

(SEE RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No :

Misc. Petition No.

Contempt Petition No.

Review Application No.

1 / 03 in O.A. 283/2001

Applicant(s): Swapan Biswas

- Vs. -

Respondent(s): 1) Ashok Datta 2) A.K. Khan (3) K.K. Jangid

Advocate for the Applicant(s): Mr. S. Ali, Ms. B. Seal, Miss Rakhi Pathak

Advocate for the Respondent(s): Mr. A. Deb Roy, Sr. C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>This Contempt petition has been filed by the counsel for the petitioner praying for giving direction to the respondents/contumacious to promote them as per order dated 18.4.2002 passed by this Hon'ble Tribunal in O.A. 283/2001.</p> <p>Laid before the Hon'ble Court for further orders.</p> <p><u>For Section Officer</u></p> <p>Swaps & Charles Laken. Notice recaused and sent to D/3 for giving the respondent No 1 to 3 to Regd. A.I.D.</p> <p>Dated 1-1-2003</p>	27.01.2003	<p>Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.</p> <p>The Hon'ble Mr. S.K. Hajra Administrative Member.</p> <p>Heard Mr. S. Ali, learned Sr. counsel for the applicant.</p> <p>Issue notice to show cause as to why the contempt proceeding shall not be initiated.</p> <p>List on 27.2.2003 for orders.</p> <p>For Member</p>
	27.2.2003	<p>Mr. A. Deb Roy, learned Sr. C.G.S.C. has entered appearance on behalf of the respondent No.3 and prayed for time to file reply. List on 28.3.2003 for orders. The other respondents may also file reply, if any, within the aforesaid period.</p> <p>Vice-Chairman</p>

Swaps & Charles Laken. Notice recaused and sent to D/3 for giving the respondent No 1 to 3 to Regd. A.I.D.

31/1

Vice-Chairman

28.3.2003

On the prayer of Mr. A. Deb Roy,
further four weeks time is allowed
to the respondents to file reply.
List on 2.5.2003 for orders.

No. reply has been
filed.

3/20
26.2.03.

S. Basu
Member

Vice-Chairman

mb

2.5.2003

Heard Mr. S. Ali, learned Sr.
counsel for the applicant and also Mr.
A. Deb Roy, learned Sr. C.G.S.C. for
the respondents at length.

No. reply has been
filed.

3/20
27.3.03.

31.3.03

Show Cause reply

submitted by Mr
Loknath Roy No. 2 & 3.

mb

Vice-Chairman

22.4.03

Reply submitted
by Mr. Loknath Roy No. 1.

D.P.

Order dtd. 21/5/03
communicated to
respondent No. 1.
by Speed Post.

615 D.I.No. _____
Dtd. _____

Notes of the Registry

Date

23.6.2003

Orders of the Tribunal

Heard Mr. S. Ali, learned Sr. counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents. Mr. Ashok Datt, Under Secretary, Govt. of India, Central Water Commission, Sewa Bhawan is also present in Court.

Perused the order passed by this Tribunal in O.A. 283/2001 dated 18.4.2002. By the aforesaid order certain directions were issued to the respondents for consideration the case of the applicants for thier promotional prospects.

The under Secretary, Govt. of India, Central Water Commission Sri Ashok Datt was present today and submitted an affidavit on behalf of the respondents narrating the facts.

Upon hearing learned counsel for the parties and on consideration of materials on record I donot find any scope for continuance of the contempt proceeding.

Mr. S. Ali, learned Sr. counsel appearing on behalf of the applicants stated that while passing the order dated 25.9.2002 the respondent No.1 acted in wilful disregard of the directions issued in the O.A. I have also perused the order which indicated that the case of the applicants were reviewed and considered, however, in the absence of vacancy none of the applicants could be promoted. The Tribunal in its order directed the respondents to consider the case of the applicants. It thereby directed the respondents to exercise its

Contd/-

Notes of the Registry

Date

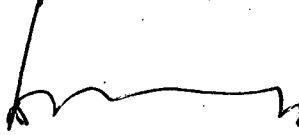
Orders of the Tribunal

14.7.2007

Copy of the order has
been sent to the D.F.C.
for issuing the same to
appellant as well as to
Resp No 1. and to the C.G.C.
C.E.

AS

discretion and consider the case
of the applicant and take a decision.
Such decision may not be
correct in the eye of the Tribunal.
If the exercise of the discretionary
power is unlawful it may be subject
to judicial review. But under no
circumstances such actions can be
labelled as contemptuous. To attract
contempt the act alleged must bear
the attribute of wilful defiance of
the order. No such act is discernible
warranting a contempt proceeding.
The C.P. thus stands dismissed.


Vice-Chairman

mb

Central Administrative Tribunal
3 JAN 2003
গুৱাহাটী বিধুৰোগ
Gauhati Bench

Filed by:-
Rakhi Pathak
Advocate
03/01/2003

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH
AT GUWAHATI.

Contempt Petition No. 1 /2002.

IN THE MATTER OF :-

A contempt petition under section
12 of the Contempt of Courts Act,
1971.

-AND-

IN THE MATTER OF :-

Judgment and order dt. 18.4.2002
passed by the Hon'ble Central
Administrative Tribunal, Gauhati
Bench in O.A. No.283/2001.

-AND-

IN THE MATTER OF :-

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 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.

Contd.....2

4. Subir Dhar, Gauge Reader,
Site No.54, C.W.C. P.O. -
Kailashahar, Tripura (North).

5. Fanindra Kumar Nath, Gauge
Reader, Site No.53, C.W.C.,
Natur Bazar, Tripura (North).

..... Petitioners.

- Versus -

1. Ashok Datt, Under Secretary,
Govt. of India, Central Water
Commission, Sewa Bhawan,
Room No.310(S), R.K. Puram,
New Delhi-66.

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

3. Kamal Kumar Jangid,
Executive Engineer, Meghna
Division, Central Water Commission,
Link Road, Silchar-6, Assam.

.... Contemners

The humble petition of the petitioners
above-named,

MOST RESPECTFULLY SHEWETH:-

1. That your petitioners as applicants filed O.A.
No.283/2001 praying for giving direction to the respondents/
Contemners to promote them from the post of Gauge Reader to

the post of Ferro Printers with pay scale of Rs.975/- to Rs.1540/- with effect from 30.8.86, ii) to redesignate the applicants/petitioners as Draftsman with effect from 9.11.87 with pay scale of Rs.1200/- to Rs.2040/- w.e.f. May, 1993, iii) to promote the applicants/petitioners from Draftsman Grade-III to Draftsman Grade-II w.e.f. May, 1996 as they have completed 12 years of service on that day with pay scale of Rs.4500/- to Rs.7000/-, iv) to pay arrears of pay w.e.f. 30.8.86 to 8.11.87 in the scale of Rs.1200/- to 2040/-, v) to pay the arrear pay scale of Rs.4500/- to Rs.7000/- w.e.f. May, 1996.

2. That the case was contested by the respondents and the Hon'ble Tribunal after hearing both sides in details was pleased to allow O.A. No.283/2001 with a direction to the respondents/contemners to consider the case of the petitioners/applicants for their promotion as indicated in judgement & order dated 18.4.2002 as per law within 3 months from the date of receipt of the order.

Annexure-1 is the photocopy of the judgment and order dated 18.4.2002 passed by the Hon'ble Tribunal in O.A. No.283/2001.

3. That after the judgement was delivered the copy of the same was sent to all the respondents/contemners and the petitioner No.1 Sri Swapan Biswas also submitted a representation before the Executive Engineer, Meghna Division C.W.C., Silchar, Assam praying for implementing the judgment and order dated 18.4.2002 on 30.8.2002. But upto now no action was taken by the Contemners.

Annexure-2 is the photocopy of the representation dated 30.8.2002 submitted by the petitioner No.1 Sri Swapnil Biswas before the Executive Engineer, Meghna Division, GWC, Link Road, Silchar-6, Assam Contemner No.3.

4. That it may be mentioned in this connection that the Hon'ble Tribunal was pleased to grant 3 months time to give all the reliefs granted by the Hon'ble Tribunal from the date of receipt of the judgment and order.
5. That the petitioners beg to state that instead of granting reliefs to the petitioners as per direction of the Hon'ble Tribunal in its judgment passed in O.A. No.283/2001 on 18.4.2002 the Under Secretary, Govt. of India, Contemner No.1 has written a letter dated 25.9.2002 stating that a proposal for promotion to Officers to the post of Ferro Printers in the feeder grades of Group-D staff was considered by a Review DPC held on 29.10.98 to fill up 7 vacancies for the period of 1986-1994 under 25% promotion quota provided under the then existing recruitment Rules for promotion of Group-D staff for the post of Ferro Printers. The authority responsible for implementation of CAT order in O.A. No.283/2001 has reviewed and reconsidered the promotion cases of the petitioners as per the provisions contained in the then Recruitment Rules of the erstwhile post of Ferro Printers. However, in the absence of vacancy none of the applicants/petitioners can be promoted.
In fact, the contemners have deliberately did not promote the petitioners and other reliefs granted to them

by the Hon'ble Tribunal and judgment and direction has been completely refused. This has been done by the contemners wilfully and deliberately thereby they have violated the clear and clean judgment passed by the Hon'ble Tribunal in favour of the petitioners/applicants and thereby they have disobeyed the judgment and order passed by the Hon'ble Tribunal and to implement the same deliberately and hence they are liable to be punished for committed contempt for the provisions of Section 12 of the Contempt of Courts Act.

Annexure-3 is the photocopy of the said letter dated 25.9.2002 contained in No.C-18014/1/2001-Estt.VIII/Estt.X/1442 issued by the Under Secretary, Govt. of India, CWC, New Delhi.

6. That the contemners instead of implementing the judgment and direction given to them have deliberately ignored to implement the same and they have referred only something in their letter at Annexure-3 which are no way reliefs in connection with this case because they are to implement the judgment and order given by the Hon'ble Tribunal instead they have simply ignored and disobeyed the judgment and order dated 18.4.2002 passed by this Hon'ble Tribunal for which they are liable to be punished under section 12 of the Contempt of Courts Act.
7. That this petition is filed bonafide and for the ends of justice.

It is therefore, respectfully prayed
that the Hon'ble Tribunal may be pleased
to admit this contempt petition, issue
notice to the contemners to show cause
as to why they shall not be given
appropriate punishment under section 12
of the Contempt of Courts Act for wilful
and deliberate violation of the judgment
and order dated 18.4.2002 passed by
the Hon'ble Tribunal in O.A. No.283/2001.

And for this act of kindness, the petitioners as in duty
bound, shall ever pray.

Affidavit.....

DRAFT CHARGE

Laid down before this Hon'ble Tribunal for willful
non - compliance of Judgement and order dated 18-4-2002 passed in
O.A. No. 283/2001. Therefore, the Hon'ble Tribunal would be
pleased to imposed penalty upon the alleged Contemnors for
non - complianec of the Judgement and order dated 18-4-2002 in
O.A. No. 283/2001 and further be pleased to pass any other order/
orders as deem fit and proper.

A F F I D A V I T

I, Shri Swapn Biswas, Gauge Reader

Son of Late Sachindra Biswas, aged about years, resident of Silchar-48, C.W.C., P.O. - SBC Nagar, Belonia, Tripura (South), do hereby solemnly affirm and state as follows:-

1. That I am the petitioner No.1 of the accompanying contempt petition and as such I am well conversant with the facts and circumstances of the case. I have been authorised to swear this affidavit on behalf of the petitioners also.
2. That the statements made in this affidavit and in paragraphs 1(*in part*), 3, 6, 7 are true to my knowledge and those made in paragraphs 2, 4, 5 being matter of records are true to my information derived therefrom which I believe to be true and the rests are my humble submissions made before this Hon'ble Tribunal. And I sign this affidavit on th day of Dec'02.

Swapn Biswas

Deponent.

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 Abindra 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, Gauge Reader
Site No.54, C.W.C., P.O:- Kailashahar
Tripura (North).
5. Fanindra Kumar Nath, Gauge 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. Superintending Engineer, Meghna Circle
Central Water Commission
145 Panchayat Road, Silchar-4
Cachar, Assam.

Contd..2

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. 16

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



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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 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-RB-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 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

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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 ^{had} 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 ^{nine} 7 years of service were promoted against the 25% vacancies in the Grade of Ferro Printers, a Grade-III post in the scale of pay of Rs.975-1560/- . The applicants cited the examples of seven Nos. of Gauge Readers who were promoted as Ferro Printers during the years 1993 to 1995 by CWC. The respondents 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

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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 of 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

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Draftsmanship 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,

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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 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.
Certified to be true Copy
अमाना अस्तित्व

Section Officer (J)

bb
अमाना अधिकारी (न्यायिक वारा)
Central Administrative Tribunal
न्यायिक अधिकारी
Guwahati Bench, Guwahati-9
माना अधिकारी, न्यायिक वारा

Sd/ VICE CHAIRMAN
Sd/ MEMBER (A)

To

The Executive Engineer,
Meghna Division, C.W.C. Link Road,
Silchar- 6, Assam.

Through the Proper Channel.

Sub :- Regarding for implementation of the order of the Hon'ble CAT, Guwahati Bench failing which may be proceed contempt to the judgment of Court. /

Respect Sir,

As regret, I would like to inform you that as per order of the Hon'ble CAT, Guwahati Bench application No. 283 of 2001, order dated 18/04/2002 it is being found that you are keeping silent for taking necessary action against implementation of the Judgment of the Hon'ble CAT for granting our promotion along with mentioned pay scale and all other reliefs as per order of the Hon'ble CAT till today.

For that reason, you are requested to take necessary action for the implementation of our all reliefs as per judgment of the Hon'ble CAT within 15(fifteen) days after receipts of this letter failing which will be proceed for taking necessary action against your denied activities of the order of the Court or the judgment of the Hon'ble CAT where time-limit has already passed away on 27/08/2002.

So, it is a serious offence and why not necessary to take early action against you as to cause of action for initiating contempt proceedings in this regards as per law.

So, I, therefore, pray and hope that you would be kind enough to grant me by implementation of all mentioned reliefs as per judgment of the Hon'ble CAT as soon as possible with your kind consideration and sympathically.

This for favour of your kind information and necessary action please.

Yours faithfully,

Swapan Biswas.

(SWAPAN BISWAS)

Gauge Reader, Meghna Site No. 43.
C.W.C. Belonin, South Tripura.

Copy to:-

1. The Superintending Engineer, Meghna Circle, C.W.C. 145- Panchayet Road, Silchar-4, Cachar, Assam, for your kind information and taking necessary action please.
2. Self copy.
3. Advance Copy.

Dated :- 30/08/2002.
Place :- Belonin.

Copy to:-

1. The Superintending Engineer, Meghna Circle, C.W.C. 145- Panchayet Road, Silchar-4, Cachar, Assam, for your kind information and taking necessary action please.
2. Self copy.
3. Advance Copy.

After 1st No for 2nd copy
R. Pollock
Advocate
03/01/2003

No.C-18014/1/2001-Estt.VIII/Estt.X/1442

Government of India

Central Water Commission

24

Room No. 310(S), Sewa Bhawan

R.K. Puram, New Delhi-66

Dated : 25th September, 2002

OFFICE MEMORANDUM

Subject : Implementation of the CAT Order in OA No.283/2001
filed by Shri Swapan Biswas & Others Vs. Union of India.

In the matter of OA No.283/2001 filed by Shri Swapan Biswas and others in Guwahati Bench of CAT, it has been directed that the applicants in the said OA may be considered for promotion to the (erstwhile) post of Ferro-Printer as per law. The competent authority responsible for the implementation of the CAT order has examined the case with the position emerging as under :-

A proposal for promotion of officers to the post of Ferro-Printer in the feeder grades of Group'D' staff was considered by a Review DPC held on 29.10.98 to fill up the 7 vacancies for the period 1986-1994 under 25% promotion quota provided under the then existing recruitment rules for promotion of Group'D' staff for the post of Ferro-Printer. The said DPC considered the integrated Seniority List of 24 persons. The names of applicants, S/Shri Swapan Biswas, Gauge Reader was at Sl.No.19 of the integrated Seniority List, Rabindra Sinha, Gauge Reader was at Sl.No.13, P.R. Ghosh, Gauge Reader was at Sl.No.15, Fanindra Kumar Nath, Gauge Reader was at Sl.No.16 of the said list. However, the name of Shri Subir Dhar was not included in the integrated Seniority List of 24 persons as he was too junior. The said DPC recommended 7 senior-most, eligible and willing persons for appointment to the post of Ferro-Printer exhausting all the vacancies under 25% quota meant for Group'D' staff. Further, vide O.M. No.C-18013/4/89-Estt.X dated 30.5.1995, the post of Ferro-Printer was declared as D'man Grade-III with retrospective effect from 30.8.1986. With the declaration of the post of Ferro-Printer as D'man Grade-III, the post of Ferro-Printer ceased to exist leaving no scope for any quota for Group'D' staff for promotion to the post of Ferro-Printer from 30.5.1995. It is, thus, seen that S/Shri Swapan Biswas, Rabindra Sinha, P.R. Ghosh, Fanindra Kumar Nath applicants and Gauge Readers except Shri Subir Dhar, who was too junior to be included in the integrated Seniority List, have already been considered but they could not

P.T.O.

*Altered to be true copy
R. P. Mohan
Advocate
03/01/2003*

be promoted in the absence of vacancies under 25% quota. Therefore, no vacancy exists for promotion from Group 'D' staff to Ferro-Printer for the period 1986 to 30.5.1995 under 25% promotion quota provided under the Recruitment Rules of the post of Ferro-Printer as existed upto 30.5.1995.

The authority responsible for implementation of the CAT Order in OA No.283/01 has reviewed and reconsidered the promotion cases of the applicants as per the provisions contained in the then Recruitment Rules to the erstwhile post of Ferro-Printer. However, in the absence of vacancy none of the applicants can be promoted.

The order of the Hon'ble CAT in OA No.283/01 is thus deemed to have been implemented.

3/20/95
(ASHOK DATT)
Under Secretary
Tel.No.6103025

To

- ✓ 1. Sh. Swapan Biswas, Gauge Reader, Site No.43, CWC, PO-SBC Nagar, Belonia, Tripura(South).
2. Sh. Rabindra Sinha, Gauge Reader, Meghna Sub-Division No.II, CWC, Nayapara, Dharamanagar, Tripura (North).
3. Sh. P.R. Ghosh, Gauge Reader, Meghna Division, CWC, Link Road, Distt. Cachar, Silchar-6, Assam.
4. Sh. Fanindra Kumar Nath, Gauge Reader, Site No.53, CWC, Nutan Bazar, Tripura(North).
5. Sh. Subir Dhar, Gauge Reader, Site No.54, CWC, PO-Kailashahar, Tripura(North).

Copy forwarded to the following with the request that a copy of this OM may be delivered to all applicants and their acknowledgement may be obtained and forwarded to this Office.

1. The Superintending Engineer, Meghna Circle, Central Water Commission, "Furkan Mansion," Panchayat Road, Silchar-788004.
2. The Superintending Engineer, Planning Circle, Central Water Commission, 1065-68, Type-V, NH IV, Faridabad-121001.
3. The Executive Engineer, Meghna Division, Central Water Commission, Link Road, Silchar-788006.

Copy also forwarded to the Under Secretary(IV), Central Water Commission, Sewa Bhawan, R.K.Puram, New Delhi for information.

21st MAR 2003
IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

C.P. No.1 OF 2003
IN O.A. No.283 OF 2001

Shri Swapna Biswas & Others

Petitioners

Vs

Shri A.K. Kharya & Others

Alleged contemnor
Respondents

I, A.K. Kharya, Superintending Engineer, HOC, CWC, Guwahati holding additional charge of Meghna Circle, Central Water Commission, "Furkan Mansion", Panchayat Road, Silchar, Cachar, Assam w.e.f. 18.10.2002 alleged contemnor No.2 do hereby solemnly affirm and declare as under:

1. That the deponent is fully conversant with the facts of the O.A. No.283/2001.
2. That the deponent has gone through the contents of the contempt petition and has understood the same.
3. That the deponent has the highest regard for the majesty and authority of the Hon'ble Tribunal and he respectfully submits as follows:
 - a. That he is not the decision taking officer, but mere a channel. In fact the implementation of directions of the Hon'ble Central Administrative Tribunal is beyond his powers.
 - b. That he was not the office bearer on the date of the judgement i.e. 18.04.2002. On 18.10.2002 he was given additional charge of the Meghna Circle, which is a short gap adjustment.

In view of the submissions made herein above, the alleged contemnor respectfully prays that, the present contempt proceedings be dismissed by discharging the notice.

The statements made above are true to my information and knowledge and I have not suppressed any fact.

And I sign this affidavit on this Monday the 24.03.2003.

Identified by

Advocate 21/3/03

A.K. Kharya

DEPONENT

Solemnly affirmed and declared by the deponent Shri A.K. Kharya, being identified by A. Deb Roy before me on this 21st day of March 2003.

A.K. Kharya
Advocate

21st MAR 2003
A. Deb Roy
Sr. C. C. S. C.
C. A. T., Guwahati Bench

Arunesh Deb Ray, B.A. (Distn) LLB

Advocate, Gauhati High Court
Central Administrative Tribunal
Sr. Central Govt. Standing Counsel
Guwahati Bench, Guwahati - 781 005

Residence

Hengrabari Housing Colony
L.I.G. - 3 (Top floor)
Guwahati - 781 006
Tel : 265334(R), 221358 (C)

Ref. No.

Date.....

To,

Shri *R. Pathak*
Advocate.

**Sub: Copy to written statement in O.A M.P. reply in C.P. 1/2003
(in O.A. 283/2001)**

Sir,

Please find herewith a copy which is being filed today.

Please acknowledge receipt.

Yours Sincerely,

28/3/03

(A. Deb Roy)

Sr.C.G.S.C.

C.A.T., Guwahati Bench.

Undertake to serve copy to Shri

R. Pathak, Adm.

28/3/03

(A. Deb Roy)

Sr.C.G.S.C.

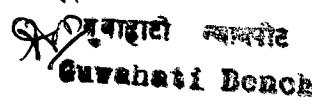
C.A.T., Guwahati Bench.

22

Central / IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

21 MAR 2003

GUWAHATI BENCH


Guwahati Bench

C. P. No. 1 OF 2003

1N O.A. No. 283 OF 2001

Shri Swapan Biswas & Others

Petitioners

Shri Kamal Kumar Jangid & others

Vs

Alleged contemnors

Respondents

Filed on 21/3/2003
4/6/3
28/3

Filed by

28/3/03
(A. DEB Roy)

Sr. C. A.
C. A. Guwahati Bench

I, Kamal Kumar Jangid, Executive Engineer, North Eastern Investigation Division No.1, Central Water Commission, Jalbikashpur, Silchar-9 holding the additional charge of Meghna Division, Central Water Commission, Link road, Silchar-6, Cachar, Assam for the period from 06-06-2002 to 11-11-2002, alleged contemnor No.3 do hereby solemnly affirm and declare as under:

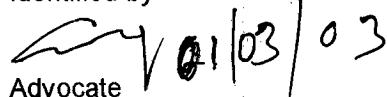
1. That the deponent is fully conversant with the facts of the O.A.No.283/2001.
2. That the deponent has gone through the contents of the contempt petition and has understood the same.
3. That the deponent has the highest regard for the majesty and authority of the Hon'ble Tribunal and he respectfully submits as follows:
 - i) That he is not the decision taking officer, but mere a channel. In fact the implementation of directions of the Hon'ble Central Administrative Tribunal is beyond his powers.
 - ii) That he was not the office bearer on the date of the judgement i.e 18-04-02. On 06-06-02 he was given additional charge of the Meghna Division which was a short gap adjustment. The same was relinquished on 12-11-02.

In view of the submissions made herein above, the alleged contemnor respectfully prays that, the present contempt proceedings be dismissed by discharging the notice.

The statements made above are true to my information and knowledge and I have not suppressed any fact.

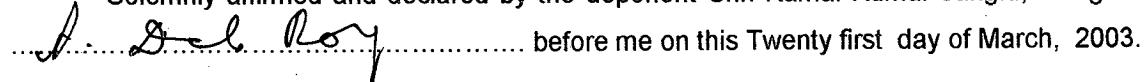
And I sign this affidavit on this, the Twenty first day of March, 2003.

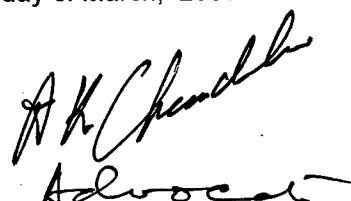
Identified by


Advocate 21/03/03


Kamal Kumar Jangid
DEPONENT

Solemnly affirmed and declared by the deponent Shri Kamal Kumar Jangid, being identified by


A. Deb Roy before me on this Twenty first day of March, 2003.


A. K. Choudhury
Advocate

Arunesh Deb Ray, B.A. (Distn) LLB

Advocate, Gauhati High Court
Central Administrative Tribunal
Sr. Central Govt. Standing Counsel
Guwahati Bench, Guwahati - 781 005

Residence

Hengrabari Housing Colony
L.I.G. - 3 (Top floor)
Guwahati - 781 006
Phone : 265334(R), 221358 (C)

Ref. No.

Date.....

To,

Shri R. Pathak
Advocate.

Sub: Copy of written statement in O.A / M.P. reply in C.P. 1/2003
(in O.A - 283/2001)

Sir,

Please find herewith a copy which is being filed today.

Please acknowledge receipt.

Yours Sincerely,

Aug 28/3/03

(A. Deb Roy)

Sr.C.G.S.C.

C.A.T., Guwahati Bench.

Undertake to serve copy to Shri R. Pathak, Adv.

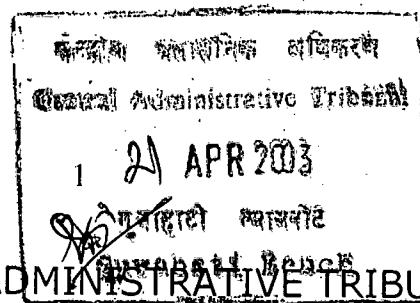
Aug 28/3/03

(A. Deb Roy)

Sr.C.G.S.C.

C.A.T., Guwahati Bench.

23



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

17/4/03
A. Deb Roy
Sr. C. I. C.
C. A. T., Guwahati Bench

CONTEMPT PETITION No:- 1/2003
In O.A. No.283 of 2001

Shri Swapan Biswas & Others ... Petitioners

Versus

Shri Ashok Datt & Others ... Alleged contemnors
Respondents

I, Ashok Datt, Under Secretary, Central Water Commission, Room No.310(South), Sewa Bhawan, R.K. Puram, New Delhi-110066 alleged contemnor No.1 and on behalf of other alleged contemnors, do hereby solemnly affirm and declare as under :-

1. That the deponent is fully conversant with facts of the O.A. No.283/2001.
2. That the deponent has gone through the contents of the Contempt Petition and has understood the same.
3. That the deponent as well as the Union of India has the highest regard for the Majesty and authority of the Hon'ble Tribunal and he respectfully submits that there is no violation much less than the willful and intentional disobedience and violation to the direction and order passed on 18.4.2002 by this Hon'ble Tribunal in the

O.A. No.283/2001. A perusal of the said judgement. order would show that the direction passed by the Hon'ble Tribunal is "to consider the case of applicants for their promotion as per law".

4. That the deponent begs to state that in compliance of the judgement and order dated 18.4.2002 the respondent considered and examined the promotion case of the applicants.
5. That the deponent respectfully submits that as per the Central Water Commission (Non-Ministerial Group'C' Posts) Recruitment Rules, 1986 (Annexure-I), amended from time to time, there existed the post of Ferro-Printer. 75% of the posts were required to be filled by Direct Recruitment and 25% by promotion from Group'D' Staff (including Gauge Readers) failing which by Direct Recruitment. On the basis of the total number of vacancies for the period from 1986 to 1994 seven vacancies worked out under 25% of the promotion quota to be filled from the feeder grade of Group'D' staff (including Gauge Readers), which were finally filled up by Review DPC held on 29.10.1998. As a result of the implementation of the CAT judgement in O.A. No.2114/89 (Annexure-II), the post of Ferro-Printer was declared as Draftsman Grade-III with a retrospective effect from 30.8.1986 vide this

Commission's O.M. No.C-18013/4/89-Estt.X, dated 30.5.1995 (Annexure-III). Thus the post of Ferro-Printer ceased to exist on 30.5.1995. Therefore, the claim, if any, of the applicants in O.A. No.283/2001, being Group'D' staff also ceased to exist on 30.5.1995.

6. Now we come to the point of relief sought by the following members of Group'D' staff (Gauge Reader applicants relating to the Hon'ble CAT judgement in O.A. No.283/2001) :-

Sl.No.	Name	Designation
1.	Shri Swapan Biswas	Gauge Reader
2.	Shri Rabindra Sinha	Gauge Reader
3.	Shri P.R. Ghosh	Gauge Reader
4.	Shri Fanindra Kumar Nath	Gauge Reader
5.	Shri Subir Dhar	Gauge Reader

The first four persons, in fact, were considered for promotion to the post of Ferro-Printer by the Review DPC held on 29.10.1998 as would be seen from the Integrated Seniority List (Annexure-IV) considered by the aforesaid DPC. The names of applicants, S/Shri Swapan Biswas, Gauge Reader was at Sl.No.19 of the Integrated Seniority List; Rabindra Sinha, Gauge Reader was at Sl.No.13; P.R. Ghosh, Gauge Reader was at Sl.No.15 and Fanindra Kumar Nath, Gauge

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Reader was at Sl.No.16 of the said list. However, the name of Shri Subir Dhar, Gauge Reader was not included in the Integrated Seniority List of 24 persons as he was too junior.

7. It is thus seen that the applicants have duly been considered for promotion. As there were only 7 vacancies under 25% fixed quota for Group'D' staff including Gauge Readers on the basis of total number of vacancies created for the period from 1986 to 1994, only 7 senior-most eligible and willing persons, out of Integrated Seniority List of 24 persons, could be promoted to the post of Ferro-Printer by the Review DPC held on 29.10.1998 covering the persons upto Sl.No.10 of the Integrated Seniority List as the vacancies were limited to 7 under 25% fixed quota. There was no possibility of covering the applicants at Sl.No.13, 15, 16 and 19 of the Integrated Seniority List. The applicant Shri Subir Dhar could not even find a place in the Integrated Seniority List as he was too junior. The post of Ferro-Printer ceased to exists w.e.f. 30.5.1995 as a result of the implementation of the Hon'ble CAT judgement in O.A. No.2114/89 declaring the post of Ferro-Printer as Draftsman Grade-III with retrospective effect from 30.8.1986, vide this Commission's O.M. No.C-18013/4/89-Estt.X, dated

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30.5.1995 (Annexure-III). The mode of recruitment under the provisions of notified Recruitment Rules (Annexure-I) for the post of Draftsman Grade-III provides for the filling up the said post 95% by Direct Recruitment and 5% by transfer not providing any quota for Group'D' staff including the Gauge Readers beyond 30.5.1995. The Recruitment Rules for Draftsman Grade-III (Annexure-V) notified last in 2002 provide only by Direct Recruitment.

8. The Hon'ble CAT in its Order dated 18.4.2002 (Annexure-I of the Contempt Petition No.1/2003) in O.A. No.283/2001 directed that the applicants may be considered for promotion to the post of Ferro-Printer as per law.
9. As a matter of the implementation of the order of the Hon'ble Tribunal in O.A. No.283/2001 the authority competent to consider the promotion cases in this case, examined and reviewed the already considered cases. However, in the absence of any additional vacancies during the specified period under promotion quota, no scope was available for the competent authority to promote the applicants to the erstwhile promotion post of Ferro-Printer. The fact of consideration of the applicants was conveyed to all the applicants in O.A. No.283/2001 by a speaking O.M.

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No.C-18014/1/2001-Estt.VIII/Estt.X dated 25.9.2002
(Annexure-3 of Contempt Petition No.1/2003).

REPLY ON MERIT

Para-1 : In reply to Para-I it is stated that the applicants (except the applicant Shri Subir Dhar who did not come under the zone of consideration being very junior) had already been considered for promotion to the erstwhile post of Ferro-Printer by the Review DPC held on 29.10.1998. As there were only seven vacancies for the period 1986-1994 under 25% fixed quota for Group'D' staff including Gauge Reader only 7 senior-most eligible and willing persons out of integrated seniority list of 24 persons could be promoted to the erstwhile post of Ferro-Printer by the Review DPC covering the persons upto Sl.No.10 of the integrated seniority list. The applicants who were at Sl.No.13, 15, 16 & 19 of the integrated seniority list could not be promoted due to the limited and fixed number of only 7 vacancies under 25% quota. As per the direction of the Hon'ble CAT in O.A. No.283/2001 the Appointing Authority again reviewed and reconsidered the applicants for promotion to the post of Ferro-Printer as per law

but they could not be promoted to the post of Ferro-Printer due to non-availability of additional posts under the promotion quota. The applicants have been informed vide O.M. No.C-18014/1/2001-Estt.VIII/ Estt.X dated 25.9.2002 (Annexure-3 of the Contempt Petition No.1/2003) issued by the Respondent No.1, explaining therein the facts of reconsideration for promotion to the erstwhile post of Ferro-Printer.

Para-2 : In reply to Para-2 of the Contempt Petition it is stated that the applicants were considered for promotion to the erstwhile post of Ferro-Printer as directed by the Hon'ble CAT in O.A. No.283/2001 and the outcome was conveyed to the applicants vide O.M. No.C-18014/1/2001-Estt.VIII/ Estt.X dated 25.9.2002 (Annexure-3 of the Contempt Petition No.1/2003) issued by the Respondent No.1.

Para-3 : In reply to Para-3, it is stated that it is wrong and denied that no action was taken on the representation submitted by Shri Swapan Biswas. As stated above the applicants were considered for promotion to the erstwhile post of Ferro-Printer and while intimating to the applicants the outcome of such consideration vide O.M. No.C-.

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18014/1/2001-Estt.VIII/ Estt.X dated 25.9.2002
(Annexure-3 of the Contempt Petition No.1/2003).
issued by the Respondent No.1, the representation
submitted by the Petitioner No.1 of the Contempt
Petition was also taken into consideration.

Para-4 : In reply to Para-4, it is stated that all the
applicants have already been considered for
promotion to the post of Ferro-Printer prior to the
expiry of three months as per directions of Hon'ble
CAT in O.A. No.283/2001.

Para-5 : The averment made by the applicants is denied to
the extent that the applicants have not been
considered for promotion. As per direction of
Hon'ble Tribunal in O.A. No.283/2001 the case of
applicants have been considered but due to non-
availability of vacancies under the 25% quota the
applicants could not be promoted. It is submitted
in this connection, that the Recruitment Rules are
statutory in nature providing 25% fixed quota for
the category to which the applicants belong. The
reconsideration yielded no result in absence of
even a single vacancy hence no contempt has
been committed in the implementation of the
order of the Hon'ble CAT.

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Para-6 : The respondent acted upon the direction of the Hon'ble CAT in O.A. No.283/2001 and as per the direction of the Hon'ble CAT the applicants were considered for promotion to the erstwhile post of Ferro-Printer and the position was intimated to the applicants vide O.M. No.C-18014/1/2001-Estt.VIII/Estt.X dated 25.9.2002 (Annexure-3 of the Contempt Petition No.1/2003) issued by the Respondent No.1, hence no contempt has been made.

Para-7 : In reply to Para-7 of the Contempt Petition, it is stated that the direction of Hon'ble CAT have been complied with and after reconsidering the matter, the position has been intimated to the applicants. Therefore, the Contempt Petition No.1/2003 is liable to be dismissed with costs.

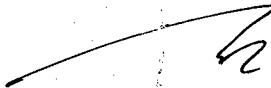
In view of the submissions made herein above, the alleged contemnor respectfully prays that, the present contempt proceedings be dismissed by discharging the notice.

The statements made above are true to my information and knowledge and I have not suppressed any fact.

32
And I sign this affidavit on this _____ day of
2003.

Identified by

Advocate


DEPONENT
(ASHOK DATT)
Under Secretary
Central Water Commission
New Delhi

Solemnly affirmed and declared by the deponent
Shri Ashok Datt, being identified by _____ before
me on this _____ day of _____ 2003.

Alexander
Agent, D.S.A.
H.C. P-11 DTE, C.W.C.
Room No. 667, Sewa Bhavan,
R. L. Puram, New Delhi-110066

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

THE GAZETTE OF INDIA

प्रान्तिकार द्वारा प्रकाशित
PUBLISHED BY AUTHORITY

पं. 35] नार्द विस्ती, शतिवार, मार्गस्त्र २००, १९८६/पार ४, १९८६

प. 35] नई विस्ती, गणिकार, भाग्य ३०, १९८६/भाद्र ८, १९०८
No. 35] NEW DELHI, SATURDAY, AUGUST 30, 1986/BHADRA 8, 1908

इस भाग से भिन्न पृष्ठ संख्या वाली है जिससे कि प्रत्येक पृष्ठ अपना संख्यन के रूप में
रखा जा सके

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

भाग II—भाग ३—पृष्ठ-वर्ग (१)
PART II—Section 3—Sub-section (1)

प्रथम पंचासय

२५ दिसम्बर, २० अक्टूबर, १९८८

सा.का.नि. ४६०.—राष्ट्रपति, संघीयान के भ्रम्भेय ३०९ के परामुख द्वारा प्रत तातियों का प्रशोग करते हुए, उत्तेजित विदेशना और विकास अनुष्ठान के लिए निपत्ति, १९७३ में और संशोधन करने के लिए गिर्वालिकात निपत्ति बनाते हैं, मर्यादा।—

- (1) इस भिप्पी का नाम बुलिरा गवेषणा और विद्याप्रयोग (उप नियोग) भर्ती (नियोगी) नियम, 1888 है।
 (2) ये राखपद्धति में संकलनात्मक की तारीख योग्य नहीं होती।
- पुलिस गवेषणा और विद्याप्रयोग (उप नियोग) भर्ती नियम, 1873 में विद्याप्रयोगपूर्वी के इकान पर नियमित्वा व सुनियोगी रखी जाएंगे।

अपांतः । ००

માનુષી

पद का नाम	पदों की संख्या	विवरण	वे तत्त्वात्	पदन पद	तीव्र भर्ती किए जाने वाले प्रयत्न	सरा म जाइ गए वयों का कार्यक्रम केंद्रीय सिविल सेवा (पेशन) नियम 1872 के नियम 30 के अधीन प्रत्येक है या नहीं
सारानिदेशक	3*	माध्यारथ केंद्रीय सेवा,	(1) मार्गीय पुस्तिस सेवा	पदन	मामूली हाल	मामूली होता

1	2	3	4	5	6
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परिवर्तन
किया जा
सकता है।

सीधा पानी ही।
टिप्पणी : आपुरीमा भवपारित
पाने के लिए नियन्त्रिक तारीख,
मार्ग के 'माध्यमियों' के
(चन्द्रमि जो प्रदानमान भौति
नियोगार्थीप्रति संपादनीय
में है) भवितव्य प्राप्त करने के
लिए नियत ही गई अनियंत्रित
तारीख होगी।

टिप्पणी : दोबार कार्यालय है।
माध्यमियों की पाने वाली
नियुक्ति ही इस में आपुरीमा
भवपारित करने के लिए
नियन्त्रिक तारीख वह अनियंत्रित
तारीख होगी जिस तक दोबार
कार्यालय से नाम में भवने के लिए
कार्यालय होगा है।

(1) किसी माध्यताप्राप्त विश्वविद्यालय/वीड से
नियुक्ति मिशन या समतुल्य।
(2) किसी माध्यताप्राप्त संस्थान से नियानीमी
में 2 वर्ष से अधिक का प्रमाणपत्र होना
चाहिए।

(1) 95 प्रतिशत, ग्रीष्मीय भर्ती दाय
(2) 5 प्रतिशत, फेरोग्रुक्ट में से
भवानवरण,

विभागीय परीक्षा उत्तीर्ण करने के
भीतर रहते हुए, देश के रोग्रुक्ट, जिसने
उस क्लेणी में कम से कम 3 वर्ष नियमित
देश की है।

(सीधे भर्ती किए जाने वाले व्यक्तियों की पुस्ति
के संबंध में मिचाइ करने के लिए)

लागू नहीं होता।

नमूना "ग" विभागीय प्रोत्तिवालियों :

1. नियोग (प्राप्तागत)/गवर्नर, केन्द्रीय जल
भवानवरण-भवानवरण,
2. नियोग, केन्द्रीय जल भवानवरण (जिसे
महारोजित किया जाएगा) — गवर्नर;
3. भवानवरण, केन्द्रीय जल भवानवरण-भवानवरण।

[प्र. 72/86-एफ. 13/4/84-स्का.-II]

भार.सी. गर्म, देश क्षमितारी

MINISTRY OF WATER RESOURCES

New Delhi, the 6th August, 1986

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

(1) These rules may be called the Central Water Commission, Non-Ministerial (Group 'C') post Amendment) Recruitment Rules, 1986.

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

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

Items 6, 19, 23 and 24, relating to the posts of Senior
Draftsman/Estimator, Junior Draftsman, Ferro-Painter, and
Tracer, respectively, and the entries relating thereto, 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 738/79/Ministry of Irrigation, Notification number 39/8/79-Estt. I dated 6th August, 1982 and were amended vide Ministry of Irrigation Notification number 41/84-39/10/82-Estt. I dated 10th June, 1984 published in the Gazette of India under the GSR Number 668 on 30th June, 1984, at page number 188.

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[Part II, para 3(1)(ii)]

प्राविष्ठा दिनांक: मार्च 30, 1980/मार्च 8, 1980

SCHEDULE

Name of post	No. of posts	Classification	Scale of pay	Whether 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
6. Draftsman Grade I (1986)	279*	General Central Service Group, 'C' Non-Gazetted Non-Ministerial	Rs.425-15-500-EB-13-560-20-700 and Rs.330-10-380-EB-12-500-EB-15-560. (Two pay-scales as per recommendation of 3rd Pay Commission).	Non-Selection.	Not applicable.	No	Not applicable.
Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotion.	Period of probation, if any.	Method of recruit. Whether by direct recruit, or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods.	In case of recruit 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.		
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 consists 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.		
19. Draftsman Grade II (1986)	323*	General Central Service Group 'C' Non-Gazetted Non-Ministerial	Rs.330-10-380-EB-12-500-EB-15-560.	Non-Selection.	18 to 25 years, (Relaxable upto 35 years in the case of Government servants in accordance with the instructions issued by the Central Government). Note 1: The crucial date for determining the age limit shall be the closing date for receipt	No.	Essential (i) Matriculation or equivalent from a recognised University/Board. (ii) Diploma/National Trade Certificate in Draftsmanship (Civil/Mech.) from a recognised Institute.
Subject to variation dependent on work load.							

of applications from the 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 limit shall be the last date upto which the Employment Exchange was asked to submit the names.

8	9	10	11	12	13
No.	2 years (for direct recruit- ment only)	100% by promotion from Draftsman Grade III failing which by direct recruitment:	Draftsman Grade III Group 'C' Departmental having Diploma/Certifi- cate of Draftsmanship or equivalent from a recognised Institute/ Board and should have rendered not less than 3 years of regular ser- vice in the Grade OR Draftsman Grade III not possessing Diploma/ Certificate in Drafts- manship or equivalent shall be eligible for appearing in Depart- mental Examination after rendering 3 years service in the Grade. Those who pass the examination will be eli- gible 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 appointed) —Member. 3. Under Secretary, Central Water Commission —Member.	Not applicable.

2	3	4	5	6	6(a)	7
23. Porro Printers (1986)	37* General Central Services Group 'C' Non-Centred Non-Ministerial subject to variation dependent on workload.	Rs.260-8- 300-EB-8- 340-10-380- EP-10-430-	Non- Selection.	18—25 years. (Relaxable upto 35 years in the case of Govern- ment servant in accor- dance with the instruc- tions issued by the Central Government) Note 1: The crucial date for determining the age limit shall be the closing date for receipt of appli- cations from the can- didates in India (other than those in the Andra- man and Nicobar Is- lands and Lakshadweep).	No Essential : 1. Matriculation or equivalent from a recognised Univer- sity/Board. 2. Two years experience of operating porro machines. Preferable: Persons qualified from a recognised Institute.	

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

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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 'C' Departmental 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 standards 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 proposed) —Member. Under Secretary, Central Water Commission —Member.	Not applicable.

1	2	3	4	5	6	6a	7
24. Drafter 2717 General Central Grade III. (1986) Service	Rs. 260.8/- Non-Gazetted	Non-Ministerial	18-25 years. (Flexible upto 35 years)	No. 1 In the case of Government servant in accordance with the instructions issued by the Central 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).	(i) Matriculation or equivalent from a recognised University/Board. (ii) Should possess certificate of Diploma Draftsmanship from a recognised institute of not less than 2 years duration.	

Subject to variation
dependent on work load.

No.	9	10	11	12	13
2 years.	(i) By direct recruitment—93%. (ii) By transfer from Ferto Printer—5%.	Ferto Printer with a minimum of 5 year's regular service in the grade subject to passing of the Departmental Examination.	Ferto 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. T/86/P.13/14/84-Estt. I]
R. C. SHARMA, Desk Officer

नई दिल्ली, 14 अगस्त, 1986

पा. का. नं. 683—राज्यपति, राजियन के अनुच्छेद 309 के प्रत्यक्ष विवरणों का प्रयोग करते हुए केन्द्रीय पुस्तकालय, सामग्री संग्रहालय, नई दिल्ली (समूह क) पद, पर्याप्त नियम, 1983 का प्रारंभिक करने के लिए निम्नलिखित नियम बनाते हैं, प्रयत्न—

1. (1) इन नियमों का प्रारंभ केन्द्रीय पुस्तकालय, सामग्री संग्रहालय, नई दिल्ली (समूह क) प्रबन्ध वर्गीकरण (संग्रहालय) नियम, 1983 है।

(2) वे एजेंसी में प्रकाशन की तारीख की प्रवृत्त होने 2. केन्द्रीय पुस्तकालय, सामग्री संग्रहालय, नई दिल्ली (समूह क) पर्याप्त नियम, 1983 की समुद्रतीर्थी में।

(1) व्येष्ट प्रबन्धालय संचालकी के पद से संबंधित इन संघर्ष प्रविधि इसी आएगी, प्रवृत्ति—
1986.

(1986)

*कार्यालय के भागीर पर प्रविधि किया जा रहा है।
(अ) संघर्ष 8 के लिए प्रविधि के रूपान पर निम्नलिखित प्रविधि इसी आएगी, प्रवृत्ति—

प्राप्ति 1. नई दिल्ली के लिए विवरण

(II) प्रबन्धालय संचालकी के पद से संबंधित नम. 1 के सामने

(अ) संघर्ष 8 के लिए प्रविधि के रूपान पर निम्नलिखित प्रविधि इसी आएगी, प्रवृत्ति—
31*

(1986)

30—प्रविधि

प्रविधि

(अ) संघर्ष 31 में पर्याप्त दूसरे तीसरे अधिकारी, तथा दूसरे अधिकारी के दोष उनका वितरण सामग्रीकालय की भागीर में रखते हुए विवरण वर्ग प्रविधि के लिए दी गयी

(अ) संघर्ष 30 के लिए प्रविधि में 30 पर्याप्त दूसरे अधिकारी के रूपान पर निम्नलिखित प्रविधि इसी आएगी, प्रवृत्ति—
“दोष दोष”

(ग) संघर्ष 8 के लिए प्रविधि के रूपान पर निम्नलिखित प्रविधि के रूपान पर निम्नलिखित प्रविधि इसी आएगी, प्रवृत्ति—
प्राप्ति : नहीं।

विवरण महत्वातः नहीं, किस्त, समाप्ति, किसी मान्यताप्राप्त विश्वविद्यालय से कम से कम (विवाह) में कोई विद्या या इंसीलिंग में कोई दिप्सोमा या दम्भुत्य घटाई होनी चाहिए

[सं. 6/86/का. व. 2(5)/84-6-II]
वी. क. सायु, प्रबन्ध पर्याप्त नियम, प्रारंभ के संघर्ष में लाभान्विति 1984 तारीख 1 अगस्त 1983 को समाप्ति किया गए थे। वे नियम सांकेतिक तारीख 23-1-93 द्वारा संशोधित किए गए हैं।

New Delhi, the 14th August, 1986.

C.S.R. 683—In exercise of the powers conferred by II proviso to 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 their 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

(2) 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 :

“Ago”

No.

Educational Qualification :—

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

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

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(1986)

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**Central Administrative Tribunal
Principal Bench - New Delhi.**

ANNEXURE II

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Nov. Oosthi.

Oct. 27 / 6 / 194

From:

The Registrar,
Central Admin. Tribunal,
Principal Bench,
New Delhi.

To,

Dr. S. H. Shantz. - The following characters of the *Peristomias* are

Shri. Vinayak Chandra Patel 805

Shri K. L. Bhambhani, Counsel for Respondents
B-6/6, Superior法院, New Delhi

103. Name of each individual applicant(s) OR No.: 2016/189

VENTURE

Unsatisfied with their present job Respondents

Sir,

I am directed to forward herewith a copy of order/judgment dt. 18/9/07 passed by this tribunal in the above mentioned case for information and necessary action, if any.

Please acknowledge the receipt.

Received on 13/6/19

Yours faithfully

(SECTION OFFICER D-1)
FOR REGISTRATION.

Accepted subject to the terms of the loan

Advocacy

. Cleop

Chloro

OA No. 2114/89

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(18)

New Delhi this the 10th day of May, 1994.

Sh. M.V. Krishnan, Vice-Chairman (A)
Smt. Lakshmi Swaminathan, Member (C)

1. Dinesh Chandra Dubral
S/o Shri S.H. Dubral
R/o Sector XII/954, R.K. Puram
New Delhi
2. Daulat Ram
S/o Shri Sumor Singh
R/o 126, Masjid Mohd
New Delhi
3. Ishwar Das
S/o Late Shri Jagat Ram
R/o D-870, Netaji Nagar
New Delhi
4. Kartar Chand
S/o Shri Ragha Ram
B/o Executive Engineer & Bursar
Div. CMC Patal Bhanj, Canal Road
Talab Tilloo- Jammu (J&K)
5. Chanshyam Singh
S/o Shri Sugan Singh
R/o A-212, Minto Road
New Delhi
6. J.P. Sharma
S/o Shri Indrajit Sharma
R/o Village Marlyana
P.O. Fatehpur Billoch
Faridabad

----- Applicants

(By Advocate Sh. S.K. Bisaria)

Versus

1. Union of India
through
Secretary
Ministry of Water Resources
Shram Shakti Bhawan
New Delhi
2. Chairman
Central Water Commission
Seva Bhawan
R.K. Puram
New Delhi

----- Respondents

(By Advocate Sh. P.L. Bhambhani)

ORDER (ORAL)

Mr. M.V. Krishnan:-

The applicants who are Ferro Printers in the
Central Water Commission (CWC) are aggrieved by the

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discriminatory treatment meted out to them as compared to Tracers in the department, while amending the recruitment rules in 1986.

2. It is stated that the applicants who are all Ferro Printers had the same grade of pay, i.e., Rs.260-430 as the other group of persons called the Tracers. Both the Ferro Printers and Tracers were eligible for promotion to the next higher grade of Junior Draftsman in the pay scale of Rs.330-560 in accordance with the recruitment rules of 1982, extracts from the schedule to which have been reproduced at Annexure-2. These rules provided that the posts of Junior Draftsman would be filled up by direct recruitment to the extent of 25%. The remaining 75% would be filled up by transfer failing which by promotion. The transfer was restricted to Ferro Printers in other establishments. In so far as promotion is concerned, both Ferro Printers and Tracers were treated on par and made eligible for promotion subject to fulfilling the eligibility conditions.

3. While no departmental examination for promotion of Tracers and Ferro Printers to the grade of Junior Draftsman was held on 10th and 11th December, 1983, the results were announced on 16.1.84 (Annexure-1). The enclosure thereto has been produced by the applicants which shows the names of all the six applicants before us alongwith the names of others who are Tracers. It is stated that none of the applicants have been promoted as Junior Draftsman.

4. In the meanwhile, the recruitment rules were amended by the notification dated 6.8.82

(Annexure-2). By the amended entries in the schedule relating to recruitment to the posts of Senior Draftsman, Junior Draftsman and Tracer were substituted. The posts were referred to, after amendment, as Draftsman Grade I, Draftsman Grade II and Draftsman Grade III. Two other changes were made. Firstly, the lowest grade of Draftsman, designated as Draftsman Grade-III in the pay scale of Rs.260-430, is to be filled up by direct recruitment to the extent of 95% and the remaining 5% is, strangely enough, to be filled up by transfer of Ferro Printers. The respondents have not filed any copy of the amended rules. It thus appears that the remaining 5% vacancies will be filled up by transfer of Ferro Printers from establishments outside the C.W.C., where the applicants were working. Secondly, there is no mention in these amended rules to the Tracers at all. The reason is that, by a separate order dated 26.9.86 (also Annexure-2), the respondents have re-designated the posts of Senior Draftsman, Junior Draftsman, and Tracer respectively as Draftsman Grade I, Draftsman Grade II and Draftsman Grade III. The learned counsel for the respondents submits that the applicants are entitled to be promoted to 5% of the posts of Draftsman Grade-III.

5. The revised pay scale corresponding to the pay scale Rs.260-430, which applies both to Ferro Printers and Tracers, is Rs.975-1540 from 1.1.86. The pay scale of Tracers, redesignated as Draftsman Grade-III, has been upgraded by a separate order to Rs.1200-2040 from 9.11.87. The Draftsman Grade-III are, according to the recruitment rules, eligible for promotion as Draftsman Grade-II. The result is that while all the erstwhile Tracers automatically

become eligible for promotion as Draftsman, under the Ferro Printers (i.e., the applicants) will first have to be promoted as Draftsman Grade-III to 5% of the posts and thereafter seek promotion to the next grade of Draftsman Grade-II.

6. The applicants further complain that 81 persons have been promoted to the next grade from 29.9.87 (i.e., Draftsman Grade III) but none from the category of Ferro Printers was promoted.

7. It is in the light of this discriminatory treatment that the applicants have sought a declaration that they stand promoted as Draftsman Grade-II w.e.f. 29.9.87, (i.e., the date on which persons junior to them working as Tracers have been promoted to that grade) with all consequential benefits and also to declare that the recruitment rules (Annexure A-2) relating to promotion to the posts of Draftsman Grade-III and Grade-II are illegal.

8. The respondents have filed a reply contending that the O.A. is barred by limitation inasmuch as the recruitment rules had already come into force in 1986 and the O.A. was filed only on 16.10.89. It is also contended that in terms of the recruitment rules notified on 6.8.86 (Annexure A-2), the applicants are not entitled for direct promotion as Draftsman Grade-II. The respondents further state that the posts of Tracer, Junior Draftsman and Senior Draftsman which existed earlier, were redesignated as Draftsman Grade-III, Draftsman Grade-II, and Draftsman Grade-I respectively. They, however, do not explain why, in this redesignation, they have left out the Ferro Printers, who claim that until the recruitment rules were

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recommended in 1986, they were not pari with the Tracers. The respondents further state that the question of considering promotion from 20.9.87 does not arise because the applicants are not eligible for such promotion.

9. The applicants have made a specific averment in para 4(g) of the O.A. that vacancies (i.e. of Junior Draftsman) existed in 1986 before the amendment of the recruitment rules and as such, they are entitled to be promoted as Junior Draftsman in accordance with the unamended rules. To this the respondents have not given any specific reply.

10. We have heard the learned counsel for the parties. The learned counsel for the applicants submitted that no reason has been assigned as to why the Ferro Printers have been left out of consideration while granting benefits to Tracers only. He relied on the judgement of the Supreme Court in Y.P. Rangiah and Others v. Srinivas Rao & Others - AIR 1983 (3) SCC 284.

11. The learned counsel for the respondents merely reiterated what has been mentioned in the reply. He produced for our perusal an office memorandum of the Ministry of Finance dated 13.3.84. This refers to the revised scales of pay allowed to the Draftsman Grade-I, Grade-II and Grade-III in the C.P.W.D. on the basis of an award of the Board of Arbitration. It commutes the decision of the Government of India that the revised grades may also be allowed to Draftsman Grade-III, Grade-II and Grade-I in all offices of the Government of India, subject to the fulfilment of the conditions mentioned therein. The learned counsel further stated that the respondents have not violated the Constitution and that

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posts in the department were redesignated because of this O.M. He was, however, unable to explain why the Tracers only were designated as Draftsman Grade-III and not the Ferro Printers. He submitted that the duties of these two categories of persons are different and hence the distinction.

12. We have carefully considered the rival contentions and perused the records. There is no dispute that according to the 1982 recruitment rules, the Ferro Printers were placed on par with the Tracers in the matter of promotion to the next higher grade of junior Draftsman vide the schedule at Annexure-1. In the circumstances, that parity ought to have continued even if the recruitment rules were amended unless the respondents could cite some basic difference on the basis of which the distinction was made. By a mere declaration made on 26.9.86 (Annexure A-2) Tracers as a group were redesignated as Draftsman Grade-III and Ferro Printers have been left high Grade-III and Ferro Printers have been left high and dry or at best made eligible to 5% of the posts of Draftsman Grade-III. No reasons whatsoever have been given either in the reply or in any other annexure as to why Ferro Printers have been deliberately discriminated. Though until the recruitment rules were amended on 6.8.86, these two categories were on par with each other.

13. We also notice another anomaly in the amended Annexure-2 recruitment rules. The schedule provides that the Draftsman Grade-III in the Grade of Rs.260/- will be filled up to the extent of 5% by transfer of Ferro Printers. The respondents have not questioned

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the corrections of the Annexure A-2 produced by the applicants. It is clear that only outsider from Printers can be taken on transfer. The learned counsel for the respondents suggests that this should be treated in reference to the promotion of the Ferro Printers of the C.W.C. who are already on the pay scale of Rs.260-430. If we have to accept this contention, it would lead to the absurd situation that the persons in the pay scale of Rs.260-430 are to be promoted in the same grade. It appears to us that if the recruitment rules as produced by the applicants are read properly, no provision whatsoever has been made for the promotion of Ferro Printers.

14. In either case, we are unable to understand why this discrimination had been made. We are, therefore, satisfied that this decision is arbitrary and is violative of Article 14 of the Constitution of India.

15. In the circumstances, we dispose of this O.A. with the following directions/orders:-

- I) We declare that the schedule as substituted by the Central Water Commission Non-Ministerial (Group 'C') posts (Amendment) Recruitment Rules, 1986 (Annexure 2) in so far as it relates to the posts of Draftsman Grade-III, does not provide that 5% of the posts are to be filled by promotion from Ferro Printers in the C.W.C.
- II) We further declare that the order dated 26.9.1986 (Annexure 2), in so far as it ~~removes~~ removes the posts of Tracer only as draftsman Grade-III is discriminatory and violative of Article 14 of the Constitution and that

-8-

The validity can be maintained only by reading it down to indicate the posts of Ferro Printers also, along with Tracers and accordingly we declare that Ferro Printers are to be treated as Draftsman Grade-III from 30.8.86, along with Tracers.

- iii) In the light of the above declaration the applicants are entitled to get the upgraded pay scale made applicable to the Tracers from the same date.
- iv) The applicants shall be considered for promotion to the posts of Draftsman Grade-II in the light of this order.
- v) The respondents shall consider applying these orders to all Ferro Printers instead of restricting it to the applicants before us.

16. The O.A. is allowed with the aforesaid directions. No costs.

(Smt. Lakshmi Swaminathan)
Member(J)

(H.V. Krishnan)
Vice-Chairman (A)

Ganjul

1/1/1/1/1/1/

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22 (Issue)

ANNEXURE - III

26

6 (13)
232

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.

Hon'ble

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-E.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)-IC/91 dated 19th October, 1994.

Dr. G. D. Chopra
(J.L. CHUCH)
Under Secretary (M)
Tele: 604068

Copy to :-

1. MOWR, 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

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ANNEXURE IV

Annexure-A

Integrated Seniority List of eligible Group 'D' employees working in Central Water Commission for consideration by Review DPC for promotion in the grade of F/Printer (now D'man Grade-III) against backlog vacancies as on 25.3.94

Name S/Shri	Designation	Educational Qualification	Pay Scale	Date of birth	Date since when working in the present grade	REMARKS
2.	3.	4.	5.	6.	7.	8.
1. T.E. Thomas	Gauge Reader-I	SSLC Passed	Rs.775-12-371- EB-14-1023/-	18.5.36	15.7.68	Not willing
2. Satya Ranjan Deb	Gauge Reader-I	HSLC	- do -	7.3.47	23.7.68	
3. H.N. Singh	Daftary	Xth	Rs.775-12-371- EB-14-1023/-	5.1.36	1.8.76	Not willing CP
4. Debasish Dutta	Gauge Reader-I	HSLCE	Rs.775-12-371- EB-14-1023/-	1.11.55	7.8.78	
5. Gaur Mohan Barman(ST)	Gauge Reader-I	HSLCE	- do -	23.5.56	11.5.79	
6. Sukhari Ram	Gauge Reader-I	B.A.II	- do -	2.2.55	23.10.83	
7. S.R. Paul	Gauge Reader-I	HSSLC	- do -	17.8.57	28.10.83	
8. Tapash Kr. Ghosh	Gauge Reader-I	HS	- do -	17.5.56	8.11.83	
9. Gagan Singh	Gauge Reader-I	HS	- do -	1.4.59	8.11.83	
10. Anandi Chaudhary (SC)	Gauge Reader-I	ISC	- do -	9.1.54	5.12.83	
11. P.C. Chakraborty	Gauge Reader-I	HSLC	- do -	30.10.55	18.4.84	

contd. p/2

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- 2 -

(1)

Name S/Shri	Designation	Educational Qualification	Pay Scale	Date of birth	Date since when working in the present grade	REMARKS
2.	3.	4.	5.	6.	7.	8.
1. S.K. Dass	Gauge Reader-I	HSLC	Rs. 775-12-871- EB-14-1025/-	25.11.56	13.4.84	
2. Ravindra Sinha	Gauge Reader-I	B.A.	- do -	25.3.58	24.4.84	
3. Sajal Chakraborty	Gauge Reader-I	XI	- do -	15.8.64	1.5.84	
4. P.R. Ghosh Adhikari	Gauge Reader-I	HSLC	- do -	1.1.60	4.5.84	
5. F.R. Nath	Gauge Reader-I	Matric	- do -	13.3.51	7.5.84	
6. Sujit Chakraborty	Gauge Reader-I	XI	- do -	9.9.53	7.5.84	
7. Dilip Das	Gauge Reader-I	HSLC	- do -	26.2.58	11.5.84	
8. Swapna Biswas (SC)	Gauge Reader-I	B.Com. Fail	- do -	6.2.60	14.5.84	
9. Prasad Sen	Gauge Reader-I	HSLC	- do -	30.8.60	14.5.84	
10. Pradeep Bhattacharjee	Gauge Reader-I	HSLC	- do -	30.8.58	16.5.84	
11. Harendra Ch. Das	Gauge Reader-I	HSLC	- do -	10.12.54	18.5.84	
12. Upendra Acharjee	Gauge Reader-I	HSLC	- do -	3.6.61	24.5.84	
13. Samir Bhattacharjee	Gauge Reader-I	Xth	- do -	15.3.62	24.5.84	

जल संसाधन भवाना

नई दिल्ली, १६ पर्य, 2002

ग्रामानि २१७.—गांधीजी, गंगिधान के अनुच्छेद ३०९ के पायनुक द्वारा प्रदत्त शिल्पों का प्रयोग करने हुए ओर (1) केन्द्रीय जल आयोग (अननुसंचितीय समूह 'ग' पद) भर्ती नियम, 1982 जहां तक उनका संबंध कनिष्ठ इंजीनियर (सिविल पैकेजिंग), नरशागवीस श्रेणी-II, नरशागवीस श्रेणी-III और सर्वेक्षक के पदों से है, और (2) केन्द्रीय जल आयोग वायरलेस मैकेनिक और वायरलेस प्रगतालक (समूह 'ग' पद) भर्ती नियम, 1995 की उन बातों के सिवाए अधिकांश करते हुए, जिन्हे ऐसे अधिकारण से पहले किया गया है या करने में शोध किया गया है, केन्द्रीय जल आयोग के अननुसंचितीय समूह 'ग' पद (इंजीनियरी सविसेज) के पदों पर भर्ती की पद्धति का विविधान करने के लिए निम्ननिम्नित नियम बनाने हैं, यथांत् :—

१. संक्षिप्त नाम ओर प्रारंभ :—(1) इन विधियों का संक्षिप्त नाम केन्द्रीय जल आयोग अननुसंचितीय समूह 'ग' पद (इंजीनियरी सविसेज) भर्ती नियम, 2002 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगे।

२. पद-संबंध, वर्गीकरण और वेतनमान :—उक्त पदों की संलग्ना, उक्त वर्गीकरण और उनके वेतनमान ये हैं, जो इन विधियों से उपायद अनुसूची के स्तंभ २ से स्तंभ ५ में विविदिष्ट हैं।

३. भर्ती की पद्धति, प्राप्ति-सीमा और अन्य अहंताएँ :—उक्त पदों पर भर्ती की पद्धति, प्राप्ति-सीमा, अहंताएँ और उनसे संबंधित अन्य बातें ये होगी जो उक्त अनुसूची के स्तंभ ५ से स्तंभ १४ में विविदिष्ट हैं।

४. नियमित :—वह व्यक्ति—

(क) जिसमें ऐसे व्यक्ति थे जिनका पति या जिसकी पत्नी जीवित है, विवाह किया है, या

(ख) जिसने अपने पति या अपनी पत्नी के जीवित रहते हुए किसी व्यक्ति में विवाह किया है।

उनके पदों पर नियुक्ति का पाव नहीं होगा।

परन्तु यदि केन्द्रीय सरकार का समाधान ही जाता है कि ऐसा विवाह ऐसे व्यक्ति और विवाह के अन्य पक्षकार को अनुसूचीय विधि के अधीन अनुज्ञा है और ऐसा करने के लिए अन्य आधार हैं तो वह किसी व्यक्ति को विवाह किया है। इस विविधान के प्रवर्तन में छुट दें सकेगी।

५. शिक्षित करने की शर्ति :—जहां केन्द्रीय सरकार की यह राय है कि ऐसा करना आवश्यक या अनिवार्य है, वहां यह उम्मेद लिए जो कारण है उन्हें लेखांशु करने वाले इन विधियों के किसी उपर्युक्त को किसी वर्ग में प्रवर्ग के व्यक्तियों की जावत, प्रारंभिक जगतानियों, अन्य पिछले वर्गी अनुसूचीय विधियों और अन्य विशेष प्रवर्ग के जातियों के लिए उपर्युक्त करना आवश्यक है।

६. व्यापूर्ति :—इन विधियों की कोई बात, ऐसे आरक्षण, प्राप्ति-सीमा में छूट योर प्रत्य विधियों पर प्रभाव नहीं आवेदी, जिनका केन्द्रीय सरकार द्वारा इस गंवंध में सम्पूर्ण-प्राप्ति पर नियमित या ग्रामीण अनुसूचित जातियों, अनुसूचित जातियों, अन्य पिछले वर्गी अनुसूचीय विधियों और अन्य विशेष प्रवर्ग के जातियों के लिए उपर्युक्त करना आवश्यक है।

ग्रन्ति

पद का नाम	पदों की संख्या	वर्गीकरण	वेतनमान
१	२	३	४
१. कनिष्ठ इंजीनियर (सिविल और मैकेनिकल)	६८१* (2002)	ग्रामारण केन्द्रीय सेवा, समूह 'ग' अनुसूचित अनुसंचितीय विधियों की विवाह करने वाला है।	५०००-१५०-८००० रु.

में लिए जाने के लिए विहित अर्हताएं दिएः जहाँ ऐसे कनिष्ठ ध्यक्तियों के संबंध में जिन्होंने ग्रामी अर्हक/पावता सेवा पूरी कर ली है प्रोन्नति के लिए विचार किया जा रहा है जहाँ उन्नें ज्येष्ठ ध्यक्तियों के संबंध में भी विचार किया जाएगा परन्तु यह तब जब कि उसके द्वारा की गई ऐसी अर्हक/पावता सेवा, प्रोन्नति अर्हक/पावता सेवा के आधे से अधिक से या दो वर्षों से, उनमें से जो भी कम हो, कम न हो और उन्होंने ऐसे कनिष्ठ ध्यक्तियों सहित उनकी उच्चतर श्रेणी में प्रोन्नति के लिए अपनी परिवीक्षा की अवधि सफलतापूर्वक पूरी कर ली है, जिन्होंने ऐसी अर्हक पावता सेवा पहले ही पूरी कर ली है।

(ii) ३ प्रविष्टि प्राप्ति द्वारा ।

यदि विभागीय प्रोन्नति समिति है, तो उसकी संरचना

भर्ती करने में किन परिस्थितियों में संघ लोक सेवा प्रायोग से परामर्श किया जाएगा

विभागीय प्रोन्नति समिति समूह 'ग' (ग्रन्तुमुचितीय) :

- सचिव/निदेशक (प्रशासन)/निदेशक (स्थापना), केन्द्रीय जल आयोग --प्रधारण
- निसी ग्रन्थ तकनीकी निदेशालय तथा निदेशक/उप निदेशक --प्रधारण
- अवर सचिव, केन्द्रीय विद्युत प्राधिकरण --सदरय
- अवर सचिव, केन्द्रीय जल आयोग --सदरय

2. गवांगवीस श्रेणी-II

302* (2002)

गांधारण केन्द्रीय सेवा, समूह

5000-150-8000 रु.

*कार्यभार के आधार पर परिवर्तन 'ग' प्राराजावित ग्रन्तुमुचितीय निया जा सकता है

अन्यतः

18 से 25 वर्ष

लाप नहीं होता

ग्रन्तुमुचित ग्रन्तुमुचित जाति/ग्रन्तुमुचित जनजाति

दिएः १: केन्द्रीय संस्थार द्वारा समय-समय पर यथा प्रधिगूचित ग्रन्तुमुचित जाति/ग्रन्तुमुचित जनजाति/ग्रन्थ पिछड़े वर्गों के लिए किसी अन्य ग्रामी की शिविलता के साथ संचयी दृष्टि शिविल की जा सकती है।

दिएः २: ग्रन्तुमुचित जाति/ग्रन्तुमुचित जनजाति/ग्रन्थ पिछड़े वर्गों के लिए किसी अन्य ग्रामी की शिविलता के साथ संचयी दृष्टि शिविल की जा सकती है।

दिएः ३: ग्रामीयों ग्रामीयस्थिति करने के लिए निर्णायक तारीख भारत में ग्रामीयों ने ग्रामीय करने के लिए नियन की गई अनियंग तारीख द्वारा न हो कि वह अनियंग तारीख जो ग्रामीय, मेशालीय, ग्रहणालय प्रदेश, मिजोरम, मणिपुर, नागालैंड, त्रिपुरा, सिंधिकाम, जम्मू-कश्मीर राज्य के लक्ष्य

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बंड, हिमाचल प्रदेश के लाहौल और स्थीरि
जिले तथा नम्बा जिले के पांगी उपखंड, अंदमान
और निकोबार द्वीप या लंकाशीण के अधिग्रंथियों
के लिए विहित की गई है।

टिप्पणि 4: रोजगार कार्यालयों से माध्यम से को जाने वाली
नियुक्ति की दशा में, आयु सीमा अवधारित करने
के लिए निर्णायक तारीख वह अंतिम तारीख होगी
जिस तक रोजगार कार्यालयों से नाम भेजने के लिए
के लिए कहाँ भर्ता है।

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आवश्यक :

नहीं

केवल सीधे भर्ता किए जाने वाले
व्यक्तियों के लिए दो वर्ष।

1. नियमी गांधीताप्राप्त विष्वविद्यालय/बोर्ड गे
पीटिक या गमत्य।
2. नियमी गांधीताप्राप्त विष्वविद्यालय/बोर्ड गे नवगा-
नवीनी (सिविल/प्रैकेनिकल) जिसकी अवधि दो वर्ष गे
कम न हो, में डिप्लोमा/राष्ट्रीय व्यवसाय पाठ्यक्रम और
डिप्लोमा/पाठ्यक्रम जैसे के पश्चात् किसी स्थातिप्राप्त
ग्रंथनगे उस क्षेत्र में कम गे कम तीन वर्ष का
व्यवहारिक अनुभव।

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प्राप्तिक विकास गहरा गमत्य या गमत्य भर्ता है। प्राप्तिक : ऐसे नवगानवीनी श्रेणी-III जिनके पास नियमी गांधीता प्राप्त गमत्यान/बोर्ड
गे नवगानवीनी (सिविल/प्रैकेनिकल) जिसकी अवधि दो वर्ष गे कम न हो, में डिप्लोमा,
राष्ट्रीय व्यवसाय पाठ्यक्रम या गमत्य है और जिन्होंने उस श्रेणी में याठ
वर्ष नियमित सेवा की है, या

ऐसे नवगानवीनी श्रेणी-III जिनके पास नवगानवीनी (सिविल/प्रैकेनिकल) जिसकी
अवधि दो वर्ष है, में डिप्लोमा/राष्ट्रीय व्यवसाय पाठ्यक्रम नहीं है, जिन्होंने उस
श्रेणी में तेज़ ह वर्ष नियमित सेवा की है और जिन्होंने विभागीय परीक्षा उत्तीर्ण
की है। ऐसे नवगानवीनी श्रेणी-III जिनके पास नवगानवीनी (सिविल/प्रैकेनिकल)
में डिप्लोमा/राष्ट्रीय व्यवसाय पाठ्यक्रम नहीं है वे उस श्रेणी में केवल याठ वर्ष नियमित
सेवा करने के पश्चात् विभागीय परीक्षा में बैठने के लिए पात्र होंगे।

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विभागीय प्राप्तिक यात्रित गमूह 'ग' (ग्रामीणवीनी)

नाम नहीं होता।

1. गविव/प्रैकेनिकल (प्रैकार्य) / निरेशक (स्थानीय)
केन्द्रीय जल योगोग ——गमत्य
2. नियमी तानवीनी निरेशालय का निरेशक/
लाप निरेशक केन्द्रीय जल योगोग ——गमत्य
3. अवर गविव, केन्द्रीय विद्युत प्राप्तिकरण ——गमत्य
4. अवर गविव, केन्द्रीय जल योगोग ——गमत्य

33

-55-

3. नवाचानकीय शणी-III

* 66

(2002)

*कार्यालय के प्रांतीय परियोगिताएँ
जिसका जा सकता है।साधारण केन्द्रीय मंत्रा, समूह 'ग'
प्रांतीय प्रतित अनुग्रहित

4000-100-6000 रु.

5

नाम नहीं होता

6

18 से 25 वर्ष

ग्रामीण रेवांगों के लिए 10 वर्ष तक शिखिल जा सकती
है।

7

नहीं

टिप्पणी:

- केन्द्रीय सरकार द्वारा समय-समय पर यथा अधिगूचित अनुग्रहित जाति/अनुग्रहित जनजाति/प्रथम पिछड़े वर्गों और कर्तिपय अन्य प्रवर्गों के लिए शिखिल की जा सकती है।
- अनुमूलिक जाति/अनुग्रहित जनजाति/अन्य पिछड़े वर्गों के लिए किसी अन्य आयु की शिखिलता के माथ संचयी रूप से शिखिल की जा सकती है।
- आयु-सीमा अवधारित करने के लिए निर्णायक तारीख भारत में अध्यविधियों में आवेदन प्राप्त करने के लिए नियत की गई अंतिम तारीख होती है। न कि वह अंतिम तारीख जो अमण, मेवाती, अरुणाचल प्रदेश, मिजोरम, मणिपुर, नागालैंड, तिब्बत, सिक्किम, जम्मू-कश्मीर राज्य के लक्ष्य खंड, हिमाचल प्रदेश के लाहौल और स्त्रीलिंग तथा चम्पालिंग के पांच उपखंड, योद्धान और गिरोवार होता या लक्ष्यीय के अध्यविधियों के लिए विहित की गई है।
- रोजगार कार्यालयों के माध्यम से की जाने वाली नियुक्ति की दशा में, आयुसीमा अवधारित करने के लिए निर्णायक तारीख वह अंतिम तारीख होती है जिस तारीख रोजगार कार्यालयों में नाम भेजने के लिए कहा गया है।

8

- किसी मान्यताप्राप्त विश्वविद्यालय/बोर्ड से मैट्रिक या समतुल्य।
- किसी मान्यताप्राप्त विश्वविद्यालय/बोर्ड से नवग्रामीयी (शिखिल/प्रेमेन्तिकल) जिसकी अवधि दो वर्ष से कम न हो, में शिल्पी/ग्रामीण व्यवसाय पाल्स्ट्रीयम।

9

नहीं

10

दो वर्ष

रीढ़ी खर्फ़

12

नाम नहीं होता

13

विभागीय ग्रोवरि समिति समूह 'ग' (अनुसूचितीय)

1. समिति/निदेशक (प्रशारण) /निदेशक
(साधारण), केन्द्रीय जल आयोग
2. नियुक्त तात्पनीकी निदेशालय का निदेशक/उप-निदेशक, केन्द्रीय जल आयोग
3. ग्राम सचिव, केन्द्रीय विद्युत प्राधिकरण
4. ग्राम सचिव, केन्द्रीय जल आयोग

14

लागू नहीं होता

34

1

2

3

4

4. सचिव

17*

(2002)

*कार्यभार के आधार पर परिवर्तन
किया जा सकता है।

साधारण केन्द्रीय सेवा, समूह 'ग'

प्रराजपत्रित अनुसूचितीय

4000-100-6000 रु.

5

लागू नहीं होता

25 वर्ष से प्रधिक नहीं।

सरकारी शेवकों के लिए 40 वर्ष तक शिथित की जा
सकती है।

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7

लागू नहीं होता

टिप्पण :

1. केन्द्रीय संस्कार द्वाया समय-समय पर यथा प्रधि-
सूचित अनुसूचित जाति/अनुसूचित जनजाति/अन्य
पिछड़े बगीं और बतिंगय प्रथ्य प्रवर्गों के लिए
शिथित की जा सकती है।
2. अनुसूचित जाति/अनुसूचित जनजाति अन्य पिछड़े
बगीं के लिए किसी अन्य आयु की शिथितना के
साथ संचयी स्प से शिथित की जा सकती है।
3. आयु-ग्रीष्मा प्रवधारित करने के लिए नियांयक
तारीख भारत में अध्याधिकारी से आवेदन प्राप्त करने
के लिए नियत की गई अन्तिम तारीख होती। न
कि वह अंतिम तारीख जो ग्राम, मंडल, असाचल
प्रदेश, मिजोरम, मणिपुर, नागालैंड,
तिपुरा, सिक्किम, जम्मू-कश्मीर यज्य के लद्दाख
खंड, हिमाचल प्रदेश के लाहौल और स्पीति जिले
तथा चम्बा-जिले के पांची उपखंड, अंदमान और
निकोबार द्वीप या लक्षद्वीप के अध्याधिकारी के लिए
दिहित की गई है।
4. राजपार कार्यालयों के माध्यम से कोई जाने वाली
नियुक्ति की दशा में, आयुसामा प्रवधारित करने के
लिए नियांयक तारीख वह अंतिम तारीख होती
जिस तारीख राजपार कार्यालयों में नाम जेजने के
लिए कहा गया है।

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प्रावधान:

लागू नहीं होता

35

दो वर्ष

- स्थग गंतव्य द्वाया लिया गया सर्वेषण में किसी गान्धाराप्राप्त गंतव्यात में डिलोमा या राष्ट्रीय व्यवसाय प्रमाणपत्र।
- पीता, चन, दिमुचक, उपस्करों और उनके जैसों के प्रयोग के साथ भूमि सर्वेषण पद्धतियों के साथ परिचित होना चाहिए और सड़कों, पाइपलाइन और गम्भीर परियोजनाओं से संबंधित स्थानों सर्वेषण को करने में समर्थ होना चाहिए।

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12

सीत्री भर्ती

लागू नहीं होता

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विभागीय प्रोवेन्चि समिति समूह 'ग' (ग्रन्तुमुचिचीय)

लागू नहीं होता

- संचित निदेशक (प्रणासाग) /निदेशक —ग्राधक्ष (स्थाना), केन्द्रीय जल आयोग
- नियमी तकनीकी निदेशालय का निदेशक/उप —सदस्य निदेशक, केन्द्रीय जल आयोग
- अवर संचित, केन्द्रीय विद्युत प्राधिकरण —सदस्य
- अवर संचित, केन्द्रीय जल आयोग —सदस्य

1

2

3

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5. वायरल्स आपरेटर

171*

(2002)

साधारण वेल्ट्रोय सेवा, समूह 'ग'. 4000-100-6000 ल.

प्राराजपत्रित ग्रन्तुमुचिचीय

*कार्यभार ने आवार पर परिवर्तन किया जा सकता है।

5

लागू नहीं होता

6

18 और 25 वर्ष के बीच।

सरकारी सेवकों के लिए 40 वर्ष तक शिविल की जा सकती है।

7

लागू नहीं होता

टिप्पणी:

- केन्द्रीय सरकार द्वाया गम्भ-समय पर यथा ग्रन्तुमुचित ग्रन्तुमुचित जाति/ग्रन्तुमुचित जनजाति/ग्रन्त्य विवृद्ध वर्गों और कठिपय भव्य प्रवर्गों के लिए शिविल की जा सकती है।
- ग्रन्तुमुचित जाति/ग्रन्तुमुचित जनजाति/ग्रन्त्य विवृद्ध वर्गों के लिए किसी भव्य आय की शिविलता के गम्भ गंतव्यी स्थाने गे शिविल की जा सकती है।

(36)

3. आगु-गीरा ग्रवधारित करने के लिए निर्णयिता नारीय गारन में ग्राम्यियों रे ग्राम्येता प्राप्त करने के लिए नियम की गई अंतिम तारीख होगी । नियम वह अंतिम तारीख जो ग्राम्य, भेषात्म, ग्रहणात्म प्रदेश, मिजोरम, मणिपुर, नागालैंड, त्रिपुरा, सिक्किम, जम्मू-कश्मीर राज्य के लद्धात्म बंड, हिमाचल प्रदेश के लाहोल और स्थिति जिने तथा चम्पा-जिने के पांची उपखंड, अंदमान और निकोबार द्वीप या लकड़ीया के शृंखलियों के लिए विहित की गई है।

4. रोजगार कार्यालयों के गार्ड्स में की जाने वाली नियुक्ति की दशा में, आयुसीमा ग्रवधारित करने के लिए निर्णयिता नारीय वह अंतिम तारीख होगी जिस तक रोजगार कार्यालयों में नाम भेजने के लिए कहा गया है।

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(1) किसी मान्यताप्राप्त बोर्ड/विश्वविद्यालय रे गैट्रिक या समग्रता ।	लागू नहीं होता	दो वर्ष
(2) संचार गंकालय द्वारा जारी वायरल्स आपेटर का द्वितीय वर्ष का प्रधीणता प्रमाणात्म, या सशस्त्र बल में वायरल्स आपेटर के लोह में पांच वर्ष की शेवा (सशस्त्र बल में भूपूर्व सेनिकों और सेवारत कार्मिकों को लागू होता) ।		

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संघीय गति

लागू नहीं होता

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विभागीय प्रोक्तिसंस्थिति समूह 'ग' (ग्राम्यविवोय)	लागू नहीं होता
1. ग्रन्ति/निवेशक (प्रशासन)/निवेशक (स्थापना), केन्द्रीय जल आयोग	—प्रधानमंत्री
2. निसी तारीखी निवेशालय का निवेशक/उप-निवेशक, केन्द्रीय जल आयोग	—प्रधानमंत्री
3. अवर संचिव, केन्द्रीय वित्त विभाग	—प्रधानमंत्री
4. अवर संचिव, केन्द्रीय जल आयोग	—प्रधानमंत्री

60

38

141

वाग्मीगंडा के यामाणीजनीयमयतां को
कार्यान्वयन करने में विलोपा गहिरा छह महीने
का प्रयोग,

ग।

विलोपा ग्रीष्मीयक तकनीकी संस्थान में विशुद्ध/रेडियो
तालीमियन में शिक्षा का प्रमाणात्र/राज्य
परिषद द्वारा प्रदत्त व्यवसायिक व्यापार में
प्रशिक्षण का प्रमाणपत्र सहित माप करने वाले
आवश्यक उपकरणों और बैटरियों का रखरखाव
करने और वायरलीग सेट्टा के यामाणीयमयतां
को कार्यान्वयन करने में एक वर्ष का प्रयोग,

ग।

विलोपा निजी/प्राक्तिक उपकरणों वा सार्वजनिक संग-
ठनों से इनेवेट्रिगिनी उपस्करणों और संवित उप-
ग्राहकों के रखरखाव और गरमत करने में पांच
वर्ष का प्रयोग।

ग।

विलोपा गान्धाराप्राक्ति ग्रीष्मीयक शिक्षा बोर्ड में इने-
ट्रूटिगिनी/रेडियो ग्रीष्मीयकी में व्यवसायिक पाठ्य-
क्रम का प्रमाणात्र।

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गोद्धी भर्ती

तामू गही होता

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14

विमानीग्रोवति समिति समूह 'ग' (अग्रनुगीचीय)

तामू नहीं होता

1. गान्धी/निवेशक (प्रशायन)/निवेशक
(स्वामाना), केन्द्रीय जल आयोग — प्रधान
2. विलोपा तकनीकी निवेशालय का निवेशक/उप-
निवेशक, केन्द्रीय जल आयोग — सदस्य
3. अवर सचिव, केन्द्रीय विशुद्ध प्राधिकारण — सदस्य
4. अवर सचिव, केन्द्रीय जल आयोग — सदस्य

[म. 8/2002/का.म. 35/8/2000-स्था.-I]

प्रशोद भा, अवर सचिव

MINISTRY OF WATER RESOURCES

New Delhi, the 16th May, 2002

G.S.R.217. In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of :—

(1) Central Water Commission (Non-Ministerial Group 'C' posts), Recruitment Rules, 1982 'in so far as relates to the posts of Junior Engineer (Civil and Mechanical), Draftsman Grade-II, Draftsman Grade-III and Surveyor'; and

(2) Central Water Commission, Wireless Mechanic and Wireless Operator (Group 'C' posts), Recruitment Rules, 1995.

Except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment to the Non-Ministerial Group 'C' posts (Engineering Services) of Central Water Commission namely :—

1. (1) Short title and Commencement.—These rules may be called the Central Water Commission Non-Ministerial Group 'C' posts (Engineering Services) Recruitment Rules, 2002.

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

2. Number of posts, classification and scale of pay.—The number of the said posts, their classification and the scale of pay attached thereto shall be as specified in column 2 to 4 of the Schedule annexed to these rules.

3. Method of recruitment, age limit and other qualifications.—The method of recruitment to the said posts, age limit, qualifications and other matters relating thereto shall be as specified in column 5 to 14 of the said Schedule.

4. Disqualification:—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 appointment to the said post.

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

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

6. Savings.—Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Casts, the Schedule Tribes, Other Backward Classes, Ex-Servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

Name of post	Number of post	Classification	Scale of pay	Whether selection or non-selection post
1	2	3	4	5
I. Junior Engineer (Civil and Mechanical)	681* (2002) *Subject to variation dependent on work load.	General Central Service Group 'C' Non-Gazetted Non-ministerial	Rs. 5000-150-8091	Non-selection

Age limit for direct recruits

Whether benefit of added years of service admissible

Educational and other qualification required for direct recruits

Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees

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20-28 years
(Relaxable for Government servants upto 40 years).

Not applicable

Degree or Diploma in Civil or Mechanical Engineering from a recognised University/Institution

No

Note 1: Relaxable for Schedule Castes/Scheduled Tribes/Other Backward Classes and certain other categories as notified by the Central Government from time to time.

Note 2: Relaxable cumulatively with any other age relaxation for Schedule Castes/Schedule Tribes/other Backward Classes.

Note 3: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu & Kashmir State, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Island or Lakshadweep).

Note 4: In respect of posts the appointments to which are made through Employment Exchange, the crucial date for determining the age limit, in each case be the last date upto which the employment exchanges are asked to submit the names.

Period of probation, if any

Method of recruitment. Whether by direct recruitment or by promotion or by deputation/absorption and percentage of the posts to be filled by various methods.

In case of recruitment by promotion/deputation/absorption/grade from which promotion/deputation/absorption to be made

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2 years for direct recruits

(i) 95% by direct recruitment. There being no bar to the departmental candidates working in various grades in the Central Water Commission and possessing prescribed qualifications being considered.
(ii) 5% by promotion.

Promotion:

Surveyor with 8 years regular service in the grade and possessing educational qualification prescribed for direct recruits as in column 8.

OR

Surveyor with 8 years regular service in the grade and having passed the departmental examination.

OR

Surveyor with 12 years regular service in the grade.

Note: Where juniors who have completed their

qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years whichever is less and have successfully completed their probation period for promotion to the next higher grade alongwith their juniors who have already completed such qualifying/eligibility service.

If a Departmental Promotion Committee exists what is its composition

Circumstances in which the Union Public Service Commission is to be consulted in making recruitment

13

14

Departmental Promotion Committee Group 'C' (Non-ministerial)

Not applicable

1. Secretary/Director (Administration)/Director (Establishment), Central Water Commission

Chairman

2. Director/Deputy Director of any technical directorate, Central Water Commission

—Member

3. Under Secretary Central Electricity Authority

—Member

4. Under Secretary, Central Water Commission

Member

1 2

2. Draftsman Grade-II 302*

(2002)

*Subject to variation
dependent on
work load.

3
General Central
Service Group
'C' Non-Gazetted
Non-ministerial

4
Rs. 5000-150-8000

5
Non-selection

6
18 to 25 years (Relaxable for Government servants upto 40 years).

7
Not applicable

Note 1 : Relaxable for Scheduled Castes/ Scheduled Tribes/Other Backward Classes and certain other categories as notified by the Central Government from time to time.

Note 2 : Relaxable cumulatively with any other age relaxation for Schedule Castes/ Schedule Tribes/Other Backward Classes.

Note 3 : The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim,

8
Essential :

1. Matriculation or equivalent from a recognised University/Board.
2. Diploma/National Trade Certificate in Draftsmanship (Civil/Mechanical) of not less than 2 years duration from a recognised Institute/Board and practical experience of at least 3 years in the line in an Organisation of repute after getting the Diploma/Certificate.

9
No.

• Ladakh Division of Jammu & Kashmir state, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Island or Lakhsadeep).

Note 4 : In respect of posts, the appointments to which are made through Employment Exchange, the crucial date for determining the age limit, in each case be the last date upto which the employment exchanges are asked to submit the names.

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2 years for direct recruits Promotion failing which by only direct recruitment

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Promotion :

Draftsman Grade-III possessing Diploma/National Trade Certificate in Draftsmanship (Civil/Mechanical) of not less than 2 years duration or equivalent from a recognised Institute/Board with 8 years regular service in the grade.

OR

Draftsman Grade-III, not possessing Diploma/National Trade Certificate in Draftsmanship (Civil/Mechanical) of 2 years duration, with 13 years regular service in the grade and having passed the departmental examination. The Draftsman Grade-III not possessing Diploma/National Trade Certificate in Draftsmanship (Civil/Mechanical) shall be eligible for appearing in the departmental examination only after rendering 8 years regular service in the grade.

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Departmental Promotion Committee Group 'C' (Non-ministerial)

1. Secretary/Director (Administration)/Director (Establishment), Central Water Commission — Chairman
2. Director/Deputy Director of any technical directorate, Central Water Commission — Member
3. Under Secretary, Central Electricity Authority — Member
4. Under Secretary, Central Water Commission — Member

14

Not applicable

3. Draftsman Grade III

66* (2002)
*Subject to variation
dependent on
workload.

General Central
Services Group 'C'
Non-Gazetted Non-
Ministerial

Rs. 4000-100-6000/-

Not applicable

5

6

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8

18 to 25 years

(Relaxable for Government servants upto 40 years).

Note 1: Relaxable for Scheduled Castes/ Scheduled Tribes/ Other Backward Classes and Certain other categories as notified by the Central Government from time to time.

Note 2: Relaxable cumulatively with any other age relaxation for Schedule Castes/ Schedule Tribes/ Other Backward Classes.

Note 3 : The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu & Kashmir state, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Island or Lakshadweep).

Note 4: In respect of posts the appointments to which are made through Employment Exchange, the crucial date for determining the age limit, in each case be the last date upto which the employment exchanges are asked to submit the names.

43

No

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

(ii) Diploma/National Trade Certificate in Draftsmanship (Civil/ Mechanical) of not less than 2 years duration from a recognised Institute/ Board.

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No

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2 years

Direct recruitment

Not applicable

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14

Departmental Promotion Committee Group 'C' (Non-ministerial)
 1. Secretary/Director (Administration)/Director (Establishment):
 Central Water Commission—Chairman
 2. Director Deputy Director of any technical directorate.
 Central Water Commission—Member
 3. Under Secretary, Central Electricity Authority—Member
 4. Under Secretary Central Water Commission—Member

No- applicable

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4

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4. Surveyor

17* (2002) *Subject to variation dependent on workload.

General Central Service, Group 'C'
Non-Gazetted Non-ministerial.

Rs. 4000-100-6000/- Not applicable

6

7

8

9

Not applicable

Essential

Not applicable

Not exceeding 25 years (Relaxable for Government servants upto 40 years)

Note 1: Relaxable for Scheduled Castes/Scheduled Tribes/Other Backward Classes and certain other categories as notified by the Central Government from time to time.

Note 2: Relaxable cumulatively with any other age relaxation for Scheduled Castes/Scheduled Tribes/Other Backward Classes.

Note 3: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh, Division of Jammu & Kashmir State, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Island or Lakshadweep).

Note 4: In respect of posts, the appointments to which are made through Employment Exchange the crucial date for determining the age limit, in each case be the last date upto which the employment exchanges are asked to submit the names.

(1) Diploma in Surveying of a recognised institute or National Trade Certificate in Surveying awarded by the Ministry of Labour.

(2) Should be familiar with land surveying method with the use of tapes, chains, compasses, instruments and the like and should be able to do contour surveying in connection with roads, pipeline and similar projects.

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2 years

Direct recruitment

Not applicable

Departmental Promotion Committee Group 'C' (Non-ministerial)

Not applicable

1. Secretary Director (Administration)/Director (Establishment), Central Water Commission —Chairman
2. Director/Deputy Director of any technical directorate, Central Water Commission —Member
3. Under Secretary, Central Electricity Authority —Member
4. Under Secretary, Central Water Commission —Member

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5. Wireless Operator

171*
(2002) *Subject to variation dependent on work load

General Central Service, Group 'C'
Non-Gazetted
Non-ministerial

Rs. 4000-100-6000

Not applicable

20 (i)

6

7

8

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Between 18 and 25 years.
(Relaxable for Government servants upto 40 years).

Note 1 : Relaxable for Scheduled Castes/ Scheduled Tribes/Other Backward Classes and certain other categories as notified by the Central Government from time to time.

Note 2 : Relaxable cumulatively with any other age relaxation for Scheduled Castes/ Scheduled Tribes/Other Backward Classes.

Note 3 : The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh, Division of Jammu & Kashmir State, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Island or Lakshadweep).

Note 4 : In respect of posts the appointments to which are made through Employment Exchanges, the crucial date for determining the age limit, in each case be the last date upto which the employment exchanges are asked to submit the names.

Not applicable

(i) Matriculation of equivalent from a recognised Board/University.
(ii) Second Class Certificate of proficiency of Wireless Operators issued by the Ministry of Communications.

Not applicable

OR

Five years service in the Armed Forces in the line of Wireless Operators (Applicable to Ex-servicemen and serving personnel in the Armed Forces).

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2 years

Direct recruitment

Not applicable

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Group 'C' Departmental Promotion Committee (Non-ministerial).

Not applicable

1. Secretary/Director Administration/Director (Establishment). —Chairman
Central Water Commission

2. Director Deputy Director of any/Technical directorate, — Member
Central Water Commission

3. Under Secretary, Central Electricity Authority — Member

4. Under Secretary, Central Water Commission — Member

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6. Wireless Mechanic

42* (2002) *Subject to variation
dependent on work load.

General Central Service, Group 'C'.
Non-Gazetted
Non-ministerial

Rs. 4000-100-6000.

Not applicable

6

7

8

9

Between 18 and 25 years

Not applicable

(Relaxable for Government servant upto 40 years).

Note 1 : Relaxable for Scheduled Castes/ Scheduled Tribes/Other Backward Classes and certain other categories as notified by the Central Government from time to time.

Note 2 : Relaxable cumulatively with any other age relaxation for Scheduled Castes/ Scheduled Tribes/ Other Backward Classes.

Note 3 : The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh, Division of Jammu & Kashmir State, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Island or Lakshadweep).

Note 4 : In respect of posts the appointments to which are made through Employment Exchange, the crucial date for determining the age limit, in each case be the last date upto which the employment exchanges are asked to submit the names.

(i) Matriculation or equivalent qualification from recognised University/Board.

(ii) Diploma in Electrical/ Radio Telecommunication or Electronic from any Technical Institute recognised by the Central Government and Diploma awarded by State Board of Technical Education with six month experience in maintaining necessary measuring instruments and batteries and carrying out adjustments/ repairs to the Wireless sets.

Or

Apprenticeship certificate in Electrical/Radio Technician from any Industrial Technical Institute/Certificate awarded by National Council for Training in Vocational Trade with one year experience in maintaining necessary measuring instruments and batteries and carrying out adjustments/ repairs to the Wireless sets.

OR

5 years experience from any private/Public Undertakings or/Public organisations in maintenance and repairs of electronics equipments and allied accessories.

OR

Certificate of Vocational Courses in Electronics/Radio/ Technology from a recognised Board of Secondary Education.

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2 years

Direct recruitment

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Not applicable

Group 'C' Departmental Promotion Committee (Non-ministerial)

1. Secretary/Director Administration/Director (Establishment). —Chairman

Central Water Commission.

2. Director/Deputy Director of any Technical Directorate Central Water Commission. —Member

3. Under Secretary, Central Electricity Authority. —Member

4. Under Secretary, Central Water Commission. —Member

14

Not applicable

[No. 8/2002/F, No. 35/8/2000-Estt. I]

ASHOK JHA, Under Secy.

Arunesh Deb Ray, B.A. (Distrn) LLB

Advocate, Gauhati High Court
Central Administrative Tribunal
Sr. Central Govt. Standing Counsel
Guwahati Bench, Guwahati - 781 005

Residence

Hengrabari Housing Colony
L.I.G. - 3 (Top floor)
Guwahati - 781 006
Phone : 265334(R), 221358 (C)

Ref. No.

Date.....

To,

Shri
Advocate.

Sub: Copy to written statement in O.A / M.P of reply in C.P. 1/2003
(in O.A : 283/2002)

Sir,

Please find herewith a copy, which is being filed today.

Please acknowledge receipt.

Yours Sincerely,



(A. Deb Roy)
Sr.C.G.S.C.

C.A.T., Guwahati Bench.

Undertake to serve copy to Shri



(A. Deb Roy)
Sr.C.G.S.C.
C.A.T., Guwahati Bench.