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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

7

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal :: Guwahati Bench
Guwahati

ORDER SHEET

Original APPLICATION NO. 14/2002

Applicant(s) Tulsi Ram Sharma & Ors

Respondent(s) U.O.I & Ors.

Advocate for Applicant(s) Mr. A. Roy,
Mr. M. Chanda, Mrs. N.D. Goswami, G.N. Chakraborty,

Advocate for Respondent(s) Mr. C.G.S.C. A.K. Choudhury
A. Roy.

Notes of the Registry

Date

Order of the Tribunal

This is application in form
C. F. for Rs. 50/- deposited
vide IP 15 66790838
Dated 16.1.2002

Dy. Registrar

NS
21/1/02

23.1.02

Heard Mr. M. Chanda, learned
counsel for the applicant.

Issue notice to show cause
as to why the application shall not
be admitted.

Mr. A.K. Choudhury, learned
Addl. C.G.S.C. accepts notice on
behalf of the respondents.

List on 25.2.2002 for admission.

IC Ushan
Member

Vice-Chairman

mb
25.2.02

List on 28.3.2002 to enable the
respondents to file written statement
or to obtain instructions.

IC Ushan
Member

Vice-Chairman

mb

Notice of Respondent No.

1, 2, & 3 Received by
Mr. A.K. Choudhury Addl.
C.G.S.C.

1/2/02

Recd copies.

A.K. Choudhury
Addl C.G.S.C.
4/2/02

No written statement
has been filed.

27.3.02

(2)

28.3.02 Written statement is yet to be filed. List the case again on 29.4.2002 for admission.

No written statement
has been filed.

30
26.4.02

bb
29.4.02

K. C. Sharma
Member

[Signature]
Vice-Chairman

Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the Respondents.

No written statement
has been filed.

31
24.5.02.

The application is admitted. The Respondents are further four weeks time to file written statement.

List on 27/5/2002 for orders.

K. C. Sharma
Member

[Signature]
Vice-Chairman

mb
27.5.02

List on 18.6.2002 to enable the Respondents to file written statement as prayed by Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the Respondents.

[Signature]
Vice-Chairman

mb

19.6.2002

18.6.02

Written statement has been filed. The case may now be listed for hearing on 17.7.02. The applicant may file rejoinder if any, within two weeks.

W/s submitted

by the Respondent nos.
1, 2 and 3.

lm

K. C. Sharma
Member

[Signature]
Vice-Chairman

17.7.02

Pleadings are complete. The case may now be listed for hearing on 26.8.2002. for hearing

No rejoinder has
been filed.

30
16.7.02.

K. C. Sharma
Member

[Signature]
Vice-Chairman

mb

19.7.2002

8.5.03

Rejoinder submitted
by the applicant.

~~Passed over for the day, listed
on 8.5.03 for orders.~~

By order

Notes of the Registry

Date

Order of the Tribunal

28.5.2003

Put up again on 29.5.2003
for hearing.

Member

Vice-Chairman

mb

29.5. Heard Mr. M. Chanda, learned
Counsel for the applicant
Mr. A.K. Choudhary, Addl. C.G.S.C.
for the respondent.

Hearing Concluded,
Judgment reserved.

MLO
Akm

30.5.2003

Judgment pronounced in open
court, kept in separate sheets. The
application is allowed. No order as
to costs.

20.6.2003

Copy of the Judgment
has been sent to the
Office for issuing the
writs to the applicant
as well as to the
Addl. C.G.S.C. for the
Respondent.

nkM

Sanjay Kumar Hegde
Member

Vice-Chairman

Notes of the Registry

Date

Order of the Tribunal

28.2.2003

put up before the appropriate
Bench on 21.4.2003.

Vice-Chairman

24.4.03

bb

Additional
Wfs has been
submitted by the
respondents.

21/4.

Court did not sit today.
The case is adjourned
to 5/5/2003.

M/s
EAmi5.5.03

Hearing concluded. Judgment
reserved.

26.5.03

By order.

Additional
Statement on behalf
of respondent has
been submitted.

8.5.03

listed on 8.5.03 for order.
with U.P. 166/02.

By order.

Ami

9.5.03

On the prayer of Mr A.K.Choudhuri,
learned Addl.C.G.S.C. the case is adjourned
to 28.5.03 for production of record.

S. A.

Member

Vice-Chairman

Vice-Chairman

Notes of the Registry

Date

Order of the Tribunal

14.11.2002

Contd.

weeks to enable the applicant to take necessary steps.

List the case for order on 5.12.2002

Wks Cmtl rejoinder
has been filed

24
17/12/02

K. K. Sharma
Member

Vice-Chairman

bb

5.12.02

List on 18.12.2002 for orders
alongwith M.P. No. 166/2002.

mb

18.12.02

Standout. List again on 22.1.2003
for orders alongwith M.P. 166/2002.

mb

22.1.2003

Present:- The Hon'ble Mr. Justice D.N.
Chowdhury, Vice-Chairman.

The Hon'ble Mr. S.K. Hajra,
Administrative Member.

The case is pending before us since
January, 2002 and the respondents are yet
to file written statement. In this setting,
we order for hearing of the matter expediti-
ously and accordingly the case is posted for
hearing on 28.2.2003. The respondents may
file written statement within two weeks from-
today. Parties may exchange their pleadings-
in the meantime.

Sum
Member

Vice-Chairman

bb

O.A. 14/2002

Notes of the Registry

Date

Order of the Tribunal

25.8.02

Prayer has been made by Mr. M. Chanda, learned counsel for the applicant for adjournment of the case to obtain necessary instructions from the applicant. Prayer is allowed. List on 13.9.2002 for hearing.

Member

Vice-Chairman

mb

13.9.02

List again on 05.10.2002 for hearing.

Vice-Chairman

12.9.02

An additional Rejoinder submitted by the applicant in reply to the CJs.

mb

5/11

he'st leave ~~staying~~ the circuit bench at shipping

A.K. Jey
5/11

13.11.2002

Passed over for the day.

Member

Vice-Chairman

14.11.2002

Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. A. K. Chaudhary learned Addl. C.G.S.C.

Mr. M. Chanda, learned counsel for the applicant stated that in view of the changed circumstances, more particularly, in view of the Office Memorandum No. 6/1/98-I dated 1.6.2001, the applicant may need to amend the petition and accordingly he prayed for two weeks time to take necessary steps: List the case accordingly after the

Contd.

9

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / ~~XXXX~~ No. .14 . . . of 2002

DATE OF DECISION 30th May 2003..

Shri Tulsiram Sharma and 62 others

..... APPLICANT(S).

Mr M. Chanda and Mr G.N. Chakraborty

..... ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

The Union of India and others

..... RESPONDENT(S).

Mr A.K. Chaudhuri, Addl. C.G.S.C.

..... ADVOCATE FOR THE
RESPONDENT(S).

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

THE HON'BLE MR S.K. HAJRA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Yes

- VERDICT -

Judgment delivered by Ho'ble Vice-Chairman

[Handwritten signature]

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.14 of 2002

Date of decision: This the 30th day of May 2003

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

The Hon'ble Mr S.K. Hajra, Administrative Member

Shri Tulsiram Sharma and 62 othersApplicants

The applicants are working as Draftsman
Grade II under the Director, Survey of
India, North Eastern Circle, Shillong
under Ministry of Science & Technology.
Government of India, New Delhi.

By Advocates Mr M. Chanda and
Mr G.N. Chakraborty.

- versus -

1. The Union of India, through the
Secretary,
Ministry of Science & Technology,
New Delhi.
2. The Surveyor General,
Survey of India,
Block A, Nathibarkala Estate,
Dehradun.
3. The Director,
Survey of India,
North Eastern Circle,
Shillong.

.....Respondents

By Advocate Mr A.K. Chaudhuri, Addl. C.G.S.C.

.....

O R D E R

CHOWDHURY. J. (V.C.)

h

This application under Section 19 of the
Administrative Tribunals Act, 1985 has arisen and is
directed against the order passed by the respondent No.2
communicated to the Additional Surveyor General, Eastern
Zone, Kolkata vide Memo No.E-2-12553/1196-B-T.R. Sharma
dated 1.8.2001 rejecting the prayer for extension of
the benefit of the pay scale of Rs.550-750 (Pre-revised),

corresponding revised scale of Rs.1600-2600 (as per IVth Pay Commission) and further revised scale of Rs.5500-9000 as per Vth Central Pay Commission in terms Para 2(c) of the O.M. dated 19.10.1994. The applicants also prayed for a direction on the respondents for extending the aforementioned benefit as per Para 2(c) of the O.M. dated 19.10.1994 with respective date of eligibility attained by the individual applicants in terms of the directions contained in the O.M. dated 19.10.1994.

2. The applicants are 63 (sixtythree) in number who had filed this application. Considering the fact that the applicants have common interest in the matter and having regard to the nature of relief prayed for leave is accordingly granted to espouse their cause by a single application.

3. All the applicants are serving as Draftsman Grade II under the Director, Survey of India, N.E. Circle, Shillong in the revised scale of pay of Rs.5000-9000. The core issue relates to revision of pay scale of Draftsman Grades I, II and III in all Government of India Offices on the basis of the Award of the Board of Arbitration in the case of Central Public Works Department (CPWD for short). The Government of India accordingly issued O.M. dated 19.10.1994 which is reproduced below:

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

The undersigned is directed to refer to this Department's O.M. No.F(59)-E.III/82 dated 13.3.84 on the subject mentioned above and to say that a Committee of the National Council (JCM) was set up to consider the request of the Staff side that the following scales of pay allowed to the Draughtsmen Grade I, II and III working in CPWD on the basis of the Award of Board of Arbitration may be extended to Draughtsmen Grade I, II & III irrespective.....

irrespective of their recruitment qualification, in all Government of India Offices.

	Original Scale(Rs)	Revised scale on the basis of the Award
Draughtsmen Grade I	425-700	550-750
Draughtsmen Grade II	330-560	425-700
Draughtsmen Grade III	260-430	330-560

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

- (a) Minimum period of service for placement from the post carrying scale of Rs.975-1540 to Rs.1200-2040 (pre-revised scale Rs.260-430 to Rs.330-560).
- (b) Minimum period of service for placement from the post carrying scale of Rs.1200-2040 to Rs.1400-2300 pre-revised Rs.330-560 to Rs.425-700).
- (c) Minimum period of service for placement from the post carrying scale of Rs.1400-2300 to Rs.1600-2600 (Pre-revised Rs.425-700 to Rs.550-750).

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

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

4. The applicants first moved the authority for giving effect to the aforementioned O.M.. Failing to get appropriate remedy from the department, the applicants moved this Tribunal by way of O.A.No.135 of 1995. The Tribunal by order dated 20.7.1995 disposed of the same with a direction to the respondents to consider and decide whether the benefit of the revised pay scale could be extended to the applicants. By order dated 31.1.1996 the claim of the applicants was rejected and therefore, the applicants moved this Tribunal again by way of O.A.No.52 of 1996. The said O.A. was finally disposed of

by.....

by this Tribunal. The Tribunal by Judgment dated 17.7.1997 held that the O.M. dated 19.10.1994 was squarely applicable to the applicants. The order dated 31.1.1996 passed by the authority accordingly was set aside. The respondents were directed to place the applicants in the scale of pay of Rs.425-700 (pre-revised) in the manner stipulated in the O.M. dated 19.10.1994 and to allow the applicants to draw the scale with effect from the date applicable in the case of each applicant respectively. The respondents thereafter moved the High Court by way of an application under Article 226 and the High Court by Judgment and Order dated 31.7.1999 in Civil Rule No.4733 of 1997 rejected the Writ Petition. The respondents thereafter also moved the Supreme Court by an SLP. The Supreme Court declined to interfere and the SLP accordingly was rejected. The Judgment and Order of the Tribunal dated 17.7.1997 was finally ordered to be implemented by the respondents vide communication dated 27.3.2001. The applicants thereafter made representations before the authority praying for grant of higher scale of pay of Rs.550-750 corresponding to revised scale of Rs.1600-2600 and the further corresponding scale of Rs.5500-9000 as per the Vth Central Pay Commission recommendations in terms of the O.M. dated 19.10.1994 with all consequential benefits. By the impugned order dated 1.8.2001 the claim was rejected by communication sent from the Surveyor General's Office, Survey of India, Dehradun addressed to the Additional Surveyor General, Eastern Zone, Kolkata. The full text of the order dated 1.8.2001 reads as follows:

"It is to inform you on th subject in regards to Ministry of Finance O.M.No.13(1) IC/91 dated 19.10.94 para 2 (c) that the Draughtsmen Gde I post.....

post mentioned therein is not existing in this Department.

2. In the Department D/Man Gde II are promoted to D/Man Dir.I through DPC. The posts of D/Man, Div.I are fixed post and promotion are given through DPC and against available vacancies.

In this regard your attention is invited to paragraph 3 of Ministry of Finance O.N. dtd 19.10.94."

Hence this application assailing the legitimacy of the action of the respondents.

5. The respondents submitted their written statement denying and disputing the claim of the applicants.

6. The demand of the applicants centred round their claim to the effect that they had completed four years of service as Grade II Draftsman and therefore, they were all eligible by virtue of further four years of service put in by them and therefore, they were to be elevated to the next higher grade of Draftsman in the pre-revised scale of Rs.550-750 which after the revision of the pay scales by the Vth Central Pay Commission was equivalent to Rs.5500-9000. According to the applicants on the strength of the order dated 19.10.1994 the incumbents of the post of Draftsman of the Organisation were entitled for the weightage on account of the service rendered for placement in different scales of pay. In short, the applicants claimed that the authority sought to device a scheme for parity of pay to the Draftsman with the CPWD. The applicants contended that by the aforementioned O.M., the Government of India, taking into consideration the Award of the Board of Arbitration in favour of the Draftsman Grade I, II and III working in the CPWD took a conscious decision to the effect that the Draftsman Grade I, II and III in the Offices/Departments of the

Government.....

Government of India other than in CPWD was to be placed in the revised scale of pay on the basis of the Award subject to minimum period of service as mentioned in Clauses (a) (b) and (c) in para 2 of the O.M. dated 19.10.1994.

7. The respondents seriously contested the claim and contended that the Draftsman who found his place in the hierarchy and when a regular scale was provided, the same could be revised/upgraded only by way of promotion subject to DPC and availability of vacancy.

8. The answer to the controversy is discernible on bare perusal of paras 2 and 3 of the O.M. dated 19.10.1994 which was reproduced earlier. The issue is no longer res integra in view of the decision rendered by the Supreme Court in Union of India and others Vs. Debashis Kar and others, reported in 1995 Supp (3) SCC 528. The O.M. dated 19.10.1994 itself indicated that irrespective of the recruitment qualification in all Government of India Offices the authority decided that the Draftsman Grade I, II and III in Office under the Government of India other than CPWD were to be placed under the revised pay scale subject to the minimum period of service as mentioned in clauses (a) (b) and (c) of para 2 of the O.M. The benefit of the revision was given retrospectively with effect from the same date as was given by the O.M. dated 13.3.1984 i.e. notionally from 13.5.1982 and actually from 1.11.1983. The Draftsman who fulfilled the requirement relating to the period of service mentioned in the O.M. on the relevant date would be entitled to the revised pay scale of Draftsman in CPWD irrespective of their recruitment qualification.

9. Mr A.K. Chaudhuri, learned Addl. C.G.S.C., strenuously urged that providing higher scale meant for higher grade could be given only after promotion. Higher scale cannot be given automatically by virtue of number of years of service. The learned Addl. C.G.S.C. particularly stressed on para 3 of the O.M. dated 19.10.1994 and emphasised on the expression, "Once rthe Draughtsmen are placed in the regular scales, further promotions would be made against available vacancies in higher grade and in accordance with the normal eligibility criteria laid down in the recruitment rules".


10. A perusal of paras 2 and 3 of the O.M. dated 19.10.1994 makes the position clear. The O.M. communicated the decision of the President of India to revise the pay scale of Draftsman Grade I, II and III in all Government of India Offices on the basis of Award of the Board of Arbitration int he pay scale of CPWD. By that the minimum service for placement for carrying the post was defined. The order was for placement in the scales, that means to put in the proper position. The scale only mentioned the succession or progression of the rates of pay. Para 3 of the O.M. resolves the doubt, whereby it indicated the decision of the authority in placement of the Draftsman. It was made clear that once the Draftsman were placed in the regular scale, i.e. the scale cited in the communication, further promotions would be made against available vacancies in higher grade in accordance with the normal eligibility criteria. The expression 'regular' is an adjective which means "evenly" or "uniformly arranged" recurring at fixed times like regular incumbents etc. The aforementioned O.M. only


indicated.....

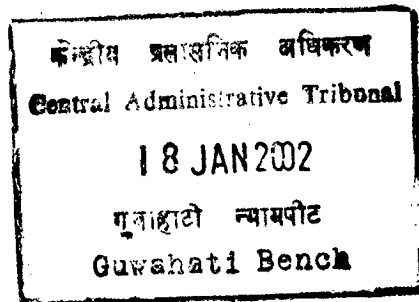
indicated that pay scales conform to some accepted norm. Minimum period of service for placement were defined for Draftsman in Grade I, II and III. In Debashis Kar's case (Supra), similar argument was advanced on behalf of the Union of India which was turned down. Paras 2 and 3 of the O.M., read conjointly leaves no scope to refuse the benefit of para 2 (c) of the O.M. dated 19.10.1994 to the applicants.

11. For all the reasons cited above and the in the facts and circumstances of the case, the impugned order dated 1.8.2001 is liable to be set aside and the same is accordingly set aside. The respondents are directed to grant the revised higher pay scale of Rs.550-750 (pre-revised) corresponding to Rs.1600-2600 (revised as per IVth Central Pay Commission) and the further corresponding scale of pay of Rs.5500-9000 as per the Vth Central Pay Commission recommendations, with all consequential benefits with effect from the date applicable in the case of each applicant.

12. The application is thus allowed. There shall, however, be no order as to costs.


(S. K. HAJRA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN



17

Filed by N.D. Garmu
Advocate.
16/1/2002

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

(An Application under Section 19 of the Administrative
Tribunals Act, 1985)

Title of the case : O.A. No. 14 of 2002

Sri Tulsi Ram Sharma & Others ... Applicants

- Versus -

Union of India & Others ... Respondents

I N D E X

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Date : 16/1/2002

Filed by,
N.D. Garmu,
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

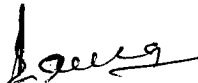
(An application under Section 19 of the
Administrative Tribunals Act, 1985)

O.A. No. /2001

BETWEEN

1. Shri Tulsiram Sharma
2. Smt. Jaya Adhikari
3. Shri Satyajit Kumar Dey
4. Shri Pradip Kumar Neogi
5. Smti. Nandita Das
6. Shri Krishna Bahadur Gurung
7. Smti. Pandora Sohklet
8. Smti. Meries Nareen Laloo
9. Shri Arun Kumar Baidya
10. Smti. Shanti Kumari Ghimire
11. Smti. Lamzuali
12. Smti. Rekha Mech
13. Shri Dilip Kumar Deka
14. Shri Sudip Dutta Choudhury
15. Shri Dondor Singh Lartang
16. Shri Prabash Paul
17. Smti. Erboline Majaw
18. Smti. Spirian Kharangi
19. Smti. Everymai Warjri

contd...p/2


(TULSI RAM SHARMA)

(2)

20. Smti. Evelynora Rynksai
21. Smti. Ritikoina Majaw
22. Shri Mustaque Ahmed Swer
23. Smti. Bertila Khyllap
24. Smti Arunima Dutta
25. Smti. Sofiana Kharkongor
26. Smti. Manjula Bhattacharjee
27. Smti. Hildaline Mawkhiew
28. Smti. Tapashi Misra
29. Smti. Anubha Roy Choudhury
30. Smti. Caroline Lamo
31. Smti Fedalis Jyrwa
32. Shri Sitesh Chandra Roy
33. Shri Syed Azizar Rahman
34. Shri Biswadatta Das
35. Shri Maftinson Myllem Umlong
36. Shri Abdul Mannan
37. Shri Thrasternel Lyngdoh
38. Shri Lok Bahadur Pradhan
39. Shri Durgesh Purkayastha
40. Shri Emphiwel Lartang
41. Shri Brington Dohkrut
42. Shri Sunil Chandra Sabdakar
43. Smti. Golzona Mary Soheten
44. Smti. Regina Ceali Nongbri
45. Smti. Devorah Majaw

contd...p/3

[Signature]
(TULIP RAM SARMA)

(3)

46. Smti. Shanta Ghosh
47. Km. A. Tombi Singha
48. Smt. Ebina Lyngdoh Nongbri
49. Smt. Hassibon Lyngdoh
50. Smt. Ritalin Mukhim
51. Smt. Rufina Kharbuki
52. Smt. Maria Auxilia Kharbuki
53. Smt. Nestinola Kharbteng
54. Smt. Sara daplyng Nongbsap
55. Smt. Dipti Kar
56. Km. Kanta Nongkynrih
57. Smt. Merdalyng Diengdoh
58. Smt. Margarita Sanian
59. Smt. Rita Tarafdar
60. Smt. Junu Sarmah
61. Smt. Aruna Gupta
62. Shri Tapan Kumar Mondal
63. Shri Tara Prasad Kharel

- All the applicants are working as
Draftsman Gr. II under the Director,
Survey of India, North Eastern Circle,
Shillong under Ministry of Science &
Technology, Govt. of India,
New Delhi.

.... Applicants

- AND -

1. Union of India, through the Secretary,
Ministry of Science & Technology,
New Delhi.

contd...p/4

(4)

2. The Surveyor General,
Survey of India,
Block A, Nathibarkale Estate,
DEHRADUN

3. The Director,
Survey of India,
North Eastern Circle
Shillong.

.... Respondents

DETAILS OF THE APPLICATION

1. Particulars of order against which this application is made

This application is made against the impugned letter dated 1st August 2001 issued by the Surveyor General of India, Dehradun, rejecting the prayer of the applicants for extension of benefit of pay scale of Rs. 550-750/- (Pre-revised), corresponding revised scale of Rs. 1600-2660 (As per IVth Pay Commission) and further revised scale of Rs. 5500-9000/- as per Vth Central Pay Commission in terms of Para 2(c) of the O.M. No. 13(1) - IC/91 dated 19.10.94 issued by the Government of India, Ministry of Finance, Department of Expenditure, New Delhi dated 19.10.94 and further praying for a direction upon the respondents for extension of the benefit of pay scale of Rs. 550-750/-

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(TULSI RAM SHARMA)

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(Revised 1600-2660 as per IVth Central Pay Commission and Rs. 5500-9000/- as per Vth Central Pay Commission) in terms of Para 2 (c) of the Office Memorandum dated 19.10.94 with respective date of eligibility attained by the individual applicants in terms of direction contained in Office Memorandum dated 19.10.94.) 1

2. Jurisdiction of the Tribunal

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

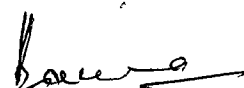
3. Limitation

The applicants declare that this application is filed within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case

4.1. That all the applicants are citizens of India and as such they are entitled to all the rights, protection and privileges as guaranteed by the Constitution of India. All the applicants are presently serving as Draftsmen Grade-II under the Director, Survey of India, N.E. Circle, Shillong in the revised pay scale of Rs. 5000-8000/-.

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(TULA) RAM SHARMA

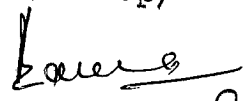
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4.2. That the applicants pray that since the subject matter and reliefs sought for are common in this application therefore permission be granted to move this application jointly by 63 applicants.

4.3. That the applicants initially entered into the service under the Respondent Nos. 2 and 3 as Topo Trainees Type B (in short T.T.T.B) Draftsmen. The requisite qualification for the post of T.T.T.B. Draftsman was initially Matriculation with mathematics, which is now amended and after amendment the educational qualification ~~is~~ now required^{is} Pre-University with mathematics. In the Department of Survey of India T.T.T.B. Draftsman required, two years training, out of two years one year training is imparted in the Circle Office/Regional Office and another one year is required to be imparted in the Training Institute at Hyderabad. The pay scale of the T.T.T.B. Draftsman ~~are~~ were Rs. 260-430 per month. After completion of T.T.T.B Training the applicants are required to appear for classification test and after passing the said test they are treated as Draftsman Gr. IV and used to place in the scale of pay of Rs. 260-430 (Revised 975-1540) and thereafter on completion of 3 years service in Draftsman Gr. IV applicants again appeared theoretical and practical tests conducted by the Department for upgradation to Draftsman Gr.III and thereafter on

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(TULSI RAM SHARMA)

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(6) completion of 2 years of service as Draftsman Gr.III the applicants are again required to appear in the theoretical test and supervisory level test conducted by the department for upgradation to the post of Draftsman Gr.II. Be it stated that Gr.III Draftsman and Grade II Draftsman in the Survey of India by IIIrd Pay Commission ^{were} merged together and placed in the scale of Rs. 330-560. However, thereafter the Government granted the pay scale of Grade III Draftsman Rs. 330-480 and Grade II Draftsman were placed in the pay scale of Rs. 425-600 (revised pay scale of Rs. 1350-2200).

444. That the applicants beg to state that in the Survey of India after recommendation of the IInd Pay Commission the present applicants were in the pay scale of Rs. 205-280 prior to 1.1.1973 and they were placed in the scale of Rs. 330-560 based on the recommendation of the III Central Pay Commission. Be it stated that the IIIrd Central Pay Commission merged Category III & II draftsman in the same pay scale of Rs. 330-560. However, Government granted the pay scale of Rs. 330-480 for Grade III Draftsman and the pay scale of Rs. 425-600 for the Grade II Draftsman although the IIIrd Central Pay Commission recommended in para 81(iii) of Chapter 14 of its report relating to replacement of scale of Rs. 330-560 to Rs. 425-700. However the Survey of India granted the aforesaid pay scale of Rs. 330-480 and 425-600 to the category III and II Draftsman in the

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[Signature]
(TULSI RAM SHARMA)

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Survey of India respectively. The scale of Rs. 425-600 granted to the Draftsman Gr.II were placed in the corresponding revised scale of Rs. 1350-2200 by the IVth Central Pay Commission.

4.5. That the applicants beg to state that in the Survey of India Draftsman in the initial grade are known as T.T.T.B. Draftsman i.e. call initial Grade having the scale of Rs. 260-430 and after completion of 5 years of service in the pay scale of Rs. 260-430 (including two years of training) the Draftsman are used to be upgraded in the cadre of Gr.III Draftsman in the scale of Rs. 330-480 and treated them as Draftsman Gr.III. Thereafter ~~after~~ again on completion of 2 years of service in the cadre of Gr.III Draftsman they are used to be upgraded to the post of Draftsman Gr.II in the pay scale of Rs. 425-600 revised pay scale of Rs. 1350-2200 and thereafter next promotion in the cadre of Division I Draftsman used to be considered on the basis of All India combined seniority list of Draftsman Gr.II. Therefore there is hardly any chance for all the Gr. II Draftsman in the department of Survey of India for further promotion. As a result the scope of promotion/upgradation is very limited for the Draftsman working in the Survey of India under the Ministry of Science and Technology.

4.6. That the applicants beg to state that the Government of India agreed to revise the scale of pay of

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(TWLSP RAM SHARMA)

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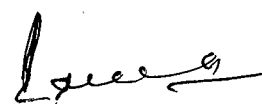
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the Draftsman Gr.I,II and III of the Central Public Works Department following an award of Board of Arbitration as follows :

	ORIGINAL SCALE	REVISED SCALE
Draftsman Grade I	Rs. 425-700	Rs. 550-750
Draftsman Grade II	Rs. 330-560	Rs. 425-700
Draftsman Grade III	Rs. 260-430	Rs. 330-560

This benefit of revision of pay scale was given notionally with effect from 13.5.82 and actual benefit being allowed with effect from 1.11.83. The staff side in the National Council of Joint Consultative Machinery requested for pay parity and similar benefit which was granted to the CPWD Draftsman for extension of the same to the Draftsman of other Central Offices, and on the basis of that request Govt. set up a committee of National Council (Joint Consultative Machinery) to consider the request of the staff side and finally agreed and recommend to extend the similar benefit of revised pay scale to the Draftsman Gr.I,II, and III under all Govt. of India Offices vide Office Memorandum No. F.5(59) -E. III/82 dated 13.3.84 issued by the Ministry of Finance, Govt.of India, Department of Expenditure and granted the benefit notionally with effect from 13.5.82 and actually benefit was allowed with effect from 1.11.83.

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(TULSI RAM SHARMA)

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However, this benefit was extended only to the Draftsman in other Central Govt. offices provided their recruitment qualification were similar to those prescribed in the case of Draftsman in C.P.W.D. The benefit of Office Memorandum dated 13.3.84 was not extended to the present applicants.

A copy of the Office Memorandum dated 13.3.84 is annexed as Annexure - 1.

4.7. That after the issuance of the Office Memorandum dated 13.3.84 Draftsman working in many Central Govt. offices were excluded from the benefit of the Office Memorandum dated 13.3.84. Therefore staff side of the National Council (Joint Consultative Machinery) further requested the Government of India to extend the benefit of revised pay scale which was initially granted through Office Memorandum dated 13.3.84 in the other Central Govt. Offices irrespective of their recruitment qualification and also demanded to extend the benefit with retrospective effect notionally from 13.5.82 and actually from 1.11.83.

The Govt. of India vide Office Memorandum No. 13(1) -IC/91 dated 19.10.94 issued by the Government of India, Ministry of Finance, Deptt. of Expenditure whereby Govt. of India extended the benefit of revised pay scale which was initially granted through Office Memorandum dated 13.3.84 to all the Draftsman Grade I, II and III and in all Govt. of India Offices irrespective of their recruitment qualification. The relevant

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portion of the Office Memorandum dated 19.10.94 is reproduced below :

" 2. The President is now pleased to decide that the Draughtsman, Grade I, II and III in Offices/Departments of the Government of India other than in CPWD may also be placed in the scales of pay mentioned above subject to the following :

a. Minimum period of service for 7 years
placement from the post carrying
scale of 975-1540 to Rs. 1200-3040
(pre-revised Rs. 260-430 to 330-560)

b. Minimum period of service for 5 years
placement from the post carrying
scale of Rs. 1200-2040 to Rs.1400-
2300 (pre-revised Rs. 330-560 to
Rs. 425-700).

c. Minimum period of service for 4 years
placement from the post carrying
scale of Rs. 1400-2300 to Rs.1600-
2660 (pre-revised Rs. 425-700 to
Rs. 550-750).

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

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(TULU, RAN SHARMA)

4. The benefit of this revision of scales of pay would be given with effect from 13.5.1982 notionally and actually from 1.11.1983.

The above scheme and revision of pay scale laid down in para 2 of the Office Memorandum dated 19.10.94 formulated to place the working Draftsman of other Central Govt. offices other than the Draftsman working in C.P.W.D. with the intention to replace them in a better pay scale with better service condition like the Draftsman of C.P.W.D. Therefore condition of particular working period is also laid down in paragraph 2 of the said O.M. to replace the Draftsman in higher pay scale on expiry of prescribed working period such as 7 years, 5 years and 4 years respectively in the respective grade. After publication of this O.M. dated 19.10.94 the Govt. of India, Ministry of Science & Technology, Deptt. of Science and Technology vide their letter No. 1-12/93 Cdn dated 11.11.94 issued the same letter dated 19-10-94 addressing the Surveyor General of India Mathibarkala Estate, Dehradun wherein it was stated that the O.M. dated 19.10.94 was forwarded for revision of pay scales of Draftsman of Grade I, II, and III in all Govt. of India Offices on the basis of the award of the Board of Arbitration in the scale of C.P.W.D. for information, guidance and necessary action. But surprisingly the Surveyor General of India did not take any action as regards implementation of O.M. dated 19.10.94. As such the present applicants

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were sought to be deprived of their legitimate claim for pay parity with the Draftsman working in other Central Govt. Offices. The non-implementation of the O.M. dated 19.10.94 resulted in discrimination and the action of the respondents was violative of Article 14 and 16 of the Constitution of India.

A copy of the O.M. dated 19.10.94 and letter dated 11.11.94 are annexed herewith and marked as Annexures - 2 & 3 respectively.

4.8. That the Draftsman working in the Survey of India are entrusted with very high standard of drawing works, and compilation of Maps and Cartography scribing and they are required to carry out topographical drawing on various skills covering the whole country. The topographical maps, topographical thematic maps, guide maps, tourist maps, state maps, three dimensional plastic relief maps and other project maps are generally prepared by the Draftsman of Survey of India. These maps are important and useful for defence and all other Ministries, State Govt. as well as for educational purposes and for map users/readers in general. All the above maps are prepared by the fair drawing or cartographic scribing techniques. The fair mapping in both the methods used are mainly carried out by the Draftsman in the Deptt. after completion of the field work. The fair mapping is allotted to the Circle drawing

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offices of the Deptt. hence right from the compilation, drawing to final proof stage of any map, the main job of preparing original for printing and publishing is carried out by the Draftsman of Survey of India. The map under preparation is to undergo the following various stages in the hands of the Draftsman.

1. Projection
2. Plotting of Control Points
3. Compilation (where necessary)
4. Mosaicing
5. Drawing/Cartographic scribing/plastic relief mapping.
6. Drafting of technical correspondence with the local Governments, the Deputy Director General of Military Survey (G.S.G.S.), Ministry of Defence and Ministry of External Affairs and Other indentors.
7. Preparation of History Sheets and Publication Instructions.
8. Examination of Preliminary proofs and preparation of ancillary originals etc. (i.e. Grid, Colour separation Guides, Shade Originals etc.etc.).
9. Examination/preparation of Final P.O.PS; ascertaining the correctness of the External/ International Boundaries and the Coast line with the available records and Circulars etc.
10. Preparation of Area Statements, and submission of area figures of Indian States/Union Territories for each Census of India.
11. Serutiny of all such maps containing External/ International Boundaries and coast line published by the private agencies.
12. Besides the above a Draughtsman has to prepare the Publications used in the Department including all charts, Indexes, Hand Books etc.
13. A Draughtsman has to have a very high standard of technical knowledge also of printing & publishing of all kinds of maps and basic knowledge of field work. This is being confirmed by the Circle Offices by means of Trade Tests periodically.

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(TULSI RAM SHARMA)

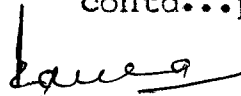
14. A Draughtsman has to prepare and supply data for gazetteers published by the Govt. of India.

At the time of recruitment the basic qualification for a Draughtsman is Intermediate with Mathematics. After recruitment the Draughtsman are subject to two years of a very high regular standard course of training at Survey Training Institute, Survey of India, Hyderabad encompassing all the duties required of a Draughtsman enumerated above. They are practically trained in the use of all the instruments required of a Draughtsman are sophisticated. Its blades/needles are to be prepared by Draughtsman concerned according to line weights. For this, specified training is being given at Survey Training Institute, Hyderabad. Draughtsman not only from other departments of our States & Central Govt. are sent for training/courses to Survey Training Institute, Survey of India, Hyderabad but also from abroad, e.g. Sri Lanka, Nepal, Bhutan, Africa and Iran etc.

For systematic processing of the job mentioned in paragraphs 1 to 13 above, the draftsman of the following grades are employed :

- 7 1. Draughtsman(Cartographic) Grade IV (After completion of the training) of two years and after passing the prescribed tests.
2. Draughtsman Grade III (After completion of 3 years by trade test & subject to qualify).
3. Draughtsman Grade II (After completion of two years by trade test and subject to qualify).

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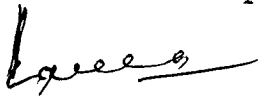

(TULSI RAM SHARMA)

4. Draughtsman (Cartographic) Division I
(By D.P.C. on vacant posts). The only
promotion one gets after 30-33 years of
service. Trade Tests are not promotion as
per Govt. of India's letter No.F. No. 10(1)/
E-III/88 Govt. of India, Ministry of Finance,
Deptt. of Expenditure, New Delhi dated 13th
September , 1991 in para 2 (C).

It is, further to say that the Draughtsman of
Survey of India employed in various kinds of map
making, in which fair drawing/cartographic, scribing
requires a high class of accuracy, consistency, unifor-
mity and achieving the highest standard of precision
mappoing. "

Therefore it appears that the Draftsman of
Survey of India, the present applicants not only
performing the similar nature of work like Draftsman
of CPWD of the corresponding grade rather discharging
the very high standard of drawing work which cannot be
equated with the Draftsman of any other department
of the Central Govt. Offices. Therefore the present
applicants deserves rather a higher pay scale than
the other Central Govt. Offices Draftsman working in
the corresponding grades. But unfortunately the present
applicants have been deprived of the revised scale of
pay which was granted to the CPWD Draftsman long back
following the award of Board of Arbitration. The non-
extension of revised pay scale to the present applicants

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(TULSI RAM SHARMA)

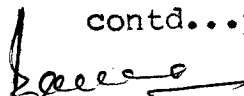
had violated the principles laid down in Article 14 and 16 of the Constitution of India.

4.9. That the present applicants declare that they are performing similar nature of work which are being performed by the Draftsman Gr. II in the CPWD. Therefore they are also entitled to the benefit of revised pay scale granted under O.M. dated 19.10.94 issued by the Ministry of Finance, Govt. of India, Department of Expenditure.

4.10. That the Survey of India is the National Survey and Mapping Organisation of our country under the Ministry of Science & Technology and is the oldest Scientific Department of the Govt. of India. It was set up in the year 1967. This is the only organisation for preparing the maps of land surveys of India and abroad. Therefore the present applicants who are working as Draftsman Gr. II should not be deprived from the benefit of extension of revised pay scales which was granted to other similarly situated Draftsman working in other Central Govt. Offices.

4.11. That the applicants beg to state that O.M. dated 19.10.94 issued by the Govt. of India, Ministry of Finance during the Pendency of their representations which were addressed to the Surveyor General, Survey of India, Dehradun. Therefore it appears that applicants as regard their entitlement for placing them in the scale of Rs. 425-700 is covered vide Govt. of India's letter dated 11.9.87 as well as also covered under the

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(TULSI RAM SHARMA)

OM dated 19.10.94 issued by the Ministry of Finance, Govt. of India to provide the better service career, The applicants further beg to state that the O.M. dated 19.10.94 provided better future prospects to the applicants who are similarly situated like Draftsman in CPWD as well as Draftsman of Ordinance Factory although they are also covered under the O.M. dated 19.10.94 but for further advancement in the service career of Draftsman Grade II O.M. dated 19.10.94 ought to have been implemented, in respect of the present applicants with immediate effect with all consequential monetary benefits.

But surprisingly the respondents did not take any steps for extending the benefit of O.M. dated 19.10.94 and in such compelling circumstances the present applicants approached this Hon'ble Tribunal through O.A. No. ~~1025~~ 135/95 which was disposed of by this Hon'ble Tribunal on 20-7-95 with the direction to the Respondents to consider and ~~xxxx~~ decide whether the benefit of the revised pay scales should be extended to the applicants. The applicants were given liberty to approach this Hon'ble Tribunal if the decision of the Respondents ~~went~~ went against them. The Respondents thereafter issued the Order No. SM/06/001/95 dated 31.1.96 rejecting the claims of the applicants for grant of revised pay scale. Situated thus, the applicants again approached this Hon'ble Tribunal, challenging the validity of the impugned letter dated 31.1.96 through

O.A. No. 52/96. It is relevant to mention here that the present respondents, by the above order had come to the conclusion that the benefit of the O.M. dated 19-10-94 cannot be extended to the Draftsman of Survey of India on the ground that their qualifications of recruitment were not similar with that of the Draftsman of the CPWD or other Departments and also on the ground that the scope of promotion ^{was} were not similar with that of the Draftsman of the CPWD, their type and nature of works, duties and responsibilities were not similar with those of the Draftsman under the CPWD and also concluded that the applicants' pay structure had not been and was not at par with the pay structures in the CPWD or other Organisations. The respondents in other words vehemently contested the O.A. No. 52/96 and the said O.A. was ultimately decided by this Hon'ble Tribunal on 17-7-97 with the following observations and directions :

" In our view under the facts and the circumstances stated hereinabove the terms of the aforesaid O.M. dated 19.10.1994 are applicable to the applicants. Accordingly, we set aside the impugned order No.SM/06/001/95 dated 31.1.1996. Further, we direct the respondents to place the applicants in the scale of pay of Rs. 425-700 (Pre-revised)/1400 - 2300 (revised) in the manner stipulated in the O.M. No. 13(1)-IC /91

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dated 19-10-1994 and allow them to draw pay in the scales with effect from the date applicable in the case of each applicant respectively. This shall be complied with by the respondents within 3(three) months from the date of receipt of this order by Respondent No.3. The Respondents shall also allow the consequential benefits provided in para 3 of the O.M. dated 19-10-1994 mentioned above ~~xxxxxx~~ to the applicants.

The application is allowed in terms of the above directions. No order as to costs. "

Copy of the letter dated 31.1.96 and copy of the judgment and order dated 17.7.97 are annexed herewith and are marked as Annexures- 4 & 5 respectively.

4.12. That it is stated that the Respondents being dissatisfied with the judgment and order dated 17.7.97 preferred an appeal before the Hon'ble Gauhati High Court under Article 226 through Civil Rule No. 4733/97, however, the Hon'ble Gauhati High Court ^{affirmed} ~~confirmed~~ the Judgment and order of this Hon'ble Tribunal on 31-7-99. The Respondents being ^{still} ~~further~~ dissatisfied with the judgment and order dated 31.7.99 preferred a Special Leave Petition before the Hon'ble Supreme Court through SLP to Appeal (Civil)2000 cc 2082/2000. The Hon'ble Supreme Court also was pleased to dismiss the said Appeal

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after condoning the delay in filing the same and thereby upheld the judgment and order dated 17.7.1997 passed in O.A. No. 52/96 and 31.7.99 passed by the Hon'ble High Court in Civil Rule No. 4283/97.

Copy of the judgment and order dated 31.7.1999 passed by the Hon'ble High Court and the Order dated 31.3.2000 passed by the Hon'ble Supreme Court are annexed hereto and are marked as Annexures- 6 & 7 respectively.

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4.13. That it is stated that even after the Hon'ble Supreme Court order dated 31.3.2000 passed in the SLP preferred by the Respondents, Union of India, confirming the judgment and order dated 17.7.97 passed by this Hon'ble Tribunal the same was not implemented by the Respondents Union of India and in such compelling circumstances the present applicants finding no other alternative filed a Contempt Case against the Respondents through CP No. 3/2000. However after receipt of the notices and after long persuasion the judgment and order of the Hon'ble Tribunal dated 17.7.97 passed in O.A. No. 52/96 was partially extended to the present applicants.

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(TULSI RAM SHARMA)

The period of 5 (five) years service for placement from the post carrying scale of Rs.1200-2040 to Rs. 1400-2300 (Pre revised) Rs. 330-560 to Rs. 425-700) ^{was} ~~has been~~ calculated by the Respondents taking into consideration the initial 5 (five) years, service in the 2(two) grade combined service i.e. in the Grade III & Grade II Service on the pay scale of Rs. 330-480 and Rs. 425-600. Accordingly in terms of the instructions issued under letter No. SM/04/010/2000 dated 16.10.2000 and also in term of Surveyor General of India's letter bearing No. F.2- 2308/1196-B(TRS) dated 27.3.2001, the benefit of revised scale under Para 2(b) of O.M. dated 19.10.94 has been extended to the present applicants with arrear monetary benefits.

Copies of the letter dated 16.10.2000 and letter dated 27.3.2001 are annexed hereto and are marked as Annexures-8 & 9 respectively.

4.14 That it is stated that in the judgment and order dated 17.7.97 passed in O.A. No. 52/96, the Hon'ble Tribunal also directed the Respondent No.3 to grant all consequential benefit in terms of Para 3 of the O.M. dated 19.10.94.

That your applicants after receipt of the benefit of revised scale of pay in terms of Para 2(b) of O.M. dated 19.10.94, approached the

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Respondents for grant of revised scale of pay contained in Para 2(c) of the aforesaid Office Memorandum dated 19.10.94 of the Government of India, Ministry of Finance, Department of Expenditure, New Delhi on the ground that they ^{had} ~~have~~ attained eligibility as per condition laid down in para 2 (c) of Office Memorandum dated 19.10.94. All the applicants submitted individual representations addressed to the Surveyor General of India, Dehradun , through Proper Channel on 6th June 2001, the contents of all the individual representations are same, in the said representations, the applicants inter alia prayed for grant of higher scale of pay of Rs. 550-750 corresponding revised scale of Rs. 1600-2660 (IVth CPC) and further revised corresponding pay of Rs. 5500-9000 as per (Vth CPC).

It is categorically stated by the applicants in their representations that they have acquired the required eligibility as per Office Memorandum dated 19.10.94 for grant of higher revised scale of pay of Rs. 550-750, in terms of Para 2 (c) of Office Memorandum dated 19.10.94.

A copy of the representation dated
is annexed hereto and is marked as
Annexure- 10.

That
4.15. A Most surprisingly the Surveyor General of India vide his letter bearing No. E-Z-12553/1196-B-TR Sharma dated 1st August 2001, has rejected the

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[Signature]
(TULSI RAY SHARMA)

prayer of the applicants for extension of benefit of revised higher scale of pay in terms of Para 2(c) of Office Memorandum dated 19.10.94 on a very vague, untenable and flimsy ground without application of mind and the order has been passed in a very arbitrary manner, without looking into the contents of the Office Memorandum dated 19.10.94 issued by the Government of India, Ministry of Finance, Department of Expenditure, New Delhi and on that score alone the impugned order dated 1.8.2001 is liable to be set aside and quashed.

A copy of the impugned order dated 1.8.2001 is annexed hereto and is marked as Annexure-11.

4.16. That by the Office Memorandum dated 19.10.94 issued by the Govt. of India, Ministry of Finance, Department of Expenditure desired to provide a better, uniform future prospect to all the Draftsman Grade I, II and III of all Central Govt. offices irrespective of their recruitment qualification.

The O.M. dated 19.10.94 having waived the conditions mentioned in the OM dated 13.3.84, with the sole object to cover the left out Draftsman not fully satisfying the said conditions serving in other Central Government Offices, and the Central Government is obliged to grant higher revised pay scale in an uniform rate to the Draftsman working in various Central Government Office as the present Office Memorandum dated

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(TULSIRAM SHARMA)

19.10.94 provides a better future prospects to the Draftsman Grade II serving under Government of India and particularly this O.M. is also beneficial to the present applicants who are serving in the cadre of Grade II Draftsman in the Survey of India, under the Ministry of Science and Technology. Therefore the present applicants are also entitled to the ^{full} benefit of revised pay scale granted under O.M. dt. 19.10.94 as the same provided better promotional avenues to the cadre of Draftsman Grade II.

4.17. That the applicants beg to state that the respondents ought to have been implemented the benefit of higher revised pay scale ~~in terms of~~ the long back. The recent O.M. dated 19.10.94 is the improvement over the Office Memorandum dated 13.3.84 to extent the benefit of revised pay scale i.e. Rs. 425-700 and Rs. 550-750 to all the Draftsman of different Central Government Departments by further relaxing and waiving the recruitment qualification and the O.M. dated 19.10.94 ^{had been} ~~is~~ issued for career advancement system and the present applicants categorically deny the correctness of statement made in paragraph 2 of the letter dated 1st August 2001 issued by the Surveyor General of India, where it is stated that the existing career advancement system is better than the CPWD. In this connection it may also be stated that following the Office Memorandum dated 13.3.84 Draftsman of CPWD were already granted higher revised pay scale of Rs. 550-750 in the year 1984 with retrospective benefit

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whereas even in the year 2001 the present applicants are still in the scale of Rs. 425-700. Therefore the statement made in the letter dated 1-8-2001 is false, misleading and not based on factual position. Therefore, the letter dated 1-8-2001 issued by the Surveyor General, of India is liable to be set aside and quashed.

The applicants state that the O.M. dated 19.10.94 has taken care of further advancement in service career of Draftsman Grade II in the ~~XXXXXX~~ manner provided therein. Therefore implementation of the Office Memorandum dated 19.10.94, at all stages is essential in respect of the Draftsman Gr.II of Survey of India for further advancement of service career of the present applicants. Be it stated that if the O.M. dated 19-10-1994 would have been implemented in time in that event the present applicants would have readily fitted in the present scheme of revised pay scale issued under O.M. dated 19.10.94.

4.18. That the applicants beg to state that they are similarly situated like the other Draftsman Grade II of different Central Govt. Offices including the Draughtsmen Grade II of CPWD and Draughtsmen of Ordnance Factory and as such they are entitled to be placed in higher scale of Rs. 550-750/- and corresponding revised scale of pay. Therefore, in view of the facts and circumstances stated above the present applicants are entitled to be placed in the pay scale of Rs. 550-750/- in terms of O.M. dated 19.10.94.

contd...p/27

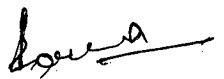
(TULSI RAM SHARMA)

It appears that the latest O.M. dtd. 19.10.94 is applicable considering the same have provided better promotional aspects and moreover as the present applicants of Survey of India rather entrusted with more complicated nature of works than the Draughtsmen Grade II working in any other organisation of the Central Govt. as Draftsmen having same status. Therefore the Respondents be directed to place the present applicants in the revised pay scale of Rs. 550-750 per month in terms of Office Memorandum dated 19.10.94.

4.19. That it is stated that the benefit of the Office Memorandum dated 19.10.94, to the extent of Para 2(b) has already been granted both present applicants following direction of this Hon'ble Tribunal passed on 17.7.97 in O.A. 52/96 which is also confirmed by the Hon'ble Gauhati High Court as well as by the Hon'ble Supreme Court when the judgment of the Hon'ble Tribunal was carried on appeal by the present respondents.

It is relevant to mention here that this Hon'ble Tribunal while deciding the issues involved in O.A. 52/96 it categorically rejected the contention of the Respondents that the applicants are not entitled to the benefit of the revised scale of pay in terms of Office Memorandum dated 19-10-94 and it was ultimately held by this Tribunal that the present applicants were entitled to the benefit of

contd...p/28


(TULSI RAM SHARMA)

Para 2(b) of Office Memorandum dated 19.10.94 and accordingly the applicants have now been fitted in the ~~scale in the~~ pre-revised scale of Rs. 425-700. Once the applicants have already been fitted with the scheme of 19.10.94, there is no justifiable ground to deny the further benefit of revised scale of pay of Rs. 550-750, in terms of Para 2(c) of O.M. dated 19.10.94 of the same memorandum, and the benefit of the same cannot be denied on the alleged ground that the posts of Draftsmen I are fixed post and also on the alleged ground that promotions are made available only against existing vacancies. It is ought to be mentioned here that once a scheme for upgradation of pay scale is accepted by a particular department or respondents and is partly implemented, there is no cogent reason to deny further benefits of revision of scale of pay under said memorandum to the present applicants. Therefore, the impugned letter dated 1st August 2001 is liable to be set aside and quashed.

4.20. That it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interest of the present applicants by issuing appropriate direction to the Respondents to grant higher revised scale of pay of Rs. 550-750(Pre-revised) corresponding to Rs. 1600-2660 (as per IVth CPC) and Rs. 5500-9000 (as per Vth CPC) in terms of Para 2 (c) of Office Memorandum dated 19-10-94 with all consequential benefits including arrear monetary benefits to all the applicants with immediate effect.

4.21. That this application is made bonafide and for ends of justice.

5. Grounds for relief(s) with legal provisions

5.1 For that the applicants have acquired a valuable and legal rights as well as attained the eligibility for grant of benefit of higher revised scale of pay of Rs. 550-750 (Revised) in terms of Para 2(c) of O.M. dated 19.10.94 issued by the Govt. of India, Ministry of Finance Department of Expenditure, New Delhi in view of the judgment and order dated 17.7.97 in OA 52/96 and upheld by the Hon'ble High Court and the Apex Court.

5.2. For that this Hon'ble Tribunal has already held in the judgment and order dated 17.7.97 passed in OA 52/96 that the present applicants are eligible and entitled to the benefit of the revised scale of pay in terms of the scheme issued under Office Memorandum dated 19.10.94 by the Government of India.

5.3. For that the decision of the Respondents rejecting the prayer of the applicants for grant of benefit in terms of Para 2(c) of Office Memorandum dated 19.10.94 communicated under the impugned letter dated 1.8.2001 is arbitrary, unfair and illegal and the same is violative of Article 14 of the Constitution of India.

5.4. For that the present applicants has already been fitted in the scheme of upgradation of pay scales issued by the Govt. of India under Office Memorandum dated 19.10.94 and the same has been implemented

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Laura
(TULSIRAM SHARMA)

after found the applicants eligible for such benefits, therefore, other benefits provided in the same scheme cannot be denied to the present applicants.

5.5. For that the scheme of 19.10.94 has been issued by the Govt. of India for providing better service prospects and uniform pay scale to all the Draftsmen working all other Govt. of India Offices who were not covered earlier under the O.M. dated 13.3.84, and the applicants have acquired eligibility as laid down in para 2(c) of O.M. dated 19.10.94.

5.6. For that all other similarly Draftsman working in other Govt. of India Offices have already been granted the benefit of revised pay scale contained in Para 2(c) of O.M. dated 19.10.94, and as such denial of the same pay scale is violative of Articles 14 and 16 of the Constitution of India.

5.7. For that the decision of this Hon'ble Tribunal regarding entitlement of the higher scale to the applicants provided in the Para 2(b) of O.M. dated 19.10.94 has also been confirmed by the Hon'ble Gauhati High Court as well as by the Hon'ble Supreme Court and as such denial of the further benefit of the Scheme to the present applicants also amounts to violation of the Scheme dated 19.10.94 as well as the Hon'ble Tribunal's Judgment and Order passed in O.A. No. 52/96.

5.8. For that denial of benefit of revised scale in terms of Para 2(c) of O.M. dated 19.10.94 on the

contd....p/31

Guja
(TULSI RAM SHARMA)

on the alleged ground that there are fixed quota/ posts for promotion to the cadre of Draftsman DV-I in the Ministry of Science and Technology is not sustainable in the eye of law in the face of Office Memorandum dated 19-10-94 issued by the Government of India, Ministry of Finance Department of Expenditure.

6. Details of remedies exhausted

That the applicants state that they have no other alternative and efficacious remedy that to file this application.

7. Matters not previously filed or pending with any other court

The applicants further declare that they had not previously filed any application, Writ Petition or Suit regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, Writ Petition or Suit is pending before any of them.

8. Reliefs sought for :

Under the facts and circumstances stated above, the applicants humbly pray that Your Lordships be pleased to grant the following reliefs.

8.1 That the impugned order issued under letter bearing No.E-2-12553/1196-B-TR Sharma dated 1st August 2001 be set aside and quashed.

contd..p/32

(TULSI RAM SHARMA)

8.2. That the respondents be directed to grant the revised higher pay scale of Rs. 550-750 (Pre-revised) corresponding to Rs. 1600-2660 (as per IVth CPC) and further revised corresponding Scale of pay of Rs. 5500-9000(As per Vth CPC) with all consequential benefits including arrear monetary benefits, in terms of direction contained in Para 2(c) of O.M. dated 19-10-94 issued by the Govt.of India, Ministry of Finance, Department of Expenditure to the applicants.

8.3 To pass any other order or orders or direction to grant adequate relief to the applicants as the Hon'ble Tribunal may deem fit and proper.

8.4. Costs of the application.

9. Interim order prayed for

Pending disposal of this application Hon'ble Tribunal be pleased to make an observation that pendency shall not be a bar for the Respondents to grant higher pay scale to the applicants.

10. This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I.P.O. No. : 662 790 838
ii) Date of Issue : 4/1/2002
iii) Issued from : G.P.O., Guwahati
iv) Payable at : G.P.O., Guwahati

12. List of enclosures

As stated in the Index.

VERIFICATION

I, Shri Tulsiram Sarma S/o Late Hari Prasad Sarma, aged about 52 years working as a Draftsman grade II in the office of the director, Survey of India, North eastern circle, Shillong, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 16th day January 2002.

Tulsiram
(TULSI RAM SARMA)

Grade/Rank 34-
53-

Annexure 1

42

Annexure-4

place (verbansation) to
put in the proper position

No. F.6 (59)-E.III/82

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

(Department of Expenditure)

[Webster's Encyclopedic unabridged dictionary]

Regular (Adj) - Evenly or uniformly arranged
Recurring at Fixed Times - Regular income.

New Delhi the 13th March '84

Conforming to some accepted norm.

Scale (Noun) Succession or progression of steps or degrees: a
graduated series, the scale of taxation. A table of graduation
rates, or of wages, pay

OFFICE MEMORANDUM

Subject :- Revision of Pay Scale of Draftsmen II, II
and I in all Government of India Offices on
the basis of the Award of Board of Arbitration
in the case of Central Public Works Department.

The undersigned is directed to state that a
committee of the National Council (Joint Consultative
Machinery) was set up to consider to the request of the
staff side that following revised scales of pay allowed
to the Draughtsmen Grade I, II and III working in Central
Public Works Department on the basis of the Award of
Board of Arbitration may to extend to Draughtmen Grade III,
II, I in all Government of India offices :-

	ORIGINAL SCALES	REVISED SCALES ON THE BASIS OF AWARD
Draughtsman Grade I	Rs. 425-700	Rs. 550-750
Draughtsman Grade II	Rs. 330-560	Rs. 425-700
Draughtsman Grade III	Rs. 260-430	Rs. 330-560

2. The President is now pleased to decide that the
scales of pay of Draughtsman Grade III, II and I in offices/
Department of the Government of India, other than the
Central Public Works Department, may be revised as above
provided their recruitment qualification are similar to
those prescribed in the case of Draughtsman in Central
Public Works Department. Those who do not fulfil the above
qualification will continue in the pre-revised scales. The
benefit of this revision of pay of scale should be given
notionally with effect from 13.05.82, and the actual
benefit being allowed w.e.f. 01.11.83.

3. Hindi version will follow.

Sd/- Illegible

Deputy Secretary to the Govt. of India

To

All Ministries/Departments of the Govt. of India (as
standard list with _____ (copies). per

Attest
Sd/-
Ad

ANNEXURE-5

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

New Delhi the 19th Oct. 1994

OFFICE MEMORANDUM

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

The undersigned is directed to refer to this Department's O.M. No. F(59)-E.III/82 dated 13.3.84 on the subject mentioned above and to say that a Committee of the National Council (JCM) was set up to consider the request of the Staff side that the following scales of pay allowed to the Draughtsmen Grade I, II and III working in CPWD on the basis of the Award of Board of Arbitration may be extended to Draughtsmen Grade I, II, & III irrespective of their recruitment qualification, in all Government of India Offices.

	<u>Original Scale (Rs.)</u>	<u>Revised scale on the basis of the Award</u>
Draughtsmen Grade I	425-700	550-750
Draughtsmen Grade II	330-560	425-700
Draughtsmen Grade III	260-430	330-560

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

- Minimum period of service for placement from the post carrying scale of Rs. 975-1540 to Rs. 1200-2040 (pre-revised scale Rs. 260-430 to Rs. 330-560).
- Minimum period of service for placement from the post carrying scale of Rs. 1200-2040 to Rs. 1400-2300 pre-revised Rs. 330-560 to Rs. 425-700).
- Minimum period of service for placement from the post carrying scale of Rs. 1400-2300 to Rs. 1600-2660 (Pre-revised Rs. 425-700 to Rs. 550-750).

7 years

5 years

4 years

placed in the scale
 with depend on its context for which
 the expression is used.

Placed in the scale
 with depend on its context for which
 the expression is used.

5
Annexure-5 (Contd.)

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

4. The benefit of this revision of scale of pay scale be given with effect from 13.5.82 notionally and actually from 1.11.82.

Sd/- SHYAM SUNDER
Under Secretary to the Government of India

To

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

Attest
Adm

ANNEXURE-6

GOVERNMENT OF INDIA
MINISTRY OF SCIENCE & TECHNOLOGY
Department of Science & Technology
Technology Bhawan, New Delhi

No. 1-12/93-Cdn

Date 11th November, 94

To

1. Surveyor General of India
S.O.I.
Block B, Hathibarkala Estate
Dehradun (UP) - 248001
2. The Director General of Meteorology
I.M.D., Lodhi Road,
New Delhi-110003
3. The Director,
NATMO
MSO Bldg. DF Block
7th Floor, Salt Lake
Calcutta-700064

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

Sir,

I am directed to forward herewith a copy of Ministry of Finance (Deptt. of Expenditure)'s O.M. No. 13(1)-IC/91 dated the 19th October, 94 on the above subject for information, guidance and necessary action.

Yours faithfully,

Sd/- KAMAL PRAKASH
Section Officer

Attested
Sd/-
Adli.

Annexure-4

**Government of India
Ministry of Science & Technology
Department of Science & Technology
Department of Science & Technology
Technology Bhavan, New Mohrauli Road, New Delhi-110016**

No. SM/06/001/95

Dated 31 January, 1996

ORDER

1. The Central Administrative Tribunal, Guwahati Bench, Guwahati, on an application filed by Shri Tulsi Sarma, Draughtsman Grade II in Survey of India, North Eastern Circle, Shillong and seventy seven other Draughtsmen in Survey of India, pass an order directing the Government to consider the grievance of the applicants and to take a decision as to whether the benefit of the revised pay scales extended to Draftsmen in Government offices other than CPWD vide Ministry of Finance Office Memorandum No. 13 (i)-IC/91 dated 19th October, 1994 can be extended to the applicants. The Government after careful consideration of the matter observes and makes the following order.
2. The applicants have requested for implementation of the Ministry of Finance, Government of India Office Memorandum No. 13(i)-IC/91 dated 19th October, 1994 extending the benefit of revised pay scales for Draughtsman in Government offices and Departments other than C.P.W.D.
3. The Department has considered the existing pay structure of Draughtsman in Survey of India (SOI), Draughtsman in Survey of India is a part of the topographical cadre which includes other employees like planetablers, topo-auxilliary, air-survey draughtsman, Survey Assistants, Topo-Computers, etc. The qualification for recruitment is kept as Intermediate with Mathematics as one of the subjects. No candidate in the Draughtsman cadre at any level is required to have the qualification of

*Attested
Dr.
S. S. S.*

Certificate/diploma in Draughtsmanship. Further the promotions in the Survey of India from the level of Rs. 260-350, Rs. 260-430, 330-480 up to the level of Rs. 425-600 are flexible whereas in C.P.W.D., the promotions are based on functional basis against sanctioned strength at each level. In Survey of India, the Draughtsman got promotion on passing departmental examination after completion of fixed tenure of service and got promotion without linkage to vacancies at higher level.

4. I would thus be seen on the one hand the Draughtsman in Survey of India are not required to possess the qualification of Draughtsman for appointment to any level and on the other hand they get their promotion after fixed periodicity on passing departmental examination without linkage to vacancies. Accordingly, there is no comparison between Draughtsman in CPWD and other organisations vis-a-vis Draughtsman in SOI. Again whereas the Draughtsman in CPWD and other organisations are required to handle varied types of draughtsmanship related jobs whereas the Draughtsman in SOX have confined themselves only with respect to Survey. The requirement in their case is knowledge of drawing/cartography as against draughtsmanship in other organisations. Thus, any order issued in respect of Draughtsman in CPWD or Draughtsman in other Ministries/Department or Organisation cannot automatically be made applicable to Draughtsmen in Survey of India of Draughtsman in CPWD
5. The pay structure of Draughtsman in Survey of India had not been and at present also is not at par with pay structure for Draughtsman existing in other Organisations. At one stage, the employees have got higher pay scale through the Joint Consultative Machinery and Arbitration Award. In case the present Office Memorandum is considered for implementation, this will infringe upon the benefits already accrued to the employees of SOX which may not hold good.

*Attested for
A.D. Akh*

6. The above issue have been considered carefully in the Government and it has not been found possible to agree with the request of the Draughtsmen in Survey of India for revision of their pay scales based on the Office Memorandum of Ministry of Finance, Govt. of India dated 19.10.1994. All the applicants in the O.A. No. 135/95 dated 20.7.95 filed in the Central Administrative Tribunal, Guwahati Bench, Guwahati are hereby informed of the above decision of the Government.

Sd/- M.M.K.Sardana
Joint Secretary to the Government of India

Shri Tulsiram Sarma,
Draughtsman Grade II
North Eastern Circle, Survey of India,
SHILLONG

Copy to the Hon'ble Central Administrative Tribunal, Guwahati Bench,
Guwahati, Assam with reference to their order in the Original Application No.
135/95 dated 20th July, 1995.

Copy to the Surveyor General of India, Survey of India, Dehra Dun - 248
001.

Copy to Brig. P.K.Gupta, Director, North Eastern Circle, Survey of India,
Survey of India Estate, Shillong 793001 with a request to kind deliver the copies
of this order to all the applicants individually in the above case.

Sd/- M.M.K.Sardana
Joint Secretary to the Government of India

Tulsiram Sarma
Draughtsman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 52/1996.

Date of Order : This the 17th July, 1997.

HON'BLE MR. JUSTICE D.N.BARUAH, VICE-CHAIRMAN
HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER

1. Shri Tulsiram Sharma & Others.

(All the 76 applicants are working as Draftsman Gr.II under the Director, Survey of India, North Eastern Circle, Shillong under Ministry of Science and Technology, Govt. of India, New Delhi.)

By Advocate Mr. A.Roy, Mr.J.L.Sarkar, Mr.M.Chanda.

-Vs-

1. The Secretary, Ministry of Science & Technology
New Delhi.
2. The Surveyor General,
Survey of India,
Block B, Bathibarkala Estate,
DEHRADUN.
3. The Director, Survey of India,
North Eastern Circle,
Shillong.

By Advocate Mr.A.K.Choudhury, Addl.C.O.S.C.

O R D E R.

SANGLYINE, MEMBER(A):

All the 76 applicants are Draftsman/Draughts-men Grade II under the Director, Survey of India, North Eastern Circle, Shillong. They have been permitted vide our order dated 9-4-96 to join in this Single application.

2. The applicants are drawing pay in the scale of pay of Rs. 1350-2200. In this application they claim that they are entitled to draw pay in the scale of pay of Rs. 1400-2300 which is equivalent to the proposed revised scale of Rs. 425-700 and for payment of arrear monetary benefits either in terms of O.M. No. 5(13)-E.III/87 dated 11-9-1987 or E.M.No.13(1)-E.I dated 19-10-94. In the Survey of India there are

11.7.97

Attst for Contd.

different grades of Draftsman, namely; (1) Topo Trainee Type B, (2) Draftsman Gr. IV, (3) Draftsman Grade III, (4) Draftsman Grade II and Draftsman Grade I. In this application we are concerned with Draftsman Grade II. In the 2nd Central Pay Commission the scale of pay of Draftsman Grade II of Survey of India was Rs. (205-280). The 3rd Pay Commission merged Grade II and Grade III Draftsman and placed them in the scale of pay of Rs. 330-560/-. However, later on the Government of India decided by O.M. dated 19-3-77 to retained Grade II and Grade III separately and placed them in the scale of pay of Rs. (330-480) and Rs. (425-600/-) respectively. As a result of the 4th Pay Commission, the scale of pay of Draftsman Grade II in the Survey of India became Rs. 1350-2200. The scale of pay of Senior Draftsman in Ordnance Factory was also Rs. 205-280 on the basis of the 2nd Pay Commission. In the 3rd Pay Commission the scale of pay of Draftsman was placed at Rs. 330-560. The Draftsman of Ordnance Factory who were drawing for pay in the scale of pay agitated in the Court of law against this scale of pay of Rs. 330-560. Ultimately in Civil Appeal No. 3121/81 (P. Sabita and others Vs. Union of India), the Hon'ble Supreme Court allowed the replacement of the scale of pay by the scale of pay of Rs. (425-700/-). Consequent to the judgment the Government of India, Ministry of Finance, Department of Expenditure issued the Office Memorandum F.No. 5(13)-E.II/87 dated 11-9-87 extending the benefit of the judgment to similarly placed Draughtsmen in other Ministries/Departments of the Government of India to the effect that the Draughtsmen as were in the pay scale of Rs. 330-560 based on the recommendation of the 3rd Central Pay Commission may be

contd/-

17.7.97

given the scale of Rs.425-700 notionally from 1-9-1973 and actually from 1-9-87. In the Central Public Works Department (CPWD) the scale of pay of Draftsman based on the (2nd Pay Commission) was Rs. 180-380. In the 3rd Pay Commission the scale of Draftsman Grade II was Rs.330-560. The Draftsman of C.P.W.D. agitated against this scale of pay and according to the Award of the Board of Arbitration the scale of pay was raised from Rs. 330-560 to Rs. 425-700/-. The Government of India, Ministry of Finance, Department of Expenditure issued O.M.No.F.6/59-E.III/82 dated 13-3-84 to the effect that Draughtsmen Grade II in other offices/Departments of the Government of India may also have the scale of pay of Rs. 425-700 as those of the C.P.W.D. provided the recruitment qualifications of Draughtsmen in these offices or departments are similar to those prescribed in the case of Draughtsmen in the Central Public Works Department. The benefit was to be given notionally with effect from 13-05-82 and actual benefit to be allowed from 1-11-83. The staff side further agitated against the clause of recruitment qualification placed in the above referred to O.M, dated 13-3-84. The Government of India (conceded and revised) this decision according to the office Memorandum No.13(1)-IC/91 dated 19-10-1994. As a result, the Draughtsmen Gr.II in the offices/Department of the Government of India other than CPWD, who were drawing pay in the scale of pay of Rs.330-560/-, also were granted the revised scale of Rs. 425-700/- subject to the conditions laid down in the O.M. (The condition relevant to Draughtsmen Grade II is) that the minimum period of service for placement from the post carrying scale of Rs. 1200-2040/- to the post carrying the scale of Rs. 1400-2300 (Pre-revised scale of

contd/-

pay Rs.330-560 to 425-700) (is 5 years. This benefit was allowed notionally with effect from 13-5-82 and actually from 1-11-83.

3. Some of the applicants submitted O.A.No.135/95 which was disposed of by the Tribunal on 20-7-95 with a direction to the respondents to consider and decide whether the benefit of the revised pay scales should be extended to the applicants. The applicants were given liberty to approach the Tribunal, if so advised, if the decision of the respondents is against them. The respondents thereafter had issued the order No. SM/06/001/95 dated 31-1-96 which is impugned in the present Original Application No.52/96. According to this order the respondents had considered the question whether the benefit of the revised pay scale extended to the Draftsman in Government office other than the C.P.W.D. vide Ministry of Finance O.M.No.13(1)-IC/91 dated 19-10-1994 referred to above can be extended to the applicants. They had come to the conclusion that the benefit of the O.M. dated 19-10-94 can not be extended to the Draughtsmen of the Survey of India. on the ground that their qualification for recruitment is not similar with that of the Draughtsmen of the C.P.W.D. or other departments, the scope of their promotion is not similar with that of the Draughtsmen of the CPWD, their type and nature of works, duties and responsibilities are not similar with those of the Draughtsmen under the C.P.W.D.

contd/-

17.7.97

and their pay structure had not been and is not at par with the pay structure of Draughtsman in the CPWD or in other Organizations.

4. Mr. A. Roy, learned counsel for the applicants, submitted that the grounds given by the respondents in support of their refusal to grant the benefit provided in the O.M. dated 19-10-1994 to the applicants are untenable in view of the stipulations in the O.M. and that the applicants are entitled to the higher pay scale of Rs. 1400-2300/- (Pre-revised scale Rs. 425-700) in terms of the aforesaid O.M. dated 19-10-1994. Mr. A. K. Choudhury, the learned Additional Central Government Standing Counsel, on the other hand, vehemently supported the impugned action of the respondents. We have heard counsel of both sides. We are now to see whether the rejection to grant the benefit provided in the O.M. dated 19-10-1994 to the applicants is at all sustainable.

5. At the outset, we reject the plea of the respondents that the applicants cannot now agitate against the pay scale granted to them as they had accepted the scale of Rs. 425-600/- since 1977 and had never earlier sought for the benefit conferred by the O.M. dated 13-3-1984. It may be true that the applicants did not earlier seek relief from the respondents with regard to the pay scale. But it is clear that the cause of action of the applicants in this Original Application arose after the O.M. dated 19-10-1994 by which the recruitment qualification clause stipulated in the O.M. dated 13-3-1984 was substituted by the minimum period of service clause. This revised order took effect from 13-5-1982 notionally and from 1-11-1983 actually. With the issue of the O.M. dated 19-10-1994 the applicants

are in a different situation and they were of the view that they could thereafter get the benefit provided in the O.M. from the respondents. They sought for the same but their prayer was rejected by the respondents as per the impugned order dated 31-1-1996. It is this rejection that has given rise to the present Original Application.

6. The O.M. dated 19-10-1994 is concerned with application of the scales of pay of Draughtsman Grade I, II and III in the CPWD to the corresponding Grades of Draughtsmen in other offices/departments of the Government of India. The applicants are Draughtsman Grade II in the Survey of India, which is one of the offices/departments of the Government of India. They are drawing pay in the pay scale of Rs. 1350-2200 (pre-revised Rs. 425-600). The question in this O.A. is whether the applicants are entitled to draw pay in the scale of pay of Rs. 1400-2300 (Pre-revised 425-700). [The Draughtsman Grade II in the Survey of India had the same pay scales as those of Draughtsman in other offices/Departments of the Government of India. For instance, their scale of pay on the basis of the 2nd Central Pay Commission was 205-280 as was that of Sr. Draughtsman in Ordnance Factory. In the 3rd Pay Commission their scale of pay was 330-560/-] since 1-1-1973 which was same with those of the Draughtsman II in the CPWD and in the Ordnance Factory in whose cases the scales had been raised from 330-560 to Rs. 425-700/-. It was only in 1977

contd/-

that the pay scale of the applicants was raised to 425-600/-. Therefore, the applicants, Grade II Draughtsman of Survey of India, were in the scale of pay of Rs. 330-560/- initially and were drawing pay in the same pay scale as those mentioned in the O.M. dated 19-10-1994. The respondents seem to be labouring under a conception that the Draughtsmen of the Survey of India are inferior to or, at least, different from the Draughtsmen in other offices/ Departments of the Government of India. Therefore, according to them, the applicants, who are Draughtsman Grade II in the Survey of India, are not entitled to draw pay in the pre-revised scale of Rs. 425-700 or in the revised scale of Rs. 1400-2300/-. Hence they denied the applicants the benefits granted to Draughtsmen Grade II of other offices/Departments by the O.M. dated 19-10-1994. We are however, unable to agree with the contentions of the respondents in this O.A.

[The scales of pay granted by the Award of the Board of Arbitration to the Draughtsmen Grade I, II and III of the CPWD were made applicable to the Draughtsmen Grade I, II and III respectively of other offices/ departments of the Government of India, other than the CPWD, by the O.M. Dated 13-3-1984 on condition that their recruitment qualifications are similar to those prescribed in the case of Draughtsmen in the CPWD. Further, those who did not fulfil the condition will continue to draw pay in the corresponding pre-revised scales. These were the only conditions placed in the O.M. dated 13-3-1984 and

contd/-

these conditions were done away with by the O.M. dated 19-10-1994, Para 2 of this O.M. dated 19-10-1994 reads:

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

- (a) Minimum period of service for placement from the post carrying scale of Rs. 975-1540 to Rs. 1200-2040 (Pre-revised scale Rs. 260-430 to Rs. 330-560). 7 years
- (b) Minimum period of service for placement from the post carrying scale of Rs. 1200-2040 to Rs. 1400-2300 (Pre-revised Rs. 330-560 to Rs. 425-700). 5 years
- (c) Minimum period of service for placement from the post carrying scale of Rs. 1400-2300 to Rs. 1600-2660 (Pre-revised Rs. 425-700 to Rs. 550-750). 4 years

The terms of the O.M. above are clear and unambiguous. No distinction on any ground whatever is made between Draughtsmen Grade I, II and III of one office/department of the Government of India from those of another office or department or CPWD. The O.M. simply lays down that minimum period of service in a particular grade would determine the eligibility and entitlement to be placed in a particular pay scale. It is only the respondents who have brought into the O.M. interpretations extraneous to it in their efforts to deprive the applicants of the benefits granted by the O.M. dated 19-10-1994. This is arbitrary and unfair. The Draughtsmen Grade II in CPWD who were originally placed in the scale of pay of Rs. 330-560 were placed in the scale of Rs. 425-700/- on the basis of the Award, The O.M.

contd/-

17.7.97

states that Draughtsman Gr.II in offices/departments of the Government of India other than in CPWD who were drawing pay in the scale of pay Rs. 330-560 may also be placed in the scale Rs. 425-700/-(Pre-revised) subject to certain conditions. The Draughtsman Grade II in the Survey of India were initially in the scale of pay of Rs. 330-560 on the basis of the recommendations of the 3rd Pay Commission till 1977 when their pay scale was raised to Rs. 425-600/-. In our view under the facts and the circumstances stated herein above the terms of the aforesaid O.M. dated 19-10-1994 are applicable to the applicants. Accordingly, we set aside the impugned order No.SM/06/001/95 dated 31-1-1996.

Further, we direct the respondents to place the applicants in the scale of pay of Rs. 425-700(Pre-revised)/1400-2300 (revised), in the manner stipulated in the O.M. No.13(1)-IC/91 dated 19-10-1994 and allow them to draw pay in the scales with effect from the date applicable in the case of each applicant respectively. This shall be complied with by the respondents within 3(three) months from the date of receipt of this order by Respondent No.3. The respondents shall also allow the consequential benefits provided in para 3 of the O.M. dated 19-10-1994 mentioned above to the applicants.

The application is allowed in terms of the above directions. No order as to costs.

Certified to be true Copy
10/11/97

Sd/-VICE CHAIRMAN
Sd/-MEMBER (A)

Allestal
DD
Adh

10/11/97
10/11/97
10/11/97

-50-

प्रतिलिपि के लिए आवेदन का तारीख Date of application for the copy.	स्टाम्प और फॉलोअप का अपेक्षित संख्या सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फॉलोअप देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.	Signature - 6 64
2/8/99	5/8/99	3/8/99	3/8/99	3/8/99	

IN THE GAUHATI HIGH COURT

(The High Court of Assam, Nagaland, Meghalaya, Manipur,
Tripura, Mizoram and Arunachal Pradesh)

Civil Rule No. 4733 of 1997

1. The Secretary,
Ministry of Science &
Technology, New Delhi.
2. The Surveyor General,
Survey of India,
Block B, Nathiharkala Estate,
Dehradun.
3. The Director, Survey of India,
North Eastern Circle,
Shillong.

... Petitioners

-Versus-

1. Central Administrative Tribunal,
Gauhati Bench, Rajgarh Road,
Guwahati- 781005.
2. Shri Tulsiram Sharma
3. Shri Satyajit Kumar Dey
4. Shri Tara Prasad Kharal
5. Shri L.B. Pradhan
6. Shri Pradip Kumar Neogi
7. Smt. Nandita Das
8. Smt. Neelbora Tiewla
9. Shri K.B. Gurung
10. Smt. Pandora Sohkhlet
11. Smt. Maries Nareon Laloo
12. Shri Kajal Kumar Bhattacharjee
13. Shri Arun Kumar Baidya

Contd....2/-

14. Smt. Joya Adhikari
15. Smt. Shantikumari Ghimire
16. Smt. Lawnzuali
17. Smt. Rekha Mech
18. Shri Dilip Kumar Deka
19. Smt. Mita Dasgupta
20. Smt. Subhra Gupta
21. Shri Shambu Singh Solanki
22. Shri Sudip Dutta Chowdhury
23. Shri Donbor Singh Lartang
24. Shri Ranjit Sukla Baidya
25. Shri Prabash Paul
26. Smt. Erboline Majaw
27. Smt. Spirian Kharangi
28. Smt. Everymai Warjri
29. Smt. Evelynnnora Ryngsai
30. Smt. Ritikone Majaw
31. Shri Chaman Singh Negi
32. Shri Mustaq Ahmed Swer
33. Smt. Bartilla Khyllap
34. Smt. Arunima Dutta
35. Smt. Sofiana Kharkongor
36. Smt. Manjulan Bhattacharjee
37. Smt. Hildaline Makhiew
38. Smt. Tapashi Mishra
39. Shri Bhubaneshwar Das
40. Smt. Anabba Roy Chowdhury
41. Smt. Caroline Lamo
42. Smt. Fidelis Jyrwa
43. Shri R.S. Thapa

Contd....

44. Shri S.C.Roy
45. Shri S.A. Rahman
46. Smt. G.M. Sohten
47. Shri B.Das
48. Smt. D.Majaw
49. Smt. R.C.Nonghri
50. Shri A. Mannan
51. Shri M.M.Umlong
52. Shri E. Lartang
53. Shri Durgesh Purkayastha
54. Km. A. Tombi Singha
55. Smt. Santa Ghosh
56. Smt. R.Kharbuki
57. Shri B. Dohkhrut
58. Smt. M.Diengdoh
59. Smt. M.A.Kharbuki
60. Smt. N. Kharbtong
61. Shri K.C.Das
62. Smt. S.Nongbsap
63. Smt. Margarita Sawian
64. Km. B. Marbaniang
65. Smt. Dipti Kar
66. Smt. Rita Tarafdar
67. K. Konta Nongkynrih
68. Km. A. Bhattacharjee
69. Smt. Junu Sarma
70. Smt. E.L.Nongbri
71. Shri Ashutosh Das
72. Shri Jeevan Kumar
73. Smt. M. Lyngdoh

Contd....

74. Shri T.Lyngdoh
75. Km. Ritalia Mukhim
76. Shri S.C.Sabdakar
77. Shri T.K. Mandal.

Office of the Director, Survey of India, North Eastern
Circle, Ministry of Science & Technology, Government
of India, Shillong.

... Opposite Parties

P R E S E N T

The Hon'ble the Chief Justice Mr. Brijesh Kumar
The Hon'ble Mr. Justice P.G. Agarwal

For the petitioners:- Mr. D.Sur, Central Govt. Standing
Counsel

For the opposite parties:- Mr. A.Roy

Mr. M.Chanda

Mr. S.Dutta, Advocates

Date of hearing:- 29.6.1999

Date of Judgment:- 21.7.99

JUDGMENT AND ORDER

P.G. Agarwal, J.

This Civil Rule is directed against the
order passed on 17.7.97 by the Central Administrative
Tribunal, Gauhati Bench, in Original Application No.
52 of 1996.

2. Respondent Nos. 2 to 7 hereinafter referred
as the applicants who are working as Draftsman under

Contd....

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X

the Director, Survey of India, North Eastern Circle, Shillong under the Ministry of Science & Technology, Government of India. Initially their pay scale was Rs. 260- 430/- per month. As per the recommendation of the third Central Pay Commission the Draftsman belonging to Grade-II and Grade-III in the Office of the Survey of India were merged together and placed in the scale of pay of Rs. 330-560/-. However, the Government of India later on decided to retain separate Grade-II and Grade-III Draftsman. In this writ petition we are concerned with Grade-II Draftsman working in the Survey of India. Subsequently as per fourth pay Commission report the scale of pay of the applicants who all belong to Grade-II was fixed at Rs. 1350-2200/-. The applicants' claim is that they are entitled to a pay scale of Rs. 1400- 2300/-. The applicants also prayed for extending the benefits of the Finance Ministry's O.M. No. 13(1)-1C/91 dated 19.10.94 to them.

3. The case of the appellants is that the benefits of the above mentioned Office Memorandum dated 19.10-94 can not be extended to the applicants as their qualification for recruitment is not similar/ identical with that of the Draftsman of CRWD or other Departments. Further, the scope of their promotion, time and nature of the work, duties and responsibilities are also not similar or identical.

4. The Central Administrative Tribunal vide the impugned order allowed the prayer of the applicants in

Contd....

terms of the above mentioned Office Memorandum and hence the present appeal by the Union of India/ Survey of India.

5. We have heard Mr. D.Sur, learned Central Govt. Standing Counsel for the petitioners and Mr. A.Roy, learned senior Advocate for the respondents.

6. Mr. A.Roy, learned counsel for the respondent applicants has fairly submitted that the educational qualifications and other eligibility criteria for Draftsman Grade-II in the Survey of India are admittedly similar to that of CPWD (Central Public Works Department, Government of India).

7. The Office Memorandum issued by the Government of India, Ministry of Finance dated 19.10.84 reads as under:-

" OFFICE MEMORANDUM

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

The undersigned is directed to refer to this Department's OM No.F.5(59)-E.II/82 dated 13-3-1984 on the subject mentioned above and to say that a Committee of the National Council(JCM) was set up to consider the request of the staff side that the following scales of pay, allowed to the Draftsmen Grade I, II and III working in CPWD

Contd....

-7-

on the basis of the Award of Board of Arbitration, may be extended to Draftsman Grade I, II and III irrespective of their recruitment qualification, in all Government of India offices:

Original Scale	Revised Scale on the basis of the Award (Rs)
Draftsman Grade I 425-700	550-750
Draftsman Grade II 330-560	425-700
Draftsman Grade III 260-430	330-560

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

- (a) Minimum period of service for placement 7 years from the post carrying scale of Rs. 975-1540 to Rs. 1200-2040 (pre-revised Rs. 260-430 to Rs. 330-560)
- (b) Minimum period of service for placement 5 years from the post carrying scale of Rs. 1200-2040 to Rs. 1400-2300 (pre revised Rs. 330-560 to Rs. 425-700)
- (c) Minimum period of service for placement 4 years from the post carrying scale of Rs. 1400-2300 to Rs. 1600-2600 (pre-revised Rs. 425-700 to Rs. 550-750)

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

Contd....

4. The benefit of this revision of scales of pay would be given with effect from 13-5-1982 notionally and actually from 1-11-1983.

sd/-

(Shyam Sunder)

Under Secretary to the Government of India."

8. The above mentioned Office Memorandum was the subject matter for consideration and the decision by the Apex Court in the case of Union of India and others versus Debashis Kar and others reported in 1995 Supp. (3) SCC 528. The Apex Court held in para-12 as under :

"12. By the said office memorandum, the Government of India, after considering the request of the staff side that the scales of pay, allowed to the Draftsmen Grade I, II and III working in CPWD on the basis of the above Award of Board of Arbitration may be extended to Draftsmen Grade I, II and III irrespective of their recruitment qualifications in all Government of India offices, has decided that Draftsmen Grade I, II in offices/departments of the Government of India other than in CPWD may also be placed in the revised scales of pay on the basis of the award subject to certain minimum period of service as mentioned in clauses (a), (b) and (c) in para 2 of the office memorandum. The benefit of this revision of scales of pay under the Office Memorandum dated 19-10-1994 has been given retrospectively with effect from the same

Contd....

dates as was given by the Office Memorandum dated 13-3-1984, i.e., from 13-5-1982 notionally and actually from 1-11-1983. In respect of draftsmen who fulfilled the requirement relating to the period of service mentioned in the said Office Memorandum dated 19-10-1994 on the relevant date the question whether their recruitment qualifications were similar to those in the case of draftsmen in CPWD would not arise and they would be entitled to the revised pay scales as granted to the draftsmen in CPWD irrespective of their recruitment qualifications. But in respect of those draftsmen who did not fulfil the requirement relating to the period of service prescribed in para 2 of the Office Memorandum dated 19-10-1994 the question whether their recruitment qualifications are similar to those prescribed for draftsmen in CPWD is required to be considered for the purpose of deciding whether they are entitled to the benefit of the revision of pay scales as per the office memorandum dated 13-3-1984."

9. In view of the above we find no force in the submission of the appellants that the O.M. dated 19.10.1994 is not applicable to the draftsmen belonging to Survey of India as the waiver of recruitment qualifications based on misconception. As ^{stated above} such the above applicants are not required to possess the qualifications similar to those in the case of draftsmen in CPWD and as such the Office Memorandum dated 13.3.1984 is not applicable to them and apparently this was the reason as to why the requirement relating to the period of service was incorporated in the Office Memorandum dated 19.10.1994. The decision in Union of India versus Debashis Kar (supra) squarely answers the

Contd....

-10-

submissions raised by the appellants and the decision of the Central Administrative Tribunal stands fully justified.

10. In the result we find no merit in this writ petition and it is accordingly dismissed. The stay granted vide order dated 3.10.97 stands vacated. Costs easy.

Self-Proposed Chief Justice
Judge

Shyamal Bose
3/5/77
1997

Attested,
Acr.

-60-

OFF DELHI

ANNEXURE - 10

PAGE 01

36

Annex - 7.7

DIRECTOR NORTH EASTERN CIRCLE
FAX No. 9364-224937
Please hand over this to Shri Tulsi Ram Sharma
of No. 13 D.O. From CHANDRA BOSE
Court No. 11
SECTION XIV

Original sent by post
Pet. Pet. receipt
increased by 100

ITEM No. 6

SUPREME COURT OF INDIA 413300
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil).../2000 CC 2062/2000
(From the judgement and order dated 31/07/1999 in CR 4733/97
of The HIGH COURT OF GAUHATI)

UNION OF INDIA AND ORS.

VERSUS

Petitioner (s)

Respondent (s)

TULSI RAM SHARMA AND ORS.

(With I.A. 1 - Appln(s). for c/delay in filing SLP)

Date : 31/03/2000 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE S.N. PHUKAN

Admitted to be true copy
A. K. Chandra
Asst. Secy. Registrar (Jud.)
14/4/2000
Supreme Court of India

For Petitioner (s) : Mr. Tara Chandra Sharma, Adv.
Mr. B. Krishna Prasad, Adv.

For Respondent (s) : Mr. K.B. Boudar Rajan, Adv.

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

The special leave petition is dismissed.

Charanjit

Charanjit
[Meeta Tripathi]
Court Master
31/3/2000

Attested
[Signature]
Adv.

27 61-
विज्ञान और प्रौद्योगिकी विभाग
भारत सरकार
विज्ञान भवन, नई दिल्ली-110016

GOVERNMENT OF INDIA
MINISTRY OF SCIENCE & TECHNOLOGY
Department of Science & Technology
Technology Bhavan, New Mahauli Road, New Delhi-110016

Annexure-8 6/1/20
Min/Telegram : SCIENTECH
Min/Phone : (011) 6161
646317, 66963819
Min/Telex : 73381, 73317, 73380
Min/Fax : 6864370, 6862418

No.SM/04/010/2000

Dated : 16 October, 2000.

To

The Surveyor General of India,
Survey of India,
Delhi Dun - 211001.

(Attention: Shri Jaswant Rai, Deputy Surveyor General)

Sub:- Implementation of directions of C.A.T., Guwahati Bench in O.A. No. 52
Of 1996 - Shri Tulsi Ram Sharma and others Vs Union of India.

Sir,

I am directed to refer to your letter No.E2-5736/1196-D(T.R. Sharma) dated 28.9.2000 on the subject mentioned above. The problems being faced in implementation of the Tribunal's directions has been considered in the Department and SOI is requested to implement the directions of the Tribunal by taking the service already rendered in the grade of Rs. 330-480 (Grade-III) and keep them in the scale of pay of Rs. 425-600 (Grade-II) till completion of five years. After completion of five years service in the two Grade combined, Grade-III and Grade-II in the pay scale of Rs. 330-480 and Rs. 425-600, they may be placed in the scale of pay of Rs. 425-700. By applying this the eligibility conditions of five years prescribed for placing them in the scale of pay of Rs. 425-700 would be met. After 1.1.1996, the applicants would be placed in the scale of pay of Rs. 5090-8000 instead of Rs. 4500-7000. SOI is requested to take immediate necessary action and intimate the Department the action taken in the matter.

Yours faithfully,

(Signature)
(K.P. Nair)

Officer on Special Duty

See p. 30 2 WS

Attestal
D.T.
Ach

सर्वेक्षण विभाग
SURVEY OF INDIA

BY SPEED POST

131

Annexure 9

Telex: "SURVEYS"

फैक्स नं. दिल्ली: 0091-133-744064

फैक्स नं. चेन्नई: 0091-133-744064

ई-मेल: survey@nic.in

ई-मेल: survey@nic.in

FAX

MOST URGENT

महाराष्ट्र शासन का कार्यालय
SURVEYOR GENERAL'S OFFICE

टांक नं. 37, POST BOX No. 37,

देवरगढ़-245001 (उत्तरांचल), भारत

DEHRA DUN-245001 (Uttaranchal), INDIA

Dated: 27-03-2001

No. E2-2308/1196-B (TRS)

To

The Directors: NEC/ WC/ NC/ EC/ SSBC/ Survey (Air)/ NWC

Subj:

IMPLEMENTATION OF DIRECTIONS OF THE HON'BLE C.A.T.,
GUWAHATI BENCH IN O.A. No.52 OF 1996 - SHRI TULSI RAM
SHARMA AND OTHERS V/S UNION OF INDIA

The petitioners ~ Shri Tulsi Ram Sharma and other Draftsmen have filed a Contempt Case No.3/2000 in Hon'ble CAT, Guwahati which has come for hearing on 27.3.2001. In view of the proceedings of the hearing on 27.3.2001 in the Contempt Case No.3/2000, the orders conveyed vide this office letter No.E2-6463/1196-B (TRS) dated 6.11.2000 (photo copy enclosed) have been reviewed. It has now been decided that the instructions issued vide DST's letter No.SM/04/010/2000 dated 16.10.2000 (photo copy enclosed) may be followed for fixation of pay in respect of petitioners, after they fulfill all the conditions stipulated therein, the benefit of this revision of scales of pay scale be given w.e.f. 13.5.1982 notionally and actually from 1.11.1983. This supercedes all other orders on the subject issued earlier by this office.

In view of the proceedings dated 27.3.2001 in contempt case filed by the petitioners, please ensure that the arrears in respect of the petitioners posted in your Directorate/ Circle be drawn and paid by 17.4.2001 as per the instructions issued vide DST's letter No.SM/04/010/2000 dated 16.10.2000.

Also please confirm compliance by Fax to this office by 17th April, 2001 positively. A list of petitioners is enclosed for your information and necessary action.

Urgent action may please be taken.

Encls: As above.

(S.P. GOEL)

Deputy Surveyor General
for Surveyor General of India

Copy by FAX to:

1. The Secretary to the Govt. of India, Ministry of Science & Technology,
(Department of Science & Technology), New Delhi (Attention: Shri Avinash)

1/3/2001
19/4/01

Attested
S.P. Goel
Adm

To
The Surveyor General of India
Hathi borkola, Dehradun- 248001
(Through proper channel)

Sub: Prayer for grant of revised higher scale of pay of Rs. 550-750 (revised) in 3rd C.P.C., 1600-2600 as per IVth C.P.C. and 5500-9000 as per Vth C.P.C. in terms of O.M. issued by Minister of Finance under Letter No. 13 (1) IC/91 dt. 19.10.94.

Respected Sir,

I like to draw your kind attention on the subject cited above and further beg to state that the undersigned is presently working in the cadre of Draughtsman Grade-II in the revised scale of pay of Rs 425-700 (corresponding revised) 1400-2300 in IVth C.P.C. and presently in revised scale of pay of Rs 5000-8000 in the Vth C.P.C. The benefit of revised scale of pay as already been granted to me under the Ministry of finance OM dated 19-10-94, following in the Hon. CAT, Guwahati order dated 17-7-97 in OA 52/96 wherein the Hon. Tribunal held that the undersigned is entitled to the benefit of the scheme of revised pay scale in terms of the O.M. dt 19-10-94 and accordingly declared that the undersigned is entitled to revised scale of pay of Rs. 425-700 as per clause 2(b) of O.M. dated 19-10-94 and the same was further confirmed by the Hon. High Court, Guwahati, in Civil Rule No. 4733/97 and also by the Hon. Supreme Court in SLP to appeal (civil)/ 2000 C.C. 2082/2000 on 31-7-99 and also 31-3-2000 respectively. And thereafter the aforesaid order of the Hon. Tribunal is implemented in favour of the undersigned with all consequential benefit with retrospective effect as per O.M. dt. 19-10-94. ✓

Since the scheme of the aforesaid O.M dt. 19-10-94 is made available to the undersigned.

It is respectfully submitted that the undersigned is also entitled to the benefit of the clause 2(c) of the said O.M. dt. 19-10-94 and aquired the required eligibility for grant of revised higher scale of pay Rs. 550-750 (corresponding revised), 1600-2660 as per IVth C.P.C., and scale of Rs 5500-9000 as per Vth Central Pay Commission. I would therefore, request you to kindly grant me the above mentioned scale of pay under clause 2 (c) in terms of O.M. dt. 19-10-94 with all consequential benefit including monetary benefit with immediate effect.

An early action is highly desired.

Thanking you.

Dated Shillong
the.....~~20~~ Jun 2001

Yours faithfully

Name: *Tulsi Ram Sharma*

D/Man GradeII

Unit.. *AB.. (B & O) (MCC)*

*Attested
S. J. Adh*

Annexure -11

TRANSLATED FROM HINDI

No. E-2-12553/1196-B-T.R.Sharma

SURVEY OF INDIA
SURVEYOR GENERALS OFFICE
P.O. BOX -37
DEHRADUN
UTTARANCHAL

To

Date - 1st August 2001

The Additional Surveyor General
Eastern Zone, Kolkata
PIN-700016

Sub : Prayer for revised higher pay scales to D/Man, GDE-II.

Ref : Your letter No. E 2-2464/4-E-2-CAT Case - T.R.Sharma dated 5.7.2001.

It is to inform you on the subject in regards to Ministry of Finance O.M. No. 13(1)

IC/91 dated 19.10.94 para 2 (c) that the Draughtsmen Gde I post mentioned therein is not existing in this Department.

2. In the Department D/Man Gde II are promoted to D/Man Dir.I through DPC. The posts of D/Man, Div.I are fixed post and promotions are given through DPC and against available vacancies.

In this regard your attention is invited to paragraph 3 of Ministry of Finance O.M. dated 19.10.94.

(MANI LAL)
Establishment & Accounts Office
for Surveyor General of India

Mani Lal
22/8/01

Draughtsman Gde I
post doesn't
exist.

Is it
promoted
cite
Rules

65.

19

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI

Union of India & Ors. Respondents
through: May Kumar Chatterjee
18/6/02
MAG. Central Govt.
Standing Counsel

IN THE MATTER OF :

O.A. NO. 14 OF 2002

Tulsi Ram Sharma & Ors.

..... Applicants.
- Vs -

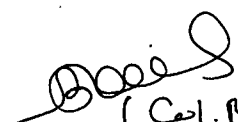
Union of India & Ors.

..... Respondents.

Written Statements for and on behalf of the
Respondents No. 1, 2 and 3.

I, Col.B.D. Sharma, Director, Survey of India,
North Eastern Circle Office, Shillong do hereby solemnly
affirm and say as follows :-

1. That I am the Director, Survey of India, N.E. Circle
Office, Shillong and respondent No.3 in the case and as such
fully acquainted with the facts and circumstances of the case.
I have gone through a copy of the application served upon
me and have understood the contents thereof. Save and except
whatever is specifically admitted in the written statement
the other contentions and statements may be deemed to have
been denied. I am competent and authorised to file this
written statement on behalf of all the respondents.


(Col. B.D. Sharma)

2. That the respondents crave the Hon'ble Tribunal's leave to place the brief history of the case as follows :

That the applicants (63 in number) Draftsmen Grade II have filed the O.A. No. ~~14/2002~~ in the Hon'ble CAT, Guwahati Bench, Guwahati praying for extending the benefits as per para 2(C) of Govt. of India, Ministry of Finance, Department of Expenditure O.M. No. 13(1)-IC/91 dated 19.10.94 (Annexure - V).

The main reliefs sought for by the applicants in this case is, to get the revised higher pay scale of Rs. 550-750 (Pre-revised) corresponding to Rs. 1600-2660 (as per IVth CPC) and further revised corresponding scale of pay of Rs. 5500-9000 (as per Vth CPC) with all consequential benefits to the applicants in terms of direction contained in para 2(C) of OM dated 19.10.1994 issued by the Govt. of India, Ministry of Finance, Department of Expenditure. It may be pointed out here that respondents has dutifully implemented the Hon'ble Tribunal's order dated 17.7.1997 in O.A. No. 52/96 wherein the Draftsmen Grade II have been granted the pay scale of Rs. 425-700 (revised scale of Rs. 1400-2300) and further revised corresponding scale of pay of Rs. 5000-8000 (as per V CPC) with all consequential benefits.

In the present case, the applicants 63 in number Draftsmen Grade II have put their further demands for higher scale of Rs. 5500-9000 (as per Vth CPC) which was not accepted by the respondents as there is no post of Draftsmen Grade I in Survey of India as mentioned in para 2(C) of OM dated 19.10.1994 as already informed by SG's letter No. E2-12553/1196-B (T.R. Sharma) dated 8.2.2001 (Annexure-I).

(B.D. Sharma)

84

The posts next to Draftsmen Grade II in Survey of India is Draftsmen Division I which are filled on the basis of availability of vacancies (there are 300 sanctioned posts of Draftsmen Division-I in Survey of India) and through the process of DPC. In this sequence two applicants of OA No.52/96 Shri C.S. Negi & Shri S.S. Solanki have already been promoted and granted the higher pay scale of Rs. 5500-175-9000 through the DPC from Grade II to Division I on the basis of the availability of vacancies. (Annexure II and III).

As it is clear from the facts stated in above paras, the plea of applicants for higher scale of Rs.5500-9000 cannot be granted to all Draughtsmen Grade II as there is no sanctioned post of Draughtsmen Grade I in Survey in India. Their promotion to Draughtsmen Division I is subject to availability of posts and through the process of DPC and one who qualifies the set criteria for promotion to the post of Draughtsmen Division I to get the grant of higher pay scale of Rs. 5500-9000.

The Draughtsmen up to Grade II (applicants of O.A. No. 52/96) have already been placed in the regular scales in terms of OM dated 19.10.1994 and their further promotion would be made against availability of vacancies in higher Grade i.e. Draughtsmen Division I, in accordance with the normal eligibility criteria laid down in the recruitment rules and through the DPC as stipulated in para 3 of OM dated 19.10.1994 . Similarly, two applicants in O.A. No. 52/96 as mentioned above viz. Shri C.S. Negi and Shri S.S. Solanki have already been granted promotion to the post

(Col. B.D. Sharma)

of Division-I in the scale of Rs. 5500-9000.

In keeping facts of above para, in view the plea of applicants for higher scale of Rs. 5500-9000 cannot be granted to all D/men Grade II but it is, on the other hand, subject to availability of posts and through the process of DPC and one who qualifies the set criteria for promotion to the post of Draughtsman Division I, gets the grant of higher pay scale of Rs. 5500-9000.


3. That the respondents have to humbly submit that in reply to paragraphs 1, 2, 3 and 4.1 of the application it is stated that facts are based on the records .

4. That the respondents beg to state that the statement made in para 4.2 of the application in O.A. No. 52/1996 there were 77 applicants and in O.A. No.14/2002 they have become 63 only.

5. That the respondents beg to state that the statement made in paragraph 4.3 and 4.4 are matter of facts based on records and hence no reply.

6. That with regard to the statements made in para 4.5, of the application the respondents state that there is ample scope of promotion/upgradation for the Draftsman in Survey of India. In the cadre review of the Department. 35 posts of Chief Draftsman which is Group 'B' Gazetted post in the pay scale of Rs.6500-10500 have been created in the Survey of India, while there is no such post in CPWD and other Department.

A copy of the Recruitment Rules is enclosed herewith and marked as Annexure - IV.


(Col. B.D. Sharma)


7. That the respondents beg to state that the statements made in para 4.6 are matter of facts based on records and hence no reply.

8. That with regard to the statements made in para 4.7 of the application, the respondents state that the Ministry of Finance (Department of Expenditure's OM No.13(1)-IC/91 dated 19.10.1994 in the normal way for information guidance and necessary action. It is not sanction letter for implementation of OM dated 19.10.1994 in Survey of India.

A copy of OM dated 19.10.94 is annexed hereto and marked as Annexure -VI.

9. That with regard to the statements made in para 4.8 of the application, the respondents state that it is stated that the D/man in Survey of India are mainly engaged in specific nature of cartographic technique i.e. fairmapping work over the blue print or scribe guides which needs specific training for improving efficiency in the field. Simultaneously, examinations/tests, after certain residency periods, are conducted for promotion/upgradation by way of Trade Tests up to the level of D/man Grade II .

But the D/man Division-I, posts (total 300 sanctioned) posts are vacancy based and filled in by DPC as per existing recruitment rules for Group 'C' employees. While in CPWD all D/men Grade II personnel get Grade I after completion of certain residency period only. (for details Annexure IV to the application may be referred to).


(C-1. B.D. Sharma)

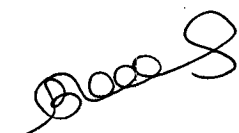
10. That with regard to the statements made in para 4.9 of the application the respondents beg to state that the nature of works and duties of CPWD Draftsman and Survey and Mapping agency and CPWD is a building road construction agency (Annexure -IV).

11. That with regard to the statements made in para 4.10 of the application the respondents beg to state that each department under the Govt. of India has their own recruitment rules and service conditions and employees of department are governed by the rule.

12. That the respondents have no reply to the statements made in paragraphs 4.11, 4.12 and 4.13 as the same are based on record.

13. That with regard to the statements made in para 4.14 of the application the respondents beg to state that the individual representations were suitably replied under this office letter No. E2-12553/1196-B (W. T.R. Sharma dated 1.8.2001 (copy enclosed as Annexure -I).

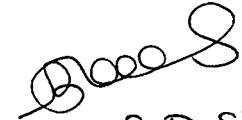
14. That with regard to the statements made in paragraphs 4.15 to 4.20 of the application the respondents beg to state that as per para 3 of OM No. 13(1)-IC/91 dated 19.10.1994 the President of India has issued the clear instructions that "once the Draughtsmen are placed in the regular scales, further promotions would be made against available vacancies in higher grade in accordance with the normal eligibility criteria laid down in the recruitment rules.


(C-1. B. D. Sharma)

In the Survey of India the promotion from Grade II to Division I is given by the Departmental Promotion Committee on the Seniority-Cum-Fitness basis subject to availability of vacancies. There are 300 sanctioned posts of Draftsman Division I in the Survey of India. Without the availability of vacancies and attaining the seniority, no body can claim the promotion to higher grade. The employees of Survey of India will be governed by the recruitment rules framed in Survey of India only not by the recruitment rules of other Department.

The two applicants of O.A. No.52/1996 Shri C.S. Negi and Shri S.S. Solanki (Sl. 21 and 31) have already been granted the pay scale of Rs. 5500-175-9000 while they have been promoted by the DPC from Grade II to Div. I and subject to the availability of vacancies. In this connection a copy of this office letter No. E2-721/1196-B(IRS) dated 17.1.2001 and No. E2-17095/1196-B(IRS) dated 5.10.2001 (Annexure II and III) are attached herewith for CAT's perusal. On the facts stated above the SG's letter No. E2-12553/1196-B (IRS) dated 1.8.2001 is based on facts and Govt. orders and not to be set aside and quashed (Annexure-I).

The applicants of the present O.A. No. 14/2002 when attain the seniority and considered by the Department Promotion Committee for promotion from Draughtsman Grade II to Draughtsman Div. I, subject to the availability of


(Col. B.D. Sharma)

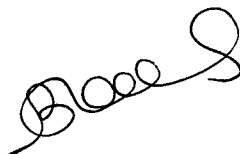
vacancies in Div. I may get the pay scales of Rs. 5500-9000. They cannot be promoted by over riding action on their senior counter part in the cadre.

16. That the grounds enumerated by the applicants in various sub-paragraphs of paragraph 5 are erroneuous, mis-conceived and devoid of any substance. Grounds on which reliefs have been sought for are neither valid nor cogent. As such the applicants are not entitled to get any relief.

17. That the respondents have no reply to the statements made in paragraphs 6 and 7 of the application as these are matters of fact/records.

18. That the applicants are not entitled to any relief sought for in various sub-paragraphs of paragraph 8 of the application and the same is liable to be dismissed with costs.

Verification.....


(Col. B.D. Sharma)

ad

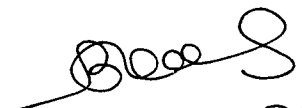
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-9-

V E R I F I C A T I O N

I, Col. B.D. Sharma, Director, Survey of India, North Eastern Circle Office, Shillong being authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1 of the written statements are true to my knowledge, those made in paragraphs 2-14 & 16 being matter of record are true to my information derived therefrom which I believe to be true and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 14th day of June 2002 at Shillong.


(Col. B.D. Sharma)
Deponent.

N: 12553/1196-B(T.R. Sharma)

7A-
10
ANNEXURE-1

SURVEY OF INDIA
SURVEYOR GENERAL'S OFFICE
POST BOX NO. 37
DEHRA DUN (UTTARANCHAL)
INDIA
Dated, 1 Aug 2001

The Addl. S.G. (EZ)
Survey of India,
Kolkata

SUB: APPLICATION FOR GRANTING REVISED HIGHER PAY-SCALE TO
DRAFTSMEN GRADE II

Re: Your letter No. EZ-2464/4-F-2 (CAT CASE) (T.R. SHARMA) dated
05.07.01.

With reference to the subject mentioned above, you are
hereby informed that the designation of Draftsman Grade I as
mentioned in para 2(c) of Ministry of Finance O.M. No. 13(1)
-10/91 dated 19.10.1994 is not sanctioned in this Department.

Promotion from Grade II to Grade I is done by Departmental
Promotion Committee in this Department. The Number of Division I
Post is fixed. Therefore, promotion is given/considered by De-
partmental Promotion Committee subject to the availability of
Division I posts.

In this regard, your attention is drawn towards para 3 of
the O.M. of Ministry of Finance, please.

A) Designation of Draftsman ^{50/-} Go I is not
Sanctioned.
(MANI LAL)
ESTT. & ACCOUNTS OFFICER,
For SURVEYOR GENERAL OF INDIA.

B) Promotion how - Any rules

Attested
A.K. Chandra

11 75 92
No. E2-721/1196-B(T.R. Shrama)

ANNEXURE-II

SURVEY OF INDIA
SURVEYOR GENERAL'S OFFICE
POST BOX NO. 37
DEHRA DUN (UTTARANCHAL)
INDIA

Dated, the 17.10.2001

To

The Director,
Western Circle,
Jaipur.

Sub: TO FOLLOW/OBEY OF THE ORDERS PASSED BY HON'BLE CAT,
GUWAHATI BENCH, GUWAHATI IN RESPECT OF O.A. NO. 52/
1996-SHRI TULSI RAM SHARMA AND OTHERS VS. UNION OF
INDIA.

Ref: Your letter No. A-47/18-A-12-A(P.A.) dated 04.01.01.

With reference to the subject mentioned above, you are
hereby informed that during the period of Ad-hoc Promotion Shri
S.S. Solanki, Draftsman Division I will be given the pay-scale of
Rs. 550-750/Rs. 1600-2660/Rs. 5500-9000.

Sd/-

(JASWANT RAI)
DEPUTY SURVEYOR GENERAL,
for SURVEYOR GENERAL OF INDIA.
Phone: 741046

Copy to: O.C. No. 3 D.O. (WC), Jaipur with reference to his
Fax No. /17-Y-5(P) dated 05.01.2001 for information
and necessary action, please.

Attended
J.R. Chandel
Asst. Control Comd
Standing Comm

13/10/99 76- 23
ANNEXURE-III

E2-17095/1196-B(T.R. Sharma)

SURVEY OF INDIA
SURVEYOR GENERAL'S OFFICE
POST BOX NO.37
DEHRA DUN(UTTARANCHAL)
INDIA
Dated 05-10-2001

To

The Addl. S.G.,
Northern Zone,
Survey of India,
Chandigarh.

Sub: O.A. NO.52/1996-SHRI T.R. SHARMA AND OTHERS -VS- UNION OF INDIA.

Ref: Your letter No.1275/18-A-12 (A) dated 07.09.01.

As per the decision given by the Hon'ble CAT, Guwahati Bench, Guwahati in the O.A. No.52/1996 and the orders contained in the Ministry of Finance O.M.No.13/1/IC/91 dated 19.10.94 on his promotion from Grade II to Division I, Shri C.S. Negi, Draftsman Div.I will be given the pay-scale of Rs.5500-175-9000 from the date of his promotion.

Sd/-
(B.R. MANEHDRA) LT.COL.
DEPUTY SURVEYOR GENERAL,
for SURVEYOR GENERAL OF INDIA
Phone:745805

Attended
AK
Addl. Central Govt.
Shandha Contact

Annexure 17

GOVERNMENT OF INDIA
MINISTRY OF SCIENCE AND TECHNOLOGY
DEPARTMENT OF SCIENCE AND TECHNOLOGY

Notification

12888

3/8/2000

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

165

03/12/2011

(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.

shall be eligible for appointment.

shall be eligible for appointment to the said office provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are no other grounds for so doing, exempt any person from operation of this rule.

5. Power to relax :- Where the Government are of opinion that it is expedient to relax the provisions of the said order, they may, by order, relax the same.

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

Appendix C.A

... .. 4/28/02

10. 11. 1918

112-1112
11/15/2000

C/E-1/1106
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Attended
AK Churchill
Add. 6000 1st
St. N. S. 1000

6	8	10	11	12	13	14
Educational and other qualification prescribed for direct recruits.	Whether the educational qualifications prescribed for direct recruits will apply in the case of promotions.	Period of probation, if any.	Method of recruitment whether by direct recruitment or by depuration/absorption and percentage of the posts to be filled by various methods.	In case of recruitment by promotion/depuration/absorption, grade from which promotion/depuration/absorption to be made.	If a Departmental Promotion Committee exists what is its composition.	Other matters to be considered by the Departmental Promotion Committee.
Not applicable	Not applicable	Two years	100% by promotion	Promotion: <u>Professor Division 1</u> <u>with six years regular</u> <u>service in the grade</u>	From 'B' Departmental Promotion Committee: 1. Surveyor General of India - Chairman 2. Director/Deputy Secretary/Member to Department of Science & Technology - Member 3. Deputy Surveyor General - Member 4. Director/Deputy Secretary to be nominated by the Surveyor General of India - Member 5. Secretary, Scheduled Castes/Scheduled Tribes - Member 6. Officer - Member	Consideration of the following matters: 1. Selection of candidates 2. Interviewing 3. Selection

14-03-2020 TIME 10:21 PM

Page 1

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(37)

SCHEME

Name of the post	No. of posts	Classification	Scale of pay	Whether Selection-cum-Seniority or Selection by merit or non-selection post.	Whether benefit of added years of service admissible under Rule 30 of the General Civil Services (Pension) Rules, 1972	Age limit for direct entry
1	2	3	4	5	6	7
Chief Draftsman	154 (2000) *subject to variation dependent on workload	Senior of Indiz Group '2' Gazetted Non-Ministerial	Rs. 4,500-286-10,500	Selection-cum-Seniority	Not applicable	Not applicable

10 17/16 TEL: 80-

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6. Savings: Nothing in these rules shall affect reservations relaxation of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, 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.

THE SCHEDULE (Attached)

Bhishan

(B.K. Rajchandra)

Under Secretary to the Govt. of India

File No. SM/01/015/95

Dated: 5.7.2000

To

The Manager
Government of India Press
Ring Road, Mayapuri Industrial Area,
New Delhi (along with Hindi Version)

Copy forwarded to :-

1. Department of Personnel and Training, RR Section, North Block, New Delhi w.r.t. their U.O. No.405/DS(PR)/ dt. 20.4.99.
2. The Secretary, Union Public Service Commission, New Delhi w.r.t. their letter No.3/1(2)/99-SWA dt. 8.3.2000.
3. Ministry of Law, Justice & Company Affairs (Legislative Department), Shastri Bhawan, New Delhi with reference to their U.O. No. 030/2000 dated 20.4.2000.
4. Ministry of Law, Justice & Company Affairs, Legislative Department, (Official Language Wing), Bhagwan Das Road, New Delhi, with reference to their U.O. No.312/2000 dt. 0.6.2000.
5. Surveyor General of India, Survey of India, Dehradun.
6. Information and Documentation Officer, DST with the request to arrange 2 copies of the Notification to be published in the Gazette of India for SMP Division.
7. Three copies (3).

Bhishan K.

(B.K. Rajchandra)

Under Secretary to the Govt. of India

Attended
H.K. Chandra
Addl. Control Comr.
Standing Comr.

The major differences between Draftsman of SOI & other Organizations like CPWD are as below:

	Draftsman in Survey of India	Draftsman in CPWD / other Deptts.
1.	Recruitment	
	In Survey of India (i) 70% of the Draftsmen are recruited as 'TTTB' who have minimum prescribed qualification intermediate with Maths (previously Matriculation up to 1988) (ii) The remaining 30% of Draftsmen are recruited from those Group 'D' employees who are selected through Limited Departmental Competitive Examination for which no educational qualification has been prescribed.	While in case of CPWD Draftsmen, they have Diploma in Engineering (Polytechnic), Certificate in Draftsmanship (Industrial Training Institute / Schools).
2.	Nature of Job	
	In Survey of India, Draftsman Grade-II, has to produce only drawing over the blue print or scribe guides. Thus they produce fine copy of work of definite clarity and uniformity.	While Draftsman in CPWD and other Govt. Organizations have to conceptualize the drawing from particulars and data and produce the drawing. They have to produce various sectional and detailed drawing viz plan, elevation, cross section also from design data, buildings, roads & dams etc. Thus, they have to work out estimate of quantities of material, labour and cost of the project.
3.	Training	
	In Survey of India, the training to Draftsman is given at the cost of Govt. after their recruitment and they get salary & other allowances even during the training period.	While in case of these draftsmen, the cost of training is borne by candidates themselves in undergoing training in Polytechnic Institutes and they are recruited after having qualified Diploma Courses of their trade.

4. Residency Period

The comparative statement of residency period in various grades of Draftsmen in Survey of India vis-à-vis in CPWD / other Deptts. is enclosed at Annexure-A.

In a nutshell, the major differences between Draftsmen of Survey of India and CPWD / other Govt. Deptts. can be listed as below:

- Pre-recruitment qualifications are not the same.

- 18 82 29
- (ii) CPWD Draftsmen undergo training in their profession at their own expenses before recruitment. While Survey of India's Draftsmen are trained for the job after recruitment at the cost of Govt. expenses. Moreover, they are paid salary even during the period of training.
 - (iii) Availability of grades and pay scales for career advancement are not identical.
 - (iv) Residency period for Draftsmen prescribed for each grades and pay scales are different in Survey of India and CPWD (refer to Annexure-A).
 - (v) Job requirements, functions and responsibilities of Survey of India Draftsmen and CPWD / other Govt. Deptt. Draftsmen are not identical.

It would be seen from the above, on the one hand that the Draftsmen in Survey of India are not required to possess the qualification of D/man for appointment to any level and on the other hand they get their promotion after fixed periodicity on passing departmental examination without linkage to vacancies. Besides, there is substantial difference in the recruitment, qualification, nature of duties and job and career advancement of Engineering draftsmen mentioned in the impugned Govt. of India order dated 19.10.1994 and the applicants draftsmen in Survey of India. Accordingly, there is no comparison between Draftsmen of CPWD & other organizations vis-à-vis Draughtsman of Survey of India. Again, whereas the Draughtsmen in CPWD and other organizations are required to handle varied types of Draughtsmanship related jobs. Whereas the Draughtsmen in Survey of India have confined themselves only with respect to survey work. The requirement in their case is knowledge of drawing / cartography as against draughtsmanship in other organizations. Thus any order issued in respect of Draughtsmen in CPWD or Draughtsmen in other Ministries / Departments or organizations can not automatically be made applicable to Draughtsmen in Survey of India.

In view of the above mentioned substantial major differences between Draftsmen working in Survey of India and other Govt. organizations, the Govt. of India order dated 19.10.1994 can not be implemented for all Draftsmen, except petitioners only as clarified by Govt. of India vide their letter No. SM/06/001/95 dated 31.1.1996. However, the respondents (Survey of India) has dutifully implemented the Hon'ble CAT, Guwahati Bench, Guwahati order dated 17.7.1997 for the petitioners in OA No. 52/96 filed by Shri T.R. Sharma D/man Gde II & others. As regards other Draftsmen, the matter has been considered by the Competent Authority but it has not been found possible to extend the benefit of judgement dated 17.7.1997 of the Hon'ble CAT, Guwahati Bench, Guwahati to the non-applicants Draftsmen of Survey of India as conveyed by DST's letter No. SM/04/010/2000 dated 19.10.2001.

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Attended
AKC
Addl. Control Comd
Drawing Council

ANNEXURE - A

COMPARATIVE STATEMENT OF SCALES AS PER 3rd PAY COMMISSION & SUBSEQUENT
REVISION FOR DRAFTSMEN IN SURVEY OF INDIA

In Survey of India					In CPWD / Other Deptts.					Revised as per Arbitration in 1984	Corres- ponding scale now
Grades	Residency Period	III Pay Commission & after Subsequent revision	Scales after IV Pay Commission & existing now	Scales of V Pay Commission	Grades	Residency Period	III Pay Commission	IV Pay Commission	V Pay Commission		
TTTTB	2 years	260-350	950-1400	3050-4590	Not Existing	--	--	--	--	--	
Grade IV	3 years	260-430	975-1540	3200-4900	Not Existing	--	--	--	--	--	
Grade III	2 years	330-480	1200-1800	4000-6000	Grade III	7 years	260-430	975-1540	4000-6000	330-560	1200-2040
Grade II	5 years*	425-630	1350-2200	4500-7000	Grade II	5 years	330-560	1200-2040	5000-8000	425-700	1400-2300
Draughts- men Div. - I	-	425-750	1400-2600	5000-8000 5500- 9000**	Grade I	4 years	425-700	1400-2300	5500-9000	550-750	1600-2660
Cn. D'Man	DPC	-	-	6500-10500							

- * Depends on the availability of vacancies for Draughtsmen Div. -I and the post of Div. -I is filled up by DPC.
** This pay scale is given to applicants of OA No. 52/96 as already given to Shri C.S. Negi and Shri S.S. Solanki.

100

AMMURRY-11 (VI) 84 51

No. 13(1)-IC/81
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 12th Oct. 1981

OFFICE MEMORANDUM

Subject: Revision of pay scales of Draughtsman Grade I, II and III in (a) Government of India Offices and (b) Boards of Administration and (c) Boards of Central Public Works Departments.

The undersigned is directed to refer to this Department's O.M. No. F(59)-XX/81 dated 11.3.81 on the subject mentioned above and convey that a Committee of the National Council (JCN) was set up to consider the revision of the pay scales of the following scales of pay allowed to the Draughtsman Grade I, II and III working in (a) Government of India Offices, (b) Boards of Administration and (c) Boards of Central Public Works Departments.

Draughtsman Grade I
Draughtsman Grade II
Draughtsman Grade III

Original
Scale (Rs.)

435-700
330-560
260-430

530-750
425-710
330-560

The President is now pleased to decide that the Draughtsman Grade I, II and III in Offices/Departments of the Government of India other than in (a) (b) (c) shall be placed in the scales of pay mentioned above subject to the following:

- Minimum period of service for placement from the post carrying scale of Rs. 1340 to Rs. 1200-2040 (provisional scale is, 260-430 to Rs. 330-560).
- Minimum period of service for placement from the post carrying scale of Rs. 1200-2040 to Rs. 1400-2300 (provisional scale is, 330-560 to Rs. 425-710).
- Minimum period of service for placement from the post carrying scale of Rs. 1400-2300 to Rs. 1600-2560 (provisional scale is, 425-710 to Rs. 530-750).

Attended
J.K. Chakrabarti
Standing Counsel

may be

(2) 4th/10/81
in context to

Annexure-3 (Contd.)

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

4. The benefit of this revision of scale of pay scale be given with effect from 13.5.62 notional and actually from 1.1.63.

Secy. SHYAM SUNDAR
Under Secretary to the Government of India

To All Ministries/ Departments of the Government of India (As per standard list with usual number of copies.)

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Filed by the Applicant
through H. S. S. S.
Advocate.
16/12/02
(H. S. S. S.)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH:

G U W A H A T I

IN THE MATTER OF :

O.A. No. 14/2002

Sri Tulsi Ram Sarma & Others

... Applicants

- Versus -

Union of India & Others

... Respondents

- And -

IN THE MATTER OF :

Rejoinder submitted by the applicants
in reply to the Written Statements
submitted by the Respondents.

The applicants above named most humbly and
respectfully beg to state as under :-

1. That the applicants have gone through the
Written Statements submitted by the Respondents and
have understood the contents made thereof and specifi-
cally ~~that~~ denies the averments made in the Written
Statements except those which are specifically borne out
of record.

2. That the applicants deny the statement made
in paragraph 2 of the written statement to the extent
that the present applicants have granted all consequen-
tial benefits in terms of O.M. dated 19-10-94 issued by
the Government of India, Ministry of Finance and it is
further categorically denied that no benefit of Para

contd...p/2

2(c) of O.M. dated 19-10-94 granted to the present applicants. It is submitted that the question of creation of vacancies or availability of vacancies for granting benefit of Para 2(c) of O.M. dated 19-10-94 does not arise in the instant case of the applicants. It is abundantly clear in the O.M. dated 19-10-94 that on completion of required number of years i.e. 4 years after placement of the applicants in the pay scale of 425 -700 (Revised 5000-8000) they are entitled to be placed in the next higher scale of pay of Rs. 550-750 (Revised 1600-2660, which was further revised on the recommendation of Vth CPC to the scale of 5500-9000 with all consequential benefits, but the respondents have now sought to deny the benefit of pay scale to the applicants on the alleged ground that there is no vacancy available for the applicants for granting the benefit of pay scale in terms of Para 2(c) of O.M. dated 19-10-94 and the contention of the respondents are contrary to the aforesaid O.M. dated 19-10-94. The granting of benefit to Shri G.S. Negi and Shri S.S. Solanky to the scale of Rs. 5500-9000 on their promotion has no relevancy with the instant case of the applicants.

3. That your ~~xxx~~ applicants categorically deny the contentions of the respondents as stated in paragraphs 8, 9, 10 and 11 in Written Statements and further beg to state that the nature, function and duties of the applicants cannot be a ground for denial of the scale provided in Para 2(c) of O.M. dated 19-10-94 after the pronouncement of the judgment and order dated 17-7-97 in O.A. 52/96

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(3)

which was subsequently confirmed by the Hon'ble High Court as well as by the Hon'ble Supreme Court.

In this connection it may be stated that similar question came up before the Hon'ble Hyderabad Bench of CAT in the case of M.Ali and another -Vs- Union of India and others, in the said O.A. the Hon'ble Tribunal held that two conditions were stipulated for grant of revised scale. The conditions are based upon the years of service carrying a particular scale of pay of the incumbant⁺ on the date of issuance of the O.M. It is further observed by the Hon'ble Tribunal in clause III of the O.M. made^{it} clear that once the Draftsmen are placed ^{in regular scale,} further promotion should be made against the available vacancies in the higher grade in accordance with the recruitment Rules.

It is specifically held by the Hon'ble Tribunal that the contentions of the learned counsel for the Respondents that the revision of the pay scale should be in accordance with the recruitment Rules cannot be accepted, therefore it is abundantly clear that the applicants are entitled to the benefit of next higher revised scale in terms of Para 2(c) of O.M. dated 19-10-94 and the same cannot be denied on the alleged ground that there is no available vacancies or ^{on the ground} ~~in the~~ recruitment rule there is no provision.
that

contd...p/4

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(4)

A copy of the order dated 13-9-2001, passed in the case of Mohammad Ali and another- Versus - Union of India and others reported in Swamy's News March 2002 is enclosed as Annexure- 12 for perusal of the Hon'ble Tribunal.

4. That with regard to the statements made in paragraphs 13,14,15 and 17 are categorically denied and the other contentions of the respondents has already been explained in preceding paragraphs.

In the facts and circumstances stated above, the original Applications is deserved to be allowed.

Verification....

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(5)

VERIFICATION

I, Shri Tulsi Ram Sarma Son of Late Hari Prasad Sarma, aged about 52 years working as a Draftsman Grade-II, in the Office of the Director, Survey of India, North- Eastern Circle, Shillong do hereby verify that the statements made in paragraphs 1 to 4 are true to my knowledge and belief and I have not suppressed any material fact.

And I sign this verification on this
the 16th day of July 2002.

TULSI RAM SARMA

Signature

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Once the revision of pay scale of Draughtsman issued by the Government is accepted and implemented, the same cannot be brought down for the reason that the revision is not in accordance with the Recruitment Rules

Facts: The applicants joined as H.G. Draughtsman in the Department of Telecommunications in the scale of pay of Rs. 1,400-2,300 in 1989. The Ministry of Finance, Department of Expenditure in its memo, dated 19-10-1994 revised the pay scales of Draughtsman, GR. I, Gr. II and Gr. III in all Government of India offices in conformity with that of Central Public Works Department. Thereupon, after issuance of the notice and considering their representations, the impugned proceedings, dated 26-4-2001 was passed affirming the earlier proceeding, dated 18-9-1996 and 19-9-1996 placing the applicants back to Gr. II and accordingly fixing their pay. This order is under challenge in this OA.

Held: Heard the Counsel for the applicants and the respondents. Two conditions were stipulated for grant of revision. The conditions are based upon the years of service carrying a particular scale of pay of the incumbents on the date of issuance of the OM. Clause (iii) of the OM makes it clear that once the draughtsmen are placed in the regular scales, further promotion should be made against the available vacancies in the higher grade, in accordance with Recruitment Rules. The contention of the learned Counsel for the respondents that the revision of the pay scale should be in accordance with the Recruitment Rules, cannot be accepted. But it has to be kept in mind that the applicants were placed in Gr. I promoting them from Gr. II in accordance with the decision, dated 19-10-1994. That decision has not been superseded at all. A Divisional Bench of this Tribunal in O.A. No. 580 of 1997, dated 2-2-1999, held that when once the pay revision was made in accordance with the letter, dated 19-10-1994, the same cannot be brought down. As a result, the OA is allowed. The impugned orders are quashed.

[*Md. Ali and another v. Union of India and others*, 3/2002, SwamysnewsS 99, (Hyderabad), date of judgment 13-9-2001.]

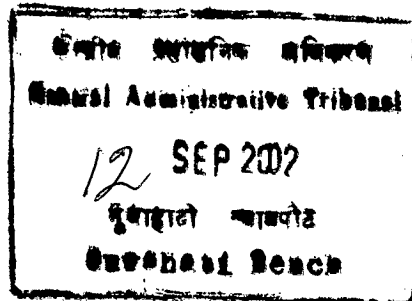
O.A. No. 849 of 2001

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The retiral benefits of an employee cannot be withheld on the ground that he was arrested in a criminal case, which was private property dispute having no concern with the Government

Facts: The applicant through this application has challenged the order of suspension and has also prayed for a direction to the respondents to pay the entire retiral benefits to the applicant within the time

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O. A. No. 14/2002

Sri Tulsi Ram Sarma & Ors.

Vs.

Union of India & Ors.

-And-

In the matter of:

An Additional Rejoinder submitted by the applicant in reply to the written statement submitted by the respondents.

The applicants above named -

Most humbly and respectfully begs to state as under:

1. That the applicants filed an O.A. No. 14/2002 before this Hon'ble Tribunal praying for a direction upon the respondents for extension of the benefit of pay scale of Rs. 550-750/- (Revised 1600-2660 as per IVth Central Pay Commission) in terms of Para 2 (c) of the Office Memorandum No. 13(1)-IC/91 dated 19.10.1994 of Ministry of Finance, Government of India, Department of Expenditure with effect from the respective date of eligibility attained by the individual applicants in terms of direction contained in O.M. dated 19.10.1994.

2. That the applicant have also submitted the rejoinder following the written statement filed by the respondents wherein the applicants have reiterated that as per Para 2 (c) of the O.M. dated 19.10.1994 the applicants are entitled to be placed in the scale of Rs. 550-750 (Revised to Rs. 1600-2660 further revised to Rs. 5500-9000) on completion of 4 years service in the place of Rs. 425-7000(Revised Rs. 5000-8000).
3. That in support of the above contention, the applicants now beg to file this additional rejoinder and enclosing herewith one detailed statement showing the respective dates on which each of the applicants completed the required 4 years service in the relevant scale and as such all the applicants attained eligibility for being placed in the higher scale of Rs. 5500-9000 as prayed for. (Statement showing dates is annexed herewith as Annexure-A).

In the facts and circumstances stated above, the Original Application deserves to be allowed with costs.

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VERIFICATION

I, Sri Tulsiram Sarma, S/o Late Hari Prasad Sarma, age about 52 years, S/o working as a Draftsman Grade II in the Office of the Director, Survey of India, North Eastern Circle, Shillong, one of the applicants in the aforesaid Original Application and duly authorized to sign this verification, accordingly I do hereby verify that the statements made in Paragraph 1 to 3 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 12th day of September, 2002.

TULSHI RAM SHARMA

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Annexure-A

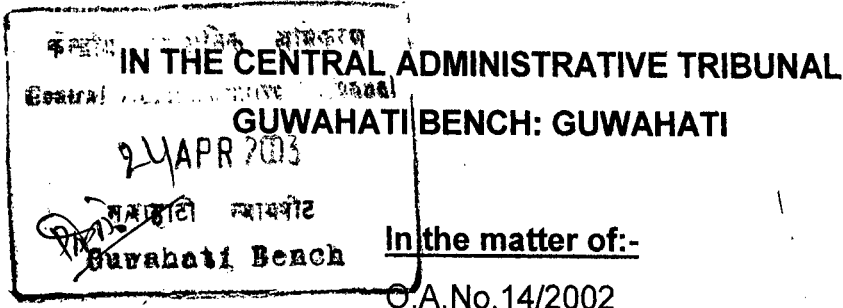
DETAILED STATEMENT SHOWING THE RESPECTIVE DATES ON WHICH THE APPLICANTS HAVE COMPLETED (FOUR) YEAR'S SERVICE FOR ELIGIBILITY UNDER PARA 2 (c) OF O.M. dated 19.10.1994 ISSUED BY THE GOVERNMENT OF INDIA, MINISTRY OF FINANCE, DEPARTMENT OF EXPENDITURE.

Sl. No.	Name	Date of completion of 5 years service in combined Grade III and II	Date of completion of 4 years service for eligibility in terms of Para 2 (c) of O.M. 19.10.1994	Remarks
1	2	3	4	5
1	Sri Sitiesh Ch. Roy	1.1.1983	1.1.1987	
2	Sri Syed Azizar Rehman	1.1.1988	1.1.1987	
3	Sri Biswadatta Das	1.1.1988	1.1.1992	
4	Sri Martinson M. Umlong	1.1.1988	1.1.1992	
5	Sri Abdul Mannan	1.1.1989	1.1.1993	
6	Sri Thrasteraiel Lyngdoh	1.1.1989	1.1.1993	
7	Sri Lok Bahadur Pradhan	1.1.1990	1.1.1994	
8	Sri Durgesh Purkayastha	1.1.1990	1.1.1994	
9	Sri Emphiwel Lartang	1.1.1990	1.1.1994	
10	Sri Brington Dohkrut	1.1.1990	1.1.1994	
11	Sri Sunil Ch. Sabdakar	1.1.1990	1.1.1994	

12	Sri Tapan Kr. Mandal	1.1.1990	1.1.1994	
13	Sri Tara Prasad Kaharel	1.1.1993	1.1.1997	
14	Smt. Golzona M. Sohsten	1.1.1988	1.1.1992	
15	Smt. Regina Ceali Nongbri	1.1.1988	1.1.1992	
16	Smt. Devorah Majaw	1.1.1988	1.1.1992	
17	Smt. Santa ghosh	1.1.1990	1.1.1994	
18	Km. A. Tombi Singha	1.1.1990	1.1.1994	
19	Smt. Ebina L. Nongbri	1.1.1995	1.1.1999	
20	Smt. Hassibon Lyngdoh	1.1.1990	1.1.1994	
21	Km. Ritalin Mukhim	1.1.1990	1.1.1994	
22	Smt. Rufina Kharbuki	1.1.1990	1.1.1994	
23	Smt. Maria Auxilia Kharbuki	1.1.1991	1.1.1995	
24	Smt. Nestinola Kharbeteng	1.1.1990	1.1.1994	
25	Smt. Saradaplyne Nongbsap	1.1.1993	1.1.1997	
26	Smt. Dipti Kar	1.1.1994	1.1.1998	
27	Km. Kanta Nongkenrih	1.1.1995	1.1.1999	
28	Smt. Merdalyne Diengdoh	1.1.1990	1.1.1994	
29	Smt. Margarita Sawian	1.1.1993	1.1.1997	
30	Smt. Rita Tarafdar	1.1.1994	1.1.1998	
31	Smt. Junu Sarmah	1.1.1995	1.1.1999	
32	Smt. Aruna Gupta	1.1.1995	1.1.1999	
33	Smt. Joya Adhikari	1.1.1988	1.1.1992	
34	Shri Tulsiram Sarma	1.1.1989	1.1.1993	
35	Shri Satyajit Kumar Dey	1.1.1994	1.1.1998	
36	Shri Pradip Kumar Neogi	1.1.1994	1.1.1998	
37	Smt. Nandita Das	1.1.1994	1.1.1998	

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38	Shri Krishna Bhadur Gurung	1.1.1990	1.1.1994	
39	Smt. Pandora Sohklet	1.1.1990	1.1.1994	
40	Smt. Meries Nareen Laloo	1.1.1993	1.1.1997	
41	Shri Arun Kumar Baidya	1.1.1995	1.1.1999	
42	Smt. Shanti Kumari Ghimire	1.1.1995	1.1.1999	
43	Smt. Lawmzuali	1.1.1993	1.1.1997	
44	Smt. Rekha Mech	1.1.1991	1.1.1995	
45	Shri Dilip Kumar Deka	1.1.1994	1.1.1998	
46	Sri Sudip Dutta Choudhury	1.1.1998	1.1.2002	
47	Shri Dondor Singh Lartang	1.1.1990	1.1.1994	
48	Shri Prabash Paul	1.1.1998	1.1.2002	
49	Smt. Erboline Majaw	1.1.1993	1.1.1997	
50	Smt. Spirian Kharangi	1.1.1992	1.1.1996	
51	Smt. Everymai Warjri	1.1.1994	1.1.1998	
52	Smt. Evelynnor Rynksai	1.1.1991	1.1.1995	
53	Smt. Ritikona Majaw	1.1.1990	1.1.1994	
54	Shri Mutaque Ahmed Swer	1.1.1990	1.1.1994	
55	Smt. Bertila Khylllep	1.1.1994	1.1.1998	
56	Smt. Arunima Dutta	1.1.1995	1.1.1999	
57	Smt. Sofiana Kharkongor	1.1.1994	1.1.1998	
58	Smt. Manjula Bhattacharjee	1.1.1993	1.1.1997	
59	Smt. Hildaline Makhiew	1.1.1990	1.1.1994	
60	Smt. Tapashi Mishra	1.1.1993	1.1.1997	
61	Smt. Anubha Roy Choudhury	1.1.1994	1.1.1998	
62	Smt. Caroline Lamo	1.1.1995	1.1.1999	
63	Smt. Fedalis Jyrwa	1.1.1993	1.1.1997	



Union of India & ors
- Respondents.
through:-
Anup Kumar Choudhary
24/4/03
M. C. Choudhary
Secretary

Shri Tuls Ram Sharma & Others

Applicants

-Versus-

Union of India & Others

Respondents

Additional written statement on behalf of the Respondents-

Most Respectfully beg to state that:-

1. That Survey of India recruitment rules in the Cadre of Draftsman provides the promotion to Draftsman Grade I Division I selected from those in Division II Grade II.

2. That the benefit of O.M. No.13-(1)-IC/91 dated 19.10.94 of Ministry of Finance was extended to the Draftsman of Survey of India on the implementation of Judgement dated 17.7.1997 in O.A.No.52/96 of this Hon'ble Tribunal.

3. After implementation of this O.M. the scale of pay and residency period for Draftsman Cadre in Survey of India is as under:-

- | | | |
|-------|---|-----------|
| (i) | For Draftsman Grade-IV (Rs.3200-4900) to
Draftsman Grade III (Rs.4000-6000) | :7 years |
| (ii) | For Draftsman Grade-III (Rs.4000-6000) to
Draftsman Grade II (Rs.5000-8000) | :5 years |
| (iii) | For Draftsman Grade-II (Rs.5000-8000) to
Draftsman Division-I Draftsman Grade-I
(5500-9000) | :4 years* |

*Subject to availability of vacancy and recommendation of DPC (Total number of sanctioned post for Draftsman Division-I is 300 in Survey of India) on seniority cum-fitness basis.

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4. That as per para 3 of O.M.No.13-(1)-IC/91 dated 19.10.94 of Ministry of Finance, once Draftsmen are placed in the regular scales, further promotions would be made against available vacancies in higher grade and in accordance with the normal eligibility laid down in the recruitment rules.

In the above case the Draftsmen were placed in the regular pay scale of Grade II, Rs.5000-8000, as per the O.M. dated 19.10.94. The further promotion to Division-I in the pay scale of Rs.5500-9000 will get when the vacancy will be available and recommended by the DPC, because as per the recruitment rules in Survey of India, promotion to Division -I is done by the DPC on seniority cum-fitness basis and subject to the availability of vacancies.

The 4 years period shown in the para 2(c) of O.M. dated 19.10.1994 is the minimum residency period in the scale of pay for the promotion to higher grade. The conditions shown in para 3 of O.M. may also be kept in consideration while reading the para 2(c) of the O.M. dated 19.10.1994.

The claim of the applicants pretending to have obtained eligibility for being placed in the higher scale of Rs.5500-9000 as per Annexure-A to the additional rejoinder of the applicants is not correct and it is not the fundamental right to claim for the promotion.

5. That in the present additional rejoinder filed by the applicants in O.A.No.14/2002 they are claiming for pay scale of Rs.5500-9000 on completion of $5+4=9$ years service, while the minimum residency period is $7+5+4=16$ years service as per O.M. dated 19.10.1994.

A copy of O.M. dated 19.10.94 is annexed hereto and marked as Annexure 'A'.

6. That at present in Survey of India, Placement in the pay scale of Rs.4000-6000 and Rs.5000-8000 is subject to qualifying Trade Test on completion of residency period of 7 years and 5 years respectively. The applicants have already been placed in the pay scale of Rs.4000-6000 and 5000-8000 accordingly on implementation of Judgement dated 17.7.1997 in O.A.No.52/96 of this Hon'ble Tribunal.

7. That the next promotion from Draftsman Grade II (Pay scale Rs.5000-8000) is to the post of Draftsman Division-I (pay scale Rs.5500-9000). There is



fixed sanctioned strength of 300 Draftsman Division I in Survey of India. For promotion to the post of Draftsman Division I, the minimum residency period in Draftsman Grade-II is 4 years. Draftsman Grade II to which the applicants

belong, do not become eligible for promotion to the higher Grade on completion of minimum residency period. By mere completion of residency period of 4 years in Draftsman Grade II stage the applicant can not claim to be promoted to the pay scale of Rs.5500-9000 as they are entitled to get the pay scale of Rs.5500-9000 subject to availability of vacancy in Draftsman Division I and recommendations of the DPC on seniority-cum-fitness basis as per the recruitment rules in Survey of India, in view of fixed numbers of sanctioned posts i.e. 300 posts of Draftsman Division-I.

8. That applicants filed Misc. Petition No.166/2002 praying for amendment of the Original Application basis on the subsequent O.M. No.6/1/98-IC dated 1.6.2001 of Ministry of Finance in regards to pay scale of Draftsman.

A copy of O.M. dated 1.6.2001 is annexed hereto and marked as Annexure 'B'.

9. In the above O.M. in para 5, it is stated that " these orders shall be applicable to such of those Draughtsmen in various Central Government Departments who had not derived the benefits envisaged in this Department's O.M. dated 19.10.1994 as on 1.1.1996. The revised pay scale shall also be extended to them only on their fulfilling the revised eligibility criteria now prescribed in Paragraph 3 above".

This aspect also clarifies from Ministry of Finance and Ministry of Finance has also informed that O.M. No.6/1/98-IC dated 1.6.2001 is not applicable to the Draughtsman in Survey of India vide D.S.T's letter No.SM/04/10/2000 dated 22.10.2001.

A copy of DST's letter dated 22.10.2001 is annexed hereto and marked as Annexure 'C'.

10. That as regard the submission made by the applicants in Para 4.20B of Misc. Petition that "in C.P.W.D. the revised pay scale of Grade I, II and III are granted after completion of a fixed tenure of service in each grade without any linkage to any vacancies, i.e. " is totally false and the misleading the Hon'ble Court. In this connection a copy of letter No.H-12016/9/2002-E.C.-6/453-H dated 20.12.2002 from Sectional Officer, Govt. of India, Director General, C.P.W.D., Nirman Bhawan, New Delhi is attached herewith for Hon'ble Court's reference. It



is clearly mentioned in the letter that "Promotion is based on the availability of the Vacancies".

A copy of CPWD's letter dated 20.12.2002 is annexed hereto and marked as Annexure 'D'.

11. That in past, in similar case of Shri B.N. Jena -Vs- Union of India & others, the Hon'ble Tribunal, Cuttack Bench in O.A.No.893/96 disposed of on 27.11.2000, categorically observed on page No.5 of the Judgement that the applicants are not entitled to the scale of pay Rs.1600-2660 on the basis of O.M. dated 19.10.1994 and had not allowed it.

A copy of O.A. dated 27.11.2000 is annexed hereto and marked as Annexure 'E'.

12. That in view of the above explanations, the placement of Draftsman in the scale of Rs.5500-9000 can not be de-linked from the criteria of availability of vacancy and recommendation of DPC as the total numbers of Draftsman Division-I posts can not exceed the sanctioned strength of 300 posts in Survey of India. The Hon'ble Tribunal, Guwahati Bench, Guwahati is therefore prayed to dismiss the O.A. and the Misc. Petition arising out of O.A. in view of the above submission.

VERIFICATION

I, Brigadier B.D. Sharma, Director, Survey of India, North Eastern Circle Office, Shillong being authorized and competent to sign this verification do hereby solemnly affirm and state that the statements made in above paragraphs 1, 2, 3, 4, 6, 7 & 12 of the written statements are true to my knowledge, those made in paragraphs 5, 8, 9, 10 & 11 being matter of record are true to my information derived there from which I believe to be true and those made in the rest are humble submission before the Hon'ble tribunal. I have not suppressed any material facts.

AND I sign this Verification on this the day 16th of Apr 2003 at Shillong.


DEPONENT

(B. D. SHARMA) Brigadier
Director, North Eastern Circle
Survey of India, Shillong-793001

102 - ANNEXURE - 'A'

ANNEXURS-5

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

New Delhi the 19th Oct. 1994

OFFICE MEMORANDUM

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

The undersigned is directed to refer to this Department's O.M. No. F(59)-E.III/82 dated 13.3.84 on the subject mentioned above and to say that a Committee of the National Council (JCM) was set up to consider the request of the Staff side that the following scales of pay allowed to the Draughtsmen Grade I, II and III working in CPWD on the basis of the Award of Board of Arbitration may be extended to Draughtsmen Grade I, II, & III irrespective of their recruitment qualification, in all Government of India Offices.

	Original Scale (Rs.)	Revised scale on the basis of the Award
7 Draughtsmen Grade I	425-700	550-750
5 Draughtsmen Grade II	330-560	425-700
7 Draughtsmen Grade III	260-430	330-560

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

- 948
- (a) Minimum period of service for placement from the post carrying scale of Rs. 975-1540 to Rs. 1200-2040 (pre-revised scale Rs. 260-430 to Rs. 330-560). 7 years
 - (b) Minimum period of service for placement from the post carrying scale of Rs. 1200-2040 to Rs. 1400-2300 pre-revised Rs. 330-560 to Rs. 425-700). 5 years
 - (c) Minimum period of service for placement from the post carrying scale of Rs. 1400-2300 to Rs. 1600-2660 (Pre-revised Rs. 425-700 to Rs. 550-750). 4 years

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43(a)

Annexure-5⁵ (Contd.)

3. Once the Draughtsmen are placed in the regular scales, further promotions would be made against available vacancies in higher grade and in accordance with the normal eligibility criteria laid down in the recruitment rules.
4. The benefit of this revision of scale of pay scale be given with effect from 13.5.82 notionally and actually from 1.11.88.

Sd/- SHYAM SUNDER
Under Secretary to the Government of India

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

Attended
AMC

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ANNEXURE - 'B'
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No. 6/1/94-IC
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF EXPENDITURE
[IMPLEMENTATION CELL]

New Delhi, dated June 1, 2001.

Subject: Recommendations of the Fifth Central Pay Commission - Revision of pay scales of Draughtsmen in Government of India Offices.

CDN
75/6

In pursuance of an award of the Board of Arbitration, Draughtsmen in Grades I, II and III in the Central Public Works Department in the 3rd CPC pay scales of Rs. 425-700, Rs. 330-560 and Rs. 260-430 respectively were placed in the higher pay scales of Rs. 550-750, Rs. 425-700 and Rs. 330-560 respectively. Orders were also issued subsequently in this Department's O.M. No. F.5(59)-E.III/82 dated March 13, 1984 extending these scales of pay to Draughtsmen in all the Government of India offices notionally from May 13, 1982 and actually from November 1, 1983, subject to their recruitment qualifications being similar to those applicable in the Central Public Works Department. Following further consideration, orders were issued in this Department's O.M. No. 13(1)-IC/94 dated October 19, 1994 extending the corresponding 4th CPC pay scales to even those not possessing the prescribed qualifications, subject to the condition that they had instead rendered the length of service prescribed therein specifically for the purpose.

2. The Fifth Central Pay Commission having been appointed in the meantime, the benefits of the higher scales had not flown, as envisaged, to all personnel in various departments who had not completed the prescribed service in the applicable scales of pay. The Fifth Central Pay Commission had also further revised the scales of pay of the common category of Draughtsmen.

3. The Staff Side had invited attention to the anomalous situation that had arisen as a consequence to the National Anomalies Committee. They had raised the demand that the revised pay scales recommended by the Fifth Central Pay Commission should be extended to the Draughtsmen in all Central Government offices due weightage being given for the service rendered by personnel not possessing the prescribed qualifications in different departments as envisaged in this Department's O.M. dated October 11, 1994. Following consideration of this demand in consultation with the Staff Side, the President is now pleased to decide that Draughtsmen in different departments other than the Central Public Works Department who do not possess the prescribed qualifications and excluding those who have already derived the benefits envisaged in the O.M. dated October 19, 1994, may be placed in the scales of pay recommended by the 5th CPC on completion of the minimum service (including service rendered in the corresponding pre-revised scales) as indicated below:

Minimum period of service to be rendered for placement from the scale of Rs. 3200-4900 (pre-

..... 5 years

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revised: Rs. 775-1540) to the
scale of Rs. 4000-6000 (pre-
revised: Rs. 1200-2040)

Minimum period of service to be
rendered for placement from the
scale of Rs. 4000-6000 (pre-
revised: Rs. 1200-2040) to the
scale of Rs. 5000-8000 (pre-
revised: Rs. 1400-2300 revised
to Rs. 1600-2660 by the 5th C.P.C.).

..... 8 years

Minimum period of service to be
rendered for placement from the
scale of Rs. 4500-7000 (pre-
revised: Rs. 1400-2300) to the
scale of Rs. 5500-9000 (pre-
revised: Rs. 1640-2900)

..... 6 years

4. In determining the eligibility to be placed in the revised scales of pay, the service already rendered in the pre-revised scales will also be duly taken into account. Once the Draughtsmen in various Central Government Departments are placed in the applicable revised scales of pay, further promotions to the higher grades will be made only against available vacancies in such higher grades in accordance with the normal eligibility criteria prescribed in the Recruitment Rules.

5. These orders shall be applicable to such of those Draughtsmen in various Central Government Departments who had not derived the benefits envisaged in this Department's O.M. dated October 19, 1994 as on January 1, 1996. The revised pay scales shall also be extended to them only on their fulfilling the revised eligibility criteria now prescribed in paragraph 3 above.

6. Draughtsmen who have already been covered by the orders contained in the O.M.s dated March 13, 1984 and October 19, 1994 shall be eligible to be placed only in the applicable revised scales of pay already approved for the common category of Draughtsmen in pursuance of the recommendations of the Fifth Central Pay Commission.

7. Ministries/Departments of the Government of India may also initiate immediate action, in consultation with the Department of Personnel & Training, to amend the Recruitment Rules in respect of the posts of Draughtsmen administered by them so that these conform to the recommendations of the Fifth Central Pay Commission.

8. Hindi version will follow.

(MAND. JOSHI)
Deputy Secretary to the Government of India

To

All Ministries/Department of the Government of India
as per Standard Mailing List.

Attended
MK Chandra

9 ANNEXURE - C (26) - 106-
 29/10/2001 123

भारत सरकार
 विज्ञान और प्रौद्योगिकी मंत्रालय
 विज्ञान और प्रौद्योगिकी विभाग
 टेक्नोलॉजी भवन, नया महरौली रोड, नई दिल्ली-110016

GOVERNMENT OF INDIA
 MINISTRY OF SCIENCE & TECHNOLOGY.
 Department of Science & Technology
 Technology Bhavan, New Mehrauli Road, New Delhi-110016

SCIENTECH
 (RPBX)
 6567373/6962819
 73381, 73317, 73280
 6864570, 6862418

E-2
 29/10/2001

Dated : October 22, 2001

No.SM/04/10/2000

To
 The Surveyor General of India,
 Survey of India,
 Dehra Dun - 248001.

(Attention: Lt. Col. V.R. Mahendra, Deputy Surveyor General)
 Subj:- Recommendation of the Fifth Central Pay Commission - revision of pay
 scales of Draughtsmen in govt. of India offices.

Sir,

I am directed to refer to your letter No E2-7588/1904-PC-V dated 9th
 October, 2001 on the subject mentioned above and to inform that the proposal for
 granting benefits under Ministry of Finance, Department of Expenditure
 (Implementation Cell)'s OM No. 6/1/98-IC dated 1.6.2001 was taken up with
 Ministry of Finance. However, they have informed that MOF order of 1.6.2001 is
 not applicable to the draughtsmen in Survey of India. In this connection,
 reference is invited to this Department's letter No. SM/04/010/2000 dated
 19.10.2001 (copy enclosed for ready reference).

Yours faithfully,

(P. Nar.)
 Staff Officer

Encl: as above.

E2
 25/10/2001

Attended
 P.K. Chandra

सर्विस का सहायक
 नं. 25/10/2001
 देहरादून

C-1725-22
 25/10/2001

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ANNEXURE - 1
- 107 -
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संख्या: एच-12016/9/2002-ई.सी.6/1196/12

भारत सरकार
निर्माण महानिदेशालय
केन्द्रीय लोक निर्माण विभाग

1 E 2
of
30/11

निर्माण मवन, नई दिल्ली ।
दिनांक : 20 दिसंबर, 2002 ।

सेवा में,

✓ श्री पी.के. घटर्जी,
उत्पादन प्रौद्योगिकी विद,
सूते भारत के महासचिव,
पत्र पेट्री संख्या-37,
प्रेमरावन-248001 (उत्तराखण्ड).

विषय: मान चित्रकारों की भर्ती तथा पदोन्नति के नियम हेतु ।

उपरोक्त विषय पर भारत सर्वेक्षण विभाग को कार्यालय से प्राप्त दिनांक 9 दिसंबर 2002 के पत्र संख्या ई2-22191/1196-पी (टी.आर. शर्मा) का अवलोकन करें । इस बारे में सूचित किया जाता है कि मान चित्रकारों की भर्ती तथा पदोन्नति के नियम के संबंध में पदोन्नति पदों की उपलब्धता पर आधारित है तथा सेवा का निर्धारण Fundamental Rules के प्रावधानों के अनुसार किया जाता है ।

Attested
AK Chandel

2014-12-20

(प्रम. प्रकाश)
अनुपाय अधिकारी

भारत सरकार
निर्माण महानिदेशालय
केन्द्रीय लोक निर्माण विभाग
नई दिल्ली

108-
ANNEXURE-E
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11

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 893 OF 1996
Cuttack, this the 27th day of November, 2000

CORAM: HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

1. Richitrananda Jena, aged about 42 years, son of late Bhagabat Jena, resident of Vill-Palasuni, P.O-Rasulgarh, Bhubaneswar, District-Khurda, at present working as Draughtsman Grade-II.

Dinabandhu Prusty, aged about 41 years, son of Sri Subal Prusty, resident of Qrs.No.Type-II/37, Survey of India, Residential Colony, Nayapally, Bhubaneswar-13, District-Khurda, at present working as Draughtsman Grade-II.

Simammehal Sahu, aged about 42 years, son of late Godabari Sahu, resident of House No.L-1/443, Dumu Duma Housing Board Colony, Bhubaneswar, District-Khurda.
(All above are employed in the office of Director, South Eastern Circle, Survey of India, Survey Bhavan, Bhubaneswar-13)

Applicants

Advocates for applicants-M/s K.C.Kanungo
B.D.Rout
G.S.Behera

Vrs.

1. Union of India, represented through the Secretary, Ministry/Department of Science & Technology, Technology Bhavan, New Mehrauli Road, New Delhi-110 016.
2. The Surveyor General of India, Hathibarkla Estate, Bheradun-248 001 (UP)
3. The Director, South Eastern Circle, Survey of India, PO-Regional Research Laboratory, Bhubaneswar-751 013

Respondents
Advocate for respondents - Mr.U.B.Mohapatra, ACGSC ✓

O R D E R
SOMNATH SOM, VICE-CHAIRMAN

In this application the petitioners have prayed for revising their scale of pay of Rs.1350-2200/- to Rs.1600-2600/- with consequential benefits with effect from 13.5.1983 notionally and with all financial benefits from 1.11.1983. They have also asked for penal interest on arrears. The respondents have filed counter opposing the

prayer of the applicant, and the applicant has filed a rejoinder. For the purpose of considering this petition, it is not necessary to go into too many facts of this case.

2. The case of the applicants is that they initially joined as Topo Trainee Type "B" (Draughtsman) in 1974 and after promotion they are currently holding the post of Draughtsman Grade-II in the pay scale of Rs.1350-2200/-. Their grievance is that Office Memorandum dated 19.10.1994 (annexure-1) issued by the Ministry of Finance and further instruction of the Department of Science & Technology to Surveyor General of India (respondent no.2) in their letter dated 1.11.1994 (Annexure-2) have not been implemented in their case. Before proceeding further, it is necessary to note that in this Office Memorandum it has been mentioned that a Committee of the National Council (JCM) was set up to consider the request of the staff side that the following pay scales, allowed to the Draughtsmen, Grades I, II and III working in CPWD on the basis of the Award of Board of Arbitration, may be extended to Draughtsmen, Grades I, II and III, irrespective of their recruitment qualification, in all Government of India offices:

	Original Scale	Revised scale on the basis of the Award (Rs.)
	(Rs)	(Rs)
Draughtsman, Grade I	425-700	550-750
Draughtsman, Grade II	330-560	425-700
Draughtsman, Grade III	260-430	330-560

It was further decided that the minimum period of service required for getting the higher pay scale would be as follows:

(a)

Minimum period of service : 7 years for placement from the post carrying scale of Rs.975-1540/- to Rs.1200-2040/-

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(pre-revised Rs.260-430 to Rs.330-560/-.

Minimum period of service for placement from the post carrying scale of Rs.1200-2040 to Rs.1400-2300 (pre-revised Rs.330-560 to Rs.425-700) : 5 years

(c)

Minimum period of service for placement from the post carrying scale of Rs.1400-2300 to Rs.1600-2660 (pre-revised Rs.425-700 to Rs.550-750) : 4 years

The applicants have stated that they have fulfilled the criterion of minimum period of service of four years for getting the revised scale with consequential benefits. The applicants have further stated that they were placed in the pay scale of Rs.1350-2200/- which is Rs.50/- less than the minimum and Rs.100/- less than the maximum of the pay scale of Rs.1400-2300/- for Draughtsman Grade-II after Fourth Pay Commission which corresponds to pre-revised scale of Rs.425-700/-. They have stated that they have represented for getting the benefit of the above Office memorandum. But in letter dated 31.1.1996 (Annexure-4) they have been informed that it has not been found possible to agree with the request of the Draughtsmen in Survey of India for revision of their pay scales based on the Office Memorandum dated 19.10.1994. In this letter it has been further mentioned that all the applicants in OA No.135/95 filed before the Guwahati Bench of the Tribunal are informed of the above decision. The applicants have stated that there is no reason why the benefit of Office Memorandum dated 19.10.1994 would not be made applicable

J. J. J.

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UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250
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31.7.1999 the respondents' case has been dismissed. It is further stated that SLP filed by the respondents before the Hon'ble Supreme Court against the decision of the Hon'ble Gauhati High Court has been dismissed by the Apex Court in order dated 31.3.2000. The petitioners have filed the decisions of the Hon'ble High Court and the Hon'ble Supreme Court. At our instance the Registry had written to the Guwahati Bench of the Tribunal and obtained the decision of the Guwahati Bench and we have perused the same. In the petition before the Guwahati Bench the petitioners who were Draughtsmen Grade-II were drawing the pay scale of Rs.1350-2200/- They had claimed that they are entitled to draw pay in the scale of Rs.1400-2300/- which is equivalent to the pre-revised scale of Rs.425-700/- and are entitled to payment of arrear monetary benefits in terms of the O.M. dated 19.10.1994. The Tribunal allowed them the higher scale in terms of the O.M. dated 19.10.1994 and the order of the Tribunal has reached the

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finality after this has been upheld by the Hon'ble Gauhati High Court and after the SLP against the order of the Hon'ble Gauhati High Court has been dismissed by the Hon'ble Apex Court. The petitioners are similarly situated and they are therefore entitled to the scale of Rs.1400-2300/- strictly in terms of the O.M. dated 19.10.1994 and also arrears in the higher scale notionally from 13.5.1982 and actually from 1.11.1983 which is mentioned in paragraph 4 of the O.M. dated 19.10.1994. The petitioners in this case, however, have prayed in paragraph 8 of the OA that they are entitled to the scale of pay of Rs.1600-2660/- on the basis of O.M. dated 19.10.1994. This prayer is without any merit because admittedly they were in the pre-revised scale of Rs.830-560/- and according to this O.M., on completion of five years of service, they are to be placed in the scale of Rs.425-700/- which has been revised to Rs.1400-2300/-. In the O.A. the petitioners have made no averment as to how they are entitled to still higher scale of pay of Rs.1600-2660/-. On the basis of O.M. at Annexure-1 they are entitled to the pay scale of Rs.1400-2300/- and this is what has been allowed to similarly placed Grade-II Draughtsmen of Survey of India by the order of Guwahati Bench of the Tribunal. In view of the above, the respondents are directed to allow the applicants the scale of pay of Rs.1400-2300/- subject to fulfilment of the minimum service qualification as laid down in O.M. dated 19.10.1994. Their pay fixation notionally and actually should also be done strictly in terms of paragraph 4 of this O.M.

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4. The petitioners have asked for penal interest on their arrears. We find that ^{a similar matter} ~~this~~ prayer has been subject-matter of adjudication before the Guwahati Bench of the Tribunal and the matter was carried to the Hon'ble Gauhati High Court and the Hon'ble Supreme Court. In view of this, it cannot be said that the respondents deliberately withheld the benefits from the applicants. The prayer for payment of penal interest is accordingly rejected.

5. In the result, therefore, the Original Application is disposed of in terms of the direction and observation above. No costs.

31/- G. Narasimhan Member (A)	31/- Somnath Som. Vice-Chairman.
	VICE-CHAIRMAN

November 27, 2000/AN/PS

TRUE COPY

[Signature]
Section Officer,
Central Administrative Tribunal
Cuttack Bench, Cuttack

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI
MAY 2002

In the matter of:-
O.A.No.14/2002

Shri Tulsi Ram Sharma & Others

Applicants

-Versus-

Union of India & Others

Respondents

Union of India & Others
- Respondents
Through:-
Anup Kumar Choudhary
26/3/03

Additional Brief statement on behalf of the Respondents-

Most Respectfully beg to state that:-

Shri T.R. Sharma, D/Man Grade II and 62 other D/Man Grade II of North Eastern Circle, Survey of India, Shillong have filed the O.A. No.14/2002 in the Hon'ble CAT, Guwahati Bench, Guwahati, praying for extending the benefits as per para 2(c) of Govt. of India, Ministry of Finance, Department of Expenditure O.M. No.13(1)-IC/91 dated 19.10.1994. The main relief sought for by the applicants is to get the higher pay scale of Rs.550-750 (pre-revised) and revised corresponding scale of Rs.5500-9000 as per Vth CPC.

Now, in connection with the aforesaid case, following points are brought before the Hon'ble Tribunal:-

- (i) Recruitment and promotion of Topographical staff including the D/Man Cadre in Survey of India is regulated by the Circular Order No.435(Adm.), copy enclosed as Annexure 'A' amended from time to time as and when required. D/Man are initially recruited as Topo Trainee Type 'B' and after successful completion of 2(two) years training, they are classified as D/Man Grade IV in the pay scale of Rs.3200-4900 (Vth CPC). Then they are upgraded as D/Man Grade III in the pay scale of Rs.4000-6000 after a period of 3 years and thereafter Grade II in the pay scale of Rs.4500-7000 after a period of 2 years respectively subject to passing the Trades Test conducted by the Department.
- (ii) Further promotion to the post of D/Man Division I (equivalent to D/Man Grade I of CPWD) in the pay scale of Rs.5500-9000 (as per Vth CPC) is regulated in Survey of India vide Circular Order No.436(Adm.) copy enclosed as Annexure 'B' (Page 5 refers) wherein it is stated that "the posts of D/man Division I are filled by selection of Grade II personnel in the trades of D/Man and Engravers respectively in the Division II Topographical staff of the Survey of India".

[Signature]

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The sanctioned number of posts of D/Man Division I in Survey of India having the revised pay scale of Rs.5500-9000 as per Vth CPC are 300 (three hundred). Copy of the Ministry of Science & Technology O.M. No. SM/02/044/088 dated 30.1.1996 is enclosed (Page 2 refers) as Annexure 'C' and promotion to these posts are made through DPC from D/Man Grade II and Engravers Grade II subject to availability of vacancy in D/Man Division I posts which are 300, in this connection a copy of the draft Recruitment Rules for D/Man Div. I (now Grade I) sent to Ministry of Science & Technology (Department of Science & Technology), New Delhi is enclosed as Annexure 'F'.

- (iii) Survey of India is technical department, it is essential to evaluate the eligibility criteria of the personnel (in this case the D/Man Cadre) as per the Circular Order Nos.435(Adm.) for Division II of Group 'C' staff (Annexure 'A') and 436(Adm) for Division I of Group 'C' staff (Annexure 'B') under which their services are governed. The Department can not place the individual in the higher pay scale simply on completion of residency period as there are no provisions in the Circular Order No.435(Adm) and No.436(Adm). More over, the GOI OM of 1994 nowhere specifies that the personnel will be simply placed in the higher pay scale on completion of residency period without evaluating their eligibility/competence and availability of the vacancy.
- (iv) Further, it is prayed that the Hon'ble Tribunal has little jurisdiction to interfere in the method of recruitment/promotion rules of the Department on the basis of Hon'ble Court's judgement dated 17.7.1997 in O.A. No.52/96 which the respondents have dutifully implemented wherein the D/Man Grade II have been granted the pay scale of Rs.425-700, corresponding revised pay scale of Rs.5000-8000 as per Vth CPC. It is exclusive domain of executive. [Kindly refer the judgement delivered in cases (i) Indian Airlines Corpn. -Vs- K.C. Shukla, 1993 AIR SCW 2866 Para 4 and (ii) State of A.P. -Vs- Sadanandam (1989) Supp. 1 SCC 574]]
- (v) It is noteworthy to mention here that a similar O.A. No.893/1996 was filed by Shri B. Jena, D/Man Grade II & Ors. in the Hon'ble Tribunal of Cuttack Bench, Cuttack which was disposed off on 27.11.2000, (Copy of Judgement enclosed as Annexure 'D'). This judgement categorically observed (on page 5 of the judgement) that the applicants are not entitled to the higher scale of pay of Rs.1600-2660, corresponding revised scale of pay of Rs.5500-9000 on the basis of GOI, Min. of Finance, Deptt. of Expenditure O.M. of 1994. The observation of the Hon'ble CAT, Cuttack Bench is reproduced below:-

"Para 3..... the petitioners in this case however, have prayed in paragraph 8 of the OA that they are entitled to the pay scale of Rs.1600-2660 on the basis of O.M. dated 1994. The prayer is without any merit because admittedly they were in the pre-revised scale of Rs.330-560 and according to this O.M. on completion of 5 years of service, they are to be placed in the scale of Rs.425-700 which has been revised to Rs.1400-2300".

Further, it is also prayed that the present application filed in the Guwahati Bench of Hon'ble CAT ^{may} be disposed as per the judgement dated 27.11.2000 delivered by Hon'ble CAT, Cuttack Bench, Cuttack and by which the relief sought for higher pay scale was rejected by the Hon'ble Tribunal. The present O.A. is covered under the provision of Res Ju-di-ca-ta. The claim is liable to be rejected on the principle of Res Ju-di-ca-ta.



PRAYER

In view of the above facts, the subject case is likely to be dismissed on the basis of Judgement of Hon'ble CAT, Cuttack Bench, Cuttack delivered on dated 27.11.2000 in a similar case.

VERIFICATION

I, Brigadier B.D. Sharma, holding the charge of Director, North Eastern Circle, Survey of India, Shillong being authorized do hereby solemnly declare that the statements made in the above paragraphs is true to my knowledge, information and belief. .

And I sign this verification on this 23rd day of May, 2003 at Shillong.



(ब्रिगेडियर बी. डी. शर्मा)
(Brig. B. D. Sharma)
निदेशक, पूर्वोत्तर परिमंडल

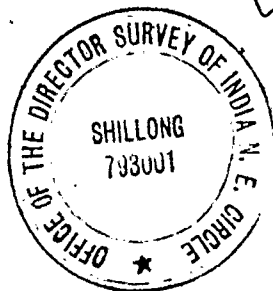
Director, North Eastern Circle DEPONENT
भारतीय सर्वेक्षण विभाग, शिल्लॉंग-793001
Survey of India Shillong 793001

ANNEXURE 'B'

SURVEY OF INDIA

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4-134



CIRCULAR ORDER No. 436 (Administrative)
Dated the 1st August 1950

(Corrected up to 31st March 1983)

SUBJECT

**RULES RELATING TO RECRUITMENT AND PROMOTION
OF PERSONNEL IN DIVISION I OF THE GROUP 'C'
SERVICE OF THE SURVEY OF INDIA**

PUBLISHED BY ORDER OF

MAJOR GENERAL GIRISH CHANDRA AGARWAL,

B.E. (Hons.) (Civil), M.Sc. Ph.E. (I.T.C.), F.I.S., M.C.A., M.A.S.P.R.S.,

SURVEYOR GENERAL OF INDIA

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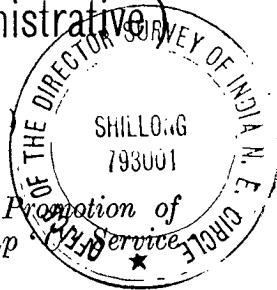
SURVEY OF INDIA

CIRCULAR ORDER No. 436 (Administrative)

Dated the 1st August 1950

(Corrected up to 31st March 1983)

SUBJECT.—*Rules relating to Recruitment and Promotion of personnel in Division I of the Group 'C' Service of the Survey of India.*



PART I.—GENERAL

1. Composition of the Group 'C' Service, Survey of India.—The Group 'C' Service, Survey of India, is broadly divided into establishments as under :—

- | | |
|----------------------|----------------------|
| (i) Topographical. | (iii) Ministerial. |
| (ii) Reproduction. | (iv) Artificer. |

The Topographical and Reproduction establishments are subdivided into Division I and Division II.

These rules apply only to recruitment and promotion in Division I, Group 'C', which consists of the following cadres :—

<i>Cadres</i>	<i>Scale of Pay</i>
(i) Surveyors	{ Rs. 425-15-500-E.B.-15-560-20-700 with a Selection Grade of Rs. 550-25-750-E.B.-30-900 (upto 15% of the number of sanctioned post).
(ii) Geodetic Computers	
(iii) Scientific Assistants	
(iv) Survey Assistants	
(v) Draftsmen	{ Rs. 425-15-500-E.B.-15-560-20-700 with a Selection Grade of Rs. 550-20-650-25-750 (upto 15% of the number of sanctioned posts).
(vi) Engravers	{ Rs. 425-15-500-E.B.-15-560-20-700 with a Selection Grade of Rs. 550-25-750-E.B.-30-900 (upto 15% of the number of sanctioned posts).
(vii) Technical Assistants (Reproduction)	
(viii) Stores Assistants	{ Rs. 425-15-530-E.B.-15-560-20-600 with a Selection Grade of Rs. 550-20-650-25-750 (upto 15% of the number of sanctioned posts).

Rules relating to Division II, Group 'C' personnel will be found

PART II.—RULES RELATING TO TOPOGRAPHICAL STAFF

2. Surveyors (Ordinary Grade) :—

(A) (1) Recruitment.—

“ Upto $33\frac{1}{3}\%$ of the appointments to the grade of Surveyor in a particular year will be made by promotion from Group ‘C’ Division II employees of the Survey of India on the basis of Seniority-cum-fitness and the remaining by directly recruited personnel. In case requisite number of departmental candidates is not found suitable for filling up the quota reserved for promotion in any particular year, the vacancies not filled by promotion will revert to the direct recruitment quota without being carried forward to the next year ”.

For the promotion quota, only the following departmental candidates on the topographical establishment will be eligible for consideration for promotion :—

(a) Those who possess the educational qualifications prescribed hereinafter for direct recruits or those who qualify at a test to be prescribed by the Survey of India for the purpose in the event of their not possessing the prescribed qualification. The authority of the Surveyor General in the matter of such tests shall be final and non-appealable.

(b) The candidates must be within the age limit prescribed hereinafter.

“ The Scheme for Departmental Examination to be conducted by the Survey of India for recruitment upto $33\frac{1}{3}\%$ of the vacancies by the Departmental Candidates in the grade of Surveyors is appended as Annexure ‘C’ to the Circular Order ”.

On completion of training, they will, if found suitable, be classified as Surveyor (Ordinary Grade).

(2) (i) No person who has more than one wife living or who having a spouse living marries in any case in which such marriage is void by reason of its taking place during the life-time of such spouse shall be eligible for appointment to service ; and

(ii) no woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage shall be eligible for appointment to service ;

Provided that the Central Government may if satisfied that there are special grounds for so ordering exempt any person from

(B) *The following qualifications are required.—*

(a) Nationality and domicile.—

A candidate must be

- (i) a citizen of India ; *or*
- (ii) a subject of Sikkim ; *or*
- (iii) a subject of Nepāl ; *or*
- (iv) a subject of Bhutān ; *or*
- (v) a Tibetan refugee who came over to India, before the 1st January 1962 with the intention of permanently settling in India ;

or

- (vi) a person of Indian Origin who has migrated from Pākistān with the intention of permanently settling in India.

Provided that a candidate belonging to categories (iii), (iv), (v) and (vi) shall be a person in whose favour a certificate of eligibility has been given by the Government of India and if he belongs to category (vi) the certificate of eligibility will be issued for a period of one year, after which such a candidate will be retained in service subject to his having acquired Indian citizenship.

Provided further that candidates belonging to categories (iii), (iv) and (v) above will not be eligible for appointment to the Indian Foreign Service.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview and provisionally appointed subject to the necessary certificate being given to him by the Government.

(b) Age.—The candidate must be over 18 and under 25 (30 in the case of Scheduled Castes and Scheduled Tribes candidates) years of age on 1st July of year of recruitment. If he is already serving in the Department on other than a purely temporary basis the upper age limit is 30 (35 for Scheduled Castes and Scheduled Tribes candidates).

“The upper age limit mentioned above is relaxable by the Surveyor General of India in exceptional cases”.

(c) Educational qualifications.—

Candidates must have passed

- (i) the Intermediate Examination of an Indian University or a recognized equivalent, with Mathematics as one of the subjects or

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- (ii) the Upper Subordinates, or Overseer Certificate Examination of a Civil Engineering College or a Diploma in Surveying from a State Industrial Training Institute of Technology/Central Board of Technical Examinations.

(C) *Training period.*—

Candidates will be entertained on the purely temporary establishment and will be known as Topographical Trainees Type 'A'.

They may be discharged at any time while trainees, with a month's notice without assignment of reason.

"While under training, they will be paid on the scale of Rs. 320-6-326-8-390-10-400. During the period of training candidates will be given full course of instructions in the various branches of Field and Air Survey, Photogrammetry, Drawing and Computation. The period and courses of training will be as laid down by the Surveyor General from time to time".

Note.—Topo Trainees Type 'A' should be able to fuse stereoscopically. They will be tested for the same after a month's practice soon after recruitment.

(D) *Classification.*—

- (i) Trainees who are considered suitable for appointment to Division I will be eligible for classification on completion of the course of instructions (or of one year's service if they have not undergone a full regular course).

On classification in Division I a Topo Trainee Type 'A' will be given the trade of Surveyor (Ordinary Grade).

- (ii) Those not considered fit for classification in Division I may, if suitable, be offered classification in an appropriate grade in Division II in the following trades :—

Computer (Trig.),
Air Survey Draftsman,
Plane-tablet,
Draftsman,
Topo Auxiliary.

Failure to accept classification in Division II will not involve any penalty and the individual will be discharged.

(E) *Grades.*—The cadre of Surveyor (Ordinary Grade) carries a Selection Grade of Rs. 550-25-750-E.B.-30-900 (upto 15% of the number of sanctioned posts).

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7. Status and Seniority.—Personnel in Division I covered by rules 4 and 5 and Surveyors Ordinary Grade will be of equal status. Seniority in each grade and as between the different trades in Ordinary Grade will be reckoned from the date of substantive appointment to the grade. When two or more individuals are appointed to a grade from the same date, the seniority among the individuals will be as follows :—

- (i) When appointments are made by promotion from Division II, the seniority will be in order of selection as decided by the D.P.C.
- (ii) When appointments are made from among the trainees on classification, the seniority will be determined on merits by the Surveyor General.

PART III.—RULES RELATING TO MAP REPRODUCTION STAFF

8. Technical Assistants, Reproduction, Division I.—This is a fixed establishment on the following scale :—

Rs. 425–15–500–E.B.–15–560–20–700 with a Selection Grade of Rs. 550–25–750–E.B.–30–900 (upto 15% of the number of sanctioned posts).

It may either be filled by :—

- (a) selection from tradesmen in the Map Reproduction staff of the Division II, or
- (b) in the event of suitable departmental candidates not being available, by direct appointment of individuals with special trade qualifications from outside the department. Such individuals may either be appointed as probationers for one year at the end of which they may be called on to undergo a trade test or they may be appointed in the first place to the purely temporary establishment on a monthly basis for a period not exceeding one year until their fitness for a permanent post is established.

PART IV.—RULES RELATING TO BOTH TOPOGRAPHICAL AND MAP REPRODUCTION STAFF

9. Increments of Pay.—Normal increments will not be withheld except as punishments under the Central Civil Services (Classification, Control and Appeal) Rules. Such punishments may be inflicted in accordance with the provisions of the Rules.

Under F.R. 25, a Government servant is not entitled to the increment next above the efficiency bar without the specific sanction of the authority empowered to withhold increments. Such authority should, therefore, consider in each case whether the conduct and performance of the person concerned justifies the grant of increment next above the bar. If a Government servant held up at the efficiency bar is subsequently allowed to cross the bar, increments should not be allowed with retrospective effect.

10. Service counting for pension.—Service does not qualify for pension unless the officer holds a substantive office on a permanent establishment.

Provided that in the case of an officer retiring from service on or after the 22nd April 1960, if he was holding a substantive office on a permanent establishment on the date of his retirement, temporary or officiating service under the Government of India, followed without interruption by confirmation in the same or another post, shall count in full as qualifying service except in respect of :

- (i) Periods of temporary or officiating service in non-pensionable establishment ;
- (ii) Periods of casual/daily-rated service ; and
- (iii) Periods of service paid from contingencies.

11. Medical Certificate.—On first appointment candidates will be required to submit a medical certificate of fitness in the form given in Annexure 'A'. This certificate must be signed by a Commissioned Medical Officer or by a Medical Officer in Charge of a Civil Station.

12. Security Bond.—Candidates must be prepared to sign a security bond in the form given in Annexure 'B'. The order of appointment will not be issued until the bond has been received duly signed.

13. Field work.—Personnel employed away from the permanent headquarters of their units will be required to reside where ordered by the higher authority, who will, if necessary, provide them with tentage at the authorised scale. Such personnel may not take their families with them without permission, and this will seldom be granted to those engaged on field work.

Lower paid personnel engaged on field work are provided by Government under such orders as may be issued from time to time by the Surveyor General with camp khallas to safeguard their

Note :— (1) Nothing in this Circular Order shall restrict the powers of the Surveyor General, Directors and other competent authorities which they can otherwise exercise in accordance with the F. & S. Rules, C.S.R., G.F.R. and general orders of the Government affecting service conditions of Central Government employees that may be issued from time to time.

Note :— (2) Wherever the term "C.C.S. (C.C. and A.) Rules " is used, it is intended to refer to the rule issued with the Government of India, Ministry of Home Affairs Notification S.R.O. 607, dated the 28th February 1957, as amended from time to time.

STANDARD OF EYESIGHT EXAMINATION OF CANDIDATES
FOR APPOINTMENT TO THE SURVEY OF INDIA GROUP 'C'
(INCLUDING MINISTERIAL) SERVICES

(Please see the attached declaration form also)

(A) For Group 'C' Service

The candidate's eyesight will be tested in accordance with the following rules. The result of each test will be recorded :—

- (i) *General*.—The candidate's eyes will be submitted to a general examination directed to the detection of any disease or abnormality. The candidate will be rejected if he suffers from morbid conditions of eyes, eyelids or contiguous structures of such a sort as to render or are likely, at a future date, to render him, unfit for service.
- (ii) *Naked eye*.—It is not necessary to lay down any limit for minimum naked eye vision, but it is desirable that the naked eye vision of the candidates should be recorded by the Medical Board or other Medical Authority in every case as it will furnish basic information in regard to the condition of the eye.
- (iii) *Visual Standard*.—The examination for determining the standards of vision includes 2 tests, one for distant and the other for near vision as follows :—

(Each eye will be examined separately)

<u>Distant Vision*</u>		<u>Near Vision*</u>	
<u>Better eye</u>	<u>Worse eye</u>	<u>Better eye</u>	<u>Worse eye</u>
6/6	Nil	0.6	0.8
6/12	6/12	*(With or-without glasses).	
6/9	6/18		

The candidates will be examined with the apparatus and according to the method prescribed by the Rly. Board's Standing Advisory Committee of Medical Officers, to determine his standard of vision.

No limit for the amount of refractive error is prescribed provided the visual acuity is in accordance with the standards mentioned in para (iii) above. No candidate will be accepted whose standard of vision does not come up to requirements specified above.

- (iv) *Fundus Examination*.—It is up to the discretion of the Medical Board or other Medical Authority to carry out such examination, if considered desirable. Whenever possible it should be carried out and results recorded.
- (v) *Colour perception*.—The candidate will be examined for colour knowledge, either with the Edridge Green Lantern or Ishihara's Colour Charts. Any defect in colour perception will be a cause for rejection of the candidate. Colour perception is graded into a higher or a lower grade depending upon the size of the aperture in the lantern as described in the table below :—

Grade	Higher Gd.	Lower Gd.
1. Distance between the lamp and candidates	16'	16'
2. Size of aperture	1.3 mm.	13 mm.
3. Time of exposure	5 Sec.	5 Sec.

Lower Grade is considered as sufficient as far as the testing of Group 'C'

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- (vi) *Field of Vision*.—The eyes must have a full field of vision as tested by hand movements.
- (vii) *Night Blindness*.—This should be tested only in special cases and *not* as a routine. Personnel who have to be employed in dark-rooms (e.g., Photographers, etc.) or who have to carry out night observations (to stars, etc.) should *not* be suffering from night blindness.
- (viii) *Ocular conditions other than visual acuity*.—The ocular conditions or diseases which should be considered, as a *disqualification*, are as follows:—
- (a) Any organic disease or a progressive refractive error which is likely to result in lower the visual acuity.
 - (b) Trachoma which is complicated.
 - (c) One eyed person provided the prognosis about the functioning eye is not good and its vision is likely to be endangered by the condition of the worse eye and the visual acuity standards mentioned in (iii) above are not fully satisfied.

Note :—(1) Standard of visual acuity in respect of candidates for appointment to all Group 'C' Posts, the duties of which include field work and such posts as those of Air Survey Draftsmen and Photogrammetric Operators who are required to have binocular vision shall be as follows :—

- (a) *Visual of standard (with or without glasses).*

<u>Distant Vision</u>		<u>Near Vision</u>	
<u>Better eye</u>	<u>Worse eye</u>	<u>Better eye</u>	<u>Worse eye</u>
6/9	6/9	0.6	0.8
6/6	or 6/12		

Subject to the visual standards laid down, being satisfied, the amount of refractive error allowed shall be as follows :—

Total amount of Myopia (including the cylinder) shall not exceed $-4.00D$.
Total amount of Hypermetropia (including the cylinder) shall not exceed $+4.00D$.

- (b) Squint, even if the visual acuity is of the prescribed standard, should be considered as a disqualification.
 - (c) One eyed persons also should not be accepted for such posts.
- (2) Candidates for Ministerial Posts are *not* required to be tested for item (v), (vi) and (vii) above.
- (3) When the age of the candidate is 35 or more years, the standard for corrected vision should be as follows :—

<u>Corrected Vision</u>	
<u>Better eye</u>	<u>Worse eye</u>
6/9	Nil
6/18	or 6/18
6/12	or 6/24

The candidate must make the Statement required below prior to his Medical Examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the Note below :—

- | | | | |
|---|---|---|--|
| Father's age if living
and state of health | Father's age at death
and cause of death | No. of brothers liv-
ing, their ages and
state of health. | No. of brothers dead,
their ages at death
and cause of death |
| | | | |
| | | | |
| | | | |
| Mother's age if living
and state of health | Mother's age at death
and cause of death | No. of sisters living,
their ages and state
of health | No. of sisters dead,
their ages at death
and cause of death |
| | | | |
| | | | |
| | | | |

I also solemnly affirm that I have not received a disability certificate/pension on account of any disease or other condition.

Signed in my presence

Signature of Medical Officer.....

Note.—The candidate will be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will incur the risk of losing the appointment and, if appointed, of forfeiting all claim to superannuation allowances or gratuity.

SURVEY OF INDIA

Security Bond to be executed by a candidate on Government accepting him for appointment in the Division I of the Group 'C' Service of the Survey of India.

KNOW ALL MEN by these presents that we*.....
son of..... (hereinafter
 called "the candidate") and.....
 son of.....of.....
 (hereinafter called "the surety") are held and firmly bound unto
 the President of India (hereinafter called "the Government")
 which expression shall include his successors in office and assigns,
 in the sum as stipulated hereinafter, to be paid to the Government
 for which payment to be well and truly made we hereby bind our-
 selves jointly and severally and each of us binds his personal re-
 presentatives firmly by these presents signed by us on this.....
 day of.....19 ..

WHEREAS the candidate has been selected by the Director
/Deputy Surveyor General on behalf
 of the Government, for appointment in Division I, Group 'C'
 Service of the Survey of India, in consideration of the candidate
 and the surety agreeing (which they have done verbally and hereby
 confirm by signing these presents) to the following terms,
 viz. :—

(1) That he, the candidate, has made himself acquainted with
 and accepts the terms of service as laid down in the Circular Order
 No. 436 (Adm.) dated the 1st August, 1950 as amended from
 time to time. The candidate accepts the conditions of service
 for the Group 'C' Service officers of the Survey of India and shall
 observe and perform the regulations of that service for the time
 being in force and subject thereto the provisions of the Civil
 Services (Classification, Control and Appeal) Rules from time to
 time in force or any rules made thereunder shall apply to the
 extent to which they are applicable to the service hereby
 provided for and the decision of the Government as to their appli-
 cability shall be final. The candidate shall obey the Government
 Servants Conduct Rules.

(2) That if the candidate shall resign or leave the service
 during probation, or while employed as a trainee, except with the
 approval of the Director concerned/Deputy Surveyor General, the
 candidate and the surety will pay to Government a sum of Rs. 500
 (Rupees five hundred only) for every year or part of a year
 during which the probationer's or trainee's service shall be
 continued in order to recoup Government the expenses incurred
 on account of the candidate

(3) That the candidate shall, on classification in a regular trade in the Survey of India, continue in that service for a period of 5 years. If he resigns at any time during the period of five years following his classification he and the surety will be liable to refund to Government a sum of Rs. 1,500 (Rupees one thousand and five hundred only) minus a fifth part thereof for each completed year of service after the date of classification.

(4) Further that during the period of service to follow if the candidate resigns his service during field season (the decision of the Director concerned/Deputy Surveyor General as to what is the field season being final and binding on the parties) he shall refund a sum of Rs. 500 (Rupees five hundred only) provided that no liability will attach to the surety for any resignation by the candidate of his employment after a period of five years following his confirmation in his appointment. Resignation at any time will be subject to the exigencies of the service permitting it.

(5) That the candidate shall be faithful and bear true allegiance to the Republic of India and to the Constitution of India as by Law established and shall serve wherever he is ordered to serve by land or sea or air including active Military Service with a mobilized Survey Unit and shall obey all commands of officers set over him. He shall, if required to do so by the Surveyor General of India, join the Indian Survey Supplementary Reserve and shall continue in the Reserve during the whole time of his employment or until he is permitted to resign or is discharged from the Reserve by competent authority. On breach of this condition the candidate shall be liable to dismissal from service and the candidate and his surety shall also be liable to pay to the Government of the sums mentioned in Clauses (2), (3) and (4) as the case may be. For the purpose of the 3 last mentioned clauses, a breach of the present condition shall have the same effect as resignation by the candidate referred to in the said clauses.

Further that on the breach of the present condition at any time after the period mentioned in Clause (3) the candidate shall be liable to dismissal from service and also to pay to Government the sum of Rs. 500 (Rupees five hundred only).

(6) That it is hereby agreed and declared that the decision of the Surveyor General of India as to whether the candidate has or has not performed and observed the obligations, stipulations, provisions and conditions of the hereinbefore recited agreement shall be final and binding.

NOW THE ABOVE WRITTEN OBLIGATION is conditioned to be void in case the candidate shall perform and observe the terms and conditions hereinbefore mentioned and/or in the event of

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then the Bond shall be void otherwise the same shall be binding and of full effect. AND IT IS FURTHER DECLARED that this Bond or Obligation is executed under the orders of the Government of India and is given for the performance of a public duty in which the public are interested within the meaning of the exception to Section 74 of the Indian Contract Act (IX of 1872).

Signed and delivered at.....

.....
(Signature of candidate)

.....
(Signature of surety)

In the presence of*

1.....

1.....

.....

.....

2.....

2.....

.....

.....

Accepted by.....Accepted
for and on behalf of the
President of India.

In the presence of*

Signature

1.....

for and on behalf of the
President of India.

2.....

Note :—Whenever the term “ C.C.S. (C.C. and A.) Rules ” is used, it is intended to refer to the rules issued with the Government of India, Ministry of Home Affairs, Notification No. F. 7/2/63-Ests (A) dated the 20th November, 1965 as amended from time to time.

ANNEXURE 'C'

SURVEY OF INDIA

Scheme for Departmental Examination to be conducted by the Survey of India for recruitment up to $33\frac{1}{3}\%$ of the vacancies by the Departmental Candidates in the grade of Surveyors (as approved by the Government of India, Ministry of Education and Youth Services, New Delhi under their letter No. 18/118/68-Survey I dated 27-6-70 and amended/revised under the Department of Science and Technology, New Delhi's letter No. F. 18-6/71-Sur. I dated 31-7-72).

Preamble.—In pursuance of the agreed decision on item No. 8 of the 4th Ordinary Meeting of the Departmental Council held on 23rd and 24th April 1968, regarding making of up to $33\frac{1}{3}\%$ of the recruitment annually to the Topo Trainee Type 'A' by promotion from Group 'C' Division II employees of the Survey of India, the following scheme is made to regulate such recruitment.

The Scheme may be called 'The Limited Departmental Examination and Promotion (Recruitment to Surveyor's Grade) Scheme 1970.

2. Under the Scheme, up to $33\frac{1}{3}\%$ of the annually recruitment to the Topo Trainee Type 'A' (Surveyor Grade) will be made by promotion from employees in Group 'C' Division II Establishment who satisfy the following conditions:—

(i) Employees who either possess the academic qualifications prescribed for direct recruits or those who qualify at an examination prescribed herein for the purpose in the event of their not possessing the prescribed academic qualifications, and

(ii) Employees who have not crossed the age of 35 years (40 years in the case of Scheduled Casts/ Scheduled Tribe candidates) on 1st January of the recruitment year.

3. The examination will be held annually in August/September (unless otherwise notified or postponed), simultaneously at all the stations where the different Regional Circle Headquarters of Survey of India are situated and other Centre (s) that may be fixed by the Surveyor General.

4. The examination will be limited to Group 'C' Division II Staff not possessing the requisite educational qualification for direct recruitment to Surveyors prescribed under para 2 (B) (C) of C.O. 436 (Adm.) dated 1st August, 1950 (as amended from time to

There will be viva voce :

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8. The examination will be qualifying one and the minimum qualifying marks will be 40% in each paper and 45% in the aggregate. (33% and 43% respectively, in the case of Scheduled Caste/Tribe candidates).

9. A combined panel of the Departmental candidates, who qualify in the above examination and those who already possess the requisite academic qualifications prescribed for direct recruits, in order of their seniority in Group 'C' Div. II establishment will be prepared in Surveyor General's Office.

10. The Annual Confidential Reports of candidates included in the panel will then be taken into consideration for selection in the usual manner against vacancies reserved for promotion quota calculated on the basis of list of vacancies to be maintained in Surveyor General's Office.

11. If in any given year the number of candidates selected against promotion quota is less than the number of vacancies reserved for filling by promotion under this Scheme, the unfilled vacancies will be filled by direct recruitment.

12. The panel for promotion will remain operative during the recruitment year following the examination and shall lapse at the end thereof. However, a candidate who qualified in the examination in any year, if not selected against promotion quota, need not take the examination again but his name will be included in the panel prepared in subsequent year(s) provided that he is within the prescribed age limit vide para 2 (ii) above.

13. On selection, the Departmental candidates will undergo training as may be prescribed by the Surveyor General. On completion of training they will be considered for classification as Surveyors as applicable to directly recruited T.T.T.s 'A'. Those who are not found fit for classification as Surveyor (Ordinary Grade) will revert to their original posts.

14. If any doubt arises on any of the provisions of the Limited Departmental Examination and promotion (Recruitment to Surveyor's Grade) Scheme, 1970 it shall be referred to the Surveyor General of India whose decision thereon shall be final.

15. Any attempt on the part of a candidate to obtain support for his candidature by any means will disqualify him for selection.

Candidates who are within the upper age limit as on 1st January of the recruitment year prescribed for educationally qualified Departmental candidates for direct recruitment under para 2(B) *ibid*, i.e. 35 years (40 years for SC/ST candidates) will be eligible for taking the examination .

Note.—(i) Group 'C' Division II personnel possessing the requisite educational qualifications prescribed for direct recruitment are not required to take the examination those fulfilling all requisite conditions stipulated above will also be eligible for consideration for selection against the reserved quota.

(ii) The above arrangements will not debar the Departmental employees who are within the prescribed age limit and who have requisite educational qualifications from appearing in the examination held for direct recruitment.

5. No fee shall be charged for the examination.

6. The question papers will be set by an Examination Board as may be sent up by the Senior Director, Centre for Survey Training and Map Production.

7. The Examination will consist of three papers as shown below :—

PAPER I.—General English (Essay, letter writing, précis writing and composition) 50 Marks
(2hrs.)

PAPER II.—Mathematics (upto Intermediate standard viz., Mensuration, Algebra, Trigonometry, Co-ordinate Geometry, and Differential Integral Calculus) .. 100 Marks
(3hrs.)

PAPER III.—General Knowledge 50 Marks
(2hrs.)

(a) Questions relating to the duties and responsibilities of Div. II Field Staff, Triangulators, Camp Officer, Section-in-Charge, Camp Administration, preparation of claims of contingent charges, maintenance of cash book. (Books recommended for study—Hand-book of General Instructions, T.H.B. Chapters I and II, Accounts Pamphlet - Chapters I and II.)



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CIRCULAR ORDER No. 435 (Administrative)
Dated 1st August 1950

(Corrected up to 31st March 1983)

SUBJECT

**RULES RELATING TO RECRUITMENT AND PROMOTION
OF TOPOGRAPHICAL AND MAP REPRODUCTION
PERSONNEL IN DIVISION II OF GROUP 'C'
SERVICE OF THE SURVEY OF INDIA**

PUBLISHED BY ORDER OF

MAJOR GENERAL GIRISH CHANDRA AGARWAL,

B.E. (Hons.) (Civil), M.Sc. Ph.D. (I.T.C.), F.I.S., M.C.A., M.A.S.P.R.S.,

SURVEYOR GENERAL OF INDIA

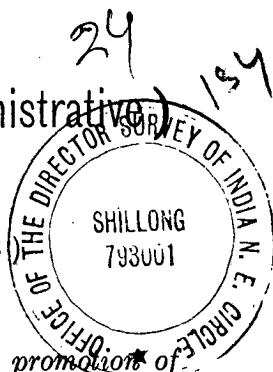
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DELHI 20N, 1983.**

SURVEY OF INDIA

CIRCULAR ORDER No. 435 (Administrative)

Dated 1st August 1950

(Corrected up to 31st March 1983)



SUBJECT.—*Rules relating to recruitment and promotion of Topographical and Map Reproduction personnel in Division II of Group 'C' Service of the Survey of India.*

This order supersedes the following :—

C.Os. 422 and 397 for categories of personnel mentioned in para I below.

PART I.—GENERAL

1. **Composition of the Group 'C' Service, Survey of India.**—The Group 'C' Service, Survey of India, is broadly divided into establishments as under :—

- ✓ (i) Topographical. (iii) Ministerial.
- (ii) Reproduction. (iv) Artificer.

The Topographical and Reproduction establishments are subdivided as follows :—

DIVISION I

- (i) Surveyors (Ordinary Grade). (To correspond to former U.S.S. and Topo. Assistants).
- (ii) Geodetic Computers and Scientific Assistants.
- (iii) Survey Assistants.
- (iv) Draftsmen and Engravers.
- (v) Technical Assistants (Reproduction).
- (vi) Stores Assistants.
- (vii) Observatory Assistants.

Categories in Division I (ii) to (vi) take the place of former Second Division establishments.

Rules relating to Division I, Group 'C' personnel will be found in C.O. 436.

DIVISION II

This will consist of all other personnel not in Division I.

2. THESE RULES APPLY ONLY TO THE RECRUITMENT AND PROMOTION OF TOPOGRAPHICAL AND MAP REPRODUCTION PERSONNEL IN DIVISION II IN THE GROUP 'C' SERVICE.

The establishment on which these personnel are borne are unfixed and under the control of the Surveyor General subject only to budget limitations.

3. **Trades and grading.**—After an initial period as a trainee every individual covered by these rules will have a trade on which he will be graded for pay. If he is qualified in more than one trade, he will be graded on that which is most favourable to him.

When considering a man for promotion in grade, excellence at some trade other than his own will not be taken into consideration. For example, a plane-tableer, however, good he may be as a draftsman, traverser, leveller or computer (see para 4) will not be promoted to a grade which is not justified by his plane-table qualifications. Should his prospects of promotion be better as a draftsman he may be allowed to change his trade. Any change involving a lower limit to an individual's grading must be voluntary.

Any individual may, at the discretion of his Superior Officer, be employed in a trade other than his own should this be in the public interest. Such employment will normally be of a temporary nature with a view to meeting any sudden rush of work or to clear any accumulation of work which may have arisen in one Section of an office.

4. **Trades.**—All personnel covered by these rules, will on classification, be allotted trades and graded according to their qualifications and aptitudes.

The grades applicable to them with their corresponding scales of pay are as under :—

✓ Grade IV Rs. 260-8-300-E.B.-8-340-10-380-E.B.-10-430.

✓ Grade III Rs. 330-8-370-10-400-E.B.-10-480.

✓ Grade II Rs. 425-15-530-E.B.-15-560-20-600.

The different grades applicable to the various trades will be laid down by the orders of the Surveyor General from time to time. The existing grades and trade qualifications for the various grades are contained in C.O. No. 439 (Adm.) dated 1st August 1950 or as amended from time to time,

PART II.—RULES RELATING TO TOPOGRAPHICAL STAFF

5. Conditions of appointment :—

(a) *Nationality and domicile*—A candidate must be :—

- (i) a citizen of India ; or
- (ii) a subject of Nepāl ; or
- (iii) a subject of Bhutān ; or
- (iv) a Tibetan refugee who came over to India, before the 1st January 1962 with the intention of permanently settling in India ;

or

- (v) a person of Indian Origin who has migrated from Pākistān with the intention of permanently settling in India.

Provided that a candidate belonging to categories (ii), (iii), (iv) and (v) shall be a person in whose favour a certificate of eligibility has been given by the Government of India and if he belongs to category (v) the certificate of eligibility will be issued for a period of one year, after which such a candidate will be retained in service subject to his having acquired Indian citizenship.

Provided further that candidate belonging to categories (ii), (iii) and (iv) above will not be eligible for appointment to the Indian Foreign Service.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview and provisionally appointed subject to the necessary certificate being given to him by the Government.

(b) *Educational qualifications*.—The minimum qualifications should be Matriculation or equivalent.

N.B.—This (Matriculation or equivalent qualification) will not apply to persons recruited up to 4-5-59.

(c) *Age*.—A candidate should be over 18 and under 25 (30 in the case of Scheduled Caste and Scheduled Tribe candidates) years of age at the time of entertainment as probationer.

“The Upper age limit mentioned above is relaxable by the Surveyor General of India in exceptional cases”.

(d) (i) No person who has more than one wife living or who having a spouse living marries in any case in which such marriage

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is void by reason of its taking place during the life-time of such spouse shall be eligible for appointment to service ; and

(ii) no woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage shall be eligible for appointment to service.

Provided that the Central Government may if satisfied that there are special grounds for so ordering exempt any person from the operation of this rule.

(e) Appointments will normally be made by direct recruitment.

N.B.—“ Provided technically qualified Group ‘D’ personnel are available and vacancies exist, upto 30% of the posts in Group ‘C’ Division II Service may be filled by such personnel. They should be considered for the promotion quota of 30% irrespective of their age or educational qualifications. It is not necessary for these Group ‘D’ personnel to be given ‘No Objection Certificate’ for registration with the Employment Exchange. Individual thus appointed would be placed in the lowest grade of the Group ‘C’ Division II trade concerned. The usual reservation will be made for candidates belonging to Scheduled Castes/Scheduled Tribes.

For Reproduction Offices, however, the overall strength of Group ‘C’ Division II in each Reproduction Office should be taken into account separately for working out 30% vacancies.”

6. Designations.—

(i) Normally trainees will be engaged under the designation Group ‘C’—Topographical Trainees Type ‘B’ on a scale of pay of Rs. 260-6-326-E.B.-8-350 during the training period.

(ii) Candidates with special technical qualifications may be appointed to any suitable post in a grade. Each case will be decided on its merits and requires the sanction of the Surveyor General. Although no age limit is laid down for this category, candidates over 35 years will only be recruited in exceptional cases.

(iii) After entertainment, trainees, will be borne on the temporary establishment and will be governed by the Central Civil Services (Temporary Service) Rules until such time as they are transferred to the permanent establishment. They will be required to sign a Security Bond as in the Annexure ‘B’ and will not be allowed to resign except as laid down in the Security Bond.

✓ 7. **Training.**—Candidates will be recruited for training in any one of the following trades :—

- (i) Air Survey Draftsman or Plane-tableer,
- ✓ (ii) Draftsman,
- (iii) Topographical Auxiliary,
- (iv) Computer (Topographical),
- (v) Record-keeper,
- (vi) Store-keeper (Topographical) and
- (vii) Engraver.

“Trainees will be under training for a period as may be laid down by the Surveyor General from time to time. The aim of training in regard to (i) above will be to produce as many Air Survey Draftsmen as possible ; those who are incapable of becoming Air Survey Draftsmen will be trained as Plane-tableers and those who fail at this will be discharged unless their services are required as Draftsmen and they show promise of becoming good Draftsmen. In the latter case they will be retained for training along with other Draftsmen trainees if any ”.

The aim of training in regard to (iii) above will be to produce all round instrument observers who are capable of carrying out Topographical Traversing, Levelling, their computations and Rectangulation.

✓ 8. **Classification.**—At any time during or after the completion of the stipulated course of training a trainee may be trade-tested where necessary and classified for the purpose of fixing his trade and grade. He will be transferred to the quasi-permanent establishment only after completion of 3 years service if his work and conduct are found satisfactory. A trainee who is not transferred to the quasi-permanent service after three years will be retained for a further period of two years. If at the end of 5 years service, he is not considered fit for classification or quasi-permanency, he will normally be discharged unless his services can be usefully employed on a purely temporary basis. In the latter case, he will be given notice in writing that he is not fit for classification or quasi-permanency and has no hope of more than purely temporary employment. His signature will be obtained on a statement to this effect.

Provided where the Central Government is of the opinion that it is necessary or expedient so to do, it may by order, for the reasons to be recorded in writing, relax any of the provisions of this sub-para with respect to any class or category of persons.

“On first classification an individual will normally be placed in the lowest grade applicable to his trade on such initial pay as may be admissible ”.

Those given the trade of Air Survey Draftsmen on first Classification will, after being allotted a place in the scale of their grade as above, be given at the same time an advance increment in this scale. This special increment is to reward those who qualify as Air Survey Draftsmen for their extra skill, and to try to ensure that all those who have the ability, apply themselves to learning this most important trade.

Group 'C' Topographical Trainees Type 'A' (i.e., those with educational qualifications of I.A. or I.Sc., with Mathematics) not classified in Division I may, if considered suitable, be classified in Division II.

PART III.—RULES RELATING TO COMPUTERS (TRIG.)

9. (a) Conditions of appointment:—

- (i) *Nationality and domicile*.—As in para 5 (a).
- (ii) *Educational qualifications*.—A candidate should have passed the Intermediate Examination with Mathematics as one of the subjects.
- (iii) *Age*.—As in para 5 (c).

If a candidate is already serving in the department on other than a purely temporary basis, the age limit is 30 years (35 years for Scheduled Caste and Scheduled Tribe candidates).

- (iv) Appointments will be made by direct recruitment ; suitable Computers (Topo.) may also be promoted to this grade, subject to passing the prescribed trade test laid down for Computers (Trig.).

(b) **Designation**.—Candidates will be designated as Computers (Trig.) on appointment in the scale of pay of Rs. 330-8-370-10-400-E.B.-10-480. Conditions of service will be as in para 6 (iii).

(c) **Training**.—Computers (Trig.) will after an initial training for about 6 months, be employed on productive computational work. They will, however, remain on the purely temporary establishment for a period of 3 years on completion of which they will be eligible for transfer to the quasi-permanent service on the crucial date immediately following the completion of 3 years service and classified in Grade III after a trade test if their work and conduct are found to be satisfactory. Those who are not transferred to quasi-permanent service (having failed to be classified in Grade III) after 3 years may be retained in service up to a further period of 2 years subject to satisfactory conduct, If they are not then found

fit for transfer to quasi-permanent service and classification in Grade III they will be discharged unless they agree to be classified and absorbed as Computers (Topo.).

" Provided where the Central Government is of the opinion that it is necessary or expedient so to do, it may by order for the reasons to be recorded in writing, relax any of the provisions of this sub-para with respect to any trainee in the grade of Computer (Trig.) ".

PART IV.—RULES RELATING TO MAP REPRODUCTION STAFF

10. Conditions of appointment.—

(a) *Nationality and domicile*—A candidate must be :—

- (i) a citizen of India ; or
- (ii) a subject of Nepāl ; or
- (iii) a subject of Bhutān ; or
- (iv) a Tibetan refugee who came over to India, before the 1st January 1962 with the intention of permanently settling in India ;

or

- (v) a person of Indian Origin who has migrated from Pākistān with the intention of permanently settling in India.

Provided that a candidate belonging to categories (ii), (iii), (iv) and (v) shall be a person in whose favour a certificate of eligibility has been given by the Government of India and if he belongs to category (v) the certificate of eligibility will be issued for a period of one year, after which such a candidate will be retained in service subject to his having acquired Indian citizenship.

Provided further that candidate belonging to categories (ii), (iii) and (iv) above will not be eligible for appointment to the Indian Foreign Service.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview and provisionally appointed subject to the necessary certificate being given to him by the Government.

(b) (i) No person who has more than one wife living or who having a spouse living marries in any case in which such marriage is void by reason of its taking place during the life-time of such spouse shall be eligible for appointment to service ; and

(ii) no woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married

a person who has a wife living at the time of such marriage shall be eligible for appointment to service.

Provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

(c) There will normally be four ways of appointing candidates to the Division II Group 'C' Map Reproduction staff as follows :—

(i) *Direct appointment of Reproduction Trainees (Type A) with educational qualifications of not less than Matriculation.*

They will be over 16 and under 20 years of age (23 years in the case of Scheduled Caste candidates). The appointment of any one in this category over 20 years of age (23 years in the case of Scheduled Caste candidates) requires the sanction of the Surveyor General which will normally not be given.

(ii) *Direct appointment of candidates without previous technical training or special qualifications as Reproduction Trainees (Type B).*

Such candidates will be over 16 and under 25 years of age (28 years in the case of Scheduled Caste candidates).

(iii) *Direct appointment of candidates with special technical qualifications and experience.*

Such candidates may be appointed to any suitable post in a grade. Each case will be decided on its merits and requires the sanction of the Surveyor General.

Although no age limit is laid down for this category, candidates of over 35 years will only be recruited in exceptional cases.

(iv) *Promotion from the Group 'D' Technical Establishment.*

11. Training and classification.—The general conditions of training and classification of the four groups of candidates described in the previous paragraph are as follows :—

(i) *Trainees Type 'A'.—*

This class of recruit is intended to provide the bulk of the supervisory staff in Map Reproduction Offices. Some preference, on first recruitment, will, therefore, be given to superior educational qualifications among candidates of the same age.

During the first two years of training candidates having superior educational qualifications and showing aptitude for technical work will be given a general training for short periods in as many different sections as possible, so as to give them a general acquaintance with Map Reproduction work before specializing in one particular process.

On Recruitment, trainees will be placed in Group 'C' on a scale of pay of Rs. 260-6-326-E.B.-8-350 during the period of training. When considered fit for classification in a particular trade they will be required to pass the requisite trade tests before classification can be recommended. On first classification which will take place, with effect from 1st January, they will be given the minimum of the scale of the pay admissible to the grade.

At any time after completion of 3 years' service, a trainee may be trade-tested, where necessary, and classified for the purpose of fixing his trade and grade and then transferred to the quasi-permanent establishment on the crucial date (i.e., 1st July) immediately following the completion of 3 years' service if his work and conduct are found to be satisfactory. The period of unclassified service will in no case exceed 5 years. Should a man after 5 years be unable to pass the trade test for qualification in any trade, he will be discharged.

Type 'A' trainees will normally be recruited and trained either at Dehra Dūn or Calcutta. It should be clearly explained to them that they must be willing to serve in any part of India.

The number of recruits under this category to be entertained will be decided by the Surveyor General on the recommendation of the Director, Map Publication, who will keep the whole departmental position under review.

(ii) Trainees Type 'B'.—

(a) *Age on appointment.*—As in para 5(c).

(b) They will be appointed as Reproduction Trainees Type 'B', on a scale of pay of Rs. 260-6-326-E.B.-8-350 during the training period. The period of training will be as laid down by the Surveyor General from time to time. On joining, they will normally be allotted to a particular section and trade but this may be changed before classification if this is considered advisable in Government's interest by the Officer Incharge of the office.

(c) **Classification.**—At any time during or after the completion of the stipulated course of training a trainee may be trade tested where necessary and classified for the purpose of fixing his

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163 trade and grade. He will be transferred to the quasi-permanent establishment only on completion of 3 years' service if his work and conduct are found satisfactory. A trainee who is not transferred to the quasi-permanent service after 3 years will be retained for a further period of two years. If at the end of 5 years' service, he is not considered fit for classification or quasi-permanency, he will normally be discharged unless his services can be usefully employed on a purely temporary basis. In the latter case, he will be given notice in writing that he is not fit for classification or quasi-permanency and has no hope of more than purely temporary employment. His signature will be obtained on a statement to this effect.

Provided where the Central Government is of the opinion that it is necessary or expedient so to do, it may by order for the reasons to be recorded in writing, relax any of the provisions of this subpara with respect to any class or category of persons.

On first classification a man will normally be placed in the lowest grade applicable to his trade on such initial pay as may be admissible.

(iii) *Direct recruitment of candidates with special technical qualifications and experience.*—

Each case requires the sanction of the Surveyor General. A candidate so appointed if over 25 will be classified in any appropriate trade but will be kept on the purely temporary establishment on a monthly basis for a period of not less than three years until he is transferred to quasi-permanent establishment.

(iv) *Promotion from the technical establishments of Group 'D'.*—

Provided technically qualified Group 'D' personnel are available and vacancies exist, upto 30% of the posts in Group 'C' Division II service may be filled by such personnel. They should be considered for the promotion quota of 30% irrespective of their age or educational qualifications. It is not necessary for these Group 'D' personnel to be given "No Objection Certificate" for registration with the Employment Exchange. Individual thus appointed would be placed in the lowest grade of the Group 'C' Division II trade concerned. The usual reservation will be made for candidates belonging to Scheduled Castes/Scheduled Tribes.

For Reproduction Offices, however, the overall strength of Group 'C' Division II in each Reproduction Office should be taken into account separately for working out 30% vacancies.

PART V.—RULES RELATING TO BOTH TOPOGRAPHICAL AND MAP REPRODUCTION STAFF

12. (i) **Grade Promotion.**—On first classification an individual will normally be placed in the lowest grade applicable to his trade but exceptionally qualified individuals may be classified in a higher grade. He will receive grade promotion from time to time on attainment of the standards required for higher grades. So far as possible all candidates for promotion to higher grades will be called upon to pass a trade test though successful passing of a trade test will not necessarily entitle an individual to promotion to the higher grade if his general conduct and work have not been satisfactory.

Reduction in grade is a punishment under the C.C.S. (C.C. and A.) Rules. It will be applied to individuals who fall below the required standard and are considered not working to the best of their ability or whose grading is considered not to have been justified.

Although older individuals may not always be able to keep up the same out put of work as they could when at their best, such individuals should have an added value in reliability and experience.

Reduction in grade will not, therefore, normally be enforced against those whose work shows an inevitable falling off owing to advancing age or infirmity. The criterion will be whether an individual, if he was ever up to the standard required for his grade, is or is not doing the best work of which he is capable.

(ii) **Seniority.**—Seniority of the personnel will be determined in terms of the instructions issued by the Government from time to time.

13. **Increments of pay.**—Normal increments will not be withheld except as punishments under the C.C.S. (C.C. and A.) Rules.

Under F.R. 25, a Government servant is not entitled to the increment next above the efficiency bar without the specific sanction of the authority empowered to withhold increments. Such authority should, therefore, consider in each case, whether the conduct and performance of a person concerned justifies the grant of increment next above the bar. If a Government servant held up at the efficiency bar is subsequently allowed to cross the bar, increments should not be allowed with retrospective effect.

Special increments outside the normal time scale may be granted with the sanction of the Surveyor General. Such special increments will be very rare, and will chiefly be used to rectify any anomalous position which may have arisen whereby an individual gets less pay than similarly qualified contemporaries. They may

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very sparingly be given for outstanding work which is outside the normal work of the individual. Examples of work for which special increments might be given are :—

- (a) Work of specially arduous or meritorious nature in a trans-frontier area.
- (b) The invention or development of a new technical method or process.

Such cases are, however, generally more suitably covered by an honorarium.

14. Transfer to permanent establishment.—Personnel will normally be eligible for transfer to permanent establishment after the minimum period of years of service depending on their grades as follows :—

Grade II	3 years.
Grade III	4 years.
Grade IV	5 years.

The period will include quasi-permanent service and service as a trainee.

Recommendations for transfer of personnel to the permanent establishment will be based on the recommendations of a Departmental Promotion Committee to be constituted under the existing instructions.

15. Medical Certificate.—On first appointment to Group 'C' Service candidates will be required to submit a medical certificate of fitness in the form given in Annexure 'A'. This certificate must be signed by a Commissioned Medical Officer or by a Medical Officer in-Charge of a Civil Station.

16. Security Bond.—On appointment or on attaining the age of 18 in cases where appointments have been made at an age below the age of 18, candidates shall have to sign a security bond in the form given in Annexure 'B'.

17. Submission of promotion rolls.—All recommendations relating to classification, transfer to the permanent establishment, etc., requiring the Surveyor General's approval should be submitted so as to reach the Surveyor General's Office by the 15th September each year.

18. Trade qualifications.—The trade test or qualification required for classification of grade promotion applicable to each trade will be governed by such orders as may be issued by the Surveyor General. The existing trade qualifications for the various grades are laid down in C.O. No. 439 (Adm.).

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These orders may be amended from time to time to suit technical and departmental requirements. The Surveyor General may also introduce new trades or abolish existing ones as may be necessary or may alter the grades applicable to a trade, subject to the proviso that an individual classified in a trade will retain the right, subject to technical fitness, to promoting to any grade applicable to his trade, at the time of his classification.

19. Field work.—Personnel employed away from the permanent HQ. of their units will be required to reside where ordered by higher authorities who will if necessary provide them with tentage for single accommodation at the authorized scale.

Personnel engaged on field work are provided by Government under such orders as may be issued from time to time by the Surveyor General with camp orderlies to safeguard their property while they are out at work and to assist in cooking, etc.

20. Service counting for Pension.—Service does not qualify for pension unless the officer holds a substantive office on a permanent establishment.

Provided that in the case of an officer retiring from service on or after the 22nd April 1960, if he was holding a substantive office on a permanent establishment on the date of his retirement, temporary or officiating service under the Government of India, followed without interruption by confirmation in the same or another post, shall count in full as qualifying service except in respect of—

- (i) Periods of temporary or officiating service in non-pensionable establishments ;
- (ii) Periods of casual/daily-rated service ; and
- (iii) Periods of service paid from contingencies.

Note :—(i) Nothing in this Circular Order shall restrict the powers of the Surveyor General, Directors and other competent authorities which they can otherwise exercise in accordance with the F. & S.R., C.S.R., G.F.R. and general orders of the Government of India affecting service conditions of Central Government employees that may be issued from time to time.

- (ii) Wherever the term "C.C.S. (C.C. and A.) Rules" is used, it is intended to refer to the rules issued with the Government of India, Ministry of Home Affairs Notification S.R.O. 607, dated the 28th February 1957, as amended from time to time.

ANNEXURE 'A'

MEDICAL CERTIFICATE

I hereby certify that I have examined
 a candidate for employment in the SURVEY OF INDIA and
 cannot discover that he has any disease (communicable or other-
 wise), constitutional weakness, or bodily infirmity, except

2. I do not consider this a disqualification for employment
 in the Survey of India.
3. His age is, according to his own statement
 years, and by appearance about
 years.
4. (i) He is of physique.
 * (ii) His eyesight is
 † (iii) He will be to stand hard work such
 as riding or walking long marches.

The impressions of the balls of his thumb and all the fingers
 of the left hand. (If the candidate can sign in Hindi or English,
 his signature will be sufficient).

Small finger	Ring finger	Middle finger	Index finger	Thumb

* For standard of eyesight please see page 3 and 4 of the Medical Certificate.

† Line (iii) may be deleted by the Officer sending an individual for medical exami-
 nation when the latter will not be employed on field duties.

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**STANDARD OF EYESIGHT EXAMINATION OF CANDIDATES
FOR APPOINTMENT TO THE SURVEY OF INDIA GROUP 'C'
(INCLUDING MINISTERIAL) SERVICES**

(Please see the attached declaration form also)

(A) For Group 'C' Service

The candidate's eyesight will be tested in accordance with the following rules. The result of each test will be recorded :—

- (i) *General*.—The candidate's eyes will be submitted to a general examination directed to the detection of any disease or abnormality. The candidate will be rejected if he suffers from morbid conditions of eyes, eyelids or contiguous structures of such a sort as to render or are likely, at a future date, to render him, unfit for service.
- (ii) *Naked eye*.—It is not necessary to lay down any limit for minimum naked eye vision, but it is desirable that the naked eye vision of the candidates' should be recorded by the Medical Board or other Medical Authority in every case as it will furnish basic information in regard to the condition of the eye.
- (iii) *Visual Standard*.—The examination for determining the standards of vision includes 2 tests, one for distant and the other for near vision as follows :—

(Each eye will be examined separately)

<u>Distant Vision*</u>		<u>Near Vision*</u>	
<u>Better eye</u>	<u>Worse eye</u>	<u>Better eye</u>	<u>Worse eye</u>
6/6	Nil	0.6	0.8
6/12 or	6/12	*(With or without glasses).	
6/9 or	6/18		

The candidates will be examined with the apparatus and according to the method prescribed by the Rly. Board's Standing Advisory Committee of Medical Officers, to determine his standard of vision.

No limit for the amount of refractive error is prescribed provided the visual acuity is in accordance with the standards mentioned in para (iii) above. *No candidate will be accepted whose standard of vision does not come up to requirements specified above.*

- (iv) *Fundus Examination*.—It is up to the discretion of the Medical Board or other Medical Authority to carry out such examination, if considered desirable. Whenever possible it should be carried out and results recorded.
- (v) *Colour perception*.—The candidate will be examined for colour knowledge, either with the Edridge Green Lantern or Ishihara's Colour Charts. Any defect in colour perception will be a cause for rejection of the candidate. Colour perception is graded into a higher or a lower grade depending upon the size of the aperture in the lantern as described in the table below :—

	Grade	Higher Gd.	Lower Gd.
1. Distance between the lamp and candidates		4.9 m	4.9 m
2. Size of aperture	1.3 mm.	13 mm.
3. Time of exposure	5 Sec.	5 Sec.

Lower Grade is considered as sufficient as far as the testing of Group 'C' (Topo.) Staff is concerned.

- (vi) *Field of Vision*.—The eyes must have a full field of vision as tested by hand movements.
- (vii) *Night Blindness*.—This should be tested only in special cases and *not* as a routine. Personnel who have to be employed in dark rooms (e.g., Photographers, etc.) or who have to carry out night observations (to starts, etc.) should *not* be suffering from night blindness.
- (viii) *Ocular conditions other than visual acuity*.—The ocular conditions or diseases which should be considered, as a *disqualification*, are as follows :—
- Any organic disease or a progressive refractive error* which is likely to result in lower the visual acuity.
 - Trachoma* which is complicated.
 - One eyed person* provided the prognosis about the functioning eye is not good and its vision is likely to be endangered by the condition of the worse eye and the visual acuity standards mentioned in (iii) above are not fully satisfied.

Note :—(1) Standard of visual acuity in respect of candidates for appointment to all Group 'C' Posts, the duties of which include field work and such posts as those of Air Survey Draftsmen and Photogrammetric Operators who are required to have binocular vision shall be as follows :—

- (a) *Visual of standard (with or without glasses)*.

<u>Distant Vision</u>		<u>Near Vision</u>	
<u>Better eye</u>	<u>Worse eye</u>	<u>Better eye</u>	<u>Worse eye</u>
6/9	6/9	0.6	0.8
6/6	or 6/12		

Subject to the visual standards laid down, being satisfied, the amount of refractive error allowed shall be as follows :—

Total amount of Myopia (including the cylinder) shall not exceed—4.00 D.
Total amount of Hypermetropia (including the cylinder) shall not exceed +4.00 D.

- Squint, even if the visual acuity is of the prescribed standard, should be considered as a *disqualification*.
 - One eyed persons also should not be accepted for such posts.
- (2) Candidates for Ministerial Posts are *not* required to be tested for items (v), (vi) and (vii) above.
- (3) When the age of the candidate is 35 or more years, the standard for corrected vision should be as follows :—

<u>Corrected Vision</u>	
<u>Better eye</u>	<u>Worse eye</u>
6/9	Nil
6/18	or 6/18
6/12	or 6/24

(B) For Group 'D' Service(i) *Visual standard (with or without glasses).*

<u>Distant Vision</u>		<u>Near Vision</u>
<u>Better eye</u>	<u>Worse eye</u>	No Standard
6/9	Nil	
6/18	or 6/18	
6/12	or 6/24	

No limit for the amount of refractive error is prescribed provided the visual acuity is in accordance with the standards mentioned above.

(ii) *Fundus Examination.*—As in A(iv) above.

(iii) *Colour perception.*—Should be carried out only when specifically asked for, vide table in A(v) above.

(iv) *Night Blindness.*—This should be tested only in special cases (e.g., Night Guards, Chowkidars, etc., and those whose duties include working in dark rooms) and *NOT* as a routine.

(v) *Ocular conditions other than visual acuity.*—As in A(viii) (a), (b) and (c) above.

(vi) When the age of the candidate is 35 or more years, the standard for corrected vision should be as follows :—

<u>Corrected Vision</u>	
<u>Better eye</u>	<u>Worse eye</u>
6/12	Nil
6/24	or 6/24
6/18	or 6/36

(vii) Squint should not be considered as a disqualification if the visual acuity is of the prescribed standard.

CANDIDATE'S STATEMENT AND DECLARATION

The candidate must make the Statement required below prior to his Medical Examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the Note below :—

1. State your name in full.....
(in block letters)
2. State your age and place of birth.....
3. (a) Have you ever had small-pox intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, heart disease, lung disease, fainting attacks, rheumatism, appendicitis
- OR
- (b) any other disease or accident requiring confinement to bed and medical or surgical treatment.....
4. When were you last vaccinated.....
5. Have you or any of your near relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy or insanity.....
6. Have you suffered from any form of nervousness due to over-work or any other cause
7. Have you been examined and declared unfit for Government service by a Medical Officer/Medical Board, within the last 3 years
8. Furnish the following particulars concerning your family :—

Father's age if living and state of health	Father's age at death and cause of death	No. of brothers living, their ages and state of health	No. of brothers dead, their ages at death and cause of death
Mother's age if living and state of health	Mother's age at death and cause of death	No. of sisters living, their ages and state of health	No. of sisters dead, their ages at death and cause of death

I declare all the above answers to be, to the best of my belief, true and correct.

I also solemnly affirm that I have not received a disability certificate/pension on account of any disease or other condition.

Candidate's Signature.....

Signed in my presence

Signature of Medical Officer.....

NOTE.—The candidate will be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will incur the risk of losing the appointment and, if appointed, of forfeiting all claim to superannuation allowance or gratuity.

SURVEY OF INDIA

Security Bond to be executed by a candidate on Government excepting him for appointment in the Division II of the Group 'C' Service of the Survey of India.

KNOW ALL MEN by these presents that we*.....
son of.....(hereinafter
 called " the candidate ") and.....
 son of.....of.....
 (hereinafter called " the surety ") are held and firmly bound unto
 the President of India (hereinafter called " the Government ")
 which expression shall include his successors in office and assigns)
 in the sum as stipulated hereinafter, to be paid to the Government
 for which payment to be well and truly made we hereby bind our-
 selves jointly and severally and each of us binds his personal re-
 presentatives firmly by these presents signed by us on this.....
 day of.....19

WHEREAS the candidate has been selected by the Director
/Deputy Surveyor General on behalf
 of the Government, for appointment as.....in the
 Group 'C' Service of the Survey of India in consideration of the
 candidate and the surety agreeing (which they have done verbally
 and hereby confirm by signing these presents) to the following
 terms, viz. :—

(1) That he, the candidate, has made himself acquainted
 with and accepts the terms of service as laid down in Circular Order
 No. 435 (Adm.) dated 1st August 1950, as amended from time to
 time. The candidate accepts the conditions of service for the
 Group 'C' Service officers of the Survey of India and shall observe
 and perform the regulations of that service for the time being in
 force and subject thereto the provisions of the Civil Services
 (Classification, Control and Appeal) Rules from time to time in
 force or any rules made thereunder shall apply to the extent to
 which they are applicable to the service hereby provided for and
 the decision of the Government as to their applicability shall be final.
 The candidate shall obey the Government Servants Conduct Rules.

(2) That if the candidate shall resign or leave the service
 during probation, or while employed as a trainee, except with the
 approval of the Director concerned, the candidate and the surety
 will pay to Government a sum of Rs. 300 (Rupees three hundred
 only) for every year or part of a year during which the probationer's
 or trainee's service shall have continued in order to enable the
 Government to recoup the expenses incurred on the training of the
 candidate.

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(3) That the candidate shall, on classification in a regular trade and grade in the Survey of India, continue in that service for a period of 5 years. If he, resigns at any time during the period of five years, following his classification, he and the surety will be liable to refund to Government a sum of Rs. 800 (Rupees eight hundred only) minus one-fifth part thereof for each completed year of service after the date of classification.

(4) That the candidate shall be faithful and bear true allegiance to the Republic of India and to the Constitution of India as by law established and shall serve wherever he is ordered to serve by land or sea or air including active Military Service with a mobilized Survey Unit and shall obey all commands of officers set over him. He shall, if required to do so by the Surveyor General of India, join the Indian Survey Supplementary Reserve and shall continue in the Reserve during the whole time of his employment or until he is permitted to resign or is discharged from the Reserve by competent authority. On breach of anyone of the foregoing conditions the candidate shall be liable to dismissal from service and the candidate and his surety shall also be liable to pay to the Government of the sums mentioned in clauses (2) and (3) as the case may be. For the purposes of the 2 last mentioned clauses, a breach of the present condition shall have the same effect as resignation by the candidate referred to in the said clauses.

(5) That he, the candidate, when employed away from the permanent Headquarters of his unit will be required to reside where ordered by higher authorities who will if necessary provide him with tentage for single accommodation at the authorised scale.

(6) That it is hereby agreed and declared that the decision of the Surveyor General of India as to whether the candidate has or has not performed and observed the obligations, stipulations, provisions and conditions of the hereinbefore recited agreement shall be final and binding.

NOW THE ABOVE WRITTEN OBLIGATION is conditioned to be void in case the candidate shall perform and observe the terms and conditions hereinbefore mentioned in the event of any default and or breach pay the Government on demand without demur the sums mentioned herewith then this Bond shall be void and of no effect otherwise the same shall remain in full force and virtue, AND IT IS FURTHER DECLARED that this Bond or Obligation is executed under the orders of the Government of India and is given for the performance of a public duty in which the public are interested within the meaning of the exception to Section 74 of the Indian Contract Act (IX of 1872).

Signed and delivered at.....

(Signature of the candidate with full address)

(Signature of the surety with full address)

In the presence of*

1.....

1.....

2.....

2.....

Accepted by..... Accepted for and on behalf of the President of India.

Signature.....

In the presence of*

1.....

for and on behalf of the President of India.

2.....

* Signature, address and designation of two witnesses in each case.

Note :—Wherever the term “ C.C.S. (C.C. and A.) Rules ” is used, it is intended to refer to the rules issued with the Government of India, Ministry of Home Affairs, Notification No. F. 7/2/63-Ests. (A) dated the 20th November 1965 as amended from time to time.

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Attended
PHC
Adm C of SC

भारत सरकार
विज्ञान और प्रौद्योगिकी मंत्रालय
विज्ञान और प्रौद्योगिकी विभाग
एन.एम. रोड, नई दिल्ली-110013
GOVERNMENT OF INDIA
MINISTRY OF SCIENCE & TECHNOLOGY
Department of Science & Technology
Technology Bhavan, New Mehrauli Road, New Delhi-110013

तार/Telegram : SCIENTECN
दूरभाष/Telephone : 662135, (EP&X)
667373
टेलिग्राफ/Telex : 73381, 73317, 73290
फैक्स/Fax : 661682, 6663847
6662418, 664567

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ANNEXURE-C

NO. SM/02/044/088

JANUARY 30, 1996

To: The Surveyor General of India.
Post Box 37,
DEHRA DUN - 248001.

(Attention: Maj. Gen. S.P. Menta, Surveyor General).

Subject: Implementation of Cadre Review proposal of Group E, E & D staff (Inns and Printing Cadres) in Survey of India
= Creation/abolition of posts = reg.

I am directed to say that this department had constituted a Department Cadre Review Committee under the Chairmanship of Joint Secretary (Admn.) in this department in terms of instructions contained in Deptt. of Personnel & Training's O.M. No. 2/1/87, PP dated 23rd Nov., 1987. The report submitted by the committee in January, 91 was considered by the Deptt. of Science & Technology in the light of the guidelines in DP&T's O.M. under reference.

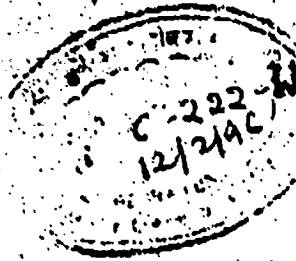
2. After careful consideration of the Cadre Review proposal, Government of India have agreed to the creation of 508 posts and abolition of 961 posts, with details in respect of various cadres/posts as under :-

S.No.	Post	Exist- ing strength	RE strength on implemen- tation of cdr.review	No. of posts for Creation abolition
1	2	3	4	5

1. TOPOGRAPHICAL CADRES

1. Officer Surveyor (Rs. 2000-3500)	338	474	136	-
Surveyors/ Survey Assistant/ Scientific Assistant/ Geodetic Computer Division Zone A (Rs. 1400-2600)	1240	1260	20	-

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3. Junior Surveyor	1637	1547	
Div. II/Plantabler/ ASD Man			
(Rs. 1350-2200)			
(Rs. 1200-1800)			
(Rs. 975-1540)			
(Rs. 950-1400)			
4. Khalesi	4893	4532	
(Rs. 750-940)			

Total : 8108 7813 +156

Difference: (+156-451) = -295 posts

II. DRAFTSMAN CADRE

1. Chief Draftsman	21	35	14
(Rs. 2000-3500)			
2. Senior Draftsman	207	300	93
Draftsman Div. I			
(Rs. 1400-2600)			
3. Draftsman Div. II	1330	1156	
(Rs. 1350-2200)			
(Rs. 1200-1800)			
(Rs. 975-1540)			
(Rs. 950-1400)			

TOTAL 1558 1491 +107

Difference: (+107-174) = -67 posts

III. STORE & RECORD KEEPING CADRE

1. Store Officer	1		0
(Rs. 3000-4500)			
2. Deputy Store Officer 1	1		0
(Rs. 2200-4000)			
3. Asstt. Stores Officer 18	18		0
(Rs. 1640-2900)			
4. Recordkeeper Div. I/	22	34	12
(Rs. 1400-2500)			
Stores Assistant	22	35	13
(Rs. 1350-2200)			

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5. Recordkeeper Div. II/Storekeeper (Rs. 1350-2200) (Rs. 1200-1800) (Rs. 975-1540) (Rs. 950-1400)	347	320	-	27
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TOTAL	411	409	+25	-27
Difference (+25-27)	= -2 posts			

IV. MINISTERIAL ESTABLISHMENT

1. Estt. & Accts. Officer (Rs. 2375-3500)	25	29	4	-
2. SGO Superintendent (Rs. 2000-3200)	9	0	-	9
3. Office Supdt. (Rs. 1600-2660)	34	69	35	-
4. Asstt./Head Clerk (Rs. 1400-2300)	187	286	99	-
5. Upper Div. Clerk (Rs. 1200-2040)	566	545	-	21
6. Tel. Operator (Rs. 1200-1800)	1	0	-	1
7. Lower Div. Clerk (Rs. 950-1500)	476	370	-	106
8. Record Clerk (Rs. 825-1200)	1	0	-	1

TOTAL	1299	1299	+138	-138
Difference (+138-138)	= NIL			

V. WORKSHOP STAFF

1. Supervisor Instt. Repair Shop (Rs. 1640-2900)	4	6	2	-
2. Jr. Tech. Assistant (Rs. 1400-2300)	13	12	-	1
3. Instrument Mech. (HS) (Rs. 1320-2040)	13	9	-	4

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9

4. Instrument Mech. (Skilled) (Rs. 950-1600)	13	15	0	
5. Head Artificer (Rs. 1200-1800)	1	1	0	-
6. Artificer (Skilled) (Rs. 950-1300)	50	40	-	10
Total	96	83	+2	-15
Difference (+2 -15)	= -13 posts			

VI. LIBRARY

1. Senior Librarian (Rs. 1640-2900)	1	2	1	-
2. Jr. Librarian (Rs. 1350-2200)	2	3	1	-
Total	3	5	+2	-0
Difference	= +2 posts			

VII. SECURITY STAFF

1. Security Supervisor (Rs. 1400-2300)	8	8	0	-
2. Asst. Security Supvr. (Rs. 1320-2040)	4	4	0	-
3. Receptionist (Rs. 1350-2200)	1	1	0	-
TOTAL	13	13	0	0
Difference	= NIL			

VIII. MOTOR TRANSPORT STAFF

1. Motor Transport Officer (Rs. 2200-4000)	1	0	-	1
2. Supdt. Vehicle (Rs. 1649-2900)	13	8	-	5
3. Fitter Mechanic (Rs. 1320-2040)	14	20	6	-

47 10 122 100

4. Motor-Driver-cum-Mech. (Rs. 950-1500)

341 327 - 14

TOTAL 369 355 +6 -20

Difference (+6 -20) = -14 posts

IX. MEDICAL STAFF

1. Pharmacists (Rs. 1350-2200) 10 10 0 -

2. Midwife (Rs. 975-1540) 1 1 0 -

3. Female Attendant (Aya) (Rs. 775-1025) 4 3 0 1

TOTAL 15 14 0 -1

Difference = -1 post

X. FIRE FIGHTING STAFF

1. Fire Officer (Rs. 1400-2300) 2 3 1 -

2. Asstt. Fire Supdt. (Rs. 1320-2040) 3 3 0 -

3. Leading Hand Fireman (Rs. 950-1500) 13 9 - 4

4. Fire Engine Driver/ Pump Operator (Rs. 950-1500) 16 13 0 -

5. Fitter Fire Brigade (Rs. 950-1500) 2 0 - 2

TOTAL 36 31 +5 -5

Difference (+5 -5) = 0 posts

XI. PRINTING WINGGeographic Staff

1. Assistant Manager (Rs.2000-3500)	24	34	10	-
2. Sr. Reprographer (Div.I) (Rs.1400-2600)	94	148	54	-
3. Reproduction Staff (Div.II) (Rs.1350-2200) (Rs.1200-1800) (Rs.975-1540) (Rs.950-1400)	784	705	-	79
4. Technical Labourer (Rs.750-940)	230	198	-	32
5. Guilotine Operator (Rs.775-1025)	6	0	-	6
6. Graining Machine Opr. (Rs.775-1025)	7	0	-	7
TOTAL	1145	1085	+64	-124
Difference (+64 -124)	= 350 posts			

XII. PRINTING MAINTENANCE STAFF

1. Works Manager (Rs.2000-3500)	3	10	7	-
2. Jr. Technician Maint. (Div.II) (Rs.1350-2200) (Rs.1200-1800) (Rs.975-1540) (Rs.950-1400)	60	60	0	-
TOTAL	63	70	+7	0
Difference = +7 posts				

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XIII. MISCELLANEOUS STAFF

1. Care Taker (Rs. 825-1200)	1	0	-	1
2. Water Carriers (Rs. 750-940)	4	0	-	4
TOTAL	5	0	0	-5

Difference = -5 posts

Grand Total = 13121 12668 +508 -961

Difference (+508 -961) = -453 posts

Note 1 : The strength indicated above is inclusive of posts (6 LDC & 6 UDC) created vide No. SM/06/002/91 dated 6.8.91 for check drawing & disbursing work as part of the decision in the Departmental Council of this Deptt., and exclusive of posts sanctioned for the Flood Plain Zoning Scheme abolished vide No. SM/11/002/88 dated 12.3.91.

Note 2 : The strength of all subordinate formations (zone/directorate/units etc.) may be suitably re-adjusted within the revised sanctioned strength in respect of various cadres/posts of the organisation as above.

2.2 GROUP 'D' TECHNICAL/ADMINISTRATIVE

The posts under this establishment, as per details below already stand covered under the career advancement scheme :

Designation & Scale of Pay

1. Map Mounter (Rs. 800-1150)	23
2. Map Store Keeper (Rs. 800-1150)	10
3. Jr. Gestetner Operator (Rs. 800-1150)	3
4. Fireman Grade I (Rs. 800-1150)	32
5. Helper (Rs. 800-1150)	7
6. Packer/Map Packer (Rs. 800-1150)	5
7. Technical Labourer (Semi-Skilled) (Rs. 800-1150)	342 ✓
8. Dresser (Rs. 800-1150)	5
9. Fireman Grade II (Rs. 775-1025)	32

- 8 -

10. Nursing Orderly (Rs.750-940)	5
11. Jamadar (Rs.800-1150)	138
12. Dafftri (Rs.775-1025)	181
13. Daffadars (Rs.775-1025)	945
14. Book Binder (Rs.800-1150)	4
15. Guards (Rs.750-940)	538
16. Nali (Rs.750-940)	71
17. Safaiwala (Rs.750-940)	193

The sanctioned strength in respect of the above category of posts as was obtaining after 10% cut, indicated above, shall remain unchanged.

No fresh recruitment as Contingent Khalasi (Rs.750/-), except on compassionate grounds, would be made by Survey of India. Also, the total strength of Group 'D' under Daffadars, Khalasis & Contingent Khalasis taken together shall not exceed 2404, as obtained after 10% cut.

3. The above creation/abolition of posts would be subject to the following conditions that :-

- i) Post created/upgraded under the above proposal would be filled in accordance with the Recruitment Rules of the respective posts.
- ii) Post would be deemed to be created/upgraded simultaneously from the same date the posts in the lower grade are abolished/filled in the higher grade, as may be applicable.
- iii) SDI would intimate to this department the various dates from which posts are deemed to have been created/abolished.
- iv) The posts to be created under the above proposal as indicated in para 2 above, would be under Non-Plan.
- v) Sp. pay presently granted for officiating charge of the post of Officer Surveyor in respect of Topo and Draftsman Cadre given on the basis of an earlier Arbitration Award would be discontinued on the implementation of Cadre Review Proposals.

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- 9 -
The expenditure on creation of various posts indicated above would be debited to the appropriate head of account under the demands for grants of Survey of India for respective years under Plan. The strength of existing posts under any scheme would remain unchanged.

The sanction is being conveyed with the approval of Ministry of Finance (Deptt. of Expenditure) U.O. No. 2(20)/E111/94 dated 21.11.95 and with the approval of FA, DST vide his Dv. No. 155/5625/95 dated 4.12.95.

Yours faithfully,

D.K. Sharma

(D.K. Sharma)
Deputy Secretary to the Govt. of India

Copy to :-

1. The Central Pay & Accounts Officer, 6 Subhash Marg, Dehradun
2. Ministry of Finance (Deptt. of Expenditure), New Delhi w.r.t. their U.O. No. 2(20)/E111/94 dated 21.11.95.
3. Director of Audit, CW&M, I.P. Estate, New Delhi.
4. IF Division
5. Sanction Folder

Attended
H.K. Chandra
H. Adhikari (GSC)

5215 (127) ANNEXURE D
CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 893 OF 1996
Cuttack, this the 27th day of November, 2000

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

1. Bichitrananda Jena, aged about 42 years, son of late Bhagabat Jena, resident of Vill-Palasuni, P.O-Rasulgarh, Bhubaneswar, District-Khurda, at present working as Draughtsman Grade-II.

Dinabandhu Prusty, aged about 41 years, son of Sri Subal Prusty, resident of Qrs.No.Type-II/37, Survey of India, Residential Colony, Nayapally, Bhubaneswar-13, District-Khurda, at present working as Draughtsman Grade-II.

Simanmchal Sahu, aged about 42 years, son of late Godabari Sahu, resident of House No.L-1/443, Dumu Duma Housing Board Colony, Bhubaneswar, District-Khurda.
(All above are employed in the office of Director, South Eastern Circle, Survey of India, Survey Bhavan, Bhubaneswar-13)

Applicants

Advocates for applicants-M/s K.C.Kanungo
B.D.Rout
G.S.Behera

Vrs.

1. Union of India, represented through the Secretary, Ministry/Department of Science & Technology, Technology Bhavan, New Mehrauli Road, New Delhi-110 016.
2. The Surveyor General of India, Hathibarkla Estate, Dheradun-248 001 (UP)
3. The Director, South Eastern Circle, Survey of India, PO-Regional Research Laboratory, Bhubaneswar-751 013

Respondents

Advocate for respondents - Mr.U.B.Mohapatra, ACGSC ✓

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

In this application the petitioners have prayed for revising their scale of pay of Rs.1350-2200/- to Rs.1600-2660/- with consequential benefits with effect from 13.5.1982 notionally and with all financial benefits from 1.11.1983. They have also asked for penal interest on arrears. The respondents have filed counter opposing the

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prayer of the applicant, and the applicant has filed a rejoinder. For the purpose of considering this petition, it is not necessary to go into too many facts of this case.

2. The case of the applicants is that they initially joined as Topo Trainee Type "B" (Draughtsman) in 1974 and after promotion they are currently holding the post of Draughtsman Grade-II in the pay scale of Rs.1350-2200/-. Their grievance is that Office Memorandum dated 19.10.1994 (annexure-1) issued by the Ministry of Finance and further instruction of the Department of Science & Technology to Surveyor General of India (respondent no.2) in their letter dated 1.11.1994 (Annexure-2) have not been implemented in their case.

Before proceeding further, it is necessary to note that in this Office Memorandum it has been mentioned that a Committee of the National Council (JCM) was set up to consider the request of the staff side that the following pay scales, allowed to the Draughtsmen, Grades I, II and III working in CPWD on the basis of the Award of Board of Arbitration, may be extended to Draughtsmen, Grades I, II and III, irrespective of their recruitment qualification, in all Government of India offices:

J. J. M.

	Original Scale (Rs)	Revised scale on the basis of the Award (Rs.) (Rs)
Draughtsman, Grade I	425-700	550-750
Draughtsman, Grade II	330-560	425-700
Draughtsman, Grade III	260-430	330-560

It was further decided that the minimum period of service required for getting the higher pay scale would be as follows:

(a)

Minimum period of service : 7 years
for placement from the
post carrying scale of
Rs.975-1540/- to Rs.1200 -2040/-



17 54 128 187
(pre-revised Rs.260-430 to Rs.330-560/-).

Minimum period of service for placement from the post carrying scale of Rs.1200-2040 to Rs.1400-2300 (pre-revised Rs.330-560 to Rs.425-700) : 5 years

(c)

Minimum period of service for placement from the post carrying scale of Rs.1400-2300 to Rs.1600-2660 (pre-revised Rs.425-700 to Rs.550-750) : 4 years

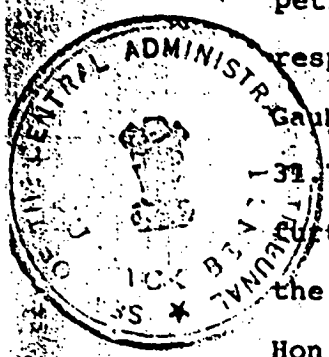
J. Som.
The applicants have stated that they have fulfilled the criterion of minimum period of service of four years for getting the revised scale with consequential benefits. The applicants have further stated that they were placed in the pay scale of Rs.1350-2200/- which is Rs.50/- less than the minimum and Rs.100/- less than the maximum of the pay scale of Rs.1400-2300/- for Draughtsman Grade-II after Fourth Pay Commission which corresponds to pre-revised scale of Rs.425-700/-. They have stated that they have represented for getting the benefit of the above Office memorandum. But in letter dated 31.1.1996 (Annexure-4) they have been informed that it has not been found possible to agree with the request of the Draughtsmen in Survey of India for revision of their pay scales based on the Office Memorandum dated 19.10.1994. In this letter it has been further mentioned that all the applicants in OA No.135/95 filed before the Guwahati Bench of the Tribunal are informed of the above decision. The applicants have stated that there is no reason why the benefit of Office Memorandum dated 19.10.1994 would not be made applicable

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to them, and that is why they have come up in this petition with the prayer referred to earlier.

3. We have heard Shri K.C.Kanungo, the learned counsel for the petitioners and Shri U.B.Mohapatra, the learned Additional Standing Counsel for the respondents. It has been submitted by the learned counsel for the petitioners in course of hearing that the meantime the Guwahati Bench of the Tribunal have disposed of the Original Application filed by the applicants before them, who are similarly situated, and have allowed the same prayer which has been made by the petitioners in this OA. Against the decision, the respondents had approached the Hon'ble High Court of Gauhati in Civil Rule No.4733 of 1997 and in order dated 31.7.1999 the respondents' case has been dismissed. It is further stated that SLP filed by the respondents before the Hon'ble Supreme Court against the decision of the Hon'ble Gauhati High Court has been dismissed by the Apex Court in order dated 31.3.2000. The petitioners have filed the decisions of the Hon'ble High Court and the Hon'ble Supreme Court. At our instance the Registry had written to the Guwahati Bench of the Tribunal and obtained the decision of the Guwahati Bench and we have perused the same. In the petition before the Guwahati Bench the petitioners who were Draughtsmen Grade-II were drawing the pay scale of Rs.1350-2200/- They had claimed that they are entitled to draw pay in the scale of Rs.1400-2300/- which is equivalent to the pre-revised scale of Rs.425-700/- and are entitled to payment of arrear monetary benefits in terms of the O.M. dated 19.10.1994. The Tribunal allowed them the higher scale in terms of the O.M. dated 19.10.1994 and the order of the Tribunal has reached the



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finality after this has been upheld by the Hon'ble Gauhati High Court and after the SLP against the order of the Hon'ble Gauhati High Court has been dismissed by the Hon'ble Apex Court. The petitioners are similarly situated and they are therefore entitled to the scale of Rs.1400-2300/- strictly in terms of the O.M. dated 19.10.1994 and also arrears in the higher scale notionally from 13.5.1982 and actually from 1.11.1983 which is mentioned in paragraph 4 of the O.M. dated 19.10.1994. The petitioners in this case, however, have prayed in paragraph 8 of the OA that they are entitled to the scale of pay of Rs.1600-2660/- on the basis of O.M. dated 19.10.1994. This prayer is without any merit because admittedly they were in the pre-revised scale of Rs.330-560/- and according to this O.M., on completion of five years of service, they are to be placed in the scale of Rs.425-700/- which has been revised to Rs.1400-2300/- In the O.A. the petitioners have made no averment as to how they are entitled to still higher scale of pay of Rs.1600-2660/-. On the basis of O.M. at Annexure-1 they are entitled to the pay scale of Rs.1400-2300/- and this is what has been allowed to similarly placed Grade-II Draughtsmen of Survey of India by the order of Guwahati Bench of the Tribunal. In view of the above, the respondents are directed to allow the applicants the scale of pay of Rs.1400-2300/- subject to fulfilment of the minimum service qualification as laid down in O.M. dated 19.10.1994. Their pay fixation notionally and actually should also be done strictly in terms of paragraph 4 of this O.M.



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4. The petitioners have asked for penal interest on their arrears. We find that ^{a similar matter} ~~this~~ prayer has been subject-matter of adjudication before the Guwahati Bench of the Tribunal and the matter was carried to the Hon'ble Gauhati High Court and the Hon'ble Supreme Court. In view of this, it cannot be said that the respondents deliberately withheld the benefits from the applicants. The prayer for payment of penal interest is accordingly rejected.

5. In the result, therefore, the Original Application is disposed of in terms of the direction and observation above. No costs.

98/- G. Narasimhan Member (J)	97/- Somnath Som. Vice-Chairman.
	VICE-CHAIRMAN

November 27, 2000/AN/PS

TRUE COPY

[Signature]
Section Officer,
Central Administrative Tribunal
Cuttack Bench, Cuttack

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TO BE PUBLISHED IN THE GAZETTE OF INDIA PART II
SECTION-3 SUB-SECTION(I)
Government of India
Ministry of Science & Technology
(Department of Science & Technology)

ANNEXURE F

NOTIFICATION

Dated the , 2003.

GSR.....In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the post of Draftsman Grade-I in Survey of India under the Department of Science & Technology namely :-

1. Short Title and commencement

(1) These rules may be called the Survey of India Draftsman Grade-I Recruitment Rules, 2003.

(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 posts, their classification and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

3. Method of recruitment, age limit and other qualifications :- The method of recruitment, age limit, qualifications and other matters connected therewith shall be as specified in columns 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.

(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 Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other ground 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 for reasons to be recorded in writing and in consultation with the Union Public Service Commission/Deptt. of Science & Technology relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving.- Nothing in these rules shall affect reservations and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, other Backward classes, Ex-service men and other special categories of persons, in accordance with the order issued by the Central Government from time to time in this regard.

["THE SCHEDULE"]
(attached)

UNDER SECRETARY TO THE GOVT. OF INDIA

SCHEDULE

RECRUITMENT RULES FOR GROUP 'C' DRAFTSMAN GRADE - I IN SURVEY OF INDIA UNDER
THE MINISTRY OF SCIENCE & TECHNOLOGY, NEW DELHI

Name of post	No. of Posts	Classification	Scale of pay	Whether selection cum-seniority or selection by merit or non-selection post	Age limit for direct recruits	Whether benefit of added years of service admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualification for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	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, grades from which promotion/ deputation/ absorption to be made	If any Departmental Promotion Committee exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.
Draftsman Grade I	300* (As on 30-1-1996 onwards)	General Central Service Group 'C' Non-Gazetted (Non-Ministerial)	Rs. 5500-175-9000	Non-Selection	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	By promotion 100%	Promotion: Draftsman Division II Grade II with 4 yrs regular service in the grade Subject to availability of vacancies in the posts of D.M. Div. I.	Group 'C' DPC (Dept. level) for promotion and confirmation: 1. Dy. Surveyor General, Surveyor General's Office (Adm) - Chairman. 2. A Group 'A' Officer from an office other than Survey of India - Member. 3. Senior most SC/ST Group 'A' officer (Barring which senior most SC/ST Officer of Group 'B') - Member. 4. Asst. Surveyor General - Member.	Not Applicable

* Subject to variation depending on workload.

Form to be filled by the Ministry/Department while forwarding proposals to the Department of Personnel & Training and the Union Public Service Commission for framing Recruitment Rules for posts.

1. (a) Name of the posts **Draftsman Grade-I**
(b) Name of the Ministry/Department **Ministry of Science & Technology
(Deptt. of Science & Technology)
Survey of India, Dehra Dun.**
(c) Number of posts **300 (These are subject to variation)**
(d) Scale of Pay **Rs. 5500-175-2000**
(e) Class and Service to which the posts belong (of MHA Notification No. 20/16/60-Estt (A) dated 13-3-1962) **General Central Service Group 'C'
Non Gazetted.**
(f) Ministerial or non-ministerial (of F.R.-9(17)) **Non Ministerial**
2. Appointing Authority **Director/ Deputy Surveyor General, Survey of India**
3. Duties of the post in detail **Attached**
4. Describe briefly the method(s) adopted for filling the posts hitherto **By promotion**
5. Method(s) of Recruitment proposed **By promotion**
6. If promotion is proposed as a method of recruitment
 - (a) Designation and number of the posts proposed to be included in the field of promotion **Draftsman Grade-I
300**
 - (b) Number of years of qualifying service proposed to be fixed before persons in the field become eligible for promotion (of M.H.A. O.A.No. 1/5/58-RPS dated 26-2-1958) **4 years in the Scale of Rs. 5000-8000 as D/Mun Gdo.-II**
 - (c) Percentage of vacancies in the grade proposed to be filled by promotion **100%**
 - (d) Reasons for proposing the percentage in (c) above **Being promotional post**

62 - Not Applicable-

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- (e) Have recruitment rules been framed for the post proposed in the field of promotion? If framed in consultation with the Commission, please quote Commission's reference No. If consultation with the Commission was not required, please attach a copy of rules framed. A copy of the rules should be sent to DP&T along with the proposal.

- (f) If recruitment rules were not framed for the posts in the field of promotion.

- (i) Please indicate briefly the method of recruitment actually adopted for filling the posts. Please also state the percentage of vacancies filled by each of the methods.
- (ii) Please state briefly the educational qualifications possessed by the persons in the field of promotion.
- (iii) In case the feeder posts are filled by promotion, the recruitment rules for the still lower posts (including the lowest post to which direct recruitment is one of methods of recruitment) may be furnished.

-Not Applicable-

-Not Applicable-

Prepared Pari-pasu

- (g) (i) Is the promotion to be made on Selection or non-Selection basis?
- (ii) Reasons for the proposal in (i) above.

Non-Selection

Being Non-Selection post

- (h) If a D.P.C. exists, what is its composition:

1. Dy. Surveyor General
2. A Group 'A' Officer from an office other than Survey of India
3. SC/ST Group 'A' officer (failing which senior most SC/ST Officer of Group 'B')
4. Asstt. Surveyor General

Chairman.

Member.

Member.

- Member.

- (i) Indicate if the feeder posts are having promotion channels other than the one under consideration.

Not Applicable

7. If Promotion is not proposed as a method, please state why it is not considered desirable/ possible/ necessary.

100% by promotion

8. If direct recruitment is proposed as a method of recruitment (of MHA O.M. No. 2/43/33-RP3, dated 8.10.55) please state.

-Not Applicable-

134

25

62

195

- (a) The percentage of vacancies proposed to be filled by direct recruitment. -Not Applicable-
- (b) Indicate if there are any promotional avenues for direct recruitment. ? -Not Applicable-
- (c) (i) Age for direct recruits (of MHA O.M.No.2/41/59-RPS dated 03.12.1959). -Not Applicable-
- (ii) Is age relaxable for Govt. servants? -Not Applicable-
- (d) Educational and other qualifications required for direct recruits. (it may please be noted that the essential qualifications prescribed are relaxable at Commission's discretion in case of candidates otherwise well qualified). -Not applicable-

EssentialDesirable

- (e) Whether essential qualification to be prescribed are in accordance with any Act(s)? If so please quote the relevant Act(s) under which it is necessary and also supply relevant extracts from the Act(s). -Not Applicable-
- (f) Has the post been advertised by the Commission in the past? If so, please quote Commission's reference No. -Not Applicable-

9.

If direct recruitment is not proposed as a method, please state why it is not considered desirable/possible/necessary.

Being 0% by Promotion

10.

- (i) If promotion and direct recruitment are both proposed as methods of recruitment, will the educational qualifications proposed for direct recruits apply in case of promotions? Not Applicable-
- (ii) If not to what extent are the educational qualifications proposed to be relaxed in case of promotions. -Not Applicable-

11.

- (a) Is deputation/transfer proposed as a method of recruitment? If so, please state the reasons for the proposal. Please state clearly whether deputation or transfer or both are proposed. Not Applicable-
- (b) The percentage of vacancies proposed to be filled by this method. - Not Applicable-
- (c) The period to which deputation will be limited. - Not Applicable-

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135

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(d) The names of the posts of grades or services etc. from which deputation/tranier is proposed. (of MHA O.M.No.2/25/60. Fsu(d) dated 19-8-1960).

Not Applicable-

(a) If any of the methods is proposed fails, by what methods are such vacancies proposed to be filled.

By promotion only

(b) Whether the recruitment rules relate to a post which has been upgraded from Group 'C' to Group 'B' or 'B' to Group 'A' or within the same group? If so, whether the necessary provision for initial constitution has been proposed.

Not Applicable-

(c) Whether the recruitment rules relate to a post which is proposed to be down graded? If so, whether necessary safeguards have been suggested in respect of the existing incumbents of that post?

Not Applicable-

13

(a) Official circumstances, if any, other than those covered by the rules, in which the Commission may be required to be consulted.

Not Applicable-

(b) Whether the Deptt. of Personnel and Training have concurred in the proposal?

No

(c) Whether the Deptt. of Pension and Public Grievances have concurred in for the grant of benefit of added years of service under the Pension Rules?

Not Applicable-

14

If these proposals are being sent in response to any reference from the Commission, please quote Commission's reference No.

Not Applicable-

15

Name addresses and telephone numbers of the Ministry's representatives with whom these proposals may be discussed if necessary, for clarification/ early decision.

Shri P.K.Chatterjee,
Production Technologist
Surveyor General's Office
DEHRADUN.
Phone No. 2741046

Date: 23rd May 2003

Place: Dehra Dun.

Dhruv/Amarendra-2/1-8

(P.K.CHATTERJEE)
PRODUCTION TECHNOLOGIST
Signature of the Officer
sending the proposals.
Phone No. 2741046

Attended
P.K.Chatterjee
Add'l C y SC