

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

C.A. 314/92.

Dt. of Decision : 27.1.95.

M.M. Rehman

... Applicant.

Vs

1. Union of India rep. by its Secretary to Govt. of India, Ministry of Mines, Shastri Bhavan, New Delhi.
2. The Director General, Geological Survey of India, 27 Jawahar Lal Nehru Road, Calcutta - 700 015.
3. Sr. Dy. Director General, Southern Region, Geological Survey of India, Bandlaguda Complex, Hyderabad - 500 650.

... Respondents.

Counsel for the Applicant

: Mr. V. Venkateswara Rao

Counsel for the Respondents

: Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMIN)

Tc
Wbs

..2

.. 4 ..

was working as Senior Map Mounter, he was informed by the impugned letter dated 21.2.1992 that he was not eligible for consideration for promotion as Draughtsmen in 1991 as by then he was working as Senior Map Mounter.

5. It is contended for the applicant that as there are no promotional avenues for the post of Senior Map Mounter while there are promotional avenues for the post of Draughtsman prejudice will be caused to the Senior Map Mounter, if he is not considered for promotion to the post of Draughtsman. By 1991, the pay scales for Senior Map Mounter and the Draughtsmen are the same. There cannot be promotion from the post of Senior Map Mounter to the post of Draughtsman when both posts were carrying out the same pay scale. Of course, in such case, it is for the relevant authority to make provision for transfer from the post of Senior Map Mounter to the post of Draughtsman so as to transfer the Senior Map Mounter to the post of Draughtsman in the next available vacancy. But no such provision was incorporated in the recruitment rules.

6. But the learned counsel for the applicant submitted a copy of the letter No.C-18018/26/86-N II, dated 5.5.1988 from the Ministry of Steel and Mines, Department of Mines, New Delhi which reads as under:-

"As I am directed to refer to GSI's letter No.427M/156/1/75/16A/Vol.II, dated 25.3.88 on the above subject

contd....

.. 3 ..

to the four vacancies which were filled up on 18.4.85. The applicant made representation subsequent to 18.4.85 for consideration of his case for promotion as Draughtsman. But he was promoted as Senior Map Mounter on 24.10.1986. On 18.1.1991 when Juniors to the applicant in the category of Map Mounters were promoted as Draughtsmen, the applicant submitted representation dated 25.2.1991 praying for consideration of his case for promotion as Draughtsman. The applicant was informed by the letter dated 21.1.1992 that as he was already in the category of Senior Map Mounter and as only Map Mounters were eligible for promotion as Draughtsmen, his case cannot be considered. Then this OA was filed praying for declaration that the applicant is entitled to be treated on par with Draughtsmen for the purpose of monetary benefits and further promotion to higher post with effect from 17.10.1986, the date on which the applicant was promoted as Map Mounter (Sr.) by setting aside the letter No. 96G/A-22015/30/SRO/85/16A, dated 21.1.1992 with all consequential benefits such as seniority, arrears of salary and allowances etc.

4. It is even conceded for the applicant that the recruitment rules which ^{were} ~~are~~ in existence by 18.1.1991 clearly envisage promotion to the post of Draughtsman from among Map Mounters only, in regard to the promotion quota. As by 18.1.1991 the applicant

T C
Wala

contd....

.. 6 ..

eligible for promotion to the post of Draughtsman. If it is already amended, then it is necessary to consider the case of the applicant for promotion to the post of Draughtsman and if he is found suitable he has to be placed above those who were promoted as Draughtsmen on 18.1.1991 from the category of Map Mounters.

9. It is urged for the applicant that if amendment is not made to the recruitment rule in regard to the promotion to the post of Draughtsman after 5.5.1988 making the Senior Map Mounter eligible for promotion, it will be unjust and unfair and ~~as~~ unconstitutional, if the Senior Map Mounter, who was promoted from the category of Map Mounter, while making the Map Mounter eligible for promotion to the post of Senior Map Mounter, is not made eligible. It is not known as to whether this aspect was considered after 5.5.1988 when the pay scale of draughtsman was revised to Rs.1400-2300 without altering the pay scale of Senior Map Mounter which is Rs.1200-2040.

11. So, it is just and proper to direct the respondents to consider whether it is not a fit case for amending the recruitment rule with regard to the post of Draughtsmen with reference to promotion quota, by providing that the Senior Map Mounter is also eligible for promotion to the post of Draughtsman. It is needless to say that if it is going to be amended

v

TC
W/DR

contd....

and to convey the sanction of the President for revision of pay scale of Rs.425-700 of Draughtsman notionaly from 1-1-1973 but effectively from 16-1-1978 as directed by Central Admn. Tribunal. This sanction is a modification of the earlier sanction issued in this Deptt.'s letter No.J-11011/76/85-M.II, dated 1st July, 1985.

This issues with the concurrence of Ministry of Finance (Dept. of Expenditure) (E.III Branch) vide ~~xxxxx~~ their U.O.No.1998/E.III/88, dated 28.4.1988."

7. The Board clarified by the order No.130950/
A Ty.A-12020/81/Draughtsman/85/16A(2), dated 1.6.1994 that those who are appointed as Draughtsman after 5.5.88 in the pay scale of Rs.1200-2040 have to be brought to the scale of Rs.1400-2300.

8. It is manifest from the above that while the pay scale of Draughtsmen as on 18.1.1981 was Rs.1400-2300, the pay scale of Senior Map Mounter continues to be Rs.1200-2040. It is not known as to whether the recruitment rule for the post of Draughtsman was amended whereby Senior Map Mounter was also made

.. 7 ..

it has to be amended with effect from 5.5.1988 and then the case of the applicant has to be considered accordingly. Ofcourse if no decision is taken by 1.8.1995 or if the decision taken thereon is adverse to the applicant, he is free to move this Tribunal, if so advised, by way of an application under Section 19 of the Admve. Tribunals Act, 1985.

11. The CA is ordered accordingly. No costs./

CERTIFIED TO BE TRUE COPY
Swd. [Signature]
 Date..... 8/12/95
 Court Officer
 Central Adm. Tribunals
 Hyderabad
 Hyderabad

To

vsn

1. The Secretary to Govt.of India,
Ministry of Mines, Shastri Bhavan,
Union of India, New Delhi.
2. The Director General, Geological Survey of India,
27 Jawaharlal Nehru Road, Calcutta-016.
3. The Senior Director General, Southern Region,
Geological Survey of India, Bandlaguda Complex,
Hyderabad-660.
4. One copy to Mr.V.Venkateswar Rao, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.OGSC.CAT Hyd.
6. One spare copy.
7. One copy to Library, CAT.Hyd.

pvm

Re
Wb