement their ideas, assessed only by the senior officers with appropriate specialisation. The set up should be such that after a responsibility has been assigned to a scientist (or technologist), he should be able to get on with the programme without financial and administrative constraints.

Modern science and technology is developing so fast that while a certain basic training is required in all connected fields, individual specialisation in selected areas is vital. Once a properly selected scientist has been chosen for the work and has established his competence in a specific field, close supervision of his work is neither feasible nor necessary. In fact, given the freedom, young scientists are able to produce new ideas and execute projects of great importance in a short time. It must be remembered that administration is necessary to support science and not create constraints in scientific development.

Within these basic requirements, it is necessary to develop an organisational structure such that powers and authority can be redelegated at different levels, particularly to scientists in the age group between 30 and 40 years. There should be an opportunity for developing ideas and programmes emerging from individual scientists responsible for any major assignment. The organisational structure proposed here should be applicable to any major scientific organisation under the Government of India. Such a structure should minimise inefficiency arising from 'Government delays', 'bureaucr-

on individual items, other than the Management Council (which would be presided over by the Secretary of the Ministry and would include a senior representative of the Department of Expenditure).

3.3.4.1. One of the major difficulties that has come up while examining the present programmes and implementation methods in the GSI has been the fact that sophisticated or long lead items of equipment are not being planned adequately ahead in time as per the requirements of the projects. This has resulted in continuing lags between the needs of equipment for programmes and their availability leading to operational holds ups and loss of valuable time.

**Recommendation
No. 12.**

3.3.4.2. To overcome this situation, the Committee recommends that a system of advance planning for procurement, and purchase sanction (involving creation of corresponding expenditure liability for the future) of long lead and special, sophisticated items of equipment should be introduced. With the concept of a rolling plan and annual programmes being continuously meshed therein, and with the concept of a performance budget linking programme units and activities with resources, such advance action should be possible.

**Recommendation
No. 13.**

3.3.5.1. For the success of the proposed performance budgeting and programme systems, it is essential that programme implementation should be on a task based approach. The Committee recommends that the programme of the GSI should be identified and delineated in integrated programme units or projects or tasks; and the responsibility for their implementation should be entrusted to specially constituted groups or teams with identified team leaders. The teams should include all manpower and specialists required for the task or the project, and have access to and control over all other requires resources and funds. The teams leader should be held fully responsible for implementation of the tasks within the time frame of the approved programmes.

**Recommendation
No. 14.**

3.3.5.2. Once a programme unit or a set of programme units constituting a project has thus been identified and resources allocated, the team or project leader should have complete delegated authority of operation and should be held accountable through appropriate monitoring and control systems.

3.3.6. Depending on their nature, the ultimate control of management of a particular programme unit or a project may vest either in the jurisdiction of the regional DDG, and through him, the Sr. DDG (Operations) or sometimes directly with the Sr. DDG (Scientific Services).

- (1) The Annual Programme is generally a mixture of the various proposals which have come up at different stages and the present method does not give scope for an integrated look at these programmes as a part of a total perspective plan;
- (2) The budgeting for expenditure as of a Government department is carried out as an independent exercise and hence a viable linkage cannot be established in a continuing fashion between the programmes and activities, and the resources available, consumed, and needed.

3.3.3. To overcome lacunae arising from this situation, the Committee recommends as below :-

3.3.3.1. In order to provide data support to the Governments 5 year rolling plan properly, it would be desirable for GSI to adopt a system of a slightly longer rolling plan, of say 7 years. This plan should be prepared and continuously updated and monitored by the Planning Cell, headed by the DDG (Planning), under the direct supervision of DG. The Management Council should also be appraised of the situation and the modifications in the plan from time to time. Although such a plan would inevitably be more and more speculative towards and tail end, it would nevertheless be very useful in keeping current activities properly linked to future requirements.

Recommendation
No. 9.

3.3.3.2. In order that it can provide data support to the Government's 5 year rolling plans properly, it would be desirable for GSI to adopt a system of a slightly longer rolling plan of say, 7 years.

Recommendation
No. 10.

3.3.3.3. A performance budgeting system should be adopted for the GSI. This should involve annual plan formulation against the backdrop of longer term programmes based on the identification of tasks and goals, and the resources needed therefor. This would naturally flow from the rolling plan and will have to be adopted by the Management Council. A suggested scheme of performance budgeting has been developed by the Finance Sub-Committee and is attached at Appendix-1 in Volume II of the report.

Recommendation
No. 11.

3.3.4. Annual sanction for gross expenditure and the allocation of funds should be given by the Government is one stroke, based on the approval of such an annual plan. All further detailed powers with independent controls, specific detailed sanctions, monitoring, etc. should vest with the Management Council. To reiterate, once the total amount based on an annual plan has been sanctioned by the Government, the GSI should not be required to approach any other agency for expenditure or any other sanction

CHAPTER THREE

INDIVIDUAL ASPECTS AND RECOMMENDATION

3.1. ORGANISATION

3.1.1. As stated earlier, the present subordinate office status of the GSI appears to have created a general atmosphere which has not been conducive to effectiveness in management and execution of its operations. A scientific organisation based largely on field activities cannot, in the view of the Committee, afford to function merely as a subordinate office to an Administrative Department of the Government of India. For effective planning and execution of programmes, it is necessary that adequate authority, both for forward planning and executive decisions, vests in the organisation. This would call for an upgradation of the organisational authority. Concurrently, it will follow that the organisation will have to assume greater responsibility and accountability for its performance. There has also to be built into any new set-up, adequate provisions for an interplay of the overall plans and programmes of the Government with the operations of a vitally important organisation like the GSI.

3.1.2. In such a situation there will continue to exist the need for an intimate inter-relationship and rapport between the administrative Ministry and the Organisation. A device will have to be evolved to facilitate this inter-relationship within the overall frame-work of delegation of authority and accountability.

3.1.3. Management Council

3.1.3.1. To meet the above objective, the Committee recommends the constitution of a Management Council which will be the forum of long term planning, policy formulation, operational sanctions, guidance, control and monitoring of the GSI's activities. The recommended composition of the Management Council is as below :

1. Secretary to Government of India

Ministry of Steel & Mines

Chairman

Recommendation
No. 1.

the organisation, so that there can be increasing participative management as close to the work area as possible, leading to faster decision making and improved work output.

3.1.3.6. The establishment of the Management Council would be very vital for the GSI. By bringing both decision-making and accountability close to the organisation, it would not only enable prompt action, but also help to develop prompt awareness of deficiencies as also of the measures that should be taken to overcome these. For the organisation, it would also involve the introduction of a totally new type of Management Culture. This will call for much specialised work in training every one concerned in the preparation and presentation of proposals in advance in a form in which these can be promptly approved by the Managing Committee (MC) and in ensuring that similar models are introduced at the various other levels of group decision-making.

3.1.4. Executive Committee :

3.1.4.1. The GSI is an organisation which is multi-disciplinary in nature both in its employee composition and the demand of its activities. In such an environment, fostering the growth of excellence in scientific achievement and potential requires a **group approach** to management decision making and executive co-ordination, operation and monitoring. There is also need for an integrated approach to programming and resource allocation. In order to nurture, develop and sustain such an environment, **the Committee recommends the setting up of an Executive Committee within the GSI. The suggested composition of the Executive Committee is :**

Recommendation
No. 2.

1. Director General-GSI	... Chairman
2. Sr. DDG (Operations) - (Proposed)	... Seniormost Sr. DDG
3. Sr. DDG (Scientific Services) (Proposed)	to be the Vice-Chairman and deputy
4. Sr. DDG (Engineering Services) (Proposed)	tise for the DG in his absence as Chairman
5. Sr. DDG (Personnel) - (Proposed)	
6. DDG (Finance) - (Proposed)	
7. DDG (Planning) - (Proposed)	... Convenor.

3.1.4.2. The EC will be responsible for implementation of all approved programmes and policies, development of the GSI's scientific achievement, formulation of long-term and short term plans or projects for approval of the MC, identifying talent for development and for sustaining and improving

Director General on a fixed salary of Rs. 2750/- per month, below the DG and above the DDGs, at the Central Headquarters.

Recommendation
No. 6.

3.2.1.4. The Committee further recommends that there should be at least four such positions to start with, to be designated as Sr. DDG (operations), Sr. DDG (Scientific Services), Sr. DDG (Engineering Services) and Sr. DDG (Personnel) at the Central Headquarters.

3.2.2. Responsibilities of Sr. DDG (Operations)

3.2.2.1. The responsibilities of Sr. DDG (Operations) will cover the following :

- (1) supervision, guidance and monitoring of the activities controlled by the Regions;
- (2) organising and managing systematic mineral exploration for the more widespread minerals/rocks of commercial value.
- (3) Interaction with the exploiting and other exploring agencies with respect to the above; &
- (4) provision of administrative and logistic support to all special study groups controlled by the Sr. DDG (Scientific Services) from the Headquarters.

3.2.2.2. The activities controlled by the Regions will be multi-farious. The most important of these will be concerned with providing systematic area-wise coverage of the country so that ultimately the GSI is able to give geology-related guidance to all aspects of human activities within each Region. These will not only consist of the routine systematic mapping of the country which constitutes much of the GSI's field programme today, but also take in its stride all such aspects as environmental geology, terrain evaluation, assessment of the optimum use potential of the land (i.e. land use maps), preparation of geohydrological, geophysical and geochemical maps etc. The work output required from these directions will be considerable and will make demands on the GSI to break progressively into more and more new work directions. Additionally, the region based work will also involve assistance on engineering projects of which there is already a fairly rapid growth in most regions; a growth which is likely to continue for decades more.

logical and geo-commercial intelligence, collaboration in international projects, marketing of geological services overseas and interaction with the Sr. DDG (Personnel) regarding training and placement of GSI personnel in overseas seminars, symposia, training programmes, deputations, etc.

7. The GSI Training Institute at Hyderabad should be directly under the control of Sr. DDG (Scientific Services). Although the DDG (SR) will provide the logistic support in the training programme, the need of specialisation has to be determined and fashioned to the suitability of the GSI by Sr. DDG (Scientific Services). It would be his responsibility to see that the Training Institute retains a dynamic outlook, caters to the changing needs of all Scientific cadres in GSI and does not get converted into a body imparting only routine courses. The organisation and management of seminars, workshops, group discussions will be the responsibility of the Director, Training Institute under the guidance of Sr. DDG. (Scientific Services), in consultation with the Advisory Committee to be constituted for this purpose.

8. Professional interaction with other scientific agencies in similar or allied fields within the country and abroad (International Wing).

9. Organising and running a public relations wing for the GSI.

10. Building up professional specialist expertise in appropriate areas of geo-science and allied specialisations.

11. Publication, Map preparation and Map printing are the end product of any geological operation, and call for a lot of synthesis of data and interpretation. Although the data and other relevant material will flow from the operational areas, the preparation of maps, and coordination and synthesis of diverse material has to be done by specialist groups. This synthesis will be one of the important areas where the Sr. DDG (Scientific Services) has to build up a specialist group in the areas of publications, map division, map printing and library services.

12. Organising a Mineral Economics group which will keep up-to-date information and initiate advice to the Government and other agencies on mineral economics (both internal as well as international). and long-term availability situation of minerals, conservation requirements, etc.

Recommendation
No. 19.

performance budgeting systems, a re-grouping of the activities of the GSI as necessary. **The Committee recommends that the activities of the GSI should be regrouped in the following categories (Annexure 9):**

- (i) Systematic area-wise coverage: geological mapping, preparation of gravity/magnetic maps, land use maps, geo-hydrological maps and area-wise inventory of resources (minerals, energy sources, etc.);
- (ii) systematic integrated mineral exploration including airborne mineral survey (presently covered by AMSE) geochemical surveys (presently covered by DORIS), detailed mineral survey by ground geology, geophysics, augering, pitting, drilling/coring, etc.;
- (iii) systematic study of special geological problems;
- (iv) technical development and R&D in respect of the scientific and operational sides of all operations of GSI;
- (v) provision of all laboratory and other scientific services, enumerated earlier (including geophysics, geochemistry, instrumentation, geochronology, mineral physics, etc.) to back up and support the geological activities of the GSI ;
- (vi) publication, map preparation, printing and production (compilation, synthesis, stratigraphic, legends and standardization) public relations and information, library services and data centre activities;
- (vii) drilling, engineering, workshops, equipment, planning and maintenance, materials management, inventory control, and transportation activities.

3.5.2. In the above activities organisation, certain components are, of necessity area-oriented. The others, although problem-oriented in nature, have to be conducted from a base set up in Regions, Circles and in remote locations. Each group of activities would involve the integrated use of a number of scientific disciplines where expert advice and guidance would be needed from a group of specialists at the Centre. Operations with territorial jurisdiction, programme resources and teams of employees have thus to mesh with functional specialisations/streams. **For this purpose, the Committee recommends that a matrix type organisational structure and working be introduced whereby operational control and logistic support are provided from**

Recommendation
No. 20.

the **Regional/Circle Headquarters** and **specialist scientific guidance** from the **specialists at the Central Headquarters**. Annexures 9, 10 & 11 display the proposed relationships, both at the GSI's headquarters and at Regional and Circle offices. To make this matrix organisation work, there must be a two way communication so that the working groups can routinely seek guidance when they sense the presence of problems, and the guiding groups offer guidance whenever they, on their part, sense that such guidance is called for.

3.5.3. The organisation structure depicted in Annexure-11 tries to prevent a mathematical build up of administrative support with increase of geological effort in any region. At present there are a number of cities and towns in which the GSI has set up the headquarters of a number of operational circles, each with a separate administrative paraphernalia of its own. Productivity-wise this is wasteful. The GSI must, therefore progressively work towards a direction in which there is no more than one major administrative base in any towns.

3.5.4. Towards this end, it has been proposed in Annexure-11 that under each region there will only be one major administrative set up in each major State. Henceforth, only these could be termed as Circle offices with a selection grade Director in charge. All other Circles could be re-designated as Projects. The scientific component of the work-load of each such Circle (henceforth to be renamed Projects) would remain, but its internal administrative supporting staff would be kept at a minimum. Instead of proliferating administrative support in each one of these Projects, the State Circle headquarters only would for the requirements of administrative support for all the Projects operating within the State.

3.5.5. Consequent upon this change the GSI would consider renaming the existing Directors of the non-administrative Circles (henceforth proposed to be renamed as Projects) as Superintending Officers (Rs 1500-2000 p. m.). The change in this designation will imply no reduction in their operational responsibilities whatsoever. The only change involved would be that, freed from much of the administrative headquarters work, they would be able to concentrate more on the scientific and operational problems.

3.5.6. The Committee recommends that in view of the additional responsibilities, the Directors incharge or the State administrative circle should be Selection Grade Directors (as proposed later),

3.5.7. One of the objectives of the grouping system, used in the above organisation of activities is to bring together all facets of mineral exploration under the Mineral Exploration Division at the Central Headquarters. Presently

mics specialists, with different members specialising on different aspects and different minerals. For the rest, the wing would have call on manpower and equipment, as per approved programme, from the Geophysics, Geochemistry, Drilling and other Divisions of the GSI.

3.5.11. On the Geophysics and the Geochemical Divisions would also devolve the responsibility for improving instrumentation, instrumental set up, analytical techniques, field identification kits, and (in conjunction with the Mineral Exploration wing) of field survey techniques, so that the GSI can get set on a course of continuously improving methods looking for minerals.

3.5.12. There should be enough counterflow of information from the Regions to the Centre and vice versa to ensure that each Region maintains a running area-wise tally of the mineral resources present (and/or surmised) within the area. The Mineral Exploration Wing at the Centre would maintain complete record for the whole country and should be in a position, through the use of normal evaluation techniques, to advise the Government on the future trend of the country's developing mineral resources pattern, together with conservation requirements, if any.

Recommendation
No. 22.

3.5.13. **The Committee recommends that AMSE, DORIS, FTRU and Geochronology Division should be reorganised to form parts of mineral exploration and other supporting divisions at the Headquarters, to assist the operations in the field. The detailed arrangements in this regard will have to be worked out and introduced gradually by the Management Council.**

3.5.14. Any methodical mineral investigation must first start within an overview of what may reasonably be found, in the context of its geological environment, within each of the various geological terrains which make up the country. The next phase of exploration should be aimed at testing some of these assumptions and at localisation of the areas in which mineral occurrences may be concentrated. This phase would make use of all the latest techniques in large-scale target evaluation, inclusive of remote sensing and ground/airborne rapid geochemical/geophysical surveys, and should enable an improvement in the levels of confidence in the speculative estimates of resources, with the more specific search for mineral bodies within the promising areas demarcated during the second phase.

3.5.15. Arising out of these and the detailed follow-up exploration and development work, it should be possible to arrive at a series of "order-of-magnitude" resource estimates with decreasing levels of speculativeness or increasing levels of confidence of say E to A categories. The interface between the GSI

out norms of equipment to be issued to each team under different geological terrain conditions. Depending upon the condition expected to be faced, the equipment may include field microscopes, section cutting machines, portable generating sets (to run the latter and for camp lighting), logging tools, portable coring units (for obtaining sub-surface data in alluvial country) field identification kits, mobile mini-labs, vehicle mounted geophysical/geochemical measurement/survey units, basic survey and map preparation facilities; and adequate and steady supply of ration etc.

Recommendation
No. 24.

3.6.2. The Committee recommends that a comprehensive review be made of the facilities and allowances given to field personnel of the GSI, Survey of India, AMD and other similar organisations to arrive at and adopt uniformity in line with present day situations and the need to keep field morale high. The considerations should take into account the question of providing the employees concerned with either suitable field kit for the type of work involved or, in lieu of that, an appropriate field kit allowance. Furthermore, some of the kinds of work done by the GSI employees (i. e. high altitude work) have, if conducted over a prolonged period, possibilities of producing adverse physiological conditions. It is important that these categories of employees should be placed under adequate medical check up and care and that they should be withdrawn from that particular type of work before any serious symptoms develop.

3.6.3. A sizeable part of the GSI operations is basically strenuous in nature involving climbing rocks and steep slopes under all kinds of conditions (without mountaineering gear) in jungles and snake/animal/disease infected terrains, and sometimes even in areas where insurgents are active. There is thus an element of hazard which is different from activities of scientists and Government employees in most other organisations.

3.6.4. The Committee recommends that the GSI should regularly train all its officers in mountaineering training with the help of the Mountaineering Training Institutes. It will be possible if the Mountaineering Association is approached to provide at least two seats reserved in both the training institutes in Darjeeling and Uttarkashi so that in a year at least 16 persons are trained in the mountaineering techniques. This is now being done sporadically, in an ad-hoc manner.

Recommendation
No. 25.

3.6.5. Simultaneously with the training, it is necessary to provide basic mountaineering gear to the field parties working in such terrains, and also to provide the basic requirement of field kit and clothes etc. to such parties. In order to boost the morale it is recommended that the Government provide special hazard allowance, make arrangement for sup-

Recommendation
No. 30.

3.7.5. The Committee recommends that there should be sufficient facilities of ore dressing and the equipment should be attached to the chemical laboratories of the CHQ and the relevant regions where integrated research studies should be carried out.

Recommendation
No. 31.

3.7.6. In dealing with equipment items which are not only expensive but consume large amounts of valuable foreign exchange, it is important that existing units are used to their full capacity before new units are purchased by the GSI. As a first step, the Committee recommends that any increase in demand on instrumental analytical facility should be met by GSI by placing their existing outfits on multiple shift operation, and providing for adequate manning for preparatory and analytical work.

Recommendation
No. 32.

3.7.7. Till increase in work demand has necessitated placing all available units on such multiple shifts, there should be no further sanction equipment of this category to the GSI without clearance of Management Council. In fact, till then, if there is demand from other Governmental agencies, they should be encouraged to seek assistance from the GSI.

Recommendation
No. 33.

3.7.8. Although the Committee has mentioned elsewhere in the report regarding the building programme of the GSI, it would wish to take this opportunity to emphasise the need for giving top priority for planned integrated office-cum-laboratory buildings which not only help improve the quality of the work but also increase the quantum of output.

3.8. ENGINEERING AND DRILLING

Recommendation
No. 34.

3.8.1. Engineering and drilling activities account for over 2/3rd of the GSI's annual expenditure. These are, therefore, sectors where an O&M type of approach and study would produce maximum operational and financial benefits. Since the major engineering workload in the GSI arises out of its drilling activities, there would be some advantage in grouping these functions at the top. In order to make this feasible, and also to enable a look to be given at all aspects of these activities from a new stand-point, the committee recommends that the drilling and engineering activities should be placed under a common Chief Engineer recruited from outside. The Chief Engineer should be equivalent in status and pay scale of that of a DDG in GSI. A high level Mechanical Engineer with a sound O&M and Systems back-ground (may be available from the Defence services or from the Railways) would be needed for this position. Below the Chief Engineer, the drilling and the other engineering

streams would remain as they are today but headed respectively by two officials reporting to the Chief Engineer. Lateral movement between the two streams would be possible, with suitable input of training and careful selection.

3.8.2. In the field of drilling activity, there should be scope for reduction of workload through rethinking. Presently the GSI lays great emphasis on 100% coring and one basic question relates to whether in every instance this is necessary. In situations where mineral distribution is either in the form of non-correlative stringers or in layers too thin to be mined separately, it is possible that bulk information may be of more value than inch by inch detail. Then again there is some divergence of views at present as to whether dry coring is in effect the best way of getting information on all minerals, e. g. on alumina content of bauxite.

3.8.3. There is thus room for much research work within the GSI, which by developing modalities for the best use of drilling effort, could give the GSI and the end users, data of adequate reliability with the optimum expenditure and effort. Furthermore, the drilling/coring effort needs to be so planned that advance action can be taken and the output speeded up considerably by cutting down the time involved in rig movement and preparations, and by undertaking each of the required jobs in its most advantageous operational order.

Recommendation
No. 35.

3.8.4. There is scope of reducing inventory and maintenance requirements by switching over drilling from one shift to multishift operations. **The Committee recommends the adoption of three shift operation in drilling, wherever possible, and two shifts at a minimum. Necessary rig lighting and other paraphernalia required would have to be provided.**

3.8.5. As a result of recommendations Nos. 23 & 35, it should be possible for the GSI to write off a good number of its rigs, particularly those in poor condition

3.8.6. The Committee feels that for city and road based work jeeps, which are in short supply, should not be used normally. Wherever possible these should be replaced by hired cars/vehicles with full maintenance responsibility on the car hiring agency. This will also help to reduce the maintenance load on the GSI workshops.

Recommendation
No. 36.

3.8.7. In the light of the above analysis as above the **Committee recommends that pending settlement of these issues, fresh induction of capital, human or other resources in the sectors of drilling,**

a result, their families are left totally on their own dispersed at far corners of the urban areas without any one to assist them, in case of any trouble either through illness or otherwise. If these employees could be housed close to each other in housing colonies sponsored by the GSI, it would be possible for the families left behind to sustain each other. To the extent possible, the GSI should explore methods of persuading either HUDCO or State Governments or other Agencies concerned to set up such colonies for the GSI employees. Employee Cooperatives could also be considered for setting up group housing estates. Where any of these alternatives prove impracticable, the GSI should take up on its own the construction of such housing colonies. The Committee therefore recommends that Government should consider a residential housing programme as a part of the capital budget for the next Plan Programme of GSI.

Recommendation
No. 42.

3.11. INFORMATION SYSTEM

3.11.1. Before the GSI can interpret anything on geological lines it has to collect basic information. With its vastly increased size, the GSI today is in a situation of information explosion. Presently, the system of dissemination of information not only for the outside public but even within the GSI, is less than adequate. With further increases and improvements in its output, the situation will become more acute. Organised steps are needed to tackle this problem.

Recommendation
No. 43.

3.11.2. In this context it is recommended that the GSI develop three types of activities. The first of these would be concerned with the culling of information in a classified manner (a) from all published material available in the library and (b) from internal documents available in the record sections. The object would be to have a system from which, within a matter of hours, enquiring Geoscientists could get a complete list of references of all writings/researches pertaining to their problem.

3.11.3. The second group of activities would relate to storing the basic geological data in a manner that these can be recalled and reassembled from any standpoint of examination required. Much preparatory work will have to be done in (a) the setting of a common vocabulary so that all geologists are taught to describe the same rock or property by the same nomenclature, and (b) the development of a list showing total information package required from any particular class of investigation. This will ensure that the geologists collecting the information do not overlook any aspect in the process of doing so.

3.11.4. The third class of activity would relate to (a) preparation of a series of region-wise Manuals of Geology, synthesising and keeping up-dated the

geological information concerning the region in all its four dimensions of time and space, (b) preparation and keeping up-dated a similar Manual of Geology for the whole of India, which, in reference to any particular region, will naturally be less detailed than (a), and (c) preparation, in the form of an annotated bibliography for each discrete geological region, all references pertaining to that region with a very brief summary giving what the reference contains.

Recommendation
No. 44.

3.11.5. Amongst these, the first and the second items of activities will require outside consultancy services under the guidance of a professional expert of high standing. These have also to be computer based in course of time.

3.12. PUBLICATIONS

3.12.1. The present departmental procedure for clearing publications of papers submitted by scientists in the GSI is a source of deep frustration and resentment. Each paper from any level, needs to be cleared by the Director General, GSI. With the vast bulk of GSI spread over numerous centres, and with the Director General not infrequently away on tour, this becomes an inordinately slow procedure, involving many months, and sometimes years. The value of the topical papers is often lost, leading to a tendency on the part of the scientists to refrain from creative paper writing that would project the GSI's work to the scientific world, stimulate each other's thinking and also get suitable feed back.

Recommendation
No. 45.

3.12.2. The Committee recommends that this unhappy situation regarding publications of an individual should be rectified by greater delegations of publication responsibility on the lines of the following table :

A. For publication in Forum/ Journals outside the GSI.

To be cleared by

- (i) Papers containing information/
data not restricted by either
the Govt. or the D.G.

- (a) Papers presenting now
factual evidence for gene-
ral dissemination, but
without causing any
major change in the inter-
pretative situation.

DDG of the Region,
concerned.

permitted to assume that the papers have been cleared. In cases where cross reference becomes necessary from DDG to Sr. DDG (SS) or vice-versa, an additional two months may be permitted, but in all such cases the author should be advised in writing so that he can delay his submission to the outside forum by the additional two months period. This will ensure that no decision is withheld for more than five months at the longest.

- (3) In cases where permission for such submission is withheld, the authors should be given opportunity of presenting their case to the appropriate clearing authority and failing satisfaction, the right of appeal to the DG.
- (4) For GSI's internal publications, the standard formats, nomenclature etc. of each publication series would have to be devised and controlled by the Publications Wing under Sr. DDG (SS). The Regions must ensure that anything they publish conform to this prescribed pattern.
- (5) In setting out this pattern, the Publication Wing, in its turn, should pay careful attention to the grouping of volumes in such a manner that related topics are published in similar volumes everywhere. Thus any Region having publications, for example, related to the Gondwanas, would publish these in the Regional Gondwana volume. This would ensure that references are made easier to the geologists of the future.
- (6) It has been stated that arrears in publication in the GSI has resulted in a vast backlog. In order to speed up publication and wipe out this backlog, GSI should be permitted to make maximum use of commercial printing facilities available at each of its Regional centres.

3.12.3. In order to organise the publication wing properly, it may be necessary to have editorial teams in Central Headquarters as well as in the regions which will undertake the editing of the reports and feed the publication division. **The Committee recommends that systematic projects should be taken up for updating and revising classic reports like the memoris of Pascoe, Heron, etc. and an integrated field programme may be drawn up by the Sr. DDG operations with the help of Sr. DDG Scientific Services and DDG (Planning).**

present framework by taking on additional business from others to cover the capacity of the press. As outside business grows, and/or the speed with which the GSI can release maps increases, he should plan for multi-shift operation so that within a reasonable time, the press can go to full three shift operations and the capacity already established is much more fully utilised.

3.15. RESEARCH AND DEVELOPMENT :

3.15.1. In the various organisational proposals made above; there has been no provision made for a separate department of research and development. This is because, within a scientific organisation like the GSI, each unit of the organisation must have its own research and development function.

3.15.2. In the operational field, some of the research must take the form of investigations to which reference has been made in the drilling section. In others, the investigations should take the form of Systems Analysis and O & M studies with a view to continuously improve the methodology of operation. There must also be continuous endeavour to plan the work in such a fashion that an integrated and balanced use is made of all the arms of the GSI in the progressing of its projects and in the solution of its problems.

3.15.3. In the scientific fields, the Sr. DDG (Scientific Services) has to progressively build up a team of specialists and synthesis experts; each one of whom would have to be engaged basically in fundamental research, apart from giving specialist advice to others on their fields of specialisation. **As a starting point, it is recommended that the most suitable persons from amongst the scientist/experts available in the GSI in the various functional streams be identified* and inducted to form the nuclei/core groups, under the Sr. DDG (Scientific Services) immediately.**

3.15.4. Within the geophysical wing, effort would have to be allocated to the measurement of rock properties with a view to devise new more effective methods of surveys for minerals and geological conditions. They would also have to develop capability for a greater diversity of air/vehicle/water craft borne geophysical work, as also for a wide variety of logging work.

3.15.5. In the geochemical and mineral physics sectors, much work would be possible not only in unravelling the geochemical evolution of geological

Recommendation
No. 49.

nishing of advice on the utilisation of ground water resources to the CCWB which has been specifically set up for this purpose.

3.16.5. In all the above diversification and growth of work, GSI will need to make more and more extensive use of facilities offered by the National Remote Sensing Agency (NRSA), Photogeology and Satellite Imagery. They would also have to make increasing use of such study tools as scanning electron microscope, computers and a variety of other sophisticated equipments which will progressively call for the build up within the GSI a need to have a specialised section on instruments and instrumentation.

✓ 3.17. PERSONNEL :

3.17.1. Personnel Management

3.17.1.1. The GSI has had no induction of modern personnel management techniques in its organisation so far, and there is much to be done in this direction. The main problems in the personnel field as seen by the employees are stagnation dead end posts, obsolescence of expertise and knowledge at superior levels; inadequate opportunities for specialisations, unreliable performance reporting, wrong seniority computations, and the like. From the organisation's stand point, these seem to be reflected by low productivity, excessive in-breeding and fall in quality.

3.17.1.2. After examining these problems in depth, the Committee recommends as below :

3.17.1.3. The GSI must build up a modern personnel management organisation whose primary function would be planning, development and management of human resources. An outside consultancy agency may be considered for developing this.

Recommendation
No 51.

3.17.1.4. To introduce a modern personnel management systems in an organisation as large as GSI, and where no systematic personnel management system exists today, will be an enormous task. This would require a professional man at a very high level who would have to interact with the senior level officials of GSI and build up a system with the help of both experts/consultants from outside as well as with persons available within. The Committee, therefore, recommends that a competent and experienced person should be inducted to head the vital personnel management wing of GSI immediately, who will be known as Senior DDG (personnel) at a fixed pay of Rs. 2750 p.m. For the present, this position has to be filled from outside.

Recommendation
No. 52.

planning these training programmes, the Staff Training Officer must make full use of such local facilities as may be available in the I. T. Is. and other institutions. It is only those categories for which local facilities do not exist would have to be covered by the GSI's in-house arrangements.

3.17.1.10. In GSI, although there is a large number of 'C' & 'D' employees, the Committee observes total non-existence of any systematic welfare administration within the organisation with an administrative officer looking after 'welfare' matters at the Central Headquarters on a part-time basis.

3.17.1.11. It is necessary to have a welfare wing within GSI to look after the welfare aspects of 'C' & 'D' staff covering both in the offices and in a variety of field operation. It is also essential the centre and each region has at least one fully trained specialist in dealing with the matters of industrial relations, labour welfare and labour management. The availability of such person at each region and Central Headquarters will not only help the management for better relation with 'C' & 'D' staff but also will develop the confidence and trust in the mind of such employees.

Recommendation
No. 55.

3.17.1.12. To make his position within the organisation commensurate with the responsibility, work load and background the Chief Welfare Officer should have a pay scale of Rs. 1300-1700 p.m. However, the Welfare Officers in Regions should be on a scale of Rs. 1100-1600 p.m.

Recommendation
No. 56

3.17.1.13. To provide a forum to the Chief Welfare Officer for interaction with the associations of the employees, the Committee recommends the formation of a Staff Welfare Council, the details of which may be worked out by the Management Council,

Recommendation
No. 57.

3.17.1.14. In order to provide for effective responsibility and accountability and in order to streamline the working of the Regions, the committee recommends that instead of present day Technical Secretary (a Senior Geologist) there be one Selection Grade Director (as proposed later) to assist the Deputy Director General of each Region who will be declared a head of the office and will perform all administrative and financial responsibilities pertaining to the Regional Office. (Please also refer to para nos. 3.5.3. to 3.5.5.).

3.17.2. Career Growth, Grade and Payscale Revision

3.17.2.1. Arising out of the various recommendations made in this report, a number of revisions to grades and pay scales are required for effective implementation.

stagnation that exists at the level of junior and senior Geologists and their equivalents in the GSI.

3.17.2.11. In the new concept of team leaders of projects and building a separate stream of specialists, there will be need for several posts to undertake the newer responsibilities in leading individual major projects/groups of minor projects and specialisation. To meet this new demand of responsibilities, the Committee strongly recommends that 1/3rd of the posts in the junior scale in all streams should immediately be converted into senior scale and should be given the senior scale and pay scale on seniority-cum-merit basis. Similarly, 1/3rd posts of the senior scales should be converted to Superintending scale of Rs 1500-2000/- in all streams.

Recommendation
No. 61

3.17.2.12. The Committee has also suggested that each major State should have only one Circle office to the administrative and other needs of the projects within the State. The head of this office will also report on the various activities to the DDG. It has also been suggested that under the DDG of each Region, there should be a high level officer who will not only act as Head of office of the DDGs office performing all financial responsibilities related to the areas covering that region but will also liaise with the Headquarters in respect of planning and scientific services. All these new responsibilities will require an additional tier between the DDG and the present Directors. The Committee recommends that 20% of the present posts of Director its equivalent categories in other streams be converted immediately into the post of Selection Grade Directors in the scale of Rs. 2000-2250/-. All these promotions will be made on a seniority-cum merit basis. This proposal is in line with the recommendations of the third Pay Commission, accepted by Government.

Recommendation
No. 62.

3.17.2.13. Only the Selection Grade Directors will be known as Directors in future and the incumbents of Rs 1500-2000/-scale will be redesignated as Superintending Geologists etc. as in the past. It may be noted that the officers in the same pay scale in other streams like Chemists, Physics in the G S I are known as "Superintending" officers.

Recommendation
No. 63.

3.17.2.14 Apart from this, it is also necessary to have a separate stream for scientific excellence and specialisation where the senior most post (on merit) will be that of Eminent Scientist. The salary or the scale can be equated to that of the proposed Selection Grade Directors, DDGs, Sr. DDGs. and DG. Although these scientists will not occupy any administrative positions, they can be specialists, and if necessary can be inducted through lateral entry to be in-charge of sophisticated scientific projects/disciplines.

3.17.2.15. The above recommendations (Nos. 57-68) of the Committee may be summarised as follows :-

1. Formation of a General Geological Service with a running scale of Rs. 700-2000 with two efficiency bars.
2. Pending this 1/3rd posts of Junior scale posts in all streams should be converted to the Senior scale immediately. Similarly 1/3rd posts in the senior scale should be converted to the Superintending scale. 20% of the Rs. 1500-2000 scale posts are also to be converted into that of Selection Grade Directors (Rs. 2000-2250).
3. The scientists should be given two streams for career progression-one for scientific specialisation and excellence, and the other for manning administrative and managerial positions. The two suggested routes are as follows :-

A. Management Positions

Pay Scale

1. Director General	Rs. 3000 p.m. (fixed)
2. Senior Deputy Director General	Rs. 2750 p.m. (fixed)
3. Deputy Director General	Rs. 2250-2750 p.m.
4. Directors	Rs. 2000-2250 p.m.

B. For Scientist Specialist Positions :

Pay Scale

1. Eminent Scientist	Rs. 3000 p.m.
2. Chief Specialist	Rs. 2750 p.m.
3. Senior Specialist	Rs. 2250-2750 p.m.
4. Specialist	Rs. 2000-2250 p.m.

3.17.2.16. Apart from these, the present pay scale of Rs. 2000-2500 for the posts of Chief Geophysicist and Chief Chemist, constitutes a serious anomaly within the organisation. This pay scale is in between those of the Directors and the Deputy Directors General. Neither responsibility nor work-load-wise is there any reason why this anomalous situation should continue. It is, therefore, recommended that both these posts should immediately be upgraded as DDG (Geophysics) and DDG (Geochemistry) and their present scale be modified to that of Rs. 2250-2750 (identical with the Deputy Director General level)

or his seniority does not allow him to hold such a position. Hence advanced and planned career management is necessary for grooming such talents in both the fields. This will be linked directly to a transfer and placement policy.

Recommendation
No. 67,

3.17.5.3. In GSI today, the transfers frequently take place in the midst of a project or without looking into the requirement of a particular unit. Surprisingly such transfers frequently take place even after the annual programme of GSI is accepted by the Central Geological Programming Board. **The transfer policy should definitely be linked with the time span and continuity of a project. Nobody associated with a sanctioned project should be disturbed till its completion, including the period of report writing and follow up action if any.** This is all the more necessary when the financial responsibility along with technical accountability has been combined in the proposed financial and technical management system. It is expected that EC will work out the details of such a policy and closely watch its implementation.

3.17.6. Training for Scientists

3.17.6.1. Training involves two aspects viz- (i) institutional training aimed at making an employee either perform better in his existing position or at equipping him to take on a higher position, and (ii) the other arising out of the employee's own urge to learn something more which may or may not be relevant to the organisation's immediate needs vis-a-vis the man. In an organisation, both are necessary.

Director of Personnel & Training Programmes

3.17.6.2. Since institutional training is primarily geared to an institution's requirements, and the training itself is aimed at adding to the individual's values such training programmes have to be very closely controlled and monitored from the centre as a part of overall appraisals, career growth and management programmes. This aspect of the work, therefore, has to be the responsibility of the Director of Personnel concerned.

3.17.6.3. In terms of actual inputs, the actual training courses would be widely diverse. Starting from induction courses for new entrants, there would have to be a variety of refresher courses upgrade people in their respective fields of profession, also conversion courses aimed at helping them to change from one specialisation to another. There would also have to be supporting condensed course on individual scientific and managerial disciplines to help the individual generally to increase his worth to the organisation. With these, would have to be added nominations to seminars, arrangement of special

- (i) overall programmes for the Training Institute,
- (ii) type of infra-structure facilities needed, and
- (iii) action plan to realise the benefits in the shortest possible time.

The Committee also studied in detail the suitability of the present site of the GSI Training Institute and to recommend an alternate site, if necessary.

Recommendation
No. 69.

3.17.6.8. The Committee endorses the Report of the Sub-Committee which has been appended in Volume II and its recommendations completely. The Committee recommends that the GSI Training Institute should immediately be shifted from Raipur to Hyderabad where it can share the laboratory, research and library facilities with the Southern Region of the Headquarters of the GSI. Furthermore, at this location the Institute would have the advantage of being able to utilise the proximity of the Osmania University, National Geophysics Research Institute, National Remote Sensing Agency, Administrative Staff College of India, Survey of India Training Institute and Atomic Minerals Division both for administration of various advanced techniques necessary to be integrated with geological work as well as for drawing considerable part time assistance for its faculty from these organisations. This will also help to keep down the hard core faculty required for the Training Institute to a minimum.

Recommendation
No. 70.

3.17.6.9. The Committee would also endorse the Sub-Committee's recommendation that in view of the wide diversity and complexity of the training courses that would have to be arranged by the Training Institute as well as the Money involved in setting up this facility, there should be an Advisory Committee to help and formulate its course contents with the maximum care and to review the work of the institute from time to time. This Advisory Committee should be formed by the MC at the earliest

3.17.7. Manpower Planning

3.17.7.1. The GSI has a large establishment consisting of about 2500 officers of various streams and a supporting strength of more than 11,000 regular and 4000 contingent employees. Even so, virtually every unit of the GSI has the feeling that the existing and developing workload necessitates that they must have substantial increase in manpower. Although the Committee has itself felt gaps in manpower establishment in certain directions and made proposals for the creation of posts in some key areas, the overall situation is to some extent paradoxical in-so-far as strong demands for manpower co-exist with lower per capital work output in many directions. It is therefore, very likely that the increase in capital work output, through organisational changes,

- (b) Full cadre review with apportioning of posts in various streams, in conformity with job requirements and adequate growth.
- (c) Introduction of 20% selection grades in posts without adequate growth channels (as suggested in the Appendix-4 of the Sub-Committee report).
- (d) Creation of adequate supervisory levels in A & B or Geological Sculpture, Survey, Drawing with provisions for departmental promotion to them and enhancing the quota of departmental candidates with introduction of examination system.
- (e) Modification and improvement of C. R. system,

E. Training Facilities

- (a) Departmental training programme and trade tests have been suggested,
- (b) Training programmes arranged through recognised institutions (ISTM, Survey of India Training Institute etc.), by deputing personnel to their courses or obtaining their faculty assistance for 'on the job' package courses.
- (c) Link up trade/professional training with deployment, job fitment and career progression.

F. Welfare Facilities/Ancillary Benefits :

Specific recommendations have been made for GSI employees to initiate action for :-

- (a) Facilities for field personnel
- (b) Families of field staff forced to live away from them ; and
- (c) Facilities at various office centres, regarding canteen, recreation, 'Griha Kalyan Kendras' ; Consumers' Cooperatives etc.

G. General

- (a) Creation of a personnel & Welfare organisation :
- (b) Involvement of a consultancy system between service organisations for higher and lower categories of employees for removal of grievances and for harmonious activities.

GSI's productive workers, to lessen their frustrations and enhance their participative productivity. With this, the Committee urges the more fortunate higher echelons to make voluntary and conscious efforts to reduce the present staff relationship tensions and introduce greater symbiosis in GSI's environment. Though the memoranda submitted by the various representative groups/Associations of C & D employees and the large number of suggestions by individual employees of these cadres, the Committee has appreciated at their concern for departmental productivity, manifest in their constructive suggestions and cooperative approach. This further strengthens the confidence of the Committee on the quality and value of these employees.

3.17.8.7. Considering the vastness and intricacies of the problem, the Committee constituted a Sub-Committee to consider in depth, all aspects of the problems of C & D employees of the GSI and with particular attention to :-

- (a) The regionalisation of cadres ;
- (b) Retionalisation of pay scales/grades ;
- (c) Career growth arrangements ;
- (d) Regularisation of contingent workers ;
- (e) Facilities for field personnel and
- (f) Welfare arrangements.

Recommendation
No. 73.

3.17.8.8. The Committee has considered the Report of this Sub-Committee and fully accepts their recommendations, which, inter alia, suggest the following main measures for immediate adoption to alleviate the problems of the main source of GSI's manpower strength and support :-

A. Regionalisation of cadres :

The Government orders for regionalisation (No. I-12/2/73/WSU/M. II, dated 15.10.1976) should immediately be modified in the following manner :-

- (a) Cadres, excluding technical and scientific streams, like, survey, drilling and drawing, etc. be appointed by the DDG of Regions below the maximum of Rs. 425/- per month,
- (b) Immediate transfer of employees of various cadres to rationalise the surplus/deficits at various regions/units, after fixing the number of posts, depending on workload.
- (c) The Staff Selection Commission of the Government of India be involved in conducting examinations for recruitment of general categories, even for the regionalised cadres.

4.6. The proposed full delegation of responsibility, accountability and authority to the working teams, in a task oriented approach (together with the recommended organisational set up), should generate a greater sense of involvement and lead to increasing degrees of participative management and much higher level of work output.

4.7. The recommended placement of all expensive equipment (be it a Drilling Rig or a laboratory instrumental analysis outfit) on multi-shift operation should lead to better utilisation of available resources and to greatly improved economy in operations, and help in reducing future demands for equipment.

4.8. As has been mentioned above, all the recommendations made in this report, form parts of a total interlinked and integrated package. It is important that this package is accepted as a whole by the Government. Any piecemeal acceptance may lead to more problems, than solution.

4.9. Additionally, most of the individual proposals arise out of the basic concept of having a Management Council which would bring both decision making and accountability close to the GSI. By having a combination of Government representatives and top officials of the GSI, and specialists from the country in both the scientific and managerial fields, this Management Council would be in a position to maintain and enforce accountability much more effectively than is feasible through a purely administrative set up like the Government Secretariat alone. It follows that the Secretary of the controlling Ministry, who would also be the Chairman of the Management Council, should use the Secretariat of the Management Council as his Secretariat for the GSI. The DG, GSI, and the Secretary of the Management Council should be accordingly empowered by the Government to the extent required. For the smooth running of the GSI, it would be essential that GSI matters, once dealt with by the Management Council, do not go back for further scrutiny to the Secretariat.

4.10. Lastly, the recommendations in this report would only provide the organisational structure and the environment in which the GSI can improve. For this improvement to actually take place, a vast number of scientists and other workers would have to be energised with enthusiasm for the proposed change.

Five steps would be vital for this :-

- (1) A very careful selection of the non-officials members of the Management Council so that not only capable persons but those who are prepared to devote the requisite time, are included as its members;
- (2) Government should give specific briefing to the Management Council, indicating what they want out of the GSI; requesting imaginative and harmonious working from the Management Council as a team;
- (3) Government will establish a convention of full delegation of its own authority to the Management Council;

Recommendation
No. 74.

3.17.8.9. The Committee agrees endorse the recommendations of this Sub-Committee which has reviewed all aspects of the problem and made specific suggestions for a revised scheme of regionalisation, regularisation of contingent workers, detailed proposals for rationalisation of grades and scales, besides concrete measures in the sphere of training, career growth welfare and facilities. (Appendix IV in Vol. II)

3.17.8.10. This Committee recommends immediate action for fixing cadre strengths, formulation of Recruitment Rules, identification of training programmes and inputs with certification, to link them with better cadre management of the large strength of supporting C and D employees of GSI as a follow up action of this report.

3.17.9. Administrative Procedures

3.17.9.1. As any organisation grows in size and starts operating from a multiplicity of bases, it finds it increasingly difficult to maintain consistency of approach in administrative decisions, GSI has had its share of such inconsistencies, and ad-hoc decisions, sometimes taken without full awareness of the relevant rules and rulings (scattered over innumerable letters, notifications and documents), have led to strong employee dissatisfaction.

3.17.9.2. It is, therefore, of great importance that GSI bring together, in one simple booklet, all rules, rulings and guide-lines, which a front line officer would need to know in the conduct of his studies and operations. In the process of preparing such an Officer's Handbook, GSI should also take steps to simplify rules, regulations and procedures as much as possible within the constraints of what may be required by Government norms.

3.17.9.3. Apart from this, the Administration wing of the GSI would in general have to work alongside the Finance wing in drive towards simplification of all procedures so that ineffective paper work can be drastically reduced, and the manpower resources properly released for productive output.

- (4) The Management Council, partly directly and partly through carefully selection teams, should arrange to explain to the rank and file the significance of the steps taken, how these would benefit the individuals and the organisation, and what role is expected out of each;
- (5) There has to be a change in the environment, and in thinking at all levels within the GSI, so that the organisation may be imbued once again with the spirit of adventure and exploration and a scientific approach to exploration (aided by modern techniques), necessary for any organisation of earth scientists. This spirit has to be backed by support services managed efficiently, on modern lines. All this calls for a change in the culture of the organisation, from the traditional to the modern, from the individual to the group (with specialist support).

4.11. After studying the structure of the Geological Survey of India the Committee also feels that several Government agencies and departments are today engaged in different aspects of geoscience activities, viz., GSI, MEC, ONGC, GGWB and so on. While each one of these organisations is no doubt doing its best to enhance the scientific capabilities of its own earth-scientists, there is no common forum of earth science for better interchange of views, co-ordination and to generate the right degree of inter-action. The Committee recommends that Government, particularly the Department of Mines, may take the lead in the formation of such a forum either in the form of an academy or an institution so that it can develop into a proper organisation providing better coordination and inter-action among the earth-scientists.

4.12. ACKNOWLEDGEMENT

4.12.1. A substantive part of the work of the Committee was over by October, 1977. In the short span of the first three months, the Committee could meet a large number of people, particularly eminent geoscientists including all retired Directors General of the GSI. The Committee takes opportunity again to acknowledge the valuable suggestions/advice given by all these eminent geoscientists.

4.12.2. The Committee acknowledges the help offered by DG, GSI, and all his scientists, colleagues and staff who have offered various suggestions to the main Committee during the deliberations and also in the preparation of the report of the various sub-Committees as well.

4.12.3. The Committee also wishes to acknowledge with thanks the contributions made to its study by all Associations/Unions of the employees of the GSI.

4.12.4. The Committee would also like to acknowledge the active help and involvement in the work of the Committee of S/Shri Subrata Sinha, B. N. Niyogi and some of their colleagues of the GSI, Y. P. Suri, D. N. Sood, Raghuvir Bhandari, A. K. Wahi, S. Venkatramani, Smt. H. Purba Rao and their colleagues of BHEL, R. S. Jain, K. N. Nayar and B. V. Subrahmaniam

SUMMARY OF RECOMMENDATIONS

Recommendation No.	Page No.	Para No.	Summary
1.	9	3.1.3.1	The Committee recommends the constitution of a Management Council which will be the forum of long term planning, policy formulation, operational sanctions, control and monitoring of the GSI's activities.
2.	11	3.1.4.1	The Committee recommends the setting up of an Executive Committee within the GSI.
3.	12	3.1.4.2	The Committee recommends that issues likely to affect the career and posting of the members of the EC shall be decided only by the Management Council.
4.	12	3.1.5.1	The Committee recommends that the MC should adopt a model for Regional Executive Committees.
5.	12	3.2.1.3	In order to improve the chain of command and to provide a better organisational design, the committee recommends the creation of a level of management to be designated Senior Deputy Director General on a fixed salary of Rs 2750/- per month below the Director General and above the Deputy Directors General Headquarters.
6.	13	3.2.1.4	The Committee further recommends that there should be at least four such positions to start with, to be designated as Sr. DDG (operations) Sr. DDG. (Scientific Services), Sr. DDG. (Engineering Services) and Sr. DDG. (Personnel) at the Central Headquarters.
7.	16	3.2.4.1	The Committee recommends that an experienced Industrial Engineering and Workshop

Recommendation No.	Page No.	Para No.	Summary
14.	19	3.3.5.2	Once a programme units or a set of programme units constituting a project has thus been identified and resources allocated, the team or project leader should have complete delegated authority of operation and should be held accountable through appropriate monitoring and control systems.
15.	20	3.4.3	The Committee recommends the inducting of a senior executive to be designated as DDG (Finance) in the pay scale of Rs. 2250-2750/-p.m. reporting to the DG, GSI at the Central Headquarters.
16.	21	3.4.3.1	The Committee recommends that the GSI should adopt a detailed form of financial accounting and cost accumulation, which enables Individual items to be grouped and regrouped in any form required by examination.
17.	21	3.4.3.2	For effective asset management, the committee recommends that, at least for internal management purposes, the GSI should establish a distinction between Capital and Revenue Expenditure and introduce the concept of depreciation accounting.
18.	21	3.4.3.4	The Committee recommends the scheme developed by the Finance Sub-Committee including a suggested organisational set up for the Finance and Accounts function, or any alternate scheme of devolution of powers and responsibilities, be one of the major tasks to be attempted and overseen by the Management Council.
19.	22	3.5.1	The Committee recommends that the activities of the GSI should be regrouped in accordance with suggestions as in page 22 (Please see Annexure 9 also)
20.	22	3.5.2	The Committee recommends that a matrix type organisational structure and working be intro-

Recommendation No.	Page No.	Para No.	Summary
54	42	3.17.1.8	For this training arrangements it is recommended the Director of Personnel (C & D employees) has to be helped by a full time officer to be known as Chief Training Officer (C & D employees) in the pay scale of Rs. 1300-1700/- per month as the category of training would be totally different and highly job oriented.
55.	43	3.17.1.12	To make his positions within the organisation commensurate with the responsibility, work load and background, the Chief Welfare Officer should have a pay scale of Rs. 1300-1700/- per month, However, the Welfare Officers in Regions should be on a scale of Rs. 1100-1600 per month.
56.	43	3 17.1.13	To provide a forum to the Chief Welfare Officer for interaction with the associations of the employees, the Committee recommends the formation of a staff Welfare Council, the details of which may be worked out by the MC.
57.	43	3.17.1.19	The Committee recommends that instead of present day Technical Secretary (a Senior Geologist) there be one Selection Grade Director to assist the Deputy Director General of each Region, who will be declared a head of the office and will perform all administrative and financial responsibilities pertaining to the Regional office. (Please see also paras 3.5.3 to 3.5.5)
58.	44	3.17.2.5	It is recommended that the GSI must have two channels open to its scientific personnel for career progression --

(1) One of these would be related to increasing levels of hierarchical responsibility, and

Recommendation No.	Page No.	Para No.	Summary
48.	38	3.14.2	The Committee recommends that the map printing organisation should be placed under a competent professional with both managerial and commercial experience in the field.
49.	39	3.15.3	It is recommended that the most suitable persons from amongst the scientists/experts available in the GSI in the various functional streams be identified and inducted to form nuclei/core groups under Sr. DDG (Scientific Services) immediately.
50.	40	3.15.5	The areas of Engineering Geology/Geotechnical and Environmental Geology need to be strengthened with creation of expertise for research in those fields to cope with the increasing demands for geological advice in the sectors of rural development, irrigation and flood control.
51.	41	3.17.1.2	The GSI must build up a modern personnel management organisation whose primary function would be planning, development and management of human resources.
52.	41	3.17.1.4	The Committee recommends that a competent and experienced person should be inducted to head the vital personnel management Wing immediately for the present from out side as Sr. DDG (Personnel) at a fixed pay of Rs. 2750/- per month.
53.	42	3.17.1.5	Three Director have to be selected, from amongst those inside the GSI, who have the right aptitude to take over responsibility of the following functions :- (1) Director of Personnel (A&B) (2) Director of Personnel (C&D); (3) Director of Administration.

Recommendation No.	Page No.	Para No.	Summary
			(d) standardise the basic equipment in use so that the number and variety of spares are drastically reduced, and support this measure by finding out the interchangeability of components; and (e) Introduce any one of the alternative possible modern stock recording and control system and a number of other standard materials management procedures so that the Stores Department can function as a much more efficient adjunct to the organisation with use of available computer facilities.
38.	32	3.9.2	The Committee recommends that the GSI should be permitted to take advance purchase action on the basis of past consumption pattern and norms to be set up for consumption.
39.	33	3.9.3	The Committee recommends that the GSI obtain the services of a fully trained and competent Materials Manager to head its Stores, Purchase and Inventory Control Wing at the level of Dy. DG. He will report to the Sr. DDG (Engineering Services). The Committee endorses the recommendations in the report of the Sub-Committee on Inventory Control, Stores and Workshop Management. (Appendix 2, vol. II).
40.	33	3.10.3	The Committee recommends that the entire plan of construction of integrated office accommodation should be condensed within a five year term; and that the GSI set up a suitable machinery to initiate and follow through all the steps of the programme in association with a competent architect group.
41.	33	3.10.4.	Along with office accommodation construction programme, the GSI has to develop a series of housing colonies as well.

Recommendation No.	Page No.	Para No.	Summary
			(iii) attempts should be made to operate expensive instruments on multi-shift basis; (iv) staff/equipment for sample/thin section preparations and for similar basic facilities should be augmented, because, in the absence of this work tends to get delayed and the more costly primary equipment has to remain idle. (v) jobbing work should be done by outside laboratories to clear the backlog; (vi) a few mobile laboratories with certain minimum specialised facilities should be made available where effective deployment depends on the availability of quick chemical analysis of samples; and (vii) laboratories should be equipped with modern basic equipment and a team can prepare a complete list of such necessary items of equipment, after taking into consideration the inventory of all the machines/equipment in these laboratories.
30.	30	3.7.5	The Committee recommends that there should be sufficient facilities of ore dressing and the equipment should be attached to the chemical laboratories of the CHQ and the relevant regions where integrated research studies should be carried out.
31.	30	3.7.6	As a first step, the committee recommends that any increase in demand on instrumental analytical facility should be met by GSI by placing their existing outfits on multiple shift operation and providing for adequate manning for preparatory and analytical work.
32.	30	3.7.7	There should be no further sanction for new equipment for instrumental analysis to the GSI without clearance of Management Council.

Recommendation No.	Page No.	Para No.	Summary
			(3) have a critical systems analysis and O & M type of examination in most areas, to fix cadre strengths in GSI offices, if necessary by a consultant.
72	52	3.17.7.6	The Committee recommends that till the time the whole cadre situation is reviewed by the Management Council, the recruitment of Geologist (Junior) should be carefully implemented.
73.	54	3.17.8.8	The Committee has considered the report of the Sub-Committee of C & D employees and fully accept the recommendations. (summarised in page 54-57).
74.	57	3 17.8.10	The Committee recommends immediate action for fixing cadre strengths, formulation of Recruitment Rules, identification of training programmes and inputs with certification, to link them with better cadre management of the large strength of supporting C and D employees of GSI as a follow up action of this report.

6. Shri K. M. Nayar, CME, GSI
7. Shri P. C. Banerjee, COS, GSI
8. Shri N. D. Mitra, Coal Division, GSI.
9. Shri A. K. Mukherjee, Drilling Engineer, GSI.
10. Shri T. Rajagopalan, Senior Mechanical Engineer, GSI-Secretary.

Committee No. C :

1. Dr. D. R. Udas, AMD-Convenor.
2. Dr. A. B. Dasgupta
3. Dr. M. V. N. Murthy, GSI WRO
4. Shri B. P. Radhakrishna Chairman, Chitradurga Copper Corporation.
5. Shri K. R. Paramesvar, BHEL
6. Shri S. N. Talukdar, Director, ONGC
7. Dr. R. Mitra, Oil India Ltd.
8. Dr. P. K. Banerjee, ERO, GSI-Secretary
9. Dr. A. K. Saha, Professor, Presidency College, Calcutta.

Committee No. D :

1. Shri K. R. Paramesvar, BHEL-Convenor.
2. Dr. G. R. Udas, AMD
3. Dr. A. B. Dasgupta
4. Dr. S. V. P. Iyengar, GSI.
5. Shri G. Ghosh, Department of Mines
6. Shri S. C. De, GSI-Secretary

Committee No. E :

1. Dr. M. V. N. Murthy, GSI-Convenor
2. Shri N. T. Srinivasan, BHEL
3. Dr. A. B. Dasgupta
4. Mr. Ratnam, Oil India Ltd.
5. Shri N. K. Mukherjee, GSI
6. Shri A. V. Krishnamurthy, GSI-Secretary.

2. All the committees will also look into the aspects relating to the terms of reference No. 11 in their respective areas and from the overall point of views also.

3. All the sub-committees are requested to come up with their views, recommendations and ideas after examination in the next meeting of the main committee on the 1st September, 1977. The final recommendation of all the sub-committees should be available to the main committee by the 30th September, 1977.

4. The official member may draw TA/DA as may be admissible to them. All expenditures incurred by non-Government Member in connection with the deliberation of these Sub-Committees and its tours will be made by the Department of Mines.

Sd/-

(G. Ghosh)

Deputy Secretary to the Govt. of India

experience of the Director-General, and other officers of the Geological Survey of India and independent experts and when required. The Committee may also co-opt in its deliberations, whenever required, any other member that it may deem fit or necessary.

(4) The official member may draw TA/DA as may be admissible to them. All expenditure incurred by non-Government members in connection with the deliberations of the Committee and its tours will be met by the Department of Mines.

(5) The Committee will submit its final report to Government by October, 1977. Interim recommendations may be made available by the Committee to Government from time to time even earlier to enable Government to take immediate action where necessary.

Sd/-

(K.N. Nayar)

Under Secretary to the Government of India
Telephone No. 388487

(2) To identify problems of personnel management and to suggest measures for improvement of the same including perspective manpower planning and appropriate recruitment, promotion and posting policies. This will also cover suggestions for appropriate career management policies of different cadres like Geologists, Geophysicists, Chemists, etc.

(3) To suggest measures for demarcating Headquarters and regional functions and to identify problems in the matter of Headquarters and field relationships, and to suggest measures for improvement.

(4) To examine the functions and structure of the regional and "Circle" set up of Geological Survey of India and to suggest measures for rationalisation of area management with adequate decentralisation of functions and responsibilities.

(5) To review the existing set up of class III and Class IV cadres and their dispersal in the regions and Headquarters, and to identify problem areas and to suggest improvements/rationalisation.

(6) To study the present system of supervision/control and delegation of administrative and financial powers exercised by various authorities in the Geological Survey of India at different levels and to make specific recommendations for improvement and rationalisation.

(7) To identify the problem areas in the present financial management including budgetary control, allocation of funds and methods of accounting and costing.

(8) To examine the present system of inventory control workshop and stores management and to suggest measures for improvement.

(9) To study and suggest improvements in the logistic support to field exploration programmes and field parties deployed in such explorations in the matter of equipment and other facilities for obtaining optimum results.

(10) To study and suggest improvement in more effective deployment of R & D efforts, including laboratory facilities.

(11) To examine the perspective deployment of Geological Survey of India's resources with the objective of optimum and purposeful utilisation of mineral resources for long-term economic development of the country, by utilising the Geological Survey of India's expertise, experience and studies.

(12) To study and suggest improvements in the data storing and retrieval system including information flow, control and feed back and also in the maintenance of libraries, records and dissemination of scientific literature, including publication arrangements and map printing.

3. The Committee may visit, besides the Geological Survey of India Headquarters, regional and circle headquarters and some field camps on a selective basis to make a first-hand assessment of the problems. During its deliberations, it will also consult and draw on the

No. J-11011/12/77-M2
Government of India
Ministry of Steel and Mines
Department of Mines

New Delhi, the 19th August, 1977.

OFFICE MEMORANDUM

Subject :- Constitution of a Committee to study the structure and performance of the Geological Survey of India.

In continuation of this Ministry's O. M. of even number dated August 1, 1977 regarding constitution of a Committee to study the structure and performance of the Geological Survey of India, the Government is pleased to appoint Dr. A. B. Dasgupta retired Managing Director of Oil India Limited, as a Member of the above Committee. He will also function as the Vice-Chairman of the Said Committee.

Sd/-
(G. Ghosh)
Deputy Secretary to the Government of India

ITINERARY OF THE MAIN COMMITTEE
(August, 1977-December, 1977)

Venue		Date
1. Calcutta (GSI CHQ Office)	August	12-14
2. Hyderabad (GSI SR Office)	"	25-26
3. Calcutta (GSI CHQ Office)	September	1-3
4. Lucknow (GSI NR Office)	"	15
5. New Delhi (Deptt. of Mines)	"	16
6. Nagpur (GSI CR Office)	"	21
7. Jaipur (GSI WR Office)	"	24
8. Shillong (GSI NER Office)	October	1-2
9. Bangalore (GSI AMSE Office)	"	6
10. New Delhi (Deptt. of Mines)	"	11
11. Hardwar (BHEL)	"	12-14
12. New Delhi (Deptt. of Mines)	December	18

NO.J-11011/12/77-M.2
Government of India
Ministry of Steel and Mines
Department of Mines

New Delhi, the 27th October, 1977

OFFICE MEMORANDUM

Subject :- Constitution of a Sub-Committee of the Committee to study structure and performance of the GSI.

It has been decided to constitute a Sub-Committee of the Committee to study the structure and performance of the GSI, to go into the details of the various problems of cadre management of Class C and D staff of the GSI and the particular those relating to the regionalisation of Class C and D Cadres, contingent staff etc. The Membership of the Committee would be as under :-

- (i) Shri G. Ghosh, Dy. Secretary,
Department of Mines &
Member Secretary of the Committee to study
the structure and performance of the GSI.
- (ii) Shri M. S. Bhatnagar, Dy. Secretary,
and Dy. Financial Adviser to the
Ministry of Steel & Mines. ... Representative of
the Ministry of
Finance (Deptt.
of Expenditure).
- (iii) A representative of the Deptt. of
Personnel and Administrative Reforms.
- (iv) Shri Subrata Sinha, Director,
Geological Survey of India, Calcutta.
- (v) Shri S. C. De, Director of Administration,
Geological Survey of India. ... Convenor.

2. The above sub-Committee will complete its study and submit its report to the Main Committee by the 15th December, 1977.

Sd/-
(K. N. Nayar)
Under Secretary to the Government of India

Dr. A. K. GHOSH
Additional Secretary

D.O. No. J-11011/12/77-M-2
Ministry of Steel and Mines
Department of Mines,
Shastri Bhawan,
New Delhi.
16th August, 1977

Dear Colleague,

The GSI, as is well-known, is the premier scientific agency in the country in regard to geological activities including mineral exploration, etc. It has had a long tradition of scientific contribution for the last 125 years. Since Independence it has been expanded considerably to meet the growing needs of not only mineral-based industries but also of various other development activities (like engineering geology, etc.) It has been able to fulfil many of these functions admirably inspite of problems of manpower availability for the rapidly expanding duties, and lack of supporting facilities including laboratory facilities. The young geologists particularly have carried out the field work assigned to them in difficult terrains and produced voluminous data as a result of which new discoveries have become possible.

2. Any organisation undergoing rapid expansion to meet such demands (which have also diversified over the years) has to face various problems. It is now felt that to ensure maximum utilisation of the expertise available in the Department, and also to ensure that it can continue to play this role in the years to come without any problem, it is necessary to identify the areas where strengthening and rationalisation of the organisation is required. With this intention Government has constituted a seven-member Committee of which I have been designated as the Chairman. The names and addresses of the other six members are enclosed for your information.

3. The study which this Committee will carry out would involve an appreciation of the present organisation and structure of the GSI and also to suggest various means of strengthening/rationalising the same to achieve the optimum results.

4. Although the time available to the committee is limited, it is our intention to get as wide a spectrum of views as possible, so that it will be able to come to worthwhile decisions for implementation by Government. If the Committee has to fulfil the expectation of not only the Government but also that of the GSI, it will need your active help and co-operation in providing with your free and frank suggestions in regard to any aspect. This may be sent directly to any member of the Committee by 15th of September latest. You are also welcome to meet any of the members of the Committee if you so desire. All views expressed would be taken into consideration in the proper perspective, before the Committee arrives at its final recommendations.

5. For your ready reference a copy of the terms of reference of the Committee is also enclosed.

Yours sincerely,



(A. K. Ghosh)

List of-Employees' Group Representative organisations with whom Committee discussed/received memoranda :

Group A & B

1. GSI Scientific Officers' Association
2. Association of Geophysicists, GSI.
3. Association of Chemists of Geological Survey of India
4. GSI Drilling Officers' Association
5. Mechanical Engineers' Association
6. GSI Technical Officers' Welfare Organisation
7. Administrative Officers Association, GSI.

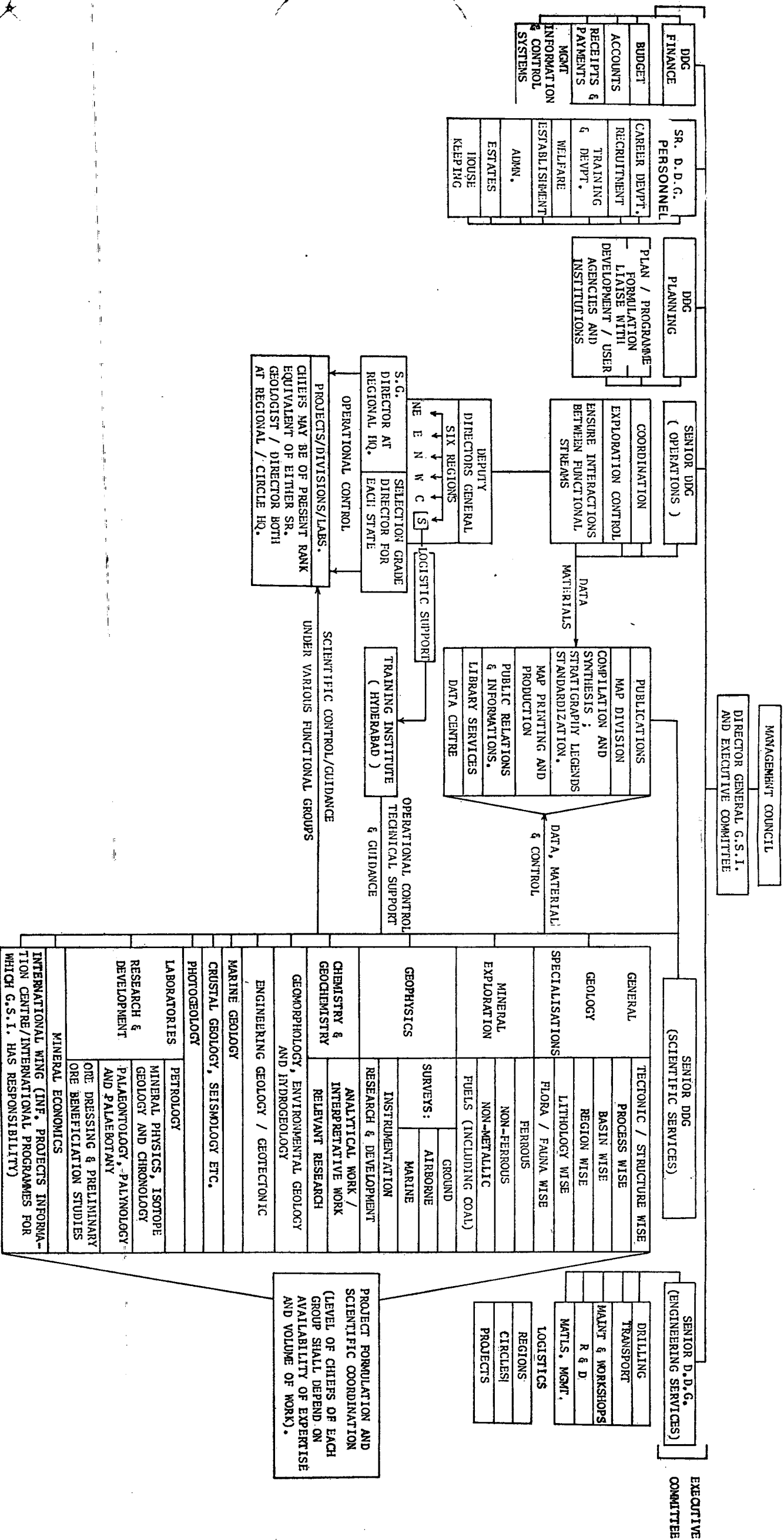
Group C & D

8. GSI Employees' Association
9. GSI Staff union
10. GSI Class IV staff Union
11. GSI Class IV Karamchari Union
12. GSI Scheduled Castes/Scheduled Tribes Employees' Council
13. P. C. Ramkrishnaiya Group of Employees.

Recommendation No.	Page No.	Para No.	Summary
			modes and concepts, the Committee recommends that selective lateral entry should be adopted for getting in competent individuals at all levels of the organisation, and in all disciplines.
67.	49	3.17.5.3	The transfer policy should definitely be linked with time span and continuity of a project. Nobody associated with a sanctioned project should be disturbed till its completion, including the period of report writing and follow up action if any.
68.	50	3.17.6.5	The entire task of training would be complex and an integral part of a career development policy and the co-ordinating function would have to be the primary responsibility of the Director of Personnel concerned. He would, however, if necessary seek assistance and guidance in individual cases from appropriate senior officers within the organisation and maintain close liaison with the Director of Training Institute.
69.	51	3.17.6.8	The Committee endorses the report of the Sub-Committee on the Training Institute completely and recommends its immediate shift from Raipur to Hyderabad.
70.	51	3.17.6.10	The Committee also recommends the formation of an Advisory Committee or the Training Institute by the MC at the earliest to help in formulation of its courses and review its work, from time to time.
71.	52	3.17.7.2	The committee feels that before seeking further increase in manpower :- (1) GSI must have key people recommended in position. (2) the proposed organisational structure get well on its way towards implementation; and

NEW ORGANISATIONAL STRUCTURE & DETAILS OF ACTIVITY GROUPING

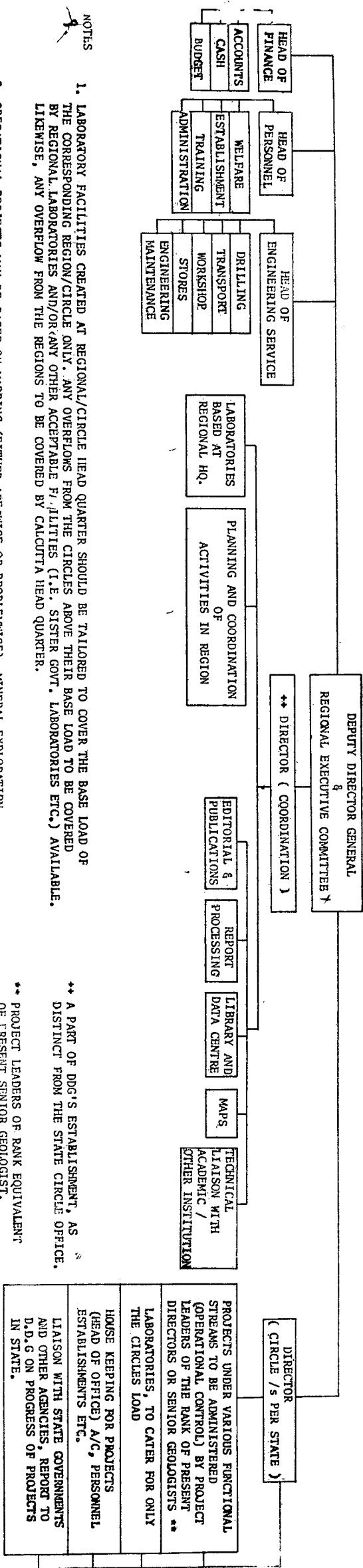
ANNEXURE - 9



**ORGANISATIONAL STRUCTURE
SHOWING INTER-RELATIONSHIPS
BETWEEN H.QRS., REGIONS & CIRCLES**

REGIONAL AREA-WISE OPERATIONS (CONTROL & LOG SUPPORT) UNDER SR. DDG (OPERATIONS)				
R E G I O N - 1			R E G I O N - 2	
DY. DIRECTOR GENERAL			DY. DIRECTOR GENERAL	
CIRCLE - 1	CIRCLE-2	CIRCLE-3	CIRCLE-4	CIRCLE-5
SEL.GR.DIR.				
PROGRAMME UNITS 3				
LANDUSE MAPS			PU ₃	
INVENTORY OF RESOURCES			PU ₃	
GEOLOGICAL MAPPING				
AREA-WISE COVERAGE				
STUDY OF SPECIAL GEOLOGICAL BELTS				
STUDY OF SPECIAL GEOLOGICAL/GEO CHEMICAL & GEOPHYSICAL PROBLEMS				
SYSTEMATIC MINERAL INVESTIGATION				
SR. D.D.G. (ENGINEERING SERVICES)				
D.D.G (FINANCE)				
D.D.G. (PLANNING				
SR. D.D.G. (PERSONNEL)				
PERSONNEL & ADMINISTRATION				

ORGANISATIONAL STRUCTURE OF THE REGIONS



NOTES

- LABORATORY FACILITIES CREATED AT REGIONAL/CIRCLE HEAD QUARTER SHOULD BE TAILORED TO COVER THE BASE LOAD OF THE CORRESPONDING REGION/CIRCLE ONLY. ANY OVERFLOWS FROM THE CIRCLES ABOVE THEIR BASE LOAD TO BE COVERED BY REGIONAL LABORATORIES AND/OR ANY OTHER ACCEPTABLE FACILITIES (I.E. SISTER GOVT. LABORATORIES ETC.) AVAILABLE. LIKEWISE, ANY OVERFLOW FROM THE REGIONS TO BE COVERED BY CALCUTTA HEAD QUARTER.
- OPERATIONAL PROJECTS MAY BE BASED ON MAPPING (EITHER AREAWISE OR PROBLEMWISE), MINERAL EXPLORATION, GEOMORPHOLOGY, ENVIRONMENTAL GEOLOGY, HYDROGEOLOGY, ENGINEERING GEOLOGY/GEO-TECHNICAL, GEOPHYSICAL, GEOCHEMICAL ETC. ACCORDING TO THE CATEGORY OF THE WORK, SOME ITEMS WILL BE UNDER THE DIRECT CONTROL OF THE SELECTION GRADE DIRECTOR CONCERNED. IN SOME OTHERS, LIKE SYSTEMATIC MINERAL EXPLORATION, WHICH WILL BE DIRECTED FROM THE CENTRE, HIS RESPONSIBILITY WOULD BE LIMITED TO THE PROVISION OF LOGISTIC AND ADMINISTRATIVE SUPPORT. IN ALL CASES THE SGS AND THE PROJECT LEADERS SHOULD SEEK PROFESSIONAL GUIDANCE WHENEVER NECESSARY FROM SPECIALIST GROUPS UNDER THE CONTROL OF SR.D.D.G (SCIENTIFIC SERVICE).

- ** A PART OF DDG'S ESTABLISHMENT, AS DISTINCT FROM THE STATE CIRCLE OFFICE.
- ** PROJECT LEADERS OF RANK EQUIVALENT OF PRESENT SENIOR GEOLOGIST.

TABLE SHOWING THE NEW POSTS PROPOSED BY THE COMMITTEE

Sr. No.	Designation	No. of Posts	Function	Scale of Pay
1.	Senior Deputy Director General	4	(a) Operations (b) Scientific Services (c) Engineering Services (d) Personnel	Rs. 2750/- (fixed)
2.	Deputy Director General	5	(a) Finance (b) Planning (c) Materials Management *(d) Geophysics *(e) Geochemistry	Rs 2250- 2750/-
3.	Chief Engineer	1	Drilling, Workshops Maintenance	Rs 2250- 2750/-
4.	Director (Selection Grade)	15	(a) State Circles (b) Regional Coordination	Rs. 2000- 2250/-
5.	Director (Personnel)	2	(a) 'A'/'B' employees (b) 'C'/'D' employees	Rs 2000-2250/- or 1500-2000/-
6.	Director (Administration)	1	+ General Administration	Rs 2000-2250/- or 1500-2000/-
7.	Director (Training Institute)	1		Rs 2000-2250/-
8.	Chief Welfare Officer	1		Rs 1300-1700/-
9.	Staff Training Officer	1		Rs 1300-1700/-
10.	Welfare Officer (Regional)	6		Rs 1100-1600/-

- (i) Three existing posts of DDG-Coal, AMSE and CHQ to be abolished.
- *(ii) Existing posts (one each) of Chief Geophysicist/Chief Chemist (Rs. 2000-2500 p.m.) to be upgraded.
- + (iii) Scale of present post of Director (Administration) to be changed.
- (iv) Apart from Sl. Nos. 4-7, all other posts of present Directors to be redesignated as Superintending Geologist in the same scale, with posts under 4-7 being called 'Director' only.

CAREER GROWTH F

SALARY SCALE	7 YEARS		10 YI
	Rs. \$50-900	Rs. 650-1200	Rs. 700-40-900-50-1000 EB Rs. 1050-
	S.T.A.	ASST. SCIENTIST	JUNIOR SCIENTIST SR. SCI
BROAD DUTIES	INCREASING SCIENTIFIC, INTEGRATIVE & MANAGERIAL EXPERTIS		
ENTRY POINTS	LATERAL ENTRY AT ANY POINT FOR PROPERLY AND EXPERIENCED PERSONNEL.		
SELECTION PROCEDURE	DEPTT SELECTION COMMITTEE	D.P.C. QUOTA U.P.S.C. EXAM.	SELECTION PROCEDURE TO BE DEVISED IN C EB EVALUATION BY SPECIAL COMMITTEE
TRAINING INPUTS	ON THE JOB ORIENTATION	TRAINING INSTITUTE & ORIENTATION FOR ONE YEAR AT THE ENTRY POINT (ASST./JR. LEVEL)	PERIODIC INPUTS, AS CONVERSION COURSES

A MODEL OF
CAREER GROWTH FOR GEOSCIENTIST IN GSI (PROPOSED)

- 1. GEOLOGISTS
- 2. GEOPHYSICISTS
- 3. CHEMISTS
- 4. MINERAL PHYSICISTS

		7 YEARS	10 YEARS	6 YEARS	
	Rs. 550-900	Rs. 650-1200	Rs. 700-40-900-50-1000	EB Rs. 1050-50-1500	EB Rs. 1560-60-1800-100-2000
POSITION	S.T.A.	ASST. SCIENTIST	JUNIOR SCIENTIST	SR. SCIENTIST	SUPTDG. SCIENTIST
BROAD DUTIES					
ENTRY POINTS			INCREASING SCIENTIFIC, INTEGRATIVE & MANAGERIAL EXPERTISE		
SELECTION PROCEDURE	DEPTT SELECTION COMMITTEE	D.P.C. QUOTA U.P.S.C. EXAM.	LATERAL ENTRY AT ANY POINT FOR PROPERLY QUALIFIED AND EXPERIENCED PERSONNEL		
			SELECTION PROCEDURE TO BE DEVISED IN CONSULTATION WITH U.P.S.C. D.P.C. QUOTA & U.P.S.C. EXAM.		
TRAINING INPUTS	ON THE JOB ORIENTATION	TRAINING INSTITUTE & ORIENTATION FOR ONE YEAR AT THE ENTRY POINT (ASST./JR. LEVEL)	PERIODIC INPUTS, AS REQUIRED, OR REFRESHER/ CONVERSION COURSES AND OTHER TRAINING MODELS		
			ADVANCED SHORT DURATION PROGRAMMES, AS PER JOB REQUIREMENTS.		

Rs. 2000 - 2250	Rs. 2250 - 2750	Rs. 2750/-	Rs. 3000/-
SEL. GR. DIRECTOR	DY. D. GENERAL	SR. DDG	D.G.
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(B) SPECIALISTS (FLEXIBLE; SPECIAL COMMITTEE FOR SELECTION ON MERIT / REQUIREMENTS)			
ADVANCED SHORT DURATION PROGRAMMES, AS PER JOB REQUIREMENTS.			