

## FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, .....BENCH

OA/TA/RA/CP/MA/PT O.A. 134 of 20.90

Sewraj Prakash in CCP 12192 Applicant(S)

Versus

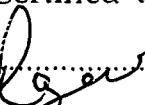
U.O.I. Respondent(S)

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Certified that the file is complete in all respects.



Signature of S.O.



Signature of Deal. Hand

(AU)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
LUCKNOW

C. A. No. .... 134/90

Suraj Prakash ..... Applicant.

vs.

U. O. I. & Ors. ..... Respondents.

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

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

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

This application under Section 19 of the Administrative Tribunals Act, 1985 has been filed challenging the orders dated 02.08.89 and 14/21.09.89 contained in Annex.A-8 & A-9 to the application rejecting extension of selection grade to the officers of Administrative and Financial Streams working in the Geological Survey of India (G.S.I.).

2. The applicant joined Geological Survey of India (G.S.I.) as Regional Administrative Officer (R.A.O.) in 1977, after selection by U.P.S.C. On the Basis of Fourth Commission's recommendation, 'Selection Grade' was introduced in G.S.I. benefitting 244 officers out of 284 at the level of Directors. However, this benefit was confined only to Scientific and Technical Streams and not to the Administrative and Financial Streams. Aggrieved by this, the applicant made representations to the authorities but his request was rejected on the ground that he was not holding the post in the 'Organised Cadre'.

3. It is stated by the applicant that he belongs to General Central Service Group 'A' and the Administrative Stream is a constituent of the cadre structure of G.S.I.

and that the order dated 13.03.1987 issued by the Ministry of Finance conveying sanction of selection grade does not mention about the 'Organized Cadre' and that all the posts in G.S.I., of the level of Junior Administrative Grade, have to be taken into consideration for working out the number of selection grade posts. There are 21 posts in the Administrative Stream and 15% of this works out to 3, as such 3 posts in the Administrative Stream should be upgraded to Selection Grade. It is further stated that the 'Stores Stream' which is also a part of administrative wing, has been considered for selection grade and one post has been created as 'Selection Grade Post'. The denial of the same to Administrative & Finance Wing amounts to discrimination.

4. The stand of the respondents is that the Administrative & Financial streams have not been included for the benefit of 'Selection Grade' because they do not constitute an 'Organized Cadre' in that the criteria of Direct Recruitment upto 50 per cent to the posts is not satisfied in these streams.

5. We have heard the counsel for the parties and also perused the record. The only ground on which the Administrative & Financial streams have not been included for consideration of 'Selection Grade' is that this is not an 'Organized Group-A' service, since the criteria laid down for considering a service as an 'Organized Group' is not satisfied. The said ground is not found in 'Organized Grade'.

6. We have given our careful consideration to the office memorandum dated 14.08.1987 (Annex, A-3) relied upon by both the sides. The memorandum reads as under:

" No. 19/1/86-PP  
Ministry of Personnel, Public Grievances  
and Pensions,  
(Department of Personnel & Training)  
(PP Division)

6th Floor, Nirvachan Sadan  
Ashoka Road, New Delhi - 1

Dated- the 14th August, 87.

OFFICE MEMORANDUM

**SUBJECT:** Recommendation of the Fourth Central Pay Commission - Orders regarding Selection Grade in Group-A Services.

....

The undersigned is directed to say that pursuant to the recommendation of the Fourth Pay Commission regarding Selection Grade posts for Group 'A' Central Services, the President is pleased to decide that in all Group 'A' Central Services the number of posts in the Selection Grade shall be equal to 15% of the Senior Duty Posts (i.e. all duty posts at the level of Senior-Time-Scale and above in the cadre). However, there shall be no increase in the overall strength of the cadre. An Officer appointed to the Junior Administrative Grade will be granted Selection Grade, if he satisfies that condition prescribed in paragraph 3 and 4.

2. It has been noted that, save in few cases, the formula of 15% of Senior Duty Posts will yield figure which is less than the number of posts sanctioned in the Junior Administrative Grade. Hence, there will be no difficulty in implementing the decision. However, in a few cases, the formula yields a figure which is slightly higher than the number of posts sanctioned in the Junior Administrative Grade. It is made clear that in respect of these services, the number of posts in the Selection Grade will be limited to the number of posts sanctioned in the Junior Administrative Grade.

3. Appointing to the Selection Grade and so posts carrying pay above the Junior Administrative Grade Scale of pay in Group 'A' Central Services shall be made by selection on merit with due regard to seniority.

4. No member of the service shall be eligible for appointment to the 'selection grade' until he has entered the fourteenth 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 member was recruited.

5. Appointment to the Selection Grade shall be made by a Committee to be constituted internally and the cases relating to appointment shall continue to be sent to the E.O. Division of this Department for obtaining the prior approval of the Appointment Committee of the Cabinet. This provision shall not apply to such of the Departments as have been specifically empowered to make appointments at this level within their own competence.

6. This supersedes instructions contained in this Department's O.M. No. 5/12/79-PP-II, dated the 31st July, 1982. Accordingly, the condition regarding stagnation at maximum of Junior Administrative Grade for two years for promotion to Selection Grade contained therein, is hereby removed.

7. The orders regarding fixation of pay on appointment to Selection Grade will be issued separately.

8. These orders will take effect from 01.01.1986.

9. ....  
.....  
(Hindi version will follow) "

  
Sd/-  
( V.P. UPPAL )  
Director (PP)  
Phone : 381364

7. From a reading of the above memorandum, it is evident that the recommendation of the Fourth-Pay-Commission regarding grant of selection grade, which was accepted by the President, is in respect of all Group 'A' Central Services subject to satisfaction of the conditions laid down in paras 3 & 4 of the said memo. There is no mention of 'organised service' as a pre-condition for the benefit of selection grade. Further it is noticed that in para 6, there is clear indication that these instructions supersede the earlier instructions contained in O.M. No. 5/12/79-PP/II dated 31.07.82. The conditions governing grant of selection grade as laid down in paras 3 & 4 read together with the clarification in para 6, indicate that the above memorandum is self-contained in all aspects and not to be read in continuation of any other previous instructions/orders on the subject. The learned counsel for the Respondents has not brought to our notice any instruction/order to the effect, that the previous instructions/orders on the subject continue to operate notwithstanding the above memorandum. In para 10(a) of the reply the respondents reiterated their stand that 'selection grade' is applicable only to Organised Group 'A' Central Service according to O.M. No. 5/12/79-PP-II dated 31.07.82 and further clarified in O.M. dated 06.01.1989, we have carefully examined these references. As observed by us earlier, the O.M. dated 31.07.1982 stood superseded vide para 6 of O.M. dated 14.08.1987 (Annex. A-I) and the term 'Organised Service'

no doubt appears in O.M. dated 06.01.1989, but this is by way of clarification of O.M. dated 14.08.1987, and the clarification cannot impose fresh restrictions, and to the extent, they are contrary to the main orders, they cannot be acted upon and are not valid.

8. The Department has also taken up this matter with the Ministry concerned, duly recommending the case of the applicant (Annexure A-3, A-4 & A-7). It is stated in these letters that the Administrative & Financial Streams are very much within the cadre structure of G.S.I. and G.S.I. is an 'Organised Service'. It is also mentioned that in 1982, no post of 'Selection Grade' was created in the Administrative & Financial Streams due to the fact that there was only one Junior Administrative Grade post in the stream, and consequently, the creation of Selection Grade was not considered but now the position is different, and there are number of officers eligible to be considered for 'Selection Grade'.

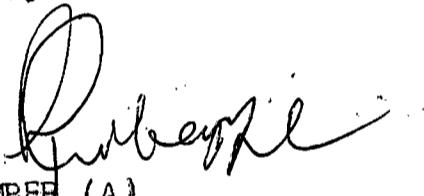
9. The learned counsel has also brought to our notice the decision of the Principal Bench of this Tribunal dated 17.05.1990 in O.A. No. 119 of 1988 (Kashmira Singh v. U.O.I.O. wherein the contention that the benefit of Selection Grade is applicable only to 'Organised Central Civil Service Group 'A'' was rejected by holding that the recommendation of Fourth-Pay-Commission, and orders issued in O.M. dated 14.08.1987 covering all General Central Services Group 'A'. We agree with this finding, and hold that the issue is settled.

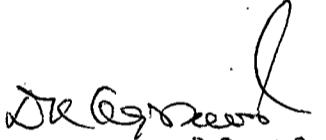
10. It is the case of the applicant which is not denied by the respondents that in the 'Stores Stream' also, there is no direct recruitment upto 50-per cent; as such it is also not an 'Organised Service', but one post has been upgraded as 'Selection-grade-post' in the Stores stream. That being the case, we see no justification, 'why the personnel in the Administrative & Financial Streams should be deprived of the benefit of Selection Grade'. There is nothing in the order

(A)

of the Department of Personnel (Annexure A-I) to suggest that the Administrative & Financial Streams are not entitled for Selection Grade. From this, it follows that orders dated 02.08.89 & 14/21.09.89 (Annexure A-8 & A-9) rejecting grant of Selection Grade to the applicant, cannot be sustained, and are accordingly quashed.

11d In the light of the discussions above, we direct that the post of 'Selection Grade' be created in the Administrative & Financial Streams. With regard to the prayer for promoting the applicant to the 'Selection Grade', that has to be considered on merit and the department may consider this, as per the rules and conditions laid down in the Govt. Order (Annexure A-I). We dispose of this application with the direction as above; in the circumstances parties to bear their costs.

  
MEMBER (A)

  
De Gyanwar  
22.11.90  
MEMBER (J)

November 22, 1990.  
Allahabad.

(karn)

## CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

R.R.R.

Date of filing \_\_\_\_\_  
 Date of filing 17-4-80  
 Date of filing \_\_\_\_\_  
 Date of filing \_\_\_\_\_

Registration No. 134 of 1980

APPLICANT(S)

Surya Prakash

L

RESPONDENT(S)

C.S.I.

Particulars to be examinedEndorsement 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 cause 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 pageing 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 ? ✓

✓

✓

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<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11. Are the application/duplicate copy/spare copies signed ?	Ys
12. Are extra copies of the application with Annexures filed ?	Ys
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 ?	No
14. Are the given address the registered address ?	Ys
15. Do the names of the parties stated in the copies tally with those indicated in the application ?	Ys
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	NA
17. Are the facts of the case mentioned in item no. 6 of the application ?	Ys
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 ?	Ys
19. Whether all the remedies have been exhausted.	Ys

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18.4.1990

Hon'ble Mr. D.K. Agrawal, J.M.  
 Hon'ble Mr. P.S. Habib Mohammad, A.M.

Km. S. Srivastava, for the applicant is present.

Heard, learned counsel.

Issue notice to the respondents to, show cause as to why, the petition be not admitted. The respondents may file counter affidavit at the admission stage itself.

Let, notice for Union of India, be served on Senior Standing Counsel, Govt. of India. Counter be filed within 4 weeks, hereof and rejoinder, if any, be filed within 2 weeks, thereafter.

List it on 03.7.1990 for orders on which date the case will be finally disposed of.

Sd/-	Sd/-
A.M.	J.M.

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or  
 Notice given  
 on  
 24/4/90  
 Q

3-7-90 No sitting Ady. to 18/7/90.

18-7-90 No sitting.

Ady. to 28/8/90

28-8-90 Hon. Mr D.K. Agrawal, J.M.  
 Hon. Mr K. Obayya, A.M.

On the request of Shri A.K. Chatterjee, barrister-at-law of Km. Sudha Srivastava, Counsel for the applicant, the case is adjourned to 29-8-90. Shri V.K. Chaudhary is present for O.P. M.P. 513/93 is allowed.

or  
 Shri V.K. Chaudhary filed CA with along with application for condonation of delay. delay  
 Served on the applicant also  
 RA filed  
 Submitted for order.

24/8/90

rrm/

J.M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD

O.A. No.  
70/An.

13A OF 1990

DATE OF DECISION

Sugandh Parashar Petitioner

Mrs. Sunita Srivastava Advocate for the Petitioner(s)  
Versus

Union of India & Ors. Respondent

Shri V. K. Chaudhary Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. D. K. Agarwal, J.M

The Hon'ble Mr. K. Chatterjee, 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/

A/  
I  
Compilations No. I

Registration No 134/1990(L)

Suraj Parkash

versus

The Union of India & Others

Sardana Sivastava  
Advocate.

20/8. 0

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDL. BENCH  
ALLAHABAD *Circuit-Bench Lucknow*

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## I N D E X

IN

COMPILATION NO. ONE

IN

O.A. NO. 134 /1990 (2)

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

Suraj Parkash

•Applicant

## Versus

Union of India & others.

••Respondents•

Sl. No. Particular of documents.

Page No. \_\_\_\_\_

1. Petition.

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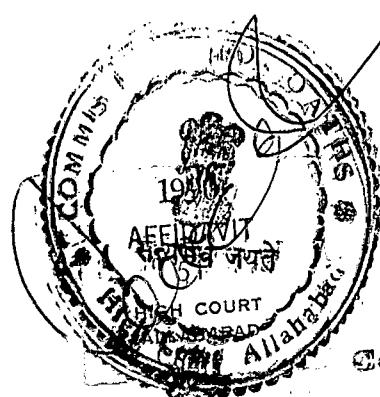
2. Annexure-A-8.Order of Respondent no.1  
dated 2.8.89.

24-25.

3. Annexure-A-9. Order dt.14/21-8-89 26.  
passed by Respondent No. 3.

DT 1 APRIL 1990.

*Shivshankar*  
COUNSEL FOR THE APPLICANT



Central Administrative Tribunal  
Circuit Bench  
Date of Filing 17-4-80  
Date of Receipt by Post.....

✓ Deputy Registrar (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDL.BENCH

A L L A H A B A D.

.....

ORIGINAL APPLICATION NO. 134 /1990/

(Under Section 19 of the Administrative  
Tribunals Act, 1985 )

Suraj Prakash  
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.
2. Secretary, Ministry of Steel & Mines,  
Department of Mines, New Delhi.
3. Director General, Geological Survey of India, 27, J.L. Nehru Road,  
Calcutta-700016.

....Respondents.

*Abu*

*Shivender*

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DETAIL OF THE APPLICATION

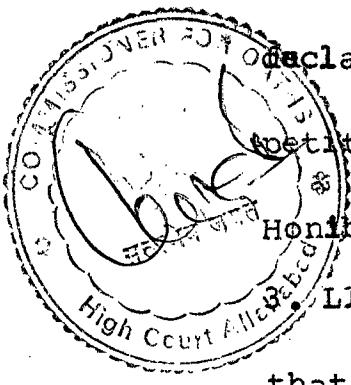
1. PARTICULAR OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The present application has been filed against the order No. 16/1/89-PP dated 2nd August 1989 passed by Respondent No. 1 and also Order No. A 11013/1/88.M.2(A) New Delhi, dated 14/21st August 1989 passed by the Respondent no. 3. Relief has also been sought that this Hon'ble Tribunal may also create a post of Selection Grade in Group A services in Junior Administrative Grade level in Administrative Stream of Geological Survey of India in pursuance of petitioner's representation dated 20.3.89 and 7.2.90 and also recommendation/representation dated 20.6.89 issued by respondent no. 2 to respondent no. 1.

2. JURISDICTION OF THE TRIBUNAL : The applicant

declares that the subject matter of the present petition is within the jurisdiction of this Hon'ble Tribunal.

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.



*Shivendra*

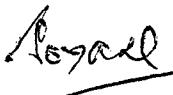
*Copy attached*

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## 4. FACTS OF THE CASE :

The facts of the present case are given below :

(1). That the Respondent No.1 has issued a letter on 14th August 1987 accepting the recommendation of IVth Pay Commission Report regarding the selection grade of Group A services through which it has been decided that in all Group A Central Services a number of posts in the selection grade shall be equal to 15% of the Senior Duty Post but there shall be no increase in the staff of strength of the cadre. It was also mentioned that the Junior Administrative Grade Officer shall be granted selection grade by selection on merit with due regard of the seniority and no such officer shall be eligible for the appointment to the selection until grade ~~xxxxxx~~/he ent~~as~~sed the fourteenth years of service on 1st July of the year calculated from the year following the year of examination on the basis of which the members were recruited. Through the said letter the instructions issued by the Respondent no.1 on 31st July 1982 was also superceded and the condition regarding stagnation at maximum of Junior Administrative Grade for two years for promotion to Selection Grade was removed. A photostat copy of the aforesaid letter



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dated 14.8.1987 is enclosed herewith and marked as

Ann-1. Annexure - A- 1 to this petition.

(2). That under the control of respondents no.1 and 2 there are nine streams under which the officers are working in the Department which reads as under :-

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

(3). That in pursuance of the aforesaid policy letter dated 14th August 1987 issued by the respondent No.1, the respondent no.2 has issued a letter on 15th June 1988 creating certain posts of Selection Grade in various Scientific and Technical Streams in Geological Survey of India w.e.f. 1st January 1986. A photostat copy of the order dated 15th June 1988 is enclosed

Ann-A.2. herewith and marked as Annexure A- 2 to this petition.

The perusal of the aforesaid order would go to show that

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S. Srinivas

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244 posts of Directors (Selection Grade) in all the streams mentioned above excluding one, i.e. Administrative Stream, have been created out of existing 284 posts of Director.

(4) That the respondent no.3 has referred the matter regarding creation of Selection Grade post in Group A service of Geological Survey of India, to the Respondent no.2, through which the attention was drawn towards the item no. nine mentioned above, i.e. regarding the Administrative Stream. It was stated that no selection Grade post have been created in the said Stream. Though the Administrative Stream is very well within the structural category of Geological Survey of India. A photostat copy of the letter dated 7th June 1988 is enclosed herewith and marked as

Ann-A.3 Annexure A-3 to this petition.



That the respondent no.3 again addressed a letter to respondent no.2 regarding creation of Selection Grade post in Group A services in Geological Survey of India and it was stated that the Geological Survey of India is being treated as an organised services and such the post of Selection Grade in Junior

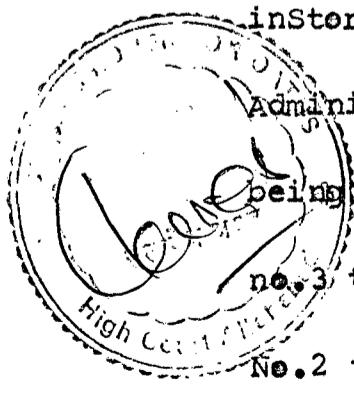
*SSivadas*

*Agarwal*

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Administrative Grade were created. In the said correspondence it has been highlighted that in the year 1982, i.e. immediately after the report of Third Pay Commission, the similar contingency arisen and at that time also in certain streams of Geological Survey of India, post of Selection Grade were created and at that time in the Administrative and Finance Stream of the Department no post of Selection Grade were sanctioned and perhaps because of only one Junior Administrative Grade level sanctioned post in each Administrative and Finance Stream and the incumbent holding the said post were not stagnating for two years after reaching the maximum of the scale. In the Store Stream also no Selection Grade post were sanctioned in the year 1982, but after the recommendation of IVth Pay Commission, one post of Selection Grade



in Store Stream has been sanctioned whereas in the Administrative and Finance Stream no such post was being sanctioned. An attempt was made by the respondent no. 3 to ~~expound~~ make it clear before the Respondent No. 2 that the position of the Store Stream was worst than the Administrative and Finance Stream in the year

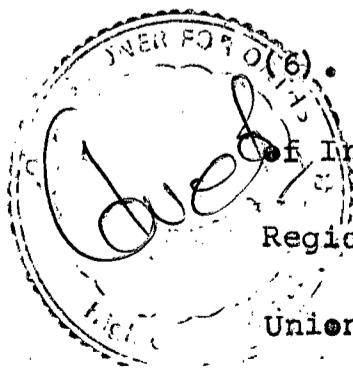
*Dr. refi*

*Aoyal*

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1982 as in the Store Stream there was no Selection Grade post in Junior Administrative Grade level, whereas in the Administrative & Finance Stream one Junior Administrative Grade level selection post was there, but the post were created because of the fact that the officer who was holding the said post could not reach to the stagnating point. Since the case of the Store Stream has been considered and a selection grade post has been created after the recommendation of IV th Pay Commission and as such by not sanctioning any post of Selection Grade in Administrative and Finance Stream will be a discriminatory action and as such a recommendation was made to re-examine the matter. A photostat copy of the letter dated 19th September, 1988 Ann-A-4. is enclosed herewith and marked as Annexure A- 4 to this petition.



That the petitioner jointed Geological Survey of India on 27th April 1977 in the present post of Regional Administrative Officer, after selection through Union Public Service Commission against 33.3% quota of direct recruitment provided in the Recruitment Rules of that time and for the last 13 years he is continuing

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on the said post. Since the petitioner is a member of the Administrative wing of Geological Survey of India General Central Services Group A and as per the policy letter dated 14th August 1987, he was reaching to the point of eligibility for consideration of the Selection Grade and as such in view of the letter dated 15th June 1988 issued by the respondent no.2, no such Selection Grade post was sanctioned in the Administrative Stream, a representation was made by the petitioner to the Respondent no.3 stating therein that the Selection Grade post have been created in respect of all the streams of Group A services of Geological Survey of India excluding in the stream in which the petitioner belongs. It was also stated in the said representation that the Store stream has also been sanctioned one post of Selection Grade, which is at par of the Administrative Stream and as such the action of the Respondent no.2 is discriminatory and actually frustrate the interest of persons who are in the Administrative Stream, who are eligible to get selection grade. In case no Selection Grade post is sanctioned in the Administrative Stream

Agree

Shrivastav

RAJ

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as such a prayer was made in the said representation that likewise to the Store Stream the post of SelectionGrade may also be sanctioned in the Administrative Stream ~~and~~ Group A service of Geological Survey of India. A copy of the representation dated 20.3.1989 is enclosed herewith Ann-A-5. and marked as Annexure-A5 to this petition.

(7). That another communication was made by the Respondent no.3 to the respondent no.2 on 15th May 1989 and it appears the said communication was made with reference to certain D.O.letters mentioned therein that the letter dated 14th August 1987 issued by the respondent no.1 does not specify its applicability to organised group-A services. It refers a communication dated 13th March 1987 of the Ministry of Finance, Department of Expenditure, New Delhi, where it has been stated that the recommendation with regard to the Selection Grade post in the scale of Rs.4500-5700/- will also apply to the officers of Geological Survey of India. A photostat copy of the aforesaid communica-

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-tion dated 15th May 1989 is enclosed herewith  
Ann-A-6. and marked as Annexure A- 6 to this petition.

(8). That perusal of the aforesaid document would go to show that it has been specifically stated in the said document that selection grade post in Junior Administrative Grade level in all Streams have been sanctioned except the Administrative and Finance Group-A in spite of the fact that cadre structure of Administrative and Finance Stream in Group A is similar to the Store Stream in Geological Survey of India for which the Selection Grade post has already been sanctioned and it has been boldly mentioned that there is no justification for denial of Selection Grade Post in the Administrative and Finance Stream in Geological Survey of India, which forms part of the cadre structure of Geological Survey of India. It has also been mentioned that the Administrative and Finance Stream belong to the General Central Services Group A like that of other Streams, e.g. Geology, Geophysics Drilling, Stores etc..

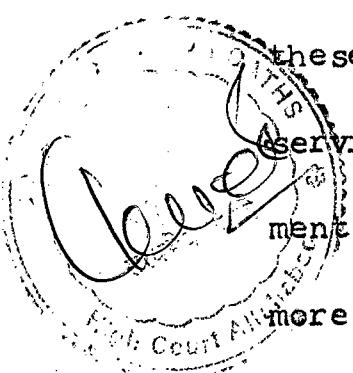
*Srinivas*

*Ayyasal*

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(9). That the Respondent no.2 has sent an office memorandum on 20th June 1989 to the respondent No.1, through which a request was made to reconsider the matter for creation of Selection Grade post in Administrative & Finance Stream. A photostat copy of the letter dated 20.6.1989 is enclosed herewith Ann-A.7. and marked as Annexure A-7 to this petition.

(10). That sometime in response of the communication dated 20th June 1989 made by the respondent no.2, respondent no.1 has issued an office memorandum to the respondent no.2 through which it has been stated that non-functional Selection officers of Grade is admissible only to Organised Group A and benefit of non-functional selection grade has also been granted to all the seven scientific and Technical streams of Geological Survey of India, as



these have all the characteristics of an organised service including the one that the direct recruitment at the level of Junior Time Scale is 50% or more and it has also been mentioned that the said criteria was not fulfilled by the ~~ADMINISTRATION~~ and Financial Stream of Geological Survey of India. The

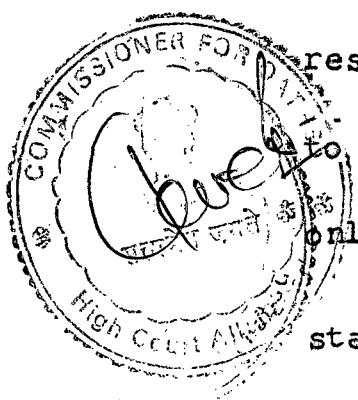
*Amarnath**Shivendra*

(A2)

12.

said communication dated 2nd August 1989 of the respondent no.1 was sent by the respondent no.2 to the respondent no.3 through his communication dated 14/21 August 1989 informing about the letter dated 2nd August 1989. A copy of the letter dated 2nd August 1989 issued by the respondent no.1 and memo dated 14/21 August 1989 issued by the respondent no.2 are enclosed herewith and marked Ann-A-8 & A-9. as Annexure-A-8 and A-9 to this petition.

(11). That though the said communication had been referred to in representation of the petitioner, which /ix was made earlier, i.e. on 20th March 1989 by the petitioner and as such the petitioner made another representation giving full detail on 7th February 1990 through which it has been specifically stated that the letter issued on 14th August 1987 by the se



respondent no.1 do not specify its applicability to the Organised Group A general Central Services only. Contrary to this it has been specifically stated that all Group A general central Services the number of posts in Selection Grade shall be equal to 15% of the Duty post. It was also stated

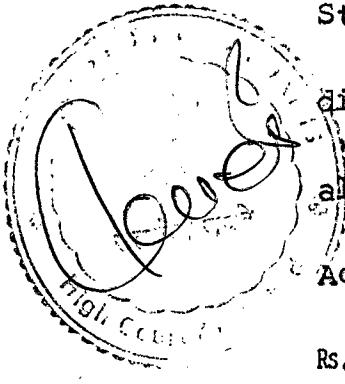
*Signature*

*Done*

APS

13.

in the said representation that the recommendation of IVth Pay Commission with regard to Selection Grade shall also apply to all officers of the Geological Survey of India, in view of Notification issued by the Ministry of Finance dated 13th March 1987. The Department of Mines classifies the Administrative and Finance Stream of Geological Survey of India as organised service and includes it as a cadre strength of Geological Survey of India. It has also been stated in the said representation that Administrative & Finance Stream of Geological Survey of India satisfies all the conditions of Office memorandum. Cadres of Store Stream is similar to Administrative Stream in all level but in the Store Stream the Selection Grade post has been created whereas in the Administrative Stream it has been totally ignored, which is discriminatory action of the respondents. It has also been worked out that 8 posts of Regional Administrative Officer/Director in the scale of Rs.3700-5000/- and 13 posts of Senior Administrative Officer in the scale of Rs.3000-4500/- should take into account in view of the letter dated 14th



Amal

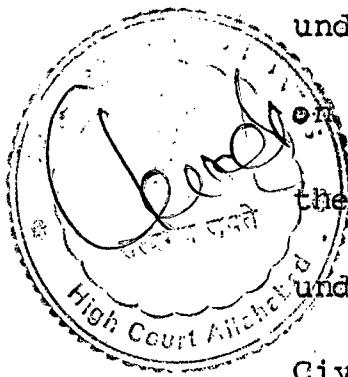
Swamin

(A26)

14.

August 1987 issued by the respondent no.1. Se  
15% of the total post of non-functional selection  
grade would come to three, i.e. 8+13 posts mentioned  
above equal to 21 posts. The administrative stream  
of Geological Survey of India satisfy all the  
provisions and conditions of the said office  
memorandum and as such three posts of non-functional  
selection grade has worked out keeping in view the  
21 posts total in view of Office memorandum issued  
by the respondent no.1 has to be created in the  
Administrative stream. A copy of representation  
dated 7.2.1990 is enclosed herewith and marked  
Ann-A-10. as Annexure A-10 to this petition.

(12). That it will not be out of place to  
mention here that prior to joining the services  
under the control of Respondents no.2 and 3, i.e.  
on 27th April 1977, the petitioner had been in  
the strength of General Reserve Engineering Force  
under the Ministry of Transport and Shipping as  
Civilian Officer Grade-II Group-A appointed  
through Union Public Service Commission against



Abdul

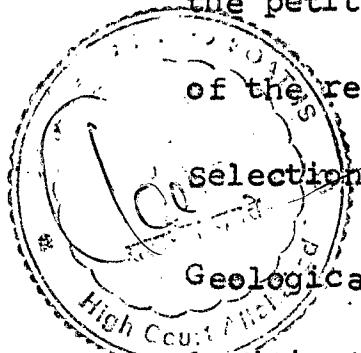
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the direct recruitment quota since 23rd June 1970 to 15th April 1977 and after availing the joining period, the petitioner joined the services under the control of Respondents no.2 and 3 on 27th April 1977 and as such as per the law, since the petitioner is in Central Services since 1970, his services is bound to be counted from 1970 in Group A cadre, and as such in case three Selection Grade posts are created in Administrative Stream, the petitioner is bound to be adjusted against those posts, as the petitioner fulfills the criteria laid down in para 3&4 of the letter dated 14th August 1987, issued by the Respondent no.1, w.e.f. 1.1.1986.

(13). That in view of facts stated above and also the facts given in representations of the petitioner by the respondent no.2 by not creating posts in Selection Grade in Administrative Stream of Geological Survey of India as he has got every legitimate claim to be adjusted against the



*Subreku*

*Rezael*

APC

proposed three posts as in view of policy laid down by the respondent no.1 and he is being illegally deprived of the said benefit.

(14). That it appears that the respondent no.2 totally agrees with the respondent no.3 on principle on the basis of reasons given through its communication dated 7th June 1988, 9th September 1988 and 15th May 1989 as enumerated in the letter dated 20th June 1989, which was sent by the respondent no.2 to respondent no.1, but because of non-approval of respondent no.1, the respondent no.2 feels handicapped in creating selection grade post.

When the respondent no.2 who is controlling as well as post creating authority of the whole department,

principally agrees with the letter dated 14th August 1987 issued by the respondent no.1 does not

specify its applicability to the Organised Group

of services and also agrees that the recommendation of IVth Pay Commission with regard to selection

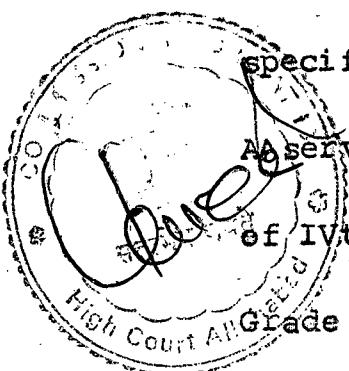
of IVth Pay Commission with regard to selection of IVth Pay Commission with regard to selection

Geological Survey of India and those officers are

the member of Organised Services including the post

Seyal

Shivam



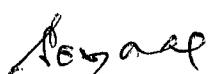
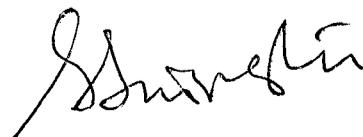
K27

of Administrative & Finance Stream and as such the respondent no.1 has got no objection except to give its approval as the controlling authority itself recognises the Administrative Stream as Organised services of the Geological Survey of India and as such the respondent no.1 has got no nexus to deprive the Administrative Stream personnel by saying that they are not the member of Organised Services.

5- GROUND :-

Grounds for the relief are as under :-

A. BECAUSE the policy letter dated 14th August 1987 was issued by the respondent no.1, where a policy has been laid down regarding Selection Grade Post Group-A services and it has been stated that 15% of the Senior Duty post will be recognised as Selection Grade post subject to the conditions mentioned in the said letter in paragraphs 3 and 4 and there is no such mention that the said policy letter shall be applicable to only Organised Group-A services only and as

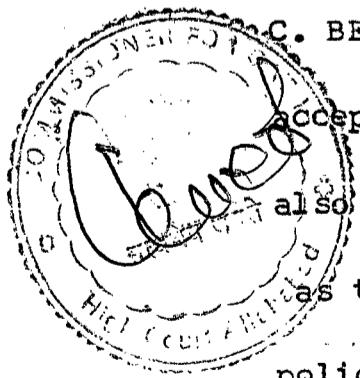


(R26)

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such unless and until the said letter dated 14th August 1987 is modified to that extent, benefit shall be rendered to all the members of Group A services whether they come within the ambit of Organised Group-A or not.

B. BECAUSE as per the recommendation of Respondent No.3 and acceptance of Respondent no.2, the officers belonged to the Administrative Stream of Geological Survey of India are the members of Organised Group-A services and as such denying from ~~selection~~ of Selection Grade post in the Administrative Stream is totally illegal and without any reason.



C. BECAUSE the Respondent no.2 has principally accepted that the Selection Grade post should also be created in the Administrative Stream, as they fulfil the conditions laid down in the policy dated 14th August 1987, but it appears that respondent no.2 is feeling handicapped in creating Selection Grade post as they could not

*S. M. Srinivasan*

*Copy as per*

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get approval of respondent no.1. The respondent no.1 cannot put any hinderance before the Respondent no.2 by not giving any approval from creating the Selection Grade posts in case all conditions prescribed in letter dated 14th August 1987 is fulfilled.

D. BECAUSE the Respondent no.2 is an appropriate authority for creating of the post and as such the respondent no.1 has got no authority to restrain the respondent no.2 in ~~not~~ creating Selection Grade post in case they fulfill conditions in the policy letter dated 14th August 1987.

E. BECAUSE the letter dated 14th August 1987 has not been modified or changed and it still operates as it is and as such unless and until the said policy letter is modified, no further classification can be made by putting frivolous objection that benefits shall be extended only to the Organised Group A services.

F. BECAUSE the members of the Administrative Stream

*Abnaf*

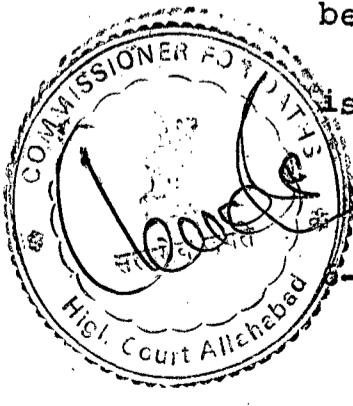
*Survesh*

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20.

of Geological Survey of India have already been held by the respondent no.2 as Members of Organised Group A services and as such the benefits of policy letter dated 14th August 1987 is bound to be extended to the Administrative Stream also in like manner of other streams of Geological Survey of India.

G. BECAUSE the petitioner has already entered in Group-A services under the General Central Services Group-A in 1970 and he thereafter joined the services of Geological Survey of India in 1977 and as such he has got a legitimate claim to get Selection Grade in case the post of Selection Grade in the Administrative Stream is created and the benefits of letter dated 14th August 1987 shall be extended to him also but the Respondent no.2 is depriving the petitioner from the said facilities.



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..

*Ranjan*

*S. S. S. S. S.*

(A3)

21.

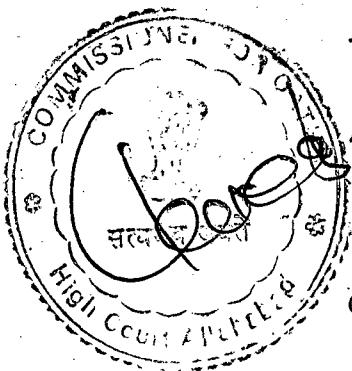
7- MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE  
ANY OTHER COURT.

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 the facts and circumstances stated above, the applicant prays for the following reliefs :-

- i) a direction may be issued by the respondent no.1 to accord approval to the respondent no.2 for creating Selection Grade post at Junior Administrative Grade level in Administrative Stream of Geological Survey of India ;
- ii) a Direction may be issued to respondent no.2 to create Selection Grade post at Junior Administrative Grade level for Central Group-A services of the Administrative Stream of the Geological Survey of India ;
- iii) a Direction may be issued to respondent No.1



*Shivnath*

*Rozaif*

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to accord benefits and privileges of Selection Grade-A post at Junior Administrative Grade level to the petitioner in view of Policy letter dated 14th August 1987 as he fulfills all the conditions laid therein.

- iv) any other and further direction as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case, may be issued in favour of the petitioner ; and
- v) award cost of the petition.

#### 9. INTERIM ORDER, IF ANY PRAYED FOR :

In the circumstances of the present case, at the moment the petitioner has got no cause of action for making any prayer for interim relief, but in view of facts given in paragraph 4 as well as mentioned in paragraph 5 principally the Respondent no.2, who is controlling and post creating authority, agrees for creation of Selection Grade post in Administrative Stream and as such in case this Hon'ble Tribunal issues a short notice to respondent no.2 and 3, the petitioner has got

*Signature*

*Abdul*

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ANNEXURE NO. A-8

NO. 16/1/89-PP  
Government of India  
Department of Personnel & Training  
(P.P. Division)

6th Floor, Nirvachan Sadan  
New Delhi the 2nd August, 1989.

OFFICE MEMORANDUM

The undersigned is directed to refer to Department of Mines O.M. No. A-11013/1/88-M.2 dated the 20th June, 1989 on the grant of Selection Grade post in the Finance and Administrative Streams in Geological Survey of India, and to say that in terms of Department O.M. No. 19/1/86-PP dated the 14th August, 1987, Non-functional Selection Grade is admissible only to officers of organised Group 'A' Service. The benefit of NFSG has been extended to all the seven Scientific and Technical streams of GSI as these have all the characteristics of an organised service including the one that the direct recruitment at the level of JTS is 50% or more. It is noted that this criteria is not fulfilled by the Administrative and Financial Streams of GSI.

2. In view of this position it is regretted that benefits of the NFSG cannot be extended to officers

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of Administrative and Financial Streams of GSI.

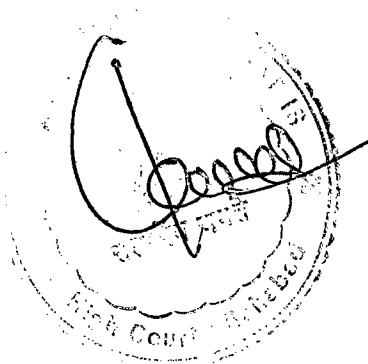
Sd/-  
(P.C. KAPOR)  
UNDER SECRETARY TO THE GOVT. OF INDIA

Ministry of Steel & Mines (Department of Mines)  
Shri J.B. Munirajulu, Under Secretary,  
New Delhi.

(TRUE COPY)

Attest  
Abdul  
Kader

Munirajulu



(A36)

26

ANNEXURE NO. A-9

GOVERNMENT OF INDIA  
MINISTRY OF STEEL & MINES  
Department of Mines

No. A-11013/1/88.M.2(A) New Delhi, dated 14/21st Aug '89

To

The Director General,  
Geological Survey of India,  
27, J.L. Nehru Road,  
Calcutta - 700 016

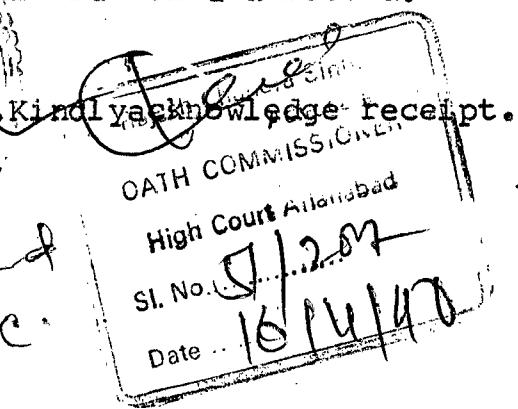
(Attention : Shri A. Chowdhury, Director (P))

Subject : Creation of Selection Grade post in  
Group 'A' service of Administrative &  
Finance stream in Geological Survey  
of India.

..

Sir,

I am directed to refer to Geological Survey  
of India's letter No. 741M/32013/(4-Dir)/Sel.Gr/82/19B  
dated 16.5.89 on the above subject and to say that this  
department had taken up the matter with Department of  
Personnel & Training but they have again rejected the  
proposal. A copy of Department of Personnel & Training's  
O.M. No. 16/1/89-PP dated 2.8.89 is forwarded herewith  
for information and record.



Yours faithfully,  
Sd/-  
(K. Sasikanthan)  
Section Officer

A. H. S.  
R. C.

B. H. S.

(TRUE COPY)

A33

23.

reasonably hope that respondent no.1 as well as respondent no.2 will accord all reliefs which have been claimed by the petitioner.

10. NIL

11. PARTICULAR OF POSTAL ORDERS :

1. No. of postal order 705 817255 at 13.3.90 - 20/-  
705 816279 at 13.3.90 - 20/-

659 82584 at 13.3.90 - 10/-

2. Name of issuing post office. H.P.O. Aligarh

3. Date & issue of postal order. 13.3.90

4. Post office at which payable : H.P.O. Aligarh

12. LIST OF ENCLOSURES : AS PER INDEX.

VERIFICATION :

I, Suraj Parkash aged about 50 years, son of Late Shri Chanam 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 11, 1990  
PLACE: LUCKNOW.

*Suraj Parkash*  
SIGNATURE OF THE APPLICANT

*Suraj Parkash*

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434

ANNEXURE NO. A-8

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Boysell

*H. S. Webster*

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26

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To

The Director General,  
Geological Survey of India,  
27, J.L. Nehru Road,  
Calcutta - 700 016

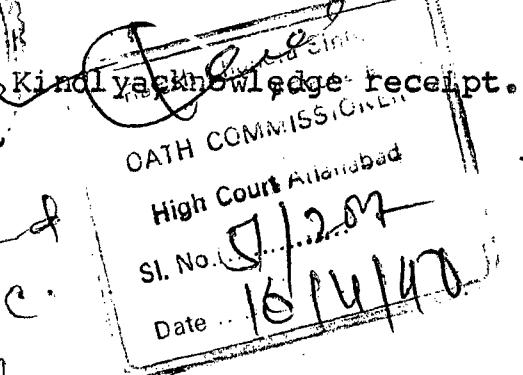
(Attention : Shri A. Chowdhury, Director(P)

Subject : Creation of Selection Grade post in  
Group 'A' service of Administrative &  
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Sir,

I am directed to refer to Geological Survey  
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dated 16.5.89 on the above subject and to say that this  
department had taken up the matter with Department of  
Personnel & Training but they have again rejected the  
proposal. A copy of Department of Personnel & Training's  
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for information and record.



Yours faithfully,  
Sd/-  
(K. Sasikanthan)  
Section Officer

Abasal

A. C.

B. Adm.

(TRUE COPY)

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2.

of Administrative and Financial Streams of GSI.

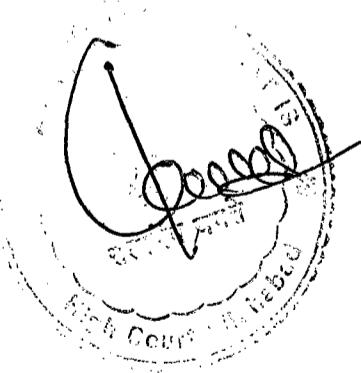
Sd/-  
(P.C. KAPOOR)  
UNDER SECRETARY TO THE GOVT. OF INDIA

Ministry of Steel & Mines (Department of Mines)  
Shri J.B. Munirajulu, Under Secretary,  
New Delhi.

(TRUE COPY)

Attest  
Abdul  
Kader

Sharma



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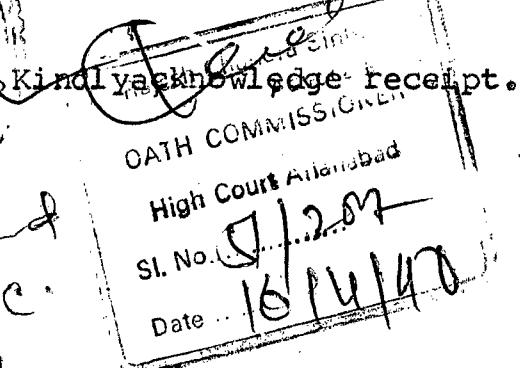
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Yours faithfully,  
Sd/-  
(K. Sasikanthan)  
Section Officer

Abasal

B. Adva.

(TRUE COPY)



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In

Native Tribunal Addl. Bench  
Muzhababad, Circuit Bench LUCKNOW

अभिभाषक पत्र (वकालतनामा)

सर्वांगीकोर्ट आफ्ने जुलीकेन्द्र, इलाहाबाद

ज०

सं १६१०

Suryaj Parkash

वादी प्रतिवादी

अपीलान्ट

वनाम

Union of India

वादी प्रतिवादी

रेस्टान्डेन्ट

मैं हम कि Suryaj Parkash &/o. Late ChananRam B. Geological Survey of India, NorthernRegion Aligarh Scheme Sector E. LUCKNOW

उपरोक्त प्रकारण में हम अपनी ओर के पक्ष समर्थन के हेतु

श्री Sachin Srivastava एडवोकेट हाईकोर्ट इलाहाबाद

को कानूनी निश्चित शुल्क (मेहनतनामा) नियत करके अपना अभिभाषक वकील (वकील) नियत करता हूँकरते हैं। वह स्वीकार करता है/करते हैं कि उक्त सज्जन हमारी ओर से वाद-पत्र (अजीदाबा), प्रतिवाद-पत्र (विवाद नहरेवी), वाद स्वीकार पत्र, विवाद पत्र पुनर्वलोकन एवं पुनर्निश्चय प्रार्थना पत्र (दरख्बास्त) शापियक कथन (हलफनामा) प्रवनन पत्र (दरख्बास्त इजराय) मूलवात अपील, निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना वादि एवं लेखादि की प्रतिलिपियां अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी एवं पर आवश्यकतानुसार शापियक पुस्टीकरण करें और आवश्यक सबाल जबाब करें और लेखादि की प्रतिलिपियां एवं हमारे प्रायधन को अपने हस्ताक्षरी पावती देकर प्राप्त करें हमारी ओर से किसी को यथ्य पत्र तथा साज्जी (गवाह) माने और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करें तथा उसका समर्थन करें तथा तसदीक करें, वाद-पत्र उठावे, छोड़े अथवा समझौता करें तथा मुलहनामा दाखिल करे तथा उसके सम्बन्ध में प्रार्थना पत्र पर दाखिल करके उसका समर्थन करे अर्थात प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही डिप्री भर पाई होने के समय तक स्वतः या संयुक्त करे। आवश्यकता होने पर किसी अन्य वकील महोदय को वकील करे।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भाँति हमको/मुझको संवधान स्वीकार होगी आगर मैं हम कानूनी/निश्चित शुल्क उक्त सज्जन को न दे दे तो उनका अधिकार होगा कि वह हमारी ओर से मुकदमा की पैरवी न करे। उपरोक्त दशा में सज्जन का दोई उत्तरदायित्व न होंगा।

अतएव यह अभिभाषक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

वकालतनामा मन्त्रित है

तिथि

माह

सं०

Note: — Mr. S. C. Maheshwari Sr. Counsel

is appearing on behalf of Applicant

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Compilation no-8

Registration no 139 11990 (S)

Suraj Pandash

versus

The Union of India & Others

Padma Shri  
Holkar C.

A37

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDL.BENCH  
A L L A H A B A D.

.....  
I N D E X  
IN  
COMPILATION NO. 2

in  
O.A. NO. 134 /1990  
(U/Sec.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.O.M. dated 14.8.87	27-30.
2.	Annexure-A-2.Order dt.15.6.88	31-32
3.	Annexure-A-3.Letter dt.7.6.88	33-34
4.	Annexure-A-4.Letter dt.19.9.88.	35-37.
5.	Annexure A-5.Representation of peti dt.20.3.89	38.
6.	Annexure A-6.Letter dt.15.5.89 by resp.no.3.39-43	
7.	Annexure-A-7.Letter dt.20.6.89.	44-48
8.	Annexure-A-10.Representation of petitioner dt.7.2.1990.	49-62

Dt/-April 11<sup>th</sup> 1990.

*S. Srinivasan*  
COUNSEL FOR THE APPLICANT.

435

27

ANNEXURE NO. A-1

No. 19/1/86-PP

Ministry of Personnel, Public Grievances  
and Pensions,  
(Department of Personnel & Training)  
(PP Division)

6th Floor, Nirvachan Sadan  
Ashoka Road, New Delhi - 1

Dated, the 14th August, 1987.

OFFICE MEMORANDUM

Subject : Recommendation of the Fourth Central Pay  
Commission - Orders regarding Selection  
Grade in Group 'A' Services.

.....

The undersigned is directed to say that  
pursuant to the recommendation of the Fourth Pay  
Commission regarding Selection Grade posts for Group  
'A' Central Services, the President is pleased to  
decide that in all Group 'A' Central Services the  
number of posts in the Selection Grade shall be ~~not~~  
equal to 15% of the senior duty posts (i.e. all duty  
posts at the level of Senior Time scale and above in  
the cadre) However, there shall be no increase in the  
overall strength of the Cadre. An officer appointed  
to the Junior Administrative Grade will be granted  
Selection Grade if he satisfies that conditions  
prescribed in paragraphs 3 and 4.



Arzaz

Divyesh

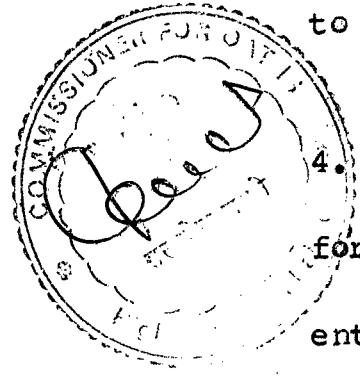
(A 3)

28

2. It has been noted that, save in few cases, the formula of 15% of senior duty posts will yield figure which is less than the number of posts sanctioned in the Junior Administrative Grade. Hence there will be no difficulty in implementing the decision. However, in a few cases the formula yields a figure which is slightly higher than the number of posts sanctioned in the Junior Administrative Grade. It is made clear that in respect of these services the number of posts in the Selection Grade will be limited to the number of posts sanctioned in the Junior Administrative Grade.

3. Appointing to the Selection Grade and to posts carrying pay above the Junior Administrative Grade Scale of pay in Group 'A' Central Services shall be made by selection on merit with due regard to seniority.

4. No member of the Service shall be eligible for appointment to the Selection Grade until he has entered the fourteenth 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 member was recruited.



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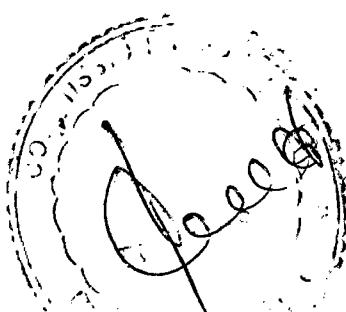
5. Appointment to the Selection Grade shall be made by a Committee to be constituted internally and the cases relating to appointment shall continue to be sent to the E.O. Division of this Department for obtaining the prior approval of the Appointment Committee of the Cabinet. This provision shall not apply to such of the Departments as have been specifically empowered to make appointments at this level within their own competence.

6. This supersedes instructions contained in this Department's O.M. No. 5/12/79-PP-II, dated the 31st July, 1982. Accordingly the condition regarding stagnation at maximum of Junior Administrative Grade for two years for promotion to Selection Grade contained therein, is hereby removed.

7. The orders regarding fixation of pay on appointment to Selection Grade will be issued separately.

8. These orders will take effect from 1.1.1986.

9. In so far as persons serving in the Indian Audit and Accounts Department are concerned, those orders issued after consultation with the Comptroller



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(Act)

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And Auditor General of India.

(Hindi version will follow) "

Sd/-

(V.P. UPPAL)  
Director (PP)  
phone: 381364

To

1. All Ministries/Departments of the Government of India (As per Standard List) (with usual number of spare copies).
2. All attached and Subordinate offices of the Ministry of Home Affairs
3. All Union Territory Government/Administrations.
4. Office of the Comptroller and Auditor General of India (with 10 spare copies).
5. Secretary, U.P.S.C.
6. Registrar, Supreme Court of India, New Delhi.
7. Lok Sabha/Rajya Sabha Secretariat.
8. All Officers/Section of the Department of Personnel and Training/Department of Administrative Reforms and Public Grievances/Department of Pension and Pensioners Welfare.
9. spare copies.

Sd/-  
(V.P. UPPAL)  
Director (PP)

All right  
TRUE COPY

Parshuram

Shivkumar



Boyle

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31

ANNEXURE NO A-2

GOVERNMENT OF INDIA  
MINISTRY OF STEEL AND MINES  
DEPARTMENT OF MINES

No.A-11013/1/88.M.2 New Delhi-110001, the 15th June,  
1988

To

Shri D.P. Dhoundial,  
Director General,  
Geological Survey of India,  
27, J.L. Nehru Road,  
Calcutta - 700 016

Subject : Creation of Selection Grade Posts  
in all streams of GSI.

....

Sir,

I am directed to convey the sanction of the  
President to the creation of the following Selection  
Grade posts in the scale of pay Rs.4500-150-5700/- in  
various scientific and technical streams in Geologi-  
cal Survey of India with effect from 1.1.86, subject  
to the conditions mentioned in Department of Personnn-  
el and Training's O.M.No.19/1/86-PP dt.14.8.87.

Sl.no.	Stream	No.of Selection Grade posts sanctioned.
1.	Geology	181
2.	Geophysics(Exploration)	24
3.	Geophysics(Instrumentation)	4
4.	Chemical	15
5.	Mineral Physics	3
6.	Mechanical	4
7.	Drilling	12
8.	Stores	1

(AUS)

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2. As 244(two hundred and forty four) posts of Directors(Selection Grade) in the above streams have been created out of existing 284 posts of Directors, an equivalent number of posts of Directors will stand abolished as and when the posts of Director(Selection Grade) are filled up.

3. The expenditure involved will be met from the sanctioned budget grants of Geological Survey of India.

4. This issues with the concurrence of IF Sec.of this Department vide their U.P. No. 1878/IF/88 dated 15.6.88.

Yours faithfully,

Sd/-

(J.B. MUNIRAJULU)  
Under Secretary to the Govt.  
of India

Copy to the (1)Controller of Accounts,GSI,Calcutta.  
(2) IF Section.  
(3)The Department of Personnel and Training,  
(PP. Division-Shri P.C.Kappos,US(PP),New Delhi.  
(4)Sanction file.

Sd/-

(J.B.MUNIRAJULU)  
Under Secretary to the Govt.of India

At ~~for~~  
TRUE COPY

*Shivali*  
ADM.

*Ansall*

33

ANNEXURE NO. A-3

A-32013(4-Dir(D)Sel.Gr./82-B9B

07 June,

88

The Secretary to the  
Government of India,  
Ministry of Steel & Mines  
(Department of Mines),  
New Delhi.

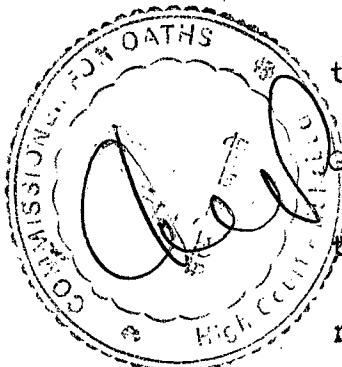
(Attn : Sri J.B. Munirajulu, Under Secretary )

SUB : Creation of selection grade posts in Group 'A'  
services in G.S.I.

Ref : Copy of the Department of P & T, P.P. Division  
's U.O. No. 19/1/86-PP(Vol.III) dated 18.4.88  
addressed to Sri J.B. Munirajulu, Under  
Secretary,Dept.of Mines, New Delhi as forwarded  
by the Ministry to the D.D.G.(P),Geologica  
l Survey of India.

Sir,

While inviting your kind attention to the  
correspondence under reference on the subject, I am  
directed to state that in the Ministry of Personnel,  
Public Grievances & pension(Dept.of P&T) (PP Divi-  
on) OM No. 19/1/86-PP dated 14.8.87. It has been  
clearly mentioned that as per the recommendation of  
the 4th pay commission regarding Sel.Gr. posts for  
Group 'A' Central Services the President is pleased  
to decide that in all Group 'A' Central Services the  
number of Sel.Gr.posts will be equal to 15% of the  
Senior duty posts. Nowhere it has been mentioned



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that the order is not applicable to the Admin. and Finance Wing of the G.S.I. Therefore, the reason for excluding these streams from the purview of the aforesaid O.M. dated 14.8.87 is not understood.

These streams are very much within the Cadre structure of G.S.I. and filled up by D/R, D.P.C. etc. Perhaps the Department of Personnel is of the opinion that the posts of these streams are filled up only by deputation. //

Further it is seen from the Ministry's O.M. No. A-11013/1/88-MIL dated 3.3.88 addressed to the Department of P & T that full details and justification for granting Sel gr. posts in the Finance & Admin. streams were given and a reply of the said O.M. dated 3.3.88 is perhaps yet to be received. The copy of O.M. dated 18.4.88 does not appear to be the reply of the said O.M. of the Department of Mines.

Therefore, it is requested to kindly take up the case with the Department of Personnel and Training once again so that these streams may also be

entitled for the posts of selection grade, as per the instructions contained in the O.M. dated 14.8.87.

Yours faithfully,

Sd/- (M#N. Meena)

O.S.D. (Vig.) & Director (P)

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Abdul  
Amin

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ANNEXURE NO. A-4

1390M/A-32013(4-Dir(D)Sel.Gr./82/19B

19th Sept. 8

The Secretary to the Govt. of India,  
Ministry of Steel & Mines,  
Dept. of Mines,  
New Delhi.

(attn : Sri J.B.Munirajulu, Under Secretary )

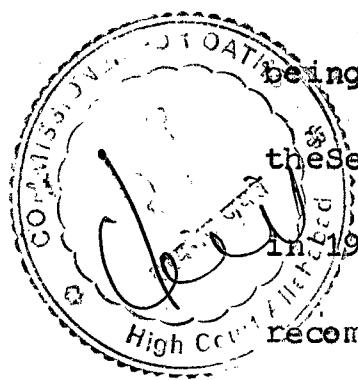
Sub : Creation of Sel.grade post in Gr.'A' services in  
G.S.I. Administrative and Finance Stream.

Ref : This office letter dated 7.6.88.

.....

Sir,,

In continuation of this office letter cited above  
, I am to add the following points, which are relevant  
to the subject for sanction of Sel.Gr. posts in JAG  
level in Admn. and Finance stream of G.S.I.



1. That for all intents and purposes G.S.I. is  
being treated as an organised service and accordingly  
the Sel.grade posts in JAG were sanctioned by the Govt.  
in 1982 in Scientific and Technical cadres on the  
recommendation of the 3rd Central Pay Commission, Sel.  
grade posts were not sanctioned in Admn. and Finance  
streams perhaps due to the fact that at that time  
there was only one JAG level sanctioned post each in  
Admn. and Finance stream in GSI and the incumbents

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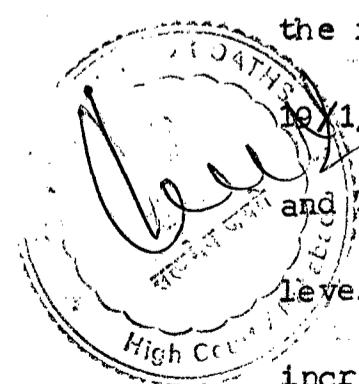
36

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holding the posts were not stagnating for two years after reaching the maximum of the scale as per terms and conditions.

2. That in the Stores stream also no Sel.grade post in JAG level was sanctioned in 1982, because there was no sanctioned post in JAG level in pre-revised scale (Rs.1500-1800/-). But as per the recommendation of the 4th Central Pay Commission the said scale of the Controller of Stores in G.S.I. has been revised and raised to 3700/- - 5000/-. Accordingly, one post in JAG level Sel.grade post in Stores stream has been sanctioned by the Govt.

3. That in the Scientific and Tech.stream of G.S.I., the guidelines of granting of Sel. grade posts have been changed and accordingly on the basis of the revised guidelines, as contained in the O.M.No. 10/1/86-PP dated 14.8.87 of the Deptt. of Personnel and Training, the number of Sel. grade post in JAG level in all Scientific and technical stream, have been increased. This revised guideline should also be applicable in case of Admn. and Finance stream, as there is nothing to suggest that this O.M. precludes these streams from its purview.



Copy of

Shivkumar

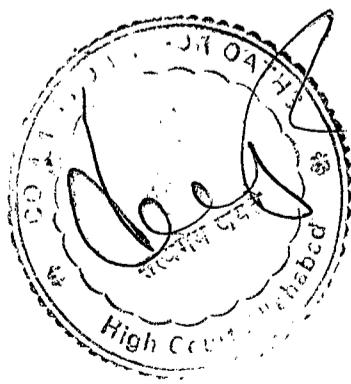
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4. That it is a fact that the finance and Admn. streams are being headed by the SAG level officers who are appointed on deputation basis, but below SAG level there are 21 and 5 officers in Group 'A' service in Admn. & Finance stream respectively out of which 8 and 1 are in the revised scales of Rs.3700-5000/- respectively which forms the part of the cadre structure of GSI.

Therefore, denial of Sel.grade to the officials of the Admn. and Financial Wing in G:S:I. will perhaps not be justifiable in the light of clear cut guidelines contained in the O.M. dated 14.8.87, supra on the subject.

It is therefore requested to kindly re-examine the matter and sanction 3 posts in the Admn. and one post in the Finance stream in the selection grade (Rs.4500-5700)-at an early date .



Yours faithfully,

( K.L.Hatoj )  
Sr. Administrative Officer  
for Director General.

Attached  
(TRUE COPY)

Divyash  
Adm.

Asstt

# ANNEXURE NO A-5.

Dated : 20.3.1989

38

APG

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,

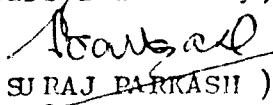
It is understood that the proposal for Selection Grade posts in Junior Admn. Grade in different streams have been approved but the same has not been approved in respect of Administrative stream of Geological Survey of India. As per the Government of India, Ministry of Personnel & Public grievances and 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) may also be changed from deputation to promotional out of the feeder grade of Regional Admn. Officers as number of ~~not~~ eligible officers are available in Administrative stream for promotion. The post of Dy. Director General in other streams is being filled-through B.P.C. out of the feeder grade of JAG level 1.1.a & Directors.

Thanking you,

With Compliments

Yours faithfully,

  
( SURAJ PARKASH )

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ANNEXURE NO. A-6

GOVERNMENT OF INDIA

NO. 32013(4-Dir/Sel Gr./82/19B Calcutta-16 15 May 19

From

To

The Director General  
Geological Survey of India  
27, Jawaharlal Nehru Road

The Secretary to the  
Government of India  
Ministry of Steel &  
Mines, Department of  
Mines, New Delhi.

Sub : Creation of Selection Grade  
post in Group 'A' service of  
Administrative & Finance stream  
in Geological Survey of India.

...

Sir,

Kindly refer to D.O. letter No. A 11013/1/88-M2  
dated 9.3.89 forwarding therewith copies of Depart-  
ment of Personnel U.O. No. 19/1/86-PP dated 17.3.88  
and dated 18.4.88 on the subject noted above.

In this connection I am to inform you that

..... Department of Personnel & Training Office Memorandum

No. 19/1/86-PP dated 14.8.87 does not specify its  
applicability to organised Group 'A' services only.

Rather, as per the said office memorandum in all  
Group 'A' Central Services the number of posts in

the Selection Grade shall be equal to 15% of the

Sr. Duty Post (i.e. all duty posts at the level of Sr.

Time scale and above in the cadre). Moreover, as per

Recd

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notification issued by Govt. of India, Ministry of Finance, Department of Expenditure, New Delhi No. F.15a(7)/16/86 dated 13.3.87 the recommendation with regard to the selection grade post in the scale of Rs.4500-5700/- for other services will also apply to the officers of Geological Survey of India. Even if the above O.M. is applicable to Central Organised Services, the Ministry of Steel & Mines has already intimated to the Department of Personnel that Geological Survey of India is treated as an organised services including posts in Administrative and Finance Streams and accordingly Selection Grade in JAG level was introduced in 1982 in Scientific and Technical streams under the guidelines issued by the Deptt. of Personnel & Training for introduction of Selection Grade in pursuance of 3rd Pay Commission recommendations. However, Selection Grade was not introduced in administrative and financial stream because at that time there was only one post of JAG in each stream and no officer had stagnated at the maximum of the scale for two years. Now as per the revised guidelines for creation of Selection Grade post the condition of stagnation for

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a period of two years has been removed and accordingly the officers in the administrative and financial streams have become eligible for grant of Selection Grade post. The cadre structure of administrative and financial stream Group 'A' is as under which forms part of the cadre structure of Geological Survey of India.

-----  
Sl.No. Name of post No. of pay. Scale of Method Eligibility of rec-critieria for post. circuit- promotion from ment feeder grade.

-----

1. Director(Admn) 1 Rs.3700-5000 by pro-Regional Adm. motion. Officer with 3 years regular service in the grade.

2. Regional Adm. 7 Rs.3700-5000 by promotion(Se Officer with 3 years lection regular service failing which by transfer on deputation and failing both by direct recruitment.

3. Sr. Adm. Officer 13 Rs.3000-4500 By promotion Adm.officer (Selection) (Gr. B with failing 8 years regular services which by direct (Scale of px. recruitment. payRs.2000- 3500).

\* The Post of Regional Adm.Officer at Sl. No.2 has been upgradated to JAG level with effect from 1.1.86 and hence recruitment rules under revision and proposed to be filled up from feeder grade of Senior Adm.Officer with 5 years regular service to the post of Director Admn/Regional Adm.Officer

Ansari

Srinivas

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FINANCE STREAM

1. Director 1 Rs.3700-5000 by promotion Cost Accounts Offr (Selection) (Gr.A with 5 years failing which regular service in by direct the grade. recruitment.
2. Cost Accts4 Rs.300-4500 by promotion Asstt.Cost' Accts Officer (Selection) Officer with 5 failing which years regular by direct service in the recruitment grade (scale of pay Rs.2200-4000)

It is further mentioned that the Selection Grade in the JAG level in all the streams for example Geological, Geophysical, Drilling, Mechanical including stores stream have been sanctioned vide Ministry of Steel & Mines letter No. A-11013/1/88-M.2 dated 15.6.88. The cadre structure of administrative and financial stream in Group 'A' is similar to the stores stream in Geological Survey of India for which selection grade has already been sanctioned. Thus there is no Justification for denial of selection grade post in the administrative and financial stream in Geological Survey of India which forms part of the cadre structure of Geological Survey of India. It is also state that posts in administrative and financial streams belong to General Central Service Group 'A' like that of other stream i.e. Geological/Geophysical/Drilling/Mechanical/ stores etc.

10/2022

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The administrative and finance streams are headed by SAG level officers and below them there are 21 and 5 officers under Group 'A' services respectively, out of which 8 and 1 posts are in the JAG level scale.

In view of above it is requested that the matter may kindly be taken up with the Department of Personnel for creation of 3 & 1 post in Selection Grade in administrative and financial streams respectively in Geological Survey of India at an early date.

Yours faithfully

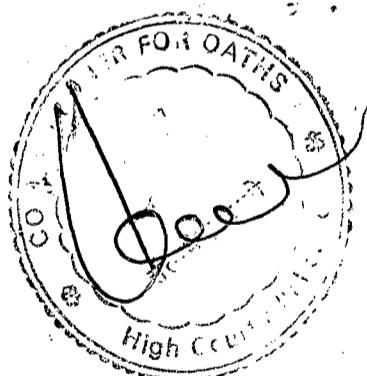
Sd/-

(K.L. Hatoj)  
Sr. Adm. Officer  
for Director General

A H H  
(TRUE COPY)

Agarwal

Minister  
Adm.



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ANNEXURE NO. A-7

Government of India  
Ministry of Steel & Mines  
Department of Mines

• • •

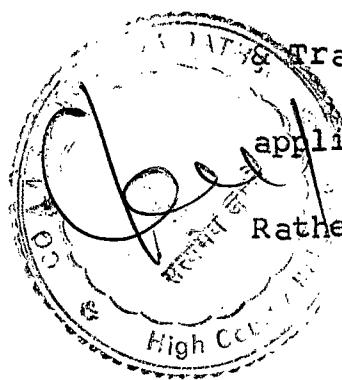
No. A-11013/1/88-M 2 New Delhi, dated 20th June '89

OFFICE MEMORANDUM

Subject : Grant of Selection Grade post in the  
Finance & Administrative streams in  
Geological Survey of India.

• • • •

The undersigned is directed to say that the  
proposal to grant Selection Grade to Finance & Adminis-  
trative Streams, of Geological Survey of India was  
taken up with Department of Personnel & Training  
twice vide this Department's O.M. of even number  
dated 3.3.88 and 30.3.88 but Department of Personnel &  
Training vide their U.O. No. 19/1/86-PP dated 17.3.88  
and 18.4.88 have rejected the same on both the  
occasions. The proposal was again examined by  
Geological Survey of India. Department of Personnel



Training's O.M. dated 14.8.87 does not specify its  
applicability to organised Group 'A' Services only.

Rather as per the said OM all Group 'A' Central

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Services the number of post in the Selection Grade shall be equal to 15% of the Duty post(i.e. all duty posts at the level of Sr. Time scale and above in the cadre). Moreover as per notification issued by the Ministry of Finance, Deptt. of Expenditure No.P.15/7/16/86-dated 13.3.87 the recommendations with regard to Selection Grade post in the scale of Rs.4500-5700/- for other services will also apply to the officers of Geological Survey of India. Even if the above is applicable to central organised service this Department have already intimated to Department of Personnel & Training that Geological Survey of India is treated as organised services including posts in Administration and Finance Stream and accordingly Selection Grade in JAG level was introduced in 1982 in Scientific and Technical Streams under the guidelines issued by the Department of Personnel and Training regarding introduction of Selection Grade in pursuance of 3rd Pay Commission recommendations. However, Selection Grade was not introduced in Adminn. & Finance Streams in 1982 because at that time there was only one post of JAG in each stream and no officer

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under the relevant instructions. Now as per revised guidelines the condition of 2 years has been removed and accordingly the officers of Admn. & Finance Stream have become eligible for grant of Selection Grade. The Cadre structure of Admn. & Finance stream Group 'A' is as under which forms part of the cadre structure of Geological Survey of India.

Sl.no. Name of post No.of scale Method of Eligibility post of pay recruit- criteria for ment. promotion from feeder grade.

1. Director(Admn) 1 Rs.3700- By promotion. Regional Admn. 5000/- Officer with 3 years regular service in the grade.

2. Regional Admn. 7 Rs.3700- By promotion Sr.Admn. Officer 5000/-(Selection) Officer failing which with 3 by transfer years regular service and failing both by direct recruitment.

3. Sr.Admn. 13 Rs.3000-By promotion Admn.Officer 6500/-(Selection)- (Group B failing which with 8 years by direct regular service vice(scale of pay of Rs.2000-3500)

The post of Regional Admn.Officer at Sl.no.2 has been upgraded to JAG level with effect from 1.1.86 and hence recruitment rules under revision and proposed to be filled up from feeder grade of Senior Admn. Officer with 5 years service.

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Srinivas

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### FINANCE STREAM

1. Director(Finance 1 Rs.3700- by promotion Cost Accounts  
Accounts) 5000/- (Selection) officer(Group  
failing which A with 5 years  
by direct rec- regular servi-  
ruitment. ce in the gra-  
-de.

2. Cost Accounts 4 Rs.3000- by promotion Asstt.Cost Accou-  
Officer 4500/- (Selection) fai- nts Officer  
ling which by with 5 years  
direct regular service  
recruitment. in the grade(  
scale of pay of  
Rs.2200-4000/-).

02. Further, the Cadre structure in Group 'A' of all  
other streams for example Geophysical, Drilling, Mech.  
including Store stream is similar to the Admn.& Finance  
Stream in Geological Survey of India and Selection Grade  
in the JAG level have already been sanctioned in all above  
streams expect Admn.& Finance Stream. Thus there is no  
justification for denial of Selection Grade post in Admn.&  
Finance Streams which forms part of cadre of Geological  
Survey of India. The posts of Admn.& Finance Streams as  
those of Scientific Streams are governed by and are  
included in, one set of Recruitment Rules viz Geological  
Survey of India(Group A and Group B posts) Recruitment

Rules, 1967.

The Admn. & Finance streams are headed by SAG  
level Officers and below them there are 21 and 5 officers

Asstt

Shrivastav

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under Group A Services respectively out of which 8 and 1 posts are in JAG level scale.

In view of the above Department of Personnel & Training is requested to reconsider and agree to the proposal for creation of SelectionGrade posts in Admn. & Finance stream.

Sd/-

(J.B. Munirajulu)  
Under Secretary to the Govt. of India.

To

Department of Personnel and Training  
(PP Division)  
Shri P.C. Kapoor, Under Secretary,  
Nirvachan Sadan 6th Floor,  
New Delhi.

Copy to Shri K.L.Hatoj, Senior Administrative Officer, Geological Survey of India, 4, Chowringhee Lane, Calcutta- 700 016.

Sd/-

(J.B. Munirajulu)  
Under Secretary to the Govt. of India.

*Attd*  
(TRUE COPY)

*Bonal*

*D*

*Munirajulu*  
AM.

(AO)

48

ANNEXURE NO. A-10

From : SURAJ PARKASH,  
Regional Admn. 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,  
Dept. 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 resting with  
Department of Mines's letter No.  
A-11013/1/88-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 Fourth Central Pay Commission and acceptance of

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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 post of Regional Administrative Officer after selection through ~~through~~ UPSC ~~UPSC~~ /against 33 $\frac{1}{3}$  % 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 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

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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 Adminn. 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

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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-Bir)/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/Stores etc. The proposal was forwarded by Department of Mines to Deptt. of Personnel vide office memorandum No. A-11913/1/88-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

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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

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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

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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 guide lines 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 as

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organised service and includes it as a cadre strength of G.S.I. . 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 age 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 those streams has been introduced but not in administrative streams. This is a clear case of discrimination made by the Department of Personnel

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& 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 rot 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 only one promotion in the entire

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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

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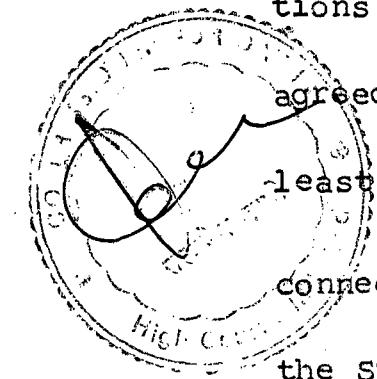
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as there is no possibility of promotion till the present post of Dy. Director General (Personnel) is made a promotional post to be filled from the grade of Regional Admn. Officer. I joined Geological Survey of India as direct recruit through UPSC in 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 judgment by the Division Bench



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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 develop-

ment 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."

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This judgment of Supreme Court also justifies the change of recruitment rules for the post of Dy. Director General (Personnel) from deputation to promotion but 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 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.

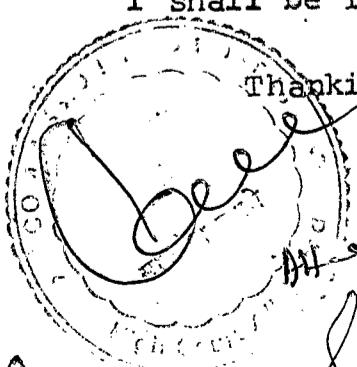
Thanking you,

Yours faithfully,

Sd/- 7.2.1990  
(SURAJ PARKASH)

Regional Administrative  
Officer

Boopal

  
P.C.  
Suraj Parkash

(A23)

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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

*✓*  
(TRUE COPY)

*Asaf*

*Munirajulu*  
Held



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

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CIRCUIT BENCH, LUCKNOW

C.A. NO. 134 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 of 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 the all the respondents.

2. That 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

N.K. Mandwal  
Director (P & C)  
Northern Region,  
Geological Survey of India  
LUCKNOW

the facts of the case as well as the facts  
deposited to herein reply thereof.

3. That the contents of para 1, 2 & 3  
of the application need no comments.

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

5. That in reply to the contents of para  
4(iii) of the application it is submitted that the  
Respondent no.2 has the following Streams  
with or without having post of Deputy Director  
General posts:-

SCIENTIFIC STREAM.

1. Geology (Having DDGs posts)
2. Geophysics (Exploration) Having DDGs posts
3. Geophysics (Instrument) Having DDGs post
4. Geo-Chem
5. Mineral Physics
6. Library
7. Computer Science
8. Hydrology.

TECHNICAL:

1. Engineering (Having DDG post)

*N. K. Mandawal*  
Director (P & O)  
Northern Region,  
Geological Survey of India  
LUCKNOW

2. Mechanical
3. Drilling
4. Civil Engineering
5. Drawing

ADMINISTRATIVE.

1. Personnel (Having DDG post)
2. Finance ( -do- )
3. Administration
4. Stores.
5. That in a similar type of case the Hon'ble CAT in Principle Bench, New Delhi in Registration No. 119/1988 - Shri Kashmir Singh -vs- Union of India and Others have decided the matter regarding grant of selection grade to the Junior Administrative Grade level. A copy of the judgement is being enclosed herewith as Annexure C-1 to this counter affidavit.
6. That however the correspondence in this regard and various instructions issued from time to time will be produced at the time of final hearing of the case <sup>if</sup> ~~xx~~ this Hon'ble tribunal so direct.
7. That in reply to para 4(iv) of the application it is submitted that at present the post of Director of Administration is the highest post in the stream.

N. K. Mondal  
Director (P & Q)  
Northern Region,  
Geological Survey of India  
LUCKNOW

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8. That the contents of para 4(v) of the application need no comments.

9. 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.

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

(a) That the non-technical selection grade was introduced in Organised Group-A Central Services vide CM No.5/12/79-PE.II dated the 31st Jul 1982. The Fourth Central Pay commission in para 23.12 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 3(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

N.K. Mondal  
Director (P & O)  
Northern Region,  
Geological Survey of India  
LUCKNOW

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 Aug.

1987 (Annexure A-1 to the petition) The orders for grant of non-functional Selection Grade are appli-

cable only to the Organised Group-A Central Services/

Cadres as had been the case with the earlier orders contained in CM dated the 31st July 1982. This

position has also been made clear in subsequent CM

No. dated 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 he

could be considered for appointment to the Non-

functional Selection Grade.

(B) 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 terms as Group-A central Services/Cadres. Since direct recruitment in the Financial & Administrative Streams in the GSI of the level of JTS is not 50% the provision of CM dated the 14th August, 1987 for the rest of Non-functional Selection grade are not appli-

N. K. Mandirwal  
Director (P & C)  
Northern Region,  
Geological Survey of India  
LUCKNOW

(P&O)

the GSI have been classified as Geological Survey of India Group-A Service while Financial and Administrative streams have been classified as Group A-B Service.

(c) That the Third pay commission had recommended introduction of Selection Grade for Group 'A' Engineering Services in the following terms:-

"In view of the relatively small percentage (2.5 per cent of the total strength) of posts above the junior and intermediate administrative grades which are held by the members of the Engineering Services, we recommend the introduction of Selection Grade of Rs.2000-2250 in the organised services. The selection grade should be admissible to the officers who reached the stage of Rs.2000/- in the junior administrative Grade or intermediate administrative grade as the case may be and stayed at the maximum for a period of two years. The number of selection grade posts should be periodically determined after a detailed review of the cadre structure of the various Engineering Services!"

N.K. Mandir  
Director (P & O)  
Northern Region,  
Geological Survey of India  
LUCKNOW

cable to these streams as had already been made clear in Rxm OM dated the 2nd August 1989 (Annexure A-8 of the application). Attention in this connection is invited to para 4 of the OM dated the 14th August 87 (Ann.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 OM dated the 14th August 1987 are applicable to such of the services as have been recruited on the basis of an examination and that the eligibility for grant of the Selection Grade in 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 covered in the Cadre Reviews. The Technical Streams of

N. K. Mandal  
Director (P & A)  
Northern Region,  
Geological Survey of India  
LUCKNOW

(P&O)

the GSI have been classified as Geological Survey of India Group-A Service while Financial and Administrative streams have been classified as Group A-B Service.

(c) That the Third pay commission had recommended introduction of Selection Grade for Group 'A' Engineering Services in the following terms:-

"In view of the relatively small percentage (2.5 per cent of the total strength) of posts above the junior and intermediate administrative grades which are held by the members of the Engineering Services, we recommend the introduction of Selection Grade of Rs.2000-2250 in the Organised services. The selection grade should be admissible to the Officers who reached the stage of Rs.2000/- in the junior administrative Grade or intermediate administrative grade as the case may be and stayed at the maximum for a period of two years. The number of selection grade posts should be periodically determined after a detailed review of the cadre structure of the various Engineering Services."

N.K. Mondal  
Director (P & O)  
Northern Region,  
Geological Survey of India  
LUCKNOW

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(d) That the above recommendations of the Pay Commission was accepted by the Government. At the same time the Government accepted in principle the provision of a Selection Grade for various Other Group-A (Class-I) Central Services vide Min. of Finance Resolution No. 11/35/74/IC dated 1.5.1974.

Relevant para of the resolution reads as under:-

"While the specific recommendations of the commission for provision of a Selection Grade in certain Class -I (now Group-A) Central Services shall be implemented, the principle of providing such a grade in various Class-I (Group-A) Central Services has been accepted, the strength of this grade in each service/cadre being determined after a detailed examination/ review of the cadre strength, promotion prospects, etc. in that Service/Cadre."

(e) That the Govt decision accepting in principle the provision of a selection grade in various Group-A Central Services did not lay down the criteria for the creation of Selection Grade. The question of laying down the guidelines for the creation of Selection Grade in Group-A Services and the criteria for selection of officers to Selection Grade posts have been

*N.K.Mandal*  
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Geological Survey of India  
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under consideration of Government for quite some time. After careful consideration and in consultation with the Ministry of Finance, UPSC and the C&AG it has now been decided that the guidelines/criteria for introduction of a non-functional Selection Grade in the Organised Group-A Central Services and appointment to the same shall be as follows:-

- (i) A non-functional selection grade in the scale of Rs.2000-125/2-2250 may be created above the Junior Administrative Grade scale (Rs.1500-2000) in Group-A Central Service.
- (ii) Central Services Group-A where the scale of Rs.2000-2250/- exists as a part of the cadre structure on functional basis, will not be eligible to have a non-functional selection grade unless the cadre controlling authorities decide to do away with the functional selection grade and opt in favour of a non-functional selection grade. Similarly, Services where the scheme of 'flexible complementing' has been introduced by the cadre controlling authorities will not also be eligible to have a non-functional selection grade.
- (iii) That the basis for calculation of Selection Grade strength will be sanctioned strength of the

N.K. Mandal  
Director (P & Q)  
Northern Region,  
Geological Survey of India  
LUCKNOW

posts in the scale of Rs.1500-2000/-.. The number of selection grade posts shall not exceed 20% of the sanctioned strength of the posts in the scale of Rs.1500-2000/-. The posts for the non-functional selection grade shall be carved out of the grade whose scale of pay has maximum of Rs.2000/-.

(iv) That no officer shall be eligible for appointment to the non-functional selection grade unless he has reached the maximum of Rs.2000/- in the scale of Rs.1500/-2000/- or in the intermediate administrative grade as the case may be and has remained there for a period of two years.

(v) That the basis of appointment shall be seniority subject to rejection of unfit.

(vi) That the ~~xxxxxx~~ selection to the non-functional selection grade shall be made by a committee to be constituted internally. It shall not be necessary to associate a member of UPSC<sup>E</sup> in this committee.

(v) That the inter-se seniority of officers in the JAG or in the intermediate administrative grade as the case may be shall not be changed as a result of their appointment to the non-functional Selection Grade.

*N.K. Mandal*  
Director (P & Q)  
Northern Region,  
Geological Survey of India  
LUCKNOW

(vi) The non-functional selection grade in Services where it does not exist at present will be introduced from the date of issue of these orders. In Services where a non-functional selection grade has been in existence prior to the implementation of the Third pay commission's recommendations, modification thereto, if any, this may become necessary as a result of the new guidelines will also be made from the date of issue of these orders.

(vii) That on appointment to the non-functional selection grade in the pay scale of Rs. 200/- 2250 the pay of the officer concerned in this scale will be fixed at the next higher stage under Audit Instruction no. 1 below F.R. 22.

(f) That the Cadre Controlling Authorities should forward proposals for incorporating, the necessary provisions in the respective service rules to include the non-functional selection grade in the service as envisaged in the above guidelines to the UPSC etc. for their concurrence.

(g) That these guidelines for creating of non-functional selection grade shall be applicable to all organized Group A Central Services ~~xxxix~~xxix. These guidelines shall apply only when the cadre controlling

N. K. Mondal  
Director (P & C)  
Northern Region,  
Geological Survey of India  
LUCKNOW

authorities decide to do away with the functional selection grade and opt in favour of non-functional selection Grade.

11. 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.

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

13. 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.

14. 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.

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

16. 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

N.K. Mandal  
Director (P & A)  
Northern Region,  
Geological Survey of India  
LUCKNOW

be dismissed as misconceived without any basis or legal grounds.

Lucknow,

Dated: 13<sup>th</sup> August, 1990.

Deponent,

N.K. Mandawal

Director (P & O)  
Northern Region,  
Geological Survey of India  
LUCKNOW

Verification.

I, the deponent above named do hereby verify that the contents of para 1 & 2 of the affidavit are true to my personal knowledge and those of paragraphs 3 to 15 of the affidavit are believed to be true on the basis of official records and information gathered and those of paragraph 16 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,

Dated: 13<sup>th</sup> August 1990.

Deponent.

N.K. Mandawal

Director (P & O)  
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)

Lucknow,

Dated: August, 1990.

1A

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, DELHI.

PCT

Regn. No. O.A. 119/1988.

DATE OF DECISION: May 17, 1990.

Kashmir Singh

..... Applicant.

Shri H.N. Verma

..... Counsel for the Applicant.

V/s.

Union of India

..... Respondent.

Shri P.P. Khurana & ..... Counsel for the Respondent.  
Shri Arun Sharma

CORAM: Hon'ble Mr. G. Sreedharan Nair, Vice Chairman.  
Hon'ble Mr. P.C. Jain, Member (A).

(Judgement of the Bench delivered  
by Hon'ble Mr. P.C. Jain, Member)

JUDGEMENT

The applicant herein has assailed Department of Personnel & Training Memo dated 6.1.1988 (Annexure A-7), wherein he was informed that the orders contained in the Department of Personnel & Training (PP Division) O.M. No.19/1/86-PP, dated 14.8.1987 (Annexure A-2) cannot be made applicable to the Research Cadre in the Department of Personnel, as this Cadre is not a Central Group 'A' Service and the Cadre contains isolated posts and do not constitute a Service. He has prayed for issue of a direction to the respondent to appoint him to the post of Joint Director Selection Grade with all consequential benefits with effect from 1.4.1986.

2. The relevant facts, in brief, are that the applicant joined as a Research Officer in the Department of Personnel and Training on 29.4.1972, on the recommendations of Union Public Service Commission. He was promoted as Senior Research Officer and then as Joint Director, which post is in the Junior Administrative Grade and which he was holding since 7.11.1985. He has set up a case that in accordance with the orders issued in Office Memorandum dated 14.8.1987 (Annexure A-2), the cadre of Research Officers in the Department of Personnel & Training is entitled to creation of a post of new rank.

N.K. Mandur  
Director (P & O)  
Northern Region,  
Geological Survey of India  
LUCKNOW



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ASB

Grade and he is eligible to hold such a post as Joint Director with effect from 1.4.1986, but his request has been rejected vide Memo dated 6.1.1988 (Annexure A-7) for wrong reasons.

3. The background of the case is that the Third Pay Commission had recommended introduction of Selection Grade of Rs.2000-2250 in the Organised Engineering Services, which was to be admissible to the officers who had reached the stage of Rs.2,000 in the Junior Administrative Grade or Intermediate Administrative Grade as the case may be and stayed at the maximum for a period of two years. The number of Selection Grade posts was to be periodically determined after a detailed review of the cadre structure of the various Engineering Services. This recommendation was accepted by the Government. The Government also accepted at the same time, in principle, the provision of a Selection Grade for various other Group 'A' (Class-I) Central Services (Ministry of Finance Resolution dated 1-5-1974). The guidelines and the criteria for introduction of a non-functional Selection Grade in the Organised Group 'A' Central Services were spelt out in the Department of Personnel & Administrative Reforms (Policy Planning Division) Office Memorandum dated 31.7.1982. The Fourth Central Pay Commission, in para 23.12, Part I, of their Report, made the following recommendations: -

\*23.12. In order to meet the aspirations of the members of the group 'A' services and having regard to their role and functions, we have considered it necessary to provide some higher level posts in these services and to improve the pay scales. We further recommend that in respect of the group 'A' central services, the present condition regarding stagnation at the maximum of the junior administrative grade for two years for promotion to the selection grade, should be removed. We are of the view that the criteria for promotion to the selection grade and the basis for computing the

N. K. Mandival  
Director (P & C)  
Northern Region,  
Geological Survey of India  
LUCKNOW

Class

- 3 -

number of selection grade posts should be uniform in the all-India and group 'A' central services. Our recommendations in regard to specific posts, after taking into account all relevant factors, are indicated in the chapters on the respective ministries/departments. \*

On these recommendations, Department of Personnel & Training (PP Division) issued orders in Office Memorandum dated 14.8.1987. According to this O.M., it was decided "that in all Group 'A' Central Services the number of posts in the Selection Grade shall be equal to 15% of the senior duty posts (i.e. all duty posts at the level of Senior Time Scale and above in the Cadre).\* An officer appointed to the Junior Administrative Grade was to be granted Selection Grade if he satisfied the conditions prescribed in paragraphs 3 and 4 of the O.M. ibid. According to para 3, appointment to the Selection Grade in Group 'A' Central Services, is to be made by selection on merit with due regard to seniority, and according to para 4, no member of the Service shall be eligible for appointment to the Selection Grade until he has entered the fourteenth 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 member was recruited. In para 6 of the said O.M., it is stated that "This supersedes

*N.K.Manduri*  
instructions contained in this Department's O.M.

Director (P & A)  
Northern Region,  
Geological Survey of India  
LUCKNOW  
No. 5/12/79-PP-II, dated the 31st July, 1982. Accordingly the condition regarding stagnation at maximum of Junior Administrative Grade for two years for promotion to Selection Grade contained therein, is hereby removed.\*

The case of the applicant is that the posts of Research Officer, Senior Research Officer and Joint Director (Research & Training) in the Department of

Personnel & Administrative Reforms are classified as



(69)  
(70)  
(71)

(Research Officer (Class 1) Recruitment Rules, 1973  
notified on 5th June, 1973, the Senior Research Officer  
(Department of Personnel & Administrative Reforms)  
Recruitment Rules, 1983 notified in December, 1983, and  
the Joint Director (Research and Training) (Department of  
Personnel and Administrative Reforms) Recruitment Rules,  
1981 notified on 30th September, 1981 respectively. Further,  
as per Rule 7 of C.C.S. (CCA) Rules, 1965, Central Civil  
posts of any class not included in any other/Civil Service,  
shall be deemed to be included in the General Central  
Service of the corresponding class and a Government  
servant appointed to any such post shall be deemed to be  
a member of that Service unless he is already a member  
of any other Central Civil Service of the same class. It  
is also pleaded that in the Schedule to the G.C.S. (CCA)  
Rules, General Central Service, Group 'A', is included in  
the list of Central Civil Services, Group 'A'. According  
to F.R. 9(4), cadre means the strength of a Service or  
a part of a Service sanctioned as a separate unit.

The respondents, in para 3 of their reply, have stated that  
the research cadre of the Department of Personnel & Training  
had only 10 posts in Group 'A' as detailed below: -

Joint Director (Rs.3700-5000)	- 1
Senior Research Officer (Rs.3000-4500)	- 5
Research Officer (Rs.2200-4000)	- 4

In view of this admission of the respondents also, the  
applicant claims to be included in /Group 'A' of Central Civil  
Service as he is a part of the cadre and the cadre is  
defined to be a Service or part of a Service sanctioned as  
a separate unit. The applicant, therefore, has pleaded  
that he is entitled to the benefits of O.M. dated 14.8.1987.

5. The case of the respondents, in brief, is that  
one of the essential attributes of a Group 'A' Service is  
that recruitment to the Junior Time Scale of the Service is

N.K. Mandawal  
Director (P & Q)  
Northern Region,  
Geological Survey of India  
LUCKNOW

was intended only for members of the Organised Central Civil Services Group 'A'. We have already reproduced above the relevant recommendation of the Commission. Similarly, there is nothing to substantiate the contention of the respondents that the orders in O.M. dated 14.8.1987 which have been issued in pursuance of the recommendations of the Fourth Central Pay Commission *ibid*, are to apply only to members of the Organised Group 'A' Central Services, as was the position in the orders issued on 31.7.1982. In fact, para 6 of the O.M. dated 14.8.1987 clearly states that this (means this O.M.) supersedes instructions contained in O.M. dated 31.7.1982.

8. In view of the provisions of F.R. 9(4) and of Rule 7 of the C.C.S. (CCA) Rules, 1965, along with Schedule thereof, as also the description of posts in the Recruitment Rules quoted above, there is no scope for any doubt that the Research Cadre of the Department of Personnel and Administrative Reforms is a part of General Central Service Group 'A' and that this Service is included in the list of Central Civil Services, Group 'A'. Thus, we are of the clear view that the recommendations of the Fourth Central Pay Commission and the order issued in pursuance thereof in the O.M. dated 14.8.1987 are applicable to the General Central Service Group 'A'. The respondents have not filed anything in support of their contention in regard to the alleged "essential attributes of a Group 'A' service" in so far as it states that at least 50% of the posts of Junior Time Scale are filled by direct recruitment. The applicant has stated in his rejoinder that he "is entitled to the Selection Grade, like the TRC Service, Indian Salt Service or Central Legal Service (referred to in para 8.53 of the Commission's Report), which are neither organised nor large like the applicant's service."

N.K.Mundur  
Director (P & O)  
Northern Region,  
Geological Survey of India  
LUCKNOW

- 7 -

9. However, there are certain other aspects which need to be discussed. It is common knowledge that for a Service, there is one set of recruitment rules. We have not been shown that there are any recruitment rules as such for all posts included in the General Central Service Group 'A'. In the case before us, for the three posts in the socalled Research Cadre of the Department of Personnel & Administrative Reforms, there are three separate Recruitment Rules. In view of the provisions of Rule 7 of the C.C.S. (CCA) Rules, 1965 (supra), there would be a large number of Group 'A' posts which are not included in any other Central Civil Service and thus shall be deemed to be included in the General Central Service Group 'A'. The recruitment rules for such posts and the hierarchy in respect of those posts in various Ministries/ Departments/Organisations may also be different. The recommendations of the Fourth Central Pay Commission and the orders issued by the Government in pursuance thereof cannot reasonably be interpreted to equally apply to all segments of posts included or deemed to be included in the General Central Service Group 'A'. This, however, does not mean that if a cadre of posts included in the General Central Service Group 'A' has reasonable number of Senior Duty Posts in that Cadre, the benefit of introduction

*N.K. Mandir* of non-functional Selection Grade @ 15 per cent of the Director (P & C) Senior Duty Posts ~~and hence~~ be not considered for application to those cadres. While doing so, obviously, the number of posts, the existing avenues of promotion etc., would need to be considered.

10. As regards the case before us, as discussed above, non-functional Selection Grade did not exist in the Research Cadre of the Department of Personnel & Administrative Reforms. In the absence of existence of a Selection Grade post, the applicant has no right to be considered

(68) 893

are, however, directed to examine and decide within a period of four months from the date of receipt of a copy of this order as to in respect of which cadres of posts included in the General Central Service Group 'A', the benefit of non-functional Selection Grade, in the light of the orders issued by them in O.M. dated 14.8.87, would be granted. The application is disposed of accordingly.

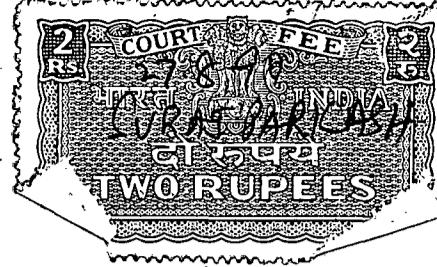
Parties to bear their own costs.

*u/s/mandu*  
Director (P & C)  
Northern Region,  
Geological Survey of India  
LUCKNOW  
MEMBER (A)

(G. SREEDHARAN NAIR)  
VICE CHAIRMAN.

17.5.1990.

DEPTILED TO BE TRUE COPY  
M  
21/5/90.  
Section Officer  
Central Administrative Tribunal  
11, Lajpat Rai Marg, Parliament House



1990  
AFFIDAVIT

80  
HIGH COURT  
ALAHABAD  
1990

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALIA HABAD BENCH, LUCKNOW

.....  
REJOINDER AFFIDAVIT

In

Registration No. O.A. 134 of 1990 (L)  
Dated 20/8/90

Suraj Prakash ... Applicant

versus

Union of India and others ... Respondents

Recd Copy  
Munshi S/No  
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Supdt, AS/1/NR  
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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 well conversant with the case and he has  
gone through with the counter affidavit filed  
by Shri N.K. Mandawal and has understood the  
contents thereof. Since the deponent is the  
petitioner in this case, he is placing this  
rejoinder affidavit with full knowledge of the facts

Agreed



(PDS)

:: 2 ::

2. THAT the contents of paragraph nos. 1, 2, 3 and 4 of the counter affidavit need no comment.

3. THAT in reply to the contents of paragraph 5 of the counter affidavit it is submitted that the contents as stated are in correct. However, the averments made in paragraph 4(3) of the application are re-affirm as correct. It is further submitted that the respondents have not denied the averments which have been made in paragraph 4(3) of the application, where an order dated 15-6-88 issued by the respondent no. 4, has been referred through which the sanction of President to the creation of the above mentioned selection grade post in the scale of Rs.4500 -150 - 5700/- in various scientific and technical Streams, ~~as~~ <sup>not</sup> in Geological Survey of India with effect from 1-1-1986 has been given. The ~~not~~ said document has been denied, neither the respondent no.1 has come out with a case that the said document has not been superceded by any other document and as such the contention raised in paragraph under reply i.e. paragraph 5 of the counter affidavit, is absolutely far from the truth.

Agarwal



(A96)

4. THAT the contents of paragraph 5 (repeated) of the counter affidavit, raised legal issue, hence it is not being replied through an affidavit. However, the deponent is advised that the judgment referred in paragraph under reply, will not be applicable in the present case. The facts of the case of the said judgment are different from the present controversy. It is also submitted that all the posts in Geological Survey of India have been classified as General Central Service Group 'A' like that of officers in the Stores Cadre ~~and~~ and Administrative Stream including the officers in Geology, Geophysics (Exploration/Instrumentation) Geochemistry, Mineral Physics, Mechanical, Drilling and Finance.

5. THAT the contents of paragraph 6 of the counter affidavit need no comment, except that ~~six~~ <sup>the</sup> averments made in paragraph 4(3) of the application have been accepted by the respondents, no contrary correspondence and instruction can have any valid force.

6. THAT the contents of paragraph 7

*Royal*



APP

of the counter affidavit are incorrect as stated. It is further submitted that the Director Administration is not the highest ~~stream~~ post in the administrative ~~history~~. In fact in order to mis-lead this Hon'ble Tribunal, the respondents have ~~divided~~ the administrative stream in four Wings, but, as a matter of fact the Personnel and Administration is one cadre which ~~is~~ headed by the Deputy Director General (Personnel). Moreover, the controversy which has been raised in paragraph 4(4) of the application is entirely different. In fact in the said paragraph, the letter dated 7.6.88 which was referred by the respondent no.3 to the respondent no.2 was mentioned, but, regarding the said letter the answering respondents have not said anything that whether the said reference was made or not. Meaning thereby that they admitted. The respondent no.3 ~~suggested~~ <sup>agreed</sup> with the contention of the petitioner and the same was referred to the respondent no.2.

7. THAT in reply to the contents of paragraph 8 of the counter affidavit, ~~now~~ it is submitted that the averments made in paragraph 4(5) of the application are reiterated.

8. THAT in reply to the contents of paragraph 9 of the counter affidavit, it is

*S. S. S. S.*

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submitted that the averments made in paragraph 4(6) of the application are re-affirmed as correct. In fact the reply of paragraph 6 of the application has not been given in the counter affidavit and irrelevant issues have been raised.

9. THAT in reply to the contents of paragraph 10(a) of the counter affidavit it is submitted that the respondents have only produced the letter dated 31-7-82 of Department of Personnel and Administrative Reforms regarding selection of non functional selection grade in JAG level which have been substituted by letter of 1987 of Department of Personnel and Administrative Reforms and wherein it was mentioned that the officers who have completed 13 years of Group 'A' Service are eligible for grant of Selection Grade. Their contention of 50% of the Direct Recruitment in the Junior Time Scale is admissible is absolutely wrong. In fact the said fact has not been followed in respect of the officers of Store Stream where the selection grade has also been sanctioned the cadre structure of Stores and Administration cadre are same

*Request*

(P)

as is evident from their own averments which have been made in paragraph 4 of the counter affidavit. However, it is made clear that the ~~xx~~ contents of paragraph 10(a), 10(b), 10(c), ~~xx~~ 10(d) and 10(e) of the counter affidavit are absolutely irrelevant and it is not on the subject. However, the averments made in paragraphs 4(5), 4(6) and 4(7) of the application are re-affirmed as correct.

10. THAT the contents of paragraph 11 of the counter affidavit are not correct as stated and hence are denied. However, the deponent has been advised to state that when the answering respondents have failed to meet the challenge of the various paragraphs of the petition, separately, it could not be understood as to how the grounds taken in paragraph 5 of the application are not tenable. It appears that the respondents have not given any heed to the application, nor to the grounds which have been taken by the applicant. In fact when the counter affidavit ~~was~~ shall be placed along with the petition, it will be exposed at the time of hearing of the application that the respondents have got no case.

*Abgade*

:: 7 ::

11. THAT the contents of paragraph 12 of the counter affidavit, need no comment.

12. THAT the contents of paragraphs 13 and 14 of the counter affidavit are not correct as stated and hence are denied.

In view of the facts and grounds taken by the applicant in the original application and also the admitted position of the counter affidavit, the applicant is entitled for the relief which he has claimed from this Hon'ble Tribunal. As a matter of fact the counter affidavit filed by the respondents does not contest the pleadings raised by the petitioner in his application.

13. THAT the contents of paragraph 15 of the counter affidavit need no comment.

14. THAT the contents of paragraph 16 of the counter affidavit are not correct as stated and hence are denied. The detailed reply has already been furnished in the foregoing paragraphs, hence need not to be repeated here.

I, the deponent abovenamed do hereby

*Logan*

:: 8 ::

(A)

verify and declare that the contents of paragraph nos. 1, 2, 3, 5, 6, 7, 8, to 14

of the 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. 4,

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.

*Sadhana Srivastava*  
( DEPONENT ) 27890

I, Miss Sadhana Srivastava, Advocate, do hereby identify the above named deponent who is filing this ~~exempt~~ rejoinder affidavit and he is known to me ~~personally~~ from the papers produced before me.

*Sadhana Srivastava*  
(Sadhana Srivastava)  
Advocate.

(A) *Sadhana Srivastava*  
Advocate  
District Court  
Allahabad Court  
Lucknow, ~~know~~  
No. 1

## FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, .....BENCH

OA/TA/RA/CP/MA/PT CCP 12 of 20.92Suresh Prakash.....Applicant(S)

Versus

.....Respondent(S)

## INDEX SHEET

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B-C file Weeded and destroy

Certified that the file is complete in all respects.

Rajesh

Signature of S.O.

Sharma

Signature of Deal. Hand

8/6/12

cont. 12/92

in

O.A. 134/90

8.11.93

D.R.

A letter no. 13/3/93 JA dt. nil has been received from C.A.T. Principal Bench, New Delhi regarding constitution of a Full Bench comprising of Hon'ble Chairman, Hon'ble V.C. And Hon'ble Mr. V.K. Seth, A.M.

(R)

1.2.94

D.R.

List this case on 14, 15, 16/2/94 for final hearing before the Hon'ble Full Bench. Inform the parties learned counsels.

Dearbhai  
Roshni  
10.2.94

16.2.94

Judgment - pronounced by Larger Bench  
<sup>in 10th Cont.</sup> comprising Hon'ble Mr. Justice V.S. Malimath, Chhunwa, Hon'ble Mr. Justice R.K. Verma & Hon'ble Mr. V.K. Seth, A.M.

2  
Page

21-6-93

OR  
REKRS. SFO (Integrated  
totally rate  
order 19/2/93)

19/2/93

OR  
R.F.H.L.  
P.NO 21/2/93  
to get time to  
infringement  
work

20/2/93

OR  
P.NO 30/2/93  
for recall of order  
Placed R.F.H.L.

21/2/93

B

20/2/93

OR

OR  
P.NO 30/2/93  
for recall of order  
date 20/2/93  
Placed  
SFO  
20/2/93

OR  
REKRS. Mr. Dinesh V.C. Somwar  
Rekrs. Mr. V.K. Sahu - DM

OR - Mr. C. on 30-6-93

Mr. S.  
DM

LG

CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH, LUCKNOW.

Contempt Petition No.12/92(L)

in

M.P. No.780/92

in

D.A. No.134 of 1990 (L)

Suraj Prakash :::::::::: Applicant

Vs.

Shri V. Krishnan & :::::::::: Respondents  
two others.

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

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

(By Hon. Mr. K. Obayya, A.M.)

The question for determination is whether there can be a direction issued to the administration in respect of what appears to be a policy issue for creation of "Selection Grade" in the financial and administrative streams in Geological Survey of India (G.S.I.).

2. Accepting recommendations of 4th Pay Commission, "Selection Grade" was introduced in G.S.I. to cover 244 out of 284 posts at the level of Directors. This benefit, however, was confined only to scientific and technical streams and not to administrative and financial streams.

3. The applicant who belongs to administrative stream represented that being an Officer of the level of Junior Administrative grade, he too was entitled for the benefit and 3 posts in this stream should be upgraded, constituting 15% of the total posts of 21. His representations were considered at various levels, and the applicant was informed that his case is not covered by restructuring order dated 13/3/87, as he does not belong to organized cadre. Organized Cadre is identified as one where there is induction by direct recruitment to the extent of 30% of posts.

4. The plea of the applicant was that the order of restructuring is not a qualified order but includes all

Group 'A' Central Services. The order of Ministry, Personnel, Public Grievance & Pension, dated 14/8/87 laying down the criteria of creation of Selection Grade Post indicates that all Group 'A' Officers of Central Services are eligible for the benefit to the extent of 15% of the posts of 'Senior duty posts' i.e. all senior duty posts of Group 'A' Officers of Central Services should be taken into consideration to arrive at the number of posts to be declared as Selection Grade Posts.

5. After hearing the Counsels for the parties and also taking into consideration the decisions including the decision in O.A. No.119 of 1988 by Principal Bench (Kasmira Singh Vs. Union of India & Others) it was held that there was no stipulation that the administrative and financial streams are not covered for benefits of selection grade as there is nothing in the directions of the Government to suggest this.

6. The administration, however, took a consistent stand that the matter was examined again and again and after due consideration on all aspects they came to the decision that the benefit of upgradation to Selection grade is only in respect of organised cadre and the applicant's case does not fall in this category.

7. While disposing of the case, direction was given to the respondents that selection grade posts be created in the Administrative and Financial Stream. With regard to the prayer of the applicant for the benefits of selection grade post, it was decided that it should be in accordance with the rules laid down in the Government order.

8. The applicant has approached the Tribunal for action against the respondents for contempt, as the above direction has not been complied with. We have reservations whether the direction is beyond the jurisdiction of the Tribunal. Reference may be made to the decision of the Supreme Court

in Mallikharjun Rao & Others Vs. State of Andhra Pradesh (A.I.R.1990 S.C. p.1251) wherein it was held that the Tribunal/Court cannot direct Government to amend rules or make provisions to alter service conditions. In the above case it was also observed that it is neither legal nor proper for High Court or Administrative Tribunal to issue directions to the executive in a matter which falls exclusively within the sphere of executive functions.

9. Now the question is whether the matter should have been left to the consideration of the Administration to create selection grade posts in view of the fact that they were denying such benefits to the financial and administrative stream viz. as the unorganised cadre of Central Services are not covered by the benefit of the selection grade. If such a direction is given for creation of the posts of selection grade in the administrative and financial stream, this would mean the Tribunal is giving a direction in a matter of policy, or transgression into sphere of executive functioning. It may also be pointed out that in G.S.I. which is preponderantly manned by technical and scientific personnel, administration plays only a supportive role and whether they could be placed on par with the main streams of the staff, and the question would be whether the direction given for creation of selection grade in the administrative and financial streams of G.S.I. against the avowed policy, needs and justification, with its financial burden amounts to a Policy decision and if that be so whether interference could be made by the Tribunal by way of a direction. The question of contempt also can be considered. This matter requires to be considered by a Larger Bench. The papers may be placed before the Hon'ble Chairman for constituting a Larger Bench for deciding the question.

  
Member (A)

  
Vice-Chairman.

Dated: 28/3/93, Lucknow.

(tgk)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUAL

LUCKNOW BENCH, LUCKNOW

Contempt Petition No 12 of 1992

in re: OA No. 134 of 1990(L)

(under Section 17 of the Administrative  
Tribunal Act 1985)

Suraj Prakash,  
Aged about 52 years,  
S/o Shri Chanan Ram  
Regional Administrative Officer,  
Geological Survey of India,  
Northern Region,  
Sector-E, Aliganj,  
LUCKNOW.

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing ... 26/2/92  
Date of Receipt by Post ...

-versus-

Deputy Registrar(J)

Shri V. Krishnan,  
Secretary,  
Ministry of Mines,  
Shastry Bhawan,  
NEW DELHI.

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

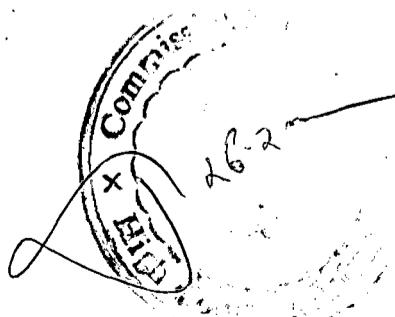
3. Secretary(By Name)/  
Shri Ved Prakash Uppal,  
Director (P.P.)  
Department of Personnels and Training,  
P.P. Division, 6th Floor  
Nirvachan Sadan, Shoka Road,  
NEW DELHI

.... Opposite parties.

To

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

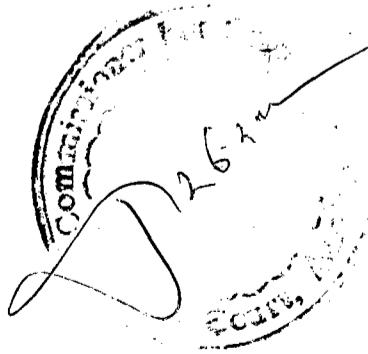
The humble contempt petition on behalf  
of the above named petitioner most respectfully submit



Reserve

as under:-

1. That the petitioner is working as Regional Administrative Officer in Geological Survey of India, Northern Region, Sector-E, Aliganj, Lucknow under the department of Mines, Ministry of Steel and 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 grant of selection grade to the officer of the Administrative Stream at Junior Administrative Grade level.
3. That the petitioner filed claim petition before this Hon'ble Tribunal and the same was marked as Registration OA No. 134 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 petitioners belongs to the Administrative Stream and holding Group-A post ( Junior Administrative Grade) in the scale of Rs. 3700-5000/-.



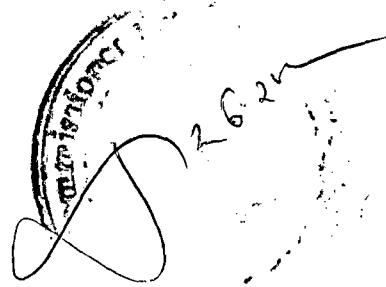
*Ansad*

5. That the petitioner belonging to Group-A post (Junior Administrative Grade) has originally been appointed to this post on 27.4.1977 and since then petitioner is continuing against this post without any promotion. The petitioner represented number of times for grant of selection grade non-functional to the officer of the Administrative Stream at the level of Regional Administrative Officer as selection Grade has been granted to the officers of different streams at the level of Junior Administrative Grade in Geological Survey of India.

6. That repeated representations proved abortive the petitioner filed an application Registration No. OA No. 134 of 1990(L) before this Hon'ble Tribunal and was disposed off through judgement dated 22nd November 1990 and the judgement was passed. The operative part of the judgement is as under:

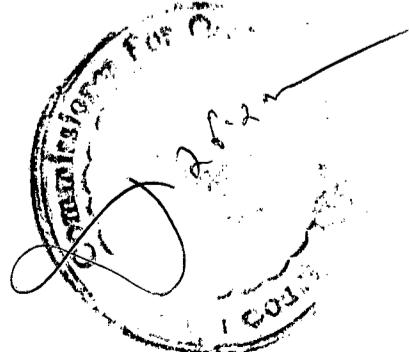
"It is the case of the applicant which is not denied by the respondents that in the 'Stores Stream' also, there is no direct recruitment upto 50 percent, as such it is

*Posse*



also not an 'Organised Service', but one post has been upgraded as 'Selection-grade post' in the Stores Streams. That being the case, we see no justification, 'why the personnel in the Administrative and Financial Streams should be deprived of the benefit of Selection Grade.' There is nothing in the order of the Department of Personnel (Annexure A-1) to suggest that the Administrative and Financial Streams are not entitled for Selection Grade. From this, it follows that orders dated 02.8.1989 and 14/21.9.89 (Annexure A-8 & A-9) rejecting grant of Selection Grade to the applicant, cannot be sustained, and are accordingly quashed. In the light of the discussions above, we direct that the post of 'Selection Grade' be created in the Administrative and Financial Streams. With regard to the prayer for promoting the applicant to the "Selection Grade", that has to be considered on merit and the department may consider this, as per the rules and condition laid down in the Government Order (A-1). We dispose off this application with the direction as above, in the circumstances parties to bear their costs." A true copy of the aforesaid judgement is being filed herewith as Annexure No. 1 to this application.

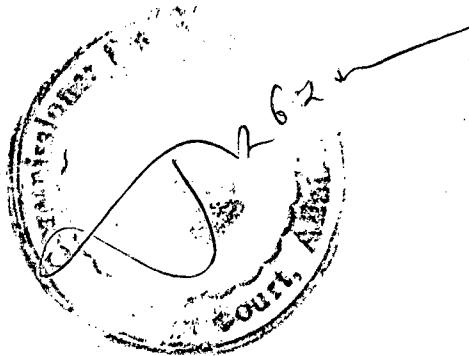
*Royal*



7. That the above said judgement was sent to the Dy. Director General, Geological Survey of India, Northern Region, Lucknow by the Additional Central Govt. Standing Counsel, Lucknow and in turn the Dy. Director General, Geological Survey of India, Northern Region, Aliganj, Lucknow forwarded the judgement to the respondents No. 1 and 2 vide letter No. 1249/C-18011/2/90-Legal dated 4.12.1990 for implementation. A true copy of the said letter is enclosed herewith as Annexure No. 2 to this application.

8. That the petitioner addressed an application dated 26.4.1991 to the Secretary, Ministry of Steel and 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/NR dated 29.4.1991 but the petitioner has not heard anything from the respondents regarding implementation of the judgement of this Hon'ble Tribunal. A true copy of the said application letter dated 26.4.1991 is being filed herewith as Annexure no. 3 to this application.

*loyall*

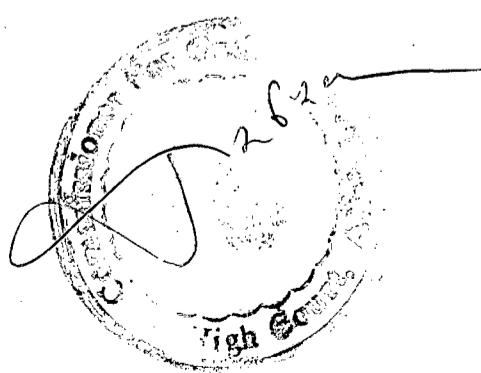


9. That the petitioner sent another application dated 15.11.1991 addressed to the Secretary, Ministry of Steel and Mines, Department of Mines, Shastri Bhawan, New Delhi which was forwarded to the Director General, Geological Survey of India, Calcutta by the Dy. Director General, Geological Survey of India, Northern Region, Aliganj, Lucknow vide letter No. 1079R/P&C/Misc./91 dated 20.11.1991. A true copy of the representation dated 15.11.1991 is being filed herewith as Annexure no. 4 to this application.

10. That the Respondent no. 2 issued a letter No. 1/Conf/31/1(617)/Law-59/90 dated 18.11.1991 intimating the Dy. Director General, Geological Survey of India that judgement on OA No. 134 of 1990(L) of this Hon'ble Tribunal is under examination and process.

11. That the petitioner again approached Shri C.P. Vohra, Director General, GSI, Respondent no. 2 for taking action regarding implementation of the said judgement through a D.O. letter dated 29.11.1991.

*Ansall*

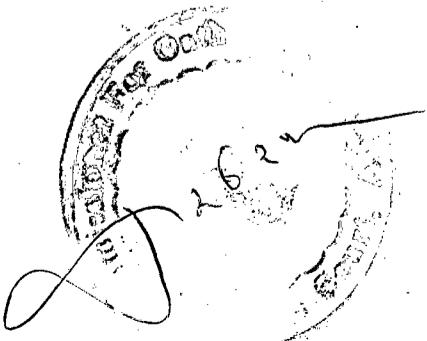


The Respondent no. 2 has replied to the petitioner vide letter No. 48498/A-11013/Sl. Gr./91/19-A dated 30.12.1991 that the proposal for creation of Selection Grade post in the JAG level officers in the Administrative Stream has been sent to the Ministry. A copy of the letter dated 30.12.91 is being filed herewith as Annexure no.5 to this petition. The proposal sent by the Respondent no.2 to the Respondent no.1 is being filed herewith as Annexure no.6 to this petition.

12. That the Respondents inspite of the directions of the Hon'ble CAT dated 22.11.1990 and number of reminders from the petitioners the Respondent no.1 & 2 have not complied with the directions of this Hon'ble Tribunal so far.

13. That these opposite parties have deliberately and willfully not complied with directions of this Hon'ble Court dated 22.11.1990 and it appears that they have no respect of the Hon'ble Court and in order to undermine the authority of this Hon'ble Court.

*Leave*



14. That in the circumstances warranted above, it is mentioned that the opposite parties have not complied with the directions of this Tribunal dated 22.11.1990 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.

15. That the applicant has not received any notice from the Hon'ble Supreme Court of India and he has reason to believe that department <sup>has</sup> not filed

any SLP against the judgement of this Hon'ble Tribunal.

PRAYER

It is therefore most respectfully prayed that this Hon'ble Court be graciously pleased to punish the contem'ors and start contempt proceedings against the opposite parties in accordance with the La

Lucknow,  
Dated: 26 Feb. 1992.

*Suraj*  
Applicant  
(SURAJ PRAKASH)  
(In Person)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

CONTEMPT PETITION NO. OF 1992

in re: OA No.134 of 1990(L)

Suraj Prakash

.. Petitioner

-versus-

Shri V. Krishnan  
and two others

.. Opposite parties/  
Contemnors.

AFFIDAVIT IN SUPPORT OF PETITION UNDER  
SECTION 17 OF THE ADMINISTRATIVE TRIBUNAL  
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, Sector-E, Aliganj, Lucknow do  
hereby solemnly affirm 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  
deposited to herein under:-

2. That the contents of para 1 to 15 of  
the accompanying contempt petition are true to my  
personal knowledge, and on the basis of information  
gathered as well as on the basis of legal advice.

*As per*

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

*Abulzad*  
Deponent.

Lucknow,

Dated: 26 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.

*Abulzad*  
Deponent.

Lucknow,

Dated: 26 Feb. 1992.

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

*TK. Singh*  
Advocate

Subdly Affidavit I have on 26.2.92  
at 10 AM Deponent Swapna Deekshitha  
Deekshitha Deekshitha Deekshitha  
Advocate - High Court 2.0 & P.M.

I have satisfied myself by examining  
the deponent that he fully understands  
the content of this affidavit which have  
been read over & explained to him  
by me.

*R. S. Deekshitha*  
Deponent

26.2.92

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD DEI.CB

LUCKNOW

• • •

C. A. No. .... 134/90

Suraj Prakash ..... Applicant.

vs.

U. O. I. & Ors. ..... Respondents.

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

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

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

This application under Section 19 of the Administrative Tribunals Act, 1985 has been filed challenging the orders dated 02.08.89 and 14/21.09.89 contained in Annex.A-8 & A-9 to the application rejecting extension of selection grade to the officers of Administrative and Financial Streams working in the Geological Survey of India (G.S.I.).

2. The applicant joined Geological Survey of India (G.S.I.) as Regional Administrative Officer (R.A.O.) in 1977, after selection by U.P.S.C. On the basis of Fourth Commission's recommendation, 'Selection Grade' was introduced in G.S.I. benefitting 244 officers out of 284 at the level of Directors. However, this benefit was confined only to Scientific and Technical Streams and not to the Administrative and Financial Streams. Aggrieved by this, the applicant made representations to the authorities but his request was rejected on the ground that he was not holding the post in the 'Organised Cadre'.

3. It is stated by the applicant that he belongs to General Central Service Group 'A' and the Administrative Stream is a constituent of the cadre structure of G.S.I.

*A. S. S.*

and that the order dated 13.03.1987 issued by the Ministry of Finance conveying sanction of selection grade does not mention about the 'Organized Cadre' and that all the posts in G.S.I., of the level of Junior Administrative Grade, have to be taken into consideration for working out the number of selection grade posts. There are 21 posts in the Administrative Stream and 15% of this works out to 3, as such 3 posts in the Administrative Stream should be upgraded to Selection Grade. It is further stated that the 'Stores Stream' which is also a part of administrative wing, has been considered for selection grade and one post has been created as 'Selection Grade Post'. The denial of the same to Administrative & Finance Wing amounts to discrimination.

4. The stand of the respondents is that the Administrative & Financial streams have not been included for the benefit of 'Selection Grade' because they do not constitute an 'Organized Cadre' in that the criteria of Direct Recruitment upto 50 per cent to the posts is not satisfied in these streams.

5. We have heard the counsel for the parties and also perused the record. The only ground on which the Administrative & Financial streams have not been included for consideration of 'Selection Grade' is that this is not an 'Organized Group-A' service, since the criteria laid down for considering a service as an 'Organized Group' is not satisfied.

6. We have given our careful consideration to the office memorandum dated 14.08.1987 (Annex.A-3) relied upon by both the sides. The memorandum reads as under:

No. 19/1/86-PP  
Ministry of Personnel, Public Grievances  
and Pensions,  
(Department of Personnel & Training)  
(PP Division)

6th Floor, Nirvachan Sadan  
Ashoka Road, New Delhi - 1

Dated- the 14th August, 87.

OFFICE MEMORANDUM

SUBJECT: Recommendation of the Fourth Central Pay Commission - Orders regarding Selection Grade in Group-A Services.

The undersigned is directed to say that pursuant to the recommendation of the Fourth Pay Commission regarding Selection Grade posts for Group 'A' Central Services, the President is pleased to decide that in all Group 'A' Central Services the number of posts in the Selection Grade shall be equal to 15% of the Senior Duty Posts (i.e. all duty posts at the level of Senior-Time-Scale and above in the cadre). However, there shall be no increase in the overall strength of the cadre. An Officer appointed to the Junior Administrative Grade will be granted Selection Grade, if he satisfies that condition prescribed in paragraph 3 and 4.

2. It has been noted that, save in few cases, the formula of 15% of Senior Duty Posts will yield figure which is less than the number of posts sanctioned in the Junior Administrative Grade. Hence, there will be no difficulty in implementing the decision. However, in a few cases, the formula yields a figure which is slightly higher than the number of posts sanctioned in the Junior Administrative Grade. It is made clear that in respect of these services, the number of posts in the Selection Grade will be limited to the number of posts sanctioned in the Junior Administrative Grade.

3. Appointing to the Selection Grade and to posts carrying pay above the Junior Administrative Grade Scale of pay in Group 'A' Central Services shall be made by selection on merit with due regard to seniority.

4. No member of the service shall be eligible for appointment to the 'selection grade' until he has entered the fourteenth 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 member was recruited.

5. Appointment to the Selection Grade shall be made by a Committee to be constituted internally and the cases relating to appointment shall continue to be sent to the E.O. Division of this Department for obtaining the prior approval of the Appointment Committee of the Cabinet. This provision shall not apply to such of the Departments as have been specifically empowered to make appointments at this level within their own competence.

6. This supersedes instructions contained in this Department's O.M. No. 5/12/79-PP-II, dated the 31st July, 1982. Accordingly, the condition regarding stagnation at maximum of Junior Administrative Grade for two years for promotion to Selection Grade contained therein, is hereby removed.

7. The orders regarding fixation of pay on appointment to Selection Grade will be issued separately.

8. These orders will take effect from 01.01.1986.

9. ....  
.....  
(Hindi version will follow)

Sd/-  
( V.P. UPPAL )  
Director (PP)  
Phone : 381364

Asstt

Contd.....p5/-

7. From a reading of the above memorandum, it is evident that the recommendation of the Fourth-Pay-Commission regarding grant of selection grade, which was accepted by the President, is in respect of all Group 'A' Central Services subject to satisfaction of the conditions laid down in paras 3 & 4 of the said memo. There is no mention of 'organised service' as a pre-condition for the benefit of selection grade. Further it is noticed that in para 6, there is clear indication that these instructions supersede the earlier instructions contained in O.M. No. 5/12/79-PP/11 dated 31.07.82. The conditions governing grant of selection grade as laid down in paras 3 & 4 read together with the clarification in para 6, indicate that the above memorandum is self-contained in all aspects and not to be read in continuation of any other previous instructions/orders on the subject. The learned counsel for the Respondents has not brought to our notice any instruction/order to the effect, that the previous instructions/orders on the subject continue to operate notwithstanding the above memorandum. In para 10(a) of the reply the respondents reiterated their stand that 'selection grade' is applicable only to Organised Group 'A' Central Service according to O.M. No. 5/12/79-PP-II dated 31.07.82 and further clarified in O.M. dated 06.01.1989, we have carefully examined these references. As observed by us earlier, the O.M. dated 31.07.1982 stood superseded vide para 6 of O.M. dated 14.08.1987 (Annex. A-I) and the term 'Organised Service

no doubt appears in O.M. dated 06.01.1989, but this is by way of clarification of O.M. dated 14.08.1987, and the clarification cannot impose fresh restrictions, and to the extent, they are contrary to the main orders, they cannot be acted upon and are not valid.

8. The Department has also taken up this matter with the Ministry concerned, duly recommending the case of the applicant (Annexure A-3, A-4 & A-7). It is stated in these letters that the Administrative & Financial Streams are very much within the cadre structure of G.S.I. and G.S.I. is an 'Organised Service'. It is also mentioned that in 1982, no post of 'Selection Grade' was created in the Administrative & Financial Streams due to the fact that there was only one Junior Administrative Grade post in the stream, and consequently, the creation of Selection Grade was not considered but now the position is different, and there are number of officers eligible to be considered for 'Selection Grade'.

9. The learned counsel has also brought to our notice, the decision of the Principal Bench of this Tribunal dated 17.05.1990 in O.A. No. 119 of 1988 (Kashmira Singh v. U.O.I.Ors wherein the contention that the benefit of Selection Grade is applicable only to 'Organised Central Civil Service Group 'A'' was rejected by holding that the recommendation of Fourth-Pay-Commission, and orders issued in O.M. dated 14.08.1987 covering all General Central Services Group 'A'. We agree with this finding, and hold that the issue is settled.

10. It is the case of the applicant which is not denied by the respondents that in the 'Stores Stream' also, there is no direct recruitment upto 50 per cent; as such it is also not an 'Organised Service', but one post has been upgraded as 'Selection-grade-post' in the Stores stream. That being the case, we see no justification, 'why the personnel in the Administrative & Financial Streams should be deprived of the benefit of Selection Grade', there is nothing in the order

*Boosai*

of the Department of Personnel (Annexure A-I) to suggest that the Administrative & Financial Streams are not entitled for Selection Grade. From this, it follows that orders dated 02.08.89 & 14/21.09.89 (Annexure A-8 & A-9) rejecting grant of Selection Grade to the applicant, cannot be sustained, and are accordingly quashed.

11. In the light of the discussions above, we direct that the post of 'Selection Grade' be created in the Administrative & Financial Streams. With regard to the prayer for promoting the applicant to the 'Selection Grade', that has to be considered on merit and the department may consider this, as per the rules and conditions laid down in the Govt. Order (Annexure A-I). We dispose of this application with the direction as above; in the circumstances parties to bear their costs.

Sd/-  
MEMBER (A)

Sd/-  
MEMBER (J)

22.11.90

November 22, 1990.  
Allahabad.

(karn)

Attested

T. S. S.  
CIT. C. T.  
Sup. Ct. of India  
Circuit Bench,  
LUCKNOW.

*As per all*

(18)

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,  
Shastry 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.

To : The Secretary,  
Ministry of Steel & Mines,  
Department of Mines,  
Sastri Bhawan,  
NEW DELHI

ANNEXURE-3

(19)

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 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/-

As per

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, (Dept. 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

*As per all*

(21)

above judgements in the right spirits 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 28.6.1969.

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 Bhawan, New Delhi with the request to expedite implementation of the judgements.

(SURAJ PARKASH)

*As per all*

GOVERNMENT OF INDIA  
 NORTHERN REGION  
 GEOLOGICAL SURVEY OF INDIA  
 LUCKNOW.

No. 91429/Miso/P&amp;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.

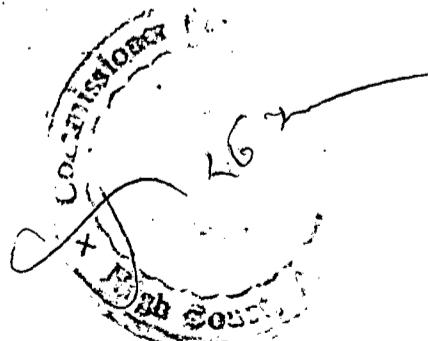
Enclosed.

Yours faithfully,

N.K. Mandwal

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

Spare copy of V.L.G. Section.

*Postall*

From:

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

23  
ANNEXURE-4

To:

The Secretary,  
Ministry of Steel & Mines,  
Department of Mines,  
Shastry Bhawan,  
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&G/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.

*Copy to all*

21

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).

Asael  
16/11/91

25

SPED 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,  
 Circuit Bench, Lucknow- Judgement dated 22.11.<sup>91</sup>  
 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

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.

Number: 1142M/A-11013/(Sl. Gr.)/91/19A

Dated, 28th Aug, 1991.

From:

To:

The DIRECTOR GENERAL  
Geological Survey of India,  
27, Jawaharlal Nehru Road,  
Calcutta-16.

The Secretary to the Government of India  
Ministry of Mines,  
Bhawan, Bhawani,  
New Delhi-110 001.

27

Sub: Creation of selection Grade in the  
Administrative & Finance stream.

Ref: This office letters (i) No. 2982R/A-32013(4-  
Director(L)/S.G./83-19B, dt. 3.11.87, (ii) Min. 's  
letter No. A-11013/1/88-M.2, dt. 20.6.89 & DP&T  
letter No. 16/1/89-PP, dt. 2.8.89 (copy of the  
three letters are enclosed).

Sir,

With reference to the DP&T letter dated 2.8.89 quoted above,  
it is stated that DP&T O.M. No. 19/1/86-PP, dated 14.8.87 does not  
specify its applicability to organised Group 'A' service only and  
there is no mention about 50% direct recruitment to the JTS level  
posts as a condition to create Sl. Grade posts in the JAG level  
of that stream.

It is pertinent to mention that selection grade has already  
been sanctioned to the Stores Stream vide Ministry of Steel & Mines,  
Dept. of Mines letter No. A-11013/1/88-M.2, dt. 15.6.88 though the  
Stores Stream does not fall under Scientific & Technical stream.

It is further stated that the "Hon'ble CAT, Allahabad Bench,  
Lucknow against O.A. No. 134/90 filed by Shri Suraj Prakash, Regional  
Administrative Officer, G.S.I Vs. U.O.I. passed an order dt. 23.11.90  
(copy enclosed) that selection grade be created in the Administrative  
& Financial stream.

The Cadre structure of Administrative and Finance stream  
under Group 'A' are furnished below:-

Sl. No. Name of Post	No. of post	Scale of pay	No. of post propose for Sl. Gr. in the J level (15% of the po in the STS grade above)
1	2	3	4
<b>1. Administrative stream:</b>			
1. Director (Adm.)	1	Rs.3700-5000/-	
2. Regional Adm. Officer	7		
3. Sr. Adm. Officer	13	Rs.3000-4500/-	
<b>2. Finance Stream:</b>			
i. Director (F&A)	1	Rs.3700-5000/-	
ii. Cost Accts. Officer	4	Rs.3000-4500/-	

Aosad

28

Moreover, the Cadre structure of Administrative and Finance stream headed by SAG level Officers is similar to that of other streams, i.e., Geology Stream, Geophysics Stream, Drilling stream etc. where selection grade in the JAG level posts have already been sanctioned.

It is, therefore, requested to reconsider the sanction of selection Grade in the Administrative and Finance stream in the JAG level post as proposed under Col. 5 above.

Yours faithfully,

Encl: As above.

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

*Abdul*

(26)

भारत सरकार  
GOVERNMENT OF INDIA

ANNEXURE NO. 5

6/840B  
रा/No. ..../Ar. 1, 1013/Sl. Gr. /91/19A.

प्रेषक/From

निदेशक, अधिकारी

गार्यायी भूवैज्ञानिक सर्वेक्षण

4, चौरंगी लेन, DY DIRECTOR GENERAL (P).  
DIRECTOR (ADMINISTRATIVE)  
GEOLOGICAL SURVEY OF INDIA  
4, Chowringhee Lane

कलकत्ता-16, D.C. ..../L.....1987/1  
Calcutta-16

सेवा में

To

Shri Suraj P. Kash,  
Regional Adminn. 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.

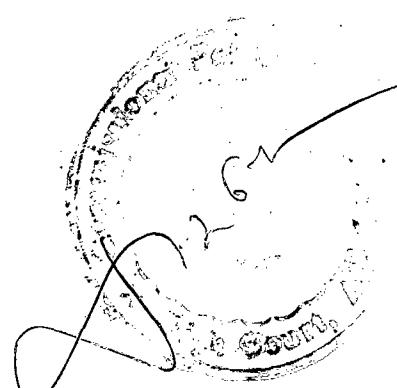
Ref:- Your DO No. 158/RAO/Misc/91 dt. 29.11.91.

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.

Regd



Number: 1142M/A-11013/(Sl. Gr.)/91/19A

Dated, 28th Aug, 1991.

From:

To:

The DIRECTOR GENERAL  
Geological Survey of India,  
27, Jawaharlal Nehru Road,  
Calcutta-16.

The Secretary to the Government of India  
Ministry of Mines,  
Bharti Bhawan,  
New Delhi-110 001.

(27)

Sub: Creation of selection Grade in the  
Administrative & Finance stream.

Ref: This office letters (i) No. 2982R/A-32013(4-  
Director(L)/S.G./83-19B, dt. 3.11.87, (ii)Min.'s  
letter No. A-11013/1/88-M.2, dt. 20.6.89 & DP&T  
letter No. 16/1/89-PP, dt. 2.8.89 (copy of the  
three letters are enclosed).

Sir,

With reference to the DP&T letter dated 2.8.89 quoted above,  
it is stated that DP&T O.M. No. 19/1/86-PP, dated 14.8.87 does not  
specify its applicability to organised Group 'A' service only and  
there is no mention about 50% direct recruitment to the JTS level  
posts as a condition to create Sl. Grade posts in the JAG level  
of that stream.

It is pertinent to mention that selection grade has already  
been sanctioned to the Stores Stream via Ministry of Steel & Mines,  
Dept. of Mines letter No. A-11013/1/88-M.2, dt. 15.6.88 though the  
Stores Stream does not fall under Scientific & Technical stream.

It is further stated that the "Hon'ble CAT, Allahabad Bench,  
Lucknow against O.A. No. 134/90 filed by Shri Suraj Prakash, Regional  
Administrative Officer, G.S.I vs. U.O.I. passed an order dt. 23.11.90  
(copy enclosed) that selection grade be created in the Administrative  
& Financial stream.

The Cadre structure of Administrative and Finance stream  
under Group 'A' are furnished below:-

Sl. No. Name of Post	No. of post	Scale of pay	No. of post proposed for Sl. Gr. in the J level (15% of the pos in the STS grad above)
1	2	3	
<b>1. Administrative stream:</b>			
1. Director (Adm.)	1	Rs.3700-5000/-	
2. Regional Adm. Officer	7		
3. Sr. Adm. Officer	13	Rs.3000-4500/-	
<b>2. Finance Stream:</b>			
i. Director (F&A)	1	Rs.3700-5000/-	
ii. Cost Accts. Officer	4	Rs.3000-4500/-	

Ansar

Moreover, the Cadre structure of Administrative and Finance stream headed by SAG level Officers is similar to that of other streams, i.e., Geology Stream, Geophysics stream, Drilling stream etc. where selection grade in the JAG level posts have already been sanctioned.

28

It is, therefore, requested to reconsider the sanction of selection Grade in the Administrative and Finance stream in the JAG level post as proposed under Ccl.5 above.

Yours faithfully,

Encl: As above.

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

*Abdul*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

CONTEMPT PETITION NO.12 of 1992(L)

in OA No.134 of 1990(L)

Suraj Prakash

.. Petitioner

-versus-

V. Krishnan and others - Contemnor/Respondent

The Respondents/Contemnoers begs

to submit as under:-

1. That the Department/Contempt Ministry in the above mentioned case have decided to file Special Leave Petition before the Hon'ble Supreme Court against the judgement and order passed by this Hon'ble Tribunal in OA No.134 of 1990(L) and the Ministry have informed vide Telex dated 4th May 1992 to the local office, a copy of the said Telex is being filed herewith for perusal.

2. That it is expedient in the interest of

*Shiv*

justice that at least four weeks time be granted to the Respondents /contemnors to produce the stay order granted by the Hon'ble Supreme Court in the proposed SLP or time to file reply to the contempt petition.

P R A Y E R.

Wherefore it is most humbly prayed that this Hon'ble Tribunal may be pleased to allow four weeks time to the Respondents in the ends of justice.



(VK Chaudhari)

Addl. Standing Counsel for Central Govt  
(Counsel for the Respondents)

Lucknow,

Dated: 10 May, 1992.

TELEX

FROM: RAKESH BHARTIYA UNDER SECRETARY MINISTRY NEW DELHI  
TO : SHRI C.P. VOHRA DIRECTOR GENERAL GEOSURVEY CALCUTTA  
REPEAT: SHRI S.N. CHATURVEDI DY. DIRECTOR GENERAL GEOSURVEY  
LUCKNOW

---

NO.C-18013/23/90-H.11(3)(.) A SLP IS BEING FILED IN THE  
SUPREME COURT OF INDIA IN S.A. NO.133/90 AND 134/90 ~~XXXX~~  
~~XXXX~~ SURAJ PRAKASH, R.A.J., GSI, NR(.) THIS FACT MAY BE  
BROUGHT TO THE NOTICE OF HON'BLE CAT, ALLAHABAD, LUCKNOW  
BENCH THROUGH GOVT. STANDING COUNSEL(.) ~~ALSO~~ <sup>CONTINUED</sup> INFORM THE  
ACTION TAKEN IN THE MATTER

---

(Rakesh Bhartiya)  
Under Secretary to the Govt. of India

Government of India  
Ministry of Mines

New Delhi, the 4th May, 1992.

To

The Telex Operator,  
Ministry of Mines.

Copy by speed post in confirmation to:-

1. Shri C.P. Vohra, Director General, Geological Survey of India, 27, J.L. Nehru Road, Calcutta-700 016.
2. Shri S.N. Chaturvedi, Dy. Director General, Geological Survey of India, Northern Region, Aliganj, Lucknow-226020.

*21/4/92 MRMT/*  
(Rakesh Bhartiya)  
Under Secretary to the Govt. of India

*Attested by  
T. C  
Rakesh Bhartiya  
21/4/92*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing 5.8.92  
Date of Receipt by Post  
Deputy Registrar (J)

LUCKNOW BENCH, LUCKNOW

C.P. No. 92 in

CONTEMPT NO.12 of 1992(L)

in re: OA No.134 of 1990(L)

M.P. No-685/92

Suraj Prakash

... Petitioner

-versus-

Shri V. Krishnan and two others.. Opposite parties/  
contemnors.

APPLICATION FOR GRANTING TIME FOR FILING  
COUNTER AFFIDAVIT ON BEHALF OF  
OPPOSITE PARTY NO.3.

The opposite parties above named begs to

submit as under:-

1. That the counter affidavit on behalf of  
Opposite parties no.1 and 2 are ready and are being  
filed along with this application. The counter  
affidavit on behalf of opposite party/contemnor no.3  
is under preparation and will be filed within four  
weeks. It is therefore requested that the  
opposite parties/contemnor no.3 may kindly be  
allowed further four weeks time for filing their  
counter affidavit.

P R A Y E R.

Wherefore it is most humbly prays that  
this Hon'ble Tribunal may be pleased to allow the  
Respondents further four weeks time for filing the  
counter affidavit in respect of opposite party no.3/  
contemnor in the ends of justice.

(VK Chaudhari)

Addl. Standing Counsel for Central Govt.  
(Counsel for the Opp. parties)

Dated: 5.8.92.

बअदालत श्रीमान

कर्दी (मुद्दई)  
मुद्दई (मुद्दालेह)

का

महोदय

## वकालतनामा

DIRECTOR GENERAL  
GEOLOGICAL SURVEY OF INDIA  
CALCUTTA-700 016

Suraj Boleash

वादी/अपीलकर्ता

बनाम

V. Krishnamurthy

प्रतिवादी/रेस्पान्डेन्ट

Calcutta 12/92

न० मुकद्दमा

सन १८

ऊपर लिखे मुकद्दमे में अपनी ओर से श्री वी० के० चौधरी, एडवोकेट, हाईकोर्ट  
१४/६२६ बरफखाना, नई बस्ती, उदयगंज, लखनऊ  
टेलीफोन नं० २३४८८८६,  
चै० नं० ५, हाई कॉर्ट-टेलीफोन २४०८०७

को अपना वकील नियुक्त करके [इकरार] करता हूँ और लिखे देता  
हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो  
कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज  
दाखिल करें या लौटावें या हमारी ओर से डिक्टी जारी करावें और  
रूपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपोल व  
निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें  
और तस्वीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या  
हमारी या विपक्ष [फरीकसानी] का दाखिल किया रूपया अपने या  
हमारे हस्ताक्षर - युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें  
वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है  
और होगी। मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं  
या किसी अपने पैरोकार को भेजता रहूँगा। अगर मुकद्दमा अदम  
पैरवी में एकतरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी  
मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि  
प्रमाण रहे और समय पर काम आवे।

स्वीकृत

(वी० के० चौधरी)

एडवोकेट

हस्ताक्षर

DIRECTOR GENERAL  
GEOLOGICAL SURVEY OF INDIA  
CALCUTTA-700 016

साक्षी [गवाह]

साक्षी [गवाह]

दिनांक

14/1/7

महीना

०१

सन १८ १९८०

बी अदालत श्रीमान

[वादी] अपीलान्ट

प्रतिवादी

Mr. Justice S. N. Bhattacharya

महोदय

श्री ८८३

वकालतनामा

(टिकट)

वादी (अपीलान्ट)

Suryaj Prakash vs Krishnadev

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

Case No. 12/92(6)

मुकदमा नं०

सन्

पेशी की ता०

१६

ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री वी० के० चौधरी एडवोकेट हाईकोर्ट ऊपर स्थायी अधिवक्ता भारत सरकार लखनऊ वेन्य, निवास- १४/६२६ बरफखाना, नईबस्ती अलंकार सिनेमा के पास लखनऊ टेली. न. २३४६८६ हाईकोर्ट चैम्बर न. १४ टेली. न. २४०६०७

( नाम अदालत मुकदमा नं० वकालतनामा फरीदनामा )

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवो व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होंगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम अवै।

स्वीकृत  
(वी० के० चौधरी)  
एडवोकेट हाईकोर्ट

साक्षी (गवाह) ..... साक्षी (गवाह) ..... Deputy Secretary

हस्ताक्षर (श्री० रवेन्द्र तिले) .....  
(Dr. RAVENDRA TILAI)

उप सचिव

कार्यालय और प्र० ए० ट्रिभान्द  
Dept. of Personnel & Training

साक्षी (गवाह) ..... Governing Council

दिनांक ..... महीना ..... सन् १६ ई०

OPT (निवास भौमिका) महोदय  
 बअदालत श्रीमान महोदय  
 वादी (मुद्दे)  
 मुद्दे (मुद्दालेह) का

वकालतनामा

Seway Prakash

वादी/अपीलकर्ता

बनाम

V. Krishnan & Anr

प्रतिवादी/रेस्पान्डेन्ट

Complaint No. 12/926  
 न० मुकद्दमा सन १६

ऊपर लिखे मुकद्दमे में अपनी ओर से श्री वी० के० चौधरी, एडवोकेट, हाईकोर्ट  
 १४/६२८ बरफखाना, नई बस्ती, उदयगंज, लखनऊ  
 टेलीफोन न० २३४८८८६,  
 चै० न० ५, हाई कोर्ट-टेलीफोन २४०८०७

को अपना वकील नियुक्त करके [इकरार] करता हूँ और लिखे देता हूँ इस मुकद्दमा से वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिक्की जारी करावें और रूपया वसूल करें या सुलहनामा या इकायाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्वीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या हमारी या विष्क [फरीकसानी] का दाखिल किया रूपया अपने या हमारे हस्ताक्षर - युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा। अगर मुकद्दमा अदम पैरवी में एकत्रफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

वी. कृष्ण

हस्ताक्षर

स्वीकृत

(वी० के० चौधरी)

एडवोकेट

साक्षी [गवाह]

साक्षी [गवाह]

दिनांक २६

महीना ७ सन् १६९१/१९०



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

CONTEMPT PETITION NO.12 of 1992

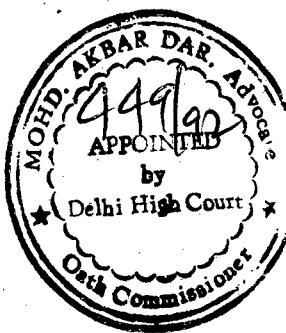
Suraj Prakash

..... Petitioner

-versus-

Shri V. Krishnan  
and others

..... Opposite parties/  
Contemnors



COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE  
PARTY NO.1 - SHRI V. KRISHNAN, SECRETARY  
MINISTRY OF MINES.

I, V. Krishnan, aged about 56 years, son  
of A.R. VENKATACHARI at present posted as Secretary,  
Ministry of Mines, Shastri Bhawan, New Delhi do  
hereby solemnly affirm and state as under :

*F.T.  
8/9  
S.C.*

(113)

1. That the deponent is opposite party no.1  
in the above mentioned contempt petition and as such  
he is well conversant with the facts of the case as  
well as the facts deposed to herein under in reply  
thereof.
2. That the deponent has read and understood  
the contents of the contempt petition and its  
enclosures.
3. That the contents of para 1 of the  
application are matter of record as such need no  
comments.

*VL*



4. That in reply to the contents of para 2 of the contempt petition it is submitted that the applicant is not eligible for selection grade as per existing Government instructions/policy.
5. That the contents of para 3 of the contempt petition are matter of record.
6. That in reply to the contents of para 4 of the application it is submitted that the petitioner does not belong to an organised Group 'A' Services or stream though he holds a Group 'A' post dealing with administrative matters.
7. That the contents of para 5 of the petition are matter of record.
8. That in reply to the contents of para 6 of the application it is submitted that in the store streams there was no justification for allowing the NFSG for the simple reason that it is not a Group 'A' service organised or unorganised. Direct Recruitment to the service is made at Group 'B' level and grant of NFSG in Store stream also requires reconsideration and withdrawal of NFSG in Store Stream is also under consideration. Against this background it is submitted that NFSG cannot be given to Administrative and Finance Stream on the ground that it has been granted in Store Stream.
9. That SLP against judgement of Hon'ble CAT Lucknow in O.A. No.134 of 1990(L) has already been filed in Hon'ble Supreme Court on 12.5.1992.

VL-1

10. That the contents of para 7 of the contempt petition are admitted.

11. That in reply to the contents of para 8 of the contempt petition it is submitted that SLP against judgement of CAT Lucknow Bench has already been filed in Supreme Court on 12.5.1992.

12. That the contents of para 9, 10 and 11 of the contempt petition need no comments.

13. That in reply to the contents of para 12 of the contempt petition it is submitted that as stated above SLP against the judgement have already been filed in Hon'ble Supreme Court.

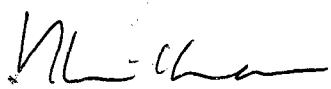
14. That in reply to the contents of para 14 of the contempt petition it is submitted that the Contemnor no.1 is a Government servant who has great regard for the judiciary. There is no wilful or deliberate disobedience on the part of contemnor. There was procedural necessity for inter-departmental consultation which has resulted in delay in filing of SLP. Hon'ble Supreme Court have been requested to condone the delay. There is no basis in the statement of petitioner that contemnor has no regard for Hon'ble Court.

15. That in reply to the contents of para 15 of the contempt petition it is submitted that SLP has been filed in Supreme Court on 12th May 1992.

*W.L.*

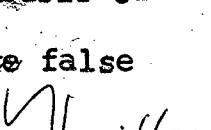
16. That it is expedient in the interest of justice that the contempt petition filed by the petitioner against the opposite party no.1 may very kindly be dropped/dismissed with cost to the opposite parties.



  
Deponent

Dated :

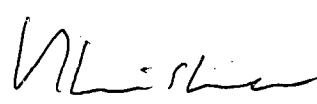
Verification

I hereby verify that the contents of para 1 & 2 of this affidavit are true to my personal knowledge and those of paras 3 to 16 of the affidavit are believed to be true on the basis of information gathered as well as the records and on the basis of legal advice. No part of this affidavit ~~are~~ false and no material fact has been concealed. 

Certified that the above  
Sh. V. K. Singh  
S/o Sh. A. R. Venkatesham  
R/o Secretary mines & mines Shastri Bhawan  
Identified by Vinay Kumar  
New Delhi  
30th day of July 1992  
Signed by me at  
the presence of the affiant  
which has been read over and  
explained to him is true and  
correct to his knowledge.

Oath Commissioner New Delhi

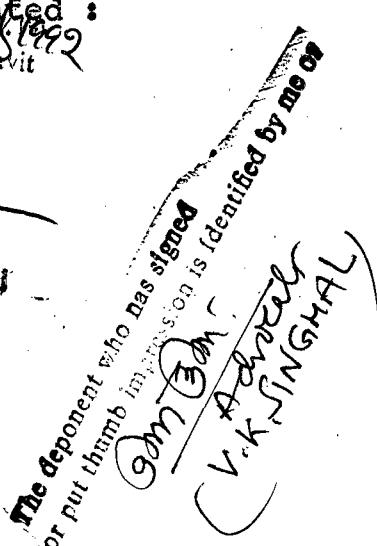
30 JUL 1992

  
Deponent

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

  
Advocate.

Vinay Kumar Singh  
Advocate,  
1141, Harjasmal Street,  
Bazar Sita Ram, DELHI-110006

  
The deponent who has signed  
or put thumb impression is identified by me  
Om Om  
V. K. SINGHAL

G.D. GHOSHAL  
UNDER SECRETARY  
Tele: 4624235

D.O. No.5/3/92-CRD  
भारत सरकार  
कार्यालय और प्रशिक्षण विभाग  
कार्यालय, लोक शिकायत तथा पेशन मंत्रालय  
नई दिल्ली  
GOVERNMENT OF INDIA  
DEPARTMENT OF PERSONNEL AND TRAINING  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS  
NEW DELHI

Dated the 27th July, 1992.

Dear Shri Bhartiya,

Please refer to your d.o. No.10/19/92-M.II(V) dt.23rd July, 1992 regarding comments of this Department on contempt petition filed by Shri Suresh Prakash, R.A.O., G.S.I., N.R., Lucknow. With their I.D. Note dated 17-7-1992 the Ministry of Mines had sent them para-wise comments and two forms of Vakalatnama and also requested for comments, if any, of this Department. This Department has nothing to add to the draft comments of your Ministry. The Vakalatnama, duly signed by Deputy Secretary(CS) in this Department, has been returned to Ministry of Mines with our U.O. Note No.F.5/3/92-CRD(Pt.) dt.21.7.92, which was personally collected by Shri D.N. Malik of G.G.E., G.S.I.

With regards,

Yours sincerely,

*G.D. GHOSHAL*  
(G.D. GHOSHAL)

Shri Rakesh Bhartiya,  
Under Secretary,  
Ministry of Mines,  
New Delhi.

102  
21/7/92  
VK  
VK CHAUDHARI  
ADVOCATE,  
Addl. Central Govt. Standing Counsel  
Supreme Court: Lucknow Bench

3600-M-II  
29/7/92

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH, LUCKNOW

Contempt No. 12 of 1992

In

Original Application No. 134 of 1990(L)

Suraj Prakash ..... Petitioner

Vs.

Shri V. Krishnan and two others ..... Opposite parties/  
Contemnors.

Counter affidavit on behalf of  
Shri C.P. Vohra Director General,  
GSI, Calcutta - Contemnor - No.2

I, C.P. Vohra, aged about 58 Years,  
son of Shri P. L. Vohra  
at present posted as Director General, Geological Survey  
of India, 27 Jawaharlal Nehru Road, Calcutta do hereby  
solemnly affirm and state as under :

1. That the deponent is the opposite party No.2  
in the above mentioned contempt petition, as such he is  
well conversant with the facts of the case.



2. That the deponent has read and understood the contents of the contempt petition and its enclosures and he is in a position to give reply thereof as under.

3. That the contents of para 1 of the contempt petition are admitted to the extent that the petitioner is working as Regional Administrative Officer in GSI under Ministry of Mines, Government of India and under the control of opposite party No. 1 & 2.

4. That in reply to the contents of para 2 to 15 of the contempt petition it is submitted that the applicant is not eligible for Selection Grade as per existing Govt. instructions/policy.

The petitioner does not belong to an organised Group 'A' services or stream though he holds a Gr. 'A' post dealing with admn. matters.

In the store streams there was no justification for allowing the NFSG for the simple reason that it is not a Group 'A' service organised or unorganised. Direct recruitment to the service is made at Group 'B' level and grant of NFSG in stream also requires reconsideration and withdrawal of NFSG in Store stream is also under consideration. Against this background it is submitted that NFSG cannot be given to Administrative & finance stream on the ground that it has been granted in store stream.

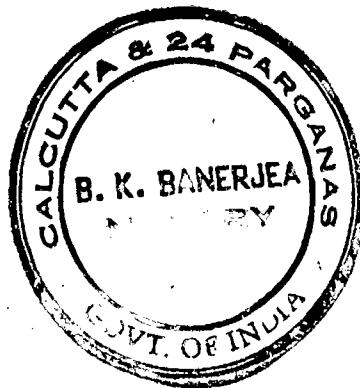


162  
9-  
TAN  
SLP against judgement of Hon'ble CAT Lucknow in OA No.134/90(L) has already been filed in Hon'ble Supreme Court on 12.5.92.

Thus apart, that the allegation that the opposite parties have deliberately and willfully not complied with the directions of the Hon'ble CAT dated 22.11.1990 is not the fact. Because, on receipt of the Hon'ble CAT order dated 22.11.1990, the question of revision of Recruitment Rules for the post of Deputy Director General(P) and creation of Selection Grade posts (non-functional) in JAG level of administration and Finances streams was examined and the Ministry of Mines was approached in this regard in compliance with CAT directives dated 22.11.1990, as that the Officers in the administrative stream may be promoted to the post of Deputy Director General(P) and be benefited with the Selection Grade. The correspondences with the Ministry are as follows :-

(a) Regarding revision of Recruitment Rules for the post of Dy. Director General (P).

(i) GSI letter No.830M/A-12018/1/88/19A dated 1.7.1991 (proposed for revision) filed herewith as Annexure C-1 to this affidavit.



(ii) Ministry's telex messages No.C-18018/

25/90-M.2/C dated 9.8.1991 & 29.8.91

filed herewith as Annexures Nos. III &

IV to this affidavit.

(iii) GSI letter No.1207M/A-12018/1/88/19A

dated 6.9.1991 - photostat copy enclo-

sed herewith as Annexure No.C-V to this

affidavit.

(b) Regarding creation of Selection Grade.

i) GSI letter No. 1142M/A-11013/(Sl.Gr.)/91/19A

dated 28.8.91 (proposed for creation of Sele-

ction Grade posts) - Enclosed as Annexure No.

C-VI to this affidavit.

(c) Reminders to the Ministry for early action on both  
the matters stated at (a) & (b) above :-

i) GSI letter No.71M/A-11013(Sl.Gr.)/91/19A dt.10.1.92

(copy enclosed as Annexure No.VII to this affidavit).

(ii) GSI letter No.307M/A-11013/(Sl.Gr.)/91/19A

dated 21.2.1992 (photostat copy of the same is

being filed herewith as Annexure No.C-VIII to

this affidavit).

(iii) GSI letter No.350M/3/1(617)/Law-59/90 dt.2.4.92

(photostate copy enclosed herewith as Annexure No.



C-IX to this affidavit).

(iv) GSI letter No. <sup>72814</sup> 353M/A-11013/(Sl. Gr.)/91/19A dt.

8.5.92 (photostat copy enclosed herewith as

Annexure No. X to this affidavit )

That in this connection it has been intimated by the Ministry vide letter No. 3(3)/ 91-M.III(G) dt. 24.1.1992 that DOPT is being consulted in the matter and their advice is awaited.

5. That the petitioner, Shri Suraj Prakash, Regional Administrative Officer, GSI, was intimated vide letter No. 48498/A-11013/Sl. Gr./91/19A dated 30.12.91 about the action taken.

6. That to finalise the case of revision of recruitment Rules and creation of Selection Grade posts, Ministry of Mines is to consult with DOPT/UPSC/Ministry of Finance, perhaps, it is being delayed to observe those formalities, but there is no motive behind it for the delay.

7. That in view of the facts and circumstances stated in the foregoing paragraphs the contempt petition filed by the petitioner is liable to be dismissed.

Yash T. Ray

Deponent.

Director General  
Geological Survey of India



## VERIFICATION

I, the deponent above named do hereby verify that the contents of para 1 & 2 of the affidavit are true to my personal knowledge and those of para 3 to 7 are believed to be true on the basis of records and information gathered and on the basis of legal advice. No part of this affidavit are false and no material fact has been concealed.

Land T. 102

Deponent.

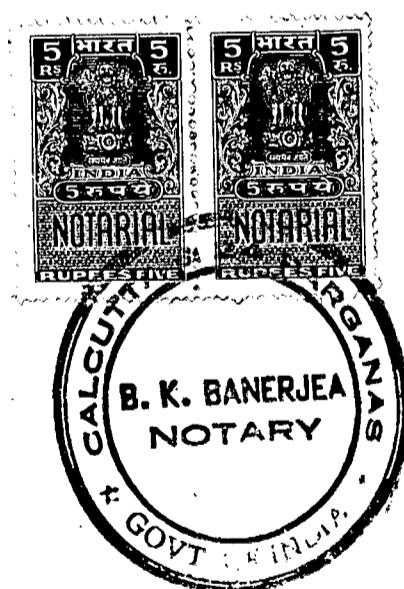
Bureau of  
Geological Survey of India

**SOLEMNLY AFFIRMED & DECLARED  
BEFORE ME ON IDENTIFICATION**

(B. K. BANERJEE  
NOTARY

10 JUL 1992

**B. K. BANERJEE**  
NOTARY  
Regd. No. 145/80  
C. M. M's Court  
Calcutta—700001



2430M/A-12018/1/88/19A

1/7/1991

From:  
The Director General  
Geological Survey of India  
27, Jawaharlal Nehru Road

To:  
The Secretary to the  
Government of India  
Ministry of Steel and Mines  
Department of Mines  
Shastry Bhawan  
New Delhi.

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

Sub:- Amendment of Recruitment Rules for the post of Dy. Director General (P) in GSI.

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 dt. 25-8-89 & No. 2430M/A-12018/1/88/19A dt. 21-2-91, a revised proposal according to the judgement of the Hon'ble CAT, Lucknow Circuit Bench and Allahabad Bench against CAS No. 123 of 1990 (L) & 134 of 1990 respectively is enclosed for consideration and approval.

In this connection, it is stated that as per the existing P/Rules, the vacancy in the grade of Dy. Director General (P) is filled in by ~~exam~~ 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 for their career prospect and to overcome the difficulties being experienced by this department in filling up of the post from All India Central Services Group- "A" cadres or 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 P/Rules sent herewith and communicate the Government of India decision/approval at an early date.

Yours faithfully,

SD/-

( S. Jan Modak )  
Director (Personnel)  
for Director General,  
Geological Survey of India.

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

JK  
Chaudhary  
8/1/91

VK CHAUDHARY  
Advocate  
Addl. Central Govt. Standing Counsel  
High Court: Lucknow Bench

Annexure - II  
C - III  
( C O P Y )

TELEEX

FROM: RAKESH BHARTIYA UNDER SECRETARY MINEMETAL NEW DELHI  
TO: SHRI RN CHAKRAHORTY DY. DIRECTOR GENERAL(P)  
GEOSURVEY CALCUTTA  
REPEAT : SHRI HAREN PAL ADM. OFFICER GEOSURVEY CALCUTTA

-----  
No. C-18018/25/90-M.2/G (.) KINDLY SENT THE RECRUITMENT  
RULES FOR THE POST OF RAO DIR (ADMM) DIR(F) AND  
DY. DIRECTOR GENERAL(P) (.) PLEASE ALSO SEND A COMPLETE  
SET OF EXISTING REC'T. RULES IN RESPECT OF GROUP 'A'  
AND 'B' OFFICERS OF GSI (.) MATTER IS URGENT (.)

-----

Sd/-

( Rakesh Bhartiya )  
Under Secy. to the Govt. of India  
Ministry of Mines  
New Delhi  
9/8/91

To  
The Telex Operator  
Ministry of Mines

Copy by post in confirmation to :-  
1. Shri R.N. Chakrahorty, Dy. Director General(P), GSI,  
4, Chowringhee Lane, Calcutta - 700 016.  
2. Shri Haren Pal, Adm. Officer, Sec.17, GSI, 4, Chowringhee  
Lane, Calcutta - 700 016.

Sd/-

( Rakesh Bhartiya )  
Under Secy. to the Govt. of India.

*✓*  
*✓*  
*✓*  
VR CHAUDHARI  
Adv. to the Govt. of India  
Central Govt. Legal Counsels  
Court: Lucknow Bench

shancore - II

( C O P Y )

1X  
for C -

TELEGRAPH

Department of Telecommunications

Office : DTO-PARK STREET  
Ref : WCAPSC -0095  
Date : 30. AUG 91  
Time : 08 : 16 HRS

2315 C 2421 NEW DELHI 22 STE 62/63

DELIVERY INSTRUCTIONS

NIL

to

SHRI HAREN PAL ADM  
OFFICE: GEOSURVEY  
CALCUTTA

C-18018/25/90-M.JT/G (.) REFOLEX MESSAGE OF EVEN  
NUMBER DATED 9TH AUGUST 1991 REGARDING OA NO 133/90(L)  
FILED BY SHRI SRAJPRakash (.) PLEASE SEND THE COPIES  
OF THE RECIT RULES FOR THE TOSM OF DFO DIRECTOR (ADMN)  
DIRECTOR (D) AND DOG IMMEDIATELY (.)  
MINMETAL

Office use Only :-

COMPUTER CODE : ZCZC 0095 PPP WCAPSC  
X 2315 C 2421 NEW DELHI 22 STE 62/63

A. T. M.  
A. T. M.  
V. K. CHAUDHARI  
Adv. in Govt. of India  
Addl. Adm. Court, Lucknow Bench  
P.O. Box No. 100, Lucknow, U.P.  
Counsel

Annals of the - 12

6

( C O R Y )

No.1207W/A-12018/1/88/10A

6/9/1991

To  
The Secty. to the  
Govt. of India  
Ministry of "ines  
Shastri Bhawan  
New Delhi - 110001.

Sub:- Amendment of Recruitment Rules for the post of Dy. Director General (P), Director (Admn.) and Regional Admn. Officer in the GSI.

Ref:- Ministry's telex messages No. C-18012/25/-  
90-F.2/G dt. 9-8-91 & 24-8-91.

Sir,

As desired, existing Recruitment Rules for the posts of Director (P), Director (Admn.) and Regional Adm. Officer are sent herewith. It is stated that the proposed revised R/Rules for the post of Dy. Director General (P) according to the order dt. 22-11-90 passed by the Hon'ble CAT, Lucknow Circuit Bench, Allahabad against O.A. No. 133 of 1990 (L) filed by Shri Suraj Prakash, Regional Adm. Officer, GSI has already been sent to the Ministry alongwith the existing R/Rules vide this office letter No: 8301/A-12010/1/88/10A dt. 1-7-91. The revised R/Rules for the posts of Director (P), Director (Admn.) and Regional Adm. Officer is under active consideration of the Committee constituted departmentally for the purpose and the same will be sent shortly.

Yours faithfully,

Sr1/-

Enc1:-

( S. C. Bam )  
Sr. Administrative Officer,  
for Dy. Director General (P), GST.

VK CHUDAHRI

**Addl** Section C of Standing Counsel  
is now being

## GOVERNMENT OF INDIA

G/1142M/A-11013/(Sl.Gr.)/91/19A

Dated, 28th Aug. '1991.

C/VI

From :  
 The Director General,  
 Geological Survey of India,  
 27, Jawaharlal Nehru Road,  
 Calcutta-16.

To  
 The Secretary to the  
 Government of India,  
 Ministry of Mines,  
 Shantri Bhawan,  
 New Delhi-110 001.

Sub : Creation of selection Grade in the Administrative & Finance stream.

Ref : This office letters (i) No. 2982R/A-32013(4-Director(D)/-  
 S.G./82-19B, dt. 3.11.87, (ii) Min.'s letter No. A-11013/1/-  
 88-M.2, dt. 20-6-89 & DP & T letter No. 16/1/89-PP, dt. 2-8-89  
 (copy of the three letters are enclosed).

-.-.-.-.-.-.-

Sir,

With reference to the DP&T letter dated 2.8.89 quoted above, it is stated that DP&T O.M. No. 19/1/86-PP, dated 14.8.87 does not specify its applicability to organised Group 'A' service only and there is no mention about 50% direct recruitment to the JTS level posts as a condition to create Sl. Grade posts in the JAG level of that Stream.

It is pertinent to mention that selection grade has already been sanctioned to the Stores Stream vide Ministry of Steel & Mines, Deptt. of Mines letter No. A-11013/1/88-M.2, dt. 15.6.88 through the Stores Stream does not fall under Scientific & Technical Stream.

It is further stated that the "Hon'ble CAT, Allahabad Bench, Lucknow against O.A. No. 134/90 filed by Shri Suraj Prakash, Regional Adm. Officer, G.S.I. vs. U.O.I. passed an order dt. 22.11.90 (copy enclosed) that selection grade be created in the Administrative & Financial stream.

The Cadre structure of Administrative and Finance stream under Group 'A' are furnished below :-

Sl. No.	Name of post	No. of post.	Scale of pay.	No. of posts proposed for Sl. Gr. in the JAG level (15% of the Post in the STS Gr. & above)
1	2	3	4	5
<b>1. Administrative Stream :</b>				
(i) Director(Adm.)	1	1	Rs. 3700-5000/-	3
(ii) Regional Adm.Off.	7	7	Rs. 3000-4500/-	-
(iii) Sr. Adm. Officer	13	13		
<b>2. Finance Stream :</b>				
(i) Director(F&A)	1	1	Rs. 3700-5000/-	1
(ii) Cost Accounts Officer	4	4	Rs. 3000-4500/-	-

Moreover, the Cadre Structure of Administrative and Finance stream headed by SAG level officers is similar to that of other streams, i.e., Geology Stream, Geophysics stream, Drilling Stream etc. Where selection Gr. in the JAG level posts have already been sanctioned.

It is, therefore, requested to reconsider the sanction of selection Gr. in the Administrative and Finance stream in the JAG level post as proposed under Col. 5 above.

Enclo: As above.

Yours faithfully,

3d/-28/8

(Babu Hodak)  
 Director (Personnel)  
 for Director General, G.S.I.

S.K. CHAUDHURI

Additional Govt. of India  
 Compt. & Auditor General  
 of India

// C O P Y //

No. 71M /A-11013/(Sl. Gr.)/91/19A

Dated, 10-1-92.

Ansarkar 11  
C-VII

To  
The Secretary to the  
Government of India,  
Ministry of Mines,  
Shastry Bhawan,  
New Delhi-110001.

Sub : Proposal for revision of Recruitment Rules for the post of Dy. Director General (P) and creation of Sl. Grade in Administration and Finance Stream.

Ref : This office letters (1) No. 830M/A-12018/1/88/19A dt. 1-7-91 (2) No. 1207M/A-12018/1/88/19A dt. 6-9-91 (3) No. 1142M/A-11013/(Sl-Gr.)/91/19A dt. 28-8-91 and (4) No. 1880M/A-11013/(Sl-Gr.)/91/19A dt. 4-11-91.

Sir,

In forwarding the letters dt. 26-4-91 and 15-11-91 received from Shri Suraj Parkash, Regional Administrative Officer, Geological Survey of India addressed to the Secretary, Ministry of Mines, it is requested to take necessary action for approval and notification of the revised Recruitment Rules for the post of Dy. Director General (Personnel) as proposed vide letters under reference at (1) and (2) and creation of selection grade in the JAG level posts under Administrative and Finance stream as proposed vide this office letters under reference at Sl. Nos. 3 and 4.

As per last para of the enclosed letter dt. 15-11-91, if the revised Recruitment Rules for the post of Dy. Director General (P) and creation of Selection Grade to JAG level post in Administrative stream are not finalised soon, he may again go to the Court of Law for contempt of CAT order.

It is, therefore, requested to expedite the matter as early as possible and intimate the latest position.

Yours faithfully,

Sd/-  
19-1-92

( A. Chaudhary )  
Director,  
for Director General, GSI.

ATK  
Ghosh  
14/1/92  
V.K. CHAUDHARY  
Addl. Govt. Legal Counsel  
Court: Lucknow

1/100 P Y 1/1

Amended III  
C VIII

No. 307M/A-11013/(Sl. Gr.)/91/19A

Dated, 21-2-92.

To

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

Sub : Proposal for revision of Recruitment Rules for the post  
of Deputy Director General (P) & Creation of Selection  
Grade in Administrative & Finance Stream.

Ref.: Ministry's letter No. 5/(3)/91-M.II(G) dt. 24-1-92.

Sir,

Kindly expedite the notification of Recruitment Rules for  
the post of Deputy Director General (P) as proposed vide this Office  
letter No. 830M/A-12018/1/88/19A dated 1-7-91 & creation of Selection  
Grade in the JAG level posts in Administrative & Finance Stream as  
proposed vide this office letter No. 1142M/A-11013/(Sl. Gr.)/91/19A  
dated 28.8.91 as Bhri Suraj Prakash, R.A.O., Geological Survey of  
India has intimated to file a court case for contempt of CAT order.  
As per rule CAT order should be complied within six months of the  
receipt of the order where no such time limit is indicated in the  
order. The CAT judgement dated 22.11.90 was received in this office  
in 12/90 and as such time limit has expired since 6/91.

This may be kindly be treated on top priority basis.

Yours faithfully,

Sd/-  
21/2/92  
( A. Chaudhury )  
Director,  
for Director General,  
Geological Survey of India.

No. 721B/A-11013/(Sl. Gr.)/91/19A.

Dated, the, 21/2/1992.

Copy for information to :-

1. The Law Officer, CIIQ, Geological Survey of India, Calcutta.

Sd/-  
21/2/92  
( A. Chaudhury )  
Director,  
for Director General,  
Geological Survey of India.

V.K. CHAUDHURY

Addl. Central Govt. Legal Counsel  
High Court: Lucknow Bench

// C O P Y //

Shri M. D. Mitra IX

Ap. 358M/3/1(517)/Law-59/90

Dt. 2-4-92

Amicus  
C IX

To  
The Secretary to the  
Government of India,  
Ministry of Mines,  
Shastry Bhawan,  
New Delhi -110001.

Attention : Shri Satish Chander, Director,

Subject : Case No.135 of 1990 and No.134 of 1990  
filed by Sri Suraj Prakash, R.A.O.

Sir,

I would like to draw your kind attention to the judgement passed by CAT, Lucknow in respect of the above cases wherein it has been ordered (a) that the post of Selection grade be created in the administrative and finance streams of GSI. It was further indicated that the applicant may be considered for the post on merit as per rules and laid down conditions in the govt. order, and (b) in another case the court directed to make suitable amendment in the Recruitment Rules to provide for channel of promotion for the administrative personnel to the post of Dy. Director General (P).

In this context, I would like to draw your kind attention to this office letter No.803M/A-11013/1/88/19A, dated 1.7.91 wherein the Ministry was requested to expedite the notification of Recruitment Rules for the post of DDG(P). Further for creation of Selection Grade in the administrative and finance streams, please refer to the letter No.1142M/A-11013/(Sl.Gr.)/91/19A, dated 28.8.91 wherein a proposal for creation of selection grade for the above streams was sent. Subsequent reminders were sent on 4.11.91, 10.1.92 and 21.2.92. As per rules CAT order should be complied within six months of the receipt of the order there no time limit is indicated. And in these cases the time limit has expired on 6.6.91. As such, I request you to take an early decision in the above matters so that the possibility of a contempt case can be overruled.

Yours faithfully,

Sd/-

( M. D. Mitra )  
Dy. Director General (P)  
Geological Survey of India.

VK CHAUDHARI  
Addl. Central Govt. Legal Advisor  
High Court, Lucknow Bench

// C O P Y //

GOVERNMENT OF INDIA  
GEOLOGICAL SURVEY OF INDIA  
27, JAWAHARLAL NEHRU ROAD  
CALCUTTA-700 016.

No. 728M /A-11013/S1.Gr./91/19A

Dated, the 8th May '92.

To  
The Secretary to the  
Government of India,  
Ministry of Mines,  
Shastry Bhawan,  
New Delhi-110001.

Sub : Proposol for revision of R/Rules for the post of  
Dy. Director General(P) & creation of Sel.Grade  
in Administration & Finance Stream.

Ref : Ministry's letter No. 3(3)/91-M.LI(G) dt. 25.1.92 &  
this office letters No. 307M/A-11013/S1.Gr./91/19A  
dt. 21.2.92 & No. 358M/3/1(617)/Law-59/90 dt. 2.4.92.

Sir,

Kindly expedite the notification of Recruitment Rules for  
the post of Dy. Director General(P) as proposed vide this office  
letter No. 830M/A-12018/1/83/19A dt. 1.7.92 and creation of Sel.  
Grade in JAG level posts in Administrative & Finance Stream as  
proposed vide this office letter No. 1142M/A-11013/S1.Gr./91/19A  
dt. 28.8.91 as the time limit for implementaiton of CAT order has  
since been expired.

This may kindly be treated as most urgent.

Yours faithfully,

Sd/-

8/5/92

( A. Choudhury )

Director,

for Dy. Director General(P),  
Geological Survey of India.

VK CHAUDHURI  
Adv. L.L.B.  
Addl. Central Govt. Legal Counsel  
High Court: Lucknow Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

CONTEMPT PETITION NO.12/92(L)

in OA No.134/90(L)

Suraj Prakash

-- Petitioners

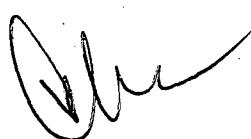
-versus-

Shri V. Krishnan and two others .. Opposite parties/  
Contemnors.

APPLICATION FOR GRANTING TIME FOR FILING  
COUNTER AFFIDAVIT ON BEHALF  
OF CONTEMNORS/OPP. PARTIES?

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

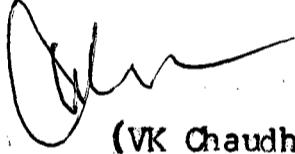
That in pursuance of judgement of Hon'ble  
CAT Lucknow Bench in OA No.134/90, the approval of  
Department of Personnel and Training, New Delhi  
for creation of posts of Selection Grade for  
Administrative & Financial Streams of GSI have  
since been obtained and necessary sanction for  
creation of posts have been issued, and implementing  
the order will be effected very shortly. Therefore  
the contemnors/respondents require some more time  
to implement the CAT's order in toto.



2. It is expedient ~~maxima~~ that the respondents/contemnors require 3 months further time to implement the CAT's order in toto in the above case and to file counter affidavit on behalf of the opposite parties/contemnors.

P R A Y E R.

Wherefore it is most respectfully prayed that this Hon'ble Tribunal may very kindly allow the contemnors/opp. parties <sup>one</sup> 8 months further time for filing their counter affidavit /compliance of the decision of the Hon'ble CAT in toto in the ends of justice.

  
(VK Chaudhari)  
Addl. Standing Counsel for Central Govt  
(Counsel for the Opp. parties/  
Contemnors.)

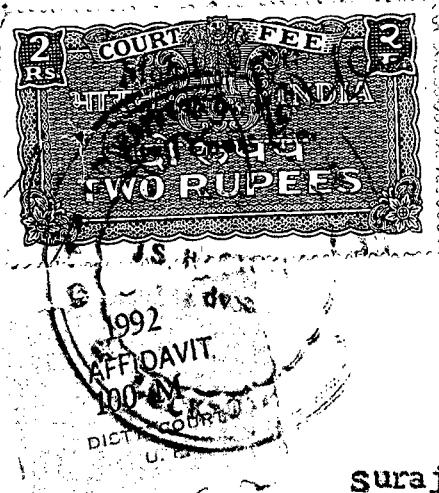
Lucknow,

Dated: 18 Sep. 1992.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

MP 780/92

REJOINDER AFFIDAVIT TO THE COUNTER AFFIDAVIT PERTAINING  
TO SHRI V.KRISHNAN, SECRETARY, MINISTRY OF MINES, NEW DELHI



in

Contempt petition No. 12 of 1992(L)

in

O.A. NO. 134 of 1990(L)

F.F. 18.9.92

Suraj Parkash

... Applicant

versus

Shri V.Krishnan and others

... opposite parties/  
contemnor



AFFIDAVIT OF Suraj Parkash,  
Aged about 53 years, Regional  
Administrative Officer, Geological  
Survey of India, Northern Region,  
Aliganj, Sector-E, Lucknow

(Deponent)

*File today*  
*8/9/92*  
I, the deponent above named do hereby solemnly  
affirm on oath and state as under:

1. That the deponent is a sole petitioner and as well  
conversant with the case and he has gone through the  
counter affidavit filed by Shri V.Krishnan, Secretary,  
Ministry of Mines, Govt. of India, New Delhi and has

... 2.

*Moarkh*

understood the contents thereof. Since the deponent is the petitioner in this case, he is placing this rejoinder affidavit with full knowledge of the facts.

2. That the contents of paragraph Nos. 1, 2 & 3 of the counter affidavit need no comments.

3. That in reply to the contents of paragraph 4 of the counter affidavit it is submitted that the contents as stated are not based on Government instructions/orders. It is further submitted that the merit of the case has already been discussed in depth in the judgement dated 22-11-90 delivered by the Hon'ble Central Administrative Tribunal bench, Lucknow keeping in view the Government instructions/orders issued regarding grant of Selection Grade by the Ministry of personnel and public grievances/pensions, Deptt of personnel & Training, P.P. Division, New Delhi vide Office Memorandum No. 19/1/86-P.P.

dated 14-8-87, this O.M. is submitted as Annexure No. 1.

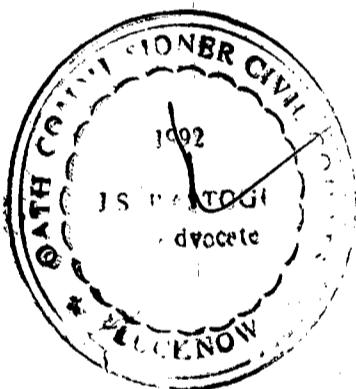
In this Office Memorandum it has been clearly mentioned that an officer appointed to the junior Administrative Grade will be granted selection

grade if he satisfies the conditions prescribed in para 3 and 4 of the above O.M. which are as follows:

(a) Appointing to the Selection Grade and to posts carrying pay above the Junior Administrative Grade scale of pay in Group A Central Services shall be made by selection on merit with due regard to seniority.

*Abdul*

(b) No member of the service shall be eligible for appointment to the selection grade until he has entered the fourteenth year of service on the 1st July of the year calculated from the year following the year of examination/interview on the basis of which the member was recruited. It is further submitted that the Hon'ble Central Administrative Tribunal, Principal Bench, Delhi, vide judgement dated 17-5-90 in O.A. No. 119/1988 in the case of Shri Kashmir Singh v/s. Union of India, it has been decided that the selection grade will be admissible to the officers of General Central Service Group A in the light of the orders issued by the Department of Personnel vide Office Memorandum No. 19/1/86-P.P. dated 14-8-87.



4. That in reply to paragraph 5 of the counter affidavit no comments needed as this pertains to judgement of Hon'ble Central Administrative Tribunal, Lucknow Bench, in Registration O.A. No. 134 of 1990(L).

5. That in reply to paragraph 6 of the counter affidavit it is submitted that the contention of the respondent is not correct. The petitioner belongs to General Central Services Group A like that of other officers in the different streams in the G.S.I. which are also classified as General Central Service Group A. It is further submitted that the Ministry of Mines vide letter No. A-11013/1/88-M.II dated 30-3-88 addressed to the Deptt. of personnel which is submitted as Annexure II clearly informed that GSI service is treated as an organised and accordingly selection

169/88

6. That in reply to para 7 of the counter affidavit the respondent has ~~so~~ admitted the fact mentioned in para 5 of the Contempt petition.

7. That in reply to the contents of paragraph 8, the respondent has admitted the contents stated in para 6 of the contempt petition. Moreover it is again submitted that the selection grade will not only be granted to organised service as per the Department of personnel and Training OM No. 19/1/86-P.P. dated 14-8-87 (Annexure-I) rather it is applicable to the all officers of Group A Central Service. The contention of the respondent is not correct that it is applicable only to the officers of organised service rather it is applicable to the officers of Central Group A service. This was also discussed in depth in the judgement dated 22-11-90 delivered by the Hon'ble Central Administrative tribunal, Lucknow Bench, Lucknow and accordingly the orders dated 2-8-89 and 14/21-9-89 rejecting the grant of selection grade to the applicant has been quashed.



8. That in reply to paragraph 9 of the counter affidavit it is submitted that the respondent has filed a SLP in the Hon'ble Supreme Court on 12-5-92 which has been dismissed by the Hon'ble Supreme Court which is submitted as Annexure No. 4. It is further submitted that this idea of the respondent to file the SLP before the Hon'ble Supreme Court came in mind only after the contempt petition was filed by the petitioner before the Hon'ble Central Administrative tribunal, Lucknow bench, Lucknow during the last

grade in JAG was introduced in 1982 in scientific and technical stream under the guidelines issued by the Department of Personnel for introduction of selection grade in group A Services, as per recommendation of the 3rd pay commission. However, selection grade was not introduced in the administrative stream because there was only one post of JAG in the stream and the officer had not stagnated at the maximum of 2 years in the scale. Now as per the recommendation of the 4th pay commission and the Department of personnel Office memorandum No. 19/1/86-P.P. dated 14-8-87 (Annexure No. I) the condition of stagnation of 2 years in the scale has been removed and the officers are eligible, who has put in 13 years of group A service and applicable to Group A Central Service. The organised word does not appear anywhere in this office memorandum dated 14-8-87. Ministry of Mines has already written to the Department of personnel vide letter dated 10-6-89, submitted as Annexure No. 3 that the selection grade may be granted to the officers of JAG level in administrative stream like that officers of other stream as all are included in one set of recruitment rule (viz. GSI Group A and B posts) 1967. It is not understood how the respondent is now changing the stand and intimating that the selection grade to the officers in the administrative stream cannot be granted being not organised service. Moreover, in the recommendation of the 4th pay commission the selection grade (Non-functional) will be applicable to the officers of the GSI like that of other departments.



6. That in reply to para 7 of the counter affidavit the respondent has ~~su~~ admitted the fact mentioned in para 5 of the Contempt petition.

7. That in reply to the contents of paragraph 8, the respondent has admitted the contents stated in para 6 of the contempt petition. Moreover it is again submitted that the selection grade will not only be granted to organised service as per the Department of personnel and Training OM No. 19/1/86-P.P. dated 14-8-87 (Annexure-I) rather it is applicable to the all officers of Group A Central Service. The contention of the respondent is not correct that it is applicable only to the officers of organised service rather it is applicable to the officers of Central Group A service. This was also discussed in depth in the judgement dated 22-11-90 delivered by the Hon'ble Central Administrative Tribunal, Lucknow Bench, Lucknow and accordingly the orders dated 2-8-89 and 14/21-9-89 rejecting the grant of selection grade to the applicant has been quashed.

8. That in reply to paragraph 9 of the counter affidavit it is submitted that the respondent has filed a SLP in the Hon'ble Supreme Court on 12-5-92 which has been dismissed by the Hon'ble Supreme Court which is submitted as Annexure No. 4. It is further submitted that this idea of the respondent to file the SLP before the Hon'ble Supreme Court came in mind only after the contempt petition was filed by the petitioner before the Hon'ble Central Administrative Tribunal, Lucknow Bench, Lucknow during the last

week of Feb., 1992 for non-compliance of the instructions of the Hon'ble Central Administrative Tribunal, Lucknow Bench, Lucknow. It is further submitted that the respondent has filed the SLP after the stipulated period of 90 days which has been dismissed now by the Hon'ble Supreme Court.

9. That in reply to para 10 of the counter affidavit it is submitted that the respondent has accepted the facts mentioned in para 7 of the contempt petition.

10. That in reply to paragraph 11 of the counter affidavit it is again submitted that the respondent has filed SLP in the Hon'ble Supreme Court after the contempt petition has been filed against him by the petitioner in order to keep the case linger on as the respondent did not comply with the instructions of the Hon'ble Central Administrative Tribunal, Lucknow to avoid contempt proceedings against him. The SLP filed by the respondent has been dismissed by the Hon'ble Supreme Court vide order dated 24-8-92 (Annexure No. IV).

11. That in reply to para 12 of the counter affidavit pertaining to paragraph 9, 10, 11 of the contempt petition, it is submitted that the respondent had accepted the facts mentioned therein.

12. That in reply to para 13 of the counter affidavit it is again reiterated that the respondent has filed SLP after the receipt of the contempt petition in order to save himself from legal proceedings for non-compliance of the direction dated 22-11-90 issued by

Abdullah

the Hon'ble Central Administrative Tribunal, Lucknow Bench, Lucknow. The SLP has been dismissed by the Hon'ble Supreme Court now.

13. That in reply to para 14 of the counter affidavit it is again submitted that the respondent has not complied with the decision of the Hon'ble Central Administrative Tribunal, Lucknow Bench, Lucknow and file the SLP in Supreme Court as a face saving device and to avoid contempt proceedings as the SLP was filed after receipt of contempt notices which has already been dismissed by the Hon'ble Supreme Court.

14. That in reply to paragraph 15 of the counter affidavit it is again reiterated that the SLP has only been filed by the respondent after the receipt of the contempt petition filed by the petitioner for non-compliance of the instructions/decisions issued by the Hon'ble Central Administrative Tribunal, Lucknow Bench, Lucknow to avoid contempt proceedings instituted against him.

15. That in reply to para 16 of the counter affidavit that opposite party No. 1 has not complied with the instruction/decisions dated 22-11-90 of the Hon'ble Central Administrative Tribunal, Lucknow Bench, Lucknow, and thus committed a contempt for not complying with the instructions dated 22-11-90 of the Hon'ble Central Administrative Tribunal, Lucknow Bench, Lucknow.

Lucknow, Dated

September 07, 1992

*Abdul Rashid*  
DEPONENT

## VERIFICATION

I, the deponent above named do hereby verify and declare that the contents of paragraph No. 1 of the rejoinder affidavit are true to my personal knowledge and the paragraph No. 2 to 13 of this affidavit are based on the information received from record and the contents of paragraph No. 14215 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

*M. S. Rastogi*  
DEPONENT

Lucknow, Dated

September 07, 1992

I MR. Sanjay Kapoor do hereby identify the above named deponent who is filing this affidavit and he is known to me personally.

swear by the name of God and on the name of the deponent  
I have seen  
that he is the  
clerk to me  
I have seen  
that he is the  
which has  
the character of  
the character of

*(U. S. RASTOGI)*  
Advocate, Oath Commissioner

*7/9/92*

No. 19/1/86-PP  
Ministry of Personnel, Public Grievances  
and Pensions,  
(Department of Personnel & Training )  
( PP Division )

6th Floor, Nirvachan Sadan,  
Ashoka Road, New Delhi - 1

Dated, the 14th August, 1987.

OFFICE MEMORANDUM

Subject : Recommendation of the Fourth Central Pay  
Commission - Orders regarding Selection  
Grade in Group 'A' Services.

.....

The undersigned is directed to say that pursuant to the recommendation of the Fourth Pay Commission regarding Selection Grade posts for Group 'A' Central Services, the President is pleased to decide that in all Group 'A' Central Services the number of posts in the Selection Grade shall be equal to 15% of the senior duty posts ( i.e. all duty posts at the level of Senior Time scale and above in the Cadre.) However, there shall be no increase in the overall strength of the Cadre. An officer appointed to the Junior Administrative Grade will be granted Selection Grade if he satisfies that conditions prescribed in paragraphs 3 and 4 .

2. It has been noted that, save in few cases, the formula of 15% of senior duty posts will yield figure which is less than the number of posts sanctioned in the Junior Administrative Grade. Hence there will be no difficulty in implementing the decision. However, in a few cases the formula yields a figure which is slightly higher than the number of posts sanctioned in the Junior Administrative Grade. It is made clear that in respect of these services the number of posts in the Selection Grade will be limited to the number of posts sanctioned in the Junior Administrative Grade.

3. Appointing to the Selection Grade and to posts carrying pay above the Junior Administrative Grade Scale of pay in Group 'A' Central Services shall be made by selection on merit with ~~xx~~ due regard to seniority.

4. No member of the Service shall be eligible for appointment to the Selection Grade until he has entered the fourteenth year of service on the 1st July of the year calculated from ~~xx~~ the year following the year of examination on the basis of which the member was recruited.

*Moynaq*

5. Appointment to the Selection Grade shall be made by a Committee to be constituted internally and the cases relating to appointment shall continue to be sent to the E.O. Division of this Department for obtaining the prior approval of the Appointment Committee of the Cabinet. This provision shall not apply to such of the Departments as have been specifically empowered to make appointments at this level within their own competence.

6. This supersedes instructions contained in this Department's O.M. No. 5/12/79-PP-II, dated the 31st July, 1982. Accordingly the condition regarding stagnation at maximum of Junior Administrative Grade for two years for promotion to Selection Grade contained therein, is hereby removed.

7. The orders regarding fixation of pay on appointment to Selection Grade will be issued separately.

8. These orders will take effect from 1.1.1986.

9. In so far as persons serving in the Indian Audit and Accounts Department are concerned, those orders issue after consultation with the Comptroller and Auditor General of India.

( Hindi version will follow )

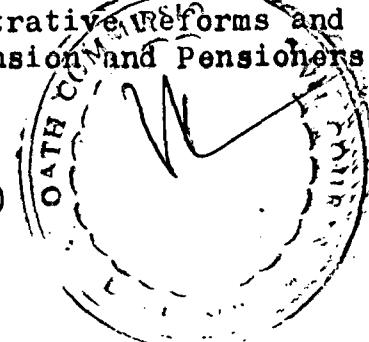
Sd/-  
( V.P. UPPAL )  
Director (PP)  
phone: 381364

To

1. All Ministries/Departments of the Government of India (as per Standard List) (with usual number of spare copies)
2. All attached and Subordinate offices of the Ministry of Home Affairs
3. All Union Territory Government/Administrations.
4. Office of the Comptroller and Auditor General of India (with 10 spare copies)
5. Secretary, U.P.S.C.
6. Registrar, Supreme Court of India, New Delhi.
7. Lok Sabha/Rajya Sabha Secretariat.
8. All Officers/Section of the Department of Personnel and Training/Department of Administrative Reforms and Public Grievances/Department of Pension and Pensioners Welfare.
9. Spare Copies.

Sd/-  
( V.P. UPPAL )  
Director (PP)

107/AD



# ANNEXURE - 2

//Copy//

//Immediate//

Government of India  
Ministry of Steel & Mines,  
Department of Mines.

No.A-11013/1/88-M.I.

New Delhi, the 30th March, 1988.

## OFFICE MEMORANDUM

Subject: Creation of selection Grade posts in Group 'A' services.

The undersigned is directed to refer to Department of Personnel & Training's U.O. No.19/1/86-PP dated 17.3.88 on the above subject and to say that although the Geological Survey of India (Group A & B) Recruitment Rules 1967 are not considered as pertaining to a Central Service, for all intents and purposes GSI service is treated as an organised and accordingly selection Grade in JAG was introduced in 1982 in scientific and technical streams under the guidelines issued by Deptt. of Personnel & Training for introduction of Selection Grade in pursuance of 3rd Pay Commission's recommendations. However, S.G. was not introduced in Admin. and Financial streams because there was only one post of JAG in each stream and the officers had not stagnated at the maximum of the scale for 2 years. The cadre structure indicated in this Department's O.M. of even number dated 3.3.88 is complete as far as Group A posts are concerned, and the Admin. and Financial streams are headed by SAG officers appointed under Central Staffing Pattern those posts do not form part of the cadre structure.

2. Deptt. of Personnel & Training may kindly concur in the proposal outlined in this Department's O.M. of even number dated 3.3.1988.

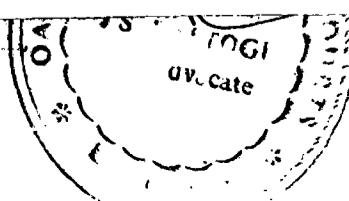
Dept. of Personnel & Trag.,  
(Shri P.C. Kapoor, U.S.),  
Nirvachan Sadan,  
New Delhi.

(J.B.Munirajulu)  
Under Secretary to the Govt. of India.

Copy to Shri H.N. Meena, Director(P), Geological Survey of India, 4, Chowringhee Lane, Calcutta-700016, w.r.t. their letter No.A-32013/4(Dir) (D)-SG/82-19B dated 3.11.87. They are requested to furnish the cadre structure of scientific and technical streams, on the basis formulated in this Deptt.'s O.M. of even number dated 3.3.88, so that the Dept. of Personnel & Training could be approached for creation of Selection Grade posts in scientific and Technical streams of GSI.

(J.B.Munirajulu)  
Under Secretary to the Govt. of India.

*Logall*



*Logall*

service in the  
grade.

From pre page

2. Regional Admn. Officer	7	Rs.3700- 5000/-	By promotion (Selection) failing which by transfer on deputation and failing both by direct recruitment.	Sr. Admn. Officer with 3 years regular service.
2. Sr. Admn. Officer	13	Rs.3000- 4500/-	By promotion (Selection) failing which by direct recruitment.	Admn. Officer (Group B with 8 years regular service (scale of pay of Rs.2000-3500/-))

The post of Regional Admn. Officer at Sl.no. 2 has been upgraded to JAG level with effect from 1.1.86 and hence recruitment rules under revision and proposed to be filled up from feeder grade of Senior Admn. Officer with 5 years service.

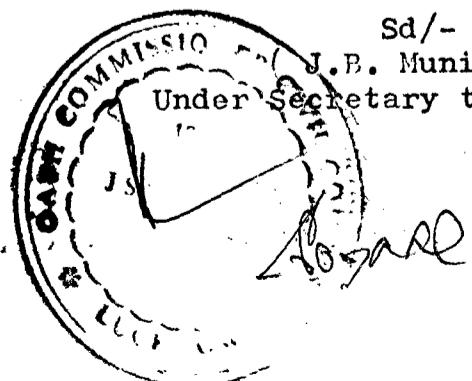
#### FINANCE STREAM

1. Director (Finance & Accounts)	1	Rs.3700- 5000/-	by promotion (Selection) failing which by direct recruitment.	Cost Accounts officer (Group A with 5 years regular service in the grade.
2. Cost Accounts Officer.	4	Rs.3000- 4500/-	by promotion (Selection) failing which by direct recruitment.	Asstt. Cost Accounts Officer with 5 years regular service in the grade (scale of pay of Rs.2200-4000/-)

02. Further, the Cadre structure in Group 'A' of all other streams for example Geophysical, Drilling, Mech. including Store Stream is similar to the Admn. & Finance Stream in Geological Survey of India and Selection Grade in the JAG level have already been sanctioned in all above streams except Admn. & Finance Stream. Thus there is no justification for denial of Selection Grade post in Admn. & Finance Streams which forms part of cadre of Geological Survey of India. The posts of Admn. & Finance streams as those of Scientific Streams are governed by and are included in, one set of Recruitment Rules viz Geological Survey of India (Group A and Group B posts) Recruitment Rules, 1967.

The Admn. & Finance streams are headed by SAG level Officers and below them there are 21 and 5 officers under Group A Services respectively out of which 8 and 1 posts are in JAG level scale.

In view of the above Department of Personnel & Training is requested to reconsider and agree to the proposal for creation of Selection Grade posts in Admn. & Finance stream.



Sd/-

J.B. Munirajulu )

Under Secretary to the Govt. of India

...3/-

From pre-page :

To

Department of Personnel and Training  
(PP Division)

Shri P.C. Kapoor, Under Secretary,  
Nirvachan Sadan 6th floor,  
New Delhi.

Copy to Shri K.L. Hatoj, Senior Administrative  
Officer, Geological Survey of India, 4, Chowringhee Lane,  
Calcutta- 700 016.

Sd/-  
( J.B. Munirajulu )  
Under Secretary to the Govt. of India.



# ANNEXURE NO. A-3.

Government of India  
Ministry of Steel & Mines  
Department of Mines

No. A-11013/1/88-M 2      New Delhi, dated 20th June '89

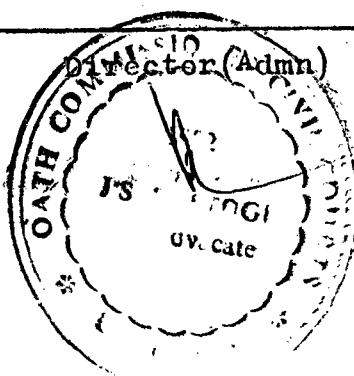
## OFFICE MEMORANDUM

Subject : Grant of Selection Grade post in the Finance & Administrative Streams in Geological Survey of India.

The undersigned is directed to say that the proposal to grant Selection Grade to Finance & Administrative Streams, of Geological Survey of India was taken up with Department of Personnel & Training twice vide this Department's O.M. of even number dated 3.3.86 and 30.3.88 but Department of Personnel & Training vide their U.O. No. 19/1/86-PP dated 17.3.88 and 18.4.88 have rejected the same on both the occasions. The proposal was again examined by Geological Survey of India. Department of Personnel & Training's O.M. dated 14.8.87 does not specify its applicability to organised Group 'A' Services only. Rather as per the said OM all Group 'A' Central Services the number of post in the Selection Grade shall be equal to 15% of the Duty post (i.e. all duty posts at the level of Sr. Time scale and above in the cadre). Moreover as per notification issued by Ministry of Finance, Deptt. of expenditure No. P.15/7/16/86-dated 13.3.87 the recommendations with regard to Selection Grade post in the scale of Rs. 4500-5700/- for other services will also apply to the officers of Geological Survey of India. Even if the above is applicable to central organised service this Department have already intimated to Department of Personnel & Training that Geological Survey of India is treated as organised services including posts in Administrative and Finance Stream and accordingly Selection Grade in JAG level was introduced in 1982 in Scientific and Technical Streams under the guidelines issued by the Department of Personnel and Training regarding introduction of Selection Grade in pursuance of 3rd Pay Commission recommendations. However, Selection Grade was not introduced in Admn. & Finance Streams in 1982 because at that time there was only one post of JAG in each stream and no officer has stagnated at maximum of the scale for 2 years as required under the relevant instructions. Now as per revised guidelines the condition of 2 years has been removed and accordingly the officers of Admn. & Finance stream have become eligible for grant of Selection Grade. The Cadre structure of Admn. & Finance stream Group 'A' is as under which forms part of the cadre structure of Geological Survey of India.

Sl.no.	Name of post	No. of scale post of pay	Method of recruitment.	Eligibility criteria for promotion from feeder grade.
--------	--------------	--------------------------	------------------------	---

1.	Director (Admn.)	1	Rs. 3700/- 5000/-	By promotion.
----	------------------	---	----------------------	---------------



Agarwal

From pre page

2. Regional Admn. Officer	7	Rs.3700- 5000/-	By promotion(Selection) failing which by transfer on deputation and failing both by direct recruitment.	Sr. Admn. Officer with 3 years regular service.
2. Sr. Admn. Officer	13	Rs.3000- 4500/-	By promotion(Selection) failing which by direct recruitment.	Admn. Officer (Group B with 8 years regular service (scale of pay of Rs.2000- 3500/- )

The post of Regional Admn. Officer at Sl.no. 2 has been upgraded to JAG level with effect from 1.1.86 and hence recruitment rules under revision and proposed to be filled up from feeder grade of Senior Admn. Officer with 5 years service.

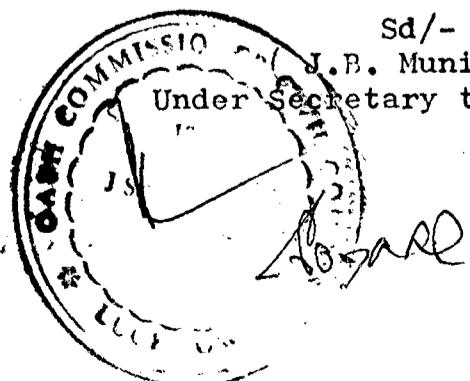
FINANCE STREAM

1. Director(Finance & Accounts)	1	Rs.3700- 5000/-	by promotion (Selection) failing which by direct recruitment.	Cost Accounts officer(Group A with 5 years regular service in the grade.
2. Cost Accounts Officer.	4	Rs.3000- 4500/-	by promotion (Selection) failing which by direct recruitment.	Asstt. Cost Accounts Officer with 5 years regular service in the grade (scale of pay of Rs.2200-4000/-)

02. Further, the Cadre structure in Group 'A' of all other streams for example Geophysical, Drilling, Mech. including Store Stream is similar to the Admn. & Finance Stream in Geological Survey of India and Selection Grade in the JAG level have already been sanctioned in all above streams except Admn. & Finance Stream. Thus there is no justification for denial of Selection Grade post in Admn. & Finance Streams which forms part of cadre of Geological Survey of India. The posts of Admn. & Finance streams as those of Scientific Streams are governed by and are included in, one set of Recruitment Rules viz Geological Survey of India (Group A and Group B posts) Recruitment Rules, 1967.

The Admn. & Finance streams are headed by SAG level Officers and below them there are 21 and 5 officers under Group A Services respectively out of which 8 and 1 posts are in JAG level scale.

In view of the above Department of Personnel & Training is requested to reconsider and agree to the proposal for creation of Selection Grade posts in Admn. & Finance stream.



Sd/-

J.B. Munirajulu )

Under Secretary to the Govt. of India

...3/-

From pre-page :

To

Department of Personnel and Training  
(PP Division)  
Shri P.C. Kapoor, Under Secretary,  
Kirvachan Sadan 6th floor,  
New Delhi.

Copy to Shri K.L. Hatoj, Senior Administrative  
Officer, Geological Survey of India, 4, Chowringhee Lane,  
Calcutta- 700 016.

Sd/-  
( J.B. Munirajulu )  
Under Secretary to the Govt. of India.



NDI

# ANNEXURE- 4

ITEM 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/C.C. No. (s) ..../92 CC 17488

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

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

Petitioner (s)

U.O.I. &amp; Ors.

Versus

Shri Suraj Prakash

With I.A. No. 1-2 (Applns. 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, 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 MasterJ.S.  
25/8/92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

*M. 10*

REJOINDER AFFIDAVIT TO THE COUNTER AFFIDAVIT  
PERTAINING TO SHRI C.P.VOHRA, DIRECTOR GENERAL,  
GEOLOGICAL SURVEY OF INDIA, CALCUTTA.

IN

Contempt petition No. 12 of 1992(L)

IN

O.A. NO. 134 of 1990 (L)

F.F. 17. 9. 92

suraj parkash ..... Applicant

versus

Shri V.Krishnan and others..... Opposite Parties/  
Contemner

AFFIDAVIT OF Suraj Parkash,  
aged about 53 years, Regional  
Administrative Officer, Geological  
Survey of India, Northern Region,  
Aliganj, Sector-E, Lucknow.

(Deponent)

I, the deponent above named to hereby solemnly  
affirm on oath and state as under:

1. That the deponent is a sole petitioner and

....2.

*Nosall*

as well conversant with the case and he has gone through the counter affidavit filed by Shri C.P. Vohra, Director General, Geological Survey of India, Calcutta and has understood the contents thereof. Since the deponent is the petitioner in this case, he is placing this rejoinder affidavit with full knowledge of the facts.

2. That the contents of para 1, 2 and 3 of the counter affidavit need no comments.
3. That in reply to the content of para 4 of the counter affidavit it is submitted that respondent has changed his view whereas he has submitted the proposal to the Ministry of Mines, New Delhi regarding the grant of Selection Grade in the Junior Administrative Grade in administrative stream vide their letter No. 1143M/A-11013/(Sl. Gr.)/91/19A dated 28th August 1991 in pursuance of the Hon'ble Central Administrative Tribunal, Lucknow Bench, Lucknow, directions dated 22-11-90 pertaining to OA No. 134/90(L). The copy of the letter has already been submitted as Annexure I to the counter affidavit submitted by Shri C.P. Vohra. Moreover the respondent has written number of letters to the Ministry of Mines regarding grant of selection grade in the JAG level officer in the administrative stream. The letter dated 15th May, 1989, 19th September, 1988 and 7th June 1988 which are submitted by him in the counter affidavit.

The petitioner belongs to General Central Services, Group A, like that officers in other streams in Geological Survey of India as the recruitment

*Abdul* ...3...

rules Geological Survey of India Group A and B posts 1967 covers all the officers in Geological Survey of India. Moreover, the Govt. of India, Deptt. of Personnel and Training, P.P. Division, New Delhi Office Memorandum No. 19/1/86-P.P. dated 14-8-87 does not specify the grant of selection grade in JAG level officers of organised services only rather it covers of all group A Central Services. This point has also been decided by the principal bench, Central Administrative Tribunal, Delhi decision dated 17-5-90 in OA No.119 of 1988 pertaining to Kashmira Singh vs. Union of India wherein the contention of the Department of Personnel and Training that the benefit of selection grade is applicable only to organised Central Services Group A was rejected by holding that the recommendations of 4th Pay Commission and orders issued in O.M. dated 14-8-87 covers all General Central Services Group A. Accordingly Hon'ble Central Administrative Tribunal, Lucknow bench, Lucknow also quashed the orders dated 2-8-89 and 14/21-9-89 of the Department of Personnel and Training, New Delhi. Hence the view of the respondent regarding the withdrawal of selection grade from the stores stream is also illegal.

The respondent has filed the SLP in the Hon'ble Supreme Court on 12-5-92 which has now been dismissed by the Hon'ble Supreme Court vide

*A. S. R. A. D.*



order dated 24-8-92 after the receipt of the contempt notices/petition from the petitioner to avoid the contempt proceedings against him on the advice of the Ministry of Mines, whereas, he had already forwarded/recommended the case regarding the grant of selection grade in JAG level officers in administrative stream vide his letter dated 28th August, 91 in pursuance of the Hon'ble Central Administrative Tribunal, Lucknow Bench, Lucknow decision dated 22-11-90 and also issued reminders dated 10-1-92, 21-2-92, 2-4-92 and 8-5-92. It is not understood how he is changing his stand for grant of selection grade to the officer of administrative stream when he has already recommended.



4. That in reply to para 5 of the counter affidavit need no comment as the fact has been admitted by the respondent.

5. That in reply to para 6 of the counter affidavit it is submitted that the respondent No. 1 has intentionally delayed in compliance of the decision dated 22-11-90 of the Hon'ble Central Administrative Tribunal, Lucknow bench, Lucknow as all the offices i.e. DOPT/UPSC/Ministry of Finance are located at Delhi.

Further it is submitted that the respondent has filed the SLP in the Hon'ble Supreme Court on 12-5-92 which has been dismissed vide order dated 24-8-92. The belated view/idea of the respondent is only to save himself from the

•••5•••  
Royall

contempt proceedings filed against him for non-compliance of the instructions dated 22-11-90 of the Hon'ble Central Administrative Tribunal, Lucknow bench, Lucknow as per the directions of the Secretary, Ministry of Mines, Respondent No. 1.

Lucknow, Dated  
September 07, 1992.

*Boysall*  
Deponent

### VERIFICATION



I, the deponent above named do hereby verify and declare that the contents of paragraph No. 1 of the rejoinder affidavit are true to my personal knowledge and the paragraph No. 2 to 4 of this affidavit are based on the information received from record and the contents of paragraph No. 5 of this affidavit are based on legal advice to which 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.

*Boysall*  
Deponent

*C. D. 96 M*  
I, Mr. Parvez Ibrahim do hereby identify the above named deponent who is filing this rejoinder affidavit and he is known to me personally.

*I declare as above  
as far as my  
knowledge goes  
(Signature) 19/1/92  
Advocate*

Date fixed - 25/11/93

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW.

Contempt Petition No. 12/92

In Re:

O.A. No. 134/90(L)

M. P. No. 21/93

Suraj Prakash ... .. Applicant.

Versus

Sri V.Krishnanand and others .. Opp. Parties.

APPLICATION FOR GRANTING SIX WEEKS TIME  
FOR IMPLEMENTING THE JUDGMENT

5-1-93  
D.R.

Register the case as m/c.  
Place before the Hon.  
Bench for orders on the  
date fixed.

The respondent begs to submit as under:-

That for the facts and reasons mentioned in  
the accompanying affidavit, it is expedient in the  
interest of justice that the respondent may be allowed  
six weeks time further time for complying the judgment  
of this Hon'ble Tribunal dated 22.11.1990 given in  
aforesaid application.

F.T.

5-1-93

Lucknow.

Dated:

(V.K.Chandray)

(V.K.Chandray)

Addl. Standing Counsel.

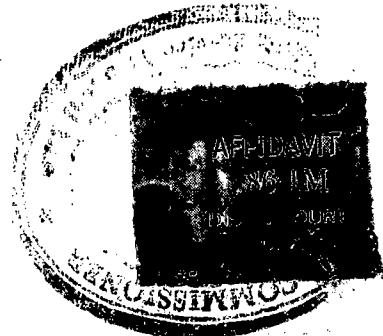
(a)

(b)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH,  
LUCKNOW.

Contempt Application No. 12 pf 92.

In Re;  
O.A.No. 134 of 1990(L)



Suraj Prakash .. . . . . Applicant.

Versus

Sri V.Krishnanand and others .. . . . . Opp. Parties.

AFFIDAVIT

*Spank* I, Gyneshwar Pant, aged about 54 years, son of late Dharmanand 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 in Geology in the office of Northern Region G.S.I Lucknow and well conversant with the fact of the case.
2. That in the aforesaid original application this Hon'ble Tribunal pleased to direct the respondent to create 4 posts of the Selection Grade in Junior Administrative Grade in Administrative and Finance Stream.

*Spank* This judgment is dated 22.11.90.

..2..

3. That the respondent tried their best to ~~know-how~~ implement the judgment but due to some procedural delay it could not be implemented in-to-to as yet.

4. That the aforesaid post have been created and D.P.C. in its meeting dated 26.11.92 has also   
*Gopal* considered the candidates for newly created posts.

5. That the recommendation of D.P.C. requires the   
*Gopal* approval of Ministries of Mines and <sup>Personnel</sup> personal etc. which will at least take six weeks time.

6. That it is expedient in the interest of justice that the respondent be allowed six weeks further time for aforesaid purpose.

Lucknow.

Dated;

*Gopal*  
(Deponent)

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to of this affidavit

10:15 AM 86/1A are true to my own knowledge and those of paras  
who *Gopal* are believed by me to be true.

*R. K. Pathak* Signed and verified this day of December  
1992 in the court compound at Lucknow.

Lucknow.

Dated:

*Gopal*  
(Deponent)

*Gopal*  
Date..... I identify the deponent who has signed before me.

*b. N. V. A. S. A. S. A.*  
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH: LUCKNOW

P.P. 308/93

Contempt Petition No. 12 of 1992

In re:

Original Application No. 134 of 1990(L)

F.T.

22/3/93

Suraj Prakash

.... Petitioner.

Versus

Sri V. Krishnan & another ....

.... Opp. Parties.

APPLICATION FOR MODIFICATION/RECALLING OF THE ORDER DATED  
22.2.1993 PASSED BY HON'BLE MR. JUSTICE U.C. SRIVASTAVA U.C.  
AND HON'BLE MR. JUSTICE K. OBAYYA 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 22.2.1993 in the present circumstances which could not be pleased before your Lordship.

Lucknow:

Dated : March 20, 1993

*Cishal Singh*

COUNSEL FOR THE PETITIONER/  
APPLICANT.

Pls. see  
Mr. Kavinder  
Bhawan

21.4.73

7/4/93

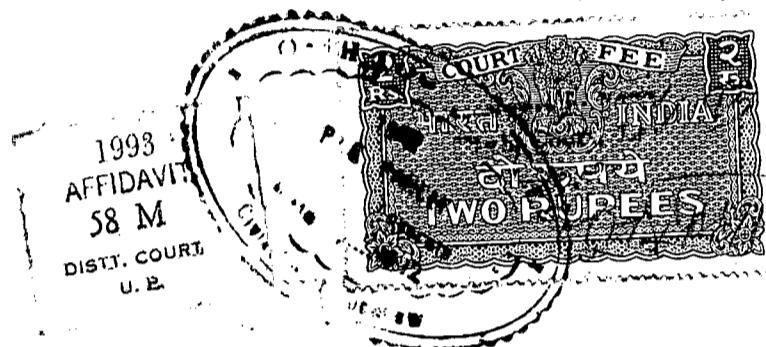
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH : LUCKNOW

Contempt Petition No. 12 of 1992

In re:

Original Application No. 134 of 1990(L)



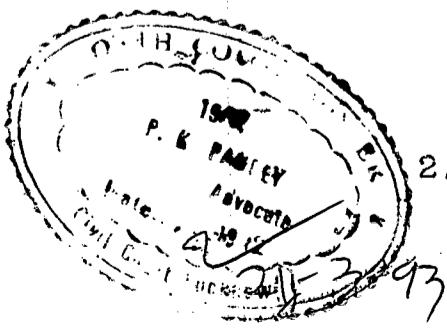
Suraj Prakash aged about 53 years ,  
Son of Late <sup>CHANAN RAM</sup> Chhangram resident of  
Regional Administrative Officer,  
Geological Survey of India,  
Northern Region, Secor-E,  
Aliganj, Lucknow.

.... 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 Marg,  
Calcutta- 700 016.



.... Opposite Parties,

Lokan

A F F I D A V I T

I, Suraj Prakash, aged about 53 years,  
son of Late Chhangan Ram <sup>CHANAN RAM</sup> presently posted as Regional  
Administrative Officer, Geological Survey of India,  
Northern Region, Lucknow do hereby solemnly affirm  
and states as under:

1. That the deponent is the petitioner/applicant in the above noted case and as such he is fully conversant with the facts of the case.
2. That the deponent filed an original application no. 134 of 1990, the Hon'ble Tribunal directed the opposite party that the post of Selection grade be created in the administrative and financial stream and for promotion to the post of selection grade that that was left on the opposite party to consider on merits.
3. That the Hon'ble Tribunal passed the orders directing the opposite parties that the post of selection grade be created in the administrative and financial stream.
4. That the applicant served the order passed by this Hon'ble Tribunal and waited for their proper action but nothing happened. Then the applicant filed the contempt petition which was numbered 12 of 1992(L) in original application No. 134 of 1990(L). The notices were issued to the opposite parties.

*Suraj*

5. That the opposite party expressly stated in their application for time that they are going to comply the orders of this Hon'ble Court in To-To. As the S.L.P. filed by the opposite party was dismissed by the Hon'ble Supreme Court .
6. That the opposite parties took three months time for implementing the judgement of this Hon'ble Tribunal.
7. That the respondents have convened the departmental promotion Committee on 26.11.92 for the post of selection grade in Junior Administrative of grade level which is pending for approval before the Appointment Cabinet Committee ( A.C.C. )
8. That the case was listed for orders on 22.2.93 and on that day the Hon'ble Tribunal referred the matter to the larger Bench.
9. That now the opposite parties have already implemented the directions issued by the Hon'ble Tribunal only few ~~formalities~~ ~~for matters~~ have been left.
10. That now the opposite parties have considered the aspects after the orders passed by this Hon'ble Tribunal as such in the interest of justice

*Abdul*

it is requested that the order dated 22.2.93 may kindly be considered.

Lucknow:

Dated : March 15, 1993

*Asaad*  
Deponent.

VERIFICATION

I, the deponent named above do hereby verify that the contents of paras 1 to 10 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 15, 1993

*Asaad*  
Deponent.

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

*S.C. Srivastava*  
( S.C. Srivastava )

Clerk to Sri Vishal Singh, Advocate.

*Solemnly affirmed before me on 20-3-93  
at 10-15 a.m./p.m. by the deponent who is identified  
as S.C. Srivastava, Clerk to Sri Vishal Singh,  
Advocate, High Court. Lucknow.*

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

20-3-93

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
ब अदालत श्रीमान् महोदय

LUCKNOW BENCH, LUCKNOW.

[वादी अधीलान्ट] SURAJ PRAKASH  
श्री  
प्रतिवादी [रेस्पाडेन्ट]

पकालतनामा



Sri V.Krishnan & another बनाम

(प्रतिवादी रेस्पाडेन्ट)

नं. मुकदमा सन् पेशी की ता० १९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री VISHAL SINGH, ADVOCATE,.....

वकील  
व.....S.P.I.....D.V.K.....S.P.I.V.970708,.....Advocate.....महोदय  
एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावें या कोई रूपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफा मेरे खिलाफ फँसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिये यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर..... 16/2/20

साक्षी (गवाह)..... (गवाह).....

दिनांक..... सन् १९५३ ई०

स्वीकृत  
Chisha L Singh

(कानूनी लिखान)

Dr. Chandra

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