

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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disposed date- 07/08/03

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SECTION OFFICER (Judl.)

FORM NO. 4  
 (See Rule 42 )  
 CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.  
 GUWAHATI.

ORDER SHEET

Orginal No. 141/2002  
 Misc. Petition No. /  
 Contempt Petition No. /  
 Review Application No. /

Applicant(s) Binendra Rajkumar & ors

Respondent(s) W.O. I Toms

Advocate for Applicant(s) M. Chanda Mrs. N. D. Goswami  
G. M. Chakrabarty

Advocate for Respondent(s) C.G.S.C.

Notes of the Registry	Date	ORDER OF THE TRIBUNAL
1.76549484	10.5.02	Heard Mr. M.Chanda, learned counsel for the Applicant.
30.4.2002		The application is admitted. Call for the records.
<i>Slacks letter</i>		Pendency of this application shall not preclude the Respondents to consider the case of the Applicant.
		List on 10.6.2002 for orders.
Notice prepared and sent to DLS for wing the respondent No Tto3 by Regd. A.D.O.	10.5.02	<i>I.C.U. Sharmin</i> Member
D/SNo. 1461 to 1463	10.6.02	List again on 10.7.2002 to enable the respondents to file written statement as prayed by Mr. A.Deb Roy, learned Sr. C.G.S.C.
Dtd 17/5/02		<i>I.C.U. Sharmin</i> Member
① Service report not still awaited.		<i>I.C.U. Sharmin</i> Member
<i>7.6.02</i>		Vice-Chairman

D.A. 141/2002

No. written statement  
has been filed.

3/7/02

10.7.2002 List again on 12.8.2002

to enable the respondents to file  
written statement.

IC Usha  
Member

Vice-Chairman

mb

12.8.02 Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents stated that he will file written statement shortly. He wants three weeks time for filing written statement. Prayer is allowed.

List again on 4.9.2002 for

orders.

IC Usha  
Member

mb

4.9.02 List again on 4.10.2002 to enable the Respondents to file written statement as prayed by Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents. . .

IC Usha  
Member

Vice-Chairman

mb

4.10.02 On the prayer of Mr. A. Deb Roy, Sr. C.G.S.C. two weeks time is allowed for filing of written statement. List on 14.11.02 for orders.

IC Usha  
Member

Vice-Chairman

lm

13.11.2002

Pleadings are complete. The case may now be listed for hearing. The applicant may file rejoinder, if any within three weeks.

List for hearing is on 3.12.2002

IC Usha  
Member

Vice-Chairman

bb

12.11.02  
W.P.S. submitted  
by the Respondents.

2.12.02  
Rejoinder submitted to the  
W.P.S. submitted by the applicant.

Note of the Registry

Date

Order of the Tribunal

Written statement  
and rejoinder  
has been filed

3/103  
7/103

3.12.2002

Heard Mr. M. Chanda, learned counsel  
for the applicant. On his prayer the case  
is adjourned and listed ~~for~~ again for hear-  
ing on 8.1.2003.

ICU Shahnawaz  
Member

Vice-Chairman

8.1.2003

Present:- The Hon'ble Mr. Justice  
V.S. Aggarwal, Chairman

The Hon'ble Mr. K.K. Sharma,  
Member (A).

List the case on 6.2.2003 alongwith  
M.P. 173/2002.

ICU Shahnawaz  
Member

MS Aggarwal  
Chairman

6.2.2003

ready as  
The case is/ regards pleadings. The  
case may now be listed for hearing  
on 20.3.03. The applicant may file  
rejoinder, if any within two weeks from  
today.

Sonu  
Member

Vice-Chairman

W/S and rejoinder  
has been filed

My  
16/3/03 pg

20/3

Written hearing not fit today.  
The case is adjourned to 30/4/2003.

My

20/4

Written hearing did not fit today.  
The case is adjourned to 11/6/2003.

My

11.6.2003

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

The Hon'ble Mr. R.K. Upadhyaya,  
Administrative Member.

On the prayer made by Mr. A. Deb Roy,  
learned Sr.C.G.S.C. the case is adjourned and  
listed on 21.7.2003 for hearing.

Ch. B. Ganguly  
Member

Vice-Chairman

bb

Y/N

Note of the Registry Date Order of the Tribunal

21.7.2003

Heard Mr. McChesney, Learned Counsel  
for the appellants & Mr. A. Debroy,  
for C.G.S.C. for the respondent.  
Hearing Concluded;  
Judgment Reserved.

B.G.  
A.G.F.

7.8.2003

Judgment delivered in open Court,  
kept in separate sheets. The application  
is dismissed in terms of the order. No  
order as to costs.

✓  
Member

✓  
Vice-Chairman

mb

12.8.2003

Copy of the Judgment  
has been sent to the  
Office for issuing  
the same to the parties  
as well as to the  
C.G.S.C.

AB  
Q/8/03

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. / R.A. No. . . . . 141 2002.

7-8-2003.  
DATE OF DECISION . . . . .

Shri Birendra Rajkumar and others

APPLICANT(S).

Mr M.Chanda

ADVOCATE FOR THE  
APPLICANT(S).

- VERSUS -

Union of India & Ors.

RESPONDENT(S).

Sri A.Deb Roy, Sr.C.G.S.C.

ADVOCATE FOR THE  
RESPONDENT(S).

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

THE HON'BLE MR N.D.DAYAL, ADMINISTRATIVE MEMBER

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

Judgment delivered by Ho'ble Vice-Chairman.

X

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH**

Original Application No.141 of 2002

Date of order: This the 8th Day of August 2003

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

---

1. Shri Birendra Rajkumar, Plane Tabler,  
Unit/Office, 9 Party.
2. Shri Bhim Bahadur Limbu, Plane Tabler  
Unit/Office, 9 Party.
3. Shri Hira Lal Chanda, Plane Tabler,  
Unit/Office, 9 Party.
4. Shri Haren Chandra Das, Plane Tabler,  
Unit/Office, 9 Party.
5. Shri Nowa Rinzy Bhutia, Plane Tabler.  
Unit/Office, 9 Party.
6. Shri Salong Roy, Topo Auxilary,  
Unit/Office, 9 Party.
7. Shri Santanu Kumar Gupta, Plane Tabler,  
Unit/Office, 9 Party.
8. Shri Mohan Kumar Biswa, Plane Tabler  
Unit/Office, 9 Party.
9. Shri Paul Gladwell Mawrie, Plane Tabler  
Unit/Office, 9 Party.

contd/-



10. Shri Tarun Deka, Plane Tabler.  
Unit/Office, 9 Party.
11. Shri Dipak Narayan Dev. Plane Tabler  
Unit/Office, 12 Party.
12. Shri Nani Gopal Chanda, Plane Tabler,  
Unit/Office, 12 Party.
13. Shri Paban Chandra Das, Plane Tabler  
Unit/Office, 12 Party.
14. Shri Niranjan Kanta Das, Plane Tabler.  
Unit/Office, 12 Party
15. Shri Karnol Singh Rymbai, Plane Tabler  
Unit/Office, 12 Party.
16. Shri Batskshem Myrthong, Plane Tabler  
Unit/Office, 12 Party.
17. Shri Nobo Gopal Das Plane Tabler.  
Unit/Office, 12 Party.
18. Shri Satdal Dey, Plane Tabler,  
Unit/Office, 12 Party.
19. Shri Janjit Deb Chowdhury,  
Plane Tabler, 29 Party
20. Shri Joydeep Bhattacharjee,  
ASD/Man, 12 Party.
21. Shri Ranjit Kumar Dey,  
Plane Tabler, 29 Party.
22. Shri Pritam Kumar Pradhan,  
Plane Tabler, 29 Party.
23. Shri Promish Sangma.  
Plane Tabler 29 Party.

24. Shri Army Well Lyndon,  
Plane Tabler, 29 Party.
25. Shri Himangshu Acharjee.  
Plane Tabler, 29 Party.
26. Shri Jayful Kharmujai,  
Plane Tabler, 29 party
27. Shri Andrew Bernard Hauhnar,  
ASD/Man, 29 Party
- 28 Shri Sital Prasad Roy,  
Plane Tabler, 29 Party.
29. Shri Jyoti Prokash Chakraborty  
Plane Tabler 29 Party.
30. Shri Labanya Rajwar,  
Plane Tabler, 29 Party.
31. Shri Prabhar Chandra Das.  
Plane Tabler, 35 Party.
32. Shri Nani Ram Bhuyan,  
Plane Tabler, 35 Party
33. Shri Amiya Mohan Sarma  
Plane Tabler, 35 Party
34. Shri Surendra Nath Bauri  
Plane Tabler, 35 Party.
35. Shri Pradap Kumar Naog  
Plane Tabler, 35 Party.
36. Shri Sarat Chandra Boro  
Plane Tabler, 35 Party.

37. Shri Kiran Chandra Rava  
Plane Tabler, 35 Party.
38. Shri Noyan Chandra Boro,  
Plane Tabler, 35 Party
39. Shri Girindra Rabha,  
Plane Tabler, 35 Party
40. Shri Soneswar Rabha  
Topo Auxiliary, 35 Party.
41. Shri Atul Chandra Rabha,  
Plane Tabler, 35 Party
42. Shri Promod Chandra Mudoi,  
Plane Tabler, 35 Party.
43. Shri Bijoy Sen Mech,  
Plane Tabler, 35 Party
44. Shri Ajendra Nath Sarma  
Plane Tabler, 35 Party.
45. Shri Harbilash Malkar  
Plane Tabler, 35 Party
46. Sri Bobinda Borah  
ASD/Man, 35 Party.
47. Shri Akhil Chandra Kalita,  
ASD/Man, 35 Party.
48. Shri Nasiruddin Ahmed.  
ASD/Man, 35 Party
49. Shri Aizuddin Ahmed.  
ASD/Man, 35 Party.
50. Shri Biswajit Das,  
ASD/Man, 35 Party.

contd/-

51. Shri Madhab Chandra Das,  
ASD/Man, 35 Party.
52. Shri Dipak Gohain,  
Topo Auxilary, 35 Party.
53. Shri Rahul Nag Chowdhury,  
Topo Auxilary, 35 Party.
54. Shri Debasish Dey,  
Plane Tabler, 35 Party.
55. Shri Bhupen Bora,  
Plane Tabler, 35 Party,
56. Shri Sudhan Ranjan Bhowmick,  
ASD/Man, 12 Party (Now attached to 35 Party)
57. Shri Karolus Lamin, ASM/Man,  
12 Party.
58. Shri Dhrubajyoti Bhattacharjee,  
Topo Auxilary, 12 Party.
59. Shri Ajay Kumar Dhar Chowdhury,  
PlaneTabler, 5 Party.
- 60.. Shri Puna Ram Sonowal,  
Plain Table, 5 Party.
61. Shri Dilip Chandra Bhandari,  
PlaneTabler, 5 Party.
62. Shri Umesh Kumar Pradhan  
Plane abler, 5 Party.
63. Shri Amal Kumar Dutta Chowdhury,  
Plane Tabler, 5 party.

64. Shri Paritosh Das Gupta,  
ASD/Man, 5 Party.

65. Shri Anil Bhandari  
ASD/Man, 5 Party.

66. Shri Amit Kumar Biswas.  
ASD/Man, 5 Party

67. Shri Kerious Sohtun.  
ASD/Man, 5 Party.

68. Shri Rishot Singh Kharchandi,  
ASD/Man, 5 Party.

69. Md. Abdul Malik.  
Plane Table 5 Party.

70. Shri Subrota Kumar Chakraborty.  
Plane Tabler, 5 Party.

71. Shri Ajit Malakar  
Plane Tabler, 5 Party.

72. Shri Jashadhir Paul.  
Plane Tabler 5 Party.

73. Shri Karuna Sindhu Dhar  
Plane Tabler, 5 Party.

74. Shri Biman Roy Chowdhury  
ASD/Man, 9 Party.

75. Shri Rajat Dutta Chowdhury.  
ASD/Man, 9 Party.

76. Shri Ranjit Kumar Dutta  
ASD/Man, 9 Party.

77. Shri Nilendu Kumar Mishra.  
Plane Tabler, 80(p) Party.

contd/-

78. Shri Punya Brata Roy,  
Plane Tabler, 80(P) Party.
79. Shri Tapan Kumar Chowdhury,  
Topo Auxiliary 80(P) Party.
80. Shri Nilanjan Bhattacharjee.  
Plane Tabler, 80(P) Party.
81. Shri Fresslye Ofelus Thangkiew.  
ASD/Man.80(P) Party.
82. Shri Partha Sarathi Gupta  
ASD/Man,80(P) Party.
83. Shri Nibaran Chandra Deb.  
Topo Ausiliary NECO
84. Shri Subrata Nag,  
Topo Auxiliary, 81 Party.
85. Shri Rajmoni Sinha,  
Plane Tabler, 81 Party
86. Shri Rapalung Kabut ,  
Plane Tabler, 81 Party.
87. Sri S.Bordoloi,  
Plane Tabler 35 Party.
88. Sri Dwijendra Chandra Deb,  
Plane Tabler, 81 Party.
89. Shri Sailendra Kumar Das,  
Plane Tabler, 81 Party.
90. Shri Satyendra Kumar Nag,  
Plane Tabler, 81 Party.
91. Shri Sunil Kumar Das,  
Plane Tabler, 81 Party.
92. Shri Suhash Choudhury,  
Plane Tabler, 81 Party.
93. Shri Sunil Kumar Das,  
Plane Tabler, 81 Party.

contd.

94. Shri Niharendu Sen  
Plane Tabler, 81 Party.

95. Shri Haralal Das,  
Plane Tabler, 81 Party.

96. Shri Uttam Kumar Mallik,  
Plane Tabler, 81 Party

97. Shri Nitish Chandra Dutta.  
Plane Tabler, 81 Party.

98. Shri Ananta Kumar Das,  
Plane Tabler, 81 Party

99. Shri Braja Mohan Das,  
Plane Tabler, 81 Party

100. Shri Arabinda Mohan Paul  
Plane Tabler, 81 Party.

101. Shri Diresh Ranjan Chanda,  
Plane Tabler, 81 Party.

102. Shri Pijush Kanti Sharma  
Plane Tabler, 81 Party.

103. Shri Srikrina Chakraborty  
Plane Tabler, 81 Party.

104. Shri Ajit Kumar Chowdhury,  
Plane Tabler, 81 Party.

105. Shri Nripesh Ranjan Das,  
Plane Tabler, 81 Party.

106. Shri Avik Sen Gupta,  
Plane Tabler, 81 Party

107. Shri Ranjit Purkayastha.  
Topo Auxiliary, 81 Party.

108. Shri Bidhan Chandra Chakraborty.  
Topo Auxiliary, 81 Party. .... Applicants..

By Advocate Sri M.Chanda.

- Versus -

1. Union of India,  
Represented by the Secretary to the  
Government of India,  
Ministry of Science and Technology,  
New Delhi.
2. The Surveyor General,  
Survey of India,  
Block B, Hathibarkala Estate,  
Dehradun.
3. The Director,  
Survey of India,  
North Eastern Circle,  
Shillong. .... Respondents.

By Advocate Sri A. Deb Roy, Sr.C.G.S.C.

O R D E R.

The 108 applicants in this O.A. are all serving in the cadre of Grade-II Air Survey Draftsman, Plane Tabler and Topo Auxiliary in the office of the Director, Survey of India, N.E. Circle, Shillong in the revised pay scale of Rs. 4500-7000/- after V CPC (Pre-revised Rs. 1350-2200). All the applicants have sought the following common reliefs based on the same grounds :-

i) The respondents be directed to grant the higher revised pay scale to the applicants contained in para 2(b) and (c) of the office Memorandum dated 19.10.1994 (Annexure -4) with immediate effect with all consequential benefits and also in the light of the judgment and order dated 17.7.1997 passed in O.A. 52 of 1996 by this Tribunal.

contd/-

ii) The Hon'ble Tribunal be pleased to declare that the applicants are also entitled to grant of higher revised pay scale and pay parity at par with the Draftsman (applicants of O.A.52/1996) working in the Survey of India.

By Misc.Petition No.173/2002 the applicants sought for and were allowed to add two other reliefs as below :

iii) alternatively the respondents be directed to grant a further higher revised pay scale to the applicants than the Draftsman Grade-II of the department commensurating to their quality of work, duties and responsibilities, or

iv) alternatively to grant the benefit of higher revised scale of Rs.5000-8000/- with effect from the date revision of the pay scale of Draftsman Grade-II to the applicants independently without any reference to the Memorandum dated 19.10.1994.

2. In this case the applicants are primarily aggrieved at not having the same higher pay scale that was granted to the Draftsman in the Survey of India on their being granted parity with Draftsman of the CPWD which made them eligible for the revised scale that had been given to the Draftsman of the CPWD consequent upon the Board of Arbitration award implemented through Ministry of Finance, Department of Expenditure O.M. dated 19.10.1994 at Annexure-4 of the O.A. They have specifically claimed the revised pay scales applicable to Draftsman Grade-II and Grade-I subject to the conditions of minimum service which have been laid down in para 2(b) and (c) of this O.M. The Draftsman Grade-II working in the Survey of India who were applicants in O.A.52/1996 had been granted the relevant scale of pay applicable to them in terms of the O.M. dated 19.10.1994 by decision dated 17.7.1997 of

this Tribunal which had been further endorsed by the Hon'ble Gauhati High Court by its judgment and order dated 31.3.99 and later S.L.P. before the Supreme Court of India challenging the same had also been dismissed on 31.3.2000.

3. The issue raised herein is whether the applicants are to be treated as similar to the Draftsman of their office and thereby made eligible to the higher revised scale of pay given to the Draftsman in terms of the O.M. dated 19.10.94 or alternatively whether they are eligible for further revised pay scale than the Draftsman Grade II of their department or again whether the benefit of higher pay scale of Rs.5000-8000/- be given to them independently with effect from the date of revision of pay scale of Draftsman Grade-II in their department without reference to the Memorandum dated 19.10.94.

4. From the statements made in the application it is seen that the applicants initially entered service in the Survey of India, Dehradun and Shillong as Topo Trainee Type B with qualification of Matriculation with Mathematics that has now been made intermediate with Mathematics. They are given two years training in the Survey Institute at Hyderabad, whereas those amongst them being screened as Draftsman gets one year's training there. After the training the applicants are being designated as Plane Table Air Survey Draftsman and Topo Auxiliary or draftsman determined on the basis of their performance and skill acquired. After three years they are permitted to appear for Trade Test and placed in the Grade III in the same manner as in the case of Draftsman. They enter appear for Trade Test in Grade II and if successful further promotion to Grade I takes nearly 24 years and is subject to availability of vacancy and therefore offers not much scope to them. They have emphasised that the topographical cadre

in the Survey of India consists of the applicants and Draftsman, their selection process and educational qualifications are similar and that the cadre as a whole is entrusted with compilation of maps and cartographic scribing work as well as topographical drawing with various skills and that the topographical maps, thematic maps, guide maps, tourist maps, State Maps, three dimensional plastic relief maps and other project maps which are generally prepared with combined effort of topographical cadre of Survey of India. They have also stated that maps are prepared by fair drawing or cartographic scribing techniques.

5. It has been pleaded that their duties and responsibilities are similar to those of Draftsman in Survey of India and it is only their nomenclature and designation and specific allotment of work that is different but the ultimate object is production of drawing works and maps.

6. The thematic song of the applicants is for equal pay for equal work. The sore point is the alleged denial of equal pay for equal work which amounted to hostile discrimination between Air Survey Draftsman, Plans Tabler and Topo Auxillary in the Office of the Survey of India vis-a-vis the applicants. According to these applicants in terms of the order of the Government of India, Ministry of Finance, Department of Expenditure Memo No. 13(i)-IC/91 dated 19.10.1994 the revision of pay scales of Draftsman Grade I, II and III of the Government of India were made which was earlier granted to the Draftsman Grade I, II and III of the CPWD. The applicants contended that by Judgment and Order dated 17.7.1997 in O.A.No.52 of 1996, this Bench provided the benefit of revision of scale of pay under O.M dated 19.10.1994 was extended to all the applicants in the above O.A. who were all Draftsman Grade II under the Director, Survey of India, North Eastern Circle, Referring to numerous

documents the applicants sought to impress upon us that there is no qualitative difference between the duties and responsibilities discharged by the present applicants vis-a-vis the Draftsman who were given the benefit of the revised pay scale by the Government of India Memo dated 19.10.94. The applicants in support of their contentions also referred to the Survey of India Circular Order No.435 (Administrative) dated 1.8.1950.

7. Countering the assertions of the applicants the respondents submitted their written statement and contended that topographical staff are unique and distinct than the Draftsman Cadre in work culture and technical knowledge in Survey of India. These applicants cannot be equated with the Draftsman Cadre of the department. They are placed in a different cadre and their recruitment was conducted as per the vacancy in the respective cadre in the Directorate. They are not brought into Common pool of recruitment. Therefore, the question of giving the benefit of the O.M. No.13(1)-IC/91 dated 19.10.1994 cannot be extended to the applicants. The Topo staff of the Survey of India are obviously distinct from the Draftsman of the CPWD. Therefore, they cannot claim the benefit granted to the CPWD Draftsman whose nature and types of jobs are different. The respondents in the written statement also referred to the Cadre Review Report sent from the Government of India to the Surveyor General of India in the matter of implementation of Cadre Review Proposal of Group 'B', 'C' and 'D' staff of Topo and printing Cadres of the Survey of India - Gradation/abolition of posts vide Memo dated 30.1.1996.

8. We have heard Mr M.Chanda, learned counsel for the applicants and also Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents at length. Numerous case laws were referred to

by Mr Chanda in support of his assertions for the principle for providing equal pay for equal work. So also Mr A. Deb Roy, learned Sr.C.G.S.C opposing judicial review on matter of pay fixation. There is no dispute at the Bar <sup>as</sup> to the principle of giving equal pay for equal work, but, at the same time to provide equal pay for equal work one is to make equation based on the basis of job evaluation. Admittedly, fixation of pay depends on the nature of duties. Mere volume of work is not the determinative factor. There may be qualitative difference in regard to the responsibilities. We are afraid that we cannot adjudicate on this function which is basically meant for the executive with the aid of the experts. We also cannot overlook the Caveat of the Supreme Court in Secretary, Finance Department and others vs. West Bengal Registration Service Association and others, reported in 1993 Supp (1) SCC 153, which reads as follows :

.....Ordinarily a pay structure is evolved keeping in mind several factors, e.g., (i) method of recruitment, (ii) level at which recruitment is made, (iii) the hierarchy of service in a given cadre, (iv) minimum educational/technical qualifications required, (v) avenues of promotion, (vi) the nature of duties and responsibilities, (vii) the horizontal and vertical relatives with similar jobs, (viii) public dealings, (ix) satisfaction level, (x) employer's capacity to pay, etc. We have referred to these matters in some detail only to emphasise that several factors have to be kept in view while evolving a pay structure and the horizontal and vertical relativities have to be carefully balanced keeping in mind the hierarchical arrangements, avenues for promotion, etc. Such a carefully evolved pay structure ought not to be ordinarily disturbed as it may upset the balance and cause avoidable ripples in other cadres as well .....  
.....There can, therefore, be no doubt that equation of posts and equation of salaries is a complex matter which is best left to an expert body unless is cogent material on record to come to a firm conclusion that a grave error had crept in while fixing the pay scale for a given post and Court's interference is absolutely necessary to undo the injustice."

9. The revision of pay scales of Draftsman Grade I, II and III in all Government of India Offices made on the basis of Award of Board of Arbitration in the CPWD a committee was set up to consider the request of the staff side for providing the pay scales to Draftsman Grade I, II and III of the offices/Departments of the Government of India other than the CPWD. The Government of India took a conscious decision for providing the benefit and the same was communicated vide Memo dated 19.10.1994. In O.A.No.52/1996, the Draftsman working under the Director, Survey of India moved the O.A. for giving the benefit of the aforesaid memorandum. It was the Draftsman Grade II who were finally allowed by the Tribunal vide order dated 17.7.1997 and upheld by the High Court by Judgment and Order dated 31.7.1999 in Civil Rule No.4733 of 1997. These applicants now moved the Tribunal, who also sought for implementation of the Government Memo dated 19.10.1994 by this O.A., after a long lapse of time. Admittedly, the said Memo only dealt with the pay scales of the Draftsman Grade I, II and III in the offices/departments of the Government of India. It has nothing to do with the pay scale of Topographical staff.

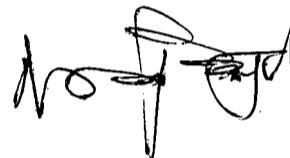
10. Mr Chanda, learned counsel for the applicants contended that equal pay for equal work is one of the facets of Article 14. In answer to Mr Chanda's contention it must be said that wherein one alleges infringement of the equality clause the burden is on them to establish their right to equal pay or plea of a discrimination. No materials are made available before us to hold that the applicants are discharging the same and similar functions with that of the Draftsman. Mr Chanda submitted that the functions are almost the same. Even if functions may be the same, responsibilities are not always the same. At least nothing is shown that both the categories of employees are discharging the same responsibilities. Functions may be the same, but responsibilities may be different. The claim of equal pay for equal

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work is not a fundamental right. Article 39(d) enshrined in the Constitution is a Constitutional goal. Fixation of pay in juxtaposition of parallelism of duties and responsibilities is a complex issue which is to be left to the appropriate administrative authority.

10. On consideration of the entire materials on record, we find it difficult to issue any direction on the respondents for grant of the higher revised pay scale indicated in the O.M. dated 19.10.1994 and to issue direction for pay parity of these applicants with that of the Draftsman.

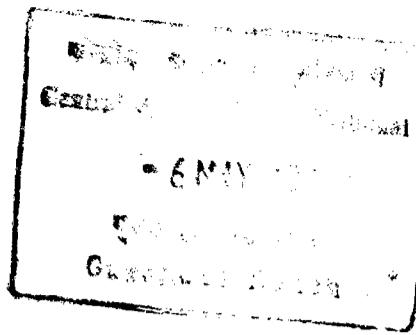
In the result, the application fails. There shall, however, be no order as to costs.



( N.D.DAYAL )  
ADMINISTRATIVE MEMBER



( D.N.CHOWDHURY )  
VICE CHAIRMAN



23

Filed in the application  
Shriya D. Goswami  
Advocate

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. 141 /2002  
 Sri Birendra Rajkumar & Ors : Applicants  
 - Versus -  
 Union of India & Others : Respondents.

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Date

Filed by  
N. D. Goswami  
Advocate

Birendra Rajkumar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

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

O.A. No. .... /2002

BETWEEN

1. Shri Birendra Rajkumar, Plane Tabler,  
Unit/Office, 9 Party.
2. Shri Bhim Bahadur Limbu, Plane Tabler,  
Unit/Office, 9 Party.
3. Shri Hira Lal Chanda, Plane Tabler,  
Unit/Office, 9 Party.
4. Shri Haren Chandra Das, Plane Tabler,  
Unit/Office, 9 Party.
5. Shri Nowa Rinzy Bhutia, Plane Tabler,  
Unit/Office, 9 Party.
6. Shri Salong Roy, Topo Auxiliary  
Unit/Office, 9 Party.
7. Shri Santanu Kumar Gupta, Plane Tabler,  
Unit/Office, 9 Party.
8. Shri Mohan Kumar Biswa, Plane Tabler,  
Unit/Office, 9 Party
9. Shri Paul Gladwell Mawrie, Plane Tabler,  
Unit/Office, 9 Party

Birendra Rajkumar

10. Shri Tarun Deka, Plane Tabler,  
Unit/Office, 9 Party
11. Shri Dipak Narayan Dev, Plane Tabler,  
Unit/Office, 12 Party
12. Shri Nani Gopal Chanda, Plane Tabler,  
Unit/Office, 12 Party
13. Shri Paban Chandra Das, Plane Tabler,  
Unit/Office, 12 Party
14. Shri Niranjan Kanti Das, Plane Tabler,  
Unit/Office, 12 Party
15. Shri Karnol Singh Rymbai, Plane Tabler,  
Unit/Office, 12 Party
16. Shri Batskshem Myrthong, Plane Tabler,  
Unit/Office, 12 Party
17. Shri Nobo Gopal Das, Plane Tabler,  
Unit/Office, 12 Party
18. Shri Satadal Dey, Plane Tabler,  
Unit/Office, 12 Party
19. Shri Janjit Deb Chowdhury,  
Plane Tabler, 29 Party
20. Shri Joydeep Bhattacharjee,  
ASD/Man, 12 Party
21. Shri Ranjit Kumar Dey,  
Plane Tabler, 29 Party
22. Shri Pritam Kumar Pradhan,  
Plane Tabler, 29 Party
23. Shri Promish Sangma,

Plane Tabler, 29 Party

24. Shri Army Well Lyndon,  
Plane Tabler, 29 Party

25. Shri Himangshu Acharjee,  
Plane Tabler, 29 Party

26. Shri Jayful Kharmujai,  
Plane Tabler, 29 Party

27. Shri Andrew Bernard Hauhnar,  
ASD/Man, 29 Party

28. Shri Sital Prasad Roy,  
Plane Tabler, 29 Party

29. Shri Jyoti Prokash Chakraborty,  
Plane Tabler, 29 Party

30. Shri Labanya Rajwar,  
Plane Tabler, 29 Party

31. Shri Prabhat Chandra Das,  
Plane Tabler, 35 Party

32. Shri Nani Ram Bhuyan,  
Plane Tabler, 35 Party

33. Shri Amiya Mohan Sarma,  
Plane Tabler, 35 Party

34. Shri Surendra Nath Deuri  
Plane Tabler, 35 Party

35. Shri Pradip Kumar Neog,  
Plane Tabler, 35 Party

36. Shri Sarat Chandra Boro,  
Plane Tabler, 35 Party

37. Shri Kiran Chandra Raya, DR -

Birendra Rajkumar

37. Shri Kiran Chandra Rava,  
Plane Tabler, 35 Party
38. Shri Noyan Chandra Boro,  
Plane Tabler, 35 Party
39. Shri Girindra Rabha,  
Plane Tabler, 35 Party
40. Shri Soneswar Rabha,  
Topo Auxiliary, 35 Party
41. Shri Atul Chandra Rabha,  
Plane Tabler, 35 Party
42. Shri Promod Chandra Mudoi,  
Plane Tabler, 35 Party
43. Shri Bijoy Sen Mech,  
Plane Tabler, 35 Party
44. Shri Ajendra Nath Sarma,  
Plane Tabler, 35 Party
45. Shri Harbilash Malkar,  
Plane Tabler, 35 Party
46. Shri Gobinda Borah,  
ASD/Man, 35 Party
47. Shri Akhil Chandra Kalita,  
ASD/Man, 35 Party
48. Shri Nasiruddin Ahmed,  
ASD/Man, 35 Party
49. Shri Aizuddin Ahmed,  
ASD/Man, 35 Party
50. Shri Biswajit Das,  
ASD/Man, 35 Party

51. Shri Madhab Chandra Das,  
ASD/Man, 35 Party

52. Shri Dipak Gohain,  
Topo Auxiliary, 35 Party

53. Shri Rahul Nag Chowdhury,  
Topo Auxiliary, 35 Party

54. Shri Debasish Dey,  
Plane Tabler, 35 Party

55. Shri Bhupen Bora,  
Plane Tabler, 35 Party

56. Shri Sudhan Ranjan Bhowmick,  
ASD/Man, 12 Party ((Now attached to 35 Party))

57. Shri Karlon Lamin, ASM/Man,  
12 Party

58. Shri Dhrubajyoti Bhattacharjee,  
Topo Auxiliary, 12 Party

59. Shri Ajay Kumar Dhar Chowdhury,  
Plane Tabler, 5 Party.

60. Shri Puna Ram Sonowal,  
Plain Table, 5 Party

61. Shri Dilip Chandra Bhandari,  
Plane Tabler, 5 Party.

62. Shri Umesh Kumar Pradhan,  
Plane Tabler, 5 Party.

63. Shri Amal Kumar Dutta Chowdhury,  
Plane Tabler, 5 Party.

64. Shri Paritosh Das Gupta,  
ASD/Man, 5 Party.
65. Shri Anil Bhandari  
ASD/Man, 5 Party.
66. Shri Amit Kumar Biswas,  
ASD/Man, 5 Party
67. Shri Kerious Sohtun,  
ASD/Man, 5 Party.
68. Shri Rishot Singh Kharchandi,  
ASD/Man, 5 Party.
69. Md. Abdul Malik,  
Plane Table, 5 Party
70. Shri Subrota Kumar Chakraborty,  
Plane Tabler, 5 Party
71. Shri Ajit Malakar,  
Plane Tabler, 5 Party
72. Shri Jashadhir Paul,  
Plane Tabler, 5 Party
73. Shri Karuna Sindhu Dhar,  
Plane Tabler, 5 Party
74. Shri Biman Roy Chowdhury,  
ASD/Man, 9 Party.
75. Shri Rajat Dutta Chowdhury,  
ASD/Man, 9 Party
76. Shri Ranjit Kumar Dutta,  
ASD/Man, 9 Party.
77. Shri Nilendu Kumar Mishra,

Plane Tabler, 80(P) Party

78. Shri Punya Brata Roy,  
Plane Tabler, 80(P) Party

79. Shri Tapan Kumar Chowdhury,  
Topo Auxiliary 80(P) Party

80. Shri Nilanjan Bhattacharjee,  
Plane Tabler, 80 (P) Party

81. Shri Fresslye Ofelus Thangkiew,  
ASD/Man, 80(P) Party.

82. Shri Partha Sarathi Gupta,  
ASD/Man, 80 (P) Party

83. Shri Nibaran Chandra Deb,  
Topo Auxiliary, NECO

84. Shri Subrata Nag,  
Topo Auxiliary, 81 Party

85. Shri Rajmoni Sinha,  
Plane Tabler, 81 Party

86. Shri Rapalung Kabur,  
Plane Tabler, 81 Party

87. Sri S.Bordoloi,  
Plane Tabler 35 Party

88. Sri Dwijendra Chandra Deb,  
Plane Tabler, 81 Party

89. Shri Malai Kanta Ghosh,  
Plane Tabler, 81 Party

90. Shri Sailendra Kumar Das,  
Plane Tabler, 81 Party

91. Shri Satyendra Kunar Nag,  
Plane Tabler, 81 Party

92. Shri Suhash Choudhury,  
Plane Tabler, 81 Party

93. Shri Sunil Kumar Das,  
Plane Tabler, 81 Party

94. Shri Niharendu Sen,  
Plane Tabler, 81 Party
95. Shri Haralal Das,  
Plane Tabler, 81 Party
96. Shri Uttam Kumar Mallik,  
Plane Tabler, 81 Party
97. Shri Nitish Chandra Dutta,  
Plane Tabler, 81 Party
98. Shri Ananta Kumar Das,  
Plane Tabler, 81 Party
99. Shri Braja Mohan Das,  
Plane Tabler, 81 Party
100. Shri Arabinda Mohan Paul,  
Plane Tabler, 81 Party
101. Shri Diresh Ranjan Chanda,  
Plane Tabler, 81 Party
102. Shri Pijush Kanti Sharma,  
Plane Tabler, 81 Party
103. Shri Srikrina Chakraborty,  
Plane Tabler, 81 Party
104. Shri Ajit Kumar Chowdhury,  
Plane Tabler, 81 Party
105. Shri Nripesh Ranjan Das,  
Plane Tabler, 81 Party
106. Shri Avik Sen Gupta,  
Plane Tabler, 81 Party
107. Shri Ranjit Purkayastha,

Topo Auxiliary, 81 Party.

108. Shri Bidhan Chandra Chakraborty,

Topo Auxiliary, 81 Party.

...Applicants

-AND-

1. The Union of India,

Represented by the Secretary to the  
Government of India,  
Ministry of Science and Technology  
New Delhi.

2. The Surveyor General

Survey of India  
Block B, Hathibarkala 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 praying for a direction upon the respondents to extend the benefit of the judgment and order dated 17.7.1997 passed in O.A. 52 of 1996 (Tulsi Ram Sharma & Ors. Vs. Union of India and Ors.) and also the benefit of judgment and order dated 7.2.2002 passed in O.A. 2094/2001 by the Principal Bench, New Delhi for grant of higher revised pay scale in terms of Office Memorandum dated 19.10.1994 issued by the Government of India, Ministry of Finance, Department of

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 applicant further declares 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 the applicants are citizens of India and as such they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. All the applicants are presently serving in the cadre of Grade II Air Survey Draftsman, Tabler, and Topo Auxilary in the office of the Director, Survey of India, N.E.Circle, Shillong in the pay scale of Rs. 4500-7000(Revised) (Revised Rs. 1350-2200).

4.2 That The applicants pray for permission to move this application jointly in a single application under Section 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules 1985 as the reliefs sought for in is application by the applicant are common, therefore they pray for granting leave to approach the Hon'ble Tribunal by a common application.

4.3 That the applicants in the instant case praying for extension of the benefit of the judgment and order dated 17.7.1997 passed in O.A. No. 52/1996 by this Hon'ble Tribunal, Guwahati Bench and consequential benefit in terms of para 2 (b)&(c) of the O.M. dated 19.10.1994.

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4.4 That all the applicants initially entered their services under the respondent nos. 2 and 3 as Topo Trainee, Type B (in short TTB). The requisite qualification for the post of Topo trainees Type B cadre was initially Matriculation with Mathematics, which is now amended and after amendment the educational qualification is now required PreUniversity (Intermediate) with Mathematics. In the Department of Survey of India Topo Trainee Type B cadre required 2 years rigorous training in the Survey Training Institute at Hyderabad. Be it stated that in Survey of India Topographical cadre consists of Air Survey Draftsman, Plain Tabler, Topo Auxiliary and Draftsman. All the above Topographical cadres being selected for recruitment by the same set of selection process with similar educational qualification and after initial selection all Topo Trainees Type B cadre are being sent for training in the same Survey Training Institute at Hyderabad. Duration of the rigorous training for the topographical cadre is two years, where those Topo trainees who are being screened as Draftsman for them the duration of training is one year in the Training Institute at Hyderabad. It is relevant to mention here that the cadre of Topo Trainee Type B is being made on 100% direct recruit basis. The pay scale of the TTB were Rs. 266430 per month, now revised to Rs. 3050-4590 during training period. After completion of training they are being designated either as Plain Tabler, Air Survey Draftsman or Topo Auxiliary or Draftsman depending upon their performance/ skill ness.

After completion of three years service with a good confidential report applicants are permitted to appear for trade test for selection in the cadre Grade-III, Air Survey Draftsman, Plain Tabler, Draftsman, Topo Auxiliary. However, in the event of their passing the trade test they are being placed in the higher grade of Grade-III, Air Survey Draftsman, Plain Tabler/Topo Auxiliary in the same manner as in the case of Draftsman.

Birendra Rai Mewat

However, the applicants after working in the cadre of Grade-III they attained the eligibility for appearing the Trade Test for selection for placement in the cadre of Grade II and if they come out successful then they are normally placed in the cadre of Grade II in the pay-scale of Rs. 425-600 corresponding revised pay scale Rs. 1350-2200 and also in the further revised scale of Rs. 4500-7000 as per recommendation of the 5th Central Pay Commission with effect from 1.1.1996.

It is pertinent to mention here that they are placed in the cadre of Grade-II, it takes near about 24 years for consideration of further promotion to the cadre of Draftsman Grade I provided vacancies are available. It is stated that there is hardly any chance for any further promotion in the cadre of Draftsman Grade I as the promotional scope is very limited for the applicants.

*AC & C  
app / Draftsman*

4.5 That the applicants beg to state that the Survey of India after recommendation of the IIInd Pay Commission the present applicants were in the pay scale of Rs. 205280 prior to 1.1.1973 and they were placed in the scale of Rs. 330-560 based on the recommendation of the IIInd Central Pay Commission. Be it stated that the IIInd Central Pay commission merged Category III & II Draftsman in the same pay scale of Rs. 330-560. However Government recommended the pay scale of Rs. 425-600 for Grade II AIR, Survey Draftsman/Plane Tabler/Topo Auxiliary although the IIInd Central Pay Commission recommended in para 81 (iii) of Chapter iv 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 Rs. 425-600 to the category III and II Draftsman in the Survey of India respectively. The scale of Rs. 425-600 granted to the applicants were placed in the corresponding revised scale of Rs. 1350-2200 by the IVth Central Pay Commission.

4.6 That it is stated that the basis of the praying for extension of the benefit of the judgment dated 17.7.1997 passed in O.A. No. 52 of 1996 is that the present applicants are integral part of the cadre of Topographical in Survey of India which is popularly known as Topographical cadre of Survey of India. Be it stated that in the Survey of India the Topographical cadre as a whole entrusted with very high standard of drawing works, compilation of Maps and Cartographic scribing work and they also require 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 with combined effort Topographical cadre of Survey of India. Those Maps are important and useful for defence purposes and all other Ministries, State Governments as well as for educational purposes and for Map users and leaders 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 with the joint effort of Topographical cadre in the survey of India. The Maps under preparation is to undergo the following various stages in the hand of Topographical cadres.

1. Projection
2. Plotting of Control points
3. Compilation (where necessary)
4. Mosacing
5. Drawing/Cartographic scribing/plastic relief mapping.
6. Preparation of Area Statement, and submission of area figures of Indian States/Union Territories for each Census of India.
7. Applicants have a very high standard of technical knowledge (for producing different

Birenda Ranjan

kind of maps and basic knowledge of field work.

This is being confirmed by the Circle Offices by means of Trade Tests periodically).

At the time of recruitment of the applicants the basic qualification was intermediate with Mathematics (Earlier Matric with Maths). After recruitment the applicants are subjected to two years of a very high standards course of training at Survey Training Institute at Hyderabad accompanying all the duties required as enumerated above. Applicants are particularly trained in the various instruments including the scribing instruments used for the purpose of fair drawing and mapping. For those specific training is being given at the Survey Training Institute at Hyderabad. It is relevant to mention here that the Trainees from other Central Government Organisations and also from abroad such as Sri Lanka, Nepal, Bhutan, Africa, Iran receive training in the aforesaid training Institute.

4.7 That your applicants further submitted that the Topographical cadre of Survey of India employed in various kinds of Map making, in which fair drawing/cartographic, scribing requires a high class of accuracy achieving the highest standard of precision mapping.

It is pertinent to mention here that in Survey of India has adopted the theory of Division of labour in the matter of fair mapping/Cartographic and scribing work with the combined efforts of entire Topographical grade; namely Air Survey Draftsman, Plain Tabler, Draftsman Topo Auxiliary and as a result all the above cadres are governed by the same set of rules, recruitment rules, recruitment qualification and also service prospects like those applicants (Draftsman) of O.A. 52 of 1996. Therefore, all the applicants are in fact discharging the similar duties and responsibilities like draftsman in Survey of India with their specific allotment of works, "following the theory of Division of Labour" although the individual working in the Topographical

Birendra Raj Kumar

cadres with different nomenclature and designation but discharging the similar duties in different stages of their works, but the ultimate object is production of very high standard of drawing works, compilation of maps and cartographic scribing and also required to carry out topographical drawing on various schemes and also require for production of Topographical Maps, Topographical Thematic Maps, Guide Maps, Tourist Maps, State Maps, three dimensional Plastic Relief Maps are generally prepared by the Topographical cadre of the Survey of India.

4.8 That it is stated that Survey of India vide Circular Order No. 435 (Administrative) dated 1st August 1950 framed rules relating to recruitment and promotion of Topographical and Map reproduction personnel in Division II of Class - III service of the Survey of India. The Class III service is broadly divided with the establishments as under :

- i. Topographical
- ii. Reproduction
- iii. Ministerial
- iv. Artificer

It appears from the aforesaid circular that Topographical and Map reproduction personnel are being governed by the same set of rules the class III service. It is further stated in the aforesaid circular dated 1st August 1950 as follows:

**"PART III. - 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 person domiciled in Goa, Daman, Diu; or
- iii. a subject of Sikkim; or
- iv. a subject of Nepal or of the State of Pondicherry; or
- v. a person of Indian origin who has migrated

Birendra Rai Naik

from Pakistan with the intention of permanently settling in India.

Provided that a candidate belonging to category (iv) or (v) above must be a person in whose favour a certificate of eligibility has been given by the Government of India and that if he belongs to category (v), the certificate of eligibility will be valid for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary may also be provisionally appointed subject to the necessary certificate being granted in his favour 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 25 (30 in the case of Scheduled Caste and Scheduled Tribe candidates) years of age at the time of entertainment as probationer.

(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 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.

*Birendra Raj Kumar*

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

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

N.B. - Specially suitable Class IV employees are eligible for appointment to Class III Service if they have the necessary technical and academic qualifications prescribed for the posts and are within the age limit. Such persons should, however, obtain "no objection" certificates from the Department and get themselves registered with the Employment Exchange. The appointments will be treated as direct recruitment and made subject to the rules relating to communal representation in services.

#### 6. Designations -

(i) Normally trainees will be engaged under designation Class

III- Topographical Trainees Type "B" on a fixed pay of Rs. 100 p.m. during the training period.

(ii) Men 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, men over 35 years will only be recruited in exceptional case.

(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

Birendra Rijijuwar

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 Planetabler.
- ii. Draftsman,
- iii. Topographical Auxiliary
- iv. Computer (Topographical),
- v. Record keeper
- vi. Store keeper (Topographical) and
- vii. Engraver

Trainees will normally be under training for three years. 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-Tablers 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 Draftsman 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

Birendra Ray Kumar

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 say it may by order, ~~for the~~ 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 which will take place, with effect from 1st January, a man 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 required 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".

It appears from the above circulars that Air Survey <sup>Topo Auxillary</sup> Draftsman, and Plain Tablers are being treated highly skilled personnel than the Draftsman of Survey of India and they require

Birendra Raj Kumar

to perform more arduous and complicated nature of works than the so called Draftsman of survey of India, but for the purpose of recruitment, service prospect, pay scale all the applicants including Topo Auxiliary are being treated at par with the Draftsman of Survey of India as because recruitment qualification, pay scale trade test for placement in the higher grade and promotion prospect were exactly similar with those applicants in O.A. 52 of 1996. As such they are entitled to similar benefit of higher revised scale of pay in terms of O.M. dated 19.10.1994 with all consequential service benefits in terms of Para 2 (b) & (c) respectively.

A copy of the circular dated 1st August, 1950 is enclosed as Annexure-1.

4.9 That it is stated that a mere reading of Survey of India's circular/Order No. 439 (Administrative) dated 1st August 1950, it would be evident that the nature of work of the present applicants are more sophisticated than the applicants in O.A. No. 52 of 1996, which would be evident from the assignment of work contained Circular Order No. 439 (Administrative) dated 1st August 1950.

A mere reading of the circular order No. 439 (Administrative) dated 1st August 1950 makes it clear that the present applicants who were working as Air Survey Draftsman, Plane Tabler and Topo-Auxiliary, with the similar recruitment test, educational qualification, same pay scale similar service prospect, right from the creation of the department of Survey of India and also entitled to the benefit of revised pay scale granted to the applicants of O.A. No. 52 of 1996 who are similarly situated like the present applicants. In this connection it is stated that the present applicabs were all along enjoying the same set of pay scale following the recommendations of different Central Pay Commissions constituted by the Government of India from time to time and the cadre of Air Survey Draftsman, Plane

Tabler, Topo Auxiliary and Draftsman were all along treated as a common cadre with same set of pay scale with similar service prospects and all the applicants were initially placed in the pay scale of Rs. 260-480 and at the end of third year they were treated for further classification like the applicants of O.A. No. 52 of 1996 and on passing the test the applicants were treated as Air Survey Draftsman Grade - III, Plane Tabler Grade-III and Topo Auxiliary Grade III. And thereafter at the ends of two years they were again trade tested for further classification as Grade II. Presently all the applicants are serving either in the cadre of Air Survey Grade-II, Plane Tabler Grade II or Topo Auxiliary Grade II in the pay scale of Rs. 425600, 1350-2200 (Pre revised) Rs. 4500-7000 (Revised). Residency period for placement in Grade III and Grade II is three years and two years respectively like the applicants of O.A. 52 of 1996.

In a nutshell the grades and pay scale are available as on 1.1.1973 was as under :

T.T.T. "B"	-	Rs. 260-350
Grade IV	-	Rs. 260-430
Grade III	-	Rs. 330-480
Grade II	-	Rs. 425-600
Division I (Gr.I)-	-	Rs. 425-700

Evolution of the above scales has a history of its own. Third Pay Commission had recommended the following pay scales as under which were revised after deliberations in the Anomaly Committee:

Recommended by the 3rd Pay Commission

Scales revised w.e.f.  
1.1.73 vide Ministry of  
Finance letter dated  
19.3.77

sqf  
Draftsman  
II

CPWD  
-350  
-560  
Draftsman  
-415  
-700

✓

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Govt. 15

T.T.T. "B"	-	Rs. 260-350	T.T.T.T. - 260-350
Grade V	-	Rs. 260-430	Grade IV - 260-430
Grade IV	-	Rs. 330-480	Grade III - 330-480
Grade III	-	Rs. 330-560 but accepted 425-600 for	Grade II

Grade II

Division I - Rs. 425-700 Division I - 425-700

The applicants further submitted the history of the case for CPWD Draftsman. The scales recommended by the Third Pay Commission and accepted by the Govt. is as under

Draftsman - Grade - III Rs. 260-430 CPWD 330 - 560

Draftsman - ✓ Grade - II Rs. 330-560 425-700

Draftsman - Grade - I Rs. 425-700 550-750

CPWD Draftsmen disputed the above scales and culminated in Arbitration Award; the following replacement scales were accepted and implemented for CPWD Draftsmen;

Draftsmen Grade-III	-	Rs. 330-560
Draftsmen Grade II	-	Rs. 425-700
Draftsmen Grade-I	-	Rs. 550-750

18.3.1984

By the order dated 19.10.1994, replacement scales for the Arbitration Award scales were given. Besides, the benefits of these scales were extended to similarly placed Draftsmen of other Central Government organisation irrespective of their recruitment qualification".

A mere reading of the above table it is crystal clear that the applicants were enjoying the same pay scale like those applicants of O.A. 52/96 and the applicants are

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entrusted with the real job of Draftsmanship only designation/nomenclature of the present applicants are different and in fact this has been done following the policy of Division of Labour adopted by the respondent Union of India. Therefore, the benefit of judgment and order dated 17.7.1997 passed by the Hon'ble Tribunal in O.A. No. 52/96 cannot be denied to the present applicants by the respondent Union of India.

A copy the Extract of the circular order No. 439 dated 1.8.1950 is annexed as **Annexure-2**

4.10 That the applicants beg to state that the Government of India agreed to revise the scale of pay of the Draftsman Gr. I, II and III of the Central Public Works Department following an award of Board of Arbitration as follows :

Revised Scale	Original Scale
Draftsmen Grade-I -	Rs. 425-700
Draftsmen Grade II -	Rs. 330-560
Draftsmen Grade-III -	Rs. 260-430
	Rs. 550-750
	Rs. 425-700
	Rs. 330-560

This benefit of revision of pay scale was given notionally with effect from 13.5.1982 and actual benefit being allowed with effect from 1.11.1983. 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 Draftsmen of other Central Offices, and on the basis of that request Government set up a committee of National council (Joint Consultative Machinery) to consider the request of the staff side and finally agreed and recommended 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.9(59-N.III/83 dated 13.3.84 issued by the Ministry of Finance, Government of

India, Department of Expenditure and granted the benefit notionally with effect from 13.5.1982 and actual benefit was allowed with effect from 1.11.1983.

However, this benefit is extended only to the Draftsman in other Central Government Offices provided their recruitment qualification are similar to those prescribed in the case of Draftsman in C.P.W.D. Therefore the benefits of Office Memorandum dated 13.3.1984 was not extended to the present applicants.

A copy of the Memorandum dated 13.3.1984 is annexed as Annexure - 3.

4.11 That after the issuance of the Office Memorandum dated 13.3.1984 Draftsman working in many Central Government offices were excluded from the benefit of the Office Memorandum dated 13.3.1984. 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 extended through Office Memorandum dated 13.3.1984 in the other Central Government Offices irrespective of their recruitment qualification and also demanded to extend the benefit with retrospective effect notionally from 13.5.1982 and actually from 1.1.1983.

The Government of India vide Office Memorandum No. 13 (1)-IC/91 dated 19.10.94 issued by the Government of India, Ministry of Finance, Department of Expenditure whereby Government of India extended the benefit of revised pay scale which was initially granted through Office Memorandum dated 13.3.1984 to all the Draftsman Grade I, II and III and in all Government of India Offices irrespective of their recruitment qualification. The relevant portion of the Office Memorandum dated 19.10.1994 is reproduced below :

"2. The president is now pleased to decide that the

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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 7 yrs placement from the post carrying scale of Rs. 975-1540 to Rs. 1200-2040 (pre-revised Rs. 260-430 to 330-560)
- b. Minimum period of service for 5 yrs. placement from the post carrying scale of Rs. 1200-2040 to Rs. 1400-2300 (pre-revised Rs. 330-560 to 425-700)
- c. Minimum period of service for 4 yrs 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 Draughtsmen 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.
4. The benefit of this revision of scales of pay would be given with effect from 13.5.1982 notionally and actually from 1.1.1983."

The above scheme and revision of pay scale laid down in para 2 of the Office Memorandum dated 19.10.1994 formulated to place the working Draftsman of other Central Government offices other than

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the Draftsman working in C.P.W.D. with the intention to replace them in a better pay scale and 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 19.10.1994 the Government of India, Ministry of Science & Technology, Department of Science and Technology vide their letter No. 1-12/93 dated 11.11.1994 issued the same addressing the Surveyor General of India Hathibarkala Estate, Dehradun wherein it is stated that the O.M. dated 19.10.1994 is forwarded on the subject of revision of pay scales of Draftsman of 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 C.P.W.D. for information, guidance and necessary action. But surprisingly the Surveyor General of India did not take any action as regard implementation of O.M. dated 11.9.1987 and also dated 19.10.1994. As such the present applicants are being deprived of their legitimate claim for pay parity with the Draftsman working in other Central Government Offices, the nonimplementation of the O.M. dated 11.9.1987 as well as 19.10.1994 resulted indiscrimination and the action of the respondents are violative of Article 14 and 16 of the Constitution of India.

A copy of the O.M. dated 19.10.1994 is annexed as  
**Annexure-4.**

4.12 That the Air Survey Draftsman, Plane Tabler and Topo Auxiliary working in the Survey of India are in fact entrusted with very high standard of Drawing Works, compilation of Maps, Cartography Scribing and they are required to carry out Topographical Drawing on various scales 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

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are generally prepared with the combined efforts of Air Survey Draftsman, Plane Tabler, Draftsman and Topo Auxiliary. These maps are important and useful for defence and all other ministries of the Government of India, State Governments as well as for educational purposes and for map users and readers in general. All the above maps are prepared by the fair drawing of Cartographic Scribing techniques. The fair mapping in both the methods used are mainly carried out by the Air Survey Draftsman, Plane Table, Topo Auxiliary and Draftsman with their combined efforts.

4.13 That it is stated that the present applicants are in fact discharging as draftsmanship work in the Survey of India with different nomenclatures but entrusted with more complicated and arduous nature of works in the same establishment in the department of Survey of India. It is pertinent to mention here that the present applicant are required to work in the field, in different areas, terrain in the high hills, mountains across the river while applicants in O.A. 52 of 1996 simply requires to work in their respective regional Headquarter office.

It is relevant to mention here that the entire draftsmanship work has been distributed among the Topographical cadre, with different designations and nomenclature on the basis of principle laid down as per policy of division of labour as such the present applicants are part and parcel of the establishment of Survey of India and therefore entitled to similar benefit of revised pay scale in terms of Office Memorandum dated 19.10.1994 bearing O.M. No. 13 (1)-(I)C/91 issued by the Government of India, Ministry of Finance.

It is submitted that the 79 Draftsman of Survey of India approached this Hon'ble Tribunal through O.A. No. 52/1996 (Tulsi Ram Sarma & Ors Vs. Union of India & Ors) claiming the benefit of higher revised pay scale of Rs. 425-700 and other consequential benefit in terms of O.M. dated 19.10.1994 as referred above and the said benefit was granted by the Hon'ble Tribunal to those applicants who were working as Draftsman in the establishment of

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Survey of India vide Judgment and order dated 17.7.1997 in O.A. No. 52 of 1996 was duly contested by the present respondents. However, on perusal of the records, the matter was decided in favour of the present applicants by this Hon'ble Tribunal and the said matter was again carried on appeal by the same respondents before the Hon'ble High Court as well as before the Hon'ble Supreme Court. The Hon'ble High Court vide judgment & order dated 31.7.1999, upheld the decision of the Hon'ble Tribunal dated 17.7.1997 and the same was further confirmed by the Hon'ble Supreme Court vide order dated 31.3.2000 by dismissing the Special Leave Petition preferred by the respondents.

Copy of the Judgment and order dated 17.7.1997 passed in O.A. 52/96, Judgment and order dated 31.7.99 passed by the Hon'ble High Court in Civil Rule No. 4283/97 and the Hon'ble Supreme Court order dated 31.3.2000 are enclosed as Annexure-5,6, and 7 respectively for perusal of the Hon'ble Tribunal.

4.14 That it is stated that the present applicants are similarly circumstances like those applicants in O.A. 52/96 and following the principle of doctrine of equal pay for equal work. The applicants are entitled to higher revised pay scale in terms of O.M. dated 19.10.1994 with all consequential benefit and also in terms of judgment and order dated 17.7.1997 passed in O.A. 52/96 by this Hon'ble Tribunal.

4.15 That your applicants categorically stated that they are discharging similar duties and responsibilities like those applicants in O.A. No. 52/96 and also performing similar nature of work and the recruitment qualification, pay scale, service prospects are also similar to the Draftsman working in the Survey of India, simply nomenclatures of the applicants are different. As such they are entitled to the benefit of the pay scale contained in O.M. dated 19.10.1994 in terms of the judgment and order dated 17.7.1997 passed in O.A. No. 52 of 1996.

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4.16 That your applicants begs to state that the respondents while disposing the representation of Sri TulsiramSarma & Others, Draftsman working in the Survey of India, following a direction passed by this Hon'ble Tribunal in O.A. No. 135/95 on 20.7.1995. It is contended in their order bearing letter No. SM/06/001/95 dated 31st January 1996 as follows :

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 plane tablers, 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 Certificate/diploma in Draughtsmanship. Further the promotions in the Survey of India from the level of Rs. 260-350, Rs. 260-430, 330-480 upto 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 Draughtsmen get promotion on passing departmental examination after completion of fixed tenure of service and got promotion without linkage to vacancies at higher level.

4. It would thus be seen on the one hand the Draughtsmen in Survey of India re not

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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 organisation are required to handle varied types of draughtsmanship related jobs whereas the Draughtsman in GOI 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/Departments or Organisation cannot automatically be made applicable to Draughtsmen in Survey of India.

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

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the benefits already accrued to the employees of SOI which may not hold good.

6. The above issues 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, Government of India dated 19.10.1994. All the applicants in the O.A. No. 135/95 dated 20.7.1995 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."

It is quite clear from the above order dated 31.1.1996 that the respondents of their own admitted that 'Draftsman in Survey of India is a part of the Topographical cadre which includes other employees like Plane Tablers, Topoauxiliary, air survey draftsman, Survey Assistants, Topo Computers etc. The qualification for recruitment is kept as intermediate with Mathematics as one of the subjects'. Therefore it is established beyond all doubts that the present applicants are also falls within the definition of "Draftsman" as such the applicants are very much entitled to the benefits of Higher revised scale contained in the O.M. dated 19.10.1994.

A copy of the order dated 31.1.1996 issued by the Joint Secretary Government of India is annexed as Annexure -8.

4.17 That, it would be worth mentioning in a similar context the Principal Bench of the central Administrative Tribunal New Delhi, 3.12.1999 in O.A. No. 572 of 1996, wherein it was held that

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"Equality is the first principle of justice when a particular benefit is granted to employees of one department of the Government of India, the same cannot be denied to other similarly placed employees of other department under the same Government. It would otherwise violative of Article 14 and 16 of the Constitution and will be against the spirit of justice."

4.18 That this Hon'ble Bench while deciding a similar case of discrimination in the matter of grant of pay scale on 25 February 2000 in RA No. 15 of 1998 had relied upon the principle outlined in Apex Court decision especially in Randhir Singh Vs. Union of India and Others (1982- 15CC-618) wherein it has been held that "the true equation of posts and equal pay are matters primarily for the Executive Govt. And expert bodies like Pay Commission and not for Courts, but where all things are equal that is where all relevant considerations are same, persons holding identical posts may not be treated differently in the matter of their pay merely because they belong to different department."

4.19 That it is stated that as per the latest recruitment rule for Group C, Division II, staff of Survey of India, at i.e. T.T.T.B (Topo Trainees Type B) with qualification of Intermediate with mathematics, Air Survey Draftsman and Plane Tabler gets 100 weeks training in STI Hyderabad for different types of field survey works i.e. Plane Tabling in different scales, Photo verification, levelling and fair mapping work and Scribing Modern Cartography which costs Rs. 2.4 lacs as per training and being paid scale of pay of Rs. 3050-4590 (Revised) during training period and T.T.T.B (Trainee Type B) gets one year training in Map reproduction office, whereas T.T.T.B.Draftsman with similar recruitment qualification get 52 weeks training in fair mapping job in STI, Hyderabad. As such costs of training of the Draftsman is much lesser than the other topographical cadres. As such other topographical cadres are also entitled to similar benefits of O.M. dated 19.10.1994.

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4.20 That all the applicants submitted their representations individually before the Secretary, Ministry of Science and Technology, Government of India, New Delhi through proper channel praying inter alia for extension of benefit of revised higher pay scale in terms of the judgment and order dated 17.7.1997 passed in O.A. 52 of 1996. Contents of all the representation were same. Most of the representations were submitted during the month of December, 2001 but the respondents did not take any action on the said representations as a result, the applicants are incurring huge financial loss in each and every month whereas the applicants of O.A. 52 of 1996 has already been granted the benefit of higher revised scale in terms of O.M. dated 19.10.1994 following the judgment and order delivered by the Hon'ble Tribunal in O.A. No. 52 of 1996 on 17.7.1997. As such cause of action is arising on each day, each month for non payment of higher revised salary to the applicants. In view of the above factual position the applicants have no other alternative approaching this Hon'ble Tribunal for protection of their valuable legal rights and the Hon'ble Tribunal be pleased to direct the respondents to extend the benefit of higher revised pay scale to the applicants in terms of the judgment and order passed in O.A. No. 52 of 1996 dated 17.7.1997 and also in terms of the O.M. dated 19.10.1994 referred to above. The applicants also pray that the Hon'ble Tribunal be pleased to further direct the respondents to grant the consequential higher revised scale in terms of para 2 (b) & (c) of the O.M. dated 19.10.1994. In this connection it is relevant to mention here that in the case of Tulsiram Sarma & Ors. (O.A. No. 52/96) the respondents confined the benefit of O.M. dated 19.10.1994 to the extent of para 2 (b) but denied the consequential benefit in terms of para 2 (c) and in such compelling circumstances those applicants in O.A. 52/96 again approached this Hon'ble Tribunal by way of filing a fresh Original Application praying for a further direction upon the respondents for extension of the benefit of higher revised scale in terms of

para 2 (c) of the O.M. dated 19.10.1994 and the said O.A. is pending before the Hon'ble Tribunal for hearing. // ?

A few copies of the representations dated 24.12.2001 are annexed hereto and the same are marked as **Annexure- 9** series.

4.21 That it is stated that the present applicants were all along enjoyed the same pay scale as enjoyed by the Draftsman Grade II before implementation of the judgment and order dated 17.7.1997 passed in O.A. 52 of 1996. The following detail particulars regarding scale of pay recommended and given by the respondents to the present applicants since 2nd Central Pay Commission along with recruitment qualification are furnished hereunder for perusal of the Hon'ble Tribunal. ✓

**PARTICULAR OF PAY SCALE OF THE APPLICANT (TOPO GRAPHICAL CADRES)  
IN THE SURVEY OF INDIA ARE FURNISHED HEREUNDER :**

Post	Recruitment Qualification	Pay recommended by the 2nd CPC	Pay recommended by the 3rd CPC	Pay recommended by the 4th CPC	Pay recommended by the 5th CPC
Div.II, Gr.II, Topo side ASD/Man/Pl n-/Topo Aux	Intermediate with Science & Maths + 2 years training	Rs. 205-280	Rs. 425-600	Rs.1350- 2200	Rs. 4500- 7000

✓ It is quite clear from the above table that the present applicants were all along treated at par in all respects including pay scales, nature of job, duties and responsibilities and recruitment qualification. As such the applicants are entitled to benefit of higher pay scale as that of the applicants in O.A. No. 52 of 1996.

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4.22 That it is stated that in the similar facts and circumstances the similarly situated applicants who were working as scribe in Geological Survey of India approached the Hyderabab Bench of the Central Administrative tribunal Through O.A. No. 66 of 1989 claiming parity of pay scale with the Draftsman of C.P.W.D. in terms of O.M. dated 13.3.1984 issued by the Government of India, Ministry of Finance, New Delhi. However, the Hyderabab Bench of the Hon'ble Tribunal decided the said Original Application in favour of those applicants on 11.4.1991 holding that since those applicants are discharging more higher duties and responsibilities than the draftsman of C.P.W.D.

Similarly, the other Draftsman in Survey of India in other regions of the country approached through their Association, namely, Draftsman (Cartographic) Association, Survey of India, New Delhi through Original Application No. 2094/2001 before the Central Administrative Tribunal, Principal Bench, New Delhi. The said Original Application was also decided by the C.A.T. Principal Bench in favour of those applicants vide judgment and order dated 7.2.2002 directing the respondents to extend benefit of the Office Memorandum dated 19.10.1994 to those applicants and disposed of the said O.A. with a cost of Rs. 5000.00 (Rupees five thousand).

A copy of the judgment and order dated 11.4.1991 and Judgment and order dated 7.2.2002 are annexed hereto and the same are marked as **Annexure - 10 and 11** respectively.

4.23 That it is a fit case for the Hon'ble Tribunal to interfere with to protect the rights and interests of the present applicants by passing an appropriate direction upon the respondents to extend the benefit of higher revised scale of pay contained in para 2 (b) and (c) of the office memorandum dated 19.10.1994 with all consequential benefits or alternatively to direct the respondents to consider of higher revised pay scale as granted to the similarly situated employees i. e. applicants of O.A. No. 52/96 with all consequential service benefits.

4.24 That it is stated that the Director (Administration and Finance) on behalf of Surveyor General of India long back wrote a letter to the Secretary to the Government of India, Ministry of Science & Technology (Science & Technology) vide letter bearing No. -J 7162/2168-Arbitration dated 16.2.1996 strongly recommended for grant of revised pay scale to Draftsman, Air Survey Draftsman, Plane Tabler, Topo Auxiliary in terms of O.M. dated 19.10.1994. While recommending the revised scale the Surveyor General of India categorically stated as follows :

"It is also brought to the notice of the Department that in Survey of India there are other trades like Plane Tablers/Air Survey Draftsman/Topo Auxiliary/ Topo Computers who are also recruited, trained and promoted on the same lines as D/man. The job of the draftsman is Cartography throughout a year whereas Plane Tablers and Air Survey Draftsman etc. carry out survey work during the field season and during the recess they also carry out cartographic work as done by the Draftsman. As such it is requested that those orders may also be made applicable to the other Topo trades of Survey of India as their pay scales and responsibilities are similar to that of Draftsman."

In view of the above categorical recommendation of the Surveyor General of India, the applicants are also entitled to the revised scale of pay in terms of O.M. dated 19.10.1994 with all consequential benefits in terms para 2 (b) and (c) of the said O.M.

A copy of the letter dated 16.2.1996 is annexed as Annexure-12.

4.25 That this application is made bona fide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

5.1 For that there have been glaring disparity in the matter of grant of pay scale to the applicants by the Respondents which has resulted in discrimination amongst similarly placed employees thereby, there has been violation of article 14 of the constitution of India which enjoins the State not to deny any person equality before the law.

5.2 For that Air Survey Draftsman, Plane Tabler and Topo Auxiliary were getting all along equal pay scale like the Draftsman working in the Survey of India but the duties of Air Survey Draftsman, Plane Tabler and Topo Auxiliary entails higher responsibility than the Draftsman of Survey of India under same working condition and under same respondents in the same establishment. As such the applicants are entitled to the similar higher revised pay and allowances like the Draftsman serving under the respondents in terms of O.M. dated 19.10.1994 and in terms of the judgment and order dated 17.7.1997 passed in O.A. 52 of 1996. (Sri Tulsi Ram Sarma & Ors. Vs. U.O.I. & Ors.).

5.3 For that the higher revised pay scale in terms of para 2 (b) of O.M. dated 19.10.1994 issued by the Govt. of India, Ministry of Finance, Department of expenditure has already been granted to the Draftsman working under the present respondents, as such the applicants are also entitled to similar higher revised pay scale in terms of para 2 (b) and (c) of the O.M. dated 19.10.1994.

5.4 For that the recruitment qualification, scale of pay, nature of job, duties and responsibilities, service prospects of the applicants as well as Draftsman working in the Survey of India were all along identical prior to grant of higher revised scale in terms of O.M. dated 19.10.1994, as such

applicants are also entitled to similar benefit of higher revised pay scale in terms of O.M. dated 19.10.1994.

- 5.5 For that the nature of job of the present applicants in fact superior and higher than the Draftsman working in the Survey of India.
- 5.6 For that the case of the applicants is covered by the judgment and order dated 11.4.1991 passed in O.A. 66/89 by the Hon'ble C.A.T. Hyderabad Bench wherein it is held that Scribing is a major duty of a Draftsman along with drawing as well as mapping work and the scribing work is more sophisticated than the drawing work therefore the applicants have been similarly placed like those of applicants in O.A. 66/1989. ✓
- 5.7 For that the applicants cannot be denied the benefit of higher revised pay scale merely on the ground that the designation/nomenclature of the applicants are different. Otherwise it will be violative of Article 14 and 16 of the Constitution. ✓
- 5.8 For that the applicants also perform the same work of mapping, scribing, drawing, cartographic scribing, projection, compilation (where necessary, Mosaicing and the applicants are integral part of topographical cadre which was fairly admitted by the present respondents in their letter bearing no. SM/06/001/95 dated 31.1.1996 while disposing the representations of the applicants of O.A. 52 of 1996. ✓
- 5.9 For that the applicants discharging higher duties and responsibilities and performing more sophisticated nature of job than those Draftsman Grade II of CPWD, as such applicants are entitled to be treated at par with Grade II Draftsman of CPWD as because they have already attained the

required eligibility for grant of benefit of higher revised pay scale in terms of O.M. dated 19.10.1994.

5.10 For that the nature of work discharging by the present applicants in the capacity of Air Survey draftsman, Plane Tabler, Topo Auxiliary also reflected in the circular no. 439 (Administrative) dated 1st August, 1950 wherein it would be evident that the nature of job of the applicants are more sophisticated than the Draftsman serving in the Survey of India and C.P.W.D. As such applicants are entitled to be treated at par with the Draftsman in all respects working in the Survey of India including parity of pay.

5.11 For that this Hon'ble Bench while deciding a similar case of discrimination in the matter of grant of pay scale on 25 February 2000 in RA No. 15 of 1998 had relied upon the principle outlined in Apex Court decision especially in Randhir Singh Vs. Union of India and Others (1982:150C-618) wherein it has been held that " the true equation of posts and equal pay are matters primarily for the Executive Govt. And expert bodies like Pay Commission and not for Courts, but where all things are equal that is where all relevant considerations are same, persons holding identical posts may not be treated differently in the matter of their pay merely because they belong to different department."

6. Details of remedies exhausted.

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

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

The applicants further declares that they had not previously filed any application, Writ Petition or Suit regarding the

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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 issue notice to the respondents to show cause as to why the reliefs sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs

8.1 That the respondents be directed to grant the higher revised pay scale to the applicants contained in para 2 (b) and (c) of the Office Memorandum dated 19.10.1994 (Annexure-4) with immediate effect with all consequential benefits and also in the light of the judgment and order dated 17.7.1997 in O.A. No. 52 of 1996.

8.2 That the Hon'ble Tribunal be pleased to declare that the applicants are also entitled to grant of higher revised pay scale and pay parity at par with the Draftsman (applicants of O.A. 52/1996) working in the Survey of India.

8.3 Costs of the application.

8.3 Any other relief or reliefs to which the applicant is entitled to, as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

Birendra Rayamajhi

During pendency of this application, the applicant prays for the following relief :-

- 9.1 Hon'ble Tribunal be pleased to make an observation that pendency of this application shall not be a bar for the respondents to extend the benefit of revised pay scale to the applicants in terms of the O.M. dated 19.10.1994 and in the light of the judgment and order dated 17.7.1997 in O.A. No. 52/1996 passed by this Hon'ble Tribunal.
10. This application is filed through Advocates.
11. Particulars of the I.P.O.
  - i) I.P.O. No. : 7Gz 549484
  - ii) Date of issue : 30/4/02
  - iii) Issued from : G.P.O., Guwahati.
  - iv) Payable at : G.P.O., Guwahati.
12. List of enclosures.  
As stated in the index.

Birendra Rayamajhi

VERIFICATION

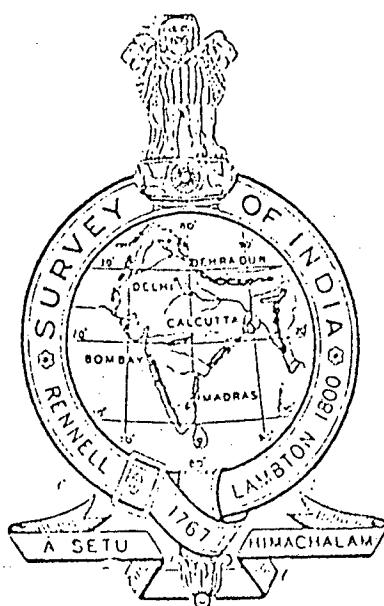
I, Sri Birendra Rajkumar Son of late Nilmani Rajkumar, aged about 44 years, working as Plane Table Grade II in the office of the 9 Party (NEC), Survey of India, Shillong do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 2nd day of May, 2002.

*Birendra Rajkumar*

SURVEY OF INDIA

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## CIRCULAR ORDER No. 435 (Administrative)

Dated 1st August 1950

(Corrected up to 31st March 1963)

### SUBJECT

RULES RELATING TO RECRUITMENT AND PROMOTION  
OF TOPOGRAPHICAL AND MAP REPRODUCTION  
PERSONNEL IN DIVISION II OF THE CLASS III  
SERVICE OF THE SURVEY OF INDIA

PUBLISHED BY ORDER OF  
THE SURVEYOR GENERAL OF INDIA

PRINTED AT THE SURVEY OF INDIA OFFICES (P.Z.O.), DEHLIA DUN, 1063

*Allen*  
*D.S. A.*

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SURVEY OF INDIA

CIRCULAR ORDER No. 435 ( Administrative )

Dated 1st August 1950  
( Corrected up to 31st March 1963 )

**SUBJECT.**—*Rules relating to recruitment and promotion of Topographical and Map Reproduction personnel in Division II of Class III 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 Class III Service, Survey of India.**—The Class III 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

*Grade I.—*

( i ) Surveyors, Grade I. ( 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.

*Grade II.—*

( vii ) Surveyors, Grade II.  
( viii ) Observatory Assistants.

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

Rules relating to Division I, Class III personnel will be found in C.O. 436.

*Deleste and  
D.S. J. A.*

## 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 CLASS III SERVICE.

The establishment on which these personnel are borne are unsixed 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-tablet, 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 V    Rs. 110-3-131-4-155 E.B. 4-175-5-180.

Grade IV    Rs. 110-4-150 E.B. 4-170-5-180 E.B.-5-225.

Grade III    Rs. 150-5-175-6-205 E.B. 7-240.

Grade II    Rs. 205-7-240-8-280.

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.

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## 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 person domiciled in Goa, Daman, Diu ; or
- (iii) a subject of Sikkim ; or
- (iv) a subject of Nepal or of the State of Pondicherry ; or
- (v) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India.

Provided that a candidate belonging to category (iv) or (v) above must be a person in whose favour a certificate of eligibility has been given by the Government of India and that if he belongs to category (v), the certificate of eligibility will be valid for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary may also be provisionally appointed subject to the necessary certificate being granted in his favour by the Government.

(b) *Educational qualifications*.—The minimum qualifications should be Matriculation or equivalent. <sup>With Inter Maths</sup> ~~Amendment dated 1-5-59~~

*N.B.*—This ( Matriculation or equivalent qualification ) will not apply to persons recruited up to 1-5-59.

(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.

(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 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.*—Specially suitable Class IV employees are eligible for appointment to Class III Service if they have the necessary technical and academic qualifications prescribed for the posts and are within the age limit. Such persons should, however, obtain "no objection" certificates from the Department and get themselves

registered with the Employment Exchange. The appointments will be treated as direct recruitment and made subject to the rules relating to communal representation in services.

6. Designations.—

- (i) Normally trainees will be engaged under the designation Class 11s—Topographical Trainees Type 'B' on a fixed pay of Rs. 100 p.m. during the training period.
- (ii) Men 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, men 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 Planetabler,
- (ii) Draftsman,
- (iii) Topographical Auxiliary,
- (iv) Computer (Topographical),
- (v) Record-keeper,
- (vi) Store-keeper (Topographical) and
- (vii) Engraver.

Trainees will normally be under training for three years. 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-tables 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 alongwith other Draftsman 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 which will take place, with effect from 1st January, a man 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.

Class III 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.)

#### 1. (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).

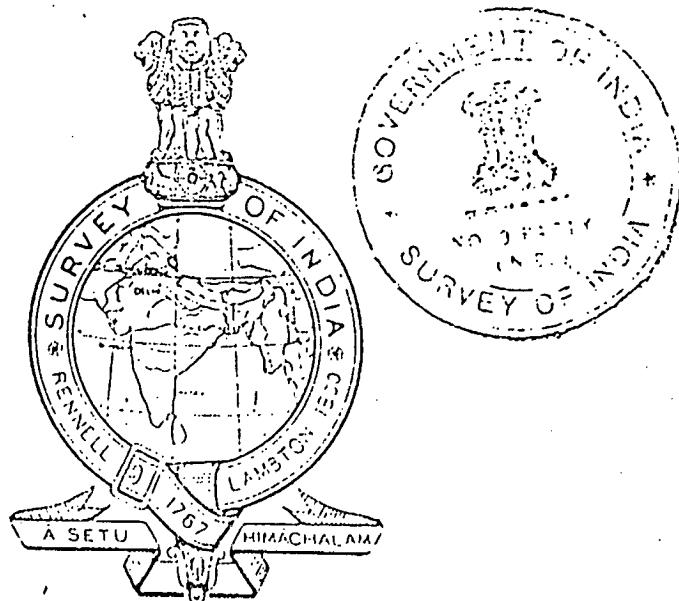
- (iv) Appointments will be made by direct recruitment; suitable Computers (Topo.) may also be promoted to this grade, subject to passing the prescribed trade test laid down for Computers (Trig.).

*Alles fair  
SS. Jolwani*

- 49 - *Amnophelis 2*

O, C No 9 Party (N.E.)

## SURVEY OF INDIA



**CIRCULAR ORDER No. 439 (Administrative)**

Dated the 1st August 1950

( Corrected up to 30th September 1961 )

SUBJECT

QUALIFICATIONS AND TRADE TESTS  
FOR  
CLASS III TECHNICAL PERSONNEL

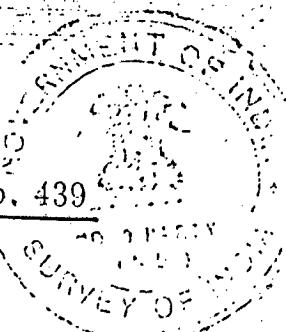
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1961  
Peter and  
D. D. Adie

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APPENDIX TO CIRCULAR ORDER No. 439



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*Revised  
D. S. P. D.*

SURVEY OF INDIA  
CIRCULAR ORDER No. 439 (Administrative)

Dated the 1st August, 1950.

(Corrected up to 30th September, 1964).

**SUBJECT.—Qualifications and Trade Tests for Class III Technical Personnel.**

1. Those orders are issued in amplification of Circular Orders Nos. 435 and 436; and supersede the orders in Circular Orders Nos. 307 and 422 relating to technical qualifications. They do not apply to those whose conditions of service are governed by C.O. 437.

2. The grade of an individual in the Class III Service may be changed to a higher one in the following circumstances:

(a) *On promotion by selection.*—All promotions to posts/grades in para 3 below are by selection by a D.P.C. from amongst the personnel in the next lower grade. In the case of unfixed establishment grade promotions will depend on skill, ability to take extra responsibility, etc., and not on the filling of a specific vacancy.

No individual has a right to promotion to any post or grade which under rule 3 is specified as one which will be filled by selection.

(b) *On Regradation.*—This is effected in recognition of technical competence. Any individual in Class III will be eligible to be regraded under rule 6 below to the next higher grade if he is qualified under the Appendix to these rules and if he is considered that he has sufficient experience by virtue of length of service in his present grade.

3. The following posts, grades and divisions in Class III when not filled by direct recruitment will be filled by promotion by selection:—

- (a) Grade I of Division I in both Topographical and Map Reproduction establishments under C.O. 436.
- (b) Selection grades in all Division I posts in Topographical and Map Reproduction establishments under C.O. 436.
- (c) Grade II posts in Division II in Topographical and Map Reproduction establishments under C.O. 435, where no trade tests or qualifications are laid down for this grade in the Appendix to these rules.
- (d) Promotions to certain other grades in Division II are also made by selection. These are specifically mentioned in the Appendix.

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APPENDIX TO CIRCULAR ORDER No. 439

Trade qualifications and/or tests for all grades and posts of the Topographical and Map Reproduction personnel in the Group 'C' Service, Division II, are laid down in this Appendix.

The various trades have been classified into two main groups, viz. (A) Topographical and (B) Reproduction and are enumerated below showing the grades to which each trade is limited.

GROUP A.—TOPOGRAPHICAL ESTABLISHMENT, DIVISION II

Trades	Classification	Qualifications and/or tests
GRADES IV TO II		
1. <i>Air Survey Draftsman.</i>	Grade IV.	Must be able to :—
		(i) Understand different types of air photographs and how to handle, list and sort them systematically.
		(ii) Understand the properties, uses and handling of Kodatrace.
		(iii) Understand, explain or describe elementary terms and definitions used in air survey.
		(iv) Index air photographs.
		(v) Stereo air photographs perfectly.
		(vi) Use all types of stereoscope commonly met within the department (only so far as they are used for the interpretation of detail and contours).
		(vii) Carry out the construction of minor control plots (including the solution of triangles of error and the fixing of points on or near principal point bases).
		(viii) Produce a combined survey of detail and contours from vertical photos, at the rate of 45-70 square miles per month depending on the type of terrain on the one-inch scale. The area will vary in inverse proportion with the square of the scale square (expressed in inches to the mile) of survey.
TESTS		
For (i) Given—a miscellaneous assortment of photographs (verticals, obliques, contacts and enlargements—glossy and matt)—together with		

(Continued)

## GROUP A.—TOPOGRAPHICAL ESTABLISHMENT, DIVISION II

## Trades Classification Qualifications and/or tests

1. *Air Survey* Grade II.  
*Draftsman.*

carrying out, operation in the manner laid down.

(c) In cases where a particular tradesman has no opportunity to gain training or experience in a particular process of secondary importance (such as triple strip photography) it should be left to the O.C. Unit to decide whether he is sufficiently able to qualify if he were given the opportunity. In that case he could be passed.

(d) The qualifications (and tests) are based on methods at present generally employed in the Department. When other methods are used in the future, alternative qualifications (and tests) will have to be added. In units at present using the slotted template method of combination, that method should be substituted for the graphical one contained herein.

(ii) *Special Note regarding Tests.*

The tests demand a high standard of neatness and accuracy and the correct use of symbols and colours as laid down departmentally.

## GROUP A.—TOPOGRAPHICAL ESTABLISHMENT, DIVISION II

Trades	Classification	Qualifications and/or Tests
GRADES IV TO II		
2. Plane-tabler.	Grade IV.	<ul style="list-style-type: none"> <li>(i) Should be able, on first classification after the initial period as a trainee to plane-table with accuracy with an out-turn of from 12 to 30 square miles a month on the 1-inch scale, according to nature of country.</li> <li>(ii) His drawing in the field, colour and height traces should be sufficiently neat and clear to be fit for fair mapping.</li> <li>(iii) Should be able to keep his accounts and journals correctly.</li> <li>(iv) Should show promise of being a useful draftsman in recess and have a fair knowledge of English.</li> <li>(v) Should be capable of interpreting air photographs sufficiently well to be able to carry out rosection and identification of position in open country.</li> </ul>
	Grade III (Old Grade IV)	<ul style="list-style-type: none"> <li>(i) Should be an accurate, neat and thoroughly reliable plane-tabler both in hills and plains and be also capable of an out-turn of from 20 to 40 square miles a month on the 1-inch scale according to nature of country.</li> <li>(ii) Should be a sufficiently good draftsman or typer to be kept at regular employment on a fair sheet in recess.</li> </ul>
	Grade III (Old Grade III)	<ul style="list-style-type: none"> <li>(i) Should produce, for appointment to this grade, not only accurate, neat and absolutely reliable work in all classes of country but do so with a speed well above the average as it is speed consistent with accuracy that characterises a good and experienced plane-tabler capable of independent work.</li> <li>(ii) Should be a good draftsman or typer.</li> <li>(iii) Should know how to use a planimetre and a pantograph.</li> </ul>
	Grade II.	<ul style="list-style-type: none"> <li>(i) Should be capable of producing thoroughly reliable Plane-table Survey in all types of terrain on various scales with good speed and accuracy.</li> <li>(ii) Should be good at drawing or typing.</li> <li>(iii) Should be able to impart training to trainees in Plane-tableing, Photo verification and fair drawing.</li> <li>(iv) Should be capable of holding charge of a small Plane-tableing Camp in the field and a small Drawing Section in recess.</li> </ul>

(Continued)

GROUP A.—TOPOGRAPHICAL ESTABLISHMENT, DIVISION II

Trades	Classification	Qualifications and/or tests
2. <i>Plane-tables</i>	GRADE II.	<p>(v) Should have "thorough" knowledge of Instructions to Plane-tables and T.H.B. Chapter V and a rudimentary knowledge of T.H.B. Chapter VI.</p> <p>(vi) Should be capable of (a) preparation of Guides for fair drawing, (b) accurately mosaicing of the Prints of P.T. Section.</p> <p>(vii) Should be able to (a) extract Spherical and Grid data from tables and carry out projections of Topo Sheets, (b) extract areas from tables.</p>

## GROUP A.—TOPOGRAPHICAL ESTABLISHMENT, DIVISION II

Rules	Classification	Qualifications and/or tests
GRADES IV TO II		
3. Draftsman	Grade IV. Type 'A'.	<ul style="list-style-type: none"> <li>(i) Must be capable of accurate and reliable work of a simple nature, including typing on a fair sheet, and must be fit to be employed on productive work.</li> <li>(ii) Should have knowledge of <i>drawing of scales (diagonal)</i>.</li> <li>(iii) Should know the use of <i>proportional compass</i>.</li> <li>(iv) Should have knowledge of <i>plotting of points</i>.</li> <li>(v) Should know the use of <i>Pantograph and Planimeter</i>.</li> <li>(vi) Should be a capable hand printer.</li> </ul>
	Grade III. (Old Grade IV.)	<ul style="list-style-type: none"> <li>(i) Should know the use of grid tables, projections and line drawing of grid origins.</li> <li>(ii) Should be very good at all classes of drawing on in fair sheet, including orientation and hill features.</li> <li>(iii) Should have knowledge of projection and plotting of topo. sheets.</li> <li>(iv) Should have a rudimentary knowledge of reproduction methods.</li> <li>(v) Should have a fair knowledge and experience of typing.</li> <li>(vi) Elementary knowledge of compilation of Geographical maps.</li> </ul>
	Grade III. (Old Grade III)	<ul style="list-style-type: none"> <li>(i) Should be well above the average in accuracy, speed and intelligence.</li> <li>(ii) Should be able to complete a grid original without supervision.</li> <li>(iii) Should have a thorough knowledge of topo. compilation and should be capable of preliminary examination of topo sheet.</li> <li>(iv) Should have a working knowledge of Chapter VI—<i>Topo. Handbook</i>.</li> <li>(v) Should have a general knowledge of reproduction methods.</li> <li>(vi) Should be a good typer.</li> </ul>
Note :—Items in italics are for actual practical tests.		

(Continued.)

## GROUP A.—TOPOGRAPHICAL ESTABLISHMENT, DIVISION II

Trades	Classification	Qualifications and/or tests
3. Draftsman.	Grade III. ( Old Grade IV )	<p>(vii) Should be able to extract figures from Projection tables, and carry out the projection of any small scale map on any projection (Lambert, Conical, Orthomorphic, Mercators, and International) unaided.</p> <p>(viii) A working knowledge of compilation and mapping orders for geographical maps. (T.H.B. Chap. XI).</p> <p>(ix) Should be capable of thorough examination of all Topographical maps.</p> <p>(x) Should have a thorough knowledge of T.H.B. Chapter VI and Chapter XI.</p> <p>(xi) Should be able to understand, interpret and explain professional orders.</p> <p>(xii) Should be capable of training T.Ts.T. 'B' (Draftsman).</p> <p>(xiii) Should be capable of taking action on (a) Reprints, (b) Re-issues, (c) Fresh compilation of Topographical and Geographical maps.</p> <p>(xiv) Should be able to deal with routine correspondence, compile the various Fair Drawing Technical returns and write History sheets and Publication instructions.</p> <p>(xv) Should be able to assist in supervision.</p>
	Grade II.	

## GROUP A.—TOPOGRAPHICAL ESTABLISHMENT, DIVISION II

Trades	Classification	Qualifications and/or tests
GRADES IV TO II		
4. Draftsman Type 'B'	Grade IV.	<ul style="list-style-type: none"> <li>(i) Should be able to carry out good productive hill shading on primary scale Topo. sheets.</li> <li>(ii) Should have knowledge of <i>drawing of scales (diagonal)</i>.</li> <li>(iii) Should know the <i>use of proportional compass</i>.</li> <li>(iv) Should have good knowledge of contours and be able to <i>draw simple hill features in profile</i>.</li> <li>(v) Should have a <i>knowledge of the normal symbols used on topo. maps</i>.</li> <li>(vi) Should know the <i>use of Pantograph and Planimeter</i>.</li> </ul>
	Grade III. (Old Grade IV)	<ul style="list-style-type: none"> <li>(i) Should be able to carry out productive hill shading work on compiled <math>\frac{1}{2}</math>-inch topo. sheets.</li> <li>(ii) Should have a thorough knowledge of contours and be able to draw profiles and cross sections of difficult hill features.</li> <li>(iii) Should have a rudimentary knowledge of reproduction methods.</li> <li>(iv) Should have rudimentary knowledge of fair mapping procedure.</li> <li>(v) Should have knowledge of projection and plotting of topo. sheets.</li> <li>(vi) Should be able to carry out productive hill shading on Geographical maps.</li> </ul>
	Grade III. (Old Grade III)	<ul style="list-style-type: none"> <li>(i) Should be well above the average in accuracy, speed and intelligence.</li> <li>(ii) Should be able to draw and examine all types of hill shade originals without supervision.</li> <li>(iii) Should be able to instruct trainees and supervise a small section.</li> <li>(iv) Should have a general knowledge of reproduction methods.</li> </ul>
	Grade II.	Trade test as per Draftsman Type 'A'.
		<i>Note:—Items in italics are for actual practical tests.</i>

## GROUP A.—TOPOGRAPHICAL ESTABLISHMENT, DIVISION II

Trades	Classification	Qualifications and/or tests.
	Grade II. (A, B & C) <i>or</i> (D, E & F)	<p>A. Should be able to take charge of a small section of Computers in a Field Unit/Photo Unit.</p> <p>B. Should be able to carry out, without supervision, the graphical adjustment of topo. triangulation and the adjustment of traverso and levelling circuits; graphical adjustment of aerial triangulation for planimetric and height control (mountainous terrain).</p> <p>C. Should be able to undertake the proof reading of all professional publications and forms, or should be able to plan aerial triangulation blocks and analyse the error distribution.</p> <p><i>Or</i></p> <p>D. Should be able to work independently with a standard accuracy, speed, on simple geodetic triangulation/geodetic levelling/base measurement or calibration/tidal/magnetic/gravity/astro. forms.</p> <p>E. Should have knowledge of the general working of geodetic theodolites/geodetic levels/base and calibration equipment/tidal instruments/magnetic instruments/gravimeters/geodetic astro. instruments and the observational procedures.</p> <p>F. Should be able to undertake the proof reading of all professional publications and forms.</p>

## GROUP A.—TOPOGRAPHICAL ESTABLISHMENT, DIVISION II.

Trades	Classification	Qualifications and/or tests
GRADES IV TO II.		
7. Topo. Auxiliary.	Grade IV.	<p>A. (i) Should know topo. traversing using Gunter Chains.</p> <p>(ii) Will be required to pass practical tests for speed and accuracy as follows:—</p> <ul style="list-style-type: none"> <li>(a) Comparison and correction of lengths of 100 ft. and 66 ft. chains.</li> <li>(b) Double chaining with 110 ft. and 66 ft. chains. Computation and comparison of distances.</li> <li>(c) Running a traverse line about 1 mile in 8 hours completing at least 6 stations.</li> <li>(d) Observation of sun azimuth.</li> <li>(e) Use of subtense bar and computation of distance.</li> <li>(f) "Set-up" of angles of at least 6 traverse stations.</li> <li>(g) Identification and pricking of points on air photographs.</li> </ul>
		<p>B. (i) Should be able to work on traverse forms.</p> <p>(ii) Should know how to use log tables.</p> <p>(iii) Should know the use of traverse tables.</p>
	C.	Should be able to carry out rectangulation.
	Or	
	D.	<p>(i) Should be able to carry out tertiary levelling.</p> <p>(ii) Will be required to pass practical test for Accuracy in the following:—</p> <p>Accurately running a line between two Bench-marks from 3 to 5 miles apart. Error not to exceed <math>1/M</math> ft. when <math>M</math> is the distance in miles.</p> <p>(iii) Identification and pricking of points on air photographs.</p>
	E.	<p>(i) Should be able to work on levelling forms.</p> <p>(ii) Should know the use of log tables.</p>
	F.	Should be able to carry out rectangulation.
	<p><i>Note:—</i> In addition to the qualifications mentioned above, Grade V. of this trade is also provided for jobs such as Recorders, Tide Watches and any other that might be necessary in future specialized survey and geodetic work.</p>	

(Continued)

## GROUP A.—TOPOGRAPHICAL ESTABLISHMENT, DIVISION II.

Trades	Classification	Qualification and/or tests
7. Topo. Auxiliary.	Grade III, A	<ul style="list-style-type: none"> <li>(i) Should know topo. traverse by using either crinoline or ordinary chains.</li> <li>(ii) Should have a thorough knowledge of how to lay-out and connect traverse lines.</li> <li>(iii) Should be a reliable and rapid traverser.</li> <li>(iv) Should be able to do the set up of his traverse line.</li> <li>(v) Will be required to pass practical tests for speed and accuracy as follows :— <ul style="list-style-type: none"> <li>(a) Comparison and correction of length of 100-foot and 66-foot chains.</li> <li>(b) Double chaining with 100-foot and 66-foot chains. Computation and comparison of distances as measured with both chains.</li> <li>(c) Running a traverse line of not less than 8 stations in 8 hours.</li> <li>(d) Observations of sun azimuth.</li> <li>(e) Use of subtense bar and computation of distance.</li> <li>(f) Set up of angles of at least 8 traverse stations.</li> </ul> </li> </ul>
B.		<ul style="list-style-type: none"> <li>(i) Should be able to carry out tertiary levelling and its computation.</li> <li>(ii) Should give a fair out-turn of accurate levelling regularly.</li> <li>(iii) Should know how to use the horizontal circle on a tertiary level.</li> <li>(iv) Will be required to pass practical tests for speed and accuracy in the following :— <ul style="list-style-type: none"> <li>Accurately running a line between two Bench-marks at least 3 to 5 miles apart. Error not to exceed <math>\frac{1}{M}</math> ft. where M is the distance in miles.</li> </ul> </li> </ul>
C.		<ul style="list-style-type: none"> <li>(i) Should be able to use logarithmic and other tables independently.</li> <li>(ii) Should be able to work on Grid Traverse and Levelling Forms.</li> </ul>
D.		Should be able to carry out rectangulation.
E.		Should be able to identify and price points on air photographs while doing practical tests for A and B.

(Continued)

## GROUP A.—TOPOGRAPHICAL ESTABLISHMENT, DIVISION II.

Trades	Classification	Qualifications and/or tests
	<i>Topo. Grade III. A.</i>	(i) Should be able to break down triangulation for the start of a traverse system.
	<i>Auxiliary. (Old Grade III).</i>	(ii) Should be an accurate and fast traverser.
		(iii) Should be able to carry out computations connected with traverse.
		(iv) Should be able to pass practical tests in the following :—
		(a) Complete traverse computations.
		(b) Run a traverse line of at least 10 stations in 8 hours.
		(c) Sun azimuth observations and computations.
		(d) Observation of polaris azimuth and its computations.
		(e) Identification and pricking of points on air photographs.
B.	(i)	Should be able to do tertiary levelling with an accuracy and speed above average and also double tertiary.
	(ii)	Should know the principles of tachymetry and how to measure distances by this method.
	(iii)	Must be able to identify and prick points on air photographs.
	(iv)	Will be required to pass practical tests for speed and accuracy in the following :—
		(a) Removal of collimation error using the "two staff" method.
		(b) Accurately running a line of levels using tertiary levelling equipment between two bench marks not less than 3 miles apart. Error not to exceed .02 ft. per mile.
		(c) Determination of distance by tachymetry.
		(d) Complete levelling computations.
C.	(i)	Should be able to work computations on all traverse and tertiary levelling forms.
	(ii)	Should be able to compute on topo. triangulation forms both in spherical and grid terms.
D.		Should be able to identify and prick points on air photographs while doing practical tests for A and B.

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## GROUP A.—TOPOGRAPHICAL ESTABLISHMENT, DIVISION II

Trades	Classification	Qualifications and/or tests
7. <i>Topo.</i>	Grade II.	A.
<i>Auxiliary.</i>	(A, B & C) or (D & E)	Should be able to break down triangulation for the start of a traverse system and carry out its computations.
		B.
		Should be able to use Hunter Short Base and carry out base extension and its computations.
		C.
		Should have a thorough knowledge of all the principles and procedures for topo. traversing and tertiary levelling.
		D. (a) Should be able to reconnoitre and select suitable sites for geodetic bases and for geodetic triangulation/trilateration; or should be able to carry out secondary levelling; or should be able to carry out gravity/magnetic/astro/tidal observations (with gravimeters/magnetic/astro/instruments with tide-gauges or tide-staffs respectively) as Detachments-in-Charge.
		or
		(b) Should be able to plan a block (of 4 strips of eight photos each) for aerial triangulation for planimetric and altimetric adjustments on I. T. C.-Jeric Analogue Computer or by graphical method. (Only choosing of blocks points, pass prints, ground control points necessary for diagram of the block will be required).
		E. Should be able to carry out the computations of the work done under D (a) above.
		or
		Should be able to carry out without supervision, planimetric and altimetric adjustments of an aerially triangulated strip by graphical method.

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Annexure 13  
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Annexure-4

No. F.6(59)-E.III/82  
GOVERNMENT OF INDIA  
MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi the 13th March '84

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 Draughtsmen Grade III, II, I in all Government of India offices :-

	ORIGINAL SCALES	REVISED SCALZS 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 notionaly 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 per standard list with \_\_\_\_\_) (copies).

Attest  
D.S.A.

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 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.

	<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

- (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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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.)

Attested  
Shyam  
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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 52 of 1996.

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

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

HON'BLE MR G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

1. 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 & Technology, Government of India, New Delhi.

..Applicants

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

~versus~

1. The Secretary,  
Ministry of Science & Technology  
New Delhi.

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

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

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

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AS  
Advocate*

Annexure 5

O R D E RSANGLYINE, MEMBER (A).

All the 76 applicants are Draftsman/Draughtsmen Grade II under the Director, Survey of India, North Eastern Circle, Shillong. They have been permitted vide our order dated 2.4.96 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 pre 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 O.M. 13(1)-JC/91 dated 19.10.1994. In the Survey of India there are different grades of Draftsman, namely, (1) Topo Trainee Type B, (2) Draftsman Gr. IV, (3) Draftsman Grade III, (4) Craftsman 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 retain 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 Craftsman of Ordnance Factory who were drawing for pay in

Gr II

II - 205/280

III - 330/480

IV - 1350/2200

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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 given the scale of Rs. 425-700 notionally from 1.9.1973 and actually for 1.9.87. In the Central Public Works Department (CPWD) the scale of pay of Draftsman based on the 2nd Pay Commission was Rs. 160380. 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. 425700 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

*Albert Fern  
R.S. Fern*

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III 330/560

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

4. Mr. A. Roy, learned counsel for the applicant submitted that the grounds given by the respondents in support of their refusal to grant the benefit provided in the O.M. dated 19.10.94 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/- (Pre revised scale Rs. 425/-) 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/- 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

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in 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 been 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 case the scales had been raised from 330-560 to Rs. 425-700/-. It was only in 1977 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 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 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 placement from the post carrying scale of 975-1540 to Rs. 1200-2040 (Pre-revised scale Rs. 260-430 to 330-560). 7 years

*Attested  
S. J. Joshi*

- b. Minimum period of service for placements 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. 1600-2660 (Pre-revised Rs. 425-700 to Rs. 550-750)."

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. 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

*Attest  
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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 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.

Sd/- VICE-CHAIRMAN

Sd/- MEMBER (A)

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*St*  
*Ade*

प्राप्तीकरण के लिए आवदन का तारीख Date of application for	रटाप और फॉलोवर्स की संख्या रखित करने की तिथि Date fixed for notifying the requisite number of stamps and folios.	अपार्क्टर रटाप और फॉलोवर्स के लिए तारीख Date of delivery of the requisite stamps and folios.	रारील, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	अपरेक्ट प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
२१/८/९९	१३/८/९९	२१/८/९९	२१/८/९९	३/९/९९

- 76 -

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, Nathiarkala 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. Neblbora Tiewla
9. Shri K.B. Gurung
10. Smt. Pandora Sohkhlet
11. Smt. Maries Nareen Laloo
12. Shri Kajal Kumar Bhattacharjee
13. Shri Arun Kumar Baidya

*Plaintiff  
Defendant*

Contd... 2/-

14. Smt. Joya Adhikari  
15. Smt. Shantikumari Ghimire  
16. Smt. Lawmzuali  
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 Khyllep  
34. Smt. Arunima Dutta  
35. Smt. Sofiana Kharkongor  
36. Smt. Manjulam Bhattacharjee  
37. Smt. Hildaline Makhiaw  
38. Smt. Tapashi Mishra  
39. Shri Bhubaneshwar Das  
40. Smt. Anebba Roy Chowdhury  
41. Smt. Caroline Lamo  
42. Smt. Fidelis Jyrwa  
43. Shri R.S. Thapa

Contd....

Attest  
D.S. Jyoti

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....

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 Drafterman 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 Drafterman. In this writ petition we are concerned with Grade-II Drafterman 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 Drafterman of CPWD 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 ~~not~~ <sup>similar</sup> 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 19.10.94 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.117/82 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....

on the basis of the Award of Board of Arbitration, may be extended to Draftsmen 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 Draftsmen 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 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 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 Debasish 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

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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 ~~s/uk~~ 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 Debasish Kar (supra)* squarely answers the

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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.

S. P. Aggarwal (H. C. J. No. 11111)

Signature

3/5/77

3/5/77

St. L. Aggarwal  
Advocate

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

ITEM NO.6

SUPREME COURT OF INDIA 413300  
 RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) .../2000 CC 2082/2000  
 (From the judgment and order dated 31/07/1999 in CR 4733/97  
 of The HIGH COURT OF BANGLA)

Petitioner(s)

UNION OF INDIA AND ORS.

VERSUS

Respondent(s)

TULSTRAM SHARMA AND ORS.

(With I.A. 1 - Appn(s). For c/delay in fitting SLP)

Date : 31/03/2000 this petition was called on for hearing today.

Will be b/w true copy

COURT :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
 HON'BLE MR. JUSTICE S.N. PHUKAR

— O.A.T. Gang  
 Assistant Registrar (Judic)  
 1/4/2000 199  
 Supreme Court of India

For Petitioner(s)

Mr. Tari Chandra Sharma, Adv.  
 Mr. B. Krishna Prasad, Adv.

For Respondent(s)

Mr. K.B. Sounder Rajan, Adv.

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

Duty condoned.

The special leave petition is dismissed.

Charanjit

Other  
 I. Meena Trikha  
 Court Master

Date : 31/03/2000

Atties A/C  
 Dr. San  
 Advocate  
 Adv.

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

No. SM/06/001/93

Dated 31st January, 1995

## O R D E R

The Central Administrative Tribunal, Guwahati Bench, Guwahati, on an application filed by Shri Kulai Sarma, Draughtsman Grade II in Survey of India, North Eastern Circle, Shillong and seventyseven 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 Draughtsmen in Government offices other than CPWD vide Ministry of Finance Office Memorandum No. 13(1)-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(1)-IC/91 dated 19th October, 1994 extending the benefit of revised pay scales for Draughtsmen 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-auxiliary, air-survey draughtsman, Survey Assistants, Topo-Computers, etc. The qualification for recruitment is kept as Inter-mediate with Mathematics as one of the subjects. No candidate in the Draughtsman cadre at any level is required to have the qualification of Certificate/diploma in Draughtsmanship. Further the promotions in the Survey of India from the level of Rs. 260-350, Rs. 260-430, 330-400 upto the level of Rs. 423-600 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 Draughtsmen get promotion on passing departmental examination after completion of fixed tenure of service and get promotion without linkage to vacancies at higher level.

4. It would thus be seen on the one hand the Draughtsmen 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 respectively whereas the Draughtsman in SOI have confined themselves only with respect to survey. The requirement in their case is knowledge of drawing/draughtsmanship, cartography as against draughtsmanship in other organisations. Thus, any order issued in respect of Draughtsman in CPWD or Draughtsman in other Ministries/Departments or Organisation cannot automatically be made applicable to Draughtsman in Survey of India.

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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 SOI which may not hold good.

6. The above issues 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 28.10.94. 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.

8d/- H.M.K. Sardana

Joint Secretary to the Government of India.

Shri Tulsiiram Farms,  
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 29th July,  
1995.

Copy to the Surveyor General of India, Survey of India,  
Dehra Dun -263 001.

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.

8d/- H.M.K. Sardana

Joint Secretary to the Government of India.

From

Name BATSKHEM MYRTHONG  
Designation PITR, Grade-II  
Office No. 12, Park (N.E.C.)

Shillong, 'Taw  
Dated 8<sup>th</sup> Dec. 2002

To,

The Secretary,  
Ministry of Science and Technology,  
Government of India,  
New Delhi.  
(Through proper channel)

Sub:- PRAYER FOR EXTENSION OF BENEFIT OF REVISED HIGHER PAY SCALE IN TERMS OF THE JUDGMENT ORDER DATED 17.7.1997, PASSED IN OA-52 OF 1996.

Sir,

With utmost respect for rules of procedure and discipline in Public Services, I am constrained to bring the following case of blatant neglect that my cadre has been subjected to by the departmental authorities and consequently, by the fourth and fifth Pay Commissions presumably because of the "quietly working" nature of this cadre.

#### A BRIEF HISTORY :

The Department of Survey of India, which has unblemished history of more than 235 years in Surveying, Mapping and Applied scientific activities of the nation, through its hard working committed arduous and dedicated technical establishment and supporting office establishments. This organisation has an unique work culture handed down by the old Times conquering all types of terrains including the inaccessible and risky ones, unmindful of personal safety and comfort for the sake of the divine duty of mapping the motherland. The responsibility for this countrywide topographical details survey predominantly rested on my cadre and its feeder cadres whose members, on an average toiling of six months of every year carrying out risky survey operation, staying away from family and relatives.

Being in the core cadre of the field operations, the contribution by Topographical Cadre ( Plane Tablers, Air Survey Draftsman and Topo Auxiliary ) Division II, is unique and ultimately forms the backbone of the department. But considering its nature of work, duties and responsibilities, this cadre is still denied of conferring fitting scale by the department. Moreover our cadre is the most neglected cadre as far its pay structure and other service conditions are concerned. Even in the same initially designated cadre, Draftsman also has been conferred higher pay of Rs. 5000-8000 in the department.

The following will clearly throw enough light on the most pitiable and apathetic condition of this Topographical Cadre in comparison with Draftsman in the same department.

#### RECRUITMENT POLICY

In Survey of India recruiting educational qualification for both the cadres is same having Matriculation now Intermediate with Maths. These two cadres after initial entry in the department are designated as T.T.T.'B' till completion of respective training. But duration of rigorous training for the Topographical

Contd. to page 2

Cadre is two year and more expensive whereas for the Draftsman is one year in the Survey Training Institute (STI), Hyderabad. Topographical Cadre after training directly qualified as Grade IV whereas Draftsman, completing of one year training at STI again imparted one more year in the departmental productive unit as probationary period and then again to sit for the test to qualify as Grade IV. But after 3 years both the cadres are qualified as Grade III and Grade II again next 2 years through departmental test against non existing vacancies. The topographical cadre besides its requisite courses further is imparted more training like Course No. 350 (Triangulation), 370 ( Computer Operator ), 445 ( Photo Interpretation ) and 470 ( Computer Programming ) etc. Topographical cadres who are under training as T.T.T.B\* incapable of being Plane Tabler, Air Survey Draftsman and Topo Auxiliary downstepped to Draftsman.

### PAY SCALES

Right from the inception of our department through successive Central Pay Commission pay scale for both the cadres remained same but only after the 5th CPC Draftsman who had gone to CAT at Guwahati, the Honourable CAT has been pleased to allow them to officiate in higher pay scale from Rs. 4500-7(XX) to Rs. 5000-8000 ( 425-700 ), and it is most likelihood that the whole cadre of Draftsman will be allowed to officiate in the same Pay Scale. No doubt justice will be done sooner or later to all of Draftsman Cadre. But our cadre inspite of having more technical qualifications as mentioned above remained in the pay scale of Rs. 4500-7000 ( old 425-600 ). This is the most ill fated condition of this cadre, though Pay Rationalisation Committee headed by Dr. D.R. Kalia strongly recommended for the allocation of adequate pay scale to DIV. II Grade II after the 3rd CPC and inspite of this cadres repeated representations and approaches in the same department. Every time our cadres requests have been turned down since long.

### COMPARATIVE CHART OF DUTIES AND RESPONSIBILITIES

The Plane Tabler, Air Survey Draftsman and Topo Auxiliary take Field Survey by collecting field data required for preparation of Maps from different sources, compile them in their field books and Plane Table Section and other ancillary Records. After that the same made ready for Fair Drawing/Scribing. Plane Tablers and Air Survey Draftsman do the fair drawing and allied drawings. Moreover Topographical Cadre, Grade II is capable of holding as a Camp Officer taking all responsibilities of surveying, proper communication with local administrations. In the recess too Topographical Cadre Grade II is capable of holding section of Fair Drawing and Scribing and working as Instructor in Survey Technician training in Hyderabad and wherever necessary in the department. In the field Topographical Cadre do Field Survey by plane table section, traverse, levelling, photo verification and triangulation and theodolite traverse. Again in the recess too this cadre is entrusted with various departmental works like photogrammetric survey, Digital Mapping and computation etc.

### EXTENSION OF BENEFIT

For long period of times, Topographical Cadre has been striving for extension of benefit of legitimate higher pay scales and presently for Rs. 5000-8000 ( Rs. 425-700 ) in the department. But till today all such efforts ended in vain. Moreover after Grade II we face the problem of stagnation for many years. Promotions to the next higher scale is also mostly uncertain. This is the most setback of my cadre.

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who is doing basic and fundamental task of surveying and mapping to the department.

Since the undersigned cannot be denied of the benefit Revised Higher Pay Scale 425-700 corresponding the revised scale of Rs. 5000-8000 in terms of para 2(B) on OM dated 19.10.94 in the light of the judgment and order dated 17.7.97 passed in OA-52 of 1996 confirmed by the honourable Guwahati High Court in its Civil Rule No. 4733/97 which was further confirmed by the Honourable Supreme Court in special leave petition Civil - 2000 CC2082/2000. Also in the light of the order passed by the Survey General of India No. F/2-2308/1196-B(TRS) dated 27.3.2001 with all consequential benefit including monetarily benefit. Since it is implemented the judgement in case of Draftsman the same has not been extended to me as such the undersigned is incurring heavy financial loss each and every month.

Thanking you in anticipation and soliciting an early and favourable consideration.

Yours faithfully,

*Om Prakash*  
(BATSHEM  
MURTHONG)

COPY TO : THE SURVEYOR GENERAL OF INDIA.

- i) Additional Surveyor General of India
- ii) Director, North Eastern Circle, Shillong
- iii) RC No. 1 Party (NETC) ...

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NC Deb. Net

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From,

Name N. C. DEB  
Designation T/A Gd- II  
Office N.E.C.C.

Shillong

Dated 24/12 Dec. 2001

To,

The Secretary,  
Ministry of Science and Technology,  
Government of India,  
New Delhi.  
(Through proper channel)

Sub:- PRAYER FOR EXTENSION OF BENEFIT OF REVISED HIGHER PAY SCALE IN TERMS OF THE JUDGMENT ORDER DATED 17.7.1997, PASSED IN OA-52 OF 1996.

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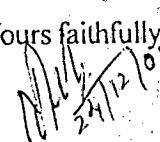
- 94 -

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Thanking you in anticipation and soliciting an early and favourable consideration.

Yours faithfully,

  
(M. BARAN CHANDRA DEO)

COPY TO : THE SURVEYOR GENERAL OF INDIA.

- ii) Additional Surveyor General of India, Kolkata
- iii) Director, North Eastern Circle Shillong
- iv) C. N. Party (NET) ...

From,

95 -

Name A.K.DHAR CHOWDHURY  
 Designation P/Tn. Gde. II  
 Office NO. 5 Party (NBE.)

Shillong

Dated 21st Dec. 2001

To,

The Secretary,  
 Ministry of Science and Technology,  
 Government of India,  
 New Delhi:  
 (Through proper channel)

Sub:- PRAYER FOR EXTENSION OF BENEFIT OF REVISED HIGHER PAY SCALE IN TERMS OF THE JUDGMENT ORDER DATED 17.7.1997. PASSED IN OA-52 OF 1996.

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#### A BRIEF HISTORY :

The Department of Survey of India, which has unblemished history of more than 235 years in Surveying, Mapping and Applied scientific activities of the nation, through its hard working committed arduous and dedicated technical establishment and supporting office establishments. This organisation has an unique work culture handed down by the old Times conquering all types of terrains including the inaccessible and risky ones, unmindful of personal safety and comfort for the sake of the divine duty of mapping the motherland. The responsibility for this countrywide topographical details survey predominantly rested on my cadre and its feeder cadres whose members, on an average toiling of six months of every year carrying out risky survey operation, staying away from family and relatives.

Being in the core cadre of the field operations, the contribution by Topographical Cadre ( Plane Tablers, Air Survey Draftsman and Topo Auxiliary ) Division II, is unique and ultimately forms the backbone of the department. But considering its nature of work, duties and responsibilities, this cadre is still denied of conferring fitting scale by the department. Moreover our cadre is the most neglected cadre as far its pay structure and other service conditions are concerned. Even in the same initially designated cadre, Draftsman also has been conferred higher pay of Rs. 5000-8000 in the department.

The following will clearly throw enough light on the most pitiable and apathetic condition of this Topographical Cadre in comparison with Draftsman in the same department.

#### RECRUITMENT POLICY

In Survey of India recruiting educational qualification for both the cadres is same having Matriculation now Intermediate with Maths. These two cadres after initial entry in the department are designated as T.T.T.'B' till completion of respective training: But duration of rigorous training for the Topographical

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Cadre is two year and more expensive whereas for the Draftsman is one year in the Survey Training Institute (STI), Hyderabad. Topographical Cadre after training directly qualified as Grade IV whereas Draftsman, completing of one year training at STI again imparted one more year in the departmental productive unit as probationary period and then again to sit for the test to qualify as Grade IV. But after 3 years both the cadres are qualified as Grade III and Grade II again next 2 years through departmental test against non existing vacancies. The topographical cadre besides its requisite courses further is imparted more training like Course No. 350 (Triangulation), 370 (Computer Operator), 445 (Photo Interpretation) and 470 (Computer Programming) etc. Topographical cadres who are under training as T.T.T.'B" incapable of being Plane Tabler, Air Survey Draftsman and Topo Auxiliary downstepped to Draftsman.

#### PAY SCALES

Right from the inception of our department through successive Central Pay Commission pay scale for both the cadres remained same but only after the 5th CPC Draftsman who had gone to CAT at Guwahati, the Honourable CAT has been pleased to allow them to officiate in higher pay scale from Rs. 4500-7000 to Rs. 5000-8000 (425-700), and it is most likelihood that the whole cadre of Draftsman will be allowed to officiate in the same Pay Scale. No doubt justice will be done sooner or later to all of Draftsman Cadre. But our cadre inspite of having more technical qualifications as mentioned above remained in the pay scale of Rs.4500-7000 (old 425-600). This is the most ill fated condition of this cadre, though Pay Rationalisation Committee headed by Dr.D.R.Kalia strongly recommended for the allocation of adequate pay scale to DIV. II Grade II after the 3rd CPC and inspite of this cadres repeated representations and approaches in the same department. Every time our cadres requests have been turned down since long.

#### COMPARATIVE CHART OF DUTIES AND RESPONSIBILITIES

The Plane Tabler, Air Survey Draftsman and Topo Auxiliary take Field Survey by collecting field data required for preparation of Maps from different sources, compile them in their field books and Plane Table Section and other ancillary Records. After that the same made ready for Fair Drawing/Scribing. Plane Tablers and Air Survey Draftsman do the fair drawing and allied drawings. Moreover Topographical Cadre, Grade II is capable of holding as a Camp Officer taking all responsibilities of surveying, proper communication with local administrations. In the recess too Topographical Cadre Grade II is capable of holding section of Fair Drawing and Scribing and working as Instructor in Survey Technician training in Hyderabad and wherever necessary in the department. In the field Topographical Cadre do Field Survey by plane table section, traverse, levelling, photo verification and triangulation and theodolite traverse. Again in the recess too this cadre is entrusted with various departmental works like photogrammetric survey, Digital Mapping and computation etc.

#### EXTENSION OF BENEFIT

For long period of times, Topographical Cadre has been striving for extension of benefit of legitimate higher pay scales and presently for Rs. 5000-8000 (Rs. 425-700) in the department. But till today all such efforts ended in vain. Moreover after Grade II we face the problem of stagnation for many years. Promotions to the next higher scale is also mostly uncertain. This is the most setback of my cadre

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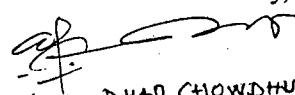
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who is doing basic and fundamental task of surveying and mapping to the department.

Since the undersigned cannot be denied of the benefit Revised Higher Pay Scale 425-700 corresponding the revised scale of Rs. 5000-8000 in terms of para 2(B) on OM dated 19-10-'94 in the light of the judgment and order dated 17-7-'97 passed in OA-52 of 1996 confirmed by the honourable Guwahati High Court in its Civil Rule No. 4733/97 which was further confirmed by the Honourable Supreme Court in special leave petition Civil - 2000 CC2082/2000. Also in the light of the order passed by the Survey General of India No. F/2-2308/1196-B(TRS) dated 27-3-2001 with all consequential benefit including monetarily benefit. Since it is implemented the judgement in case of Draftsman the same has not been extended to me as such the under signed is incurring heavy financial loss each and every month.

Thanking you in anticipation and soliciting an early and favourable consideration.

Yours faithfully,

  
 (A.K. Dhar Chowdhury)  
 P.M. Side 12

COPY TO : THE SURVEYOR GENERAL OF INDIA.

- i) Additional Surveyor General of India, Kolkata.
- ii) Director, North Eastern Circle, Shillong.
- iii) C. M. Party (NET) ...

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-81-IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AB HYDERABAD

ORIGINAL APPLICATION NO. 66 of 1989

DATE OF JUDGEMENT : 11.4.1991

BETWEEN :

1. Mr. K.N. Chary
2. Mr. R. Ganesh Rao
3. Mr. T.C. Norbert Dominic
4. Mr. G. Sailu
5. Mr. V. Prabijkaran
6. Smt. Taiyaba Asger

..... Applicants

AND

1. Union of India represented by  
the Secretary, Ministry of Steel & Mines,  
Deptt. of Mines,  
New Delhi.

2. The Director General  
Geological Survey of India  
Calcutta.

3. The Deputy Director General,  
Geological Survey of India,  
Southern Regional Office  
Mukaramjahi Road,  
Hyderabad-500001

..... Respondents

FOR APPLICANTS : Mr. V. Venkateswara Rao, Advocate

FOR RESPONDENTS: Mr. Baram Bhaskar Rao, Addl. C.G.S.C.

CORAM :

Hon'ble Shri J. Narasimha Murthy, Member (Judic.)

Hon'ble Shri R. Balasubramanian, Member (Admn.)

JUDGEMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE

SHRI J. NARASIMHA MURTHY, MEMBER (JUDICIAL)

Attest  
S. D. Subbaramaniam  
S. D. Subbaramaniam

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Annexure-9 (contd.)

This is a petition filed by the petitioners for a relief to revise their pay scales of Rs. 330-560 as Junior Scribes to that of Rs. 425-700 with effect from 13.5.1985 notionally and to declare that the petitioners are entitled to the actual benefit of pay fixation in the said scale with effect from 1.11.1983 and further revision to the scale of Rs. 1400-2300 (RSRP) with effect from 1.1.1986 or the date of option in individual cases, as was done in the case of the Draftsmen in the grade of Rs. 330-560 and quash the letter No. J-11011/11/87M.2 dated 9.12.1986 and letter No. J. 11011/11/87/M.2 dated 19-8-1987 issued by the Ministry of Steel & Mines, Department of Mines, New Delhi, directing the respondents to grant the pay scales of Rs. 425-700 (RS) and Rs. 1400-2300 (RSRP) with effect from the respective dates to the applicants herein, with all consequential benefits such as arrears of pay and allowances and fixation of pay etc. Brief facts of the case are as follows :

The petitioners herein are working as Scribes in the Map Printing Division of the Geological Survey of India at Hyderabad. The first applicant was initially appointed as Junior Scriber in the pay scale of Rs. 330-560 on 25.6.1977. Thereafter, he was promoted as Senior Scriber in the pay scale of Rs. 425-640 and he was further promoted as Head Scriber in the pay scale of Rs. 550-750. The 2nd applicant was initially appointed as Junior Scriber in the pay scale of Rs. 330-560 with effect from 6.4.1976 and was promoted as Senior Scriber in the pay scale of Rs. 425-640.

*Allesford  
Dr.  
Advocate*

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The applicants Nos. 3, 4, 5 and 6 have been appointed as Junior Scribes in the pay scale of Rs. 330-560 with effect from 5.7.1979, 18.7.79, 31.10.1979 and March 1976 respectively. The Map Printing Press of Geological Survey of India, Hyderabad has 3 grades of Scribes viz. Head Scribe, Senior Scribe and Junior Scribe with recruitment rules similar to Senior Technical Assistant (Drawing Office) Junior Technical Assistant (Drawing Office) and Draftsman under Drawing Office stream of the Geological Survey of India. The job performed by the Scribe is similar and identical to the job performed by the Draftsman. The existing recruitment rules for the Scribing stream and the Drawing Office stream posts of the Geological Survey of India are almost identical at the entry points of both the streams i.e., Draftsman in Drawing Office stream and Junior Scribe in the Scribing stream. The only difference being in the case of Draftsman is Diploma in Draftsmanship with 2/3 years course while practical knowledge in Map drawing is a must for Junior Scribe. The rest of the posts of Drawing Office stream i.e. Junior Technical Assistant and Senior Technical Assistant are promotion posts. Similarly, the posts of Senior Scribe and Head Scribe are also promotion posts. The posts of Draftsman Junior Technical Assistant and Senior Technical Assistant carry the pay scale of Rs. 260-400, 330-560 and 425-700 respectively which were subsequently revised. The posts of Junior Scribe and Senior Scribe and Head Scribe carry the scales of Rs. 330-560, 425-660 and 550-750 respectively. Thus, the

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post of Junior Scriber in the Scribing stream carries a higher scale of pay i.e., Rs. 330-560 than that of the Draftsmen of the Drawing Office stream which was only Rs. 260-400. While the basic functions of both the Scriber and Draftsman are similar i.e., map making, there is some difference in the actual process adopted by each. Scribing is a modern and modified version of Draftsmanship employed for the reproduction of high quality maps in print which requires additional skills. The Draftsman in Geological Survey of India is being imparted a special training in Survey of India to enable him to undertake the scribing. In fact, scribing can be done by a Draftsman, only after a specialised training. On the other hand, a Scriber if posted to Drawing Section will be able to perform the duties of a Draftsman, without any training. Draftsmen from Survey of India are brought to Geological Survey of India on deputation to work as Scribes. One such example is Mr. Phoolchand, who was subsequently repatriated.

2. Recognising the fact that Scribing is a most sophisticated function, the initial recruitment to the Scribing stream is made in the pay scale of Rs. 330-560 with the designation of Junior Scriber whereas the initial recruitment to the post of Draftsman in the Drawing Office stream carries the pay scale of Rs. 260-400 only. The pay scale of Draftsman has been upgraded from Rs. 260-400 to Rs. 330-560 following an arbitration award with effect from 13.5.1982 and further revised to Rs. 425-700 with effect from 1.11.1983.

on the basis of the Central Public Works Department award vide Ministry of Steel & Mines, Department of Mines, letter dated 1.7.1983 and it was implemented by the Director General, Geological Survey of India, Calcutta vide his letter dated 15.10.1983 on the basis of the Government of India Office Memo dated 13.3.1984. As a result, the Draftsman who joined originally in the grade of Rs. 260-400 is placed in the grade of Rs. 425-700 (Rs. 1400-2300 RSRP) whereas the Scribes (Junior) who joined in a higher scale of Rs. 330-560 (now Rs. 1200-2040 RSRP) remained in lower scale even after 7 to 10 years of service. Thus, a superior post once is now being treated as inferior post.

3. Aggrieved by the denial of revised pay scale of Rs. 425-700, the Scribes submitted a representation on 25.3.1986 to the Director General, Geological Survey of India, Calcutta, requesting for grant of revised pay scale on par with the Draftsman stream of the Geological Survey of India on the basis of the CPWD Award, followed by a reminder dated 12.6.1986. Thereafter, the Director General, Geological Survey of India, Calcutta, addressed a letter dated 15.1.1987 to the Ministry of Steel & Mines, Department of Mines, New Delhi, requesting to consider the case of pay disparity between Drawing Office stream and Scribing stream and convey approval at an early date. Since, there was no reply from the Ministry to the Director General, the Scribes of Geological Survey of India submitted a representation to the Ministry of Steel &

Mines on 16.7.1987 followed by reminders dated 16.11.1987 and 3.3.1988 seeking redressal of their grievance regarding disparity of pay scale of Scriber (Junior) and Draftsman (Junior). No action was taken by the Ministry in the matter. In the meeting held on 15.4.1988 with the Geological Survey of India Employees' Association, a recognised Union, a point was raised regarding non-implementation of the CPWD Award for Scribers. The officials informed that the Ministry clarified vide their letter dated 19.8.1987 that the Scribing stream is not covered under the CPWD Award for Draftsman. The said letter dated 19.8.1987 was not communicated to the applicants so far.

4. The Director General, Geological Survey of India, Calcutta, once again wrote a letter on 25.4.1988 to the Ministry of Steel & Mines to reconsider their stand on the question of extending the benefits of CPWD Award for Draftsman to Scribing stream also but the same was rejected by the Ministry vide their letter dated 8.12.1988. Two Draftsman from Calcutta were sent for training in the scribing work vide Office Order dated 21.9.1987. One Draftsman from Lucknow was sent for training in scribing work at Map Printing Division, Hyderabad, vide letter dated 16.6.1988. Though the scribing is considered to be more sophisticated and strenuous work than that of the Draftsmanship, the scribers of Geological Survey of India in the matter of grant of pay scales. Though the scribers discharge the duties of almost similar and identical to that of the Draftsman of Geological Survey of India, just because they are not designated as Draftsman, the Scribers are

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discriminated in the matter of pay scales. In fact, there were proposals to merge the cadres of Draftsmen and Scriber by the Department.

5. The rejection of the Ministry to grant the pay scale of the Draftsman to the Scribes is not on the ground that they are not entitled to the said pay scales but on the ground that the 4th Central Pay Commission did not recommend. In fact, the required information was furnished to the 4th Pay Commission by the authorities in this regard, but it appears that the matter has been ignored by the Commission on the ground that the information was belated. Therefore, the denial of the said pay scales to the Scribes of Geological Survey of India is violative of Articles 14, 16 and 39(d) of the Constitution of India being arbitrary and discriminatory. Hence, the petitioners filed this petition for the above said relief.

6. The respondents filed a counter with the following contentions :-

The Applicant No. 1 was appointed as Head Scriber in Geological Survey of India in the pay scale of Rs.550-750 with effect from 23.11.1977 while the Applicant No. 2 was appointed as Scriber (Senior) in the pay scale of Rs.425-640 with effect from 1.4.1976. The other applicants have been appointed as Scribes (Junior) as claimed. The Geological Survey of India is having three grades in its Map Printing Press, Hyderabad viz., Head Scriber, Senior Scriber and Junior Scriber and in its Drawing Stream three grades viz., Senior Technical Assistant (Drawing Office), Junior Technical

Assistant (Drawing Office) and Draftsman. The pay scales and the recruitment rules for each of these cadres are shown in the statement enclosed to the counter. Though there is some similarity in the recruitment rules, in so far as the minimum educational qualifications are concerned, there is significant difference in technical qualifications and experience. The essential technical qualifications for the various grades in the Drawing Stream as mentioned in the recruitment rules is single quonon for recruitment against any post in the stream, whereas there is no such stipulation in the recruitment rules of the Scribing stream. Thus, the Draftsman is more qualified technically than the Scribe ab-initio.

7. With regard to the jobs performed by the Scribes and Draftsmen, it is stated that the job contents of both the streams belong to different specialities and cannot be equated. The Scribing job requires for reproduction of maps by printing while the Draftsman's job requires drawing and preparation of all types of maps to given specifications. Regarding training of Draftsmen in scribing by deputing them to the Survey of India, it is stated that this had become necessary to cope up with the workload in the Map Printing Division and due to shortage of Scribes. As per the recommendations of the IIIrd Pay Commission, the pay scales of Draftsman Grades II and III were fixed at Rs. 260-430 but not Rs. 240-400 and the pay scales of Draftsman Grade I was fixed at Rs. 330-560. Subsequently, as per the recommendations of the Review Committee, the pay scales of the Draftsman Grade-I, II and III were merged into single scale of Rs. 330-560 and designated as

Draftsman with effect from 20.12.1980. From 1.1.1973, the pay scale of Draftsman has been revised from Rs. 330-560 to Rs. 425-700 as per the orders of the Ministry of Steel & Mines in letter dated 5.5.1982. Hence, the said order has no relevance to the case of Scribes.

8. On the basis of the representation, the case was referred to the Ministry of Steel & Mines, New Delhi but the same was not accepted by the Ministry. If the individuals have had the access to official correspondence, and have succeeded in obtaining copies of the correspondence by unfair means, they are not expected to make use of the same in support of their case. The information asked for by the IVth Pay Commission was furnished by the office in June 1984. Normally matters relating to equating of different posts and their pay scales have to be left to the judgement of the expert bodies like Pay Commission. No discrimination has been made to the Scribes as the revision of pay scales of Draughtsman was made on the basis of a special award contained in the Ministry of Steel & Mines, Department of Mines letter dated 5.5.1982. There was however no proposal for merger of the cadre of Draughtsman with that of the Scriber. The petitioners failed to make out a case for grant of the relief claimed by them and there are no merits in the petition and the petition is liable to be dismissed.

9. Shri V. Venkateswara Rao, learned counsel for the applicant and Shri Karan Bhaskar Rao, learned Adv. CGSC on behalf of the respondents, argued the matter.

10. The petitioners have been working as Scribes in the Map Printing Division of Geological Survey of India,

Hyderabad. There are three grades in the category of Scribes viz., (1) Junior Scribes (2) Senior Scribes and (3) Head Scribes. The initial pay scale of the Junior Scribes is Rs. 330-560. The pay scale of the Senior Scribe is Rs. 425-640 and the Head Scribe is Rs. 550-750.

11. There are three categories of Draftsmen in the same Department viz., Survey of India. They are, Draftsmen Grade-III, Draftsmen Grade-II and Draftsmen Grade-I. Their pay scales are, Draftsmen Grade-III were drawing pay in the pay scale of Rs. 260-400, Draftsmen Grade-II were drawing pay in the pay scale of Rs. 330-560 and the Draftsmen Grade-I were drawing pay in the pay scale of Rs. 425-700.

12. In so far as the pay scales are concerned initially the scribes were drawing higher scales of pay whereas the Draftsmen were drawing the lower scales of pay. Basing on an Award of Board of Arbitration, the pay scale of the Draftsmen Grade-III was raised from Rs. 260-400 to Rs. 330-560, Draftsmen Grade-II was raised from Rs. 330-560 to Rs. 425-700, and the Draftsmen Grade-I was raised from Rs. 425-700 to Rs. 550-750. Very recently, the pay scales of Draftsmen were further increased on the basis of the Central Public Works Department Award with effect from 13.5.1982 raising the pay scale of the Draftsmen Grade-II from Rs. 330-560 to Rs. 425-700 whereas the Scribes who were getting pay in the pay scale of Rs. 330-560 were originally remained as it is. The Draftsmen were initially drawing lesser pay scales than the Scribes because the Government has recognized that the Scribes, are more skillful and pains-taking, so they were given higher scales of pay for a pretty long time whereas

the Draftsmen who are diploma holders, they were given lesser scales of pay. The Government recognised the Scribes as superior grade because of the relative merits in the work for them. But all of a sudden, basing on an award, the pay scales of the Draftsmen were made equal to the Scribes and they further raised their pay scales more than the pay scales of the Scribes within a short span of time basing on the CPWD Awards. The Government very well knew that the Scribes are higher category, so they were given higher scales of pay in the beginning. When the Draftsmen scales were increased basing on some awards, the duty was on the Government to carefully examine the disparity between the Scribes and the Draftsmen. At least, the Scribes can be put on equal grade along with the Draftsmen but the Government did not give higher scales of pay to the Scribes. The Scribes made representation to the Department and the Government did not consider the same. The Government itself did not take a decision to increase the pay scales of the Draftsmen. Only basing on the Awards, they increased the pay scales of the Draftsmen and the very Department made a recommendation to the Government about the inequalities in the pay scales of the Draftsmen and the Scribes and they stated that the Scribes are discharging more pains-taking work. They stated while recommending to the Government about the pay scales of the Scribes, that, the Scribing can be done by a Draftsman, only after a specialised training and they also stated that the scribing job is pains-taking one and it requires additional skills to work with special tools and hard plastic materials and with constantly focused artificial light into the scribe's eyes from beneath their working sheets. They also stated that "it needs no special emphasis that these working conditions continued for long period may tell upon the eyesight of the individuals involved in the scribing work".

They further stated that they very small number (1 Juniors, 2 Senior and 1 Head Scriber) in the Department vis-a-vis the heavy work load, the Scribers tend to be overburdened with work. So, according to the Department, the Scribers require equal treatment on par with the Draftsmen. The petitioners themselves also contended in their representation to the Secretary to the Government, Department of Mines, New Delhi that their work in the Department is more pains-taking involving long hours of work every day, looking over a power light source below the scribe sheets. They also contended that the scribing work requires additional skills is corroborated by the fact that Draftsmen in Geological Survey of India are being imparted special training in Survey of India to enable them to undertake the scribing. Hence, the Scribers deserve, if not higher benefits, atleast parity with the Draftsmen. In fact Scribers are treated as a step lower than that of the Draftsmen. Recognising the fact that the scribing is a more sophisticated function, the Scribers were originally recruited in the higher pay scale of Rs. 330-560 whereas the lowest scale of Rs. 260-400 was given to the Draftsmen. According to the petitioners, the pay scale of Draftsmen was increased to Rs. 425-700. So, they requested the Government to treat them on par with the Draftsmen.

13. In this case, the Government, at the inception placed the Scribers in higher grade than the Draftsmen. After recognising the skill and seriousness involved in the work, the Government has fixed higher scales of pay and the Draftsmen were given the lower scales of pay. The Government itself has not gone into the details of the respective duties and works of the two categories of people by appointing a committee on their own accord and they are only based on the Awards given

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In this respect, they increased the pay scales of the Draftsmen firstly, equalized their pay with the Scribes and immediately thereafter they further increased the pay scales of the Draftsmen. The petitioners contended that their work is superior and involved great skill. They also contended that the department deputed some Draftsmen to undergo training under the Scribes to learn scribing work. So, they stated that the Scribing work is more difficult, pains taking. For that reason alone the Scribes were put on higher pay scale than the Draftsmen and they are entitled to get the equal pay scale on par with the Draftsmen at least. The Department itself who is competent authority to assess the relative merits and demerits of the work involved in the two categories of people, made a recommendation stating that the Scribes are discharging important duties and they are taking a lot of risk in discharging their duties and they are working sometimes it is also injurious to their eyes by focussing artificial light into their eyes. So, they recommend that their pay scale should be equated with the pay scale of the Draftsmen. The Departmental officers are the competent authorities to assess the work of these categories of employees. They themselves after going through the nature of the work of the Scribes and the Draftsmen, recommended that the pay scales of the Scribes should be increased on par with the Draftsmen. When the Government increased the pay scales of the Draftsmen basing on the Awards, what prevented the Government to act upon the recommendation made by the officers of the Geological Survey of India who knows the work of the petitioners, who knows the risk involved in their work intimately and recommended to increase their pay scales on par with the Draftsmen. The Government has not shown any reason for not accepting

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the recommendation of the Department.

14. In this case, the Scribers are very limited in number, say about half a dozen and their grievance cannot be effectively agitated and only thing they can do is that they can make an appeal to their higher authorities. If the authorities apply their mind as to how the Scribers were placed above the Craftsmen at the first instance, how the Craftsmen were come up basing on the Awards, and what is the weight they have given to the Craftsmen while upgrading their pay scales etc., they must also consider sympathetically the recommendation made by the Department. Once the Government acted upon the observations made in the Awards and acted upon it and increased the pay scales of the Craftsmen, the same Government ought to never give weight to the recommendations of the departmental officers who are competent to recommend to increase the pay scales on par with the Craftsmen and they ought to have implemented the same. There are no proper grounds shown for not placing the petitioners on par with the Craftsmen. The claim of the petitioners is that their pay scales shall be fixed on par with the Craftsmen. The same was recommended by the Department also. There are no grounds to reject the recommendation of the Department. The Government ought to have appreciated the recommendations of the Department as they have done in the case of the recommendations made in the Awards with regard to the Craftsmen. So, it is a fit case to equalise the pay scales of the Scribers on par with the Craftsmen. We accordingly quash the impugned order No. J-11011/11/87-M.1 dated 3.12.1986 and letter No. J-11011/11/87/M.2 dated 19.2.1987 issued by the Ministry of Steel and Mines, Department of Mines, New Delhi. We direct the

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Annexure-9 (Contd.)

Respondents to fix the pay scales of the Scribers on par with the Draffmen notionaly from 13.5.1982 and pay the arrears to the Scribers from the date the Department recommended the case of the Scribers i.e., from 15.1.1987. The petitioners are entitled to be treated on par with the Draffmen and the pay scales of the Draffmen, to direct the respondents to implement this order within a period of two months from the date of receipt of this order.

15.

The application is accordingly allowed. There is no order as to costs.

Certified to be true copy  
Sd/- Illegible 12.4.91  
Court Officer,  
Central Administrative Tribunal  
Hyderabad Bench  
Hyderabad.

Alleged  
S. Srinivas  
Advocate

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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.2094/2001

Annexure-11

13<sup>b</sup>

New Delhi this the 7th day of February, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Draughtsmens' (Cartographic) Association, Survey of India, Through Shri R.P. Bhartiya, Assistant Secy. General, West Block-4, R.K. Puram, New Delhi-110066
2. J.P. Dhyani S/o late Sh. R.D. Dhyani Directorate of Survey (AIR), Wing No. 4, 11nd Floor, West Block-4, R.K. Puram, New Delhi-110066
3. Sukkhan Singh S/o Late Sh. Nakli Singh No. 94 (AM) Party, Survey of India, West Block No. 4, Ground Floor, Wing No. 4, R.K. Puram, New Delhi-110066.

(By Advocate Shri K.B.S. Rajan )

...APPLICANTS

VERSUS

1. Union of India Through The Secretary, Ministry of Science & Tech. New Mehrauli Road, New Delhi 110 016
2. The Surveyor General Survey of India Block B, Hathi Barkala Estate, Dehra Dun, U.P. 248001

Respondents

(By Advocate Sh. J.B. Mudgil, learned Counsel through proxy counsel Shri P.P. Rehlan )

*Entered  
S. Anand  
Advocate*

प्रमाणित  
TESTED

अधिकारी निवार  
Examiner Judicial Deposit

O R D E R (ORAL)

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Hon'ble Shri S.A.T. Rizvi, Member(A).

On the basis of the Award of the Board of Arbitration, the Draftsmen Grade-I, Grade-II and Grade-III working in the CPWD were given the benefit of revised pay grades. By Office Memorandum dated 19.10.1994 (A-4), the same relief was extended to the Draftsmen working in the other Departments / Ministries of the Govt. of India. The extension of the aforesaid relief was made subject to the fulfilment of certain conditions listed in the aforesaid Office Memorandum of 19.10.1994. The same Office Memorandum also provided that after placing the Draftsmen in the revised pay grades, further promotions could be made against available vacancies in the higher pay grades in accordance with the normal eligibility criteria laid down in the relevant Recruitment Rules.

2. One Shri Tulsiram Sharma and several others came up before the Guwahati Bench of this Tribunal through O.A. No. 52 of 1996 challenging the respondents' action in not extending the aforesaid benefit to them. The applicants in that O.A. were working under the Survey of India who are respondents in the present O.A. as well. By the order passed on 17.7.1997, the Tribunal in that case found that the benefit given to the Draftsmen under the aforesaid O.M. dated 19.10.1994 could be extended to the applicants, and directed them to place the applicants in that O.A. in the revised pay grades. The matter was taken thereafter to the Guwahati High Court which upheld the order passed by the Tribunal in their judgement.

*Deesha  
S.A.T.  
Advocate*

(R)

rendered on 31.7.1999 (A-6). Later, the SLP filed in the same case before the Supreme Court was also dismissed on 31.3.2000 (A-7). Consequently, the orders passed by the Tribunal were implemented in respect of all the applicants in O.A. No. 52 of 1996. Copy of one such order <sup>is passed</sup> in the case of S.S. Solanki has been placed on record (A-8).

3. When the applicants in the present O.A. approached the same respondents for the extension of the very same benefit to them, their representation has been rejected by the Survey of India by the letter issued on 22.6.2001 (A-1), on the simple ground that the benefit in question could be extended only to those who went before the Tribunal and thereafter before the High Court and the Supreme Court, and not to any others.

4. The learned counsel appearing on behalf of the applicants submits that the rejection of the claim of the applicants on the aforesated grounds is illegal and deserves to be quashed. According to <sup>him</sup> ~~them~~, as per a catena of judgements rendered by the Apex Court, such a benefit, as has been claimed in the present O.A., ought to have been extended by the respondents on their own to all those who were found by them to be similarly placed. The applicants, belonging to the same organisation, obviously, are similarly placed persons and, therefore, there should have been no hesitation on the part of the respondents to extend the benefit in question to them. In support of his contention, the learned counsel places reliance on

*Attested  
S. S. Solanki*

प्रमाणित  
TESTED

राजेन्द्र, प्रमाणित  
President, S.C.C. Deptt.  
संघीय नियमित  
Central Adm. S.C.C. Deptt.

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paragraph 126.5 of the 5th Central Pay Commission recommendations reproduced by him in the legal notice sent on behalf of the applicants on 18.6.2001 (A-9). For the sake of convenience, we would like to reproduce the relevant portion taken therefrom as follows:

"126.5 We have observed that frequently, in cases of service litigation involving many similarly placed employees, the benefit of judgment is only extended to those employees who had agitated the matter before Tribunal/Court. This generates a lot of needless litigation. It also runs contrary to the judgment given by the Full Bench of Central Administrative Tribunal, Bangalore in the case of C.S. Elias Ahmed and others vs. UOI and ors (O.A. Nos. 451 and 541 of 1991) wherein it was held that the entire class of employees who are similarly situated are required to be given the benefit of the decision whether or not they were parties to the original writ. Incidentally, this principle has been upheld by the Supreme Court in this case as well as in numerous other judgments like G.C. Ghosh vs. UOI, (1992) 19 ATC 94 (SC dated 20.7.1988); K.I. Shepherd vs. UOI (JT 1987 (3) SC 600); Abid Hussain vs. UOI (JT 1987 (1) SC 147) etc. Accordingly, we recommend that decisions taken in one specific case either by the judiciary or the Govt. should be applied to all other identical cases without forcing the other employees to approach the court of law for an identical remedy or relief. We clarify that this decision will apply only in cases where a principle or common issue of general nature applicable to a group or category of Government employees is concerned and not to the matter relating to a specific grievance or anomaly of an individual employee".

5. On consideration, we find that the contention raised by the learned counsel is ~~not~~ <sup>wholly</sup> in accord with the law laid down by the Apex Court in the various cases referred to in the above extract. The order passed by the High Court upholding the Tribunal's orders in this case is ~~not~~ <sup>to be</sup>, according to him, regarded as a judgment in rem and the benefit flowing therefrom must, therefore, reach ~~to~~ the

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*Attestd  
Smt. G.S. Puri*

प्रमाणात्मक अटेस्टेड

रामेश्वर  
Examiner  
क्रमांक  
Dep't.

applicants, without any manner of doubt, as they are all similarly placed persons. We do agree.

6. Since nothing new, apart from what has been pleaded in the reply placed on record, has been submitted before us by the learned proxy counsel for the respondents, we find merit in the O.A. on the basis of whatever has been observed by us in the preceding paragraphs. The O.A. therefore, deserves to be allowed.

7. Insofar as the question of payment of arrears is concerned, we find that while there may be no problem in directing the respondents to fix the pay and allowances of the applicants in accordance with the O.M. dated 19.10.1994, the payment of actual benefit arising therefrom will have to be confined, in our judgement, to the period counted after lapse of one month from the date of filing of representations in each case. The respondents are further directed to calculate the benefit accordingly and thereafter make payments expeditiously and in any event within a period of three months from the date of receipt of a copy of this order. We direct accordingly.

8. The aforesaid amounts, in-so-far as the retired persons or those who are dead are concerned, will be made over to the retired persons and their respective heirs in accordance with law, rules and instructions.

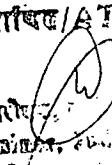
ବ୍ୟୁଧାବିଷ୍ଟ / ATTESTED

9. The learned counsel appearing on behalf of the applicants presses for payment of exemplary costs. We have carefully noted the submissions made by him. The learned counsel for the respondents vehemently opposes the payment of costs on the ground that the applicants themselves have moved in the matter belatedly only after the Supreme Court's judgement became available in 2001. The benefit sought to be extended to the applicants in the present O.A. <sup>derives</sup> ~~derives~~ validity from the O.M. issued by the Ministry of Finance (Department of Expenditure), Government of India on 19.10.1994. The same was applicable to all the Departments/Ministries of the Government. As a responsible organisation (Department), the respondents were required to comply with the stipulations made in the aforesaid O.M. expeditiously rather than holding on until the claimants approached this Tribunal and the High Court and later the Supreme Court. By delaying the payments arising from the provisions made in the aforesaid O.M., the respondents have in our judgement, made themselves liable, in the peculiar circumstances of this case, for payment of costs. Accordingly, we direct payment of costs to the applicants quantified at Rs.5000/- (Rupees five thousand).

(S.A.T. Rizvi)  
Member(A)

(Smt. Lakshmi Swaminathan)  
Vice Chairman (J)

'SRD'

RECORDED/ATTESTED  
  
 Debenath, 2001. 10. 20. Deptt.  
 Supreme Court of India  
 Tribuna  
 2001. 10. 20.  
 Debenath

Attest  
 Smt. Lakshmi Swaminathan  
 Vice Chairman (J)  
 2001. 10. 20.

442  
 Certified that this is a true and definite  
 copy of the case  
 file ( 199 )  
 and  
 is fully and faithfully copied with  
 the original.

Serial No. of the copy applied

प्राप्ति 199

d) Name of the applicant

प्राप्ति 199

iii) Date of issue of application

प्राप्ति 199

iv) Name of the authority

प्राप्ति 199

v) Date of generation of copy

प्राप्ति 199

vi) Date on which copy is ready

प्राप्ति 199

S. P. Bhatia  
 13/2/02

S. P. Bhatia

13/2/02

S. P. Bhatia

13/2/02

S. P. Bhatia

13/2/02

S. P. Bhatia

13/2/02

Section Officer (JAIL)

नियन्त्रित प्राप्ति 199

Central Jails, New Delhi

Delhi, India, 110001

13/2/02, New Delhi

Annexe-12

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गारतीय सर्वेक्षण विभाग THROUGH COURIER  
SURVEY OF INDIA

U.G.(P.L.)  
S.G.(S.G.)

सं. No. 5  
7/62

तार : "महासर्वेक्षण"  
Telegram : "SURVEYS"

/2158-Arbitration

महासर्वेक्षक का कार्यालय  
SURVEYOR GENERAL'S OFFICE

आक बगत नं. 37, POST BOX NO. 37,  
देहरादून-248601 (U.P.)-पालि  
DEHRADUN-248601 (U.P.)-INDIA.

मार्ग Dated 10 February 1995

19 (मास Saka).

To

The Secretary to the Govt. of India,  
Ministry of Science and Technology,  
(Department of Science and Technology)  
New Delhi-16.

(Attention: Shri R.C.Gupta, Desk Officer )

SUB:

REVISION OF PAY SCALE OF DRAFTSMAN GRADE I, II AND III  
C.F. GOVT. OF INDIA OFFICES ON THE BASIS OF THE AWARD  
OF BOARD OF ARBITRATION IN THE CASE OF CENTRAL PUBLIC  
WORKS DEPARTMENTS.

Sir,

With reference to Ministry of Finance letter  
No.13(1)-IC/91 dated 19.10.94 received with the DST's letter  
No.1-12/93-Cdn dt. 1st November, 1994 (copy enclosed for ready  
reference), I have the honour to bring to the kind notice  
of the Department the following points with regard to the  
implementation of the directions given therein:

(1) In Survey of India, Draftsmen are recruited  
having Intermediate with Maths as educational  
qualifications and they are imparted in-house training  
for two years at Survey Training Institute Hyderabad  
in Cartography.

(ii) After successful completion of training they are  
classified as Draftsman, Grade IV. On completion of  
three years in grade IV and subject to qualifying  
the trade test (Departmental Examination), they are  
promoted as Draftsman Grade III. Again after two  
years on qualifying the trade test, they are promoted  
as Draftsman Grade II. After completing 5 years in  
grade II they become eligible for promotion to  
Draftsman Div.I.

(iii) The Third Pay Commission recommended the following  
scales for Div.II and Div.I staff of Survey of India  
as per page Nos. 126 & 127 of Vol.II, Part II of the  
Pay Commission's Report (photo copy enclosed):

2/.....

Attest  
S.G.  
A.O.

Grade V	260-430
Grade IV	
Grade III	330-560
Grade II	
Div. I	425-700

These scales were further revised as under:

Grade VII	330-480
Grade VI	425-600

letter No. F.42(5)/74-IC dt. 19th March, 1977 (copy enclosed) and these were made effective w.e.f. 1.1.73.

The scale of Div. I was revised to 425-750 vide DST's letter No. 22-11/81-SMP dated 5th March, 1986 (copy enclosed). This revision was based on Arbitration Award and was effective from 14th March, 1986.

Thus, after the above revision the ultimate scales available to the Survey of India Div. II and Div. I staff before the Fourth Pay Commission were as given below:

T.T.P.'B' (Trainees)	-260-350
Draftsmen Grade IV	-260-430
Draftsmen Grade III	330-560
Draftsmen Grade II	425-600
Draftsmen Div. I	425-750

(i) After IVth Pay Commission those scales were revised as under:

T.T.P.'B' (Trainees)	-950-1400
Draftsmen Grade IV	-975-1540
Draftsmen Grade III	-1200-1800
Draftsmen Grade II	-1350-2200
Draftsmen Div. I	-1400-2600

(v) The scales given in the Ministry of Finance letter of dated 19th October, 1994 reproduced below for various grades of Draftsmen are different to the one prevalent in Survey of India:

	Original Scales	Revised Scales
Draughtsman Grade III	260-430	330-560
Draughtsman Grade II	330-560	425-700
Draughtsman Grade I	425-700	550-750

2. From the above it is seen that Govt. of India has revised the various pay scales of the Draftsmen originally recommended by the Third Pay Commission but in case of Survey of India those have been revised as given in para 1(iii) above. As such the Department is requested to split the scale of Draftsmen Grade II as given in the letter of 19th October, 1994 into two scales to match the Survey of India scales of

*Noticed*  
*10/10/94*

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330-480 and 425-600 so that these may be implemented in Survey of India also w.e.f. 1.11.83.

The split scales are suggested as under :

	<u>Original Scales</u>	<u>Revised Scales</u>
Draftsman Grade III	330-480	425-600
Draftsman Grade II	380-560	425-700

If the above suggested scales are approved then the scales of Survey of India's Draftsmen will be placed in the following

	<u>Before IV Pay Commission</u>	<u>After IV Pay Commission</u>
T.T.T. 'B' (Trainees)		
Draftsmen Grade IV	-260-350	960-1400
Draftsmen Grade III	-330-560	1200-2040
Draftsmen Grade II	-425-600	1350-2200
Draftsmen Grade I	-425-700	1400-2300
	-550-750	1600-2660

3. It is also brought to the notice of the Department that in Survey of India there are other trades like Planetablers/Air Survey Draftsmen/Topo Auxiliary/Topo Computers who are also recruited, trained and promoted on the same lines as D/Men. The job of the Draftsman is Cartography etc. carry out survey work during the field season and during the recess they also carry out cartographic work as done by the Draftsman. As such it is requested that these orders may also be made applicable to the other Topo trades of Survey of India as their pay scales and responsibilities are similar to that of Draftsmen.

Yours faithfully,

( M. BHATTACHARYA )  
DIRECTOR, (ADM. & FINNCE)  
for SURVEYOR GENERAL OF INDIA.

RKG/L

After  
S. S. J.

O.A. NO.141 OF 2002

SHRI B. RAJKUMAR AND OTHERS

-VS-

UNION OF INDIA &amp; OTHERS

-AND-

IN THE MATTER OF:

Written statement submitted by the respondents.

The respondents beg to submit Brief History of the case which may be treated as a part of written statement.

#### BRIEF HISTORY OF THE CASE

The Topographical Staff of Survey of India, which includes Planetabler, Air Survey Draftsman and Topo Auxiliary have asked to extend the benefit of Judgment of Guwahati CAT Bench's given in O.A.No.52/96- Shri T. R. Sharma & Others -Vs- Union of India & others. As per CAT's orders, benefits have been given to the Draftsman Cadre of Survey of India only. This benefit is based on the Arbitration award given to the Draftsman Cadre of C.P.W.D. and sanctioned by the Ministry of Finance (Department of Expenditure under their O.M.'s No.F-5(59)-E.III/82 dated 13.3.84 (Annexure 3 of the O.A.) and No.13(1)-IC/94 dated 19.10.94 (Annexure 4 of the O.A.) and further extended under O.M.No.6/1/98-IC dated 1.6.2001. Copies of the above O.M.'s are enclosed with the O.A.No.141/2002. These benefits of awards is granted to the Draftsman of C.P.W.D. and extended to the Draftsman Cadre of other departments under the Govt. of India and its subordinate department/offices. Other cadres under the Govt. of India and its subordinate offices can not claim the benefits of the above mentioned award.

2. Topographical staff are unique and distinct than the Draftsman Cadre in work culture and technical knowledge in Survey of India. They cannot be equated with Draftsman Cadre in the Department. If they had not been different in work culture then they would have not been placed under different category. Their recruitment was conducted as per the vacancy in the respective Cadre in the directorate. They are not brought from the Common Pool of recruitment as demanded by the applicants. As such the benefit of OM No.13(1)-IC/91 dated 19.10.94 cannot be extended to the applicants.

122  
146 (A. DEB ROR)  
Sr. C. J. J.  
C. A. T. Guwahati Bench

10/11/02  
Bawd

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## PARAWISE COMMENTS

1. That with regard to para- 1, 2 & 3 of O.A., the respondents beg to offer no comments. As it is based on records.

2. That with regard to para- 4.1 of O.A. the Respondents beg to state that the designation is Planetabler and not tabler as shown in the para.

3. That with regard to para- 4.2 of O.A. the Respondents beg to offer no comments.

4. That with regard to para – 4.3 of O.A., the Respondents beg to state that the benefits of order passed by Hon'ble CAT, Guwahati Bench dated 17.7.97 in O.A. No.52/1996 (Annexure 5 of the O.A.) is only for the Draftsman Cadre in the Department.

5. That with regard to para- 4.4 & 4.5 of O.A., the Respondents beg to offer no comments.

6. That with regard to para- 4.6 of O.A., the Respondents beg to state that the Topographical Cadre and Draftsman Cadre are different and not the same. In this connection please refer para 2 of the Cadre Review Report received under D.S.T.'s No.SM/02/044/088 dated 30.1.1996. It is also evident from the C.O. 439 (Annexure 2 of the O.A.) dated the duties and qualification of Planetabler, Air Survey Draftsman, Topo Auxiliary are totally different from the Draftsman Cadre. Other facts regarding work given under this para is based on records, and hence no reply.

(Cadre Review Report dated 30.1.1996 is annexed as Annexure-1)

7. That with regard to para – 4.7 & 4.8 of O.A., the Respondents beg to offer no comments.

8. That with regard to para- 4.9, 4.10, 4.11 and 4.12 of O.A., the Respondents beg to state that it is the history of C.P.W.D.'s Draftsman pay scale while the applicants are Topo staff of Survey of India. Therefore they can not claim the benefit granted to the C.P.W.D.'s Draftsman, for whom the nature and types of jobs are different.

9. That with regard to para-4.13 to 4.15 of O.A., the Respondents beg to state that it is a fact that Topographical Cadre except Topo Auxiliaries are also allotted scribing/fair drawing work occasionally only when they are in headquarters in addition to field Survey work as stated in the para. During field work they are given TA/DR in addition to their salary for the entire duration of field. Other facts maintained in the para are based on facts hence no reply.

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10. That with regard to para- 4.16 of O.A., the Respondents beg to offer no comments.

11. That with regard to para 4.17 of O.A., the Respondents beg to state that the Planetabler, Air Survey Draftsman and Topo Auxiliary are not the similarly placed employees, because there is no post of Planetabler/Air Survey Draftsman and Topo Auxiliary in other Departments of the Govt. of India except S01.

12. That with regard to para- 4.18 of O.A., the Respondents beg to state that the Hon'ble CAT has observed in many cases that the true equation of posts and equal pay are matter preliminarily for the Executive Govt. and expert bodies like pay Commission and not for Court. In O.A. No.368/95- Shri R.N. Majhi & Others –Vs- Union of India and Others the Hon'ble Cuttack Bench, Cuttack has issued the following orders.

"It is not for this Tribunal to sit as an Appellate Authority to decide as to which class of Govt. servants to what scale of pay. If Applicants have any grievance to the redressal in the regard, they need to approach the Finance Ministry for Redressal of their Grievances."

The applicant of the present O.A. may approach to Ministry of Finance for redressal of their grievances.

13. That with regard to para-4.19 of O.A., the Respondents beg to state the Planetabler, Air Survey Draftsman and Topo Auxiliary gets the 100 weeks training in the Survey Training Institutes, Hyderabad after the initial appointment as Topo Trainee Type 'B' while Draftsman gets the 52 weeks training. When there is so much difference in the period of their training, how they can claim as similarly placed with Draftsman Cadre.

14. That with regard to para-4.20 to 4.22 of O.A., the Respondents beg to offer no comments.

15. That with regard to para- 4.23 of O.A., the Respondents beg to state that the facts already stated in para-13 above.

16. That with regard to para- 4.24 & 4.25 of O.A., the Respondents beg to offer no comments.

17. That with regard to para- 5.1 to 5.11 of O.A., the Respondents beg to state that the facts already stated above in para- 13.

18. That with regard to para- 6 to 19 of O.A., the Respondents beg to offer no comments.

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Ans

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In view of above submission, the grounds urged by the Applicant in support of the relief sought by applicant are totally untenable. The pay scale mentioned in Office Memorandum No. 13(1)-IC/91 dated 19.10.1994 can not be extended to the Cadres as they are not belong to Draftsman Cadre as specified in the O.M. The Respondents has not violated any articles of the Constitution of India as contended by the applicant in Para 5.1.

Hon'ble Apex Court judgment in case of State of U.P. –Vs- Ministerial Karmachari Sangh, AIR 1998 SC 303 and wherein Hon'ble Apex Court observed.

“It is also settle position that the evaluation of such jobs for the purpose of Pay Scales must be left to expert bodies and unless there are any malafides, its evaluation should be accepted”.

Also in the case State of U.P. –Vs- J.P. Chaurasia AIR 1989 SC 19, Hon'ble Supreme Court observed “The equation of post equalion of pay must be left to the Executive Government. It must be determined by expert bodies like Pay Commission. They would be the best judge to evaluate the nature of duties and responsibilities of posts. If there is any such determination by a Commission or Committee the Court should normally accept it. The Court should not try to tinker with such equivalence unless it is shown that it was made with the extraneous consideration.

In the lime light of the above observation, Hon'ble Apex Court and Hon'ble CAT, Cuttack Bench specified in para 12 claim of appellant for the extension of benefit of OM No.13(1)-IC/91 dated 19.10.94 is not tenable.

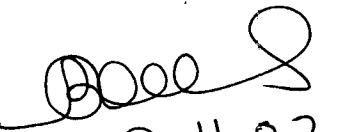
Wherefore the Hon'ble Tribunal may please dismiss the above application in the interest of justice.

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**VERIFICATION**

I, Colonel 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 this written statements reply is true to my knowledge, information and belief.

And I sign this verification on this 08<sup>th</sup> day of ..... November 2002  
at Shillong.

  
8.11.02

Deponent:

COLONEL BHARAT DAS SHARMA

भारत सरकार

विज्ञान प्रौद्योगिकी मंत्रालय  
विज्ञान प्रौद्योगिकी विभाग

कलाशी भवन, नया महाराजा पाल, नई रिस्ट्रेस-110016

GOVERNMENT OF INDIA  
MINISTRY OF SCIENCE & TECHNOLOGY  
Department of Science & Technology

Technology Bhawan, New Mehrauli Road, New Delhi-110016

(6)

1/2/1996

TELEGRAM

फोन/Telephone

टेलेक्स/Telex

फैक्स/Fax

ANNEXURE-I

SCIENCE & TECHNOLOGY

662135, (EPABX)

667373

73381, 73317, 73260

661682, 6863847

6862418, 684567

NO. SH/02/044/vedb

JANUARY 30, 1996

To

✓ The Surveyor General of India.

Post Box 34,

DEHLI 110001.

(Attention: Maj. Gen. S.M. Menta, Surveyor General)

Subject: Implementation of Cadre Review proposal of Group B, C & D staff (Topo and Printing Cadres) in Survey of India  
= Creation/abolition of posts = reg.

Sir,

I am directed to say that this department had constituted a Department Cadre Review Committee under the Chairmanship of Joint Secretary (Admin.) in this department in terms of instructions contained in Deptt. of Personnel & Training's O.M. No. 271/87/P dated 23rd Nov., 1987. The report submitted by the committee in January, 88 was considered by the Deptt. of Science & Technology in the light of the guidelines in D.P.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 361 posts, with details in respect of various cadres/posts as under:-

S.No.	Post	Exist- ing strength	RE strength or implemen- tation of cadre review	No. of posts for Creation	abolition	
1	2	3	4	5	6	

I. TOPOGRAPHICAL CADRES

1. Officer Surveyor (Rs.2000-3500)	338	474	136	
Surveyors/ Survey Assistant/ Scientific Assistant/ Geodetic Computer (U.V.) (Rs.1400-2600)	1240	1260	20	

12/2/96

12/2/96

(7)

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SN

3. Junior Surveyor	1637	1547	-	90
Div. II/III (3000)				
ASD Man				
(Rs.1350-2200)				
(Rs.1200-1800)				
(Rs.975-1540)				
(Rs.950-1400)				
4. Khalasi	4893	4532	-	361
(Rs.750-940)				
<b>Total :</b>	<b>8108</b>	<b>7813</b>	<b>+156</b>	<b>-451</b>

Difference: (+156-451) = -295 posts

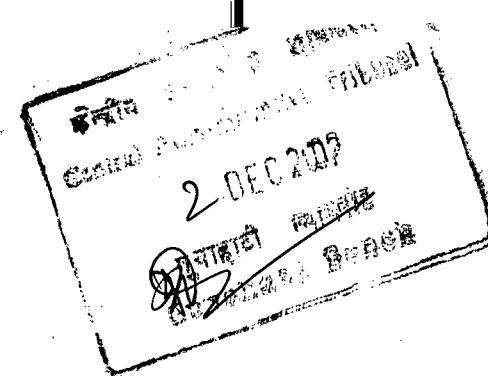
**II. DRAFTSMAN CADRE**

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	-	174
(Rs.1350-2200)				
(Rs.1200-1800)				
(Rs.975-1540)				
(Rs.950-1400)				
<b>TOTAL</b>	<b>1558</b>	<b>1491</b>	<b>+107</b>	<b>-174</b>

Difference: (+107-174) = -67 posts

**III. STORE & RECORD KEEPING CADRE**

1. Store Officer	1	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.1400-2300)				
Stores Assistant	22	35	13	-
(Rs.1350-2200)				



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

In the matter of :

O.A. No. 141 of 2002

Shri B. Rajkumar and Ors.

-vs-

Union of India & Ors.

And

In the matter of

Rejoinder submitted by the applicants 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 with reference to the statement made in column "Brief History of the Case" the applicants beg to state that the Topographical Staff of the Survey of India includes Planetabler, Air Survey, Draftsman, Topo Auxiliary and Draftsman, the same was categorically admitted by the respondents in their order contained in the letter bearing No. SM/06/001/95, dated 31st January, 1996 (Annexure-8 to the O.A.), which states as follows :

"3. The Department has considered the existing pay structure of Draftsman in Survey of India(SOI). Draftsman in Survey of India is a part of the

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Filed by the applicant  
through Sri G. N. Chakraborty  
Advocate on 2-12-2002  
for

topographical cadre which includes other employees like plane tablers, topo-auxilliary, air-survey Draftsman, Survey Assistants, Topo-Computers, etc. The qualification for recruitment is kept as Intermediate with Mathematics as one of the subjects"

It is quite clear from the aforesaid statement of the respondents while rejecting the claim for grant of revised pay in terms of Memorandum dated 19.10.94 that the Planetabler, Air Survey Draftsman and Topo Auxiliary are integral part including the Draftsman of the Topographical Cadre. Be its stated that the cadre of Plane table, Air Survey Draftsman, Draftsman and Topo Auxiliary initially appointed as TTB Grade IV against similar recruitment qualification i.e. intermediate with Science (after amendment) in the same pay scale. Parity of pay is all along maintained by the Government and treated all the aforesaid cadre as Topographical cadre even the Government of India after receipt of the 3rd Central Pay Commission recommendation so far Draftsmen are concerned, the revised scale of Rs. 330-560/-, but the Government of India decided to grant the revised pay scale of Rs. 425-600 to the Draftsman of Survey of Indi. By the same order the same pay scale is extended to the Planetabler, Air Survey, Draftsman, Topo Auxiliary of Grade II. Be its stated that since the Ist Central Pay commission to till date (before the judgment and order dated 17.7.97 in O.A. 52 of 1996)- the entire Topographical cadre were all along granted same pay scale. It would be evident that the present applicants were also placed in the pay scale of Rs. 425-600 along with the Draftsman by Government itself. Now therefore, respondents cannot make any discrimination in the matter of grant of revised higher pay scale to the applicants in terms of Memorandum dated 19.10.1994, otherwise the same would be violative of the Article 14 and 16 of the Constitution of India.

Jmf

2. That it is categorically stated that all the cadre viz. Draftsman, Air Survey Draftsman, Planetabler, Topo Auxiliary all along known as "Topographical Cadre Division II Grade-II". These cadres have no individual identity at any point of time, whenever a recommendation is made either by the Central Pay Commission, by the Surveyor General of India, or by the Government itself, even Kalia Commission which was constituted by the Government treated all the aforesaid four cadres as Grade II in Division II. Dr. Kalia Committee constituted by the Government of India after the 3rd Pay Commission's recommendation dated 9.8.1973 recommended as follows :

"The Committee therefore recommends that as in the scale of Rs. 205-280 of Grade I in Div.I, the scale of Rs. 205-280 of Grade II in Div. II should also be revised to Rs. 425-700" After 3rd Pay Commission.

It is quite clear from above recommendation of Pay Kalia Commission that the incumbents in Grade II, Division II, performing similar duties who are subsequently upgraded to the cadre of Grade -II Division II although nomenclature of the post concerned are different such as Draftsman, Air Survey Draftsman, Planetabler, Topo Auxiliary. As such they are entitled to similar treatment in respect of similar pay scale. It would be evident that applicants are being imparting training in the scribing course in the Survey Training Institute, Hyderabad and on successful completion of scribing course certificates are being issued by the Institute in favour of the individual applicants. Therefore imparting of Training in the Scribing Course to the present applicants in the Hyderabad Training institute makes it abundantly clear that they are also performing same duties and responsibilities like the applicants in O.A. No. 52 of 1976.

A few copies of certificates of Scribing course issued by the Survey of India, Hyderabad Training institute are enclosed as Annexure-A Series for perusal of the Hon'ble Tribunal.

3. That with regard to the statement made in paragraphs 4,6 and 8 of the written statement, the applicants categorically denied the same and further beg to state that the judgment and order dated 17.7.97 passed in O.A. No. 52 of 1996 is not a judgment in personam but the said is judgment in rem. Therefore, the benefit of the same is liable to be extended to the applicants also who are all along treated at par with the Draftsman and the benefit of Central Pay Commission also extended to the applicants from time to time whatever recommendation passed in favour of the Draftsman of Survey of India. As such, respondents cannot differentiate the present applicants in the matter of pay scale at par with the draftsman only due to the fact that the nomenclature of the present applicants are different.

The cadre review report dated 30.1.96 mentioned in paragraph 6 of the written statement has no relevancy in the instant case of the applicants. The contention of the respondents so far nature of job are concerned also irrelevant in the facts and circumstances of the present case, more so in view of the fact that since inception of the establishment of the Surveyor General of India the parity of Topographical cadre is maintained all along. Therefore, applicants cannot be denied the benefits of the revised pay scale provided in the O.M. dated 19.10.1994 which has already been extended to the Draftsman following the direction passed by this Hon'ble Tribunal in O.A. No. 52 of 1996.

A comparative statement between Air Survey Draftsman, Planetabler and Draftsman is enclosed for perusal of this Hon'ble

Tribunal as Annexure-B regarding recruitment qualification, nature of job

4. That your applicants categorically deny the statement in paragraph 9 and 11 of the written statement and further beg to state that the nature of job of the present applicants are more rigorous than those of Draftsman and they are being allotted scribing fair drawing on regular basis. The contention of the respondents that the post of Planetabler, Air Survey Draftsman and Topo Auxiliary in other departments of the Government of India are not available cannot be a ground for denial of the benefit of higher pay scales provided in the O.M. dated 19.10.1994 when the parity by the Government itself maintained all along that too following the recommendation of the 1st, 2nd, 3rd, 4th and 5th Central Pay Commission. Now therefore, the respondents are barred by the law of estoppel to deny the benefit of pay scale paid to the applicants in the instant application.

5. That with regard to the statement made in paragraphs 12 and 13 of the written statement, the applicants beg to state that the applicants in the instant case are squarely covered following the decision of the Hon'ble Tribunal in O.A. No. 52 of 1996, decided on 17.7.1997 by this Hon'ble Tribunal and the denial of the said benefit to the similarly situated applicants is violative of Article 14 and 16 of the Constitution of India as such no other alternative remedy is available to the applicants but to approach this Hon'ble Tribunal for grant of adequate relief. The duration of training period as mentioned by the respondents in paragraph 13 is irrelevant in the instant case of the applicants when historical parity is maintained by the Government of India itself. Therefore such benefit cannot be denied to the applicants having different nomenclature and the duration of training period in the same survey Training Institute are different.

It is pertinent to mention here that in the decision rendered by the Hon'ble Supreme Court in the case of Union of India and others Vs. Debasish Kar and others reported in 1995 Supp (3) SCC 528, wherein a mention is made in paragraph 14 of the said decision regarding the post of Tracers of the Ordnance Factories who were all along treated equivalent to the Draftsman Grade III of CPWD. However, following the recommendation of the 3rd Central Pay Commission in 1973 Tracers were redesignated as Draftsman Grade III and they were ultimately given the benefit of revised scale in terms of O.M. dated 13.3.1984 following the decision passed in the case of Union of India and Others Vs. Debasish Kar and others. Therefore, the present applicants are similarly situated like those Tracers of Ordnance Factories. There was a specific mention in the aforesaid decision of the Supreme Court that parity of pay in respect of Tracers were all along maintained with Draughtsmen Grade III of CPWD. Therefore the Hon'ble Court held that denial of similar revision of pay scale to Draughtsmen in Ordnance Factories would result in they are being down graded to the level of Tracers, Draftsman Grade III in CPWD. The facts and circumstances of the present case are quite similar to that of Tracers of Ordnance Factories, as such they are entitled to the benefit of revised pay scale provided in O.M. dated 19.10.1994.

A copy of the judgment dated 20th July, 1995 in the case of Union of India and Others Vs. Debasish Kar and Others passed by the Hon'ble Supreme Court is annexed as Annexure-C.

6. That it is stated that the respondents No.2 Surveyor General of India vide letter dated 16.2.1996 (Annexure-12 to the O.A.)

strongly recommended the case of the present applicant for grant of similar benefit for revised pay scale provided in the O.M. dated 19.10.1994 while recommending the case of the present applicant categorically observed that present applicants are recruited, trained and promoted on the same line as Draftsman and also carry out cartographic work as done by the Draftsman in addition to the Survey work done in the field season. Therefore, denial of the said benefit now by the respondents on a different plea is contrary to their own records. A mere perusal of the comparative statement regarding recruitment qualification pay scale of Air Survey Draftsman, Plane tabler Topo Auxiliary and Draftsman it would be evident that all of them are possessing same recruitment qualification, training and also same pay scale in different stages of up gradation. As such, applicants are entitled to benefit of revised pay scale provided for grade II draftsman in O.M. dated 19.10.1994 and denial of the said benefit is highly discriminatory in the facts and circumstances stated above.

A copy of the comparative statement regarding recruitment qualification is annexed hereto and marked as Annexure-D.

In view of the facts stated above the Original Application is deserves to be allowed with costs.

VERIFICATION

I, Sri Birendra Rajkumar Son of late Nilmani Rajkumar, aged about 44 years, working as Plane Tabler Grade II in the office of the 7 Party (NEC), Survey of India, Shillong do hereby verify that the statements made in the rejoinder in Paragraph 1 to 4 are true to my knowledge and the rest are my humble submission before the Hon'ble Tribunal and I have not suppressed any material fact.

And I sign this verification on this the 2nd day of December, 2002.

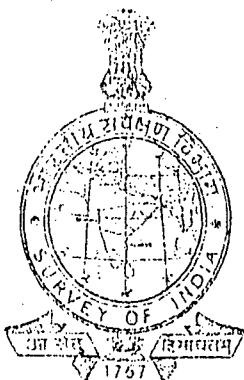
Birendra Rajkumar

### VERIFICATION

10 Verb bnt end zins no noisepointer zins nglie i bnt

.500G December

Serial No. 2208



# Survey of India

CENTRE FOR SURVEY TRAINING AND MAP PRODUCTION

This is to certify that

SHRI HANU RAM BHUYAN

has successfully completed

250-No. 34 Scribing Course

conducted at the

Survey Training Institute

From 21 - 3 - 80 to 23 - 5 - 80

G.  
(V.RANGAII)

Director,

Survey Training Institute.

M.M.Datta  
(M.M.Datta) BRIGADIER

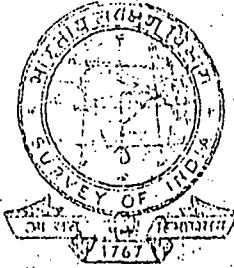
Senior Director,

Centre for Survey Training & Map Production.

Hyderabad

33rd May, 1980

Presented  
by  
Advocate



Serial No.

5934

b7

136/

# Survey of India

CENTRE FOR SURVEY TRAINING AND MAP PRODUCTION

This is to certify that

M.C. DAS

has successfully completed

No. 250.63-SCRIBING COURSE

conducted at the

Survey Training Institute

from 04-11-1987 to 08-01-1988

*AK Sarangi*

Director

Survey Training Institute

*Hyderabad*

08th January 1988

*Shivam*

Junior Director

Centre for Survey Training & Map Production

*Presented  
for a certificate*







### नमीदार का वाच्य एवं घोषणा-पत्र CANDIDATE'S STATEMENT AND DECLARATION

उभी स्टार को गली आमती पीढ़ी से पर्देश निवासियों की वापिसी देना आदित्य और दंशग्न लोगों द्वारा प्रमुख में दृतावार करने आदित्य। उनका आवान तांड़ी की चेतावनी की ओर विशेष रूप से आवासित किया जाता है।

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. माना पूरा नाम लिखिय (मात्रा स्वरों में) .....	State your name in full (in block letters) .....	1. R. S. K. J. J. T. D. A. S.
2. अपनी आयु और पन्न स्थान लिखिय। State your age and place of birth. ....	2. 20 वर्ष 2 months and 10 days	
3. (क) या पाप की जैल, पिरामी या माना ज्वर, पाति की दृद्धि या वीचात, लून की उल्टी, दगा, छाय के रोग, फेंके की रीवारी, मूष्टि, गठिया, प्रेनियासारिया से पीड़ित हो चुके हैं? ....	3. (k) NO	
(ग) 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 attack, rheumatism, appendicitis? .....		
या ओ		
(र) आपको कोई खुली यांग बीमारी या दुष्प्राप्ति युक्त विशेष जारा आपको रिहायी थी परन्तु वहां परा हो या आकर्ती या शर्करा विकिरण काले की भावाएँ क्या पड़ी हो? ....	4. NO	
(द) Any other disease or accident requiring confinement to bed and medical or surgical treatment? .....		
5. आपको विशेषी वाट कर लेकर कोई टीका लगा था? When were you last vaccinated? .....	5. 1972, 1973, 1975, 1976, 1977	
6. दमा आप का सामाजिक जोर्दी वाली समस्याएँ यह रोग, गंभीरता रोग, पंडिया, रगा, रेतोसी, पिण्डी, छायार ये तोपार दूष में? ....	6. NO	
Have you or any of your near relatives been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy or insanity? .....		
7. आप आपको नियमित रूप से किसी गंभीर ताराय से कोई जिमी प्रकार की घटीता युक्त है? ....	7. NO	
Have you suffered from any form of nervousness due to over-work or any other cause? .....		
8. क्या आपकी नियमित 3 वर्षों के अन्तर्गत इसी विविहती अधिकारी या आकर्ती द्वारा दायर की गयी है और वहां आप की यात्रा यात्रा विवाही देशों के लिए आयुर्वृक्ष छह सालों तक हो चुके हैं? ....	8. NO	
Have you been examined and declared unfit for Government service by a Medical Officer/Medical Board, within the last 3 years? .....		
9. आपने परिवार के सदस्यों में विविहित व्यक्ति गरिमा दर्शाया तरीके द्वारा विवरित करें। Furnish the following particulars concerning your family:—		

मेरी पूछाए करता है/गार्डीन ने नियमों का अनुसार जवाब दिया है।  
I declare all the above answers to be, to the best of my belief, true and correct.

Signature of student: Candidate's Signature: *John M. Smith*

### प्राप्ति दर्शन

मेरी उपस्थिति में रखा गया है। Signed in my presence.

**क्रियान्वयन वार्ता Signature of Medical Officer**

સ્વાધીન Date

Digitized by srujanika@gmail.com

King Diana Hill

—इपोलिय चक्रवर्ती ने लिया गया विद्युत उत्तराखण्ड का नाम। लालकुक्कर लिया गया नाम का अर्थ है कि लाल की छानी। लालकुक्कर लिया गया नाम का अर्थ है कि लाल की छानी।

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

15-  
Appointment Letter

ANNEXURE II

GOVERNMENT OF INDIA.  
DEPARTMENT OF SCIENCE AND TECHNOLOGY, NEW DELHI  
Office of the Director, North Eastern Circle, Survey of India,  
SHILLONG

Declaration and Order of appointment under Rules 3 and 4 of  
the Central Civil Services (Temporary Service) Rules, 1965.

In pursuance of Rules 3 and 4 of the Central Civil  
Services (Temporary Service) Rules, 1965.

\*\* I, Colonel S.M. Chadha, Director, North Eastern Circle,  
Survey of India, Shillong, being satisfied, having  
regard to the quality of work, conduct and character of

\*\* Shri Atul Chandra Borthakur, Planetabler-Grade-IV  
THAT he is suitable to be appointed in Quasi-permanent  
capacity under the Government of India in the post/grade of

\*\*\* Planetabler Grade IV with effect

from \*\*\*\* 1-7-1980 hereby appoint the said \*\*\*

Shri Atul Chandra Borthakur, Planetabler-Grade-IV

in a Quasi-permanent capacity to the said post/grade with  
effect from the said date.

STATION: SHILLONG

Signature: ( S.M. CHADHA ) COLONEL,  
DIRECTOR, NORTH EASTERN CIRCLE,  
Designation:

Insert name and designation of appointing authority.

Insert name and designation of the person in respect  
of whom the order is made.

Insert the name of the post and grade.

Insert date.

NOTE:- The order must be signed by an officer who is  
authorised to authenticate orders in the name of  
President or by the appointing authority, as the  
case may be. Where the appointing authority is  
an authority other than the President, the  
appointing authority itself shall sign the order.

22-6-80

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S. M. CHADHA  
Atul Chandra Borthakur  
Shillong





(ग) दृष्टि-मानक (चरमा लैसकर या निमा अरपे के) (a) Visual of standard (with or without glasses), दूर की नजर Distant Vision नजरीन की नजर Near Vision

બાદ્યો બાદ્યો Better eye બાદ્યો બાદ્યો Worse eye બાદ્યો બાદ્યો Better eye બાદ્યો બાદ્યો Worse eye

6/9 6/9 0.6 0.8

6/6 6/12  
निर्धारित उचित मानक से लकुट को से कुपर वर्गान बर्तन दोग सम्बन्धी गुणि फो स्क्रीन की तिक्कति लाइन लाइन में दी जाएगी।  
Subject to the visual standards laid down, being satisfied, the amount of refractive error allowed follows:-

नायोपी की गंभीरता (वक्तुल संकेत) - 4.00 D से अधिक नहीं होगी। दूर की नज़र (वक्तुल संकेत) + 4.00 D से Total amount of Myopia (including the cylinder) shall not exceed - 4.00 D. Total amount of tropia (including the cylinder) shall not exceed + 4.00 D.

( ४ ) शूष्टि-विवरण सिर्वरित वाक्य परि दृष्टे वह भी वैगापन गिरिश के लिए खोल्या गावी जायी

(b) Squint, even if the visual acuity is of the prescribed standard, should be considered as a

(ग) ऐसे पर्दों के लिए, जो आंखें बांधना आवश्यक नहीं हो सकता तब उन्हें आंखों का उपयोग करके उन्हें बांधा जा सकता है।

(2) नियमिक वर्गीय पदों के अन्तर्गत (ii), (vi) और (vii) में विभिन्न जाति की आवश्यकता नहीं है।

Candidates for Ministerial Posts are not required to be tested for items (v), (vi), and (vii).

(3) यदि उम्मीदवार की उम्र 35 वर्ष से अधिक हो तो उसी उम्र का गतक नियमित स्तर में हीना चाहिए।  
When the age of the candidate is 35 or more years, the standard for corrected vision should

### सुनिश्चित दृष्टि Corrected Vision

ખચ્છી ખારા Better eye	ખરાબ ખારા Worse eye
6/9	દસ્તું Nil
6/18	6/18
6/12	6/2.4

(स) नाम से विवरण के लिए (---) For Class IV Services

( ii ) दृष्टि-मानक ( जश्मा लगाकर या नश्ये के सिना ) Visual standard ( with or without glasses ) :

दूर वी नज़र Distant Vision		नज़रीया वी नज़र Near Vision	
वार्षिक आया Belter eye	साराय आया Worse eye	वार्षिक आया Belter eye	साराय आया Worse eye
6/9	6/6 or	6/6 or N/11	पोर्ट नज़र No Standard
6/18	6/6 or	6/18	
6/12		6/24	

ਪ੍ਰਾਣਦਰਾ ਸੰਖਾਵਾਂ ਵੱਡੀ ਹੋ ਵਿਖੇ ਪੋਰੇ ਵਿਸਾਂ ਵਿੱਚ ਨਹੀਂ ਹੀ ਹੋਰ ਕੇ ਪੜ੍ਹੀ ਵਿੱਚ ਰੂਹਿੰ-ਵਿਦਿਆਤ ਕਾਰ੍ਯ ਵਿਖੇ ਵਾਨ੍ਧੇ ਹੋ ਜਾਂਦਾ। No limit for the amount of refractive error is prescribed provided the visual acuity is in accordance with the standards mentioned above.

(ii) फण्डा परिषाः—ज्ञात क.(iii) यी भाति।  
*Fundus Erami*—An in A (iii) above।

(v) रात्री—रात्री विशेष अवधारों में ही जान की जानी चाहिए (जैसे, रात्रिनारद, चौकीरात आदि और ऐसे कमनारी गिनको गारा, पक्का है, जेवी रुप में नहीं)।

*Night Blindness.*—This should be tested only in special cases (e.g.: Night Guards, Chowkidars, etc., as

Ocular conditions other than visual acuity.—As in A (viii) (a), (b) and (c) above.

(vi) यदि उमीदवार की उमेर 35 वर्ष से ज्यादा हो तो संशोधित दृष्टि का मानदण्ड लम्बविशिष्ट होता होना चाहिए ।

ગુરૂપણ કાર્ય Corrected Vision

સાધ્યી આંદો ભેટર એંડ	સાધ્યી આંદો વર્સ એંડ
6/12	સાધ્યી Nil
6/24	6/24
6/18	6/36

(vii) यदि दूसि शीक्षणिक विषयात् पाठ्यक्रम की ओर विषयात् पाठ्यक्रम की विषयात्

Squint should not be considered as a disqualification if the visual acuity is of the prescribed standard.



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**COMPARISON TABLE OF SURVEY OF INDIA, TOPOGRAPHICAL CADRES.**

**GROUP 'C' & OTHER CADRES**

	AIR SURVEY DRAFTSMEN/PLANE TABLERS	DRAFTSMEN
i) Entry qualification	Previously Matric now Intermediate with Science and Maths	Previously Matric now Intermediate with Science and Maths
ii) Mode of Entry	Through Employment Exchange	Through Employment Exchange
iii) Entry Designation	Topo Trainee Type 'B'	Topo Trainee Type 'B'
iv) Training period	Two years in STI, Hyderabad	One year in STI, Hyderabad and one year the Regional Drawing Offices as probationary period
v) Categorization after training to designation and classification	Merit list during training are classified as Air Survey D/men or Plane Tablers, govern by C.O. 435 Para -7	Those are incapable becoming Air Surv D/men/ Plane Tablers will be discharged unless their services required as Draftsmen. Govern C.O. 435-Para-7
vi) Job assigned and subsequent on job training	Detail Survey of Blue Print Survey for Topographical, Project and Special maps on different scales by Ground Survey methods and with the help of Air photographs and Photogrammetric Machine Fair mapping of field data by Conventional and scribing Methods during recess	Fair mapping of field data by Conventional and scribing Methods
vi) General	Division II(Group C)	Division II(Group

*Approved by  
Project*

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Categorisation	Topographical Establishment as Grade IV, II and Grade II	Topographical Establishment as Grade IV, III and Grade II
Vii) Essential Job Conditions	1. Field job in part of country for nearly 6 months. 2. Fair mapping at H.Q. for remaining six months 3. Field rigorous and family separation, essential condition of services 4. No Saturdays and other holidays during field duty	1. Fair mapping in Regional Drawing office only 2. No field rigorous and only desk job from 9 to 17.30 hrs. 3. Availing Saturdays and other holidays with the families.

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sloj rdeči zavitoči njez.  
- zelina. I  
nendo bno zavitoči on. A  
grub bicit njez. - njez.

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ANNEXURE-B

COMPARISON TABLE OF SURVEY OF INDIA, TOPOGRAPHICAL CADRES, GROUP 'C' & OTHER CADRES

Sl. No.	Post Department	Recruitment	% of Direct	2nd CPC Rs.	3rd CPC Rs.	4 <sup>th</sup> CPC Rs.	5th CPC Rs.	References	Remarks
1	Div. II Grade II Topo Side ASD/Man/Plane Tabler	Matriculation + 2 yrs. Training - 18 yrs. experience	Nil	205-280	425-600 <del>425-600</del> ?	1350-2200	4500-7000	85.34 Vth CPC	After 12.4.92 Reg. Qualifica- tion Intermediate with Science & Maths + 2 Yrs. Training & 7 Yrs. Experience.
1	Draftsman Gr. II	Matriculation + 2 yrs. Training - 18 yrs. experience	Nil	205-280	425-600	1350-2200	4500-7000	85.34 Vth CPC	After 12.4.1992 Reg. Qualifica- tion Intermediate with Science & Maths + 2 Yrs. Training & 7 Yrs. Experience.

*Abesal  
J. Advocate*

1	II	1878 - гуманитарные	502-580	452-600	1320-5500	224-400	8231	СБС
2	II	1878 - гуманитарные	502-580	452-600	1320-5500	224-400	8231	СБС
3	II	1878 - гуманитарные	502-580	452-600	1320-5500	224-400	8231	СБС
4	II	1878 - гуманитарные	502-580	452-600	1320-5500	224-400	8231	СБС
5	II	1878 - гуманитарные	502-580	452-600	1320-5500	224-400	8231	СБС

СБС - СОВЕТСКИЕ ВОЕННЫЕ СИЛЫ  
СОВЕТСКОГО Союза

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promotion is not made out by Schedule I to 1979 Rules. The submission of the learned counsel that this provision should be read by bifurcating into two and the requirement of three years should be taken for promotion and engineering for the direct recruitment is without any substance.

3. The submission of the learned counsel that the petitioners who were empanelled should be extended the same benefit as those who were working on regular basis too cannot be accepted as those who were empanelled could not be treated alike to those who were working and holding the post of Junior Scientific Officer.

4. In the result, this petition fails and is dismissed.

1995 Supp (3) Supreme Court Cases 528

(BEFORE S.C. AGRAWAL AND S. SAGHIR AHMAD, JJ.)

UNION OF INDIA AND OTHERS .. Appellants;

versus

DEBASHIS KAR AND OTHERS .. Respondents:

Civil Appeals No. 1433 of 1995<sup>†</sup> with Nos. 2125-33 of 1993, SLPs

(C) Nos. 8593-94 of 1987 and 22016 of 1993, Review Petitions

(C) Nos. 857-58 of 1991, decided on July 20, 1995

A. Service Law — Pay — Parity in pay — Draughtsmen in Ordnance Factories and Draughtsmen Grade II in CPWD — Besides the CAT's finding that the prescribed qualifications for their appointment were similar or equivalent, in view of consistent parity in their pay in the past, the Draughtsmen in the Ordnance Factories although not fulfilling the requirement of minimum length of service under OM dated 19-10-1994, held, entitled to parity in pay with Draughtsmen Grade II in CPWD — GI, MF (Department of Expenditure) OM dated 13-3-1984 — MD Order dated 3-7-1984 — GI, MF, OM dated 19-10-1994

(Paras 10, 14 and 16)

B. Service Law — Pay — Parity in pay — Draughtsmen in Army Base Workshops, EME — CAT's finding that qualifications for appointment of such Draughtsmen and Draughtsmen Grade II in CPWD were equivalent and that therefore the former were entitled to parity in pay with the latter in accordance with MF OM dated 13-3-1984, upheld

The instant appeals filed by the Union of India and others relate to revision of pay of draughtsmen employed in the Ministry of Defence of the Government of India. Some of the respondents were employed as draughtsmen in the various Ordnance Factories under the Ordnance Factories Board and the rest were draughtsmen employed in the Army Base Workshops under the EME. In the impugned judgments the various Benches of the Tribunal had taken the view that the qualifications which were required for appointment of draughtsmen in the Ordnance Factories as well as in the Army Base Workshops in the EME were equivalent to the qualifications which were prescribed for appointment on the post of Draughtsman Grade II in the CPWD and therefore, the respondents who were placed in the pay scale of Rs 335-560 on the basis of the report of the Third Pay Commission were entitled to be placed in the revised pay scale of Rs 425-700 in

<sup>†</sup> From the Judgment and Order dated 1-8-1994 of the Central Administrative Tribunal, Calcutta in O.A. No. 333 of 1993

accordance with the Office Memorandum of the Ministry of Finance dated 13-3-1984. During the pendency of these appeals, the Government of India, Ministry of Finance, by its OM dated 19-10-1994 directed the Draughtsmen in Grades I, II and III in offices/departments other than CPWD to be placed in the revised pay scales mentioned therein irrespective of their recruitment qualifications provided that they had completed the minimum period of service as specified therein. However, in respect of those who did not fulfil the said requirement the question whether their recruitment qualifications were similar to those prescribed for draughtsmen in CPWD still remained to be considered for the purpose of deciding whether they were entitled to the benefit of the revision of pay scales as per the office memorandum dated 13-3-1984. Dismissing the appeals, the Supreme Court

Held :

The pay scales fixed on the basis of the First, Second and Third Pay Commissions show that Tracer in Ordnance Factories has all along been treated as equivalent to Tracer/Draughtsman Grade III in CPWD and Draughtsman in Ordnance Factories has all along been treated as equivalent to Assistant Draughtsman/Draughtsman Grade II in CPWD. As a result of the revision of pay scales in CPWD on the basis of the Award of the Board of Arbitration, the pay scale of Draughtsman Grade III was revised to Rs 330-560, while that of Draughtsman Grade II was revised to Rs 425-700 and of Draughtsman Grade I was revised to Rs 550-750. The denial of similar revision of pay scale to Draughtsmen in Ordnance Factories would result in their being downgraded to the level of Tracer/Draughtsman Grade III in CPWD. Office Memorandum dated 13-3-1984 (Para 14) cannot be construed as having such an effect.

In view of the recruitment qualifications, the decision of the Principal Bench of the CAT that the benefit of Office Memorandum dated 13-3-1984 had been rightly extended to Draughtsmen in EME and that the withdrawal thereof was illogical and irrational, does not suffer from any infirmity justifying interference by the Supreme Court.

e Appeals, SLPs and review petitions dismissed

H-M/T/14704/SLA

Advocates who appeared in this case :

N.N. Goswami, Ms K. Amareshwari and Dr Shankar Ghosh, Senior Advocates (Tara Chand Sharma, Anil Katiyar, H.S. Parihar, A.T.M. Sampath, K.B.S. Rajan, Ms Pushpa Rajan, P. Narasimhan, Ms Rani Chhabra, Irshad Ahmad, Aruna Banerji, G.S. Chatterjee, Advocates, with them) for the appearing parties.

The Judgment of the Court was delivered by

S.C. AGRAWAL, J.—The common question that arises for consideration in these cases is whether Draughtsmen employed in the Ordnance Factories and the Workshops of E.M.E. in the Ministry of Defence are entitled to have their pay scales revised on the basis of the Office Memorandum of the Government of India, Ministry of Finance, dated 13-3-1984.

2. On the basis of the report of the Third Pay Commission, the pay scales of Draughtsmen employed in the Central Public Works Department (for short "CPWD") of the Government of India were revised in the following manner :

(i) Draughtsman Grade I	Rs 425-700
(ii) Draughtsman Grade II	Rs 330-560
(iii) Draughtsman Grade III	Rs 260-430

*Abhishek Deo, Advocate* *7/5*

3. The said employees in the CPWD were not satisfied with the said revision and were claiming that they should have been placed on higher pay scales. This dispute was referred to a Board of Arbitration. The Board of Arbitration gave the award on 20-6-1980 whereby the pay scales of Draughtsmen were revised as under:

(i) Draughtsman Grade I	Rs 550-750
(ii) Draughtsman Grade II	Rs 425-700
(iii) Draughtsman Grade III	Rs 330-560

4. By the award it was directed that the above-mentioned categories of draughtsmen shall be fixed notionally in their respective scales of pay as aforesaid from 1-1-1973, but for computation of arrears, the date of reckoning shall be 28/29-7-1978. In accordance with the said award the pay scales of draughtsmen in CPWD were revised vide order dated 10-11-1980. The draughtsmen employed in departments other than CPWD claimed the revision of their pay scales in the light of the revision of pay scales in the CPWD and on 13-3-1984 the Government of India, Ministry of Finance (Department of Expenditure), issued an Office Memorandum whereby it was directed that the scale of pay of Draughtsmen Grade III, II, I in the office/department of the Government of India, other than the CPWD, may be revised as per revised scales for CPWD provided their recruitment qualifications are similar to those prescribed in the case of Draughtsmen in CPWD and those who do not fulfil the said qualifications would continue in the pre-revised scales. Thereupon, the Ministry of Defence on 3-7-1984 issued an order whereby the user organisations were requested to take necessary action in terms of para 2 of the Office Memorandum dated 13-3-1984. It appears that in the Ordnance Factories under the control of the Director General of Ordnance Factories (DGOF) no action was taken to revise the pay scales of draughtsmen as per the Office Memorandum dated 13-3-1984. A writ petition [Civil Order No. 5023(W) of 1985] was filed in the Calcutta High Court by some of the draughtsmen employed in the Ordnance Factories in the State of West Bengal. The said writ petition was disposed of by the High Court by order dated 8-10-1985 whereby the respondents in the said writ petition were directed to forthwith implement the Office Memorandum dated 13-3-1984 as well as the order of Ministry of Defence dated 3-7-1984 to revise the pay scales in accordance therewith. The said order was clarified by order dated 14-7-1986 whereby it was indicated that the order passed on 8-10-1985 was restricted to the writ petitioners and the added respondents only. The Ordnance Factory Board appointed a Sub-Committee to go into the matter and on the basis of the report of the Sub-Committee, the Ordnance Factory Board in its meeting held on 9-9-1986 decided that the qualifications of draughtsmen employed in the Ordnance Factories are not similar to those of draughtsmen in the CPWD and therefore, they were not entitled to revision of their pay scales as per the Office Memorandum dated 13-3-1984. The petitioners in the said writ petition were informed about the said decision of the Ordnance Factories Board by letter dated 9-10-1986. While the matter was thus pending consideration before the Ordnance Factory Board, a writ petition was filed in the Madhya Pradesh High Court by draughtsmen employed in the Ordnance Factories situated in that State and after the constitution of the Central Administrative Tribunal (for short 'the

Tribunal'), the said writ petition was transferred to the Jabalpur Bench of the Tribunal and it was registered as TAA 111 of 1986. Another application (OA-87 of 1986) was also filed by some of the draughtsmen before the Jabalpur Bench of the Tribunal. Both these applications were disposed of by the Jabalpur Bench of the Tribunal by judgment dated 21-4-1987 whereby it was held that the applicants were entitled to be placed on a par with Grade II draughtsmen of the CPWD, i.e., in revised scale Rs 425-700, and that if there are any individual exceptions amongst the applicants to this general equation, they should be identified by a suitable departmental committee of three assessors of whom one should be from Management, one a technical person of appropriate level from inside the Ordnance Factory and one technical outsider not connected with the Ordnance Factories of the rank of Professor or Additional Professor from Engineering College, Jabalpur or Engineering Institute at Roorkee or IIT, Kanpur. The Tribunal rejected the contention urged on behalf of the respondents in the said applications that the applicants do not possess the recruitment qualifications and experience at least equivalent to those of grade category II of draughtsman of CPWD. The justifications and reasons for the decision of the Ordnance Factory Board at its meeting held on 9-9-1986 based on the report of the Sub-Committee dated 24-1-1986 and the findings of the Sub-Committee that the qualifications of draughtsmen in the Ordnance Factories have to be treated as corresponding to those of Draughtsman Grade III in CPWD were not accepted by the Tribunal. Special Leave Petitions Nos. 8593-94 of 1987 filed by the Union of India and others against the said judgment of the Tribunal were dismissed by the order of this Court dated 17-11-1987 but the said order was subsequently recalled by another order dated 20-8-1993 passed in Review Petitions (Civil) Nos. 847-48 of 1991. The respondents in the said special leave petitions have, however, stated that the said decision of the Tribunal has already been implemented and the applicants in those applications have been allowed the revised pay scale of Rs 425-700 with effect from 30-5-1982 as per Office Memorandum dated 13-3-1984 and that the Assessors' Committee which was constituted in pursuance of the decision of the Tribunal have found that the applicants have the qualifications which are equivalent to the technical qualifications of Draughtsman Grade II in CPWD.

5. Two applications (OAs Nos. 569 of 1986 and 570 of 1986) were filed before the Calcutta Bench of the Tribunal by draughtsmen employed in the Ordnance Factories in the State of West Bengal whereby a direction was sought for implementation of the Office Memorandum of Ministry of Finance dated 13-3-1984 and the direction contained in the order dated 3-7-1984 of the Ministry of Defence after setting aside the order dated 9-10-1986 passed by the Ordnance Factories Board. On the said applications the Tribunal, on 10-9-1987, passed an order for setting up of an expert committee to examine the recruitment qualifications of draughtsmen in the Ordnance Factories and to examine as to whether they can be treated as similar to or higher than the recruitment qualifications of Draughtsman Grade II in CPWD. An Expert Committee was set up in pursuance of the said order of the Tribunal and it submitted its report dated 4-12-1987 wherein the Expert Committee opined that the recruitment qualifications of draughtsmen in the Ordnance Factories is neither similar to nor higher than the recruitment qualifications for Draughtsman

Grade II in the CPWD. The said report of the Expert Committee was assailed by the applicants before the Tribunal by filing miscellaneous applications, being MAs Nos. 94 and 94-A of 1988 in OAs Nos. 569 of 1986 and 570 of 1986 pending before the Tribunal. The original applications as well as the miscellaneous applications were all disposed of by the Calcutta Bench of the Tribunal by judgment dated 31-12-1990. Relying upon the judgment dated 21-4-1987 of the Jabalpur Bench of the Tribunal in TAA No. 111 of 1986 and OA No. 87 of 1986, the Calcutta Bench of the Tribunal quashed the order dated 9-10-1986 as well as the report of the Expert Committee dated 4-12-1987 and directed that the applicants in the said applications be given the benefit as prayed for by them on the same lines as the direction given by the Jabalpur Bench in its judgment dated 21-4-1987. Special Leave Petitions Nos. 9840-40-A of 1991 filed by the Union of India and others against the said judgment of the Tribunal were dismissed by order of this Court dated 29-7-1991. Review Petitions Nos. 857-58 of 1991 filed against the said order were dismissed by order dated 25-10-1991 but by a subsequent order dated 28-11-1994 the said order dated 25-10-1991 dismissing the review petitions was recalled and the review petitions have been directed to be tagged with the Special Leave Petitions Nos. 8593-94 of 1987.

6. Another application (OA No. 333 of 1993) was filed before the Calcutta Bench of the Tribunal by the applicants who were working as draughtsmen under the control of the General Manager, Ordnance Factory, Ishapur wherein they sought a direction in terms of the judgment dated 31-12-1990 delivered by the Calcutta Bench of the Tribunal in OAs Nos. 569-570 of 1986 and for a direction to fix their pay in terms of the Office Memorandum of the Central Government dated 13-3-1984 and order dated 3-7-1984. The said petition was allowed by the Tribunal by judgment dated 1-8-1984 and the respondents in the said application were directed to extend the benefit of the judgment dated 31-12-1990 delivered by the Tribunal in OAs Nos. 569 and 570 of 1986 to the applicants and to fix their pay in terms of the orders of the Central Government dated 13-3-1984 and 3-7-1984. Civil Appeal No. 1443 of 1993 has been filed by the Union of India and others against the said judgment of the Tribunal.

7. Special Leave Petition (Civil) No. 22016 of 1993 has been filed against the judgment and order dated 23-6-1993 of the Hyderabad Bench of the Tribunal in OA No. 140 of 1992 filed by applicants who were employed as draughtsmen in the Ordnance Factory at Edumelaram in Medak District of Andhra Pradesh. Following the decisions of the Jabalpur and Calcutta Benches aforementioned, the Hyderabad Bench of the Tribunal has directed that the pay of the applicants, other than applicants 7, 11 and 17, be fixed in the revised pay scale of Draughtsman Grade II from the dates of their respective appointment promotion as draughtsmen in the said Ordnance Factory in accordance with the office memorandum dated 13-3-1984.

8. In accordance with order of the Ministry of Defence dated 3-7-1984 orders were passed on 14-8-1984 and 15-2-1985 revising the pay scales in accordance with the Office Memorandum dated 13-3-1984 but by a subsequent order of EME Records dated 30-10-1986 on the basis of which other orders were passed by the respective Commandants of the Base Workshops the said orders were rescinded and the benefit of the revised pay scales which had been

extended was withdrawn. A number of applications were filed before the Tribunal by the draughtsmen in Army Base Workshops, EME which were disposed of by the Principal Bench of the Tribunal by judgment dated 15-5-1992 whereby the orders of EME Records dated 30-10-1986 and subsequent orders issued by the respective Commandants of the respective Base Workshops in pursuance of the said order of the EME Records, Secunderabad have been quashed and it has directed that the applicants in the applications before the Tribunal be placed in their revised scale of pay as per Office Memorandum dated 13-3-1984 notionally with effect from 13-5-1982 and that the actual benefit be allowed with effect from 1-11-1983. CAs Nos. 2125-33 of 1993 have been filed by the Union of India against the said judgment of the Tribunal.

9. Though by order dated 7-4-1994 SLPs Nos. 8593-94 of 1987 were directed to be listed after the decision in CAs Nos. 2125-33 of 1993 but since the said SLPs are directed against the judgment of the Jabalpur Bench of the Tribunal dated 21-4-1987 which forms the basis for the judgments of other Benches of the Tribunals in other connected matters, we have taken up SLPs Nos. 8593-94 of 1987 along with these matters and have heard the said SLPs also and the same are being disposed of by this judgment.

10. The narration of the facts referred to above would show that all these matters relate to revision of pay of draughtsmen employed in the Ministry of Defence of the Government of India and except the respondents in CAs Nos. 2125-33 of 1993, the respondents in the other matters are all employed as draughtsmen in the various Ordnance Factories under the Ordnance Factories Board and the respondents in CAs Nos. 2125-33 of 1993 are draughtsmen employed in the Army Base Workshops under the EME. In the impugned judgments the various Benches of the Tribunal have taken the view that the qualifications which were required for appointment of draughtsman in the Ordnance Factories as well as in the Army Base Workshops in the EME were equivalent to the qualifications which were prescribed for appointment on the post of Draughtsman Grade II in the CPWD and therefore, the respondents who were placed in the pay scale of Rs 335-560 on the basis of the report of the Third Pay Commission were entitled to be placed in the revised pay scale of Rs 425-700 in accordance with the Office Memorandum of the Ministry of Finance dated 13-3-1984. On behalf of the Union of India and other appellants in the appeals and petitioners in the special leave petitions and the review petitions, the said view of the Tribunal has been assailed and it has been urged that the qualifications for appointment on the post of draughtsman in the Ordnance Factories and the Army Base Workshops of the EME cannot be treated as equivalent to the qualifications for appointment on the post of Draughtsman Grade II in CPWD and therefore, the said respondents are not entitled to the benefit of revision of pay on the basis of the Office Memorandum dated 13-3-1984.

11. During the pendency of these cases in this Court the Government of India, Ministry of Finance has issued an Office Memorandum dated 19-10-1994 which is reproduced as under :

"OFFICE MEMORANDUM

h 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 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. III/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 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 and III irrespective of their recruitment qualification, in all Government of India offices :

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

2. The President of India 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 scale 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 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 1600-2600 (pre-revised Rs 425-700 to Rs 550-750) 4 years

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 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"

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 Draughtsmen Grade I, II and III working in CPWD on the basis of the above Award of Board of Arbitration may be extended to Draughtsmen Grade I, II and III irrespective of their recruitment qualifications in all Government of India offices, has decided that Draughtsmen Grade I, II and III 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 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 draughtsmen 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 draughtsmen in CPWD would not arise and they would be entitled to the revised pay scales as granted to the draughtsmen in CPWD irrespective of their recruitment qualifications. But in respect of those draughtsmen 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 draughtsmen 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.

13. We will first take up the case of draughtsmen in the Ordnance Factories. In CPWD the qualifications for direct appointment on the post of Draughtsman Grade II is Certificate or Diploma in Civil, Mechanical or Electrical Engineering from a recognised Institution with 6 months' practical training plus additional one year employment experience in an organisation or firm of repute and the posts not filled by direct recruitment are filled primarily by appointment of Draughtsmen Trainees. The Jabalpur Bench of the Tribunal, in its judgment dated 21-4-1987, has stated that it has been admitted by the Ordnance Factories Board that the relevant recruitment rules, namely SRO, 4 of 1956, is silent on the mode of filling posts of draughtsman and that the practice followed by the Ordnance Factory Board is as follows :

"By gradation of D'men trainees on successful completion of training as per scheme for the training of D'men at ATS/OFTI Ambarnath introduced vide M of D letter referred to above. Posts of D'men in OF's are filled primarily by appointment of D'men Trainees. However, a few posts are also filled by promotion of tracers with minimum 3 years' experience in that trade."

14. The Tribunal has observed that the scheme of training of draughtsmen at ATS Ambarnath was laid down in the Ministry of Defence's letter of 14-11-1969 which prescribes the various entrance qualifications and the curriculum and the period of training and that the entrance qualification is matriculation with two years' practical experience in Tools Room or 1-1/2 years' Draughtsman's course of ITI and that after selection 2-1/2 years' training is given which includes six months' working in factories and that according to clause 10 of the Scheme a Draughtsman Trainee will be graded either for the post of Senior Draughtsman or Draughtsman and that the scheme nowhere lays down that those trainees can be posted as Tracers. According to the Tribunal, the qualifications prescribed for draughtsmen in Ordnance Factories are similar or equivalent to those prescribed for recruitment in CPWD. The Tribunal has

held that the decision of the Ordnance Factory Board based on the Sub-Committee report that the applicants (respondents herein) should be equated with Tracers and Draughtsmen Grade III of CPWD was fallacious. In this context, it would be relevant to mention that as per the pay scales fixed on the basis of report of the First Pay Commission of 1947 there was no difference in the pay scales of Draughtsmen and Tracers in the Ordnance Factories and the pay scales of Draughtsmen and Tracers in CPWD Senior Draughtsmen in the Ordnance Factories and Draughtsmen in the CPWD were placed in the pay scale of Rs 150-225. Draughtsmen in the Ordnance Factories and Assistant Draughtsmen in CPWD were placed in the scale of Rs 100-185 and Tracers in Ordnance Factories as well as in CPWD were placed in the scale of Rs 60-150. On the basis of the report of the Second Pay Commission in 1959 there was a slight modification in the pay scale of Senior Draughtsmen in Ordnance Factories. Tracers in the Ordnance Factories and CPWD were placed in the same pay scale of Rs 110-200 and Draughtsmen in Ordnance Factories and Assistant Draughtsmen in CPWD were placed in the same pay scale of Rs 150-240. Senior Draughtsmen in Ordnance Factories were placed in the pay scale of Rs 205-280 while Draughtsmen in CPWD were placed in the pay scale of Rs 180-380. By Notification dated 1-9-1965, there was change in the designation of posts of drawing office staff in CPWD and Draughtsman was designated as Draughtsman Grade I, Assistant Draughtsman was designated as Draughtsman Grade II and Tracer was designated as Draughtsman Grade III. Thereafter on the basis of the report of the Third Pay Commission in 1973, Tracers in the Ordnance Factories and Draughtsmen Grade III in CPWD were placed in the same pay scale of Rs 260-430, Draughtsmen in Ordnance Factories and Draughtsmen Grade II in CPWD were placed in the same pay scale of Rs 330-560 and Senior Draughtsmen in Ordnance Factories and the Draughtsmen Grade I in CPWD were placed in the same pay scale of Rs 425-700. This would show that Tracer in Ordnance Factories has all along been treated as equivalent to Tracer/Draughtsman Grade III in CPWD and Draughtsman in Ordnance Factories has all along been treated as equivalent to Assistant Draughtsman/Draughtsman Grade II in CPWD. As a result of the revision of pay scales in CPWD on the basis of the Award of the Board of Arbitration, the pay scale of Draughtsman Grade III was revised to Rs 330-560, while that of Draughtsman Grade II was revised to Rs 425-700 and of Draughtsman Grade I was revised to Rs 550-750. The denial of similar revision of pay scale to Draughtsmen in Ordnance Factories would result in their being downgraded to the level of Tracer/Draughtsman Grade III in CPWD. Office Memorandum dated 13-3-1984 cannot, in our opinion, be construed as having such an effect.

15. Shri N.N. Goswami, learned Senior Counsel appearing in support of the appeals as well as the special leave petitions and the review petitions, has urged that the channel of promotion in Ordnance Factories is different from the channel of promotion in CPWD inasmuch as in CPWD there is no further promotion after a person reaches the scale of Draughtsman Grade I while in Ordnance Factories a draughtsman is entitled to be promoted as Chargeman Grade II and thereafter as Chargeman Grade I and as Foreman and that the post of Chargeman Grade II which is the promotional post for draughtsman was in

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the pay scale of Rs 425-700 and that placement of Draughtsman in the said pay scale of Rs 425-700 would result in Draughtsman being placed at the same level as the promotional post of Chargeman Grade II and, therefore, the benefit of the revision of pay scales under Office Memorandum dated 13-3-1984 cannot be extended to the Draughtsmen in Ordnance Factories. On behalf of the respondents it is disputed that there are no promotional chances for Draughtsman Grade I in CPWD. This question was not agitated in any of the matters before the Tribunal and we are, therefore, unable to entertain this plea urged by Shri Goswami on behalf of the appellants/petitioners. As regards the post of Chargeman Grade II being a promotional post for Draughtsman in Ordnance Factories and it being in the scale of Rs 425-700 at the relevant time, we are of the view that merely because of promotional post for Draughtsmen in Ordnance Factories was in the scale of Rs 425-700 cannot be a justification for denying the revision of pay scales to Draughtsmen and their being placed in the scale of Rs 425-700 on the basis of the Office Memorandum dated 13-3-1984 if such Draughtsmen are otherwise entitled to such revision in the pay scale on the basis of the said memorandum. Moreover, the provision regarding promotion of Draughtsman as Chargeman Grade II in Ordnance Factories was introduced by the Indian Ordnance Factories Group C Supervisory and Non-Gazetted Cadre (Recruitment and Conditions of Service) Rules, 1989 issued vide Notification dated 4-5-1989. The said Rules are not retrospective in operation. Here we are concerned with the revision of pay scales with effect from 13-5-1982 on the basis of the Office Memorandum dated 13-3-1984 and, at that time, the said rules were not operative. Therefore, on the basis of the aforesaid Rules Draughtsmen in Ordnance Factories cannot be denied the benefit of revision of pay scales on the basis of the Office Memorandum dated 13-3-1984. The appeals and the SLPs as well as review petitions relating to draughtsmen in Ordnance Factories are, therefore, liable to be dismissed.

16. Dealing with draughtsmen in the Army Base Workshops in the EME, the Principal Bench of the Tribunal has observed that in the EME for the post of draughtsman, the qualifications that are prescribed are "Matriculation or its equivalent with two years' Diploma in Draughtsmanship Mechanical or its equivalent". The Tribunal has referred to the Report of the Third Pay Commission wherein, while dealing with draughtsmen who were in the pay scale of Rs 150-240 (as per report of Second Pay Commission), it is stated :

"(ii) for the next higher grade of Rs 150-240 the requirement is generally a Diploma in Draughtsmanship or an equivalent qualification in Architecture (both of 2 years' duration after Matriculation)."

17. The Tribunal has observed that Tracer in the EME could not be treated in any other manner but on a par with Grade III Draughtsman of CPWD, keeping in view their recruitment qualifications. The Tribunal held that the benefit of Office Memorandum dated 13-3-1984 had been rightly extended to Draughtsmen in EME and that its withdrawal was illogical and irrational. The learned counsel for the appellants has been unable to show that the said view of the Tribunal suffers from an infirmity which would justify interference by this Court.

18. Civil Appeals Nos. 1433 of 1986, 2125-33 of 1993 as well as SLPs (Civil) Nos. 8593-94 of 1987, 22016 of 1993 and Review Petitions (Civil) Nos.

857-58 of 1991 are accordingly dismissed but in the facts and circumstances of the case, the parties are left to bear their own costs.

## 1995 Supp (3) Supreme Court Cases 538

(BEFORE K. RAMASWAMY AND B.L. HANSARIA, JJ.)

U.P. STATE SUGAR CORPN. LTD.

Appellant;

Versus

STATE OF U.P. AND OTHERS

Respondents.

Civil Appeal No. 407 of 1986<sup>†</sup>, decided on August 29, 1995

Land Acquisition Act, 1894 — S. 48 — Withdrawal from acquisition — Acquisition of land belonging to the U.P. State Sugar Corporation by the U.P. Avas Evam Vikas Parishad for urban development — A portion of the acquired land needed by the Sugar Corporation for convenient and comfortable enjoyment of its property — Sugar Corporation also serving the public purpose — Sugar Corporation offering 2.74 acres of land in exchange of 2.18 acres of acquired land — Requirement of Sugar Corporation found to be genuine — Avas Evam Vikas Parishad directed to submit a proposal to the State Government for withdrawal of proposed acquisition within 3 months and the State Government directed to issue required notification within 2 months thereafter

Appeal allowed

S-M/14889/S

Advocates who appeared in this case :

G.D. Agarwal and O.P. Rana, Senior Advocates (Gopal Jain, Mukul Mudgal, P.N. Gupta and Pramod Dayal, Advocates, with them) for the appearing parties.

## ORDER

1. The short point in this appeal, which was not argued in the High Court, is whether the appellant is entitled to retain the land to the extent of 2.18 acres out of Surveys Nos. 41/1 and 41/2. The Collector himself had written a letter on 7-12-1985 to the Secretary to the Government stating that a portion of the land of Plots Nos. 41/1 and 41/2 measuring 2.18 acres out of total 2.40 acres adjoining the General Manager, U.P. State Sugar Corporation's residence, which is the subject-matter of the acquisition, was yet to be developed. Leaving apart mere 3 metres of land around the General Manager's residence would be highly inconvenient. The matter was examined in the meeting of the District Officer, Shri Atul Kumar Gupta, the General Manager of the appellant, and the Executive Engineer of the respondents-Avas Evam Vikas Parishad ('Parishad', for short). It was decided in the said meeting that in exchange of the acquired land, 2.18 acres of land, the appellant would give an extent of 2.74 acres of land in Plot No. 41/4. The Parishad was directed to send a proposal to acquire the land of Plot No. 41/4 and also exemption of the land to the extent of 2.18 acres of land adjoining the General Manager's residence. The Parishad, by its letter dated 14-2-1983 submitted a proposal to acquire the land in Plot No. 41/4, but not for deletion of 2.18 acres of land in Plots Nos. 41/1 and 41/2. This would clearly indicate that ground survey was conducted in consultation with the

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respective officers and found that deletion of 2.18 acres of land in Surveys Nos. 41/1 and 41/2 was necessary for convenient and comfortable enjoyment of the property by the appellant-Corporation.

2. After all, these are two public corporations and the appellant is also serving the public purpose. The land is needed by them for convenient enjoyment of the residence and the staff quarters. The Parishad is acquiring land for urban development; it would also become a part of its duty to see that the appellant-Corporation should have comfortable enjoyment of properties for its officers and staff.

3. The appellant has submitted before us a plan, marking the land in yellow which is necessary for it to enjoy the land and which needs to be exempted from acquisition. We find the request is genuine. We, therefore, direct the Parishad to submit, within three months from today, a proposal for the State Government to withdraw the proposed acquisition to the extent of 2.18 acres of land in Plots Nos. 41/1 and 41/2 and instead acquire land of Plot No. 41/4, shown in red in the plan, as offered by the Corporation. The State Government is directed to issue required notifications within a period of two months thereafter.

4. The appeal is accordingly allowed. No costs.

## 1995 Supp (3) Supreme Court Cases 539

(BEFORE K. RAMASWAMY AND B.L. HANSARIA, JJ.)

STATE OF U.P.

Appellant;

Versus

RATAN LAL AND OTHERS

Respondents.

Civil Appeals No. 7974 of 1995 with Nos. 7975-76 of 1995<sup>†</sup>, decided on August 28, 1995

Land Acquisition Act, 1894 — S. 54 — Appeal — Appellant directed to deposit 50% of the amount awarded by the reference court — Respondent can withdraw half the amount without security and the balance on furnishing security — Deposit and withdrawal will be subject to the result in appeals pending in High Court — Constitution of India, Art. 136

S-M/14897/S

Advocates who appeared in this case :

A.B. Rohtagi, Senior Advocate (Nalin Tripathi and R.B. Misra, Advocates, with him) for the Appellant;  
Ranbir Yadav, Advocate, for the Respondent in C.A. No. 7975 of 1995.

## ORDER

1. Leave granted.

2. Though the respondents have been served, they did not appear in appeals arising out of SLPs Nos. 3672 and 3753 of 1995 either in person or through counsel. Mr Ranbir Yadav is appearing for respondent, Banwari Lal in appeal arising out of SLP No. 3750 of 1995. We have heard the counsel on both sides.

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† From the Judgment and Order dated 3-10-1985 of the Allahabad High Court in C.M.W.P. No. 13855 of 1983

† From the Judgment and Order dated 18-11-1994 of the Allahabad High Court in F.A. No. 85 of 1992

On the facts and circumstances, we think that the interests of justice will be served and we so direct the appellant to deposit 50% of the amount awarded by the reference court within a period of two months from today. On the deposit so made, the respondents will be at liberty to withdraw half the amount without security and the balance half on furnishing the security to the satisfaction of the reference court. The deposits and withdrawal will be subject to the result in the appeals now pending in the High Court. In default of the deposit as stated above, the stay shall stand vacated. No costs.

## 1995 Supp (3) Supreme Court Cases 540

(BEFORE K. RAMASWAMY AND B.L. HANSARIA, JJ.)

STATE OF PUNJAB

Appellant:

Versus

PRITAM SINGH AND OTHERS

Respondents.

Civil Appeals Nos. 1608-1640 of 1980, decided on August 30, 1995

Land Acquisition Act, 1894 — S. 23 — Civil court awarding compensation at varying rates between Rs 90,000 and Rs 30,000 per acre — High Court awarding compensation on flat rate of Rs 72,220 per acre — Absence of material showing details of land covered by last category for which Rs 30,000 awarded — No interference by the Supreme Court with that part of order called for

S-M/14901/S.

Appeals dismissed

## ORDER

1. Having seen the details of the facts and circumstances in these appeals we do not think that there is any substance for interference.

2. A notification under Section 4(1) of the Land Acquisition Act was published acquiring 25 acres and odd for public purpose, namely, for establishment of grain market. The Land Acquisition Collector in his award dated 18-2-1972 awarded compensation at varying rates between Rs 40,000 to Rs 10,000 per acre. On reference, the Additional District Judge, in his award and decree dated 3-5-1976, enhanced compensation varying between Rs 90,000 and Rs 30,000 per acre. On appeal, the High Court awarded compensation on flat rate of Rs 70,220 per acre. Being dissatisfied with it, these appeals have been filed.

3. We have seen the judgment of the High Court. Practically, for large extent of land enhancement made by the Additional District Judge was reduced from Rs 90,000, Rs 85,000, Rs 80,000 and Rs 75,000 per acre to Rs 70,220 per acre. The only question is of the lands for which Rs 65,000 and Rs 35,000 were awarded, which were enhanced to Rs 70,220. As to the first part, namely, compensation of Rs 65,000 per acre which was enhanced to Rs 70,000, there is not much of difference. Though we find there is substantial difference for the second category, there is no material on record showing detail of lands covered by this part of the order. So, it is difficult for this Court to decide whether interference with this part of the order of the High Court is called for.

4. Under these circumstances, the appeals are dismissed but without costs.

## 1995 Supp (3) Supreme Court Cases 541

(BEFORE S.P. BHARUCHA, FAIZAN UDDIN AND S.B. MAJMUDAR, JJ.)

INDUBEN ASHOKRAO NALVADE

(DEAD) BY L.P.S.

Appellants:

Versus

DHIRAJLAL SHIVLAL SURATI  
AND ANOTHER

Respondents.

Civil Appeal No. 7344 of 1995<sup>t</sup>, decided on August 14, 1995

A. Specific Relief Act, 1963 — S. 10 — Suit for specific performance of agreement of sale of entire house — Defendant contending that agreement was for sale of ground floor of the house only — Having regard to the facts and circumstances established on record which were of clinching nature in favour of the plaintiff-appellant, held, appellants were entitled to a decree for specific performance for the entire house — Judgment and decree of trial court as affirmed by High Court modified accordingly — Constitution of India, Art. 136

(Paras 9 and 10)

B. Constitution of India — Art. 136 — Practice — Remand — Casual approach of first appellate court — Remand by Supreme Court in appeal under Art. 136 when not necessary — Court deciding first appeal not considering all the relevant aspects of the case, observing that trial court had reached findings of fact on appreciation of evidence and even after hearing the plaintiff-appellant for sometime not finding any exception that could be taken to the reasoning and findings of the trial court — Held, approach of the appellate court was casual and cursory one — It should have come to the grip of the problem and reappreciated the evidence led in the case — That having not been done Supreme Court would have been required to remand the matter for fresh decision in first appeal — However, facts and circumstances being established on the records for the purposes of the appeal under Art. 136 and the same being of clinching nature in favour of plaintiff-appellant and the litigation being a very old one, the matter need not be remanded and could be disposed of finally — Civil Procedure Code, 1908, S. 96

R-M/14813/S

Advocates who appeared in this case :

Harish N. Salve, Senior Advocate (Nikhil Sakhardande and A.M. Khanwilkar, Advocates, with him) for the Appellants;  
H.A. Raichura, Advocate, for the Respondents.

The Judgment of the Court was delivered by

S.B. MAJMUDAR, J. — Leave granted.

2. By consent of learned advocates of parties the civil appeal is heard finally and is being disposed of by this judgment. This appeal arises out of the judgment of the High Court of Gujarat dismissing First Appeal No. 803 of 1982 and confirming the judgment and decree dated 2-5-1981 passed by the learned Civil Judge, Senior Division, Bharuch in Special Civil Suit No. 22 of 1977. The appellants before us are the heirs of original plaintiff while the respondents are the original defendants. We will refer to the appellants and respondents as

<sup>t</sup> From the Judgment and Order dated 21-9-1992 of the Gujarat High Court in F.A. No. 803 of