

GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 283/2001
R.A/C.P No. 01/2003
E.P/M.A No.

1. Orders Sheet..... Pg..... 01..... to.... 03.....
2. Judgment/Order dtd. 18.04.2002 Pg..... 01..... to.... 10.....
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... Pg..... 01..... to.... 27.....
5. E.P/M.P..... Pg..... to.... 68.....
Order Sheet Pg. 01 to 4
6. R.A/C.P..... Pg..... 01..... to.... 71.....
7. W.S..... Pg..... 01..... to.... 11.....
8. Rejoinder..... Pg..... 01..... to.... 09.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

07/12/14

FORM NO. 4

(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::: GUWAHATI.

ORDER SHEET

APPLICATION NO. 283 OF 2001

APPLICANT (s)

Sri Sudhansu K. Baruah.

RESPONDENT (s)

21 OT 8023.

ADVOCATE FOR APPLICANT(s) Mr. S. Ali, B. Seal, & N. Khanam.

ADVOCATE FOR RESPONDENT(s) Mr. A. Deb Roy, S. Chakraborty

Notes of the Registry	dated	Order of the Tribunal
<p>This application is in form but not in the coordination Petition is filed vide M.P. No. C.R. for F.S. (P) filed vide IPO/BD N 66-791371 Dated 17/7/01</p> <p>Dy. Register, 27/7/01</p>	27.7.01	<p>Heard Mr. S. Ali, learned Sr. counsel for the applicant. The application is admitted, call for the records.</p> <p>List for order on 31.8.2001.</p> <p><i>U. Chakraborty</i> Member</p>
	31.8.01	<p>bb</p> <p>List on 4/10/01 to enable the respondent to file written statement.</p> <p><i>U. Chakraborty</i> Vice-Chairman</p>
	4.10.01	<p>bb</p> <p>List on 13/11/01 to enable the respondents to file written statement.</p> <p><i>U. Chakraborty</i> Vice-Chairman</p>
<p>Copy short. Notice issued and sent to DLS for issuing the defendant to S. Ali by Regd. No. 2947 W 2951 Vide D/N 2947 W 2951 dd 9/8/01</p> <p><i>21/8/01</i></p>	13.11.01	<p>mb</p> <p>List again on 18.12.2001 to enable the respondents to file written statement.</p> <p><i>U. Chakraborty</i> Vice-Chairman</p>
<p>① Service report are still awaited.</p> <p><i>23/8/01</i></p>	bb	

No. written statement
has been filed,

3/10.01

18.12.01 Written statement has been filed.

The learned counsel for the applicant has received the copy of the same today. Two weeks time is allowed to the applicant to file rejoinder, if any.

List on 11.1.02 for order.

22.11.2001

W/F's Branson
by the Respondents.

Written statement has been filed. The case may now be listed for hearing. The applicant may file rejoinder, if any, within two weeks from today.

List on 20.2.2002 for hearing.

No. 5 rejoinder has been
filed.

My
10.1.02.

Rejoinders have been filed
by the applicant at
p. 39 to 47.

$\sqrt{3}$
16/01/02

20.2.02 List again on 13.3.2002 to enable the parties to produce relevant recruitment rules and for hearing.

pg

13.3.2002

Heard the counsel for the parties.

On the prayer made by Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents list the matter again on 28.3.2002.

Member

Vice-Chairman

bb

28.3.2002

Heard Mr.S.Ali, learned Sr.counsel for the applicant. List the case on 8.4.2002 in presence of the C.G.S.C, who is not present due Holi

Member

Vice-Chairman

hh

84. Heard Mr. S. M. Learned St. Casel for the applicant
and Mr. A. Debong, S. C. G. S. C. for the respondent.
Hearing concluded.
Judgment reserved.

Indoor art neglected.

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O.A. No. 283/2002

Notes of the Registry	Date	Order of the Tribunal
<i>by 9/5/02</i>	18.4.02	Judgment delivered in open Court, kept in separate sheets. The application is allowed in terms of the order. No order as to costs.

[Signature]
Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI-5.

O.A.No. 283 of ~~XXX~~ 2001.

DATE OF DECISION. ~~18.4.2002~~.....

Sri Swapan Biswas, Gauge Reader & 4 Ors. (PETITIONER(S))

Mr.S.Ali, sr.Counsel & Ms.B.Seal. ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Others. RESPONDENT(S)

Mr.A.Deb Roy, sr.C.G.S.C. ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER.

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 the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.

6

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.283 of 2001.

Date of Order : This the 18th Day of April, 2002.

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER.

1. Sri Swapan Biswas, Gauge Reader
Site No.43, Central Water Commission
P.O:- SBC Nagar, Belonia
Tripura (South).
2. Sri Rabindra Sinha, Gauge Reader
Meghna Sub-Division No.II, C.W.C.
Nayapara, Dharmanagar
Tripura (North).
3. Sri P.R.Ghosh Adhikari, Gauge Reader
Meghna Division, C.W.C. Link Road
Silchar-6, Dist:- Cachar
Assam.
4. Subir Dhar, Guage Reader
Site No.54, C.W.C., P.O:- Kailashahar
Tripura (North).
5. Fanindra Kumar Nath, Guage Reader
Site No.53, C.W.C. Natun Bazar
Tripura (North). . . . Applicants.

By Sr. Advocate Mr.S.Ali & Ms. B.Seal.

- Versus -

1. The Union of India
Represented by the Secretary to the
Govt. of India, Ministry of Water Resource
Shram Shakti Bhawan
Rafi Marg, New Delhi-110 001.
2. The Chairman
Central Water Commission (NER)
R.K.Puram, Room No.705
New Delhi-66.
3. The Chief Engineer
Central Water Commission (NER)
Jamir Mansion, Nongshillong
shillong-14, Meghalaya.
4. Seperintending Engineer, Meghna Circle
Central Water Commission
145 Panchayat Road, Silchar-4
Cachar, Assam.

5. The Executive Engineer, Meghna Division
Central Water Commission
Link Road, Silchar-6
Cachar, Assam. . . . Respondents.

By Mr.A.Deb Roy, Sr.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C.) :

The following are the reliefs sought for in this application under section 19 of the Administrative Tribunals Act, 1985 :-

- "i) to promote the applicants from Gauge Readers with effect from 30.8.86 to the post of Ferro Printers with pay scale of Rs.975-1540/-;
- ii) to redesignate the applicants as Draftman with effect from 9.11.87 with pay scale of Rs.1200-2040/- with effect from May, 1993, as they have completed 9 years of service in May, 1993.
- iii) to promote the applicants from Draftman Grade-III to Draftsman Grade-II with effect from May, 1996 as they have completed 12 years of service on that day with pay scale of Rs.4500-7000/-;
- iv) to pay arrears of pay with effect from 30.8.86 to 8.11.87 in the scale of pay Rs.1200-2040/-;
- v) to pay the arrears pay scale of Rs.4500-7000/- after setting aside the impugned order;
- vi) to grant adequate costs of the case;
- vii) any other relief/reliefs as may deem fit and proper by this Hon'ble Tribunal."

2. It is the second round of litigation. Five applicants moved this Tribunal alongwith seven others ventilating their grievances for non-consideration of their case for promotion as well as to remove this stagnation. The Tribunal directed the applicants to submit representations to the competent authority with

a further direction on the respondents to dispose of the representation with a speaking order. By the impugned order dated 29.12.1999 the respondents turned down their representations. Hence this application.

3. In the applicants inter-alia pleaded that applicant Nos.1 & 2 are graduates in Arts. The applicant No.1 is also a member of Schedule Caste Community. The first applicant was initially appointed temporarily as Gauge Reader on 28.4.84 by the Executive Engineer, Agartala Division under J.R.C. Investigation Division, Central Water Commission, Agartala. The office of this Division was shifted to Silchar in 1996 and the same was designated as Meghna Division, CWC, Link Road, Silchar. The applicant No.2 was first appointed as Gauge Reader by the Executive Engineer, JRC Division, CWC, Shillong and was working as Gauge Reader in the office of the Executive Engineer, CWC, Shillong Division. He was transferred from Shillong to Meghna Division, CWC, Silchar under the control of the Executive Engineer, CWC at Silchar. The other applicant Nos.3, 4 & 5 were also appointed ^{as Gauge Reader} in 1984 and posted at Agartala Division. When the Agartala Division was shifted in 1996 they were shifted alongwith their office. The applicants were given the pre-revised scale of pay of Rs.200-250/- . The services of the applicants was regularised after three years of continuous service and all the applicants are working as Gauge

9

Reader till now. The applicants alongwith others approached this Tribunal for extension of benefit of revision of pay scale as was granted to the Gauge Reader of the CPWD with all consequential benefits of arrear in O.A. 40 of 1997. In the O.A. the respondents contested the case and submitted its written statement. In the written statement the respondents pleaded that the applicants were appointed as Guage Reader in CWC in the pre-revised scale of pay of Rs.200-250/- strictly as per the recruitment rules in force. The pay of the applicants were fixed in the revised pay scale of Rs.775-1025/- w.e.f. 1.1.1990 as per the recommendation of the IV Pay Commission. It was further revised to pay scale of Rs.775-1025/- w.e.f. 1.4.95. They refuted the the claim of the applicants in view of the fact that the award of re-categorisation/re-classification of Workcharged and Regular classified establishment of Central Public Works Department given on 31.1.88 as well as the judgment of the Hon'ble Delhi High Court in Writ Petition No.2792 of 1988 which was dismissed. The Tribunal by its decision dated 13.8.1999 asked the applicants to file representation within the prescribed time with a further direction on the respondents to consider the case of the applicants. The applicants accordingly submitted their representations and the respondents by the impugned order dated 29.12.1999 rejected the representations. The full text of the said order is reproduced below :-

The post of Gauge Reader (Group "D" post) in the scale pay of Rs.775-12-EB-14-1025/-merged in the scale of pay of Rs.775-12-871-14-955-15-1030-20-1150/- w.e.f.1.4.95 (and revised Rs.2610-60-3150-65-3540/- w.e.f.1.1.96) in the subordinate offices of CWC is filled on Direct Recruitment Basis through Employment Exchange. The basic Educational Qualification required for this post is 8th Standard pass whereas, the post of L.D.C. (Group "C" post) in the subordinate offices of Central Water Commission is filled through Regional Staff Selection Commission on All India Competition Basis and the basic qualification prescribed for the post of LDC is Matric with Typing speed @ 30 w.p.m. in English or 25 w.p.m. in Hindi. Thus there is no comparision between the post of Gauge Reader & L.D.C.

Recently the Ministry of Personnal, Public Grievances & Pension (DOP&T)'s vide O.M. dated 9.8.1999 has introduced the Assured Career Progression Scheme for all the Central Govt. Civilian Employees vide which two financial upgradations during the service career i.e. one on completion of 12 years and IIInd on completion of 24 years service are to be considered. This is however, not applicable, where the Govt. servants have already got two prior promotions on on regular basis, during the prescribed tenure. Previously before revising the pay scale w.e.f.1.1.1996 the benefit of In situ promotion in the next higher scale was also available to the Gauge Readers of Central Water Commission.

Hence your claim for higher pay scale is not justified."

The applicant contended that they ^{are} languishing in the same post for nineteen years and their case was not considered in the right perspective.

4. The respondents filed its written statement contesting the claim of the applicants. The respondents contended that as per the direction of the Hon'ble Tribuna Guwahati Bench given in O.A.40/97 the representations of the applicants were duly considered

and then the same were rejected. In the written statement it was contended that the applicants are drawing pay in the new scale of Rs.2610-60-3150-65-3540/- w.e.f. 1.1.1996 as per the recommendation of the 5th Pay Commission. Further it was stated that the Group-"D" staff including Gauge Readers of CWC office who were having matriculation qualification from a recognised institution and having at least nine years of service were promoted against the 25% vacancies in the grade of Ferro Printers, a Group-"C" post in scale of ;.975-1560/- (pre-revised) depending upon their suitability etc. Seven number of Gauge Readers were promoted as Ferro Printers during the year 1993 to 1995 by CWC. Since then, the post of Ferro Printers ceased to exist and the same was redesignated as Draftman Grade-III by filling up 100% by Direct Recruitment. In view of the job requirement of the post of the Draftman Grade-III recruitment qualifications for that post was prescribed as (I) Matriculation or equivalent from a recognised University/Board and (ii) Diploma or Certificate in Draftmanship (Civil/Mechanical) fro a recognised Institute/Board of not less than two years duration. These qualifications are much higher than those prescribed for Gauge Reader. Hence the question of promotion of the Gauge Readers to the post of Draftman Grade-III did not arise. However, the applicants are liable for two financial upgradations as per Rules under the Assured Career Progression.

5. From the materials on record it emerges that the applicants are working as Gauge Reader since 1984. They have claimed before the authority for the pay scale given to the L.D.C. The respondents did not exceed to the claim since the post of Gauge Reader cannot be equated to the post of L.D.C. which is a Grade-III post. The qualifications and methodology of recruitment are also different. The reasonings assigned by the respondents in not conferring the scale of L.D.C. as mentioned in the communication dated 29.12.1999 cannot, therefore, be faulted. In the representations the applicants/also prayed for considering their case for promotion. The respondents confined its attention to the office memo dated 9.8.99 introducing the Assured Career Progression Scheme. The applicant pleaded that the Grade-IV staff including Gauge Readers of CWC Office, having matriculation qualification from a recognised institution and having atleast 7 years of service were promoted against the 25% vacancies in the Grade of Ferro Printers, a Grade-IIIT post in the scale of pay of Rs.975-1560/-.. The applicants cited the examples of seven Nos. of Guage Readers who were promoted as Ferro Printers during the years 1993 to 1995 by CWC. The repondents in the written statement did not dispute the fact that persons having matriculation qualification or having atleast nine years of service were promoted against the 25% vacancies in the Grade of Ferro printers a Grade-III post. It however stated that since the post of Ferro Printers ceased to exist the same post was

redesignated as Draftman Grade-III.

6. We have perused the office memorandum dated 30.5.1995. By the said office order the post of Ferro Printers were redesignated as Draftman Grade-III pursuant to the judgment and order dated 18.5.1994 delivered by the CAT Principal Bench in O.A.2114 of 1989. The redesignation came into force retrospectively w.e.f. 30.8.1986. The applicants completed nine years of service in the year 1993. The revision of pay scale of Draftman Grade-I, II & III in all Government of India Offices was allowed on the basis of Award of Board of Arbitration in the case of Central Public Works Department. The notification dated 19.10.1994 prescribed 7 years as minimum period of service for placement from the post carrying the pay scale of Rs.975-1540/- to Rs.1200-2040/-. The post of Ferro Printers was indicated in the Central Water Commission Ministerial (Group "C") posts Amendment Recruitment Rules, 1986. The said Rules also provided the rules of recruitment of Draftman Grade-II delineated as Gauge Readers, a non-Gazetted post. The post was a Non-Selection post filled up 100% by promotion from Draftman Grade-III. In Sl.No.11 of the Schedule mentioned the promotional avenue of Draftman Grade-III to Grade-II. In the column eligibility conditions were indicated that the post of Draftman Grade-II is to be filled by promotion from Draftman Grade-III having Diploma/Certificate of

Draftmanship or equivalent from a recognised Institute/Board and having not less than three years of regular service in the Grade or Draftsman Grade-III not possessing Diploma/Certificate in Draftsmanship or equivalent was also eligible for appearing the Departmental Examination after rendering three years of service in the Grade. Those who passed the examination would be eligible for promotion on completion of their six years of regular service in the Grade. The contention put forwarded by the respondents that Draftsman Grade-III under rules could not be appointed unless one passed the matriculation or equivalent examination from a recognised Institute/Board and also possess the Certificate or Diploma in Draftsmanship (Civil/Mechanical) from a recognised Institute/Board. The column 11 against the post of Draftsman Grade-III the rule itself provided that a Ferro Printer with a minimum five years of regular service in the Grade subject to passing the Departmental Examination was also eligible to be appointed by transfer/promotion against 25% vacancies. The applicants attained its eligibility for consideration for promotion long before the redesignation of the post of Ferro Printers as Draftsman Grade-III vide order dated 30.5.1995, At any rate, the rules did not debar the respondents from considering their cases for the post of Ferro Printers as existed on or before 30.5.1995,

5

redesignated as Draftsman Grade-III.

7. In the set of circumstances, it cannot be said that the scope of promotion of these applicants as per the rules as was existed at the relevant time was totally closed. The respondents authority in rejecting the representations of the applicants failed to take the relevant consideration which effected in taking the appropriate decision on the matter. Considering all aspects of the matter, we are of the opinion that these applicants are entitled for consideration of their promotion as the Recruitment Rules from the post of Gauge Readers to the rank of Ferro Printers and thereafter to Draftsman, notwithstanding the Assured Progression were Career/ Scheme as per the rules applicable when the posts / vacant.

In the face of the circumstances of the case, we, therefore, allow the application with a direction on the respondents to consider the case of the applicants for their promotion as indicated above as per law within three months from the date of receipt of the order.

The application accordingly stands allowed to the extent indicated above.

There shall, however, be no order as to costs.

K. K. Sharma
(K. K. SHARMA)
ADMINISTRATIVE MEMBER

D. N. CHOWDHURY
VICE CHAIRMAN

10

**BRIEF NOTE FOR DEFENDING O.A No.283/01
FILED BY SHRI SWAPAN BISWAS GAUGE READER &
OTHERS Vs. UNION OF INDIA & OTHERS**

A. The post of Ferro printer has ceased to exist as the same has been re-designated as Draftsman Gr.III from 30/05/95 to be filled up 100% by direct recruitment.

Recruitment rules for Draftsman Gr.III have prescribed qualification as:-

1. Matriculation or equivalent from recognized University/Board.
2. Should posses Certificate of Diploma Draftsmanship from a recognized institute of not less than two years duration.

The above qualifications are much higher than those prescribed for Gauge Reader. Hence, the Gauge Readers are not eligible to be promoted to the post of Draftsman Gr.III (Recruitment rule enclosed as Annexure- 'A'.)

B. In-situ promotion

In-situ promotion is awarded when the employee gets stagnated at maximum of the pay scale for two years. None of the Gauge Readers in the above O.A were stagnating; hence in-situ was not awarded to them. Now In-situ promotion scheme is not in vogue. Instead Govt. has announced ACP w.e.f.09/08/99.

C. Assured Career Progression Scheme (ACP).

The Gauge Readers were also awarded the ACP w.e.f.09/08/99 according to their services vide Superintending Engineer, Planning Circle, CWC, NH-IV, Faridabad (Haryana) Office Order No.16/13/99-Adm.IV/1036-81 dated 15/03/2000 (Copy enclosed as Annexure- 'B'). But the petitioners have not submitted the required willingness/undertaking.

Out of 12 nos. Gauge Readers in O.A.No.40 of 97 filed by Shri P.R.Ghosh Adhikary and Others Vs. Union of India & Others, three Gauge Readers viz. Subrata Chakrabarty, P.C.Chakraborty and S.K.Das have accepted the ACP awarded by the Superintending Engineer, Planning Circle, and accordingly their pay has been fixed w.e.f.09/08/99 vide office order no.MID/W-17011/WC/ACP/30/20004166-76 dated 16/12/2000 of Executive Engineer, Meghna Inv.Division, CWC, Shillong. (Copy enclosed as Annexure- 'C')

The above facility is still open to the Gauge Readers of this O.A. The Gauge Readers are entitled for the 1st ACP w.e.f.09/08/99 in the scale of Rs.2750-70-3800-75-4400/- (S 4). Office is still waiting for their acceptance/willingness for fixing their pay.

Contd...P/2

(2)

As per DOP&T O.M.No.35034/2/2001-Estt(D) dated 1st June, 2001 (Copy enclosed as Annexure- 'D') under 2nd financial upgradation on completion of 24 years of regular service, the Group 'D' staff who are matriculates are eligible to the pay scale of Rs.3050-75-3950-80-4590 (S 5) scale of Lower Division Clerk (LDC). This is available to petitioners also.

Ans 25/6/2002
[Amrendra Kumar Singh]
Executive Engineer
Meghna Division, CWC
Silchar

22 (1814)

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232

No.C-18013/4/89-Estt.X
Government of India
Central Water Commission

Room No. 310, New Wing
R.K. Puram, New Delhi-66.

Dated the 30th May, 1995

OFFICIAL MEMORANDUM

Subject : Redesignation of the post of D/man/Ferro-Printer
In Central Water Commission.

In pursuance of the orders of the CAT, Principal Bench, New Delhi, contained in their Judgement dated 18.5.94 delivered in O.A. No.2114/89 filed by Shri D.C. Dabral and others Versus Union of India, the Commission's Order No. A-11012/B/86-E.IV dated 26th September, 1986 is hereby partially modified and all the posts of Ferro-Printer are hereby re-designated as D/man, Grade III alongwith erstwhile Tracer. This order will take retrospective effect from 30.8.86.

2. This re-designation of the post of Ferro-Printer is however, subject to the fulfilment of the conditions laid down in the Ministry of Finance, Department of Expenditure O.M. No.13(1)-IC/91 dated 19th October, 1994.

OSR/Chugh
(J.L. CHUGH)
Under Secretary (M)
Tele: 604068

Copy to :-
MOIR, SSB, New Delhi (Sh. A.K. Barua, US(E)).

1. PPS to Chairman, CWC, New Delhi.
2. PPS to Members, CWC, New Delhi.
3. All Chief Engineers, CWC, New Delhi.
4. All Superintending Engineers, CWC, New Delhi.
5. All Executive Engineers, CWC, New Delhi.
6. All Under Secretaries/Accounts Officer /Senior Analyst/ Pay & Accounts Officer, CWC, New Delhi.
7. All Section Officers/Directorates/Units of CWC, N.D.
8. Drawing Staff Association, CWC, New Delhi.
9. Notice Board.
10. Spare copies (40 copies)
11. All Ferro-Printers/Personal Files
12. All Ferro-Printers/Personal Files

No. 13(1)-IC/91
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 19th Oct, 1994.

OFFICE MEMORANDUM

Subject : Revision of pay scales of Draughtsmen, Grade I, II and III in all Government of India Offices on the basis of the Award of Board of Arbitration in the case of Central Public Works Department.

The undersigned is directed to refer to this Departmental Circular No. F. 10/14-E.III/82 dated 13.3.84 on the subject mentioned above and to say that a Committee of the National Council (NCM) was set up to consider the request of the Staff Side that the following scale of pay, allowed to the Draughtsmen Grade-I, II & III working in CPWD on the basis of the Award of Board of Arbitration, may be extended to Draughtsmen Grade-I, II & III, irrespective of their recruitment qualifications, in all Government of India offices :

	Original Scale (Rs.)	Revised scale on the basis of the Award (Rs.)
Draughtsmen Grade-I	425-700	550-750
Draughtsmen Grade-II	320-560	425-700
Draughtsmen Grade-III	260-430	320-560

2. The President is now pleased to decide that the Draughtsmen Grade-I, II & III in offices/departments of the Government of India other than in CPWD may also be placed in the scales of pay mentioned above subject to the following :

- Minimum period of service for placement from 7 years the post carrying scale of Rs. 975-1540 to Rs. 1200-2040 (pre-revised Rs. 260-430 to Rs. 320-560).
- Minimum period of service for placement : 5 years from the post carrying scale of Rs. 1200-2040 to Rs. 1400-2300 (pre-revised Rs. 320-560 to Rs. 425-700).
- Minimum period of service for placement : 4 years from the post carrying scale of Rs. 1400-2300 to Rs. 1600-2660 (pre-revised Rs. 425-700 to Rs. 550-750).

..... Contd

3. Once the Draughtsmen are placed in the regular scales, further promotion would be made against available vacancies in higher grade and in accordance with the normal eligibility criteria laid down in the recruitment rules.

4. The benefit of this revision of scales of pay would be given with effect from 13.5.82 notionally and actually from 1.11.83.

Sd/-

(Shyam Sunder)
Under Secretary to the Government of India

To

All Ministries/Departments of the Government of India
(as per standard list with usual number of spare copies)

23 26
ANNEXURE NO. 2

NO. A-11012/6/86-Estt. IV
Government of India
Central Water Commission

303, Bawa Bhawan, R.P. Puram
New Delhi-110066

Dated: 26 Sept., 1986.

ORDER

Subject: Re-designation of posts of Draftsman in
Central Water Commission

In pursuance of the Ministry of Water Resources notification No. 72/86-F13/44/84-Estt. dated 6.8.86 amending the Recruitment Rule of 1982 in respect of non-ministerial Group 'C' posts in CWC, the Drawing Staff Cadre of Central Water Commission will be re-named as under:-

1. Sr. Draftsman Draftsman Gr. I
2. Jr. Draftsman Draftsman Gr. III
3. Tracer Draftsman Gr. III

These orders will take effect from 30.8.86.

Sd/-

(H.R. SINGLE)
UNDER SECRETARY

Copy to all concerned.

TRUE COPY.

[Signature]

Alexander
Agent, D.S.A.
H.C. D-II DTE, C.W.C.
Room No. 607, Bawa Bhavan,
R.K. Puram, New Delhi-110066

D.S.A.C.W.C.

भारत का घटापत्र

The Gazette of India

प्राप्तिकार से प्रकाशित
PUBLISHED BY AUTHORITY

नई दिल्ली, राजिवार, बाहुदर्श 30, 1986/भाद्र 8, 1908

No. 35 NEW DELHI, SATURDAY, AUGUST 30, 1986/BHADRA 8, 1908

इस भाग में खिल पृष्ठ संख्या वी जल्दी ही नियम से कि प्रत्येक घटापत्र के बारे में
रखा जाएगा।

Separate Paging is given to this Part in order that it may be filed as a
separate compilation.

भाग II—खण्ड 2—खण्ड 2—खण्ड (1)
PART II—Section 2—Sub-section (1)

(राज मंत्रालय को छोड़कर) भारत सरकार की मुख्यमंत्री द्वारा (मंत्र राज्य की विभागों की विभागीय
केन्द्रीय अधिकारियों द्वारा विभिन्न को मन्त्रालय द्वारा किए एवं भारतीय नियम
विवरण सहायता के लिए, विवरण द्वारा विभागीय विभाग है।

General Statutory Rules (including Orders, Bye-laws etc. of a general character) issued
by the Ministries of the Government of India (other than the Ministry of Defence) and
the Central Authorities (other than the Administrations of Union Territories).

गृह मंत्रालय

नई दिल्ली, 28 दिसंबर, 1986

सा.ना.नि. 850—राज्यपति, संघीयता के भवन अंडे 309 के पास द्वारा मरत विविधों का प्रयोग करते हुए उत्तिष्ठान द्वारा विभाग व्यूथ
(उप नियम) मरती नियम, 1973 में द्वारा संशोधन करने के लिए विभागीय विवरण द्वारा 8, भवान, ।—

1. (1) इन नियमों का नाम 'पुलिस गवेलन और विकास विभाग' (उप नियम) मरती (विभाग) नियम, 1986।।

(2) ये उपनियम में प्रकाशन की तरीकों को मद्दत होते हैं।

2. पुलिस गवेलन और विकास विभाग (उप नियम) मरती नियम, 1973 में विवरण विवरण के इतने पर विभागीय विवरण की रखी जाएगी।

विवरण:—

विवरण

पद का नाम	पदों की संख्या	विवरण	विवरण	विवरण	विवरण	विवरण
प्रमुख पद	तीव्र विवरण किए जाने वाले सेवा में जोड़े गए वर्षों का विवरण	प्रमुख पद	तीव्र विवरण किए जाने वाले सेवा में जोड़े गए वर्षों का विवरण	प्रमुख पद	तीव्र विवरण किए जाने वाले सेवा में जोड़े गए वर्षों का विवरण	प्रमुख पद

उपनियम	विवरण	विवरण	विवरण	विवरण	विवरण	विवरण
उपनियम	विवरण	विवरण	विवरण	विवरण	विवरण	विवरण

2

3

4

5

6

परिवर्तन
किया जा
सकता है।

पर वा बदली है।

टिप्पणी 11: भास्त्रीया भवधारित
कार्यके लिए नियमित तरीके
सारले के वर्षपिंडों वे
(सनसे भिन्न जो वंशजन वीर
नियोगीर द्वारा तथा सहायीर
नहीं हैं) भास्त्रीय कार्यकरणे के
नियम नियम की गई अनियम
तारीख दी गई।

टिप्पणी 12: योग्यार कार्यकरण के
सार्वत्र जी की बाने वाली
गिरुपिंडी द्वारा में भास्त्रीय
भवधारित करने के लिए
नियमित तारीख एवं वर्षपिंड
तारीख दी गई विस तक रोजगार
कार्यकरण से नाम देखने के लिए
कहा गया है।

(1) किसी भास्त्रीया प्राप्त विश्वविद्यालय/वीर्द से
विद्युत नियन्त्रण या समतुल्य।
(2) किसी भास्त्रीया प्राप्त संस्थान से नियन्त्रणीयी
में 3 वर्ष से अधिक अवधि का प्रमाणपत्र होना
राखिए।

नहीं

में है

(1) 95 प्रतिशत, सीधी पर्ती द्वारा
(2) 95 प्रतिशत, कोरीमुद्रक में से
मध्यन द्वारे हुए, देसा कोरीमुद्रक, जिसने
उद्धरणीयी में कम से कम 3 वर्ष नियमित
सेवा की है।

(सीधे पर्ती किए जाने वाले व्यक्तियों की पुष्टि
के लिए व्यक्ति द्वारा करने के लिए)

समतुल्य "ग" विभागीय प्रोफेशन समिति।

1. नियोग (प्राप्तान) / नियम, कोरीय जल
वायोग-धर्मान;
2. नियोग, कोरीय जल भावीय (जिसे
महारोजित किया जाएगा) — सदस्य;
3. अपर सचिव, कोरीय जल भावीय — सदस्य।

[L. 72/86-पक. 13/4/84-स्ना. 1]

बार. नी. शास्त्री, देशभूतीय

Items 6, 19, 23 and 24, relating to the posts of Senior
Draftsman/Engineer, Junior Draftsman, Perio-Piloter, and
Tracer, respectively, and the entries relating thereto, in the
following items and entries thereof, shall be substituted, namely:

SCHEDULE

Foot Note.—The Central Water Commission Non-
Ministerial (Group C) posts Recruitment Rules
1982 were published in the Gazette of India Part
II, Section 3(I) dated the 4th September, 1982, under
GSR Number 798 vide Ministry of Environment and
Notification number 391/979-Estt. I dated 6th June, 1982, and were amended vide Ministry of Environment and
Notification number 41/84-3910/82-Estt. I dated 6th June, 1984 published in the Gazette of India
under the GSR Number 668/98-30/84, on page number 1191.

MINISTRY OF WATER RESOURCES

New Delhi, the 6th August, 1986

G.S.R. 682.—In exercise of the powers conferred by the
prior to article 309 of the Constitution, the President
thereby makes the following rules further to amend the
Central Water Commission Non-Ministerial (Group C)
Posts (Amendment) Recruitment Rules, 1982, namely:

1. (1) These rules may be called the Central Water Com-
mission Ministerial (Group 'C') Posts (Amendment) Recruit-
ment Rules, 1986.

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

2. In the Schedule to Central Water Commission, Non-
Ministerial (Group 'C') Posts Recruitment Rules, 1982, see

SCHEDULE

Name of post	No. of posts	Classification	Scale of pay	Whether selection post or Non-Selection post	Age limit for direct recruits	Whether benefit of added years of Service admissible under rule 30 of the CCS (Pension) Rules, 1972.	Educational and other qualifications required for direct recruits		
1	2	3	4	5	6	6(a)	7		
16. Draftsman	279	General Central Service Group 'C' Non-Gazetted Non-Ministerial	Rs.425-15-500-EB-13-560-20-700- Rs.330-10-380-EB-12-500-EB-15- 560- (Two pay-scales as per recommendation of 3rd Pay Commission).	Non-Selection and	Not applicable.	No	Not applicable.		
		Subject to variation dependent on work load.							
		Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotion.	Period of probation, if any.	Method of recit. Whether by direct recit. or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods.	In case of recit. by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made.	If a Departmental Promotion Committee exists, what is its composition.	Circumstances in which Union Public Service Commission is to be consulted in making recruitment.		
			8	9	10	11	12		
			Not applicable	Not applicable.	By promotion 100%	Draftsman Grade II who have rendered 8 years of regular service in that Grade.	Group 'C' Departmental Promotion Committee consisting of: 1. Director (Adm.)/Secretary, Central Water Commission —Chairman. 2. Director, Central Water Commission (to be appointed) —Member. 3. Under Secretary(C), Central Water Commission —Member.	Not applicable.	
			2	3	4	5	6	6(a)	7
19. Draftsman	323	General Central Service Group 'C' Non-Gazetted Non-Ministerial	Rs.330-10-380-EB-12-500-EB-15- 560- Subject to variation dependent on work load.	Non-Selection.	18 to 25 years. (Relaxable upto 35 years in the case of Government servant in accordance with the instructions issued by the Central Government).	No.	Essential (i) Matriculation or equivalent from a recognised University/Board. (ii) Diploma/National Trade Certificate in Draftsmanship (Civil/Mech.) from a recognised Institute.		

of applications from the territories in India (other than those in the Andaman and Nicobar Islands and Lakshadweep).

Note 2: In case of appointment made through the Employment Exchange the crucial date for determining the age limit shall be the last date upto which the Employment Exchange is asked to submit the names.

No.

No.	9	10	11	12	13
2	2 years (for direct recruits only)	100% by promotion from Draffsman Grade III failing which by direct recruitment.	Draffsman Grade III Group 'C' Departmental having Diploma/Cert. of Draffsmanship or equivalent from a recognised Institute Board and should have rendered not less than 3 years of regular service in the Grade OR Draffsman Grade III not possessing Diploma/Cert. in Draffsmanship or equivalent shall be eligible for appearing in Departmental Examination after rendering 3 years service in the Grade. Those who pass the examination will be eligible for promotion on completion of their six years of regular service in the Grade.	Promotion Committee consisting of: 1. Director (Adm.)/Secretary, Central Water Commission Chairman. 2. Director, Central Water Commission (to be co-opted) Member. 3. Under Secretary, Central Water Commission Member.	Not applicable.

2	3	4	5	6	7	8(a)
23. Ferro Pinters (1986)	37* General Central Services Group 'C' Non-Clazetted Non-Ministerial	Rs.260-8-300-EB-R-340-10-380-BB-10-430.	Non-Selection	18-25 years. Relaxable upto 35 years in the case of Government servant in accordance with the instructions issued by the Central Government.	No	Essential qualifications: 1. Matriculation or equivalent from a recognised University/Board. 2. Two years experience of operating ferro machines. Preferable Persons qualified from a recognised Institute.

Subject to variation dependent on workload.

Note 2 In case of any appointment made through the Employment Exchanges the crucial date for determining the age limit shall be the last date upto which the Employment Exchanges are asked to submit the names.

8	9	10	11	12	13
Not applicable.	Two years	(i) 75% by direct recruitment. (ii) 25% by promotion from Group 'D' staff failing which, by direct recruitment.	Promotion : Group 'D' staff in Central Water Commission and its subordinate offices, having at least 7 years regular service in the grade and possessing the educational qualification prescribed for direct recruits and on the basis of the results of the competitive trade test to adjudge their suitability for the post with reference to the standard of competence considered essential.	Group 'C' Departmental Promotion Committee (for considering confirmation of the direct recruits) consisting of :— 1. Director (Adm.)/Secretary, Central Water Commission—Chairman. 2. Director, Central Water Commission (who is appointed)—Member. 3. Under Secretary, Central Water Commission—Member.	Not applicable.

Draftsman 27 General Central
Grade III. (1986) Service Group C
Non-Gazetted Non-Ministerial

Subject to variation
dependent on work load

Rs. 260.8- Non-
300-111-8- Solecim
340-10-380-
EP-10-430

W.E.B. 10-430

18-25 years.
Retainable upto 35 years
In the case of Govern-
ment servant in accord-
ance with the instruc-
tions issued by the Cen-
tral Government).

Note 1 : The crucial date for determining the age limit shall be closing date for receipt of applications from candidates in India (Other than those in the Andaman and Nicobar Islands and Lakshadweep).

Note 2 : In case of appointment made through the Employment Exchange, the crucial date for determining the age shall be the last date upto which the Employment Exchange is asked to submit the names.

(i) Matriculation or equivalent from a recognised University/Board

(iii) Should possess certificate of Diploma in Draftsmanship from a recognised Institute of not less than one year duration.

No.	9 2 years.	10	11	12	13
		(i) By direct recruitment—93%. (ii) By transfer from Ferro Printer—5%.	Ferro Printer with a minimum of 5 year's regular service in the grade subject to passing of the Departmental Examination.	Group 'C' Departmental Promotion Committee (for considering confirmation of direct recruits) 1. Director (Adm.)/Secretary, Central Water Commission—Chairman 2. Director, Central Water Commission (to be co-opted)—Member 3. Under Secretary, Central Water Commission—Member	Not applicable

[No. 72/86, P.13/14/84-Estt. I]

R. C. SHARMA, Desk Officer

नई दिल्ली, 14 अगस्त, 1986

सा. स. नि. 683—राज्यपति, संविधान के अनुच्छेद 309 के परन्तुक राज्य प्रतत विविधों का प्रयोग करते हुए, केन्द्रीय पूरा भौत सामग्री प्रनुसंधान नामा, नई दिल्ली (समूह क) पद भर्ती नियम, 1983 का भौत विविध करने के लिए निम्नलिखित नियम बनाते हैं, प्रकाशित—

1. (1) इन विविधों का नाम केन्द्रीय पूरा भौत सामग्री प्रनुसंधान नामा, नई दिल्ली (समूह क) पद भर्ती (संविधान) नियम, 1986

(2) ये एवं प्रत भौत सामग्री की तारीख को प्रयुक्त होंगे।

2. केन्द्रीय पूरा भौत सामग्री प्रनुसंधान नामा, नई दिल्ली (समूह क) पद भर्ती नियम, 1983 की प्रमुखती में—

(1) व्येष्ट प्रनुसंधान संचालकों के पद के संबंधित अमंत्र संख्या 3 के (क) स्तम्भ 2 के नीचे प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, प्रकाशित—

19*

(1986)

*कार्यभार के मानार पर प्रकाशित रिका वा ग्राहा है।

(2) स्तम्भ 2 के नीचे प्रविष्टि के स्थान पर निम्नलिखित रखी जाएगी, प्रकाशित—

प्राप्ति

प्राप्ति की विविधता—

(1) प्रनुसंधान संचालकों के पद के संबंधित अमंत्र संख्या 3 के सामने

(2) स्तम्भ 2 के नीचे प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, प्रकाशित—

31*

(1986)

10—विविध

3—विविध

स्तम्भ 31 में पर्याप्त की तुल तथा भौत विविधी का विविधक वर्णन के द्वारा उपलब्ध विविध विविधकों को अपार में रखते हुए विविधक विविधकों के विविध तथा

(3) स्तम्भ 31 के नीचे प्रविष्टि में 30 वर्ष की वीक्स वर्ष के साथ पर निम्नलिखित प्राप्ति रखी जाएगी, प्रकाशित—

प्राप्ति

(4) स्तम्भ 8, के नीचे प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि के स्थान पर निम्नलिखित विविध रखी जाएगी, प्रकाशित—

विविधक प्रदत्ताएः नहीं, किस्त, प्राप्ति संख्या, जिसी सामग्री प्राप्ति विविधक से कम से कम (विविध) में कोई विविधी या इंजीनियर में कोई विस्तीर्ण प्राप्ति विविधक होनी चाहिए

[नं. 6/86/सा. व. 2(5)/84-क-II]

वी. क. साधु, प्रबन्ध अधिकारी

प्रत नियम, भारत के राज्यपाल वे सांकेतिक वर्ष 1984 सारीब तरह स्तम्भ 1983 की प्रविष्टि की गयी वे नियम सांकेतिक वर्ष 1984 सारीब, 23-4-85 द्वारा विविध रिकां द्वारा

New Delhi, the 14th August, 1986.

G.S.R. 683.—In exercise of the powers conferred by clause (1) of article 309 of the Constitution, the President hereby makes the following rules further to amend the Central Soil and Materials Research Station, New Delhi (Group A) posts Recruitment Rules, 1983, namely :

(1) These rules may be called the Central Soil and Materials Research Station, New Delhi (Group A) posts Recruitment (Amendment) Rules, 1986.

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

2. In the Schedule to the Central Soil and Materials Research Station, New Delhi (Group A) posts Recruitment Rules, 1983,—

(1) against serial number 3, relating to the post of Senior Research Officer,

(a) for the entry under column 2, the following entry shall be substituted, namely:

19*

(1986)

* Subject to variation dependent on workload;

(b) for the entry under column 3, the following entry shall be substituted, namely:

"Age

"No."

Educational qualification : Yes.

qualification :

(2) against serial number 4, relating to the post of Research Officer,

(a) for the entry under column 2, the following shall be substituted, namely:

31

(1986)

6

4B
85
23/2/00
1036-81
Amendment 'B'
124
Dated: 15-3-2000

No. 16/13/99/Adm-IV/ Government of India
Central Water Commission
Planning Circle
NH.IV., Faridabad

OFFICE ORDER

On the Recommendation of the Screening Committee (Group 'D') and In terms of the Instructions as laid down In DOPT's office memorandum No. 35034/1/97-Estt. (D) dated 9.8.99, the Financial Upgradation under the Assured Career Progression Scheme is hereby granted to the following group 'D' staff with effect from the dates and pay scales as mentioned against each:-

S.No.	Name of the Official	Designa-tion	Place of present posting	Scale in which financial upgradation granted	Whether I or II upgradation	Effective date from which financial upgradation granted
1.	2	3	4	5	6	7
	S/Shri/Smt.					
1.	A. Valnaik	Daftry	L.K.Division, Hyderabad	Rs.2750-70-3800-75-4400	II	9.8.99
2.	P.Kamaraiyah	- do -	Krishna & Coordination Circle, Hyderabad	- do -	II	9.8.99
3.	K.Venkateswarlu	- do -	Godavari Circle, Hyderabad	- do -	II	9.8.99
4	Ishwar Das	- do -	Office of The CE (IB), Chandigarh	- do -	II	9.8.99
5	Gurbachan Singh	- do -	Chenab Division, Jammu	- do -	II	9.8.99
6	Bhakta Bahadur	- do -	Planning Circle, Faridabad	- do -	II	9.8.99
7	Manibhai K.Khristy	- do -	H.O.C, Vadodra	Rs.2650-65-3300-70-4000	II	9.8.99
8.	P.K.Selti	- do -	Office of the CE, M&E Rivers, Bhubaneswar	Rs.2650-65-3300-70-4000	II	9.8.99
9.	Madan Lal	Gauge Reader	M&A Dte; Jammu	Rs.3050-75-3950-80-4590	II	9.8.99
10.	Swami Ral	- do -	C.D.Jammu	Rs.2750-70-3800-75-4400	II	9.8.99
11.	Sujit Chakraborty	- do -	Meghna Division, Silchar	Rs.2650-65-3300-70-4000	I	9.8.99
12.	Jayananda Barman	- do -	- do -	- do -	I	9.8.99
13.	Prasad Sen	- do -	- do -	- do -	I	9.8.99
14.	Rabindra Sinha	- do -	- do -	- do -	I	9.8.99
15.	Champali Sinha	- do -	- do -	- do -	I	9.8.99
16.	P.R.Ghosh Adhikari	- do -	- do -	- do -	I	9.8.99
17.	Swapan Biswas	- do -	- do -	- do -	I	9.8.99
18.	Samir Bhattacharjee	- do -	- do -	- do -	I	9.8.99
19.	Subir Dhar	- do -	- do -	- do -	I	9.8.99
20.	Biswajit Pal	- do -	- do -	- do -	I	9.8.99
21.	F.K.Nath	- do -	- do -	- do -	I	9.8.99
22.	H.C.Das	- do -	Meghna Inv.Division, Shillong	- do -	I	9.8.99
23.	Dilip Das	- do -	- do -	- do -	I	9.8.99

103

1978 123

24.	Subrata Chakraborty ✓	Gauge Reader	Meghna Inv.Division, Shillong	Rs.2650-65-3300-70-4000	I	9.8.99
25.	P.C.Chakraborty ✓	- do -	- do -	- do -	I	9.8.99
26.	N.L.Ray ✓	- do -	- do -	- do -	I	9.8.99
27.	Swapan Kumar Das ✓	Gauge Reader	Meghna Inv.Division, Shillong	Rs.2650-65-3300-70-4000	I	9.8.99
28.	Gagan Singh ✓	- do -	- do -	- do -	I	9.8.99
29.	N.Anandan	Barkandaz	SWRD, Cochin	Rs.2750-70-3800-75-4400	II	9.8.99
30.	Jaspal Singh	- do -	P&I Division, Faridabad	- do -	II	9.8.99
31.	Durga Bahadur	- do -	Planning Circle, Faridabad	- do -	II	9.8.99
32.	R.Shyam Murthy	- do -	U.G.Division, Hyderabad	Rs.2650-65-3300-70-4000	II	9.8.99
33.	R.N.Desh Pandey	- do -	- do -	- do -	II	9.8.99
34.	P.Balakotahal	- do -	L.G.Division, Hyderabad	- do -	II	9.8.99
35.	L.Narzarl	- do -	CSD Division, New Delhi	- do -	II	9.8.99
36.	D.K.Tiwari	- do -	Narmada Division, Bhopal	- do -	II	9.8.99
37.	Shamlai ✓	- do -	SE C, O.O.the CE, (IB), Chandigarh	- do -	II	9.8.99
38.	Sarban Singh	- do -	- do -	- do -	II	9.8.99
39.	A.B.Chhetri	- do -	S.I.Division, Gangtok	- do -	II	9.8.99
40.	Tul Bahadur Darjee	- do -	- do -	- do -	II	9.8.99
41.	Ram Bahadur	- do -	- do -	- do -	II	9.8.99
42.	H.Narasimhalu	- do -	CD, Bangalore	- do -	II	9.8.99
43.	Baij Lal	- do -	M&A Dte; Jammu	- do -	II	9.8.99
44.	K.K.Khajuria	- do -	Chenab Division, Jammu	- do -	II	9.8.99
45.	D.K.Sinha	- do -	NEID-I, Silchar	- do -	I	9.8.99
46.	A.K.Das	- do -	- do -	- do -	I	9.8.99
47.	M.Srinivasulu	- do -	L.K.Division, Hyderabad	Rs.2610-60-3150-65-3540	I	9.8.99
48.	G.Ganga Ratna	- do -	- do -	- do -	I	9.8.99
49.	Ramavatar Kewat	- do -	Narmada Division, Bhopal	- do -	I	9.8.99
50.	Samhu Pal Chowdhury	- do -	Meghna Division, Silchar	- do -	I	9.8.99
51.	Subrata Bhowmik	- do -	- do -	- do -	I	9.8.99
52.	K.B.Dhatrik	- do -	Wainganga Division, Nagpur	- do -	I	9.8.99
53.	Babul Sarkar	- do -	NEID-III, Itanagar	- do -	I	9.8.99
54.	Ch.Yallaiah	Peon	K& Coord.,Circle, Hyderabad	Rs.2750-70-3800-75-4400	II	9.8.99
55.	Ambi Ram	- do -	Mon.Dte, Faridabad	- do -	II	9.8.99
56.	R.Kaliswamy	- do -	SR Division, Coimbatore	- do -	II	9.8.99
57.	P.K.Subbian	- do -	- do -	- do -	II	9.8.99

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58	Sumer Singh	Peon	P&I Division, Faridabad	Rs.2750-70- 3800-75- 4400	II	9.8.99
59	Mohan Lal	- do -	P&I Division, Faridabad	- do -	II	9.8.99
60	Desh Raj	- do -	- do -	- do -	II	9.8.99
61	V.Sammaiah	- do -	L.K.Division, Hyderabad	Rs. 2650-65- 3300-70- 4000	II	9.8.99
62	T.Balram Singh	- do -	- do -	- do -	II	9.8.99
63	Ch.Krishna Rao	- do -	- do -	- do -	II	9.8.99
64	N.Krishna Murthy	- do -	- do -	- do -	II	9.8.99
65	V.V.Ramana	- do -	L.G.Division, Hyderabad	- do -	II	9.8.99
66	N.Verriyya	- do -	Godavari Circle, Hyderabad	- do -	I	28.1.2000
67	P.N.Pankajan	- do -	SWR.Division, Cochin	- do -	II	9.8.99
68	A.Kamalakaran	- do -	- do -	- do -	II	9.8.99
69	A.Alagu	- do -	S.R.Division, Coimbatore	Rs.2650-65- 3300-70- 4000	II	9.8.99
70	Dev Raj	- do -	M&A Dte., Shimla	- do -	II	9.8.99
71	Tshering Pentso	- do -	S.I.Division, Gangtok	- do -	II	9.8.99
72	D.P.Sharma	- do -	- do -	- do -	II	9.8.99
73	B.B.Chhetri	- do -	- do -	- do -	II	9.8.99
74	R.K.Gautam	- do -	- do -	- do -	II	9.8.99
75	Balram Paudyal	- do -	- do -	- do -	II	9.8.99
76	Jiblal Sharma	- do -	- do -	- do -	II	9.8.99
77	L.K.Paul	- do -	Planning Circle, Faridabad	- do -	II	9.8.99
78	Man Singh Patel	- do -	SE @, NB Organisation, Bhopal	- do -	II	9.8.99
79	Om Parkash	- do -	P&I Division, Faridabad	- do -	II	9.8.99
80	Mangal Ram	- do -	CE, LGB, Patna	Rs.2650-65- 3300-70- 4000	II	9.8.99
81	Shivjee Singh	- do -	- do -	- do -	II	9.8.99
82	Charan Das	- do -	M&A Dte., Jammu	- do -	II	9.8.99
83	Phool Singh	- do -	- do -	- do -	II	9.8.99
84	Thoru Ram Sharma	- do -	C.D.Jammu	- do -	II	9.8.99
85	Lal Chand	- do -	- do -	- do -	II	9.8.99
86	Devi Das	- do -	- do -	- do -	I	9.8.99
87	Gawash Lal	- do -	- do -	- do -	I	9.8.99
88	Bushan Kumar	- do -	- do -	- do -	I	9.8.99
89	B.Nageswara	- do -	L.K.Division, Hyderabad	Rs.2610-60- 3150-65- 3540	I	9.8.99
90	M.Annapurna	- do -	L.G.Division, Hyderabad	- do -	I	9.8.99
91	R.M.Wansutra	- do -	S.E.(C) Office of The CE Mon., Nagpur	- do -	I	9.8.99
92	Gobind Narayan Ahirwar	- do -	Narmada Division, Bhopal	- do -	I	9.8.99
93	Satyanarayan Saha	- do -	Meghna Division, Silchar	- do -	I	9.8.99
94	Nani Gopal Ghosh	- do -	- do -	- do -	I	9.8.99

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95	Ved Ram	Peon	Monitoring Dte., Agra	Rs.2610-60-3150-65-3540	I	9.8.99
96	L.K.Pandey	- do -	Planning Circle, Faridabad	- do -	I	9.8.99
97	Ram Saran	Peon	L.Y.Division, Agra	- do -	I	9.8.99
98	Jamuna Prasad	- do -	- do -	- do -	I	9.8.99
99	Kalu Kol	- do -	SE (c), N.B. organisation, Bhopal	- do -	I	9.8.99
100	Sugni Devi	- do -	M.G.Division-III, Varanasi	- do -	I	9.8.99
101	R.S.Dhanjode	- do -	Wainganga Division, Nagpur	- do -	I	9.8.99
102	W.A.Kamdi	- do -	- do -	- do -	I	9.8.99
103	Madan Prasad	- do -	C.E.LGB, Patna	- do -	I	9.8.99
104	Manik Lal Hari	Safaiwala	HOC, Maitton	- do -	I	9.8.99
105	Kuleshwar Prasad Yadav	Dak-Runner	C.E.L.G.B., Patna	- do -	I	9.8.99
106	Anil Ch.Das	- do -	Meghna Division, Silchar	- do -	I	9.8.99
107	P.Satyam	Chowkidar	Krishna & Coordin., Circle, Hyderabad	Rs.2750-70-3800-75-4400	II	9.8.99
108	A.Muniya	- do -	S.R.Division, Coimbatore	- do -	II	9.8.99
109	P.Vallachamy	- do -	- do -	- do -	II	9.8.99
110	Phool Singh	- do -	Chambal Division, Jaipur	- do -	II	9.8.99
111	G.Madhukar	- do -	Wainganga Division, Nagpur	- do -	II	9.8.99
112	Iman Singh	- do -	NEID-III, Itanagar	- do -	II	9.8.99
113	N.C.Boro	- do -	- do -	- do -	II	9.8.99
114	P.Lingam	- do -	L.G. Division, Hyderabad	Rs.2650-65-3300-70-4000	II	9.8.99
115	Ram Lagan	- do -	C.S.D, New Delhi	- do -	II	9.8.99
116	Sher Singh	- do -	- do -	- do -	II	9.8.99
117	N.K.Ravi	- do -	SWRD, Cochin	- do -	II	9.8.99
118	P.C.Patel	- do -	Narmada Division, Bhopal	- do -	II	9.8.99
119	M.S.Sharma	- do -	- do -	- do -	II	9.8.99
120	D.Senapati	- do -	HOC, Bhubaneshwar	- do -	II	9.8.99
121	K.B.Chhetri	- do -	S.I.Division, Gangtok	- do -	II	9.8.99
122	Thararaj Sharma	- do -	- do -	- do -	II	9.8.99
123	Ram Sagar Yadav	- do -	M.G.Division-IV, Patna	- do -	II	9.8.99
124	Gopal Prasad	- do -	- do -	- do -	II	9.8.99
125	Mohan Sah	- do -	- do -	- do -	II	9.8.99
126	Chulahai Ram	- do -	- do -	- do -	II	9.8.99
127	Vir Bahadur Singh	- do -	M.G.Division-III, Varanasi	- do -	II	9.8.99
128	S.Arokiaswamy	- do -	C.D.Bangalore	- do -	II	9.8.99
129	Chaman Lal	- do -	M & A Dte., Jammu	- do -	II	9.8.99
130	Dhura Ram	- do -	Chenab Division, Jammu	- do -	II	9.8.99
131	L.Janardhan	Chowkidar	L.K.Division, Hyderabad	Rs.2610-60-3150-65-3540	I	9.8.99

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132	G.L.V.Ramanalath	Chowkidar	L.K.Division, Hyderabad	Rs.2610-60-3150-65-3540	1 rdr	9.8.99
133	S.Viswambharan	- do -	SWRD, Cochin	- do -	1	14.1.2000
134	V.C.Chauhan	- do -	HOC Vadodara	- do -	1	9.8.99
135	R.K.Mazumdar	- do -	Meghna Division, Silchar	- do -	1	9.8.99
136	Swapan Kin.Doy	- do -	- do -	- do -	1	9.8.99
137	Samar Deb Rajbansi	- do -	- do -	- do -	1	9.8.99
138	Syed Roshan Ali	- do -	HOC, Varanasi	- do -	1	9.8.99
139	Gouri Shankar Parsad	- do -	M.G.Division-IV, Pathna	- do -	1	9.8.99
140	Chandeshwar Pandey	- do -	- do -	- do -	1	9.8.99
141	Md.Ali Ansari	- do -	- do -	- do -	1	9.8.99
142	Gopal Soren	- do -	- do -	- do -	1	9.8.99
143	Har Narayan	- do -	L.Y.Division, Agra	- do -	1	9.8.99
144	B.K.Trivedi	- do -	- do -	- do -	1	9.8.99
145	Harnath Badnare	- do -	Chambal Division, Jalpur	- do -	1	9.8.99
146	Shankar Lal	- do -	M.G.Division-III, Varanasi	- do -	1	9.8.99
147	Ram Kirpal Singh	- do -	- do -	- do -	1	9.8.99
148	Banaspati Charmaker	- do -	- do -	- do -	1	9.8.99
149	B.N.Khandare	- do -	Wainganga Division, Nagpur	- do -	1	9.8.99
150	Rabi Das	- do -	Meghna Inv. Division, Shillong	- do -	1	9.8.99
151	Chain Singh	- do -	Chenab Division, Jammu	- do -	1	9.8.99
152	Sudagar Mal	- do -	- do -	- do -	1	9.8.99
153	Dudh Nath	- do -	M.G.Division-I, Lucknow	- do -	1	9.8.99
154	Sripati Prasad	- do -	- do -	- do -	1	9.8.99
155	Kumar Thapa	- do -	- do -	- do -	1	9.8.99

2. On upgradation under the A.C.P. Scheme, the pay of the above officials shall be fixed under the provisions of FR 22 (I) (a) (1), subject to a Minimum financial benefits of Rs.100/- as per DOPT's O.M. No. 1/6/97-Pay-I dated 5.7.99. On granting financial upgradation Under the above scheme they will exercise option within the period of one month from the date of receipt of order, whether they will got their pay fixed in the new scale either straightway or from the date of accrual of next increment in the lowest scale.
3. The financial benefit allowed under the ACP scheme shall be final and no pay fixation benefit shall accrue at the time of regular promotion i.e., posting against a functional post in the higher grade.
4. Grant of higher pay scale under the ACP scheme shall be conditional to the fact that an employee while accepting the said benefit shall be deemed to have given his/ un-qualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard.
5. On making fixation of pay of the officials, all the respective Heads of offices are requested to obtain an undertaking from the concerned official to the effect that 'Arrears of Pay' on account of granting financial upgradation under the A.C.P. scheme will be subject to any Audit Objection etc. and the concerned officials will refund the amount drawn by him as excess pay and allowances by virtue of higher pay scale in lumpsum, in case it is found that the same is not applicable in his case.
6. The pay of the concerned persons may be fixed accordingly & necessary entries to this effect may also be made in the respective service books. While issuing pay fixation orders by the respective Heads of offices, a para may be added to the effect that the above fixation of pay in the upgraded scale is subject to review by Audit. Any Over-payments on account of pay fixation in the upgraded scale as pointed out by the Audit will be recovered from the concerned Government Servants in lumpsum

(K.K.BHANDARI)
Superintending Engineer
Planning Circle, Faridabad

21/10
PL

Copy forwarded for information and necessary action to:-

1. The Chief Engineer (IB), CWC, Chandigarh.
2. The Chief Engineer, LGB, Patna.
3. The Chief Engineer (Mon.), Nagpur.
4. The Chief Engineer Mahanadi & Eastern River, Bhubaneshwar.
5. The Director (Adm.), CWC (Estd.IV Section), R.K.Puram, New Delhi.
6. The Under Secretary, (Est.-VIII Section), New Delhi.
7. The Pay & Accounts Officer, New Delhi.
8. The Superintending Engineer, Krishna & Coordination Circle, Hyderabad.
9. The Superintending Engineer, Godavari Circle, Hyderabad.
10. The Superintending Engineer, H.O. Circle, Vadodara.
11. The Director, M&A Dte., Jammu.
12. The Director, Monitoring Dte., Faridabad.
13. The Director, Monitoring & Appraisal Dte., Shimla.
14. The Superintending Engineer (C), Narmada Basin Organisation, Bhopal.
15. The Director, Monitoring Dte., Agra.
16. The Superintending Engineer, H.O.Circle, Maithon.
17. The Superintending Engineer, H.O.Circle, Bhubneshwar.
18. The Superintending Engineer (CRSR), Circle, Bangalore.
19. The Superintending Engineer, CIC, Sikkim.
20. The Superintending Engineer, NEIC, Shillong.
21. The Superintending Engineer, HOC, Noida.
22. The Superintending Engineer, HOC, Varanasi.
23. The Executive Engineer, L.K.Division, CWC, Hyderabad.
24. The Executive Engineer, Chenab Division, Jammu.
25. The Executive Engineer, Meghna Division Silchar.
26. The Executive Engineer, Meghna Investigation Division, Shillong.
27. The Executive Engineer, SWR Division, Cochin.
28. The Executive Engineer, P&I Division, Faridabad.
29. The Executive Engineer, U.G.Division, Hyderabad.
30. The Executive Engineer, L.G.Division, Hyderabad.
31. The Executive Engineer, Central Store Division, New Delhi.
32. The Executive Engineer, Narmada Division, Bhopal.
33. The Executive Engineer, Sikkim Investigation Division, Gangtok.
34. The Executive Engineer, Cauvery Division, Bangalore.
35. The Executive Engineer, NEID-I, Silchar.
36. The Executive Engineer, Wainganga Division, Nagpur.
37. The Executive Engineer, NEID-III, Itanagar.
38. The Executive Engineer, S.R.Division, Coimbatore.
39. The Executive Engineer, L.Y.Division, Agra.
40. The Executive Engineer, M.G.Division-III, Varanasi.]
41. The Executive Engineer, Chambal Division, Jaipur.
42. The Executive Engineer, M.G.Division-IV, Patna.
43. The Executive Engineer, M.G.Division-II, Lucknow.
44. Persons concerned (155 copies) through their respective offices.
45. EC-I, Planning Circle, Faridabad.
46. Cashier, Planning Circle, Faridabad.

adm 11/10
(K.K.BHANDARI)
Superintending Engineer

34
 GOVERNMENT OF INDIA
 CENTRAL WATER COMMISSION
 MEGHNA INVESTIGATION DIVISION
 YINGYAP VILLA, LUMPYNGINGAD
 SHILLONG-14.

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NO. MID/W-17011/WC/ACP/30/2000/

4166-76

Dated the

Dec. 2000

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Consequent upon grant of first financial upgradation under ACP Scheme w.e.f. 9.8.1999 in the scale of pay Rs. 2650-65-3300-70-4000/- vide Superintending Engineer, Planning Circle, CWC, NH-IV, Faridabad, vide office order No. 16/13/99/Adm.IV/1036-81 dated 15.3.2000 and on exercising their option of their pay w.e.f. 9.8.1999 in the grade of Gauge Reader, the pay of the following Gauge Readers are hereby fixed in the next higher grade of Rs. 2650-65-3300-70-4000/- under FR 22(1)(a)(1) as stated below:-

Sl. No.	Name of Gauge Readers	Pay as on 9.8.99 in the scale of	Pay after adding notional increment in the pay scale of Rs. 2610-160-3150-65-12610-3540/- or Rs. 3400/-	Pay fixed w.e.f. 9.8.1999 in the pay scale of Rs. 2650-65-3300-70-13540/- Rs. 100/- which is more.	Date of increment 19.8.1999 in the after fixation of increment (Date of increment shown under (col. 6) i.e. 9.8.2000)	Pay after adding increment (Date of increment shown under (col. 7) i.e. 9.8.2000)	Date of next increment (Date of increment shown under (col. 8) i.e. 9.8.2001)
1.	Gagan Singh	Rs. 3150/-	Rs. 3250/-	Rs. 3300/-	1.8.2000	Rs. 3370/-	1.8.2001
2.	Nasib Lal Roy	Rs. 3150/-	Rs. 3250/-	Rs. 3300/-	1.8.2000	Rs. 3370/-	1.8.2001
3.	<u>Subrata Chakraborty.</u>	Rs. 3150/-	Rs. 3250/-	Rs. 3300/-	1.8.2000	Rs. 3370/-	1.8.2001

The above fixation of pay is subject to Audit verification and any over payment made on this account shall be recovered from the individual. The financial benefit allowed under ACP Scheme shall be final and no pay fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade.

Amrendra Kumar Singh
 (AMRENDRA KUMAR SINGH)
 EXECUTIVE ENGINEER.

Copy to:-

1. The Superintending Engineer, Planning Circle, CWC, NH-IV, Faridabad.
2. The Superintending Engineer, Meghna Circle, CWC, Silchar.
3. The Assistant Engineer, Meghna Inv. Sub-Division-I, II, III, CWC, Shillong/Silchar. The pay fixation in respect of Sh. S.K.Das, H.C.Das and P.C.Chakraborty, Gauge Reader will be done after finalisation of their representation by the Superintending Engineer, Planning Circle, CWC, Faridabad as desired by these individuals.
4. The Accounts Branch, Meghna Inv. Division, CWC, Shillong.
5. Bill Clerk, Meghna Inv. Division, CWC, Shillong (in duplicate) for necessary action.
6. Person concerned.
7. Service Book (person concerned)
8. Personal file.
9. Office order.

NO.MID/W-17011/WC/ACP/30/2000/ 15/2-22 Dated the 30/5/2001OFFICE ORDER

Consequent upon grant of first financial upgradation under ACP scheme w.e.f. 9.8.1999 in the scale of pay Rs.2650- 65-3300-70-4000/- vide Superintending Engineer, Planning Circle CWC, NH-IV, Paridabad vide office order No.16/13/99/Adm.IV/1036 -81 dated 15.3.2000 the pay of the following Gauge Readers are hereby fixed in the next higher grade of Rs.2650-65-3300-70-4000/- under FR 22(1)(a)(1) as stated below:-

Sl.	Name of Gauge Readers	Pay as on 9.8.1999	Pay after adding in the notional scale of pay Rs. 2610-60- 3150-65- 3540/-.	Pay fixed in the scale of the increment in the scale of Rs.2650- lower 4000/-	Date of next increment in the scale of Rs.2650- after fixation of pay under ACP	Date of increment in the scale of Rs.2650- after fixation of pay under ACP
1.	H.C.Das	Rs.3150/-	Rs.3250/-	Rs.3300/-	1.5.2000	Rs.3370/- 1.5.2002
2.	P.C.Chakraborty.	Rs.3150/- up to Rs.3250/-	Rs.3300/-	1.4.2000	Rs.3370/- 1.4.2002	Rs.3440/-
3.	S.K.Das	Rs.3150/-	Rs.3250/-	Rs.3300/-	1.4.2000	Rs.3370/- 1.4.2002.

The above fixation of pay is subject to Audit verification and any over payment made on this account shall be recovered from the individual. The financial benefit allowed under ACP Scheme shall be final and no pay fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade.

Amrendra Kumar Singh
(AMRENDRA KUMAR SINGH)
EXECUTIVE ENGINEER.

Copy to:-

1. The Superintending Engineer, Planning Circle, CWC, NH-IV, Paridabad with reference to this office letter No.MID/G-17011/ACP/4177-80 dated 16.12.2000.
2. The Superintending Engineer, Meghna Circle, CWC, Silchar.
3. The Assistant Engineer, Meghna Inv. Sub-Division-I, II, III, CWC, Shillong/Silchar.
4. The Accounts Branch, Meghna Inv. Division, CWC, Shillong.
5. Bill Clerk, Meghna Inv. Division, CWC, Shillong (in duplicate).
6. Personal files.
7. Persons concerned
8. Service Books.
9. Office order file.

Amman-2
New Delhi-110001

June 1, 2001

OFFICE OF CE(YB) 1/94-PB
DATE.....19/7/2001

SECC (On leave)

SD.

20-7

OFFICE MEMORANDUM

Subject:-Grant of financial upgradations under the Assured Career Progression Scheme to Group 'D' civilian employees of the Central Government - clarification regarding.

The undersigned is directed to say that the clarification issued by the Department of Personnel and Training (DoP&T) in reply to the Point of Doubt No.9 vide Office Memorandum (O.M.) No.35034/1/97-Estt(D)(Vol.IV) dated February 10, 2000 regarding financial upgradations admissible under the Assured Career Progression (ACP) Scheme to the Group 'D' civilian employees of the Central Government has been reviewed in the light of the Ministry of Finance (Department of Expenditure) O.M. No.6/1/98/IC (dated February 12, 2001 (copy enclosed), whereby an elongated pay-scale of Rs.2610-60-2910-65-3300-70-4000 (S-2A) has been introduced with effect from 1.1.1996 in replacement of the pre-revised elongated pay-scale of Rs.775-12-871-14-955-15-1030-20-1150, which was applicable to all Group 'D' employees, other than those in the industrial and workshop categories and in the Railways. It has accordingly been decided that financial upgradations under the ACP Scheme introduced vide DoP&T O.M.No.35034/1/97-Estt(D) dated August 9, 1999, shall be allowed to Group 'D' civilian employees of the Central Government in the revised hierarchical grades/pay-scales after taking into account the revised elongated scale S-2A, wherever applicable, provided that all the conditions specified in the ACP Scheme, including fulfillment of all promotional norms are met. This is, however, subject to the following:-

(i) First financial upgradation on completion of 12 years of regular service shall be at least to the pay-scale of Rs.2610-60-2910-65-3300-70-4000 (S.2A).

The second financial upgradation on completion of 24 years of regular service shall be allowed at least to the pay scale of Rs.2750-70-3800-75-4400 (S-4). However, where Group 'D' civilian employees of the Central Government are Matriculates and are eligible for promotion to the post of Lower Division Clerk (LDC), the second financial upgradation in their case shall be allowed at least to the pay-scale of Rs.3050-75-3950-80-4590 (S-5).

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2. The above decisions shall be effective from August 9, 1999 which is the introduction of the ACP Scheme.

3. The financial upgradations under the ACP Scheme already granted to Group 'D' employees should, as such, be reviewed and revised in the light of the above decisions.

4. In certain Ministries/Departments/Organizations, Group 'D' employees initially recruited at S-2/S-3 level have been allowed financial upgradation under the ACP Scheme in the LDC grade (S-5) even without possession of prescribed educational qualification viz; matriculation. Such upgradation has been allowed erroneously, as in terms of the Condition No.6 of the ACP Scheme notified on August 9, 1999, fulfillment of all promotional norms (including educational qualification, if any, specified in the relevant Recruitment Rules/Service Rules), prescribed for grant of regular promotion, is an essential requirement for grant of financial upgradations in the hierarchical grades. Such cases should, therefore, be reviewed and excess payments already made be recovered forthwith.

5. All Ministries/Departments may give wide circulation to these decisions for general guidance and appropriate action in the matter.

(K.K. JHA

DIRECTOR(Establishmen

All Ministries/Departments of the Government of India

Copy to:-

1. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/IPS/CVC/C&AG/Central Administrative Tribunal (Principal Bench), New Delhi.
2. All Subordinate/Attached Offices of the Ministry of Personnel, Public Grievance and Pensions.
3. Secretary, Staff Side, National Council (JCM), 13C, Ferozshah Road, New Delhi.
4. All Staff Side Members of the National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
5. Department of Expenditure (Implementation Cell) (40 copies).
6. Facilitation Center, DoP&T (20 copies).
7. NJC (DOP&T Branch) for placing this Office Memorandum on the website of DoP&T.
8. Establishment (D) Section, DoP&T (500 copies).

be published in the Gazette of India under the Government of India Act, 1935.

Bharat Sarkar

Government of India

Sinchai aur Vidyut Mantralaya

Ministry of Irrigation and Power

New Delhi, the 10th July, 1972

207, 1972

NOTIFICATION

GSR

In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the post of Gauge Reader (Grade I) in the Subordinate offices of the Central Water and Power Commission (Water Wing), namely : -

1. Short title and commencement - (1) These rules may be the Central Water and Power Commission (Water Wing) (Gauge Reader) Recruitment Rules, 1972.
 - (2) They shall come into force on the date of their publication in the Official Gazette.
2. Application - These rules shall apply to the posts as specified to column 1 of the Schedule annexed hereto.
3. Number, classification and scale of pay - The number of posts, their classification and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.
4. Method of recruitment, age limit and other qualifications - The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the Schedule aforesaid.

Provided that the upper age limit specified in column 6 of the said Schedule for direct recruits may be relaxed in the case of candidates belonging to the Scheduled Castes, the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time.
5. Disqualifications - No person -
 - (a) who has entered into or contracted a marriage with a person having a spouse living, or
 - (b) who, having a spouse living, has entered into or contracted a marriage with any person shall be eligible for said posts.

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law application to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

Contd....2/-

6. Power to relax - Where the Central Government is of opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

7. Saving - Nothing in these rules shall affect reservations and other concessions required to be provided for the Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government in this regard.

The Schedule

No. 116/72-F.39/6/72-Adm.I.

Mukesh Chand

(Mukesh Chand)

Under Secretary to the Government of India.

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

Copy to:-

1. The Central Water & Power Commission (WW), New Delhi (25 copies)
2. The Under Secretary, CW&PC (P.W), New Delhi.
3. The Department of Personnel, New Delhi.
4. The Chief Librarian, Parliament Secretariat, New Delhi.
5. The Lok Sabha Secretariat (Committee Branch II), New Delhi.
6. Ministry of Law & Justice (Translation-I Section), Bhagwan Das Road, New Delhi (2 copies, English & 2 copies in Hindi).
7. Adm.IV Section, Ministry of I&P, New Delhi.
8. Notification file.

Mukesh Chand

(Mukesh Chand)

Under Secretary to the Government of India.

Spare copies 10.

R.B.Singh

(CV/6)

**RECRUITMENT RULES FOR CLASS IV (NON-GAZETTED) IN THE CENTRAL WATER AND POWER COMMISSION
(WATER WING) - SUBORDINATE OFFICES.**

Name of Post No. of Posts	Classification	Scale of Pay	Whether selection is to be made for direct recruitment	Age for selection	Educational qualification required for post	Period of probation if any	Method of recruitment	In case of if a C.P.C. exists, what is to be done	In case of if a C.P.C. exists, what is to be done
16	Concentrated Roadside Grade I	Rs. 75/- - EB-2-55	Not Applicable	18-25 [Middle School Standard pass]	Two Years	Two Years	Direct recruitment	Not applicable	Not applicable
	Servants Class IV (Non-Gazetted)						Recruit 10% mont 10% etc.		

(25 copies).

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Name and Particulars of Gauge Readers who were having Matriculation qualification with 9 years of service promoted against 25% vacancies in the grade of Ferro Printer.

Sl.No.	Name and Designation	Office order No. and date under which promoted as Ferro Printer
1.	2.	3.
1.	S/Shri	
1.	Satya Ranjan Dev, Gauge Reader Gr-I	O.O. No. A-32012/13/93 Estt. X, Dated 14.12.1993
2.	Debashish Datta, Gauge Reader	O.O. No. A-32012/13/93 Estt. X, Dated 19.4.94✓
3.	S.R. Deb, Gauge Reader	O.O. No. A-32012/13/93- Estt. X, Dated 19.4.94✓
4.	G.M. Barman, Gauge Reader	O.O. No. A-32012/13/93- Estt. X, Dated 19.4.94
5.	Anandi Chaudhary, Gauge Reader	O.O. No. A-32012/13/93- Estt. X, Dated 2.5.94✓
6.	S.R. Pal, Gauge Reader Gr-I	O.O. No. A-32012/13/93- Estt. X, Dated 4-4-95✓
7.	Sukhari Ram, Gauge Reader Gr.I	O.O. No. A-32012/13/93- Estt. X, dated 4.4.95✓

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH::GUWAHATI.

ORIGINAL APPLICATION NO. 283/2001

1. a) Name of the Applicant:-
b) Respondents:- Union of India &ors.
c) No. of applicant :-
2. Is the application in the proper form :- YES/ NO.
3. Whether name & Description and address of all the papers been furnished in cause title:- YES/ NO.
4. Has the application been duly signed and verified : YES/ NO.
5. Have the copies duly signed :- YES/ NO.
6. Have sufficient number of copies of the application been filed.: YES/NO.
7. Whether all the annexures parties are impleaded : YES/ NO.
8. Whether English translation of documents in the Language: YES/ NO.
9. Is the application is in time: YES/ NO.
10. Has the Vakalathama/MEMO/ of Appearance/Authorisation filed:- YES/ NO.
11. Is the application by IPO/BD/ FOR Rs.50/- : 66-791372
12. Has the application is maintainable :- YES/ NO.
13. Has the impugned order original duly attested been filed:- YES/NO.
14. Has the legible copies of the annexures duly attested filed: YES/ NO.
15. Has the Index of documents been filed, all available :- YES/ NO.
16. Has the required number of enveloped bearing full address of the respondents been filed :- YES/ NO.
17. Has the declaration as required by item 17 of the form : YES/NO.
18. Whether the relief sought for arises out of the Single:- YES/ NO.
19. Whether the interim relief is prayed for:- YES/ NO.
20. In case of condonation of delay is it supported: YES/NO.
21. Whether this case can be heard by SINGLE BENCH/ DIVISION BENCH :
22. Any other points:-
23. Result of the scrutiny with initial of the Scrutiny clerk.:

SECTION OFFICER

DEPUTY REGISTRAR

DEPUTY REFEREE

SECRET OF GOVERNMENT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH
AT GUWAHATI.

O.A. No. 283 /2001.

Swapan Biswas & Ors Applicants
-Vrs-
Union of India & Ors Respondents.

I N D E X

<u>Sl. No.</u>	<u>Particulars</u>	<u>Pages</u>
1	Original Application	- 1 to 14
2	Annexure-1	- 15 to 16
3	Annexure-2 <i>is a copy of judgment</i>	- 17
4	Annexure-3	- 18 to 19
5	Annexure-4	- 20 -
6	Annexure-5	- 21.
7	Annexure-6	- 22
8	Annexure-7 <i>is the impugned order</i>	23.
9	Annexure-8	- 25
10	Annexure-9	- 27.

Filed by:-

*Sent
Barhuri 27/1/2001
Advocate.*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH
AT GUWAHATI.

Filed by Mr
Petitioner through me
Bashawee S/o
Acharya S/o
Parmanu, 27/7/2004
Swapan

An application under section 19 of the
Central Administrative Tribunal Act, 1985.

O.A. No. 283 /2001.

Sri Swapan Biswas & 4 Ors. Applicants.

-Vrs-

Union of India & Ors. Respondents.

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE APPLICANTS :

1. Sri Swapan Biswas, Gauje Reader,
Site No.43, Central Water Commission,
P.O. SBC Nagar, Belonia, Tripura(South).
2. Sri Rabindra Sinha, Gauge Reader,
Meghna Sub-Division No.II, C.W.C.,
Nayapara, Dharmanagar, Tripura(North).
3. Sri P.R. Ghosh, Adhikari, Gauge Reader,
Meghla Division, C.W.C., Link Road,
Silchar-6, Dist. Cachar, Assam.
4. Subir Dhar, Gauge Reader,
Site No.54, C.W.C., P.O. Kailashahar,
Tripura (North).
5. Fenindra Kumar Nath, Gauge Reader,
Site No.53 C.W.C. Natun Bazar,
Tripura (North).

2. PARTICULARS OF THE RESPONDENTS :-

1. The Union of India, represented by the
Secretary to the Govt. of India, Ministry
of Water Resource, Shram Shakti Bhawan,
Rafi Marg, New Delhi-110001.

2. The Chairman, Central Water Commission,
R.K. Puram, Room No.705, New Delhi-66.

3. The Chief Engineer, Central Water
Commission (NER), Jamir Mansion,
Nongshillong, Shillong-14, Meghalaya.

4. Superintending Engineer, Meghna Circle,
Central Water Commission, 145 Panchayat
Road, Silchar-4, Cachar, Assam.

5. The Executive Engineer, Meghna Division,
Central Water Commission, Link Road,
Silchar-6, Cachar, Assam.

3. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION
IS MADE :-

Letter No.MC/GR/CAT/87/97/2093-2108 dated
29.12.99 issued by the Superintendent Engineer,
CWC the Respondent No.4 addressed to Sri Swapan
Biswas, Gauge Reader which was received on
4.2.2000 by him.

4. JURISDICTION OF THE TRIBUNAL :-

The applicants declare that this application
is within the jurisdiction of the Hon'ble Tribunal.

5. LIMITATION :-

The applicants further declare that this
application is filed before the Hon'ble Tribunal within
the time limit prescribed under section 21 of the Central
Administrative Tribunal Act, 1985.

6. FACTS OF THE CASE :-

6.1. That the applicants having common cause
of action and sought for common relief they have filed

47
Gauge
Reader

this joint application under Rule 5(4) of the Rules of Procedure which may kindly be allowed.

6.2. That your applicants are all Indian citizens and as such they are entitled to all the rights and privileges guaranteed under the Constitution of India.

6.3. That your applicants Nos.1 and 2 are Graduate's in arts. The applicant No.1 is also a member of Schedule Caste Community. The applicant No.1 was initially appointed as Gauge Reader temporarily on 28.4.84 by the Executive Engineer, Agartala Division under J.R.C. Investigation Division, Central Water Commission, Agartala. The office of this Division has been shifted to Silchar in 1996 and the same has been now named as Meghna Division, CWC, Link Road, Silchar-6, Assam. The applicant No.2 was initially appointed by the Executive Engineer, JRC Division, CWC, Agartala as Gauge Reader and was working as Gauge Reader in the office of the Executive Engineer, CWC, Shillong Division. He has been transferred from Shillong to Meghna Division, CWC, Silchar under the control of the Executive Engineer, CWC at Silchar.

*First Point
1. Draft
2. 11
Gauge R*

Annexure-1 is the photocopy of the appointment letter of the applicant No.1.

Annexure-2 is the photocopy of the applicant No.2's appointment letter.

6.4. That other applicant Nos.3, 4, 5 were also appointed as Gauge Reader in 1984 and posted at Agartala Division when the Agartala Division was shifted

in 1996 as stated above. They were also shifted alongwith their office.

6.5. That now all the applicants are working in Central Water Commission Silchar Division under the control of the Executive Engineer, CWC Silchar Division. They have already been regularised after 3 years of continuous service and still they are working as Gauge Reader without having any upgradation of their post.

6.6. That after working from 1984 till 1997 the applicants and others being frustrated for denial of justice in that promotion as well as in their enhancement of salaries they filed O.A. No.40/97 before the Hon'ble Tribunal praying for extension of benefit of revision pay scale as has been granted to the Gauge Reader of the CPWD, to grant all consequential benefits of arrear salaries to the applicant consequent upon granting of pay revision, to direct the respondents to pay the applicants in the scale of Rs.200-400/- (pre revised) and then in the pay scale of Rs.950-1500/- (revised) with retrospective effect and all consequential benefits, to direct the respondents to provide promotional scope to the applicants etc.

6.7. That the respondents in the said O.A. No.40/97 contested the case and filed their written statement before the Hon'ble Tribunal wherein they have categorically stated in paragraph 4 of the Written Statement in reply to paragraph 4.4 of the Original Application No.40/97 as follows:-

["4. That with regard to the statements made in paragraph 4.4. of the application, the respondents beg to state that as stated in reply to para 4.3 above, the

applicants were appointed as Gauge Readers in CWC in the pre-revised scale of pay of Rs.200-250/- strictly as per the recruitment rules (Annexure-2A) in force. The pay of the applicants were fixed (Annexure-2A, 2B) in the revised scale of pay of Rs.775-1025 w.e.f. 1.1.00 as per the recommendations of the IV pay Commission and their pay was revised (Annex-3A & 3B) in the further revised scale of pay of Rs.775-1150 w.e.f. 1.4.95 as per the provisions contained in Ministry of Finance, Department of Expenditure's O.M. No.13(2)/IC/02, dated 7.4.95 (Annexure-4) and thus the contention of the applicants that they were actually entitled to the pre-revised scale of pay of Rs.260-400 instead of the scale of 200-250 (as per recruitment Rules) and in the revised scale of pay of Rs.950-1500 instead of Rs.775-1025 w.e.f. 1.1.86, at par with the similarly placed persons in the CPWD is without any cogent reasons/foundation and has no legs to stand. In view of the fact that the award of re-categorisation/re-classification of Workcharged and Regular classified establishment of Central Public Works Department (CPWD) given on 31.01.1988, as well as the judgment of the Hon'ble High Court of Delhi in Writ Petition No.2792 of 1988 as well as the dismissal of SLP filed by the Government against the said judgment of Hon'ble High Court, of Delhi on 13.8.1983 is in personam and not in rem. To be more elaborate, the above cited award of arbitration/judgment of the Hon'ble High Court Delhi/judgment in SLP delivered by Hon'ble Supreme Court are only applicable to the employees of CPWD and not to other organisations under the Government of India including that of Central Water Commission.

It is further stated that :-

a) The benefit of in-situ promotion in the next higher scale is already available to the Gauge Readers of the Central Water Commission;

b) The Group 'D' staff including Gauge Readers of C.W.C. Office, who were having Matriculation qualification from a recognised institution and having atleast 9 years of service were promoted against the 25% vacancies in the grade of Ferro Printers, a group 'C' post in scale of Rs.975-1560/- depending upon their suitability etc. Seven Nos. Gauge Readers were promoted (Annexure-5) as Ferro Printers during the years 1993 to 1995 by CWC.

In implementation of the decision dated 18.5.84 of CAT (PB) in O.A. No.2114/89 (Annexure-6) the post of Ferro Printer in the scale of pay of Rs.975-1500 has since been redesignated as Draftsman Gr.III in the scale of pay Rs.1300-2040 and thus the cadre of Ferro Printer in C.W.C. no more exists. In view of this, the promotional avenue for Gauge Reader to the post of Ferro Printer is no more available."

6.8. That the Hon'ble Tribunal vide judgment & order dated 13.8.99 after hearing both the parties disposed of O.A. No.40/97 with a direction ~~xxxx~~ that "the applicants may submit representations to the competent authority of the respondents within one month from the date of receipt of this order for redressal of their grievances. If such representations are received, the respondents shall dispose of the representations with a speaking order giving details and reasons within a period of 3 months from the date of receipt of the representations."

Annexure-3 is the photocopy of the said judgment & order dated 13.8.99 passed by this Hon'ble Tribunal in O.A. No.40/97.

- 7 -

6.9. That as per direction of the Hon'ble Tribunal given in O.A. No.40/97 the applicant Nos.1, 2, 3 submitted their representations to the Chairman, CWC, New Delhi through proper channel on 4.9.99, 1.9.99 and 4.9.99 respectively for redressal of their grievances.

Annexure-4 is the photocopy of the representation dated 4.9.99 submitted by Shri Swapan Biswas to the Chairman, CWC, New Delhi.

Annexure-5 is the photocopy of the representation dated 1.9.99 submitted by Shri Rabindra Sinha to the Chairman, CWC, New Delhi.

6.10. That besides these applicants who have filed representations before the Chairman, CWC some other applicants in O.A. No.40/97 filed separate representations which have been admitted by the Executive Engineer, Megha Division, CWC Silchar vide his letter No.MD/SIL/CB/617-23 dated 11.3.2000.

Annexure-6 is the photocopy of such letter issued by the Executive Engineer addressed to the Superintending Engineer, Meghna Circle, CWC.

6.11. That as per direction of the Hon'ble High Court Tribunal given in O.A. No.40/97 at Annexure-3 the applicant No.1 filed his representation on 4.9.99 at Annexure-4 and in reply to this representation the Superintending Engineer, Meghna Circle, CWC vide his letter No.MC/CR/CAT/87/92/2093-2108 dated 29.12.99

informed the applicant No.1 that his higher pay scale is not justified. This order is not a speaking order, it is only cryptic order issued by the Superintending Engineer to hoodwink the guilt committed by the respondents for not granting required reliefs by a speaking order to the present applicant and others.

Annexure-7 is the photocopy of the said impugned order dated 29.12.99 issued by the Superintending Engineer, CWC, Meghna Circle.

6.12. That on receipt of the above impugned letter/order at Annexure-7 the applicant No.1 submitted another representation on 15.2.2000 before the Superintending Engineer, CWC, Meghna Circle being not satisfied with the decision taken and communicated to him vide Annexure-7.

Annexure-8 is the photocopy of the said representation dated 15.2.2000 submitted by the applicant No.1.

6.13. That the applicant filed the said representation against Annexure-7 issued by the Superintending Engineer on 5.2.2000 because the applicant received Annexure-7 only on 4.2.2000. So the applicant filed the representation within time.

6.14. That your applicants beg to state that vide Annexure-7 the impugned order nowhere stated that the applicants can be promoted from the post of Gauge Reader to the post of Ferro Printers which has been redesignated as Draftsman alongwith Erstwhile Tracer w.e.f. 30.8.86. This has been known by the applicants

from a letter No.C-18013/4/89-Estt. dated
30.5.95.

Gauge Room
Gauge Room

Annexure-9 is the photocopy of the
letter dated 30.5.95 issued by the
Under Secretary to the Govt. of India,
Central Water Commission.

6.15. That your applicants beg to state that they are now drawing monthly pay scale of Rs.775/- to 1150/- which have already been enhanced because of re-designation of their post as Draftsman Grade-III by the President of India. All these things the respondents have simply ignored with a view to depriving the monthly actual pay scale of the applicants and others. At Annexure-9 the Under Secretary to the Govt. of India, Central Water Commission have categorically stated that Ferro Printers are designated as Draftsman Grade-III alongwith Erstwhile Tracer with effect from 30.8.86. The respondents knowingly fully well as they have possessed at Annexure-9 and they deliberately ignored those documents to deprive the applicants from their due enhanced salaries and from their legitimate promotion. Under the in-situ schemes the applicants are eligible for promotion after completion of 9 years continuous service. The respondents fully aware of the facts that the applicants completed by now 19 years of continuous service, still then they have not mentioned anything at Annexure-7 about the Annexure-9 and thereby they have done injustice to the poor applicants which is malafide, illegal, improper and without jurisdiction.

6.16. That the applicants beg to state that the next promotion from Gauge Reader is Ferro-Printer with monthly pay scale of Rs.975-1540/-. The post of

Ferro-Printer has been redesignated as Draftsman Grade-III alongwith erstwhile tracer with retrospective effect from 30.8.86 vide Annexure-9. The pay scale of Tracer, redesignated as Draftsman Grade-III has been upgraded by a separate order to Rs.1200-2040/- with effect from 9.11.87.

6.17. That the applicants beg to state that they have completed 9 years of service in May, 1993 and as such they are entitled to pay scale of Rs.1200-2040 with effect from May, 1993 but the Respondents have neither promoted or redesignated as Draftsman Grade-III nor they have been paid the pay scale of Rs.1200-2040/- till date from May, 1993.

6.18. That the applicants are also entitled for promotion from Grade-III to Grade-II after completion of 12 years of service. They have completed 12 years of service from May, 1996 and they are entitled to pay scale of Rs.4500/- to 7000/- with effect from May, 1996. But the Respondents have not paid their salaries accordingly.

6.19. That the applicants beg to state that as per Annexure-7 the applicants are entitled to pay scale of Rs.4500-7000/- but the Respondents have not paid their salaries accordingly.

7. GROUND FOR RELIERS WITH LEGAL PROVISIONS :-

7.1. For that the applicants have been denied justice by the ~~applicants~~ Respondents.

7.2. For that the applicants have completed 9 years of service and after completion of 9 years service, they have neither been promoted nor the old

pay of Rs.1200-2040 have been paid to them and as such, it is a fit case for giving appropriate direction to pay the same scale with effect from 30.8.86.

7.4. For that the applicants have already completed 12 years of regular service and as such they are entitled to promotion of draftsman Grade-IIX with pay scale of Rs.4500-7000/- (old Scale) with effect from May, 1996, but the Respondents have not paid their salaries deliberately with a view to deprive them from their due promotion and salaries and hence it is necessary to give direction to the respondents to promote and pay their salaries accordingly.

7.5. For that the applicants No.1 and 2 are graduate in Arts while others are Matriculate and as such they are entitled to higher pay scale as per academic qualification which is required by the Respondents.

7.6. For that the applicant No.1 is a member belonging to Schedule Caste Community.

8. DETAILS OF REMEDIES EXHAUSTED :-

The applicants declare that they have submitted representations before the authorities and now no other alternative efficacious remedies except by way of filing of this application before the Hon'ble Tribunal.

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

The applicants further declare that they have not filed any application, writ petition or such in respect of the subject matter of the instant application before any authority and other Court or other Bench of the Tribunal nor any application, writ

- 12 -

petition or suit is pending before any other Court or Tribunal.

10. RELIEFS SOUGHT FOR :-

Under the facts and circumstances narrated above the applicants respectfully pray that this application be admitted, records be called for and after hearing the parties on the cause or causes ~~that~~ may be shown and on perusal of the records, be pleased to grant the following reliefs:-

- i) to promote the applicants from Gauge Readers with effect from 30.8.86 to the post of Ferro Printers with pay scale of Rs.975-1540/-;
- ii) to redesignate the applicants as Draftsman with effect from 9.11.87 with pay scale of Rs.1200-2040/- with effect from May, 1993, as they have completed 9 years of Service in May, 1993.
- iii) to promote the applicants from Draftsman Grade-III to Draftsman Grade-II with effect from May, 1996 as they have completed 12 years of service on that day with pay scale of Rs.4500-7000/-;
- iv) to pay arrears of pay with effect from 30.8.86 to 8.11.87 in the scale of pay Rs.1200-2040/-;
- v) to pay the arrears pay scale of Rs.4500-7000 with effect from May, 1996. *after setting aside the un/jugred order*
- vi) to grant adequate costs of the case.
- vii) Any other relief/reliefs as may deem fit and proper by this Hon'ble Tribunal.

11. INTERIM PRAYER IF ANY :-

In the interim the applicants pray that the pay scale of Ferro Printers be paid @ Rs.975-1540/- to the applicants pending final disposal of the O.A.

- 13 -

12. PARTICULARS OF THE IPO :-

- a) Date : 17/7/2001
- b) No. : 66791371
- c) Value :- RS 50.
- d) Payable at Guwahati
- e) Name of Post Office : Guwahati Pembaazor

13. ENCLOSURES :-

As per Index.

VERIFICATION

I, Shri Swapan Biswas, S/o Late Sasindra Biswas, Gauge Reader, Site No.43, Central Water Commission, P.O. SBC Nagar, Belonia, Tripura (S), do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 6.1, 6.2, 6.3, 6.4, 6.6, 6.9, 6.10, 6.17, 8, 9, are true to my knowledge and those made in paragraphs 3, 4, 5, 6.5, 6.7, 6.8, 6.11, 6.12, 6.13, 6.14, 6.15, 6.16, being matters of records are true to my information and belief and I undertake that I have not suppressed any material facts of the case.

And I sign this verification on this the 21st day of July, 2001 at Guwahati.

Swapan Biswas

Signature.

No. RD(JRC)/DIV/AGT/WC/ 1790

Government of India
 Central Water Commission
 RD(JRC) Investigation Division
 Bapamalipur : Agartala

Dated, The 22nd, Feb '84MEMORANDUM

Sub:- Offer of temporary appointment to the
 post Garage Reader under JRC.Inv.
 Division, Central Water Commission : Agartala

The under signed hereby offer's Shri Swapan Biswas
 Employment Registration Registration No. a temporary
 post of Garage Reader on Work Charged establishment/reguler
 Grup 'D' under River Development (JRC) Investigation Division, C.W.C.
 Agartala (Tripura) on a pay of Rs. 760-500 per month in the
 pay scale of pay of Rs. 200-3-200-4-230-63-4-250

The appointee will also be entitled to draw dearness and other
 allowances at the rate admissible under the subject to the conditions
 laid down in rules and orders governing the grant of such of allowance
 in force from time to time.

2. The terms of appointment are as under:-

- The appointment is temporary and will not confer any title
 to permanent employment. He will be on probation for 6 months
- The appointment may be terminated at any time by a month's
 notice given by either side, viz the appointee or the appointing
 authority without assigning any reasons.

The appointing authority however reserves the right of ter-
 minating the services of the appointee forthwith or before the
 expiration of the stipulated period of notice by making paymen-
 to him or a sum equivalent to the period and allowances for the
 period of notice or the unexpired portion thereof.

iii) The appointment carried with it the liability to serve in
 any part of India or Outside within circle in any part of India

iv) Other conditions of service will be governed by the relevant
 rules and orders in force from time to time.

3. The appointment will further be subject to:-

*Offered by
 Bapamalipur
 Advocate*

- His being found medically fit for appointment to the grade
 of Garage Reader for which must get the medical certificate
 duly signed by the medical officer Govt Hospital before joining
 the post.
- Submission of a declaration in the prescribed form and in
 the event of the candidates having more than one wife living,
 the appointment will be subject to his being exempted from
 enforcement of the requirement in this behalf.
- Taking of an oath of allegiance/faithfulness to the consti-
 tution of India or making of a solemn affirmation to that
 effect in the prescribed form.
- Verification of his character and antecedents in the pres-
 cribed forms from district Magistrate or Sub-Divisional Magist-
 rate without any adverse remarks.
- Production of the following original certificates:-

 - Educational and other technical qualifications.
 - Certificate of date of birth (Proof of age)
 - Certificate in the prescribed form in support of candidates
 claim to belonging to SC/ST/ Anglo community/Ex.Servicemen.

1. Discharge certificate to the prescribed form of previous employment if any.
2. Character certificate from a Gazetted Officer/responsible person/Head of Educational Institution last attended by him duly countersigned by the District Magistrate or Sub-Divisional Magistrate or their superior officers.
3. It may please be stated whether the candidate is serving or is under obligation to serve another Central Government department/a State Government or a Public authority.
4. If any declaration given information furnished by the candidate proves to be false or if the candidate is found to have wilfully suppressed any material information will be liable to removal from service and such other action as Government may deem necessary.
5. If he accepts the offer of appointment on the above terms he should communicate his acceptance within 15 days and report for duty within 30 days from the date of issue of this memorandum, to the Executive Engineer, RD J.C. Inv. Sub-Division, CWC, ~~North Barramalipur~~, Agartala, ~~Kailashahar~~ Tripura. If no reply is received or the candidate fails to report for duty by aforesaid date, the offer will be treated as cancelled.
6. No travel allowance will be allowed for joining appointment post.

K.G. DEBKORI
 (K. G. DEBKORI)
EXECUTIVE ENGINEER.

Registered

Shri Bishwan Biswas
Ex-Sachindev Biswas
Vill & P. Maharcherza via Kalyanpur, West Tripura.

Copy to:- 1) The Superintending Engineer, RD (JRC) Inv. Circle, CWC, R.K. Puram, New Delhi-66.

2) The Assistant Engineer, JRC Inv. Sub-Division, CWC, ~~Kailashahar~~
The G.R. is posted to site at Kailashahar

3) The Employment Officer, Employment Exchange Agartala,
with reference No 277/83/5703.
dated 22/12/83.

4) Personal File.

5) Accounts Branch, Divisional Office.

/
 (K. G. DEBKORI)
EXECUTIVE ENGINEER.

S/Kay

PHONE: 26226

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
RIVER DEVELOPMENT (RC) DIVISION
MANGIAR VILLAGE, MOULNAGAR
SHILLONG, 24

No. G-17011, LA-Rect/75/1647-51

Dated Shillong, the 7th April 1975

MEMORANDUM

The undersigned hereby offers, shall, *Rehman, Seikh*, a temporary post of Gauge Reader (Gr-1), in the Central Water Commission, at a pay of Rs. 200/- per month in the scale of pay of Rs. 203/- to 263/- (B-1-28/-). He will also be entitled to draw dearness and other allowances at the rates admissible under and subject to the conditions laid down in rules and orders governing the grant of such allowances from time to time.

The terms of appointment are as follows:-

(1) The appointment is purely temporary and provisionally and will be terminated at any time by a month's notice given by either side viz. the appointee or the appointing authority, but will be reserved the right of terminating the appointment forthwith or before the expiration of the period of notice by giving notice by making payment to him of a sum equivalent to his pay and allowances for the period of notice or the remainder of the period thereof.

*Accepted by
Bashir Seikh
Deputy*

(2) The appointment carries with it the liability to serve in any part of India or outside India till he has to carry out such duties as may be assigned to him by the competent authority.

(3) Other conditions of service will be governed by the relevant rules and orders in force from time to time.

(4) The appointment will further be subject to:-

- (i) Production of a certificate of fitness from the competent medical authority viz. Mairitan Sugoon Goyal (Dokhla).
- (ii) Submission of a declaration that he has not got more than one wife living (in case he is married). In the event of his having more than one wife living, the appointment will be terminated by his being exempted from the enforcement of the rules and regulations in this behalf.
- (iii) Taking of an oath of allegiance/faithfulness to the Government of India (or making of a solemn affirmation) to the effect in the prescribed form.
- (iv) Production of the following original certificates:-

b) Certificate of age.

b) Certificate of educational qualifications.

b) Character certificate in the prescribed from from a gazetted officer or a Magistrate.

b) Certificate in the prescribed from in the support of a candidate to claim to belong to a Scheduled caste or an Anglo-Indian Community.

b) Discharge certificate in the prescribed from of previous employment.

It may please be noted that whether he is serving in an un-
official capacity, another Central Government Department,
a State Government or a Public Authority.

5. If any individual or organization furnishes any
information or if the content is found to have
wilfully suppressed any other material information, he will
be liable to removal from service on such other directions
Government may in its treasury.

6. If Shri Rabin Das accepts the offer in the
form, he shall report to the undersigned within 15 days
of the issue of this offer. If he fails to report to duty
as directed, the offer will stand to be cancelled
and he will be liable to removal from service.

7. No gratuity will be paid for joining the
Government service or for any other reason.

8. All expenses incurred in connection with the
travel and stay of the individual will be borne by
the Government.

9. The individual will be liable to pay his own
expenses in connection with his removal from service.

10. The individual will be liable to pay his own
expenses in connection with his removal from service.

11. The individual will be liable to pay his own
expenses in connection with his removal from service.

12. The individual will be liable to pay his own
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20. The individual will be liable to pay his own
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22. The individual will be liable to pay his own
expenses in connection with his removal from service.

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expenses in connection with his removal from service.

24. The individual will be liable to pay his own
expenses in connection with his removal from service.

25. The individual will be liable to pay his own
expenses in connection with his removal from service.

26. The individual will be liable to pay his own
expenses in connection with his removal from service.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 40 of 1997.

Date of Order : This the 13th day of August, 1999.

Justice Shri D.N. Baruah, Vice-Chairman.

Shri G.L. Sanglyine, Administrative Member.

Shri P.R. Ghosh Adhikary and 11 others.
 All the applicants are working as Gauge
 Reader under Central Water Commission. . . . Applicants.

By Advocate S/Shri B.K. Sharma & S. Sarma.

- Versus -

Union of India & Ors.

. . . Respondents

By Shri A. Deb Roy, Sr.C.G.S.C.

O R D E R

G.L. SANGLYINE, ADMN. MEMBER,

This application was submitted by 12 applicants who were Gauge Reader in the Central Water Commission. They were appointed as Gauge Reader in 1984 and 1985 in the scale of pay of Rs. 200-250/- . They continued in the grade of Gauge Reader without any promotion. Therefore in 1986 and 1988 the applicant No.1 Shri P.R. Ghosh Adhikary submitted representations.

According to him the minimum qualification for eligibility for promotion as Gauge Reader is H.S.L.C/School final/Madhyamik.

This same minimum qualification is applicable in the case of Assistant Store Keeper and Lower Division Clerk. But the Assistant Store Keeper, LDC and Work Sarkar Grade-II enjoy better

scale of pay of Rs.260-350/- or Rs.260-400/- which were later on revised at higher scale of pay than the revised scale of pay of Gauge Reader. They also had promotional prospect, whereas the Gauge Readers do not have any prospect for

*Argued by
Bishagti Gopal
Advocate*

promotion. As such he prayed for appropriate redressal. However, no reply was issued by the respondents. In 1994 six employees who are not applicants in this O.A except Sri Pradip Chakraborty and Swapan Kr. Das submitted representations to respondent No.2 for better pay scale and promotional avenues. This was not replied to by respondents. Then in 1995 applicant No.1 Sri P.R.Ghosh Adhikary submitted representation to respondent No.2 referring to the case of the Gauge Reader of the Central Public Works Department (CPWD for short) praying to pay him in the scale of pay of Rs.950-1500/- per month including arrears as in the case of the Gauge Reader of the CPWD. This was not replied to by the respondents. Sri Swapan Biswas, applicant No.6 also made representation praying for promotion on the ground that he is a member of Scheduled Caste community. This also was not replied to by the respondents. Thereafter the applicants had submitted this original Application. In the case of the CPWD there is an award on re-categorisation/re-classification of work charged and regular classified establishment of CPWD as per O.M. dated 16.11.1993, Annexure-1 and there is also implementation of the award dated 31.1.1986 on the above mentioned employees as modified by the Delhi High Court judgment dated 21.1.1992 as per O.M. dated 20.12.1993, award Annexure-2. The employees affected by this L included Gauge Readers of the CPWD. In this application the applicants have prayed that they be granted the same benefits as granted to the Gauge Readers of the CPWD in the above O.M. Further, they have prayed that they should be provided promotional avenue.

2. The respondents have submitted written statement contesting the prayers of the applicants.

3. We have heard learned counsel of both sides. It will be seen that there are two distinct issues, namely, promotional avenue and assigning a pay scale to the cadre of Gauge Reader

in this application. It is also seen that many of the applicants did not approach the respondents for redressal of their grievances. On perusal of the application, written statement and hearing learned counsel of both sides, we are of the view that the matters need be considered and disposed of first by the respondents. We therefore, direct the applicants to submit representations to the competent authority of the respondents within one month from the date of receipt of this order for redressal of their grievances. If such representations are received, the respondents shall dispose of the representations with a speaking order giving details and reasons within a period of 3 months from the date of receipt of the representations.

With the above directions the application is disposed of. No order as to costs.

SD/- VILE-UL-MAH
SD/- MEMO (A)



Certified to be true Copy
প্রমাণিত প্রতিলিপি

PG
Deputy Registrar (S)
Central Administrative Tribunal
Guwahati Bench

18/8/15
X 20/8/15

Prakashan Averns

Pay Scale Revision

To,
 The Chairman,
 Central Water Commission,
 Room No-316, Sewa Bhawan,
 R.K. Puram, New Delhi-110 066.

(Through Proper Channel.)

Sub:- Grant of upper pay scale in the post of Gauge Reader. Promotional avenue for Gauge Reader Central Administrative Tribunal, Gauhati bench order dated 13th August 1999.

Respected Sir,

Most respectfully, I am submitting the following few facts for favour of your kind information and sympathetic consideration.

That I have been appointed as a Gauge Reader in the pay scale of Rs. 200-250/- with effect from 14-5-1984, and continuing in the same grade without any promotion. Since the Department has not considered my request for placing my pay in the higher scale that of LDC i.e. Rs. 260-400/- I was compelled to approach the Honourable Central Administrative Tribunal for redressal of my above grievances and the Honourable Central Administrative Tribunal's order dated 13th August 1999 is also enclosed herewith which will speak itself.

In view of the above, I humbly request your goodself to be kind enough to consider my above case taking into consideration. The order of the Honourable Tribunal as well as 5th Central Pay Commission recommendation for implementation vide No.35034/3/97-Estt(D) dated 09/08/1999 and also request to take an early action on the matter. My pay scale may kindly be placed as LDC's pay scale i.e. Rs. 260-400/- and I may kindly be paid the arrears from the date of my appointment in the higher scale i.e. Rs. 260-400/-.

I further request that, I may also kindly be considered for promotion which may also kindly be considered sympathetically.

Attested by
 Swapani Biswas
 Advocate

Yours faithfully,

Swapani Biswas
 (SWAPAN BISWAS) GJR
 04/9/99

Copy for information to -

1. The Chief Engineer, Central Water Commission, Brahmaputra & Barak Basin, Narapatha, Pohkesh, P.O. Umpling, Shillong-793006.
2. The Superintending Engineer, Meghna Circle, Central Water Commission, Panchayat Road, Silchar-788 004 (Assam).
3. The Executive Engineer, Meghna Division, Central Water Commission, Link Road, Silchar-783006 (Assam).
4. The Executive Engineer, Meghna Investigation Division, Central Water Commission, Motinagar, "Yingeyar Villa" Shillong-793014.

04/9/99
 Mr. Engineer,
 File No. 13
 C. B. E. S.

To,
The Chairman,
Central Water Commission,
Room No-316, Sewa Bhawan,
R.K. Puram, New Delhi-110 066.

(Through Proper Channel)

Sub:- Grant of upper pay scale in the post of Gauge Reader. Promotional avenue for Gauge Reader Central Administrative Tribunal, Gauhati be nch order dated 13th August 1999.

Respected Sir,

Most respectfully, I am submitting the following few facts for favour of your kind information and sympathetic consideration.

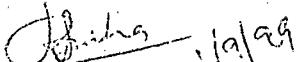
That I have been appointed as a Gauge Reader in the pay scale of Rs. 200-250/- with effect from 24-4-1984 and continuing in the same grade without any promotion. Since the department has not considered my request for placing my pay in the higher scale that of LDC i.e. Rs. 260-400/-. I was compelled to approach the Honourable Central Administrative Tribunal for redressal of my above grievances and the Honourable Central Administrative Tribunal's order dated 13th August 1999 is also enclosed herewith, which will speak itself.

In view of the above, I humbly request your goodness to be kind enough to consider my above case taking into consideration. The order of the Honourable Tribunal as well as 5th Central Pay Commission recommendation for implementation vide No. 35034/3/97-Estt(D) dted 09/08/1999 and also request to take an early action on the matter. My pay scale may kindly be placed as LDC's pay scale i.e. Rs. 260-400/- and I may kindly be paid the arrears from the date of my appointment in the higher scale i.e. Rs. 260-400/-.

I further request that, I may also kindly be considered for promotion which may also kindly be considered sympathetically.

Attested by
Bashaguri Seal
Bashaguri Advocate

Yours faithfully,


(RABINDRA SINHA)
M.S.D. No. II C.W.C. Office
Nayabara, Dhemmanagar
Tribhuvan (Nestle), TIN 7799250

Copy for information to -

1. The Chief Engineer, Central Water Commission, Brahmaputra & Barak Basin, Narapatha, Pohkesh, P.O. Umpling, Shillong-793006.
2. The Superintending Engineer, Meghna Circle, Central Water Commission, Panchayat Road, Silchar-788 004 (Assam).
3. The Executive Engineer, Meghna Division, Central Water Commission, Link Road, Silchar-783006 (Assam).
4. The Executive Engineer, Meghna Investigation Division, Central Water Commission, Motinagar, "Yingeyar Villa" Shillong-793014.

PH/FAX(03942) 32358
Gram-Meghna

68

Government of India
Office of the Executive Engineer
Meghna Division C.W.C. Link Road
Silchar-786006, Assam

NO. MD/SEI/CB/ 617-23

dated 11/3/2000

To,
The Superintending Engineer
Meghna Circle
Central Water Commission
Silchar-786004, Assam.

Subj:- O.A. No. 40/97 filed by Sh. P.R. Ghosh Adhikary & others in the Hon'ble Tribunal, Guwahati Bench regarding compliance of the judgement and order.

Reft:- Circle Office letter No. MC/CB/CAT/ 97/97/2093-2108 dated 29/12/1999.

SIR,

Kind reference is invited to the above cited letter. In this connection the following Gauge Readers have submitted their representations requesting therein for reconsideration of their demands.

- 1) Sh. P.R. Ghosh Adhikary, GR
- 2) Praesad Sen, GR
- 3) Joyananda Barman, GR
- 4) Biswajit Paul, GR
- 5) Swapan Biswas, GR

The representations of the above said Gauge Readers which are self explanatory are forwarded herewith for information and further necessary action please.

Yours faithfully,

(Amrendra Kumar Singh)
Executive Engineer

Copy to:-

- 1) Sh. P.R. Ghosh Adhikary, GR
- 2) Sh. Praesad Sen, GR
- 3) Sh. Joyananda Barman, GR
- 4) Sh. Biswajit Paul, GR
- 5) Sh. Swapan Biswas, GR

Amrendra Kumar Singh
09/03/2000
Executive Engineer

After 1/3



Gram: MEGHNA

भारत सरकार

केन्द्रीय जल आयोग
मेघना परिमण्डल

69

Government of India

Central Water Commission

Meghna Circle

Phone/Fax : (03842) 39760

No. MC/GR/CAT/87/97/2093 = 2408

Dated 29/12/99

To

✓ Shri Swapan Biswas, G/R
G&D Site, CWC,
Belonia

Sub:- O. A. No. 40/97 filed by Shri B. R. Ghosh Adhikari & others in the Hon'ble Tribunal Guwahati Bench regarding compliance of the Judgement and order.

Ref:- Your representation dated 04.09.99.

The post of Gauge Reader (Group 'D' post) in the scale pay of Rs. 775-12-871-EB-14-10.25/- merged in the scale of pay of Rs. 775-12-871-14-955-15-10.30-20-1150/- w.e.f. 1.4.95 (and revised Rs. 2610-60-3150-65-3540/- w.e.f. 1.1.96) in the subordinate offices of CWC is filled on Direct Recruitment Basis through Employment Exchange. The basic Educational Qualification required for this post is 8th Standard pass whereas, the post of L.D.C. (Group 'C' post) in the subordinate offices of Central Water Commission is filled through Regional Staff Selection Commission on All India Competition Basis and the basic qualification prescribed for the post of LDC is Matric with Typing speed @ 30 w.p.m in English or 25 w.p.m in Hindi. Thus there is no comparison between the post of Gauge Reader & LDC.

Recently the Ministry of Personnel, Public Grievances & Pension (DOP&T)'s vide O.M. dated 9.8.1999 has introduced the Assured Career Progression Scheme for all the Central Govt. Civilian Employees vide which two financial upgradations during the service career i.e. one on completion of 12 years and 1Ind on completion of 24 years service are to be considered. This is however, not applicable, where the Govt. servants have already got two prior promotions on regular basis, during the prescribed tenure. Previously before revising the pay scale w.e.f. 1.1.1996 the benefit

... 2/-

*Offered by
Bashir Ali Seal
Advocate*

ACPS

... 2

of In situ promotion in the next higher scale was also available to the Gauge Readers of Central Water Commission.

Hence your claim for higher pay scale is not justified

Mangat Ram

29.12.99

Superintending Engineer

Copy to:-

1. The Chief Engineer (B&BB), CWC, Shillong.
2. The Ex. Engineer, Meghna Inv. Divn. CWC, Shillong.
3. The Ex. Engineer, Meghna Divn. CWC, Silchar.
4. The Under Secretary, CWC (Estt. VIII), CWC, R.K.Puram, New Delhi with ref. to his letter No. G-18014/1/97-Estt. VIII/1320 dated 13/14th Oct. 1999.
5. The Superintending Engineer, Planning Circle, CWC, 1065-68, Type-V, NH-IV, Faridabad - 121 001 with reference to his letter No. 16/11/97/Adm. IV/4991-93 dt 24.12.99.

Mangat Ram

29.12.99

Superintending Engineer

To,
 The Superintending Engineer,
 Meghna Circle, C.W.C.
 283-A, College Road,
Silchar-788 004, (Assam).

(Through the proper channel)

Sub:- Representation.

Ref:- (a) The Honourable Central Administrative Tribunal's order and judgment of O/A No-40/97 dated 13.08.1999
 (b) S.E. Meghna Circle's, Silchar letter No.2093-08 dated 29.12.1999

Sir,

With reference to above cited letter (a) judgement and order of CAT and S.E. Meghna Circle's letter I have the honour to lay the following few facts before your administrative and judicial mind.

(A) That Sir with the best of my knowledge I have understood that the honourable CAT is pleased enough by seeing the demand letter to the Employment Exchange (i) Demand letter of Agartala Division(RD (JRC) Inv.Divn.) No.1876-77 dated 12.12.1983, (ii) Shillong(RD (JRC) Invn. Divn.) No.5020-21 dated 02.11.1978 and the arbitration award of Delhi High Court(CPWD) dated 21.01.1992 that our claim for upper pay scale and promotional avenue are genuine and accordingly the Honourable CAT said in its judgment, "we are of the view that the matters need be considered and disposed of first by the respondents." But instead of considering it, the Meghna Circle said that our claim is not justified.

That Sir, I have read your letter under ref (B) :

B. (i) CLASS VIII STANDARD - The RS(JRC) Investigation Division and RD (JRC) Division send its demand to the Employment Exchange for the post of Gauge Reader having Matric/HSLC/High Secondary qualification and for the post of Peon, Chowkidar, Barkandaz having non Matric qualification, from this it prove that I was recruited as a Matriculate candidate. Hence I object that our post is not a Class-VIII standard post.

(ii) HIGHER PAY SCALE - The Superintending Engineer, Meghna Circle said that IDC's are recruited through Regional Staff Selection Commission, but instead of IDC there are so many posts which are filled up through direct recruitment basis i.e. Asstt. Store Keeper, Junior Observer, Worksarkar Gr.II etc. in Central Water Commission, all the said posts carry equal pay of IDC's and these are only Matric/HSLC standard posts. Hence my claim for the pay scale of Rs. 260-400 is justified.

Cont'd page/2.

*effected by
 Banarsi Seal
 Advocate*

22

(iii) IN-SITU PROMOTION. The benefit of In-Situ promotion is available to all categories of employees. It is awarded by keeping the official in the same post when he reaches to the maximum of his pay & there by stagnation. The In-Situ promotion is given to facilitate the employee to draw his pay in the next higher grade in the absence of regular promotion to the next qualified person to the higher grade.

Under the circumstances stated above I solicit that considering the facts with your administrative and judicial mind, your honour will do the justice which I may also be informed at an early date.

Yours faithfully,

Swapan Biswas.

(SWAPAN BISWAS)

Orange Reader,
Site No-43, Belonia
Tripura (S)

Copy to:-

1) The Executive Engineer, Meghna Division, C.W.C
Link Road, Silchar-788006 (Assam) for your kind
information and taking necessary action please.

2) The Assist. Executive Engineer, Meghna Sub Division-1
C.W.C. Agartala, for your kind information and
taking necessary action please.

RE
5/2/2000

No.C-18013/4/89-Estt.X
Government of India
Central Water Commission

Room No.310, Sewa Bhawan,
R.K. Puram, New Delhi-66.

Dated the 30th May, 1995

OFFICE MEMORANDUM

Subject : Redesignation of the post of D/men/Ferro-Printer
In Central Water Commission.

Worthy

In pursuance of the orders of the CAT, Principal Bench, New Delhi, contained in their Judgement dated 18.5.94 delivered in O.A. No.2114/89 filed by Shri D.C. Dabral and others versus Union of India, the Commission's Order No. A-11012/8/86-B.IV dated 26th September, 1986 is hereby partially modified and all the posts of Ferro-Printers are hereby re-designated as D/man, Grade III alongwith erstwhile Tracer. This order will take retrospective effect from 30.8.86.

2. This re-designation of the post of Ferro-Printer is however, subject to the fulfilment of the conditions laid down in the Ministry of Finance, Department of Expenditure O.M. No.13(1)-1C/91 dated 19th October, 1994.

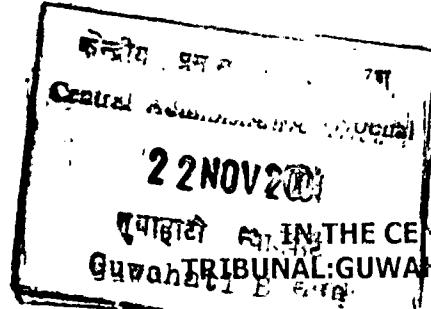
02600077

(J.L. CHUGH)
Under Secretary(M)
Tele: 604068

Copy to :-

1. MODIC, SSB, New Delhi (Sh. A.K. Barua, US(E)).
2. PPS to Chairman, CWC, New Delhi.
3. PPS to Members, CWC, New Delhi.
4. All Chief Engineers, CWC, New Delhi.
5. All Superintending Engineers, CWC, New Delhi.
6. All Executive Engineers, CWC, New Delhi.
7. All Under Secretaries/Accounts Officer /Senior Analyst/ Pay & Accounts Officer, CWC, New Delhi.
8. All Section Officers/Directorates/Units of CWC, N.D.
9. Drawing Staff Association, CWC, New Delhi.
10. Notice Board.
11. Spare copies (40 copies)
12. All Ferro-Printers/Personal Files

affixed by
Bashadli seal
Advocate - 30 -



O.A NO.283/01

Filed by

(A. 2000/01/22/11/01/01/01)

Shri Swapan Biswas & others

-Versus-

Union of India & Others.

IN THE MATTER OF

Written statement submitted by Respondents

The humble respondents beg to submit their written statements as follows:

FACTS/SUMMARY OF THE CASE

All the applicants referred in the O.A No.283/2001 were appointed in the CWC as Gauge Readers in the pre-revised scale of pay Rs.200-250 which was revised to Rs.775-1025/- as per the recommendation of the IVth pay commission w.e.f.1/1/86 which was further revised to Rs.775-1150/- w.e.f.1/4/95 as per the provisions contained in the Ministry of Finance, Department of Expenditure O.M.No.13 (2)/IC/92 dated 7/4/95 strictly as per the existing recruitment rules according to which the post of Gauge Reader is to be filled up by direct recruitment from the candidates having qualifications as middle standard pass and thus the possession of higher qualification by the applicants do not give them rights automatically for higher scales.

- 29 -
16

In a similar case Shri P.R.Ghosh Adhikary and eleven other Gauge Readers of CWC subordinate office Vs.Union of India & Others had filed O.A.No.40/97 in the Hon'ble CAT Guwahati Bench in which Shri Swapan Biswas, Gauge Reader was also applicant number six claiming parity in their scales of pay with the Gauge Readers employed in the CPWD, grant of consequential benefits of arrears salary and better benefits of promotional avenues etc.

The Hon'ble CAT Guwahati Bench, Guwahati in their judgement and order dated 13/8/99 after hearing both the sides disposed off O.A.No.40/97 with the direction that the applicant may submit the representation to the competent authority of the respondents for redressal of their grievances and the respondents should dispose off the representations with a speaking order giving details and reasons within a period of three months from the date of receipt of the representation. All the representations received from the Gauge Readers were forwarded to CWC, New Delhi vide L.No.MC/GR/CAT/97/1638-99 dated 23/9/99 and in turn the CWC, New Delhi forwarded the same to S.E, Planning Circle, CWC, Faridabad vide L.No.C-18014/1/97Estt.VIII/1324 dt.14/10/99 for immediate disposal.

The S.E, Planning Circle, CWC, Faridabad vide his L.No.16/11/97/Adm.IV/4991-93 dated 24/12/99 forwarded a draft reply approved by the CWC stating that the reply to the representation submitted by the applicants should be given by the S.E, Meghna Circle, CWC, Silchar who has been impled in the O.A. No.40/97.

As per the direction of Hon'ble Tribunal, Guwahati Bench in O.A No.40/97, the SE, Meghna Circle, CWC, Silchar vide his L.No.MC/SGR/CAT/87/97/2093-2108 dated 29/12/99 after due careful consideration of the applications received from the Gauge Readers has given the reply in speaking order.

The said letter dated 29/12/99 of SE,Meghna Circle, CWC, Silchar to respondent 4 of the O.A is now challenged by Shri Swapan Biswas, Gauge Reader in the instant O.A.

PARAWISE COMMENTS

- 1) That with regard to the averments made in paragraph 1,2,3, 4 & 5 of the application the respondents has no comments.
- 2) That with regard to the averments made in paragraph 6.1,6.2,6.3,6.4, & 6.5 of the application the respondents has no comments.
- 3) That with regard to the averments made in paragraph 6.6 and 6.7 of the application the respondents beg to state that the statements are actually of the facts given in reply to paragraph 4.4 of the original O.A No.40/97 filed by the Gauge Reader. Therefore the respondents has no comments.
- 4) That with regard to the averments made in paragraph 6.8, 6.9 & 6.10 the respondents has no comments.

- 81 -
xx

5) That with regard to the averments made in paragraph 6.11 the respondents beg to state that as per the directions of the Hon'ble Tribunal Guwahati bench given in O.A.No.40/97, the Superintending Engineer, Meghna Circle, CWC, Silchar, vide his Letter No.MC/GR/CAT/87/97/2093-2108 dated 29/12/99 after due careful consideration of the applications received from the Gauge Readers has given the reply in speaking order, which clearly shows that the qualifications prescribed for recruitment to the post of LDC are higher than those prescribed for recruitment to the post of Gauge Reader. Hence the allegations made in this para are denied on the ground that these are baseless and not sustainable in law.

6) That with regard to the averments made in paragraph 6.12 and 6.13 the respondents has no comments.

7) That with regard to the averments made in paragraph 6.14 the respondents beg to state that the O.M at Annexure - IX in O.A is nowhere mentioning that the Gauge Reader can be promoted to the post Ferro Printer/Tracer. Thus, the O.M has been misquoted by the applicants.

32
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8) That with regard to the averments made in paragraph 6.15 the respondents beg to state that the applicants are drawing pay in the new Scale of Rs.2610-60-3150-65-3540/= with effect from 01/01/1996 as per the recommendation of the Vth Central Pay Commission. Further it is stated that the Group-D staff including Gauge Readers of CWC office who were having matriculation qualification from a recognised institution and having at least nine years of service were promoted against the 25% vacancies in the grade of Ferro Printers, a Group-C post in scale of Rs.975-1560/= (pre-revised) depending upon their suitability etc. seven number Gauge Readers were promoted as Ferro Printers during the years 1993 to 1995 by CWC. Since then, the post of Ferro Printer has ceased to exist as the same has been redesignated as Draftsman Grade.III, to be filled 100% by Direct Recruitment. In view of the job requirement of the post of Draftsman Grade III, recruitment qualifications for that post have been prescribed as (I) Matriculation or equivalent from a recognised University/Board and (ii) Diploma or Certificate in Draftsmanship (Civil/Mechanical) from a recognised Institute/Board of not less than two years duration. These qualifications are much higher than those prescribed for Gauge Reader. Hence,

the Gauge Readers are not liable to be 'promoted' to the post of Draftsman Grade III. However they are eligible for two financial Upgradations as per Rules under the Assured Career Progression of the Government.

In situ promotions: The in situ promotions (i) applicable to employees including industrial workers directly recruited to Group-D and Group-C posts on the minimum of the relevant pay scale and not promoted on a regular basis even after drawing the maximum of the pay scale for more than a year (ii) it is applicable to post having no avenue of promotion at all as also to posts having inadequate avenue of promotion. Employees fulfilling the conditions above considered on seniority cum fitness basis for in situ promotion to the next higher scale available in the normal line /hierarchy of promotion. Group-D employees will be considered for promotion to the scale of Rs.2610-3540.

Normally in situ promotion is awarded when the employee get stagnated his pay. It is not mandatory to give promotions after nine years of continuous service as stated by the applicant.

9) That with regard to the averments made in paragraph 6.16 the respondents beg to state that the next promotion for Gauge Readers is not in the scale of Rs.950-1540/= (pre revised)

which has been revised to Rs.3050-4590/= w.e.f.01/01/96. The present scale of the Draftsman Gr. III is Rs.4000 - 100 - 6000/-(Revised). This scale is not applicable to the Gauge Readers.

10) That with regard to the averments made in paragraph 6.17 the respondents beg to state that the Ministry of Personnel / Public Grievances and Pension (DOP&T's) vide O.M.No. dated 09/08/99 has proposed to adopt the Assured Career Progression Scheme in a modified form to mitigate hardship in case of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant two financial upgradations (as recommended by the vth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group-C and D employees) entered into with the staff side of the National Council (JCM) under the Assured Career Progression Scheme to Group-B, C and D employees on completion of 12 years and 24 years. Accordingly the benefit of next higher scale is already available to the Gauge Readers of the Central Water Commission.

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ACPS

The Gauge Readers were also awarded the Assured Career Progression Scheme according to their services but the petitioners have refused to accept the same.

- 11) That with regard to the averments made in paragraph 6.18 of the application the respondents has no comments except what has already been stated in reply to paragraph 6.17 above.
- 12) That with regard to the averments made in paragraph 6.19 of the application the respondents has no comments except what has already been stated in reply to paragraph 6.17 above.
- 13) That with regard to the averments made in paragraph 7.1 the respondents beg to state that no injustice has been done to the applicants in any manner whatsoever.
- 14) That with regard to the averments made in paragraph 7.2 the respondents has no comments except what has already been stated in reply to para 6.17 above.
- 15) That with regard to the averments made in paragraph 7.4 the respondents has no comments except what has already been stated in reply to fore-going paragraphs.

16) That with regard to the averments made in paragraph 7.5 of the application the respondents beg to state that the educational qualification for the post of Gauge Reader in Central Water Commission is 8th standard pass as per the recruitment rules and not graduates / matriculation as stated by the applicants. The possession of higher qualification by the applicant at the time of initial recruitment for the post of Gauge Reader in Central Water Commission can not confer any right on the applicants to have a higher scale of pay etc.

17) That with regard to the averments made in paragraph 7.6 of the application the respondents has no comments.

18) That with regard to the averments made in paragraph 8 of the application the respondents has no comments.

19) That with regard to the averments made in paragraph 9 of the application the respondents has no comments.

20) **RELIEF SOUGHT FOR**
That with regard to the averments made in paragraph 10.(i) to 10.(vii) the respondents beg to state that all the points raised therein are baseless. The post of Gauge Reader can not be

Compared with those of Ferro Printer/ Draftsman of Central Water Commission. The educational qualification for these grades (Ferro Printer / Draftsman) are different i.e. Matriculation and Diploma or Certificate in Draftsmanship (Civil/Mechanical) from a recognised Institute/Board of not less than two years duration whereas the educational qualification for Gauge Reader is only 8th standard pass.

- 21) That with regard to the averments made in paragraph 11 the respondents beg to submit that the application has no merit and as such the same is liable to be dismissed with costs.

VERIFICATION

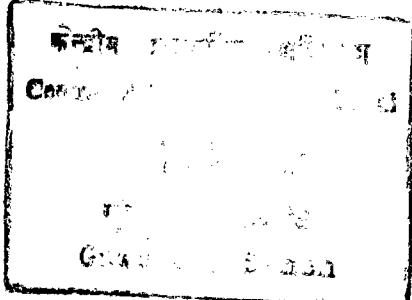
I, AMRENDRA KUMAR SINGH

Executive Engineer, Meghna Division, CWC,
Silchar being competent do hereby solemnly
declare that the statements made in paragraph
1, 2, 3, 4, true to my knowledge those made in
paragraph 5, 6, 7, 8, 9, 10 are true to my information
and those made in the rest of the written
statement are my humble submissions before
this Hon'ble tribunal.

And I sign this verification to day on 20th day
of Nov 2001 at Shillong


Declarant.

20/11/01



-39-

25
Swapan Biswas
Filed by Krishna Gelli
(Advocate) 3/1/2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH
AT GUWAHATI.

O.A. No.283/2001

Shri Swapan Biswas & Ors Applicants.

-VRS-

Union of India & Ors Respondents.

IN THE MATTER OF :-

Rejoinder submitted by the
applicants against the written
statements submitted by the
Respondents.

The humble applicants submit their Rejoinder
against written statements as follows:-

1. That the preliminary paragraph in written statements are matter of records and hence no comments.
2. That with regard to the statements made in paragraphs 1, 2, 3, 4 ~~and~~ 5 of the written statement the applicant has no comments of offer.
3. That with regard to the statements made in paragraph 5 of the written statements regarding paragraph 6.11 of the original application, the applicants reiterate that the higher pay scale is justified and the order given by the Superintending Engineer are not *speaking order. one*.

4. That with regard to the statements made in paragraph 6 of the written statements regarding paragraphs 6.12 and 6.13 of the original application, the applicants have no comments.

5. That with regard to the statements made in paragraph 7 of the written statement regarding paragraph 6.14 of the application, the applicants beg to state that the O.M. At Annexure-9 in Original Application no ^{4/} ~~ed~~ ^{not} ~~the~~ where mentioning that the Gauge Reader can be promoted to the post of the Ferro Printer/Tracer. In fact Annexure-9 can be read as Annexure-10 wherein it is mentioned that all the post of Ferro Printer are re-designated ^{as} by the draftsman Grade-III alongwith erstwhile tracer. It is mentioned ~~that~~ vide letter No.C-18013/4/89-Estt dated 30.5.95 issued by the Under Secretary (M) to the Govt.of India, CWC. However, the Annexure-9 can be now read as Annexure-10 wherein the above facts has been mentioned.

6. That with regard to the statements made in paragraph 8 of the written statement regarding paragraph 6.15 of the original application, the applicants begs to state that it has been mentioned in this paragraph that for the post of draftsman required qualification is matriculation or equivalent from a recognised University/Board but the Executive Engineer, CWC RD (JRC) Investigation Division, Banamalipur, Agartala requested the Employment Officer, Employment Exchange Karimganj, Assam vide letter No.JRC/DIV/AGT/CB/38/1871-77 dated 12.12.83 to forward suitable candidates for the post of Gauge Reader to the office of the

Executive Engineer for interview and selection showing the educational qualification of Secondary/Higher Secondary School Leaving Certificate for the post of Gauge Reader but in this paragraph the respondents have stated that the qualification for Gauge Reader should be matriculate. So graduates in Arts is not higher qualification as stated in this paragraph, if the graduates are willing to work and have been working as Gauge Reader since last 18 years have no objection to work as Gauge Reader who are more competent than under matric or VIII standard Gauge Reader. Only their grievance is that they should also get next higher promotion or they may be treated as Draftsman Grade-III and the pay scale given to the Draftsman Grade-III should also be paid to them. In view of the applicants' higher qualification they are only eligible for the post of Draftsman Grade-III. The applicants further state that they are not interested for insitu promotion.

Annexure-A is the forwarding letter addressed to the Employment Officer, Employment Exchange, Karimganj, Assam, issued by the Executive Engineer, RD (JRC), Investigation Division, Banamalipur, Agartala.

Annexure-B is the form of notification of Vacancies issued by the Executive Engineer, RD (JRC), Investigation Division, Banamalipur, Agartala.

7. That with regard to the statements made in paragraph 9 of the written statements regarding paragraph

6.16 of the application, the applicants beg to state that they are interested for the post of Draftsman Grade-III with pay scale of Rs.3000/- to 6000/-(Revised). The scale should be made applicable to the applicants by re-designating them as Draftsman Grade-III. The applicants are eligible for this Grade because they have rendered long 18 years of service as Gauge Reader. They are eligible for redesignation as Draftsman Grade-III as they have required educational qualification for the said post.

8. That with regard to the statements made in paragraph 10 of the written statement regarding paragraph 6.17 of the application, the applicants beg to state that they are not interested for the insitu promotion under the Assured Career Progression Scheme to Group-C and D employees on completion of 12 & 24 years of service ~~as~~.
~~As~~ ^{12 &} they have already rendered 18 years of service they should be re-designated as Draftsman and the pay scale of draftsman should be w.e.f. 1986 and all the arrear should be given to them.

9. That with regard to the statements made in paragraphs 11 and 12 of the written statements against paragraph 6.18 of the application, the applicants have no comments to offer.

10. That with regard to the statements made in paragraph 13 of the written statements, the applicants beg to state that they/respondents have denied justice and the statements made in this paragraph are not correct.

11. That with regard to the statements made in paragraphs 14 and 15 of the written statements, the deponents have no comments to offer.

12. That with regard to the statements made in paragraph 16 of the written statements against paragraph 7.5 of the application is not correct. In this connection in support of the applicants' denial they refer reply made in paragraph 6 above wherein Annexure-A and B will support the statements of the applicants.

13. That with regard to the statements made in paragraphs 17, 18 and 19 of the written statements, the applicants have no comments to offer.

14. That with regard to the statements made in paragraph 20 of the written statements regarding relief sought for in the application, the statements is not correct. The respondents have lost ^{sight} ~~side~~ of the fact ~~that~~ that the Gauge Reader has been redesignated as Ferro Printers and thereafter the Ferro Printers has been redesignated as Draftsman Grade-III and the applicants want that promotion to the Draftsman Grade-III.

15. That with regard to the statements made in paragraph 21 of the written statement, the applicants stoutly denied that the application have no merit. In fact the respondents have been denying justice to the applicants. They having been qualification they ought to have been redesignated as Ferro Printers then as Draftsman Grade-III and the pay scale of Draftsman Grade-III ought to have been paid w.e.f. 1986. These

- 6 -

benefits have been deliberately denied to the applicants who have rendered long 18 years of service with required qualification.

16. That the applicants submit that they deserve to be redesignated as Draftsman Grade-III and they also deserve all the arrears of pay scale as Draftsman Grade-III from 1986 and accordingly they should be paid.

Verification.....

Verification

I, Shri Swapan Biswas, S/o Late Sasindra Biswas, Gauge Reader, Site No.43, Central Water Commission, P.O. SBC Nagar, Belonia, Tripura(S), do hereby solemnly affirm and verify as follows:-

1. That I being the applicant No.1 in the original application I am fully conversant with the facts and circumstances of the case.
2. That the statements made in paragraphs 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, of the Rejoinder are true to my knowledge and those made in paragraphs 5, 6 being matter of record are true to my information derived therefrom which I believe to be true and the rests are my humble submissions.

And I sign this verification on this the 28th day of December, 2001 at Guwahati.

Swapan Biswas

Signature.

Government of India
Central Water Commission
RD(JRC) Investigation Division
Banamalipur: Agartala

ANNEX - A
IC -
Freedom - I av

NO:JRC/DIV/AUT/CB/38/181/77.

Dated, The 12th, Dec '83

- 46 -

To,
The Employment Officer.
Employment Exchange.
Karimganj, (Assam).

Sub:- Particulars of candidates for the post
of Gauge Reader.

Ref:- Your office letter No.IOD-85-87/83/4232
dated 21.11.1983.

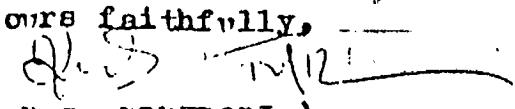
Sir,

Kindly find enclosed herewith form for the
notification of vacancies duly completed for the post of
Gauge Reader (Group-'D') regular basis.

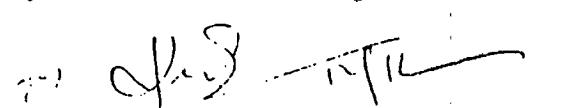
It is therefore, requested that a few suitable
candidates for the post of Gauge Reader may kindly be arranged
to be forwarded to this office, for interview and selection.

SC/ST candidates may also be mentioned against the
particulars of the candidates.

Yours faithfully,


(K.G. DEBRORI)
EXECUTIVE ENGINEER

Copy forwarded to the Employment Officer, District
Employment Exchange, Silchar (Assam) together with notifi-
cation form for favour of information and necessary action.
A few suitable candidates for the post of Gauge Reader may kindly
be arranged to be forwarded to this office immediately for
interview and selection.


(K.G. DEBRORI)
EXECUTIVE ENGINEER

FORM OF NOTIFICATION OF VACANCIES.

1. Name and Address of the employer : Shri K.G. DebKrori, Executive Engineer, RD(JRC) Investigation Division, C.W.C., North Banamalipur, Agartala, Tripura (W).

2. Telephone number of the employer, if any : Nil.

3. Nature of vacancy : -

a. Type of work required (Designation) : Gauge Reader.

b. Description of duties : Gauge reading at sites on the bank of Rivers.

c. Qualification required : Secondary/Higher Secondary School leaving certificate fixx for the post of Gauge Reader.

i. Essential : Knowledge of reading/writing in English/Hindi.

ii. Desirable : Knowledge of reading/writing in English/Hindi.

d. Age limit, if any : 18-25(Axable 5 years for the case of SC/ST candidates.)

e. Whether women are eligible: Maxx No.

4. Number of vacancies : 4 Nos.

5. Pay and allowances : 210-4-250-ED-5-270.

6. Place of work (Name of town/Village) and district in which it is situated : On the Bank of the River in Assam/any part of India for the post of Gauge Reader.

7. Probable date by which the vacancy will be filled : Before the end of Dec 1983.

8. Particulars regarding interview/test of applicants : -

a. Date of interview/test : Will be intimated in due course.

b. Time of interview/test : -do-

c. Place of interview/test : -do-

d. Designation and address of the person to whom applicants should report : -do-

9. Whether there is any obligation of arrangement for giving preference to any category of persons in filling up the vacancy. : As per roster of reserved/Unreserved.

10. Any other relevant information :

Mr. S. K. DebKrori
Signature of the Employer.