

50/100

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

6

(DESTRUCTION OF RECORD RULES, 1990)

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FORM No. 4
(SEE RULE 12)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

App./Misc Petn/Cont. Petn/Rev. Appl. 151/04

In O.A.
Name of the Applicant(s) ... P. Bisai Das & Ors.
Name of the Respondent(s) ... UOI & Ors.
Advocate for the Applicant ... Mr. S. Samra, U.K. Goshwami & Mrs U. Das
Counsel for the Railway/CGSC ... Cse. A.K. Chaudhuri.

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
	19.7.2004	Present: The Hon'ble Shri K.V. Sachidanandan Member (J). The Hon'ble Shri K.V. Prahladan Member (A).

Mr. A.K. Chaudhuri, learned Addl. C.G.S. C. took notice on behalf of the respondents and submitted that he would like to get instruction. The learned Addl. C.G.S. C. also submits that he has no objection in admitting the O.A. O.A. is admitted. Four weeks time is granted to the respondents to file written statement, two weeks thereafter for filing of rejoinder, if any.

post the matter on 6.9.2004 for order.

With regard to the interim relief, we are not inclined to stay the promotion from the cadre of Officer Surveyor to the next higher cadre without recasting the seniority of the applicant. However, we make it clear that promotion made, if any, will be subject of of the outcome of the O.A.

[Signature]
Member (A)

[Signature]
Member (J)

bb

JTG 389545-
26/5/04

[Signature]
11/EDS.R. 14/7/04

steps taken.

Notice & order
dt. 19/7/04, sent
to D/section
for issuing to
resp. Nos 1, 2 & 3, by
regd. with A/D
post.

Memo No. 1135 to
1137 dt. 26/7/04.

26/7/04
Notice duly serve
on resp. No. 2. 14/8/04.

6.9.04.

Four weeks time is allowed to the Respondents to file written statement. List on 5.10.04 for filing of written statement and further orders.

[Signature]
Member

lm

4/10/04

1) Notice duly served on R-2.

2) S/R is awaited for R-1 & 3.

3) W/S has not been filed.

5.10.2004 Present : The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

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

None for the parties. Adjourned to 18.11.2004.

[Signature]
Member (A)

[Signature]
Vice-Chairman

mb

19.11.04

6.12.2004
Shillong

W/S filed by the respondent nos. 1, 2 & 3.

Mr. A. Deb Roy, learned Sr.C.G.S.C. for the respondents states that written statement has been filed. Learned counsel for the applicants Mr. S. Sarma seeks four weeks time to file rejoinder. His request is granted. Advance copy of the rejoinder to be given to learned Sr.C.G.S.C.

Matter be listed for hearing on 10.2.2005.

[Signature]
Member

[Signature]
Vice-Chairman

bb

10.2.2005 present: The Hon'ble Mr. M.K. Gupta, Member (J).

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

Mr. A.K. Chaudhuri, learned Advocate was present for the respondents. Ms. U. Das, learned counsel appearing for the applicant states that the present O.A. needs amendment as certain juniors to the applicant have been promoted to the next higher post, particularly during the pendency of the present O.A. Accordingly,

Contd.

Notes of the Registry Date Order of the Tribunal

Contd.

10.2.2005

she seeks time to take necessary steps to amend the O.A. Hence adjourned to 17.2.2005.

Member (A)

Member (J)

bb

17.2.2005

Adjourned to 1.4.05. The respondents 1-3 would be at liberty to file amended written statement, if so desire.

Member (A)

Member (J)

nkm

13.5.2005

At the written request of counsel for the applicant, the case is adjourned to 16.5.2005.

Member

Vice-Chairman

16.5.2005

Mr.S.Sarma, learned counsel for the applicant submits that notices to private respondents 4 to 8 were sent by Registered post with acknowledgement due at the expense of the applicant and the acknowledgement cards have not yet been received.

Post on 13.6.2005. In the meantime learned counsel for the applicant will file affidavit regarding service of notice with evidence.

Member

Vice-Chairman

bb

12-4-05

NO amendment application filed.

22-4-05

W/s filed by the Respondent No.1, 2 & 3.

mb

13-5-05

Consolidated amendment application filed in view of the order passed in no 56/05 on 7-2-05.

by Bandana Devi Advocate 12.5.05

Notes of the Registry	Date	Order of the Tribunal
9.6.05 Rejoinder and an affidavit regarding service of notice on the Respondents Nos. 4 to 8 have been submitted by the Applicant.	13.6.2005 <	

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O.A.151/2004

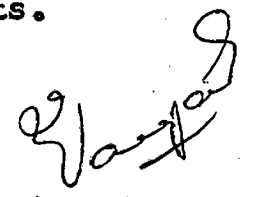
18.8.2005

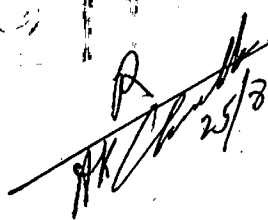
Judgment pronounced in open
Court, kept in separate sheets.

The O.A. is disposed of in terms
of the order. No costs.


Member

bb


Vice-Chairman


25/3

CENTRAL ADMINISTRATIVE TRIBUNAL:::GUWAHATI BENCH.

O.A. No. 151 of 2004

DATE OF DECISION: 18.08.2005

Shri Patal Bihari Das

APPLICANT(S)

Mr.S.Sarma

SR. ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

U.O.I. & Others

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Hon'ble Vice-Chairman.

G. Sivarajan

6

CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH.

Original Application No. 151 of 2004.

Date of Order: This, the 18th day of August, 2005.

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Shri Patal Bihari Das
2. Shri P. Purkayastha
3. Shri Tushar Kanti Gupta
4. Shri Gakul Ch. Das
5. Shri S. Bamutlang Kharbangar
6. Shri Jaspar Mayboon Nongkhlaw
7. Shri Wordkinson Taiang. ... Applicants.

All the applicants are presently holding the posts of Officer Surveyor, in the Director, North Eastern Circle, Post Box No.89, Shillong-793001, Meghalaya.

By Advocates Mr.S.Sarma, Mr.U.K.Goswami & Ms. B. Devi.

- Versus -

1. Union of India
Represented by the Secretary
to the Government of India
Dept. of Science and Technology
Technology Bahawan
New Delhi -1.
2. The Surveyor General of India
At-Hathibarkala Estate
Dehradun.
3. The Director
North Eastern Circle
Post Box No.89
Shillong-793001
Meghalaya.
4. Sri Saroj Kumar, J&K GDC
Survey of India, Dehra Dun,
Uttaranchal.
5. Sri Anand Kumar, DMC
Survey of India 17
EC Road, Karanpur, Dehra Dun
248001.

6. Sri D.S.Meher, CS & MP Campus
Survey of India, Uppal
Hyderabad-500 039.
7. Sri KPS Sinha, No 11 Party
Survey of India Complex
Near Magistrate Colony
Doranda, P.O: Hinoo
Rachi-834002
Jharkhand.
8. Sri B. Paton, UPGDC, Dehra Dun
17, EC Road, Karanpur,
Dehra Dun-248001.

..... Respondents.

O R D E R

SIVARAJAN, J.(V.C.) :

Applicants 7 in number are presently holding the posts of Officer Surveyor in the office of the 3rd respondent. They have filed this application seeking for the following reliefs:

- "8.1 To set aside and quash the promotion orders of the applicants as Officer Surveyor to the extent it gives prospective effect to such promotion.
- 8.2 To direct the Respondent authorities to consider the cases of the applicants for promotion to the cadre of Officer Surveyor with effect from the dates vacancies were available in pursuance to the cadre review carried out in the cadre of Officer Surveyor in the year 1995 and to give retrospective effect to the promotions effected in the case of the applicants to cadre of Officer Surveyor with effect from the dates the vacancies were so available in pursuance to the cadre review.
- 8.3 To direct the Respondent authorities to recast the seniority of the applicants in the cadre of Officer Surveyor after giving retrospective effect to the

JS

promotions of the applicants as Officer Surveyor.

8.4 To restrain the respondent authorities from convening any D.P.C. for considering the cases of eligible persons in the cadre of Officer Surveyor for further promotion to the post of Superintending Surveyor, without first recasting the seniority of the applicants in the cadre of Officer Surveyor.

8.5 To restrain the respondent authorities from effecting any promotion from the cadre of Officer Surveyor without first recasting the seniority of the applicants in the cadre of Officer Surveyor.

8.5.a To direct the respondents to effect the promotions made to the applicants vide order dated 17.07.01 with retrospective effect above the private respondents."

Their main case is that as a result of the cadre review made in 1995, in addition to the existing cadre strength of Officer Surveyor, 136 posts of Officer Surveyor were created in cadre review as per order dated 30.1.1996 but the respondents failed to convene regular DPC for regular selection and appointment to the post of Office Surveyors till 2001. It is also stated that instead of convening DPC for regular selection of qualified employees from the lower grade the respondents, in the year 1998, had effected only adhoc promotions to the quota available for promotion. Their grievance is that when the respondent had effected regular promotions in the year 2001 to the posts created in the year 1995 instead of promoting persons qualified on the date of occurrence of the vacancy in the year 1996 that too with retrospective effect, the respondent had effected

gpr

regular promotions to the said vacancies only prospectively which had adversely affected the further prospects of the applicants. The applicants were promoted to post of Officer Surveyor on adhoc basis from 1998 as per order dated 31.7.1998 (Annexure-1) and promoted on regular basis as per order dated 16.7.2001 (Annexure - 2) with effect from the date they take over charge of the post on promotion. According to them, they, being qualified and eligible for promotion to the post of Officer Surveyors in 1995 itself, should have been promoted to the said post from the date of occurrence of the vacancy based on their seniority in the post of Surveyors and that at any rate since they had worked as Officer Surveyors since July, 1998 their regular promotion should have been made at least with effect from the date of their adhoc promotion i.e. from 31.7.1997. They have also got a case that inter se seniority between 75% quota Officers and 25% quota Officers has not been fixed which has resulted in depriving them of their due promotion to the next higher cadre - viz Superintending Surveyor. It is also stated that the juniors of the applicants, respondents 4 to 8 had a march over them in the matter of promotion to the post of Officer Surveyor based on limited competitive examination.

2. The respondents have filed a written statement. It is stated therein that as a result of cadre review made in 1995 the sanctioned strength of Officer Surveyor was reduced from 359 to 338 and additional 136 posts are created as per order dated 30.1.1996. The DPC for the

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created post could not be convened due to some administrative reasons in the absence of recruitment rules and were granted adhoc promotion. As per the existing rules 1983, 75% of the promotional quota is to be filled up by DPC promotees and 25% to be filled up by LDCE promotees. It is also stated that it was clearly stated in the promotion order for the post of Officer Surveyor on adhoc basis as per letter dated 31.7.1998 (Annexure-1) that adhoc promotion is purely provisional and would not bestow any benefits of seniority and can be terminated at any time. The reason for the delay in holding DPC for filling up the newly created posts are detailed. The seniority in the cadre of Officer Surveyor between DPC promotees and LDCE promotees, it is stated, had been fixed according to the Rules. An additional written statement is also filed to the amended application. The applicants have filed rejoinder and also reiterated that the applicants have to be promoted on regular basis from the date of occurrence of the vacancy or at any rate from the date on which they were promoted on adhoc basis i.e. from July, 1998.

3. We have heard Mr.S.Sarma, learned counsel for the applicants and Mr.A.K.Chaudhuri, learned Addl.C.G.S.C. for the respondents. They made submissions on the basis of their respective pleadings.

4. The main contention of the applicants, as already stated, is that on a cadre review of the staff strength of Officer Surveyors, 136 more posts were created in early

gnt

1996 but the same was filled up by the official respondents on adhoc basis in July, 1998 and on regular basis only in July, 2001. It is their case that the respondents did not take urgent steps for filling up the additional posts created then and there, that the respondents had inordinately delayed the matter. It is also their case, that even though it is for the respondents to decide as to when the vacancies has to be filled up once they decide to fill up the vacancies the same must be done with reference to the date of occurrence of the vacancies and from those dates. Their further contention is that they were qualified and eligible for being promoted to the post of Officer Surveyor on the basis of their seniority in 1995 itself and therefore they must be promoted on regular basis with retrospective effect from the date on which the vacancies arose. The respondents had promoted the applicants on adhoc basis from July, 1998 in view of the delay in finalizing the Rules to meet the situation which arose on account of restructuring and cadre review as per order dated 30.1.1996. It is their stand that in the adhoc promotion order itself it is stated that the adhoc promotion given to the applicants is only provisional and that it will not confer any right to claim seniority and that it can be terminated at any time. They have also stated that as per the consolidated instructions on Departmental Promotion Committee and Related Matters rule 6.4.4 promotions will be made in the order of the consolidated select list, such

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promotions will have only prospective effect even in cases where the vacancies related to the earlier years.

5. In the instant case, the respondents themselves, realizing the difficulty in making regular promotions to the post of Officer Surveyor created in 1996, have decided to make adhoc promotions and had promoted the applicants and others on adhoc basis in July, 1998. If as a matter of fact the applicants were eligible and entitled to be promoted on the basis of their seniority on the date when adhoc promotions were made the DPC for promotion convened in 2001 ought have considered the same and the regular promotion of the applicants should have been made from the date from which they were promoted on adhoc basis as Officer Surveyors. We do not find any rules which prohibits such retrospective promotions. Denial of regular promotion at least from that date is against justice, equity and good conscience. Such action is unreasonable and unjustified.

6. However, it is a matter to the respondents to verify as to whether the applicants were qualified and eligible for being promoted to the post of Office Surveyor as per the rules then existed. The competent authority among the official respondents is directed to verify all those matters from the service records of the applicants and if the applicants do satisfy all the required eligibility criteria the respondents will arrange for a review DPC and take a decision in the light of the observations made hereinabove within a period of four

Got

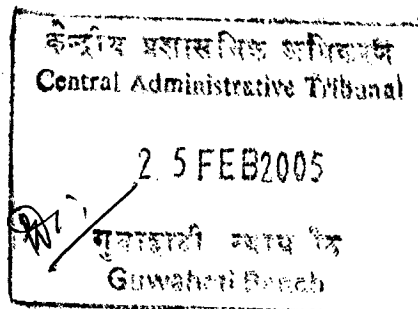
months from the date of receipt of this order. If the applicants are promoted to the post of Officer Surveyor with retrospective effect from the date of their adhoc promotion based on the Review DPC the official respondents will fix the inter se seniority of the applicants without any further delay. No other points deserve consideration.

The O.A. is disposed of as above. In the circumstances of the case there will be no order as to costs.


(K.V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(G. SIVARAJAN)
VICE CHAIRMAN

BB



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

CONSOLIDATED APPLICATION

O.A. No. 151 of 2004

BETWEEN

Shri Patal Bihari Das Applicants.

AND

Union of India & ors..... Respondents.

I N D E X

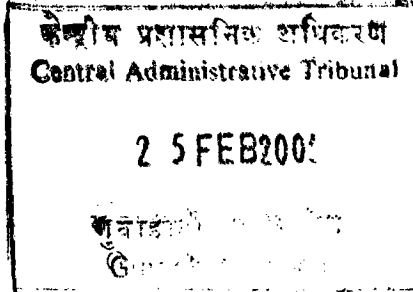
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4.	Annexure-2.....	
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6.	Annexure-4.....	
7.	Annexure-5.....	
8.	Annexure-6 colly.....	

Filed by :Miss U.Das. Advocate.

Regn.No.:

File :WS7\PATAL

Date :



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

CONSOLIDATED APPLICATION

O.A. No. 151 of 2004

BETWEEN

Shri Patal Bihari Das

..... Applicants.

AND

Union of India & ors.

..... Respondents.

SYNOPSIS

The applicants in the instant application has raised a grievance against the inaction on the part of the respondents in not assigning to them their correct seniority in the grade of Officer Surveyor. The applicants are presently holding the post of Officer Surveyor, and were so promoted under 75% quota prescribed for promotion by selection from the Surveyors, Survey Asstt., Geodatic Computers, and Draftsman Div. 1, with at least 8 years of service in their respective grade, and they are aggrieved by the inaction on the part of the respondents in not recasting their respective seniority vis-a-vis the officers in the grade of Officer Surveyor, who belong to the promotees under 25% of the promotional quota, selected form promotion through Limited Dept. Competitive Examination from amongst the Surveyors, Survey Asstt., Scientific Asstt.

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Geodetic Computers, and Draftsman Div. 1. with at least 5 years of regular service in their respective grade. The applicants in the instant application have raised the grievance of non-maintaining the settled principle of quota-
rota amongst the Officer Surveyor (amongst the Officers Surveyor belonging to the 75% and 25% quota of promotion), which has resulted in depriving the present Applicants from their due promotions to the next higher cadre as well as supersession in the matter of such promotion by their juniors who belong to the cadre of Officer Surveyor promoted under the above 25% quota.

That the applicants in the present O.A have also raised the issue relating to the inaction on the part of the respondents in not convening regular year wise DPC and not preparing year wise panel which has resulted in inordinate delay in effecting their promotions to the cadre of Officer Surveyor and also depriving them of their further promotions.

That the applicants while highlighting their aforesaid grievance also raised the grievance against the action on the part of the respondents in delaying the implementation of the cadre review in the cadre of Officer Surveyor held in the year 1995. It is pertinent to mention here that in the year 1995 the respondents reviewed the cadre strength of the cadre of Officer Surveyor and as a result of such cadre review, number of posts in the cadre of Officer Surveyor surfaced. The higher authority while reviewing the cadre, issued direction for its implementation by the year 1996, but same could only be done in the year 2001, that too with prospective effect and same has resulted inordinate delay in the promotions of the applicants,

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✓ although they were very much eligible to hold the said post of Officer Surveyor in the year 1995 itself.

That the respondents after the cadre review held in the year 1995 ought to have filled up the vacancies by following the quota-rota rule, arising due to such cadre review, by 1996 as directed by the higher authorities. However, the respondents kept the matter pending for long time and in the year 1998 the respondents promoted the applicants to the cadre of Officer Surveyor that too on ad-hoc basis. The applicants kept on pursuing the matter before the authority concerned but same yielded no result in positive. The respondents in the year 2001 convened regular DPC and promoted the applicants on regular basis to the cadre of Officer Surveyor and effect of such promotion has been made prospective even ignoring the ad-hoc service of the applicant. The applicants through this application therefore, prays for a direction towards the respondents for effecting their promotion as Officer Surveyor w,e,f, 1995.

That the applicants ventilating their grievances preferred number of representations to the authority concerned but same yielded no result in positive. Situated thus, the applicants as a last recourse have come under the protective hands of the Hon'ble Tribunal seeking appropriate relief. Hence this application.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

CONSOLIDATED APPLICATION

O.A.No. 151 of 2004

BETWEEN

1. Shri Patal Bihari Das,
2. Shri P.Purkayastha,
3. Shri Tushar Kanti Gupta,
4. Shri Gakul Ch.Das.
5. Shri S. Bamutlang Kharbangar,
6. Shri Jaspar Mayboon Nongkhaw,
7. Shri Wordkinson Taiang.

All the applicants are presently holding the posts of
Officer Surveyor, in The Director, North Eastern Circle,
Post Box No. 89, Shillong-793001. Meghalaya.

..... Applicants.

VERSUS

1. Union of India,
Represented by the Secretary to the Govt.of India,
Dept. of Science and Technology, Technology Bhawan,
New Delhi-1.
2. The Surveyor General of India,
At-Hathibarkala Estate,
Dehradun.
3. The Director,
North Eastern Circle,
Post Box No. 89,
Shillong-793001. Meghalaya.
4. Sri Saroj Kumar, J & K GDC,
Survey of India, Dehradun Wing, Blok No 6.
Hathibarkala Estate, Dehra Dun, Uttaranchal.
5. Sri Anand Kumar, DMC, Survey of India,
17, EC Road, Karanpur, Dehra Dun, 248001.
6. Sri D.S.Meher, CST & MP Campus,
Survey of India, Uppal Hyderabad, 500039.
7. Sri KPS Sinha, No 11 Party, Survey of India
Complex, Near Magistrate Colony, Doranda,
P.O. Minoo, Ranchi-834002, Jharkhan.
8. Sri B.Paton, UPGDC, Dehra Dun,
17, EC Road, Karanpur, Dehra Dun, 248001.

..... Respondents.

Filed by 20
The applicants through
Alsha Das.
Advocate
25/2/05

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PARTICULARS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION
IS MADE:

This application is directed against the action of the respondents in not recasting the seniority of the applicants in the grade of Officer Surveyor, who belong to the officers promoted under 75% quota of promotion by selection from the Surveyors, Survey Asstt., Geodetic Computers, and Draftsman Div. 1, with at least 8 years of service in their respective grade, vis-a-vis the officers of the grade of Officer Surveyor, who belong to the promotee under 25% of the promotional quota by Limited Dept. Competitive Examination from amongst the Surveyors, Survey Asstt., Scientific Asstt, Geodetic Computers, and Draftsman Div. 1. with at least 5 years of regular service in their respective grade.

This application is also directed against the action of the respondents in not convening year wise D.P.C and panel for the 75% quota for promotion to the grade of Officer Surveyor, which has resulted in inordinate delay in effecting promotions in case of the applicants to the grade of Officer Surveyor, keeping the vacancies unutilised for years together.

The applicants through this application also prays for implementation of cadre review held in the year 1995 providing retrospective effect to their promotions to the grade of Officer Surveyor, and to recast their seniority after counting of their adhoc service in the grade of Officer Surveyor from the actual date when the vacancies were surfaced.

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This application is also directed against the action on the part of the respondents in providing the undue preference to the promotees belonging to the 25% in excess operation of the said quota depriving the present applicants from their legitimate claim of promotion."

2. LIMITATION:

The applicants declare that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act.1985. It is stated that the issues involved in the case has arisen out of the inaction on the part of the respondents in not convening regular DPC for promotion to the cadre of Officer Surveyor and year wise panel for such promotion and same being a continuing wrong on the part of the respondents, there is no delay in preferring the present O.A. The applicants have preferred representations to the concerned authority but apart from assurances same yielded no result in positive apart from assurances.

3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

4.1. That the applicants in the instant application has raised a grievance against the inaction on the part of the respondents in not assigning to them their correct seniority in the grade of Officer Surveyor. The applicants are presently holding the post of Officer Surveyor, and were so

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promoted under 75% quota prescribed for promotion by selection from the Surveyors, Survey Asstt., Geodetic Computers, and Draftsman Div. 1, with at least 8 years of service in their respective grade, and they are aggrieved by the inaction on the part of the respondents in not recasting their respective seniority vis-a-vis the officers in the grade of Officer Surveyor, who belong to the promotees under 25% of the promotional quota, selected for promotion through Limited Dept. Competitive Examination from amongst the Surveyors, Survey Asstt., Scientific Asstt. Geodetic Computers, and Draftsman Div. 1. with at least 5 years of regular service in their respective grade. The applicants in the instant application have raised the grievance of non-maintaining the settled principle of quota-rata amongst the Officer Surveyor (amongst the Officers Surveyor belonging to the 75% and 25% quota of promotion), which has resulted in depriving the present Applicants from their due promotions to the next higher cadre as well as supersession in the matter of such promotion by their juniors who belong to the cadre of Officer Surveyor promoted under the above 25% quota.

That the applicants in the present O.A have also raised the issue relating to the inaction on the part of the respondents in not convening regular year wise DPC and not preparing year wise panel which has resulted in inordinate delay in effecting their promotions to the cadre of Officer Surveyor and also depriving them of their further promotions.

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That the applicants while highlighting their aforesaid grievance also raised the grievance against the action on the part of the respondents in delaying the implementation of the cadre review in the cadre of Officer Surveyor held in the year 1995. It is pertinent to mention here that in the year 1995 the respondents reviewed the cadre strength of the cadre of Officer Surveyor and as a result of such cadre review, number of posts in the cadre of Officer Surveyor surfaced. The higher authority while reviewing the cadre, issued direction for its implementation by the year 1996, but same could only be done in the year 2001, that too with prospective effect and same has resulted inordinate delay in the promotions of the applicants, although they were very much eligible to hold the said post of Officer Surveyor in the year 1995 itself.

That the respondents after the cadre review held in the year 1995 ought to have filled up the vacancies by following the quota-rota rule, arising due to such cadre review, by 1996 as directed by the higher authorities. However, the respondents kept the matter pending for long time and in the year 1998 the respondents promoted the applicants to the cadre of Officer Surveyor that too on ad-hoc basis. The applicants kept on pursuing the matter before the authority concerned but same yielded no result in positive. The respondents in the year 2001 convened regular DPC and promoted the applicants on regular basis to the cadre of Officer Surveyor and effect of such promotion has been made prospective even ignoring the ad-hoc service of the applicant. The applicants through this application therefore, prays for a direction towards the respondents for

effecting their promotion as Officer Surveyor w,e,f, 1995.

That the applicants ventilating their grievances preferred number of representations to the authority concerned but same yielded no result in positive. Situated thus, the applicants as a last recourse have come under the protective hands of the Hon'ble Tribunal seeking appropriate relief.

This is the crux of the matter for which the applicants have preferred the present application under sec 19 of the Administrative Tribunal Act 1985. The facts in details are as follows;

4.2. That the applicants are citizens of India and as such they are entitled to all the rights, privileges and protection guaranteed by the Constitution of India and laws framed thereunder. The grievances raised and the reliefs sought for by the applicants in the instant application are similar and as such the applicants pray before the Hon'ble Tribunal to allow them to join together in a single application invoking Rule 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987 to minimise the number of litigation as well as the cost of the application.

4.3. That the applicants are presently holding the post of Officer Surveyor and are posted at various offices in the North Eastern States, under the respondents. The Recruitment Rules of 1962 laid down that the 50% of posts in the cadre of Officer Surveyor would be filled up by

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promotion by selection and the other 50% by direct recruitment in the form of a Limited Dept. Competitive Examination. The aforesaid 1962 Rule was superseded by the Recruitment Rules of 1983, which came into force w,e,f, 27.04.83. The relevant portion of the said rule of 1983 is quoted below for ready reference;

" Promotion;

- i) 75% of the promotion quota by selection from the surveyors, Survey Assistants, Geodetic Computers, and Draftsman Div.1 with at least 8 years of regular service in the respective grade, including service if any, rendered in the Selection Grade of the above categories of posts,
- ii) 25% of the promotion quota by limited departmental competitive Examination from Surveyors, Survey Assistants, Scientific Assistants, Geodetic Computers, and Draftsman Div.1 who have passed the Bachelors Degree with Mathematics as a subject and have rendered 5 years regular service in the respective grade. The Examination shall be conducted by the Director Survey Training Institute Hyderabad in accordance with the scheme as may be finalised by the Surveyor General of India in consultation with the Department of Science & Technology from time to time. An employee shall avail of not more than three chances to appear at the said examination during his service period.

The applicants inspite of their best effort could not collect the full text of the aforesaid Recruitment Rules

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of 1983 and as such pray before the Hon'ble Tribunal for a direction towards the respondents for production of the said rules at the time of hearing of the case.

4.4. That in terms of the 1983 Recruitment Rules under the respondents, presently there are two sets of Officer Surveyor - one promoted under the 75% quota for promotion and other promoted under the 25% quota. The respondents in view of said Rules are duty bound to adhere to the Quota Rota rule meant for fixing up the respective seniority amongst the two sets of Officers Surveyor. Again in terms of the said Recruitment Rules and other allied Rules, the respondents are also duty bound to convene regular DPC and thereafter to prepare select panel each year for promotion to the post of Officer Surveyor. It is pertinent to mention here that while fixing such seniority in terms of the Recruitment Rules as well as at the time of maintaining the Quota Rota. The respondents are also duty bound to effect cadre review periodically so as to maintain the ratio between the two sets officers of the Officers Surveyor cadre in terms of the Rules. However, till 1995 no cadre review was effected by the respondents.

4.5. That in the year 1995 only the higher authority of the respondents took a decision for review of the cadre of Officer Surveyor and due to such cadre review number of posts in the cadre of Officer Surveyor surfaced and the higher authority took a decision to implement the said cadre review by early part of 1996. However, the said direction of the higher authority of the respondents were never implemented in the year 1996 and the said vacant posts were

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kept unutilised for years together. The respondents subsequently, issued an order dated 31.07.98 by which the applicants were given the promotion to the post of Officer Surveyor on ad-hoc basis, and same was done following the due processes of selection. The respondents who were duty bound to fill up the said posts on regular basis, filled up the said vacant posts only on ad-hoc basis. The respondents ought to have filled up those posts on regular basis in the year 1996 itself by convening regular DPC. But no regular DPC was convened in the year 1996 as directed by the higher authority and the matter was kept pending without any further steps. However, in the month of July, 1998 the respondents have issued promotion order dated 31.07.98 to the applicants promoting them to the post of Officer Surveyor on ad-hoc basis. All the applicants accordingly joined the said post on ad-hoc basis w,e,f, 23.07.1998.

A copy of the order dated 31.7.98 is annexed herewith and marked as ANNEXURE-1.

4.5. That the applicants state that initially the said order of ad-hoc promotion to the post of Officer Surveyor was made effective for a period of six months or till regular DPC held but the respondents by issuing various subsequent orders kept on extending the said period of Ad-hoc service and same continued uninterruptedly till the applicants got their regular promotion in the said Cadre. The respondents in this connection issued orders of which mention may be made of order dated 16.06.99.

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The applicants crave leave of the Hon'ble Tribunal for a direction towards the respondents for production of the said orders at the time of hearing of the case.

4.6. That the applicants state that the respondents kept the vacancies surfaced due to the cadre review unutilised for years together and thereby deprived the applicants of their regular promotion to the cadre of Officer Surveyor and thereby allowed their juniors to superceed them.

4.7. That the applicants state that the respondent authorities ought to have initiated steps for filling up of the post surfacing in pursuance to the said cadre review, and the case of the applicants ought to have been considered for promotion to the said cadre with effect from the date the said posts became available. In the event the said posts could not be filled up immediately on its becoming available, the respondent authorities ought to have convened D.P.C's for preparing panels for vacancies arising in each year. In the event steps for preparing year wise panels were undertaken the applicants would not have been deprived of their due service benefits and there would not have arisen any occasion for any grievance relating to their supersession by juniors.

4.8 That the applicants state that while the cases of the applicants were not considered for promotion against the vacancies as available in pursuance to the said cadre review, the respondent authorities proceeded to promote persons junior to the applicants in the feeder cadre as

Officer Surveyor against the quota prescribed promotion by way of limited competitive examination. as such the applicants have been deprived of their due seniority in the cadre of Officer Surveyor.

4.9 That the applicants state that they were all promoted on Ad-hoc basis to the cadre of Officer Surveyor with effect from 23.7.1998 and their such promotions were regularised with prospective effect, w.e.f 18.7.2001. The promotion of the applicants on regular basis with prospective effect is discriminatory, illegal and discriminatory. Such action on the part of the respondent authorities is bad in law and liable to be set aside to the extent that the orders promoting the applicants on regular basis makes its applicable only with prospective effect.

A copy of the said promotion order is annexed herewith and marked as ANNEXURE-2.

4.10. That the applicant begs to state that admittedly the respondents have failed to utilise the quota of 75% in time and same has resulted in depriving the applicants from their legitimate service benefits. The respondents have now decided to hold DPC for promotion to the post of Superintending Surveyor, which is the next higher grade of Officer Surveyor, within July 2004 on the basis of unrevised seniority. The seniority list now prevailing does not reflect the correct seniority position as the effect of cadre review has not been projected in its true sense which has a direct consequence of fixation of Quota Rota. Apart

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from that the seniority list can't be said to be correct as the effect of year wise panel are yet to be incorporated and the promotion order of the applicants. In such a situation it is totally illegal for the respondents to convene DPC for promotion to the post of Dy. Superintending Surveyor with first recasting the respective seniority of the officers belong to the cadre of Officer Surveyor in the light of the cadre review held in the year 1995. Otherwise the meaning of cadre review will be in nullity and the seniority. In such an eventuality, the applicants being aggrieved made representations to the concerned authority but same are yet to be replied to.

A copy of one of such representations dated 11.03.2003 is annexed herewith and marked as ANNEXURE-3. ✓

4.11. That the applicant submits that the decision taken by the respondents in not implementing the cadre review and not effecting the promotion to the cadre of Officer Surveyor to the applicants in time has resulted in deprivation of their legitimate claim of timely promotion which has also resulted in the seniority position. The issue since has cropped up due to inaction on the part of the respondents it is therefore the applicants have not made any officers in the cadre of Officer Surveyor as party respondents.

4.12 That the applicants beg to state that the respondents have acted contrary to the settled proposition of law in filling up the vacancies in the cadre of Officer

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Surveyor in time in terms of the cadre review as such the seniority position of the applicants as well as the other set of Officer Surveyor is required to be recasted. However, the respondents are setting over the matter and now they have decided to convene DPC for promotion to the post of Superintending Surveyor on the basis of such unrequested seniority as per quota Rota Rules. The applicants therefore has come under the protective hands of the Hon'ble Tribunal seeking immediate and urgent relief. The applicants in this application also prays for an interim order directing the respondents not to convene the DPC and not to finalise the selection process held for promotion to the post of Superintending Surveyor till finalisation of the O.A. The applicants have made out a prima facie case of deprivation and discrimination and the principles of balance of convenience lies very much in their favour. In the event of not passing the interim order the O.A would become infructuous and same would cause irreparable loss and injury.

4.13. That the applicants beg to state that the respondents have acted contrary to the settled principles of maintaining quota-rota in between the promotees of 25% LDCE as well as the promotees of 75% promotional quota. It is noteworthy to mention here that 136 posts in the cadre of Officer Surveyor surfaced due to the cadre review w.e.f 30.1.96. The respondents have convened Limited Departmental Competitive Examination in the year 2002, in the following dates and the promotions made therein have made with retrospective effect from 1997 itself;

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Year of exam.	Date of merit test	Date of interview	Date of declaration of result	Remarks
1997	13-14 Dec 2001	14-15 Jan 2002	21 Jan, 2002, 2003	
1998	11-12 Mar. 2002	11-12 April 2002	19 April, 2002 2003	
1999	13-14 June 2002	11-12 July 2002	19 July, 2002 2003	
2000	12-13 Sept. 2002	10-11 Oct. 2002	18 Oct. 2002 2003	
2001	12-13 Dec, 2002	13-14 Jan 2003	21 Jan, 2003 2003	

4.14. That the respondents have provided retrospective effect to the promotions belong to the 25% LDCE in respect of their promotions to the cadre of Officer Surveyor where as in the case of the present applicants although admittedly there were 136 vacancies as on 30.01.1996 but no such benefits have provided. Even the respondents have virtually rejected the claims of the applicants for counting their ad-hoc service period. The law in this regard is settled that the ad-hoc promotions made and in the event of its subsequent regularisation pursuant to a regular DPC is required to be relate back to the date of ad-hoc promotion and to provide all service benefits. In that view of the facts and circumstances the applicant pray that their promotions made in the cadre of Officer Surveyor vide order dated 17.07.01 should have been made with retrospective effect.

4.15. That the applicants beg to state, that the respondents have acted contrary to the settled principles in filling up the vacancies in the cadre of Officer Surveyor. Admittedly the vacancies occurred during the year 1996 and at that point of time the 1983 Recruitment Rules

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was in force. Apart from that the respondents could not have adopted two different rules parallelly in filling up the vacancies of the Officer Surveyor. The respondents have admittedly applied two different sets of rules in filling up the said vacancies and same has admittedly prejudiced the service careers of the applicants in respect of their seniority. It is noteworthy to mention here that since no regular DPCs were held as completed in the rules and since the respondents have effected the said promotions in the cadre of 25% quota with retrospective effect most of their juniors have been given promotions and as such the applicants have made the respondents No 4 to 8 as private respondents who got the promotions in the year 2002 but the effect of such promotions have been made w,e,f, 1997. In such an eventuality the promotions made effective to the said private respondents as well as other juniors without adhering to the principles of quota-rota rules may be modified or alternatively effect the promotions given to the applicants may be made with retrospective effect with all consequential service benefits.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the respondents in terminating the service of the applicant is illegal, arbitrary and same is violative of Principles of Natural Justice.

5.2. For that the applicants being eligible to hold the post of Officer Surveyor, and there being vacancies to accommodate them in the year 1995 itself, the action of the respondents in delaying their promotion is illegal and

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arbitrary and same is liable to be set aside and quashed.

5.3. For that the impugned action/ inaction on the part of the respondents in not implementing the cadre review effected in the year 1995 and not promoting the applicants to the cadre of Officer Surveyor in time is illegal, and violative of the settled propositions of law and as such same is not sustainable in the eye of law and liable to be set aside and quashed.

5.4. For that the impugned action/inaction on the part of the respondents in not recasting the inter-se seniority of the applicants vis-a-vis the Officers Surveyor belong to the 25% quota of promotion is not sustainable in the eye of law and same is liable to be set aside and quashed.

5.5. For that the applicants who were qualified to hold the post of Officer Surveyor in the year 1995 itself and in view of the that there were posts in existence, the action on the part of the respondents in resorting to adhocism is not permissible in the eye of law and same is liable to be set aside and quashed. The respondents ought to have convened regular DPC and prepare year wise panel for promotion to the post of Officer Surveyor .

5.5.a. For that the respondents have violated the settled principles of quota-rota rules in providing retrospective promotions to the private respondents who are admittedly junior to the present applicants.

5.6. For that in any view of the matter the action/inaction of the respondents are not sustainable in

the eye of law and liable to set aside and quashed.

The applicant craves leave of the Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicants declare that they have exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

The applicant further declares that they have not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicants most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To set aside and quash the promotion orders of the applicants as Officer Surveyor to the extent it gives

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prospective effect to such promotion.

8.2 To direct the Respondent authorities to consider the cases of the applicants for promotion to the cadre of Officer Surveyor with effect from the dates vacancies were available in pursuance to the cadre review carried out in the cadre of Officer Surveyor in the year 1995 and to give retrospective effect to the promotions effected in the case of the applicants to cadre of Officer Surveyor with effect from the dates the vacancies were so available in pursuance to the cadre review.

8.3. To direct the Respondent authorities to recast the seniority of the applicants in the cadre of Officer Surveyor after giving retrospective effect to the promotions of the applicants as Officer surveyor.

8.4. To restrain the respondent authorities from convening any D.P.C for considering the cases of eligible persons in the cadre of Officer Surveyor for further promotion to the post of Superintending Surveyor, without first recasting the seniority of the applicants in the cadre of Officer Surveyor.

8.5. To restrain the respondent authorities from effecting any promotion from the cadre of Officer Surveyor without first recasting the seniority of the applicants in the cadre of Officer Surveyor.

8.5.a. To direct the respondents to effect the promotions made to the applicant vide order dated 17.07.01 with

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retrospective effect above the private respondents.

8.6. Cost of the application.

8.7 Any other relief/reliefs to which the applicants are entitled to under the facts of the present case.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicant prays for an interim order directing the respondents not to effect any promotion from the cadre of Officer Surveyor to the next higher cadre i.e, the cadre of Superintending Surveyor.

10.

11. PARTICULARS OF THE I.P.O.:

- 1. I.P.O. No. :
- 2. Date :
- 3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

VERIFICATION

I, Shri Patal Bihari Das , son of Late P.K.Das, aged about 56 years, resident of Survey of India Estate, Barik, Shillong- 793001, do hereby solemnly affirm and verify that the statements made in paragraphs are true to my knowledge and those made in paragraphs are also matter of records and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the ... day of of 2005.

Signature.

SURVEY OF INDIA
NORTH EASTERN CIRCLE OFFICE
POST BOX NO. 89
SHILLONG-793 001 (MEGHALAYA)

Dated, the 31 July '98

- S.O. No. 9 Party (NEC)
S.O. No. 12 Party (NEC)
S.O. No. 22 Party (NEC)
S.O. No. 79 Party (NEC)
S.O. No. 80 Party (NEC)

PROMOTION/POSTING OF GROUP 'C' DIVISION-I ON PROMOTION
TO THE POST OF OFFICER SURVEYOR ON AISEC BASIS.

The undermentioned Gr. 'C' Div. I Officers of this Circle are promoted to the post of Officer Surveyor Gr. 'B' on a time basis for a period of six months initially or till such time the regular incumbents are made available whichever is earlier with effect from 23 July, 1998:-

(Authority :- S.O's No. C-2425/707 dt. 23-07-98.)

Sl. No.	Name & Designation	Present Posting	New Posting
1.	Mr. M. K. Roy, (ST), Surveyor	No. 9 Party (NEC)	No. 9 Party (NEC)
2.	Mr. M. K. Roy, (ST), Surveyor	No. 12 Party (NEC)	No. 12 Party (NEC)
3.	Mr. M. K. Roy, (ST), Surveyor	No. 22 (P) Party (NEC)	No. 22 (P) Party (NEC)
4.	Mr. M. K. Roy, (ST), Surveyor	No. 22 (P) Party (NEC)	No. 79 Party (NEC)
5.	Mr. M. K. Roy, (ST), Surveyor	No. 22 (P) Party (NEC)	Dehra Dun.
6.	Mr. M. K. Roy, (ST), Surveyor	No. 22 (P) Party (NEC)	No. 92 P (EC) Varanasi.
7.	Mr. M. K. Roy, (ST), Surveyor	No. 22 (P) Party (NEC)	-do-
8.	Mr. M. K. Roy, (ST), Surveyor	No. 22 (P) Party (NEC)	C.C. Jabalpur
9.	Mr. M. K. Roy, (ST), Surveyor	No. 35 Party (NEC)	No. 35 Party (NEC)
10.	Mr. M. K. Roy, (ST), Surveyor	No. 80 (P) Party (NEC)	No. 73 D.O. (NEC)
11.	Mr. M. K. Roy, (ST), Surveyor	No. 80 (P) Party (NEC)	No. 12 D.O. (NEC)
12.	Mr. M. K. Roy, (ST), Surveyor	No. 80 (P) Party (NEC)	No. 80 (P) Party (NEC)
13.	Mr. M. K. Roy, (ST), Surveyor	No. 80 (P) Party (NEC)	No. 80 (P) Party (NEC)
14.	Mr. M. K. Roy, (ST), Surveyor	No. 29 Party (NEC)	No. 29 Party (NEC)

P.T.O.

SURVEY OF INDIA
NO. 35 PARTY 8
DAIRY NO. 119
FILE NO. 25 F
DATE 10-8-98

Attended
was
Advocate

Congratulation
G. C. Das. pl.


For
1/8/98

:2: - 22 -

The above adhoc promotion would be effective from the date of actual assumption of charge by the officer concerned in promotion. It may please be made clear to the officers that this adhoc promotion is purely provisional and would not bestow any right of seniority and can be terminated at any time.

3. These orders may please be implemented within one month from the date of issue of this letter. While communicating to the above promotions, it may be intimated to the concerned officers in writing that their failure to take-up the adhoc promotion within one month of issue of this order will amount to their refusal to accept the offer of promotion leading to filling up of the vacancies by other eligible officers.
4. Necessary certificate of assumption of charge on form O.115(Acc.) may please be sent to this office in triplicate, for further action, at the earliest.

Shri S. C. Kunder
for immediate action
10. 13-
4 8/98


(P.K. GUPTA) BRIGADIER
DIRECTOR NORTH EASTERN CIRCLE.

Attested
was
Advo cate

भारतीय सर्वेक्षण विभाग
SURVEY OF INDIAFAX
SPEED POST

SURVEYS

0091-135-744064

Phone: 0091-135-744064

E-mail: sde.vsnl.net.in

C-3274/707

महासर्वेक्षक का कार्यालय
SURVEYOR GENERAL'S OFFICE

डाक बक्स सं० 37, POST BOX No.37,

देहरादून-248001 (उत्तरांचल)-भारत।

DEHRA DUN-248001 (UTTARANCHAL), INDIA

Dated : 16th July, 2001

The Addl. S.G. : NZ / SZ / EZ / WZ / STI.

The Director : NC / NWC / S (Air) / SC / SCC / SSEC / EC / NEC / SEC /
EC / WC / MP / G&RB / MCC / DMC (D.Dun) / DMC
(Hyd.) / R&D.

The Deputy Director :- Photo (NC).

E&AO 'A' (SGO).

PROMOTION TO THE POST OF OFFICER SURVEYOR GROUP 'B'

The following Division-I (Surveyors & Survey Assistants) are promoted on regular basis to the grade of Officer Surveyor (CCS Group 'B') in the scale of pay Rs.6,500-200-1500 w.e.f. the date they take over charge of the post on promotion as indicated below :-

No.	Name	Designation	Present posting	New posting
*	Shri J.K. Chatterjee	Surveyor	No. 1 DO (MP) D.Dun	No. 1 DO (MP) D. Dun
*	Shri D.K. Nichani	Surveyor	Survey (Air) N.Delhi	No. 64 (AHS) P. N.Delhi
	Shri Anar Singh	Surveyor	No. 94 P (SA) N.Delhi	No. 93 (Geom) P. N.Delhi
*	Shri J.P. Shukla	Surveyor	G&RB D.Dun	G&RB D. Dun
*	Shri A.K. Babbar	Surveyor	No. 32 (P) P (WC) Mt Abu	No. 32 (P) P (WC) Mt Abu
*	Shri Mohan Lal	Surveyor	No. 90 P (NC) D.Dun	No. 90 P (NC) D. Dun
*	Shri Anand Srivastava	Surveyor	No. 43 P (SSEC) Hyderabad	No. 43 P (SSEC) Hyderabad
	Shri N.K. Saxena	Surveyor	No. 65 P (SA) N.Delhi	No. 93 (Geom) P. N.Delhi
*	Shri H.M. Kukreti	Surveyor	No. 1 P (NC) D.Dun	No. 1 P (NC) D. Dun
	Shri A.K. Saxena	Surveyor	No. 94 P (SA) N.Delhi	Bdy. Cell (SGO) N. Delhi
*	Shri M.K. Paul	Surveyor	No. 63 P (EC) Kolkata	No. 63 P (EC) Kolkata
*	Shri Tilak Raj	Surveyor	DMC D.Dun	DMC D. Dun
*	Shri G.B. Saxena	Surveyor	No. 91 P (NC) Lucknow	No. 91 P (NC) Lucknow
	Shri P.C. Bist	Surveyor	No. 94 P (SA) N.Delhi	No. 93 (Geom) P. N.Delhi
*	Shri Soban Singh	Surveyor	No. 69 P (G&RB) D.Dun	No. 69 P (G&RB) D. Dun
*	Shri Pritam Singh Mehar	Surveyor	No. 52 P (SCC) Pune	No. 52 P (SCC) Pune
	Shri S.K. Gupta	Surveyor	No. 66 P (SA) N.Delhi	W.Z. Jaipur
*	Shri Jai Ram Das	Surveyor	No. 7 (P) P (WC) Mt. Abu	No. 7 (P) P (WC) Mt. Abu
*	Shri H.S. Anand	Surveyor	No. 16 DO (MP) D.Dun	No. 16 DO (MP) D. Dun
	Shri S.N. Mathur	Surveyor	No. 66 P (SA) N.Delhi	No. 83 P (WC) Jaipur
*	Shri N.K. Gupta	Surveyor	No. 69 P (G&RB) D.Dun	No. 69 P (G&RB) D. Dun
*	Shri G.S. Bist	Surveyor	No. 14 P (G&RB) D.Dun	No. 14 P (G&RB) D. Dun
*	Shri O.P. Virmani	Surveyor	MCC D.Dun	MCC D. Dun
*	Shri Paragjeet Singh	Surveyor	No. 48 (P) P (CC) Jabalpur	No. 48 (P) P (CC) Jabalpur
*	Shri N.K. Bhatia	Surveyor	No. 26 (F) P (NC) D.Dun	No. 26 (P) P (NC) D. Dun
*	Shri R.K. Bhatia	Surveyor	No. 79 (P) P (NWC) D.Dun	No. 79 (P) P (NWC) D. Dun
*	Shri R.K. Mukherjee	Surveyor	No. 62 P (EC) Kolkata	No. 62 P (EC) Kolkata
*	Shri Adesh Kumar	Surveyor	No. 82 P (G&RB) D.Dun	No. 82 P (G&RB) D. Dun
	Shri Sukhpal Singh	Surveyor	G&RB D.Dun	G&RB D. Dun
*	Shri D. Narayan	Surveyor	No. 47 P (STI) Hyderabad	No. 47 P (STI) Hyderabad
*	Shri Gurdev Singh	Surveyor	No. 6 DO (NC) D.Dun	No. 6 DO (NC) D. Dun

Contd.: 2/-

Attested
by
Advocate

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Name	Designation	Present posting	New posting
Shri T.K. Bhownick	Surveyor	No. 45 P (CC) Jabalpur	No. 45 P (CC) Jabalpur
Shri M.P. Kotiyal	Surveyor	No. 94 P (SA) N.Delhi	No. 9DO(NWC) Chandigarh
Shri C. Manjunatha Setty	Surveyor	No. 84 (P) P (SC) Bangalore	No. 84 (P) P (SC) Bangalore
Shri B.R.S. Rawat	Surveyor	No. 64 P (SA) N.Delhi	No. 3P (NWC) Ambala
Shri A.V. Godse	Surveyor	No. 31 P (SCC) Pune	No. 31 P (SCC) Pune
Shri R.K. Chauhan	Surveyor	No. 26 (P) P (NC) D. Dun	No. 26 (P) P (NC) D. Dun
Shri Pangulury S. Gandhi	Surveyor	No. 53 P (SSEC) Hyderabad	No. 53 P (SSEC) Hyderabad
Shri Hira Mani	Surveyor	No. 20 (P) P (NC) D. Dun	No. 20 (P) P (NC) D. Dun
Shri Krishan Kumar	Surveyor	No. 3 P (NWC) Ambala	No. 3 P (NWC) Ambala
Shri H.S. Thapa	Surveyor	NC D. Dun	NC D. Dun
Shri C.T. Muthan	Surveyor	No. 52 P (SCC) Pune	No. 52 P (SCC) Pune
Shri H.S. Panwar	Surveyor	No. 64 P (SA) N.Delhi	WZ Jaipur
Shri Ram Nath	Surveyor	No. 70 (F) P (NC) D. Dun	No. 70 (F) P (NC) D. Dun
Shri N.S. Bisht	Surveyor	No. 56 P (NWC) Chandigarh	No. 56 P (NWC) Chandigarh
Shri Samar Vir Singh	Surveyor	No. 68 P (G&RB) D. Dun	No. 68 P (G&RB) D. Dun
Shri S.K. Gaur	Surveyor	No. 1 P (NC) D. Dun	No. 26 (P) P (NC) D. Dun
Shri C.K. Nautiyal	Surveyor	No. 70 (F) P (NC) D. Dun	No. 70 (F) P (NC) D. Dun
Shri D.R. Verma	Surveyor	No. 79 (P) P (NWC) D. Dun	No. 15DO (MP) D. Dun
Shri S.C. Dutta	Surveyor	No. 38 P (SSEC) Hyderabad	No. 38 P (SSEC) Hyderabad
Shri Shridhar Prasad Sati	Surveyor	MCC D. Dun	No. 1 D.O. (MP) D. Dun
Shri P. Parkashan	Surveyor	No. 12 P (NEC) Shillong	No. 12 P (NEC) Shillong
Shri H.K. Galati	Surveyor	Photo Sector (NC) D. Dun	Photo Sector (NC) D. Dun
Shri S.K. Poth	Surveyor	No. 67 P (SA) Coimbatore	No. 67 P (SA) Coimbatore
Shri Rajit Singh	Surveyor	No. 90 P (NC) D. Dun	No. 90 P (NC) D. Dun
Shri T.S. Madhak	Surveyor	No. 47 P (STI) Hyderabad	No. 47 P (STI) Hyderabad
Shri B.S. Tyagi	Surveyor	SGO D. Dun	SGO D. Dun
Shri Rajendra Singh	Surveyor	No. 6 DO (NC) D. Dun	No. 6 DO (NC) D. Dun
Shri M.R. Kumar	Surveyor	NZ Chandigarh	NZ Chandigarh
Shri S.N. Maindola	Surveyor	No. 20 (P) P (NC) D. Dun	No. 26 (P) P (NC) D. Dun
Shri I.L. Banerjee	Surveyor	No. 30 (P) P (EC) Kolkata	No. 30 (P) P (EC) Kolkata
Shri V.K. Upret	Surveyor	No. 23 P (NC) Mussoorie	No. 23 P (NC) Mussoorie
Shri Sukumar Das	Surveyor	No. 63 P (EC) Kolkata	No. 63 P (EC) Kolkata
Shri P.B. Das	Surveyor	No. 13 DO (NEC) Shillong	No. 13 DO (NEC) Shillong
Shri Jas Singh	Surveyor	SGO D. Dun	SGO D. Dun
Shri S.P. Bahuguna	Surveyor	No. 23 P (NC) Mussoorie	No. 23 P (NC) Mussoorie
Shri N.N. Dey	Surveyor	No. 37 P (EC) Kolkata	No. 37 P (EC) Kolkata
Shri C.V. Chari	Surveyor	No. 15 P (STI) Hyderabad	No. 15 P (STI) Hyderabad
Shri G.C. Das (SC)	Surveyor	No. 35 P (NEC) Guwahati	No. 35 P (NEC) Guwahati
Shri Sant Ram (SC)	Surveyor	No. 27P (NC) Mussoorie	No. 27P (NC) Mussoorie
Shri Nirajan Prasad (SC)	Surveyor	No. 68 P (G&RB) D. Dun	No. 68 P (G&RB) D. Dun
Shri N.C. Behara (SC)	Surveyor	No. 75 P (EC) Patna	No. 75 P (EC) Patna
Shri Gurnail Singh (SC)	Surveyor	No. 42 P (NWC) Ambala	No. 42 P (NWC) Ambala
Shri Upendra Malik (SC)	Surveyor	No. 78 (P) P (SCC) Hyderabad	SCC Hyderabad
Shri Ram Lal Ram (SC)	Surveyor	No. 92 P (EC) Varanasi	No. 92 P (EC) Varanasi
Shri Lakshmi Kanta Bar (SC)	Surveyor	No. 30 (P) P (EC) Kolkata	No. 30 (P) P (EC) Kolkata
Shri R.K. Kuril (SC)	Surveyor	No. 22 P (NEC) D. Dun	No. 22 P (NEC) D. Dun
Shri V.K. Binodia (SC)	Surveyor	No. 61 P (CC) Jabalpur	No. 61 P (CC) Jabalpur
Shri Kamnakeria Majhi (SC)	Surveyor	No. 11 DO (SEC) Bhub.	No. 11 DO (SEC) Bhub.
Shri Biranchi Narayan Patra (SC)	Surveyor	No. 13 DO (NEC) Shillong	No. 13 DO (NEC) Shillong
Shri S.B. Kharbanga (ST)	Surveyor	No. 80 (P) P (NEC) Shillong	No. 80 (P) P (NEC) Shillong

Contd...3/-

Admitted
Advocate

-3-

25

Name	Designation	Present posting	New posting
Mr. Nongkhon (ST)	Surveyor	No. 29 P (NEC) Shillong	No. 29 P (NEC) Shillong
Mr. Nongkhon Tarigat	Surveyor	No. 80 (P) P(NEC) Shillong	No. 80 (P) P(NEC) Shillong
Mr. Nongkhon (ST)	Surveyor	No. 80 (P) P(NEC) Shillong	No. 80 (P) P(NEC) Shillong
Mr. Nongkhon Bara (ST)	Survey Asstt.	No. 5 P (NEC) Shillong	No. 5 P (NEC) Shillong
Mr. Nongkhon Bara (ST)	Survey Asstt.	No. 11 P (SEC) Ranchi	No. 11 P (SEC) Ranchi
Mr. K. Gond (ST)	Survey Asstt.	No. 88 (P) P (CC) Raipur	No. 88 (P) P (CC) Raipur
Mr. Surendra Prasad (SC)	Surveyor	No. 60 P (CC) Gwalior	No. 60 P (CC) Gwalior
Mr. Bidyadhar Mallik	Surveyor	SEC Bhubaneswar	No. 77 (P) P (SEC) Bhub.
Mr. S. C. Dairal	Surveyor	No. 3 DO (WC) Jaipur	No. 3 DO (WC) Jaipur
Mr. Mohan Mohan Singh	Surveyor	NWC Chandigarh	NWC Chandigarh
Mr. P. C. Badke	Surveyor	No. 44 P (CC) Indore	No. 44 P (CC) Indore
Mr. S. D. Uniyal	Surveyor	No. 91 P (NC) Lucknow	No. 91 P (NC) Lucknow
Mr. M. S. Chauhan	Surveyor	No. 44 P (CC) Indore	No. 44 P (CC) Indore
Mr. A. K. Roy	Surveyor	No. 62 P (EC) Kolkata	No. 14 D.O. (EC) Kolkata
Mr. A. K. Roy	Surveyor	No. 30 (P) P (EC) Kolkata	No. 30 (P) P (EC) Kolkata
Mr. T. K. Gupta	Surveyor	No. 12 DO (NEC) Shillong	No. 12 DO (NEC) Shillong
Mr. S. K. Chaudha	Surveyor	No. 57 P (NWC) Chandigarh	No. 57 P (NWC) Chandigarh
Mr. B. C. Helka	Surveyor	No. 46 P (CC) Jabalpur	No. 46 P (CC) Jabalpur
Mr. B. Komala	Surveyor	No. 20 (P) P (NC) D. Dun	MP D. Dun
Mr. P. P. Asta	Surveyor	No. 4 P (WC) Ajmer	No. 4 P (WC) Ajmer
Mr. Mohendra Kumar	Surveyor	No. 59 P (SCC) Hyderabad	No. 59 P (SCC) Hyderabad
Mr. Laxman Das	Surveyor	No. 79 (P) P (NWC) D. Dun	No. 6 DO (NC) D. Dun
Mr. R. C. Goyal	Surveyor	G&RB D. Dun	G&RB D. Dun
Mr. S. K. Verma	Surveyor	MCC D. Dun	DMC D. Dun
Mr. S. C. Bhow	Surveyor	R&D Hyderabad	R&D Hyderabad
Mr. N. K. Dobha	Surveyor	No. 22 P (NEC) D. Dun	No. 22 (P) P (NEC) D. Dun
Mr. A. Parashar Rao	Surveyor	No. 8 DO (SCC) Hyderabad	No. 8 DO (SCC) Hyderabad
Mr. Mond. S. Rehman	Surveyor	No. 74 P (SEC) Ranchi	No. 74 P (SEC) Ranchi
Mr. Y. P. Parashar	Surveyor	No. 20 (P) P (NC) D. Dun	No. 14 P (G&RB) D. Dun
Mr. Muk. Rai	Surveyor	No. 79 (P) P (NWC) D. Dun	No. 19 P (G&RB) D. Dun
Mr. Satish Kumar	Surveyor	No. 26 (P) P (NC) D. Dun	DMC D. Dun
Mr. R. K. Sharma	Surveyor	No. 26 (P) P (NC) D. Dun	No. 71 P (G&RB) D. Dun
Mr. P. S. Chauhan	Surveyor	No. 26 (P) P (NC) D. Dun	No. 72 P (G&RB) D. Dun
Mr. M. N. Hundiye	Surveyor	No. 78 (P) P (SCC) Hyderabad	No. 51 P (SCC) Hyderabad
Mr. Chhama Mahanta	Surveyor	No. 76 (P) P (SEC) Bhub.	No. 76 (P) P (SEC) Bhub.
Mr. Rajendra Paswan	Surveyor	No. 74 P (SEC) Ranchi	No. 74 P (SEC) Ranchi
Mr. K. K. Das (ST)	Surveyor	No. 18 P (SEC) Ranchi	No. 18 P (SEC) Ranchi
Mr. K. K. Singh (SC)	Surveyor	No. 17 DO (NWC) Jammu	No. 17 DO (NWC) Jammu
Mr. S. S. Singh (SC)	Survey Asstt.	No. 28 P (NWC) D. Dun	No. 1 DO (MP) D. Dun
Mr. Mahavir Singh (NC)	Survey Asstt.	No. 29 P (NEC) Shillong	No. 29 P (NEC) Shillong
Mr. Anil Singh (SC)	Survey Asstt.	No. 16 DO (MP) D. Dun	No. 15 DO (MP) D. Dun
Mr. H. L. Lal (ST)	Survey Asstt.	G&RB D. Dun	No. 3 P (NWC) Ambala
Mr. Bharat Singh (SC)	Survey Asstt.	No. 28 P (NWC) D. Dun	No. 9 DO (NWC) Chandigarh
Mr. R. K. Chandra	Survey Asstt.	No. 26 (P) P (NC) D. Dun	No. 55 P (NWC) Chandigarh
Mr. P. K. Chandra	Survey Asstt.	No. 20 (P) P (NC) D. Dun	No. 9 DO (NWC) Chandigarh
Mr. K. K. Ray Das	Survey Asstt.	No. 58 P (WC) Ajmer	No. 58 P (WC) Ajmer
Mr. G. E. Raywar (SC)	Survey Asstt.	WC Jaipur	No. 3 DO (WC) Jaipur
Mr. M. M. Chandra (SC)	Survey Asstt.	No. 22 P (NEC) D. Dun	No. 57 P (NWC) Chandigarh

JMN

WT. 44

TKG

Contd... 4/-

Attended
w/ans
Advocate

Name	Designation	Present posting	New posting
Shri Lal Adhwal	Survey Asstt.	No. 32 (P) P (WC) Mt Abu	No. 32 (P) P (WC) Mt Abu
Shri Bishnu Binha (ST)	Survey Asstt.	No. 13 DO (NEC) Shillong	No. 12 DO (NEC) Shillong
Shri B.S. Munda (ST)	Survey Asstt.	No. 11 P (SEC) Ranchi	No. 18 P (SEC) Ranchi
Shri Ram Gopal Meena (ST)	Survey Asstt.	No. 83 P (WC) Jaipur	No. 83 P (WC) Jaipur
Shri Anil Chaud (ST)	Surveyor	No. 27 P (NC) Mussoorie	No. 27 P (NC) Mussoorie
Shri P.L. Meshram (SC)	Surveyor	No. 45 P (CC) Jabalpur	No. 45 P (CC) Jabalpur
Shri N.L. Bhutange (SC)	Surveyor	No. 85 P (SCC) Nagpur	No. 85 P (SCC) Nagpur

1. Regularly on ad-hoc basis as Officer Surveyor upto 19-07-2001.

2. The date of their relieving on promotion or the date of refusing promotion, as the case may please be intimated to this office by 16-08-2001 positively. It may be made clear to the person concerned who refuses the offer of promotion that no fresh offer of promotion will be made to him for a period of one year from 16-08-2001 in terms of para 17.12 of DP&T's O.O. No. 22011/5/86-Estt. (D) dated 10-04-1989 they will lose seniority vis-a-vis their juniors will be promoted to the higher grade.

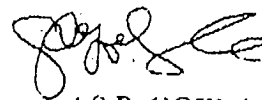
3. Necessary certificate of assumption of charge in respect of the above officers may please be sent on Form O. 115 (Acc.) to this office, in duplicate, for issue of Gazette Notification.

4. The above officers will be on probation for a period of two years from the date of their regular promotion as Officer Surveyor (Group 'B'). Necessary Assessment Reports on the work and performance of the officers have to be made available to us for the said period.

5. Necessary action for re-verification of caste status of persons belonging to Schedule Caste/Schedule Tribe may please be taken, on their reporting for duty on promotion by the concerned Director and they should be promoted with a clear stipulation that in case their re-verification, if it is found that they do not belong to Schedule Caste/Schedule Tribe category, they will be reverted to their previous grade forthwith.

6. On promotion, the individuals would be required to exercise an option under FR 22(1)(a)(i) for fixation their pay in the new scale.

7. In case of any vigilance case/disciplinary proceedings or pendency of punishment against any of the above official(s) is noticed at your end, the orders of promotion may not be implemented.



[S.P. GOEL]
DEPUTY SURVEYOR GENERAL
for SURVEYOR GENERAL OF INDIA

Copy to :-

1. OC Boundary Cell, New Delhi.
2. OC Nos. 1, 3, 6, 8, 9, 11, 12, 13, 14, 15, 16 and 17 Drawing Offices.
3. OC Nos. 1, 3, 4, 5, 6, 7, 11, 12, 14, 15, 18, 19, 20(P), 22, 23, 26(P), 27, 28, 29, 30(P), 31, 32(P), 35, 37, 38, 42, 43, 44, 45, 46, 47(P), 48(P), 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70(P), 71, 72, 73, 74, 75, 76, 77, 78(P), 79(P), 80(P), 81, 82, 83, 84(P), 85, 86, 87, 88(P), 89, 90, 91, 92, 93 & 94 Parties.
4. The Central Pay & Accounts Officer, Survey of India, Dehra Dun.
5. The Regional Pay & Accounts Officer, Survey of India, Hyderabad/Kolkata/Jaipur.
6. EI Section (SGO).
7. Confidential Assistant (SGO).

Attested
witness
Advocate

- 27 -

Annexure - 3rd

To
The Surveyor General of India,
Mathibakula, Dehra Dun.

(Through Proper channel)

Sub: SENIORITY OF OFFICER SURVEYORS AS ON 01.01.2002.

Ref: Your letter No.EI-12389/707 dated 01.08.2003 endorsed under DNEC's letter
No.CI-561/3-D-2 dated 28.08.03.

Sir,

In inviting your kind attention to the letter under reference on the above mentioned subject, I would like to bring to your kind notice that the date mentioned under Col. 'Date of joining the Govt. service in SOI' against my name(SI No.309) is not correct. The same may please be corrected to 17.12.1966.

Further, on the above mentioned subject, I vehemently express my dissatisfaction when to my utter surprise I found that I was placed in the seniority list much below to the Officers of my cadre selected through LDCE on later dates than my promotion to the post of Officer Surveyor on regular basis w.e.f. 17.07.2001. To cite an example, it may be mentioned here that S/Shri D.S..Meher(SI No243), Saroj Kumar(SI No 275), T. Tirkey(SI No 283) joined to the post of Officer Surveyor on 15.4.02, 18.04.02, 23.04.02 respectively who were selected through LDCE held in the month of December,2001, whereas I was promoted to the post of Officer Surveyor w.e.f. 17.07.01. Moreover, against the vacancy existed as on 31.12.1995, I was promoted to the post of Officer Surveyor w.e.f. 23.07.98 on Ad-hoc basis which was subsequently extended on 5(five) occasions till to the date of my regular promotion without any break.

That sir, after having served in the post of Officer Surveyor on Ad-hoc basis for nearly 3(three) years and almost for a year on regular basis I have, now been made junior to those who were promoted/selected on the later dates as mentioned above. The situation arises here because of the fact that the orders relating to our service matter might have been misconstrued while preparing the seniority list.

As I know that I have to serve the department for about four and half years from now, nothing more than my present status is expected even everything goes smoothly but at the same time felt humiliated due to the fact of fixing my seniority much, much below to the Officer Surveyors named above which is unjust in terms of law and also against the natural justice.

Sir, so far I remember there were instances in our department regarding anomalies in inter-seniority amongst DPC promotee and LDCE promotee with the Ministerial staff and ultimately which was sorted out on the behest of Surveyor General of India.

Sir, under the circumstances stated above, I fervently pray before your honour to kindly look into the matter and issue a fresh order restoring my seniority and enable me to serve the department confidently with full sincerity to the best satisfaction of bona fide seniors.

Thanking you,

Yours faithfully,

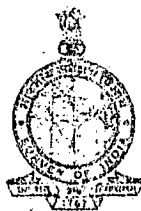
(P. B. DAS),

Officer Surveyor,
No.12 Party (NEC),
Survey of India.

Dated: Shillong, the 11th Sept.03.

Attended
was
Advocate

☎ 0364-224937
GRAM: "SURNOREAST"
FAX 0364-224937
E-Mail soil@sancharnet.in



MEGHALAYA & ARUNACHAL
PRADESH GDC
POST BOX NO. #89
MALKI, SHILLONG - 793 001

SURVEY OF INDIA
COURT CASE /MOST IMMEDIATE

No.C- 41 /17-Y-9

Dated, the 24 January, 2005

To

✓ The Hon'ble Registrar,
Central Administrative Tribunal,
Guwahati Bench,
Guwahati

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

116 31 JAN 2005

Guwahati Bench.

গুৱাহাটী ন্যা. বেঞ্চ

- Sub: (1) O.A. NO.13/2003-MINISTERIAL STAFF ASSOCIATION & ORS
-VS- UOI & ORS.
(2) O.A. NO.185/2003- SHRI B. MAHAPATRA, DEPUTY DIRECTOR
-VS- UOI & ORS.
(3) O.A. NO.151/2004- SHRI P.B. DAS, OFFICER SURVEYOR & ORS.
-VS- UOI & ORS.
(4) O.A. NO.213/2004-SHRI H. SANGAWIA, EX-STORE KEEPER
-VS- UOI & ORS.

Sir,

With due respect, it is submitted that the subject cases of this Department are at present pending in the Hon'ble Tribunal, Guwahati Bench, Guwahati and were being defended by Shri A. Deb Roy, Sr. CGSC, Shri B.C. Pathak, Addl. CGSC and Shri Anup Kr. Choudhuri, Addl. CGSC on behalf of this Department. Now, as intimated by the Govt. Counsels, their terms of appointment with the Hon'ble CAT have already expired and fresh appointment of CGSC is yet to be made.

Since, the next date of hearing of the aforesaid cases have already been fixed during last week of January and 1st/2nd Week of February, 2005, it is requested that the abovementioned Senior CGSC and Addl. CGSC who are defending the subject cases on behalf of this Department may please be asked to continue to defend the cases till fresh appointment of CGSC are received by the competent legal authorities.

An expeditious action is requested, please.

Yours faithfully,

(B.D. SHARMA) BRIGADIER,
DIRECTOR, MEGHALAYA & ARUNACHAL PRADESH GDC

SO(1)
N.S.
27.1.05
P/L Inform the
4 counsels
for
28/1

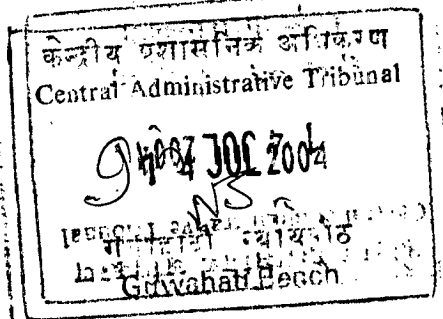
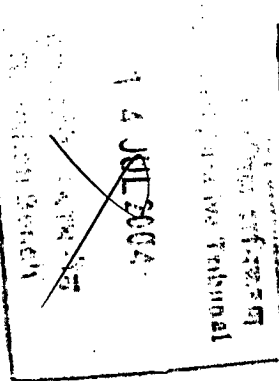
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Copy to:

1. The Surveyor General of India (Kind Attn.: Shri Vipin Chandra, DA&F with reference to his discussion with the undersigned on 24.01.2005 over telephone) for information and with a request to intimate the Ministry/Competent authority in this regard for immediate appointments of CGSC at Hon'ble CAT, Guwahati Bench, Guwahati, please.
2. Shri A. Deb Roy, Advocate & Sr. CGSC, CAT, Guwahati Bench with request to defend the cases O.A. No.185/2003 and O.A. No.213/2004 on behalf of this Department. Also necessary steps in connection with O.A. No.252/2003 as requested vide this Office letter No.C-755/17-Y-9(AS) dated 28/29 Dec, 2004 may please be initiated. He is also intimated that the legal fee bill for the period will be duly reimbursed.
3. Shri B.C. Pathak, Advocate & Addl. CGSC, CAT, Guwahati Bench with request to defend the Case O.A. No.13/2003. He is also intimated that this Office letter No.C-22/17-Y-9(SDA) dated 6.1.2005 may please be treated as cancelled. The legal fee bill for the period will be duly reimbursed.
4. Shri Anup Kumar Choudhury, Addl. CGSC, CAT, Guwahati Bench with request to defend the Case O.A. No.151/2004. He is also intimated that the legal fee bill for the period will be duly reimbursed.
5. The Director, Assam & Nagaland GDC (Attn.: Shri S. Bordoloi, Survey Assistant), Guwahati.
6. Files: 17-Y-9(SDA)/17-Y-9(B. Mahapatra)/17-Y-9(P.B. Das)/ 17-Y-9(H. Sangwia) /17-Y-9(AS)

DIRECTOR, MEGHALAYA & ARUNACHAL PRADESH GDC



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case :

O.A. No. 151 of 2004

BETWEEN

Shri Patal Bihari Das Applicants.

AND

Union of India & ors..... Respondents.

I N D E X

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4.	Annexure-2.....	20, 21, 22, 23
5.	Annexure-3.....	24
6.	Annexure-4.....	
7.	Annexure-5.....	
8.	Annexure-6.....	

Filed by :Miss U.Das. Advocate.

Regn.No.:

File :WS7\PATAT

Date :

4

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Q.A. No. 151 of 2004

BETWEEN

Shri Patal Bihari Das

..... Applicants.

AND

Union of India & ors.

..... Respondents.

SYNOPSIS

The applicants in the instant application has raised a grievance against the inaction on the part of the respondents in not assigning to them their correct seniority in the grade of Officer Surveyor. The applicants are presently holding the post of Officer Surveyor, and were so promoted under 75% quota prescribed for promotion by selection from the Surveyors, Survey Asstt., Geodatic Computers, and Draftsman Div. 1, with at least 8 years of service in their respective grade, and they are aggrieved by the inaction on the part of the respondents in not recasting their respective seniority vis-a-vis the officers in the grade of Officer Surveyor, who belong to the promotees under 25% of the promotional quota, selected form promotion through Limited Dept. Competitive Examination from amongst the Surveyors, Survey Asstt., Scientific Asstt. Geodetic Computers, and Draftsman Div. 1. with at least 5 years of regular service in their respective grade. The

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applicants in the instant application have raised the grievance of non-maintaining the settled principle of quota-
rota amongst the Officer Surveyor (amongst the Officers
Surveyor belonging to the 75% and 25% quota of promotion),
which has resulted in depriving the present Applicants from
their due promotions to the next higher cadre as well as
supersession in the matter of such promotion by their
juniors who belong to the cadre of Officer Surveyor promoted
under the above 25% quota.

That the applicants in the present O.A have also
raised the issue relating to the inaction on the part of the
respondents in not convening regular year wise DPC and not
preparing year wise panel which has resulted in inordinate
delay in effecting their promotions to the cadre of Officer
Surveyor and also depriving them of their further
promotions.

That the applicants while highlighting their
aforesaid grievance also raised the grievance against the
action on the part of the respondents in delaying the
implementation of the cadre review in the cadre of Officer
Surveyor held in the year 1995. It is pertinent to mention
here that in the year 1995 the respondents reviewed the
cadre strength of the cadre of Officer Surveyor and as a
result of such cadre review, number of posts in the cadre of
Officer Surveyor surfaced. The higher authority while
reviewing the cadre, issued direction for its implementation
by the year 1996, but same could only be done in the year
2001, that too with prospective effect and same has resulted
inordinate delay in the promotions of the applicants,
although they were very much eligible to hold the said post
of Officer Surveyor in the year 1995 itself.

12

That the respondents after the cadre review held in the year 1995 ought to have filled up the vacancies by following the quota-rota rule, arising due to such cadre review, by 1996 as directed by the higher authorities. However, the respondents kept the matter pending for long time and in the year 1998 the respondents promoted the applicants to the cadre of Officer Surveyor that too on ad-hoc basis. The applicants kept on pursuing the matter before the authority concerned but same yielded no result in positive. The respondents in the year 2001 convened regular DPC and promoted the applicants on regular basis to the cadre of Officer Surveyor and effect of such promotion has been made prospective even ignoring the ad-hoc service of the applicant. The applicants through this application therefore, prays for a direction towards the respondents for effecting their promotion as Officer Surveyor w,e,f, 1995.

That the applicants ventilating their grievances preferred number of representations to the authority concerned but same yielded no result in positive. Situated thus, the applicants as a last recourse have come under the protective hands of the Hon'ble Tribunal seeking appropriate relief. Hence this application.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

D.A.No.151.... of 2004

Filed by
The applicants through
Usha Das
Advocate
21/1/2004

BETWEEN

1. Shri Patal Bihari Das,
2. Shri P. Purkayastha,
3. Shri Tushar Kanti Gupta,
4. Shri Gakul Ch. Das.
5. Shri S. Bamutlang Kharbangar,
6. Shri Jaspar Mayboon Nongkhaw,
7. Shri Wordkinson Taiang.

All the applicants are presently holding the posts of
Officer Surveyor, in The Director, North Eastern Circle,
Post Box No. 89, Shillong-793001. Meghalaya.

..... Applicants.

VERSUS

1. Union of India,
Represented by the Secretary to the Govt. of India,
Dept. of Science and Technology, Technology Bhawan,
New Delhi-1.
2. The Surveyor General of India,
At-Hathibarkala Estate,
Dehradun.
3. The Director,
North Eastern Circle,
Post Box No. 89,
Shillong-793001. Meghalaya.

..... Respondents.

PARTICULARS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION
IS MADE:

This application is directed against the action of
the respondents in not recasting the seniority of the
applicants in the grade of Officer Surveyor, who belong to

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the officers promoted under 75% quota of promotion by selection from the Surveyors, Survey Asstt., Geodetic Computers, and Draftsman Div. 1, with at least 8 years of service in their respective grade, vis-a-vis the officers of the grade of Officer Surveyor, who belong to the promotee under 25% of the promotional quota by Limited Dept. Competitive Examination from amongst the Surveyors, Survey Asstt., Scientific Asstt, Geodetic Computers, and Draftsman Div. 1. with at least 5 years of regular service in their respective grade.

This application is also directed against the action of the respondents in not convening year wise D.P.C and panel for the 75% quota for promotion to the grade of Officer Surveyor, which has resulted in inordinate delay in effecting promotions in case of the applicants to the grade of Officer Surveyor, keeping the vacancies unutilised for years together.

The applicants through this application also prays for implementation of cadre review held in the year 1995 providing retrospective effect to their promotions to the grade of Officer Surveyor, and to recast their seniority after counting of their adhoc service in the grade of Officer Surveyor from the actual date when the vacancies were surfaced.

2. LIMITATION:

The applicants declare that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act.1985. It is stated that the issues involved in the case has arisen out of the inaction on the part of the

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respondents in not convening regular DPC for promotion to the cadre of Officer Surveyor and year wise panel for such promotion and same being a continuing wrong on the part of the respondents, there is no delay in preferring the present O.A. The applicants have preferred representations to the concerned authority but apart from assurances same yielded no result in positive apart from assurances.

3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

4.1 That the applicants in the instant application has raised a grievance against the inaction on the part of the respondents in not assigning to them their correct seniority in the grade of Officer Surveyor. The applicants are presently holding the post of Officer Surveyor, and were so promoted under 75% quota prescribed for promotion by selection from the Surveyors, Survey Asstt., Geodatic Computers, and Draftsman Div. 1, with at least 8 years of service in their respective grade, and they are aggrieved by the inaction on the part of the respondents in not recasting their respective seniority vis-a-vis the officers in the grade of Officer Surveyor, who belong to the promotees under 25% of the promotional quota, selected form promotion through Limited Dept. Competitive Examination from amongst the Surveyors, Survey Asstt., Scientific Asstt.

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Geodetic Computers, and Draftsman Div. 1. with at least 5 years of regular service in their respective grade. The applicants in the instant application have raised the grievance of non-maintaining the settled principle of quota-
rota amongst the Officer Surveyor (amongst the Officers Surveyor belonging to the 75% and 25% quota of promotion), which has resulted in depriving the present Applicants from their due promotions to the next higher cadre as well as supersession in the matter of such promotion by their juniors who belong to the cadre of Officer Surveyor promoted under the above 25% quota.

That the applicants in the present O.A have also raised the issue relating to the inaction on the part of the respondents in not convening regular year wise DPC and not preparing year wise panel which has resulted in inordinate delay in effecting their promotions to the cadre of Officer Surveyor and also depriving them of their further promotions.

That the applicants while highlighting their aforesaid grievance also raised the grievance against the action on the part of the respondents in delaying the implementation of the cadre review in the cadre of Officer Surveyor held in the year 1995. It is pertinent to mention here that in the year 1995 the respondents reviewed the cadre strength of the cadre of Officer Surveyor and as a result of such cadre review, number of posts in the cadre of Officer Surveyor surfaced. The higher authority while reviewing the cadre, issued direction for its implementation by the year 1996, but same could only be done in the year 2001, that too with prospective effect and same has resulted inordinate delay in the promotions of the applicants,

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although they were very much eligible to hold the said post of Officer Surveyor in the year 1995 itself.

That the respondents after the cadre review held in the year 1995 ought to have filled up the vacancies by following the quota-rota rule, arising due to such cadre review, by 1996 as directed by the higher authorities. However, the respondents kept the matter pending for long time and in the year 1998 the respondents promoted the applicants to the cadre of Officer Surveyor that too on ad-hoc basis. The applicants kept on pursuing the matter before the authority concerned but same yielded no result in positive. The respondents in the year 2001 convened regular DPC and promoted the applicants on regular basis to the cadre of Officer Surveyor and effect of such promotion has been made prospective even ignoring the ad-hoc service of the applicant. The applicants through this application therefore, prays for a direction towards the respondents for effecting their promotion as Officer Surveyor w,e,f, 1995.

That the applicants ventilating their grievances preferred number of representations to the authority concerned but same yielded no result in positive. Situated thus, the applicants as a last recourse have come under the protective hands of the Hon'ble Tribunal seeking appropriate relief.

This is the crux of the matter for which the applicants have preferred the present application under sec 19 of the Administrative Tribunal Act 1985. The facts in details are as follows;

4.2. That the applicants are citizens of India and as such they are entitled to all the rights, privileges and

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protection guaranteed by the Constitution of India and laws framed thereunder. The grievances raised and the reliefs sought for by the applicants in the instant application are similar and as such the applicants prays before the Hon'ble Tribunal to allow them to join together in a single application invoking Rule 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987 to minimise the number of litigation as well as the cost of the application.

4.3. That the applicants are presently holding the post of Officer Surveyor and are posted at various offices in the North Eastern States, under the respondents. The Recruitment Rules of 1962 laid down that the 50% of posts in the cadre of Officer Surveyor would be filled up by promotion by selection and the other 50% by direct recruitment in the form of a Limited Dept. Competitive Examination. The aforesaid 1962 Rule was superseded by the Recruitment Rules of 1983, which came into force w,e,f, 27.04.83. The relevant portion of the said rule of 1983 is quoted below for ready reference;

" Promotion;

i) 75% of the promotion quota by selection from the surveyors, Survey Assistants, Geodetic Computers, and Draftsman Div.1 with at least 8 years of regular service in the respective grade, including service if any, rendered in the Selection Grade of the above categories of posts,

ii) 25% of the promotion quota by limited departmental competitive Examination from Surveyors, Survey Assistants, Scientific

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Assistants, Geodetic Computers, and Draftsman Div.1
ho have passed the Bachelors Degree with
Mathematics as a subject and have rendered 5 years
regular service in the respective grade. The
Examination shall be conducted by the Director
Survey Training Institute Hyderabad in accordance
with the scheme as may be finalised by the Surveyor
General of India in consultation with the
Department of Science & Technology from time to
time. An employee shall avail of not more than
three chances to appear at the said examination
during his service period.

The applicants inspite of their best effort could
not collect the full text of the aforesaid Recruitment Rules
of 1983 and as such pray before the Hon'ble Tribunal for a
direction towards the respondents for production of the said
rules at the time of hearing of the case.

4.4. That in terms of the 1983 Recruitment Rules under
the respondents, presently there are two sets of Officer
Surveyor - one promoted under the 75% quota for promotion
and other promoted under the 25% quota. The respondents in
view of said Rules are duty bound to adhere to the Quota
Rota rule meant for fixing up the respective seniority
amongst the two sets of Offices Surveyor. Again in terms of
the said Recruitment Rules and other allied Rules, the
respondents are also duty bound to convene regular DPC and
thereafter to prepare select panel each year for promotion
to the post of Officer Surveyor. It is pertinent to mention
here that while fixing such seniority in terms of the
Recruitment Rules as well as at the time of maintaining the

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Quota Rota. The respondents are also duty bound to effect cadre review periodically so as to maintain the ratio between the two sets officers of the Officers Surveyor cadre in terms of the Rules. However, till 1995 no cadre review was effected by the respondents.

4.5. That in the year 1995 only the higher authority of the respondents took a decision for review of the cadre of Officer Surveyor and due to such cadre review number of posts in the cadre of Officer Surveyor surfaced and the higher authority took a decision to implement the said cadre review by early part of 1996. However, the said direction of the higher authority of the respondents were never implemented in the year 1996 and the said vacant posts were kept unutilised for years together. The respondents subsequently, issued an order dated 31.07.98 by which the applicants were given the promotion to the post of Officer Surveyor on ad-hoc basis, and same was done following the due processes of selection. The respondents who were duty bound to fill up the said posts on regular basis, filled up the said vacant posts only on ad-hoc basis. The respondents ought to have filled up those posts on regular basis in the year 1996 itself by convening regular DPC. But no regular DPC was convened in the year 1996 as directed by the higher authority and the matter was kept pending without any further steps. However, in the month of July, 1998 the respondents have issued promotion order dated 31.07.98 to the applicants promoting them to the post of Officer Surveyor on ad-hoc basis. All the applicants accordingly joined the said post on ad-hoc basis w,e,f, 23.07.1998.

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A copy of the order dated 31.7.98 is annexed herewith and marked as ANNEXURE-1.

4.5. That the applicants state that initially the said order of ad-hoc promotion to the post of Officer Surveyor was made effective for a period of six months or till regular DPC held but the respondents by issuing various subsequent orders kept on extending the said period of Ad-hoc service and same continued uninterruptedly till the applicants got their regular promotion in the said Cadre. The respondents in this connection issued orders of which mention may be made of order dated 16.06.99.

The applicants crave leave of the Hon'ble Tribunal for a direction towards the respondents for production of the said orders at the time of hearing of the case.

4.6. That the applicants state that the respondents kept the vacancies surfaced due to the cadre review unutilised for years together and there by deprived the applicants of their regular promotion to the cadre of Officer Surveyor and thereby allowed their juniors to superceed them.

4.7. That the applicants state that the respondent authorities ought to have initiated steps for filling up of the post surfacing in pursuance to the said cadre review, and the case of the applicants ought to have been considered for promotion to the said cadre with effect from the date the said posts became available. In the event the said posts

could not be filled up immediately on its becoming available, the respondent authorities ought to have convened D.P.C's for preparing panels for vacancies arising in each year. In the event steps for preparing year wise panels were undertaken the applicants would not have been deprived of their due service benefits and there would not have arisen any occasion for any grievance relating to their supersession by juniors.

4.8 That the applicants state that while the cases of the applicants were not considered for promotion against the vacancies as available in pursuance to the said cadre review, the respondent authorities proceeded to promote persons junior to the applicants in the feeder cadre as Officer Surveyor against the quota prescribed promotion by way of limited competitive examination. as such the applicants have been deprived of their due seniority in the cadre of Officer Surveyor.

4.9 That the applicants state that they were all promoted on Ad-hoc basis to the cadre of Officer Surveyor with effect from 23.7.1998 and their such promotions were regularised with prospective effect, w.e.f 18.7.2001. The promotion of the applicants on regular basis with prospective effect is discriminatory, illegal and discriminatory. Such action on the part of the respondent authorities is bad in law and liable to be set aside to the extent that the orders promoting the applicants on regular basis makes its applicable only with prospective effect.

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A copy of the said promotion order is annexed herewith and marked as ANNEXURE-2.

4.10. That the applicant begs to state that admittedly the respondents have failed to utilise the quota of 75% in time and same has resulted in depriving the applicants from their legitimate service benefits. The respondents have now decided to hold DPC for promotion to the post of Superintending Surveyor, which is the next higher grade of Officer Surveyor, within July 2004 on the basis of unrevised seniority. The seniority list now prevailing does not reflect the correct seniority position as the effect of cadre review has not been projected in its true sense which has a direct consequence of fixation of Quota Rota. Apart from that the seniority list can't be said to be correct as the effect of year wise panel are yet to be incorporated and the promotion order of the applicants. In such a situation it is totally illegal for the respondents to convene DPC for promotion to the post of Dy. Superintending Surveyor with first recasting the respective seniority of the officers belong to the cadre of Officer Surveyor in the light of the cadre review held in the year 1995. Otherwise the meaning of cadre review will be in nullity and the seniority. In such an eventuality, the applicants being aggrieved made representations to the concerned authority but same are yet to be replied to.

A copy of one of such representations dated 11.03.2003 is annexed herewith and marked as ANNEXURE-3.

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4.11. That the applicant submits that the decision taken by the respondents in not implementing the cadre review and not effecting the promotion to the cadre of Officer Surveyor to the applicants in time has resulted in deprivation of their legitimate claim of timely promotion which has also resulted in the seniority position. The issue since has cropped up due to inaction on the part of the respondents it is therefore the applicants have not made any officers in the cadre of Officer Surveyor as party respondents.

4.12 That the applicants beg to state that the respondents have acted contrary to the settled proposition of law in filling up the vacancies in the cadre of Officer Surveyor in time in terms of the cadre review as such the seniority position of the applicants as well as the other set of Officer Surveyor is required to be recasted. However, the respondents are setting over the matter and now they have decided to convene DPC for promotion to the post of Superintending Surveyor on the basis of such unrequested seniority as per quota Rota Rules. The applicants therefore has come under the protective hands of the Hon'ble Tribunal seeking immediate and urgent relief. The applicants in this application also prays for an interim order directing the respondents not to convene the DPC and not to finalise the selection process held for promotion to the post of Superintending Surveyor till finalisation of the O.A. The applicants have made out a prima facie case of deprivation and discrimination and the principles of balance of convenience lies very much in their favour. In the event of not passing the interim order the O.A would become

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infructuous and same would cause irreparable loss and injury.

5. GROUND'S FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the respondents in terminating the service of the applicant is illegal, arbitrary and same is violative of Principles of Natural Justice.

5.2. For that the applicants being eligible to hold the post of Officer Surveyor, and there being vacancies to accommodate them in the year 1995 itself, the action of the respondents in delaying their promotion is illegal and arbitrary and same is liable to be set aside and quashed.

5.3. For that the impugned action/ inaction on the part of the respondents in not implementing the cadre review effected in the year 1995 and not promoting the applicants to the cadre of Officer Surveyor in time is illegal, and violative of the settled propositions of law and as such same is not sustainable in the eye of law and liable to be set aside and quashed.

5.4. For that the impugned action/inaction on the part of the respondents in not recasting the inter-se seniority of the applicants vis-a-vis the Officers Surveyor belong to the 25% quota of promotion is not sustainable in the eye of law and same is liable to be set aside and quashed.

5.5. For that the applicants who were qualified to hold the post of Officer Surveyor in the year 1995 itself and in

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view of the that there were posts in existence, the action on the part of the respondents in resorting to adhocism is not permissible in the eye of law and same is liable to be set aside and quashed. The respondents ought to have convened regular DPC and prepare year wise panel for promotion to the post of Officer Surveyor .

5.6. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to set aside and quashed.

The applicant craves leave of the Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicants declare that they have exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

The applicant further declares that they have not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application , writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

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Under the facts and circumstances stated above, the applicants most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To set aside and quash the promotion orders of the applicants as Officer Surveyor to the extent it gives prospective effect to such promotion.

8.2 To direct the Respondent authorities to consider the cases of the applicants for promotion to the cadre of Officer Surveyor with effect from the dates vacancies were available in pursuance to the cadre review carried out in the cadre of Officer Surveyor in the year 1995 and to give retrospective effect to the promotions effected in the case of the applicants to cadre of Officer Surveyor with effect from the dates the vacancies were so available in pursuance to the cadre review.

8.3. To direct the Respondent authorities to recast the seniority of the applicants in the cadre of Officer Surveyor after giving retrospective effect to the promotions of the applicants as Officer surveyor.

8.4. To restrain the respondent authorities from convening any D.P.C for considering the cases of eligible persons in the cadre of Officer Surveyor for further promotion to the post of Superintending Surveyor, without first recasting the seniority of the applicants in the cadre

of Officer Surveyor.

8.5. To restrain the respondent authorities from effecting any promotion from the cadre of Officer Surveyor without first recasting the seniority of the applicants in the cadre of Officer Surveyor.

8.6. Cost of the application.

8.7 Any other relief/reliefs to which the applicants are entitled to under the facts of the present case.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicant prays for an interim order directing the respondents not to effect any promotion from the cadre of Officer Surveyor to the next higher cadre i.e, the cadre of Superintending Surveyor.

10.

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. : 11 G 389545
2. Date : 26/5/04.
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

VERIFICATION

I, Shri Patal Bihari Das, son of Late P.K.Das, aged about 56 years, resident of Survey of India Estate, Barik, Shillong- 793001, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 42, 46, 47, 48, 411, 412, 25 to 12 are true to my knowledge and those made in paragraphs 41, 43-45, 49, 410 are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 29th day of June of 2004.

Signature.

Patal Bihari Das

Annexure - 1

SURVEY OF INDIA
NORTH BANGALORE CIRCLE OFFICE
POST BOX NO. 39
SHILLONG-793 001 (MEGHALAYA)

Dated, the 31 July '98

To

D.C. No. 2 Party (NEC)
D.C. No. 12 Party (NEC)
D.C. No. 22(P) Party (NEC)
D.C. No. 25 Party (NEC)
D.C. No. 30(P) Party (NEC)

Sub:-

TRANSFER/POSTING OF GROUP 'C' DIVISION-1 ON PROMOTION
TO THE RANK OF OFFICER SURVEYOR ON ADHOC BASIS.

The undermentioned Gr. 'C' Div. 1 Officers of this Circle are promoted to the post of Officer Surveyor Gr. 'B' post on adhoc basis for a period of six months initially or till such time the regular incumbents are made available whichever is earlier with effect from 23 July, 1998:-

(Authority :- S.O's No. C-2425/707 dt. 23-07-98.)

Sl. No.	Name & Designation	Present Posting	New Posting
1.	Shri Sridhar Eoy, (ST), Surveyor	No. 9 Party (NEC)	No. 9 Party (NEC)
2.	" P. Jankayastha, Surveyor	No. 12 Party (NEC)	No. 12 Party (NEC)
3.	" B. P. Chandra, Surveyor	No. 22 (P) Party (NEC)	No. 22 (P) Party (NEC)
4.	" D. R. Verma, Surveyor	No. 22 (P) Party (NEC)	No. 79 Party (NEC)
5.	" Kirenjan Prasad, Surveyor	No. 22 (P) Party (NEC)	No. 92 P (EC) Varanasi.
6.	" R. K. Kuril, Surveyor	No. 22 (P) Party (NEC)	-dc-
7.	" Pancham Singh, (ST), Surveyor	No. 22 (P) Party (NEC)	C. C. Jabalpur
8.	" G. C. Das, (EC), Surveyor	No. 35 Party (NEC)	No. 35 Party (NEC)
9.	" P. B. Das, Surveyor	No. 80 (P) Party (NEC)	No. 73 D. O. (NEC)
10.	" T. K. Gupta, Surveyor	No. 60 (P) Party (NEC)	No. 12 D. O. (NEC)
11.	" S. B. Zherbonger, (ST), Surveyor	No. 80 (P) Party (NEC)	No. 80 (P) Party (NEC)
12.	" W. Tariang (ST), Surveyor	No. 80 (P) Party (NEC)	No. 80 (P) Party (NEC)
13.	" J. M. Mongkulaw (LT), Surveyor	No. 29 Party (NEC)	No. 29 Party (NEC)

P.T.O.

SURVEY OF INDIA
NO. 35 PARTY ()
DAIRY NO. 11/9
FILE NO. 2-F
DATE 10-8-98

Attested
[Signature]
Associate

Congratulation
for shri G. C. Das. pl.
4/8/98

Seen (P)
[Signature]
4/8/98

19
:2:

The above adhoc promotion would be effective from the date of actual assumption of charge by the officer concerned in promotion. It may please be made clear to the officers that this adhoc promotion is purely provisional and would not bestow any right of seniority and can be terminated at any time.

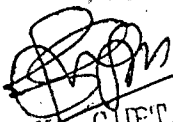
3. These orders may please be implemented within one month from the date of issue of this letter. While communicating to the above promotions, it may be intimated to the concerned officers in writing that their failure to take-up the adhoc promotion within one month of issue of this order will amount to their refusal to accept the offer of promotion leading to filling up of the vacancies by other eligible officers.

4. Necessary certificate of assumption of charge on form O.115(Acc.) may please be sent to this office in triplicate, for further action, at the earliest.

Shri S. C. Kunder
for immediate action

pl. vs

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(P.K. GUPTA) BRIGADIER
DIRECTOR NORTH EASTERN CIRCLE.

19/08/98
19/08/98

भारतीय सर्वेक्षण विभाग SURVEY OF INDIA

FAX
SPEED POST

SURVEYS"

0091-135-744064

Telephone : 0091-135-744064

E-mail : sgo@nda.vsnl.net.in

No.C-3274/707

To

महासर्वेक्षक का कार्यालय
SURVEYOR GENERAL'S OFFICE

डाक बक्स सं० 37, POST BOX No.37,

देहरादून-248001 (उत्तरांचल)-भारत।

DEHRA DUN-248001 (UTTARANCHAL), INDIA

Dated : 16th July, 2001

The Addl. S.G. : NZ / SZ / EZ / WZ / STI.
The Director : NC / NWC / S (Air) / SC / SCC / SSEC / EC / NEC / SEC /
EC / WC / MP / G&RB / MCC / DMC (D.Dun) / DMC
(Hyd.) / R&D.

The Deputy Director :- Photo (NC).
E&AO 'A' (SGO).

SUB :- PROMOTION TO THE POST OF OFFICER SURVEYOR GROUP 'B'

The following Division-I (Surveyors & Survey Assistants) are promoted on regular basis to the grade of Officer Surveyor (CCS Group 'B') in the scale of pay Rs.6,500-200-14,500 w.e.f. the date they take over charge of the post on promotion as indicated below :-

S.No.	Name	Designation	Present posting	New posting
1.	Shri J.K. Chatterjee	Surveyor	No. 1 DO (MP) D.Dun	No. 1 DO (MP) D. Dun
2.	Shri D.K. Nichani	Surveyor	Survey (Air) N.Delhi	No. 64 (AHS) P. N.Delhi
3.	Shri Atar Singh	Surveyor	No. 94 P (SA) N.Delhi	No. 93 (Geom)P N.Delhi
4.	Shri J.P. Shukla	Surveyor	G&RB D.Dun	G&RB D. Dun
5.	Shri A.K. Babbar	Surveyor	No. 32 (P) P (WC) Mr Abu	No. 32 (P) P (WC) Mr Abu
6.	Shri Mohan Lal	Surveyor	No. 90 P (NC) D.Dun	No. 90 P (NC) D. Dun
7.	Shri Anand Srivastava	Surveyor	No. 43 P (SSEC) Hyderabad	No. 43 P (SSEC) Hyderabad
8.	Shri N.K. Saxena	Surveyor	No. 65 P (SA) N.Delhi	No. 93 (Geom)P N.Delhi
9.	Shri H.M. Kukreti	Surveyor	No. 1 P (NC) D.Dun	No. 1 P (NC) D. Dun
10.	Shri A.K. Saxena	Surveyor	No. 94 P (SA) N.Delhi	Bdy. Cell (SGO) N. Delhi
11.	Shri M.K. Paul	Surveyor	No. 63 P (EC) Kolkata	No. 63 P (EC) Kolkata
12.	Shri Tilak Raj	Surveyor	DMC D.Dun	DMC D. Dun
13.	Shri G.B. Saxena	Surveyor	No. 91 P (NC) Lucknow	No. 91 P (NC) Lucknow
14.	Shri P.C. Bist	Surveyor	No. 94 P (SA) N.Delhi	No. 93 (Geom)P N.Delhi
15.	Shri Soban Singh	Surveyor	No. 69 P (G&RB) D.Dun	No. 69 P (G&RB) D. Dun
16.	Shri Pritam Singh Mehar	Surveyor	No. 52 P (SCC) Pune	No. 52 P (SCC) Pune
17.	Shri S.K. Gupta	Surveyor	No. 66 P (SA) N.Delhi	W.Z. Jaipur
18.	Shri Jai Ram Das	Surveyor	No. 7 (P) P (WC) Mr. Abu	No. 7 (P) P (WC) Mr. Abu
19.	Shri H.S. Anand	Surveyor	No. 16 DO (MP) D.Dun	No. 16 DO (MP) D. Dun
20.	Shri S.N. Mathur	Surveyor	No. 66 P (SA) N.Delhi	No. 83 P (WC) Jaipur
21.	Shri N.K. Gupta	Surveyor	No. 69 P (G&RB) D.Dun	No. 69 P (G&RB) D. Dun
22.	Shri G.S. Bist	Surveyor	No. 14 P (G&RB) D.Dun	No. 14 P (G&RB) D. Dun
23.	Shri O.P. Virmani	Surveyor	MCC D.Dun	MCC D. Dun
24.	Shri Paramjeet Singh	Surveyor	No. 48 (P) P (CC) Jabalpur	No. 48 (P) P (CC) Jabalpur
25.	Shri N.K. Bhatia	Surveyor	No. 26 (P) P (NC) D.Dun	No. 26 (P) P (NC) D. Dun
26.	Shri R.K. Bhatia	Surveyor	No. 79(P)P(NWC)D.Dun	No. 79(P)P(NWC)D. Dun
27.	Shri R.K. Mukherjee	Surveyor	No. 62 P (EC) Kolkata	No. 62 P (EC) Kolkata
28.	Shri Adesh Kumar	Surveyor	No. 82 P (G&RB) D.Dun	No. 82 P (G&RB) D. Dun
29.	Shri Sukhpal Singh	Surveyor	G&RB D.Dun	G&RB D. Dun
30.	Shri D. Narayan	Surveyor	No. 47 P (STI) Hyderabad	No. 47 P (STI) Hyderabad
31.	Shri Gurdev Singh	Surveyor	No. 6 DO (NC) D.Dun	No. 6 DO (NC) D. Dun

Contd...2/-

Attested

Advocate.

Name	Designation	Present posting	New posting
Shri T.K. Bhewmic	Surveyor	No. 45 P (CC) Jabalpur	No. 45 P (CC) Jabalpur
Shri M.P. Kotiyal	Surveyor	No. 94 P (SA) N.Delhi	No. 9DO(NWC) Chandigarh
Shri C. Manjunatha Setty	Surveyor	No. 84 (P) P (SC) Bangalore	No. 84 (P) P (SC) Bangalore
Shri B.R.S. Rawat	Surveyor	No. 64 P (SA) N.Delhi	No. 3P (NWC) Ambala
Shri A.V. Godse	Surveyor	No. 31 P (SCC) Pune	No. 31 P (SCC) Pune
Shri R.K. Chauhan	Surveyor	No. 26 (P) P (NC) D. Dun	No. 26 (P) P (NC) D. Dun
Shri Pangulury S. Gandhi	Surveyor	No. 53 P (SSEC) Hyderabad	No. 53 P (SSEC) Hyderabad
Shri Hira Mani	Surveyor	No. 20 (P) P (NC) D. Dun	No. 20 (P) P (NC) D. Dun
Shri Krishan Kumar	Surveyor	No. 3 P (NWC) Ambala	No. 3 P (NWC) Ambala
Shri H.S. Thapa	Surveyor	NC D. Dun	NC D. Dun
Shri C.T. Muthian	Surveyor	No. 52 P (SCC) Pune	No. 52 P (SCC) Pune
Shri H.S. Panwar	Surveyor	No. 64 P (SA) N.Delhi	WZ Jaipur
Shri Ram Nain	Surveyor	No. 70 (F) P (NC) D. Dun	No. 70 (F) P (NC) D. Dun
Shri N.S. Bisht	Surveyor	No. 56 P (NWC) Chandigarh	No. 56 P (NWC) Chandigarh
Shri Samar Vir Singh	Surveyor	No. 68 P (G&RB) D. Dun	No. 68 P (G&RB) D. Dun
Shri S.K. Gaur	Surveyor	No. 1 P (NC) D. Dun	No. 26 (P) P (NC) D. Dun
Shri C.K. Nautiyal	Surveyor	No. 70 (F) P (NC) D. Dun	No. 70 (F) P (NC) D. Dun
Shri D.R. Verma	Surveyor	No. 79 P (P) (NWC) D. Dun	No. 13DO (MP) D. Dun
Shri S.C. Dutta	Surveyor	No. 38 P (SSEC) Hyderabad	No. 38 P (SSEC) Hyderabad
Shri Shridhar Prasad Sati	Surveyor	MCC D. Dun	No. 1 D.O. (MP) D. Dun
Shri P. Purkayastha	Surveyor	No. 12 P (NEC) Shillong	No. 12 P (NEC) Shillong
Shri H.K. Gulati	Surveyor	Photo Sector (NC) D. Dun	Photo Sector (NC) D. Dun
Shri S.K. Potti	Surveyor	No. 67 P (SA) Coimbatore	No. 67 P (SA) Coimbatore
Shri Rajjit Singh	Surveyor	No. 90 P (NC) D. Dun	No. 90 P (NC) D. Dun
Shri T.S. Madhok	Surveyor	No. 47 P (STI) Hyderabad	No. 47 P (STI) Hyderabad
Shri B.S. Tyagi	Surveyor	SGO D. Dun	SGO D. Dun
Shri Rajendra Singh	Surveyor	No. 6 DO (NC) D. Dun	No. 6 DO (NC) D. Dun
Shri M.R. Kumar	Surveyor	NZ Chandigarh	NZ Chandigarh
Shri S.N. Maindola	Surveyor	No. 20 (P) P (NC) D. Dun	No. 26 (P) P (NC) D. Dun
Shri J.L. Banerjee	Surveyor	No. 30 (P) P (EC) Kolkata	No. 30 (P) P (EC) Kolkata
Shri V.K. Upreti	Surveyor	No. 23 P (NC) Mussoorie	No. 23 P (NC) Mussoorie
Shri Sukumar Das	Surveyor	No. 63 P (EC) Kolkata	No. 63 P (EC) Kolkata
Shri P.B. Das	Surveyor	No. 13 DO (NEC) Shillong	No. 13 DO (NEC) Shillong
Shri Jas Singh	Surveyor	SGO D. Dun	SGO D. Dun
Shri S.P. Bahuguna	Surveyor	No. 23 P (NC) Mussoorie	No. 23 P (NC) Mussoorie
Shri N.N. Dey	Surveyor	No. 37 P (EC) Kolkata	No. 37 P (EC) Kolkata
Shri C.V. Chari	Surveyor	No. 15 P (STI) Hyderabad	No. 15 P (STI) Hyderabad
Shri G.C. Das (SC)	Surveyor	No. 35 P (NEC) Guwahati	No. 35 P (NEC) Guwahati
Shri Sant Ram (SC)	Surveyor	No. 27P (NC) Mussoorie	No. 27P (NC) Mussoorie
Shri Niranjan Prasad (SC)	Surveyor	No. 68 P (G&RB) D. Dun	No. 68 P (G&RB) D. Dun
Shri N.C. Behera (SC)	Surveyor	No. 75 P (EC) Patna	No. 75 P (EC) Patna
Shri Gurnail Singh (SC)	Surveyor	No. 42 P (NWC) Ambala	No. 42 P (NWC) Ambala
Shri Upendra Malik (SC)	Surveyor	No. 78 (P) P (SCC) Hyderabad	SCC Hyderabad
Shri Ram Lal Ram (SC)	Surveyor	No. 92 P (EC) Varanasi	No. 92 P (EC) Varanasi
Shri Lakshmi Kanta Bar (SC)	Surveyor	No. 30 (P) P (EC) Kolkata	No. 30 (P) P (EC) Kolkata
Shri R.K. Kuril (SC)	Surveyor	No. 22 P (NEC) D. Dun	No. 22 P (NEC) D. Dun
Shri V.K. Binodia (SC)	Surveyor	No. 61 P (CC) Jabalpur	No. 61 P (CC) Jabalpur
Shri Kumbhakarna Mallick (SC)	Surveyor	No. 11 DO (SEC) Bhub.	No. 11 DO (SEC) Bhub.
Shri Biranchi Narayan Patra (SC)	Surveyor	No. 13 DO (NEC) Shillong	No. 13 DO (NEC) Shillong
Shri S.B. Kharbangar (ST)	Surveyor	No. 80 (P) P (NEC) Shillong	No. 80 (P) P (NEC) Shillong

Contd...3/-

Attested
Wan
Advocate.

24

JMN

WT.

TKG

	Name	Designation	Present posting	New posting
			No. 29 P (NEC) Shillong	No. 29 P (NEC) Shillong
	Shri M. Nongkhaw (ST)	Surveyor	No. 80 (P) P(NEC) Shillong	No. 80 (P) P(NEC) Shillong
	Shri Wordkinson Tariang (ST)	Surveyor	No. 80 (P) P(NEC) Shillong	No. 80 (P) P(NEC) Shillong
	Shri Baris Pyngrope (ST)	Surveyor	No. 5 P (NEC) Shillong	No. 5 P (NEC) Shillong
	Shri Tarcitus Bara (ST)	Survey Asstt.	No. 11 P (SEC) Ranchi	No. 11 P (SEC) Ranchi
	Shri Jitendra Baraik (ST)	Survey Asstt.	No. 88 (P) P (CC) Raipur	No. 88 (P) P (CC) Raipur
17.	Shri J. R. Gond (ST)	Survey Asstt.	No. 60 P (CC) Gwalior	No. 60 P (CC) Gwalior
18.	Shri Surendra Prasad (SC)	Surveyor	SEC Bhubaneshwar	No. 77 (P) P (SEC) Bhub.
19.	Shri Bidyadhar Mallik (SC)	Surveyor	No. 3 DO (WC) Jaipur	No. 3 DO (WC) Jaipur
20.	Shri S. C. Dabral	Surveyor	NWC Chandigarh	NWC Chandigarh
21.	Shri Madan Mohan Singh	Surveyor	No. 44 P (CC) Indore	No. 44 P (CC) Indore
22.	Shri P. C. Badke	Surveyor	No. 91 P (NC) Lucknow	No. 91 P (NC) Lucknow
23.	Shri S. D. Uniyal	Surveyor	No. 44 P (CC) Indore	No. 44 P (CC) Indore
24.	Shri M. S. Chauhan	Surveyor	No. 62 P (EC) Kolkata	No. 14 D.O. (EC) Kolkata
25.	Shri A. K. Roy	Surveyor	No. 30 (P) P (EC) Kolkata	No. 30 (P) P (EC) Kolkata
26.	Shri A. K. De	Surveyor	No. 12 DO (NEC) Shillong	No. 12 DO (NEC) Shillong
27.	Shri T. K. Gupta	Surveyor	No. 57 P (NWC) Chandigarh	No. 57 P (NWC) Chandigarh
28.	Shri S. K. Chaudha	Surveyor	No. 46 P (CC) Jabalpur	No. 46 P (CC) Jabalpur
29.	Shri B. G. Helkar	Surveyor	No. 20 (P) P (NC) D. Dun	MP D. Dun
30.	Shri B. B. Komala	Surveyor	No. 4 P (WC) Ajmer	No. 4 P (WC) Ajmer
31.	Shri O. P. Ratra	Surveyor	No. 59 P (SCC) Hyderabad	No. 59 P (SCC) Hyderabad
32.	Shri Brijendra Kumar	Surveyor	No. 79 (P) P (NWC) D. Dun	No. 6 DO (NC) D. Dun
33.	Shri Laxman Das	Surveyor	G&RB D. Dun	G&RB D. Dun
34.	Shri R. K. Goyal	Surveyor	MCC D. Dun	DMC D. Dun
35.	Shri S. K. Verma	Surveyor	R&D Hyderabad	R&D Hyderabad
36.	Shri S. C. Bhola	Surveyor	No. 22 P (NEC) D. Dun	No. 22 (P) P (NEC) D. Dun
37.	Shri N. K. Dobhal	Surveyor	No. 8 DO (SCC) Hyderabad	No. 8 DO (SCC) Hyderabad
38.	Shri A. Janardhan Rao	Surveyor	No. 74 P (SEC) Ranchi	No. 74 P (SEC) Ranchi
39.	Shri Mohd. S. Rehman	Surveyor	No. 20 (P) P (NC) D. Dun	No. 14 P (G&RB) D. Dun
40.	Shri Y. P. Parashar	Surveyor	No. 79 (P) P (NWC) D. Dun	No. 19 P (G&RB) D. Dun
41.	Shri Mulk Raj	Surveyor	No. 26 (P) P (NC) D. Dun	DMC D. Dun
42.	Shri Satish Kumar	Surveyor	No. 26 (P) P (NC) D. Dun	No. 71 P (G&RB) D. Dun
43.	Shri R. K. Sharma	Surveyor	No. 26 (P) P (NC) D. Dun	No. 72 P (G&RB) D. Dun
44.	Shri T. P. S. Chauhan	Surveyor	No. 78 (P) P (SCC) Hyderabad	No. 51 P (SCC) Hyderabad
45.	Shri M. N. Handique	Surveyor	No. 76 (P) P (SEC) Bhub.	No. 76 (P) P (SEC) Bhub.
46.	Shri Gahama Mahanta	Surveyor	No. 74 P (SEC) Ranchi	No. 74 P (SEC) Ranchi
47.	Shri Rajendra Paswan (SC)	Surveyor	No. 18 P (SEC) Ranchi	No. 18 P (SEC) Ranchi
48.	Shri Kailash Ekka (ST)	Surveyor	No. 17 DO (NWC) Jammu	No. 17 DO (NWC) Jammu
49.	Shri Kulwant Singh (SC)	Surveyor	No. 28 P (NWC) D. Dun	No. 1 DO (MP) D. Dun
50.	Shri Shyam Singh (SC)	Survey Asstt.	No. 29 P (NEC) Shillong	No. 29 P (NEC) Shillong
51.	Shri Mahavir Singh (SC)	Survey Asstt.	No. 16 DO (MP) D. Dun	No. 15 DO (MP) D. Dun
52.	Shri Amar Singh (SC)	Survey Asstt.	G&RB D. Dun	No. 3 P (NWC) Ambala
53.	Shri Hira Lal (SC)	Survey Asstt.	No. 28 P (NWC) D. Dun	No. 9 DO (NWC) Chandigarh
54.	Shri Bharat Singh (SC)	Survey Asstt.	No. 26 (P) P (NC) D. Dun	No. 55 P (NWC) Chandigarh
55.	Shri Ramesh Chandra (SC)	Survey Asstt.	No. 20 (P) P (NC) D. Dun	No. 9 DO (NWC) Chandigarh
56.	Shri Prem Chand (SC)	Survey Asstt.	No. 58 P (WC) Ajmer	No. 58 P (WC) Ajmer
57.	Shri Khem Raj Jawada (SC)	Survey Asstt.	WC Jaipur	No. 3 DO (WC) Jaipur
58.	Shri G. B. Rajwaria (SC)	Survey Asstt.	No. 22 P (NEC) D. Dun	No. 57 P (NWC) Chandigarh
59.	Shri Mani Chand (SC)	Survey Asstt.		

Contd. 4/-

Advocate.

Name	Designation	Present posting	New posting
Shri Lal Adiwaj	Survey Asstt.	No. 32 (P) P (WC) Mt Abu	No. 32 (P) P (WC) Mt Abu
Shri Bishnu Binha (ST)	Survey Asstt.	No. 13 DO (NEC) Shillong	No. 12 DO (NEC) Shillong
Shri B.S. Munda (ST)	Survey Asstt.	No. 11 P (SEC) Ranchi	No. 18 P (SEC) Ranchi
Shri Ram Gopal Meena (ST)	Survey Asstt.	No. 83 P (WC) Jaipur	No. 83 P (WC) Jaipur
Shri Anil Chand (ST)	Surveyor	No. 27 P (NC) Mussoorie	No. 27 P (NC) Mussoorie
Shri P.L. Meshram (SC)	Surveyor	No. 45 P (CC) Jabalpur	No. 45 P (CC) Jabalpur
Shri N.L. Bhutange (SC)	Surveyor	No. 85 P (SCC) Nagpur	No. 85 P (SCC) Nagpur

Presently on ad-hoc basis as Officer Surveyor upto 19-07-2001.

2. The date of their relieving on promotion or the date of refusing promotion, as the case may please be intimated to this office by 16-08-2001 positively. It may be made clear to the persons concerned who refuses the offer of promotion that no fresh offer of promotion will be made to them for a period of one year from 16-08-2001 in terms of para 17.12 of DP&T's O.O. No. 22011/5/86-Estt. (D) dated 10-04-1989 they will lose seniority vis-a-vis their juniors will be promoted to the higher grade.

3. Necessary certificate of assumption of charge in respect of the above officers may please be sent on Form O.119 (Acc.) to this office, in duplicate for issue of Gazette Notification.

4. The above officers will be on probation for a period of two years from the date of their regular promotion as Officer Surveyor (Group 'B'). Necessary Assessment Reports on the work and performance of the officers have to be made available to us for the said period.

5. Necessary action for re-verification of caste status of persons belonging to Schedule Caste/Scheduled Tribe may please be taken, on their reporting for duty on promotion by the concerned Director and they should be promoted with a clear stipulation that in case their re-verification, if it is found that they do not belong to Schedule Caste/Schedule Tribe category, they will be reverted to their previous grade forthwith.

6. On promotion, the individuals would be required to exercise an option under FR 22(1)(a)(i) for fixation their pay in the new scale.

7. In case of any vigilance case/disciplinary proceedings or pendency of punishment against any of the above official(s) is noticed at your end, the orders of promotion may not be implemented.



[S.P. GOEL]

DEPUTY SURVEYOR GENERAL
for SURVEYOR GENERAL OF INDIA

Copy to :-

1. OC Boundary Cell, New Delhi.
2. OC Nos. 1, 3, 6, 8, 9, 11, 12, 13, 14, 15, 16 and 17 Drawing Offices.
3. OC Nos. 1, 3, 4, 5, 6, 7, 11, 12, 14, 15, 18, 19, 20(P), 22, 23, 26(P), 27, 28, 29, 30(P), 31, 32(P), 35, 37, 38, 42, 43, 44, 45, 46, 47(P), 48(P), 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70(F), 71, 72, 73, 74, 75, 76, 77, 78(P), 79(P), 80(P), 81, 82, 83, 84(P), 85, 86, 87, 88(P), 89, 90, 91, 92, 93 & 94 Parties.
4. The Central Pay & Accounts Officer, Survey of India, Dehra Dun.
5. The Regional Pay & Accounts Officer, Survey of India, Hyderabad/Kolkata/ Jaipur.
6. EI Section (SGO).
7. Confidential Assistant (SGO).

Attested
M.D. on
Advocate

24 - Annexure - 3
The Surveyor General of India,
Hathnagar, Dehra Dun.

(Through proper channel)

Sub: SENIORITY OF OFFICER SURVEYORS AS ON 01.01.2002.

Ref: Your letter No.EI-12389/707 dated 01.08.2003 endorsed under DNEC's letter
No.CI-501/3-D-2 dated 28.08.03.

Sir,

In inviting your kind attention to the letter under reference on the above mentioned subject, I would like to bring to your kind notice that the date mentioned under Col. 'Date of joining the Govt. service in SOI' against my name(SI No.309) is not correct. The same may please be corrected to 17.12.1966.

Further, on the above mentioned subject, I vehemently express my dissatisfaction when to my utter surprise I found that I was placed in the seniority list much below to the Officers of my cadre selected through LDCE on later dates than my promotion to the post of Officer Surveyor on regular basis w.e.f. 17.07.2001. To cite an example, it may be mentioned here that S/Shri D.S..Mehar(SI No243), Saroj Kumar(SI No 275), T. Turkey(SI No 283) joined to the post of Officer Surveyor on 15.4.02, 18.04.02, 23.04.02 respectively who were selected through LDCE held in the month of December,2001, whereas I was promoted to the post of Officer Surveyor w.e.f. 17.07.01. Moreover, against the vacancy existed as on 31.12.1995, I was promoted to the post of Officer Surveyor w.e.f. 23.07.98 on Ad-hoc basis which was subsequently extended on 5(five) occasions till to the date of my regular promotion without any break.

That sir, after having served in the post of Officer Surveyor on Ad-hoc basis for nearly 3(three) years and almost for a year on regular basis I have, now been made junior to those who were promoted/selected on the later dates as mentioned above. The situation arises here because of the fact that the orders relating to our service matter might have been misconstrued while preparing the seniority list.

As I know that I have to serve the department for about four and half years from now, nothing more than my present status is expected even everything goes smoothly but at the same time felt humiliated due to the fact of fixing my seniority much, much below to the Officer Surveyors named above which is unjust in terms of law and also against the natural justice.


Sir, so far I remember there were instances in our department regarding anomalies in inter-seniority amongst DPC promotee and LDCE promotee with the Ministerial staff and ultimately which was sorted out on the behest of Surveyor General of India.

Sir, under the circumstances stated above, I fervently pray before your honour to kindly look into the matter and issue a fresh order restoring my seniority and enable me to serve the department confidently with full sincerity to the best satisfaction of bona fide seniors.

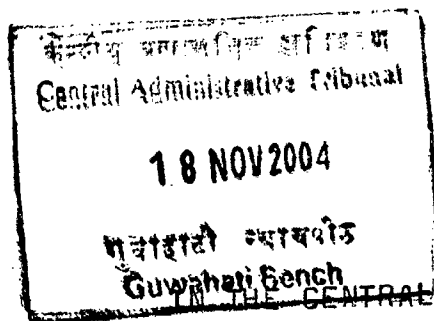
Thanking you,

Dated, Shillong, the 11th Sept.03.

Yours faithfully,


(P. B. DAS),
Officer Surveyor,
No.12 Party (NEC),
Survey of India.

Advocate.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

In the matter of :-

O.A. No.151 of 2004

Shri Patal Bihari Das & Ors.

..Applicant

-Versus-

Union of India & Others

..Respondent

WRITTEN STATEMENT FOR AND ON BEHALF OF RESPONDENTS
NOS.1,2 & 3.

I, Brig. B.D. Sharma, Director, Survey of India, Meghalaya & Arunachal Pradesh GDC, Shillong-793 001, do hereby solemnly affirm and say as follows :-

1. That I am the Director, Survey of India, Meghalaya and Arunachal Pradesh GDC, Shillong and as such fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement the other contentions and statement may be deemed to have been denied. I am authorised to file the written statement on behalf of all the respondents.

2. That the respondents beg to place the brief history of the case as follows :-

✓ According to Recruitment rules before 1983 50% of the vacancies are to be filled by Direct recruitment and 50% by promotion from Class-III, Division-I (Topographical) Establishment. According to Recruitment rule 1983 there were 359 sanctioned posts of Officer Surveyor prior to cadre review. As per DST's letter No.SM/02/044/088, dtd.30-1-1996 out of 359 posts, 21 posts meant for Chief Draftsman was reduced in the grade of Officer Surveyor. Thus sanctioned strength of Officer Surveyor got ✓ reduced to 338, 136 posts were created in cadre review vide DST's letter No.SM/02/044/088, dtd.30-1-1996. The DPC could not be convened for the created posts due to some administrative reason in the absence of recruitment rules and were granted ad-hoc promotion.

Contd,..p/2-

(26)
X

As per existing rules 1983. 75% of the promotional quota is to be filled by DPC promotees and 25% to be filled by LDCE promotees.

The applicant's plea to recast their seniority after counting of their ad-hoc service could not be considered. As per rule at the time of giving ad-hoc promotion, it was clearly stated in the promotion order for the post of Officer Surveyor on ad-hoc basis vide this letter No.C-2425/707, dtd.23-7-1998 (photocopy enclosed) that the ad-hoc promotion is purely provisional and would not bestow any benefits of seniority and it can be terminated at any time. As per DoP & Ts instructions regarding holding of DPC, panel has been prepared year wise and seniority has been fixed accordingly and such promotions will have only prospective effect even in cases where the vacancies related to earlier years.

Prior to the cadre review, promotion to the grade of Officer Surveyors was done by selection for Surveyors, Survey Assistant, Geodetic Computer and Draftsman Division-I. In cadre review in Group-'B' Chief Draftsman's posts have been sanctioned and excluded from Officer Surveyor's post. As such the recruitment rules to the post of Officer Surveyor had to be revised before holding DPC for the newly created posts under Cadre Review. Keeping in view, the delay in finalization of Recruitment Rules action was initiated to promote on ad-hoc basis and ad-hoc promotion continued till regularization subject to the vacancies. The personnel were promoted on their turn according to their seniority in feeder grade and as per norm of DPC hence the allegation made by applicant is not correct. The seniority in the grade of Officer Surveyor between DPC promotees and LDCE promotees has been fixed according to rules.

As per existing rules 1983, 75% of the promotional quota is to be filled by DPC promotees and 25% to be filled by LDCE promotees. The annual vacancies occurring in the grade of Officer Surveyor are being distributed/filled up as Officer Surveyor as per the Quota prescribed in the existing recruitment rules. The seniority of the Officer is being maintained as per the general principles for determination of seniority in the Central Service matter as per rule 6 of Chapter-I of Swamy's Compilation on Seniority and promotion which is reproduced below :-

"The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in the recruitment rules".

(27)
19

On the implementation of judgement on OA No.221 of 1996 passed by the Hon'ble Tribunal, Cuttack Bench, Cuttack filed by Sri B. Mahapatra and others -Vs- Union of India and others, the Limited Departmental Competitive Examination in year(s) even though the vacancies arose during that year(s) is similar to not holding DBC in such a situation and just as year-wise panel is to be prepared by the DPC as and when it meets and the empanelled Officers are allowed relevant year's seniority, similar treatment should be given to those selected through LDCE as and when it is held. Hence the applicant's seniority is fixed according to rule, which was circulated vide this office letter E1-12389/707, dtd. 1-8-2003 and No.E1-14494/707, dtd.08-09-2003.

The applicant was promoted on ad-hoc basis w.e.f. 23-07-1998. He was regularized to the post of Officer Surveyor w.e.f. 17-07-2001(AN) after convening the regular DPC. The Consolidated Instructions on Departmental promotion Committee And Related Matter's rules 6.4.4 clearly states that - "while promotions will be made in the order of the consolidated select list, such promotions will have only prospective effect even in cases where the vacancies related to the earlier year(s)".

3. That with regard to the statements made in paragraph-1 of the application, the respondents beg to state that the facts are based on records hence no comments. It is also stated that the DPC is being convened strictly in accordance with rule and DPC guide lines, the delay in convening the DPC were caused by some administrative reasons and Court Cases.

2
The applicant's plea to reeasst their seniority after counting of their ad-hoc service could not be considered. As per rule at the time of giving ad-hoc promotion. It was clearly stated in the promotion order for the post of Officer Surveyor on ad-hoc basis vide this letter No.C-2425/707, dtd.23-07-1998 (photocopy enclosed) that the ad-hoc promotion is purely provisional and would not bestow any benefits of seniority and can be terminated at any time.

4. That with regard to the statements made in paragraph-2 of the application, the respondents beg to state that there were 359 sanctioned posts of officer Surveyor prior to cadre review. As per DST's letter No.SM/02/04/088, dated 30-01-1996, out of 359 posts, 21 posts meant for Chief Draftsman was reduced in the grade of Officer Surveyor. Thus sanctioned strength of Officer

(28)
80

Surveyor got reduced to 338. 136 posts were created in cadre review vide DST's letter No.SM/02/044/088, dtd.30-01-1996. The DPC could not be convened for the created posts due to some administrative reason in the absence of recruitment rules and were granted ad-hoc promotion.

5. That the respondents have no comments to the statements made in paragraph 3 of the application.

6. That with regard to the statements made in paragraph 4.1 of the application, the respondents beg to state that prior to the cadre review, promotion to the grade of Officer Surveyors was done by selection for Surveyors. Survey Assistant, Geodetic Computer and Draftsman Division-I. In cadre review in Group-'B' Chief Draftsman's posts have been sanctioned and excluded from Officer Surveyor's post. As such the recruitment rules to the post of Officer or had to be revised before holding DPC for the newly created posts under Cadre Review.

As per DoP&T's instructions regarding holding of DPC panel has been prepared year wise and seniority has been fixed accordingly and such promotions will have only prospective effect even in cases where the vacancies related to earlier years.

The seniority is being maintained on the settled principle of rota-quota amongst the officer belonging to the 75% i.e. by DPC promotes and 25% i.e. through JLDCE promotes.

The DPC acted strictly in accordance with the rule and DPC guidelines issued from time to time. The delay in convening DPC in time was caused by some administrative reasons and court case etc.

There were 359 sanctioned posts of officer Surveyor prior to cadre review. As per DST's letter No.SM/02/044/088, dated 30-01-1996, out of 359 posts, 21 posts meant for Chief Draftsman was reduced in the grade of Officer Surveyor. Thus sanctioned strength of Officer Surveyor got reduced to 338. 136 posts were created in cadre review vide DST's letter No.SM/02/044/088, dated 30-01-1996. The DPC could not be convened for the created posts due to some administrative reason in the absence of recruitment rules and were granted ad-hoc promotion.

7. That the respondents have no comments to the statements made in paragraph 4.2 of the application.

8. That with regard to the statements made in paragraph 4.3 of the application, the respondents beg to state that as per existing rules 1983 75% of the promotional quota is to be filled by DPC

(29)
61

promotees and 25% to be filled by LDCE promotees. The annual vacancies occurring in the grade of Officer Surveyor are being distributed/filled up as officer Surveyor as per the quota prescribed in the existing recruitment rules.

9. That with regard to the statements made in paragraph 4.4 of the application, the respondents beg to state that the seniority of the officer is being maintained as per the general principles for determination of seniority in the Central Service matter as per rule 6 of Chapter-I of Swamy's Compilation on Seniority and promotion, which is reproduced below :-

" The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in the recruitment rules ".

On the implementation of judgement on OA No.221 of 1996 passed by the Hon'ble Tribunal, Cuttack Bench filled by Shri B. Mahapatra and others -Versus- Union of India & Others, the Limited Departmental Competitive Examination in year(s) even though the vacancies arose during that Year(s) is similar to not holding DPC in such a situation and just as year-wise panel is to be prepared by the DPC as and when it meets and the empanelled officers are allowed relevant year's seniority, similar treatment should be given to those selected through LDCE as and when it is held. Hence the applicant's seniority is fixed according to rule, which was circulated vide this office letter E1-12389/707, dtd.01-08-2003 and E1-14494/707, dated 08-09-2003.

10. That with regard to the statements made in paragraph 4.5 of the application, the respondents beg to state that as already stated in reply ~~in~~ to para 6 the recruitment rules to the post of Officer Surveyor have to be reframed due to exclusion of Draftsman Division-I for feeder post, implementation of Cadre Review could not be done. As per rule, it is clearly stated in the ad-hoc promotion order that the ad-hoc promotion is purely provisional and would not bestow any benefits of seniority and can be terminated at any time, hence the applicant's plea could not be considered.

11. That with regard to the statements made in paragraph 4.6 of the application, the respondents beg to state that the applicants stated that they have deprived of their regular promotion to the cadre of Officer Surveyor and thereby allowed their Junior to supercede them is wrong. Keeping in view, the delay in finalization of Recruitment Rules action was initiated to promote on ad-hoc

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basis and ad-hoc promotion continued till regularisation subject to the vacancies. The personnel were promoted on their turn according to their seniority in feeder grade and as per norm of DPC hence the allegation made by applicant is not correct. The seniority in the grade of Officer Surveyor between DPC promotees has been fixed according to rules.

12. That with regard to the statements made in paragraph 4.7 of the application, the respondents beg to state that the allegation made by applicant is not correct. The year-wise panels for the year wise vacancy are always being maintained in all DPC's.

Prior to the cadre review, promotion to the grade of Officer Surveyors was done by selection for Surveyors. Survey Assistant, Geodetic Computer and Draftsman Division-I. In cadre review in Group-'B' Chief Draftsman's posts have been sanctioned and excluded from Officer Surveyor's post. As such the recruitment rules to the post of Officer Surveyor had to be revised before holding DPC for the newly created posts under Cadre Review.

As per DoP&T's instructions regarding holding of DPC panel has been prepared year wise and seniority has been fixed accordingly and such promotions will have only prospective effect even in cases where the vacancies related to earlier years.

The seniority is being maintained on the settled principle of rota-quota amongst the officer belonging to the 75% i.e. by DPC promotee and 25% i.e. through LDCE promotee.

The DPC acted strictly in accordance with the rule and DPC guidelines issued from time to time. The delay in convening DPC in time was caused by some administrative reasons and court case etc.

13. That with regard to the statements made in paragraph 4.8 of the application, the respondents beg to state that as per existing rules 1983, 75% of the promotion quota is to be filled by DPC promotees and 25% to be filled by LDCE promotees. Therefore, the annual vacancies occurring in the Officer Surveyor Grade are being distributed as per the quota prescribed in the existing recruitment rules which are applicable to all feeder cadres which is eligible to LDCE for the grade of Officer Surveyor. Hence the question does not arise to promote persons junior to the applicant and the seniority in the grade of Officer Surveyor has been fixed according to rota-quota as provided in the rules.

(7)

14. That with regard to the statements made in paragraph 4.9 of the application, the respondents beg to state that the applicant has promoted according to recruitment rule and as per the terms and conditions laid down in the DPC rules, hence the applicants could not be regularized with perspective effects of their ad-hoc promotion.

15. That with regard to the statements made in paragraph 4.10 and 11 of the application, the respondents beg to state that the DPC could not be convened in same particular year due to some administrative reasons as stated in forgoing paras. The applicant's seniority fixed in the grade of Officer Surveyor is correct and according to existing rules.

16. That with regard to the statements made in paragraph 4.12 of the application, the respondents beg to state that the seniority has been fixed as per the principle of rota-quota amongst the officers belongs to the 75% i.e. by DPC promotees and 25% i.e. through LDCE promotees.

In view of the replies in the foregoing paras, the applicant's claim has no ground and the OA No.151/04 is liable to be dismissed.

17. That with regard to the statements made in paragraph 5.1 of the application, the respondents beg to state that the applicant was promoted on ad-hoc basis w.e.f. 23-07-1998. He was regularized to the post of Officer Surveyor w.e.f. 17-07-2001 (A/N) after convening the regular DPC. As per Consolidated Instructions on Departmental Promotion Committee And Related Matter's rules 6.4.4. clearly states that - "while promotions will be made in the order of the consolidated select list, such promotions will have only prospective effect even in cases where the vacancies related to the earlier year(s)".

18. That with regard to the statements made in paragraph 5.2 of the application, the respondents beg to state that the DPC acted strictly in accordance to rules and DPC guidelines issued from time to time.

19. That with regard to the statements made in paragraph 5.3 of the application, the respondents beg to state that Govt. of India, Ministry of Science & Technology's approval for cadre review was received vide their letter No.SM/02/044/088, dated 30-06-1996. Due to change in sanctioned strength in the grade of Officer Surveyor,

Contd.p/8-

(8)

the eligibility of feeder grade for promotion, certain arrangements in Recruitment Rules have to be done before convening of DPC for the newly increased posts due to cadre review. Only after receipt of revised Recruitment Rules. DPC could be held in the year 2001 for the year 1996 to 2000.

The seniority in the grade of Officer Surveyor between DPC promotees and LDCE promotees has been fixed accordingly.

20. That with regard to the statements made in paragraph 5.4 of the application, the respondents beg to state that the seniority of DPC promotees of LDCE promotees has been fixed according to vacancies available for each method of promotion.

21. That with regard to the statements made in paragraph 5.5 of the application, the respondents beg to state that as already explained Government approval to implement cadre review was received in 1996 and not in 1995 as stated by the applicant.

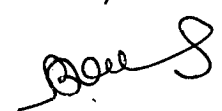
22. That with regard to the statements made in paragraph 5.6 of the application, the respondents beg to state that in view of position explained above action has been taken to hold the DPC in time and there was no inaction on the part of respondents.

23. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

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

I, Brig. B.D. Sharma, presently working as Director, Survey of India, Meghalaya and Arunachal Pradesh GDC, Shillong-793001 being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1, 5, & 7 of the application are true to my knowledge and belief, those made in paragraphs 2-4, 6, & 8-12 being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 4th day of Nov. 04


DEPONENT

0000-

(बी. डी. शर्मा) ब्रिगेडियर
(Brig. B. D. Sharma)
निदेशक, मेघालय एवं अरु. प्र. जो.डी.सी.
Director (M. & A. P. GDC)
भारतीय सर्वेक्षण विभाग
Survey of India
शिल्लोंग/Shillong 793001

भारतीय सर्वेक्षण विभाग
SURVEY OF INDIA

तार : "महासर्वेक्षक"
Telegram : "SURVEYS"
फैक्स-0091.135.744064
FAX-0091-135-744064

No. C-2425 / 707

महासर्वेक्षक का कार्यालय
SURVEYOR GENERAL'S OFFICE

डाक बक्स सं० 37, POST BOX No.37
देहरादून - 248001 (30 य०)-भारत /
DEHRA DUN-248001(U.P.)-INDIA

Dated : 23rd July, 98

To

The Addl. SGs : EZ/WZ/NZ/SZ/STI
The Directors : CC / DMC (D.Dun) / DMC (Hyd.) / EC / G&RB / NC / NWC
/ NEC / MCC / MP / SC / SCC / SEC / STI / Survey (Air) /
SSEC / R&D / WC / E&AO 'A' (SGO).

SUB. : TRANSFER/POSTING OF GROUP 'C' DIVISION-I ON PROMOTION TO THE
GRADE OF OFFICER SURVEYOR ON AD-HOC BASIS.

The following transfer/posting of Division-I Officers on promotion to the post of
Officer Surveyor Group 'B' post on ad-hoc basis for a period of six months initially or till such
time the regular incumbents are made available whichever is earlier are hereby ordered :-

Sl. No.	Name & Designation	Present Posting	New Posting
1.	Shri R.K. Sharma, Surveyor ✓	No.79 (P) P (NWC) ✓	No.32 (P) P (WC) Mt Abu
2.	Shri J.K. Chatterjee, Surveyor ✓	No.30 (P)P (EC) ✓	E.C. Calcutta
3.	Shri D.K. Nichani, Surveyor ✓	No.93 (QCAP) P (SA) ✓	NWC Ambala
4.	Shri S.K. Chadha, Surveyor ✓	No.57 P (NWC)	No.57 P (NWC) Chandigarh
(5.)	Shri Attar Singh, Surveyor ✓	No.94 (AM) P (SA) ✓	No.91 P (NC) Lucknow
6.	Shri J.P. Shukla, Surveyor ✓	G.&R.B. ✓	G&RB Dehra Dun
7.	Shri A.K. Babbar, Surveyor ✓	No.32 (P) P (WC) ✓	No.32 (P) P (WC) Mt Abu
8.	Shri Mohan Lal, Surveyor ✓	No.26 (P) P (NC) ✓	NC D.Dun
9.	Shri Amode Srivastava, Surveyor ✓	SECO ✓	No.75 P (EC) Patna
(10)	Shri N.K. Saxena, Surveyor ✓	No.65 (TCM) P (SA) ✓	NWC Chandigarh
11.	Shri H.M. Kukreti, Surveyor ✓	No.90 P (NC)	NC Dehra.Dun
(12)	Shri A.K. Saxena, Surveyor ✓	No.94 (AM) P (SA)	NWC Chandigarh
13.	Shri M.K. Pal, Surveyor ✓	No.30 (P) P (E.C.)	EC Calcutta
14.	Shri Tilak Raj, Surveyor ✓	D.M.C., D. DUN	DMC Dehra Dun
15.	Shri G.B. Saxena, Surveyor ✓	No.91 P (N.C.)	No.91 P (NC) Lucknow
(16)	Shri P.C. Bist, Surveyor ✓	No.65 (TMC) P (SA) ✓	NWC Chandigarh
17.	Shri Soban Singh, Surveyor ✓	No.59 P (G&RB) Hyd. ✓	SCC Hyderabad
18.	Shri Som Nath Bhasin, Surveyor ✓	No.55 P (NWC)	NWC Chandigarh
19.	Shri Pritam Singh Mehar, Surveyor ✓	No.31 P (SCC)	No.31 P (SCC) Pune
(20)	Shri S.K. Gupta, Surveyor ✓	No.94 P (SA)	WC Jaipur
21.	Shri Jai Ram Das, Surveyor ✓	No.7 P (WC)	No.7 P (WC) Mt Abu
22.	Shri H.S. Anand, Surveyor ✓	S.G.O.	MPO Dehra Dun
(23)	Shri S.N. Mathur, Surveyor ✓	Survey (Air)	WC Jaipur
24.	Shri N.K. Gupta, Surveyor ✓	G.&R.B. ✓	G&RB Dehra Dun
25.	Shri B.P. Chandola, Surveyor ✓	No.22 (P) P (NEC)	No.22 P (NEC) Dehra Dun

26.	Shri Ram Singh, Surveyor ✓	G.&R.B. ✓	G&RB Dehra Dun (11/11/71)
27.	Shri G.S. Bist, Surveyor ✓	No.14 P (G.&R.B.) ✓	G&RB Dehra Dun (11/11/71)
28.	Shri P.B. Ajmani, Surveyor ✓	No.82 P (G.&R.B.) ✓	G&RB Dehra Dun (11/11/71)
29.	Shri O.P. Virmani, Surveyor ✓	No.79 (P) P (NWC) ✓	MCC Dehra Dun (11/11/71)
30.	Shri Paramjeet Singh, Surveyor ✓	No.48 (P) P (CC) ✓	CC Jabalpur (11/11/71)
31.	Shri N.K. Bhatia, Surveyor ✓	No.20 (P) P (NC) ✓	NC Dehra Dun (11/11/71)
32.	Shri Dinesh Chandra, Surveyor ✓	G.&R.B. ✓	SGO Dehra Dun (11/11/71)
33.	Shri R.K. Bhatia, Surveyor ✓	No.16 DO (MP) ✓	No.79 P (NWC) Dehra Dun (11/11/71)
34.	Shri R.K. Mukherjee, Surveyor ✓	No.62 P (EC) ✓	EC Calcutta (11/11/71)
35.	Shri Om Prakash, Surveyor ✓	No.20 (P) P (NC) ✓	NC Dehra Dun (11/11/71)
36.	Shri Adesh Kumar, Surveyor ✓	No.82 P (G.&R.B.) ✓	G&RB Dehra Dun (11/11/71)
37.	Shri Sukhpal Singh, Surveyor ✓	No.79 (P) P (NWC) ✓	G&RB Dehra Dun (11/11/71)
38.	Shri D. Narayan, Surveyor ✓	S.T.I. ✓	STI Hyderabad (11/11/71)
39.	Shri Gurdev Singh, Surveyor ✓	N.C.O. ✓	NC Dehra Dun (11/11/71)
40.	Shri T.K. Bhowmic, Surveyor ✓	No.48 (P) P (CC) ✓	CC Jabalpur (11/11/71)
41.	Shri C. Manjunatha Setty, Surveyor ✓	No.84 (P) P (SC) ✓	SC Bangalore (11/11/71)
42.	Shri B.R.S. Rawat, Surveyor ✓	No.64 (AHS) P (SA) ✓	WC Jaipur (11/11/71)
43.	Shri A.V. Godse, Surveyor ✓	No.31 P (SCC) ✓	No.31 P (SCC) Pune (11/11/71)
44.	Shri R.K. Chauhan, Surveyor ✓	No.26 (P) P (NC) ✓	NC Dehra Dun (11/11/71)
45.	Shri Pangulury S. Gandhi, Surveyor ✓	No.53 P (SSEC) ✓	SSEC Hyderabad (11/11/71)
46.	Shri Hira Mani, Surveyor ✓	No.20 (P) P (NC) ✓	NC Dehra Dun (11/11/71)
47.	Shri Krishan Kumar, Surveyor ✓	No.3 P (NWC) ✓	No.3 P (NWC) Ambala (11/11/71)
48.	Shri H.S. Thapa, Surveyor ✓	N.C.O. ✓	NC Dehra Dun (11/11/71)
49.	Shri C.T. Muthian, Surveyor ✓	No.31 P (SCC) ✓	No.31 P (SCC) Pune (11/11/71)
50.	Shri H.S. Panwar, Surveyor ✓	No.66 (ACCM) P (SA) ✓	NEC Shillong (11/11/71)
51.	Shri Ram Nath, Surveyor ✓	No.79 (P) P (NWC) ✓	NC Dehra Dun (11/11/71)
52.	Shri N.S. Bisht, Surveyor ✓	No.56 P (NWC) ✓	NWC Chandigarh (11/11/71)
53.	Shri Samar Vir Singh, Surveyor ✓	No.68 (T) P (G.&R.B.) ✓	G&RB Dehra Dun (11/11/71)
54.	Shri S.K. Guar, Surveyor ✓	No.33 P (NC) ✓	NC Dehra Dun (11/11/71)
55.	Shri C.K. Nautiyal, Surveyor ✓	No.20 (P) P (NC) ✓	NC Dehra Dun (11/11/71)
56.	Shri D.R. Verma, Surveyor ✓	No.22 (P) P (NEC) ✓	No.79 P (NWC) Dehra Dun (11/11/71)
57.	Shri S.C. Gupta, Surveyor ✓	No.38 P (SSEC) ✓	SSEC Hyderabad (11/11/71)
58.	Shri Shridhar Prasad Sati, Syr. ✓	D.M.C. D.Dun ✓	MCC Dehra Dun (11/11/71)
59.	Shri P. Purkayastha, Surveyor ✓	No.12 P (NEC) ✓	NEC Shillong (11/11/71)
60.	Shri H.K. Gulati, Surveyor ✓	P.S.O. (NC) ✓	NC Dehra Dun (11/11/71)
61.	Shri S.K. Potti, Surveyor ✓	No.67 (FSP) P Coimb. ✓	No.67 (FSP) P Coimbatore (11/11/71)
62.	Shri Ranjeet Singh, Surveyor ✓	No.26 (P) P (NC) ✓	NC Mussoorie Dehra Dun (11/11/71)
63.	Shri T.S. Madhok, Surveyor ✓	No.38 P (SSEC) ✓	SSEC-Hyderabad (11/11/71)
64.	Shri B.S. Tyagi, Surveyor ✓	No.20 (P) P (NC) ✓	NC Mussoorie (11/11/71)
65.	Shri Rajendra Singh, Surveyor ✓	N.C.O. ✓	NC Mussoorie (11/11/71)
66.	Shri M.R. Kumar, Surveyor ✓	N.Z. Chandigarh ✓	NWC Chandigarh (11/11/71)
67.	Shri J.L. Bancrjee, Surveyor ✓	No.37 P (EC) ✓	EC Calcutta (11/11/71)
68.	Shri V.K. Upreti, Surveyor ✓	No.26 (P) P (NC) ✓	NC Mussoorie (11/11/71)
69.	Shri Sukumar Das, Surveyor ✓	No.62 P (EC) ✓	EC Calcutta (11/11/71)
70.	Shri P.B. Das, Surveyor ✓	No.80 (P) P (EC) ✓	EC Calcutta (11/11/71)
71.	Shri Jai Singh, Surveyor ✓	P.S.O. (NC) ✓	No.25 P (NWC) Mussoorie (11/11/71)
72.	Shri S.P. Bahuguna, Surveyor ✓	No.79 (P) P (NWC) ✓	WC Mussoorie (11/11/71)

73.	Shri N.N. Dey, Surveyor ✓	No.37 P (EC) ✓	EC Calcutta (77) 2/17
74.	Shri C.V. Chari, Surveyor ✓	No.15 P (STI) ✓	STI Hyderabad 2/17
75.	Shri S.C. Dabral, Surveyor ✓	D.M.C. D.Dun ✓	WC Jaipur 2/17
76.	Shri Madan Mohan Singh, Surveyor ✓	N.W.C.O. ✓	NWC Chandigarh 2/17
77.	Shri P.C. Badke, Surveyor ✓	No.44 P (CC) ✓	No.44 P (CC) Indore 2/17
78.	Shri S.D. Uniyal, Surveyor ✓	No.20 (P) P (NC) ✓	No.91 P (NC) Lucknow 2/17
79.	Shri M.S. Chauhan, Surveyor ✓	No.44 P (CC) ✓	No.44 P (CC) Indore 2/17
80.	Shri A.K. De, Surveyor ✓	No.30 (P) P (EC) ✓	NEC Shillong 2/17
81.	Shri E.V.S. Murthy, Surveyor ✓	No.51 P (SCC) ✓	SCC Hyderabad 2/17
82.	Shri T.K. Gupta, Surveyor ✓	No.80 (P) P (NEC) ✓	NEC Shillong 2/17
83.	Shri B.B. Kotnala, Surveyor ✓	No.20 (P) P (NC) ✓	WC Jaipur 2/17
84.	Shri O.P. Ratra, Surveyor ✓	No.26 (P) P (NC) ✓	WC Ajmer 2/17
85.	Shri Brijendra Kumar, Surveyor ✓	S.T.I. 78/17/17/17 ✓	STI Hyderabad 2/17
86.	Shri Laxman Das, Surveyor ✓	No.79 (P) P (NWC) ✓	WC Ajmer 2/17
87.	Shri P.M. Daniyal, Surveyor ✓ ✓	No.21 P (SC) Triv. ✓	SC Bangalore 2/17
88.	Shri G.C. Das (SC), Surveyor ✓	No.35 P (NEC) ✓	No.35 P (NEC) Guwahati 2/17
89.	Shri Surendra Prasad (SC), Surveyor ✓	No.26 (P) P (NC) ✓	No.60 P (CC) Gwalior 2/17
90.	Shri Sant Ram (SC), Surveyor ✓	No.13 P (WC) ✓	No.13 P (WC) Mussoorie 2/17
91.	Shri Niranjana Prasad (SC), Surveyor ✓	No.22 (P) P (NEC) ✓	No.92 P (EC) Varanasi 2/17
92.	Shri N.C. Behra (SC), Surveyor ✓	No.76 (P) P (SEC) ✓	No.75 P (EC) Patna 2/17
93.	Shri Mool Chand (SC), Surveyor ✓	No.45 P (CC) ✓	CC Jabalpur 2/17
94.	Shri Gurmail Singh (SC), Surveyor ✓	No.42 P (NWC) ✓	NWC Ambala 2/17
95.	Shri Ram Lal Ram (SC), Surveyor ✓	No.92 P (EC) ✓	No.92 P (EC) Varanasi 2/17
96.	Shri Lakshmi Kanta Bar (SC), Surveyor ✓	No.63 P (EC) ✓	NEC Shillong 2/17
97.	Shri Subhas Chandra (SC), Surveyor ✓	No.93 (QCAP) P (SA) ✓	No.2 P (WC) Jodhpur 2/17
98.	Shri R.K. Kuril (SC), Surveyor ✓	No.22 (P) P (NEC) ✓	No.92 P (EC) Varanasi 2/17
99.	Shri V.K. Binodia (SC), Surveyor ✓	No.48 (P) P (CC) ✓	CC Jabalpur 2/17
100.	Shri Kumbhakarna Mallick (SC), Surveyor ✓	No.77 (P) P (SEC) ✓	NEC Shillong 2/17
101.	Shri Biranchi Narayan Patra (SC), Surveyor ✓	No.77 (P) P (SEC) ✓	NEC Shillong 2/17
102.	Shri S.B. Kharbangar (ST), Surveyor ✓	No.80 (P) P (NEC) ✓	No.80 (P) P (NEC) Shillong 2/17
103.	Shri Bidyadhar Mallik (SC), Surveyor ✓	No.76 (P) P (SEC) ✓	NEC Shillong 2/17
104.	Shri J.M. Nongkhlaw (ST), Surveyor ✓	No.80 (P) P (NEC) ✓	NEC Shillong 2/17
105.	Shri Wordkinson Tariang (ST), Surveyor ✓	No.80 (P) P (NEC) ✓	NEC Shillong 2/17
106.	Shri Ramakanta Jena (SC), Surveyor ✓	No.85 P (SEC) ✓	No.85 P (SCC) Nagpur 2/17
107.	Shri Rajendra Paswan (SC), Surveyor ✓	No.74 P (SEC) Ranchi ✓	No.74 P (SEC) Ranchi 2/17
108.	Shri Kulwant Singh (SC), Surveyor ✓	No.14 P (G.&R.B.) ✓	No.17 DO (NWC) Jammu 2/17
109.	Shri Shyam Singh (SC), Survey Assistant ✓	No.28 P (NWC) ✓	No.17 DO (NWC) Jammu 2/17
110.	Shri Mahavir Singh (SC), Survey Assistant ✓	No.73 (APFPS) P (SA) ✓	No.2 P (WC) Jodhpur 2/17
111.	Shri Amar Singh (SC), Survey Assistant ✓	No.68 (T) P (G.&R.B.) ✓	No.60 P (CC) Gwalior 2/17
112.	Shri Jitendra Baraik (ST), Survey Assistant ✓	No.11 P (SEC) Ranchi ✓	No.11 P (SEC) Ranchi 2/17
113.	Shri B.N. Patel (ST), Survey Assistant ✓	No.6 P (WC) Ahmadabad ✓	No.6 P (WC) Ahmadabad 2/17
114.	Shri Tarcitius Bara (ST), Survey Assistant ✓	No.11 P (SEC) Ranchi ✓	NEC Shillong 2/17
115.	Shri J.R. Gond (ST), Survey Assistant ✓	No.88 P (CC) ✓	No.88 P (CC) Raipur 2/17
116.	Shri Bishnu Binha (ST), Survey Assistant ✓	No.11 P (SEC) Ranchi ✓	NEC Shillong 2/17
117.	Shri B.S. Munda (ST), Survey Assistant ✓	No.11 P (SEC) Ranchi ✓	NEC Shillong 2/17
118.	Shri Ram Gopal Meena (ST), Survey Asstt. ✓	No.83 P (WC) ✓	WC Jaipur 2/17
119.	Shri Ami Chand (ST), Surveyor ✓	No.28 P (NWC) ✓	No.25 P (NWC) Mussoorie 2/17

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(36)

120.	Shri Pancham Singh (ST), Surveyor ✓	No.22 (P) P (NEC) ✓	CC Jabalpur (457) 31 7
121.	Shri R.K. Meena (ST), Surveyor ✓	No.58 P (WC) Ajmer ✓	No.58 P (WC) Ajmer 2717
122.	Shri Sridhar Roy (ST), Surveyor ✓	No.9 P (NEC) ✓	No.9 P (NEC) Shillong 2517
123.	Shri Arjun Singh (ST), Surveyor ✓	No.61 P (CC) ✓	CC Jabalpur 3 12
124.	Shri Shoor Bir Singh (ST), Surveyor ✓	D.S.A. ✓	CC Jabalpur

2. The above ad-hoc promotion would be effective from the date of actual assumption of charge by the officer concerned on promotion. It may please be made clear to the officers that this ad-hoc promotion is purely provisional and would not bestow any right of seniority and can be terminated at any time.

3. These orders may please be implemented within one month from the date of issue of this letter. While communicating to the above promotions, it may be intimated to the concerned officers in writing that their failure to take-up the ad-hoc promotion within one month of issue of this order will amount to their refusal to accept the offer of promotion leading to filling up of the vacancies by other eligible officers.

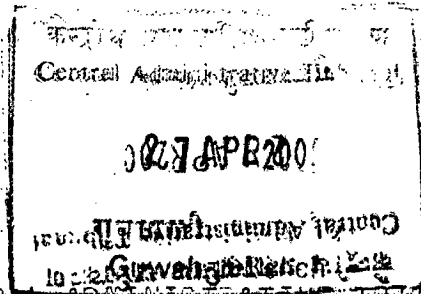
4. Necessary certificate of assumption of charge on form O.115(Acc.) may please be sent to this office in triplicate, for further action, at the earliest.

[R.N. SRIVASTAVA]
BRIGADIER
DEPUTY SURVEYOR GENERAL
(for SURVEYOR GENERAL OF INDIA)

Copy to :-

1. The Central Pay & Accounts Officer, Survey of India, Dehra Dun for information.
2. The Regional Pay & Accounts Officer, Jaipur/Hyderabad/Calcutta for information.
3. EI Section SGO.

(1) 26.3.16 11.11.12, 12.11.12, 13.11.12, 14.11.12, 15.11.12, 16.11.12, 17.11.12, 18.11.12, 19.11.12, 20.11.12, 21.11.12, 22.11.12, 23.11.12, 24.11.12, 25.11.12, 26.11.12, 27.11.12, 28.11.12, 29.11.12, 30.11.12, 1.12.12, 2.12.12, 3.12.12, 4.12.12, 5.12.12, 6.12.12, 7.12.12, 8.12.12, 9.12.12, 10.12.12, 11.12.12, 12.12.12, 13.12.12, 14.12.12, 15.12.12, 16.12.12, 17.12.12, 18.12.12, 19.12.12, 20.12.12, 21.12.12, 22.12.12, 23.12.12, 24.12.12, 25.12.12, 26.12.12, 27.12.12, 28.12.12, 29.12.12, 30.12.12, 1.1.13, 2.1.13, 3.1.13, 4.1.13, 5.1.13, 6.1.13, 7.1.13, 8.1.13, 9.1.13, 10.1.13, 11.1.13, 12.1.13, 13.1.13, 14.1.13, 15.1.13, 16.1.13, 17.1.13, 18.1.13, 19.1.13, 20.1.13, 21.1.13, 22.1.13, 23.1.13, 24.1.13, 25.1.13, 26.1.13, 27.1.13, 28.1.13, 29.1.13, 30.1.13, 1.2.13, 2.2.13, 3.2.13, 4.2.13, 5.2.13, 6.2.13, 7.2.13, 8.2.13, 9.2.13, 10.2.13, 11.2.13, 12.2.13, 13.2.13, 14.2.13, 15.2.13, 16.2.13, 17.2.13, 18.2.13, 19.2.13, 20.2.13, 21.2.13, 22.2.13, 23.2.13, 24.2.13, 25.2.13, 26.2.13, 27.2.13, 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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH::GUWAHATI

In the matter of :-

O.A. No.151 of 2004

Patal Bihari Das & Ors.

...Applicant

-Versus-

Union of India & Ors.

...Respondent

Addl. written statement for and on behalf
of Respondents Nos.1,2 & 3.

I, Brig. B.D. Sharma, Director, Survey of India,
Meghalaya & Arunachal Pradesh GDC, Shillong-793 001, do hereby
solemnly affirm and say as follows :-

1. That I am the Director, Survey of India, Meghalaya and
Arunachal Pradesh GDC, Shillong and as such fully acquainted with
the facts and circumstances of the case. I have gone through a
copy of the ammended application and have understood the contents
thereof. Save and except whatever is specifically admitted in
this written statement the other contentions and statement may be
deemed & to have been denied. I am authorised to file the written
statement on behalf of all the respondents.

2. That the respondents beg to place the background of the
case as follows :-

(i) That according to Recruitment rules before 1983 50%
of the vacancies are to be filled by direct recruitment and 50%
by promotion from Class-III, Division-I (Topographical) Establishment.
According to Recruitment rule 1983 there were 359 sanctioned posts
of Officer Surveyor prior to cadre review. As per DST's letter
No.SM/02/044/088, dtd.30-01-1996, out of 359 posts, 21 posts meant
for Chief Draftsman was reduced in the grade of Officer Surveyor.
Thus sanctioned strength of Officer Surveyor got reduced to 338,
136 posts were created in cadre review vide DST's letter No.SM/02/
044/088, dtd.30-1-1996. The DPC could not be convened for the created
posts due to some administrative reason in the absence of recruit-
ment rules and were granted ad-hoc promotion.

Contd..p'2-

Union of India & Ors.
through:-
Brig. B.D. Sharma
Addl. Central Govt. Standing Counsel
C. A. T. 26.4.05
Guwahati

Done

(ii) As per existing rules 1983, 75% of the promotional quota is to be filled by DPC promotees and 25% to be filled by LDCE promotees.

(iii) The applicant's plea to recast their seniority after counting of their ad-hoc service could not be considered. As per rule at the time of giving ad-hoc promotion, it was clearly stated in the promotion order for the post of Officer Surveyor on ad-hoc basis vide this letter No.C-2425/707, dtd.23-7-1998 (~~promotee~~, ~~ad-hoc~~) that the ad-hoc promotion is purely provisional and would not bestow any benefits of seniority and can be terminated at any time. As per D&P & T's instructions regarding holding of DPC, panel has been prepared year wise and seniority has been fixed accordingly and such promotions will have only prospective effect even in cases where the vacancies related to earlier years.

(iv) Prior to the cadre review, promotion to the grade of Officer Surveyors was done by selection from combined seniority list of Surveyors, Survey Assistant, Geodetic Computer and Draftsman Division-I. In cadre review in Group 'B' Chief Draftsman's posts have been sanctioned and excluded from Officer Surveyor's cadre. As such the recruitment rules to the post of Officer Surveyor had to be revised before holding DPC for the newly created posts under Cadre Review. Keeping in view, the delay in finalization of Recruitment Rules action was initiated to promote on ad-hoc basis and ad-hoc promotion continued till regularisation subject to the vacancies. The personnel were promoted on their turn according to their seniority in feeder grade and as per norm of DPC. Hence the allegation made by applicant is not correct. The seniority in the grade of Officer Surveyor between DPC promotees and LDCE promotees has been fixed according to rules.

(v) As per existing rules 1983, 75% of the promotional quota is to be filled by DPC promotees and 25% to be filled by LDCE promotees. The annual vacancies occurring in the grade of Officer Surveyor are being distributed/filled up as Officer Surveyor as per the quota prescribed in the existing recruitment rules. The seniority of the officer is being maintained as per the general principles for determination of seniority in the Central Service matter as per rule 6 of Chapter I of Swamy's Compilation on Seniority and promotion, which is reproduced below :-

" The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in the recruitment rules".

(vi) On the implementation of judgement in OA No.221 of 1996 passed by the Hon'ble Tribunal, Cuttack Bench, Cuttack filed by Sri B. Mahapatra and others -Vs- Union of India & Ors. the Limited Departmental Competitive Examination in year(s) even though the vacancies arose during that year(s) is similar to not holding DPC in such a situation and just as year-wise pannel is to be prepared by the DPC as and when it meets and the empanelled Officers and allowed relevant year's seniority, similar treatment should be given to those selected through LDCE as and when it is eheld. Hence the Applicant's seniority is fixed according to rule, which was circulated vide this office letter E1-12389/707, dtd.01-8-2003 and No.E1-14494/707, dtd.08-09-2003.

(vii) The applicant was promoted on ad-hoc basis w.e.f. 23-07-1998. He was regularised to the post of Officer Surveyor w.e.f. 17-7-2001 (AN) after convening the rugular DPC. The consolidated Instructions on Departmental Promotion Committee And Related Matter's rule 6.4.4 clearly stated that - "while promotions will be made in the order of the consolidated select list, such promotions will have only prospective a effect even in cases where the vacancies related to the earlier year(s).

3. That with regard to the statements made in paragraph 1 of the M.P. NO.56/05, the respondents beg to state that as per DoP&T's instructions regarding holding of DPC panel has been prepared year wise and seniority has been fixed accordingly and such promotions will have only prospective effect even in cases where the vacancies related to earlier years. The seniority of the officer is being maintained as per the general principles for determination of seniority in the Central Service matter as per rule 6 of Chapter 1 of Swamy's Compilation on Seniority and promotion, which is reproduced below :-

" The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in the recruitment rules".

4. That with regard to the statements made in paragraph 2-B of the M.P. No.56/05, the respondents beg to state that the applicants contention that the respondents are providing undue preference to the promotees belonging to the 25% in excess operation of the said quota depriving the present applicants from their legitimate claim of promotion, is wrong. As per DoP&T's instructions regarding holding of DPC, panel has been prepared year wise and seniority has been fixed accordingly and such promotions will have only prospective effect even in cases where the vacancies related to earlier years.

5. That with regard to the statements made in amended paragraph 4.13 of the application, the respondents beg to state that there were 359 sanctioned posts of officer Surveyor prior to cadre review. As per DST's letter No.SM/02/044/088, dtd.30-01-1996, out of 359 posts, 21 posts meant for Chief Draftsman was reduced in the grade of Officer Surveyor. Thus sanctioned strength of Officer Surveyor got reduced to 338, 136 posts were created in cadre review vide DST's letter No.SM/02/044/088, dtd.30-01-1996. The DPC could not be convened for the created posts due to some administrative reason in the absence of recruitment rules and were granted ad-hoc promotion. The DPC acted strictly in accordance with the rule and DPC guidelines issued from time to time. The delay in convening DPC in time was caused by some administrative reasons and court case etc.

6. That with regard to the statements made in amended paragraph 4.14 of the application, the respondents beg to state that on the implementation of judgement in OA No.221 of 1996 passed by the Hon'ble Tribunal, Cuttack Bench, Cuttack filed by Sri Sri E. Mahapatra and Ors. -Versus- Union of India & Ors., the Limited Departmental Competitive Examination in year(s) even though the vacancies arose during that year(s) is similar to not holding DPC in such a situation and just as year-wise panel is to be prepared by the DPC as and when it meets and the empanelled officers are allowed relevant year's seniority, similar treatment should be given to those selected through LDCE as and when it is held. Hence the applicant's seniority is fixed according to rule, which was circulated vide this office letter E1-12389/707, dtd.01-8-2003 and No.E1-14494/707, dtd.08-09-2003. As already stated in forgoing para's reply, the recruitment rules to the post Officer Surveyor had to be reframed due to exclusion of Draftsman Division-II from feeder post, Implementation of Cadre Review could not be done. As per rule, it is clearly stated ~~that~~ ad-hoc promotion is purely provisional and would not bestow any benefits of seniority and can be terminated at any time, hence the applicant's plea could not be accepted.

7. The applicant was promoted on ad-hoc basis w.e.f. 23-07-98. Hexxxx was regularized to the post of Officer Surveyor w.e.f. 17-07-2001 (AB) after convening the regular DPC. As per Consolidated Instructions on Departmental Promotion Committee And Related Matter's rules 6.4.4. clearly states that "while promotions will be made in the order of the consolidated select list, such promotions will have only prospective effect even in cases where the vacancies related to the earlier year(s)."

Contd..p '5-

7. That with regard to the statements made in amended paragraph 4.15 of the application, the respondents beg to state that the seniority is being maintained on the settled principle of rota-quota amongst the officer belonging to the 75% i.e. by DPC promotee and 25% i.e. through LDCE promotee. The DPC acted strictly in accordance with the rule and DPC guidelines issued from time to time. The delay in convening DPC in time was caused by some administrative reasons and court case etc.

Prior to the Cadre Review, promotion to the grade of Officer Surveyor was done by selection from combined seniority list of Surveyors, Survey Assistant, Geodetic Computer and Draftsman Division-I. In cadre review in Group-'B' Chief Draftsman posts have been sanctioned and excluded from Officer Surveyor's post. As such the recruitment rules to the post of Officer Surveyor had to be revised before holding DPC for the newly created posts under Cadre Review. As per existing rules 1983 75% of the promotional quota is to be filled by DPC promotees and 25% to be filled by LDCE promotees. The annual vacancies occurring in the grade of Officer Surveyor are being distributed/filled up as Officer Surveyor as per the quota prescribed in the existing recruitment rules.

The applicant was promoted on ad-hoc basis w.e.f. 23-07-98. He was regularized to the post of Officer Surveyor w.e.f. 17-07-2001 (A/N) after convening the regular DPC. As per Consolidated Instructions on Departmental Promotion Committee And Related Matter's rules 6.4.4. clearly states that - "while promotions will be made in the order of the consolidated select list, such promotions will have only prospective effect even in cases where the vacancies related to the earlier year(s)."

8. That with regard to the statements made in paragraph 2-D of the M.P. No.56/05, the respondents beg to state that as already explained Government approval to implement cadre review was received in 1996 and not in 1995. Only after receipt of revised Recruitment Rules, DPC could be held in the year 2001 for the years 1996 to 2000.

As per existing rules 1983, 75% of the promotion quota is to be filled by DPC promotees and 25% to be filled by LDCE promotees. Therefore, the annual vacancies occurring in the Officer Surveyor Grade are being distributed as per the quota prescribed in the existing recruitment rules which are applicable to all feeder cadres for promotion through LDCE for the grade of Officer Surveyor. Hence the question does not arise to promote persons junior to the applicant and the seniority in the grade of Officer Surveyor has been fixed according to rota quota as provided in the rules.

9. That with regard to the statements made in paragraph 2-E of the M.P. No.56/05, the respondents beg to state that the seniority of DPC promotees and LDCE promotees has been fixed according to vacancies available for each method of promotion. In view of position explained above, action has been taken to hold the DPC in time and there was no case of inaction on the part of respondents.

10. That with regard to the statements made in paragraph-3 of the M.P. No.56/05, the respondents beg to state that in view of foregoing, taking into consideration of the facts and circumstance of the case, the amendment may not be permitted.

11. That with regard to the statements made in paragraph-4 of the application, the respondents beg to state that the applicant's plea to recast their seniority after counting of their ad-hoc service can not be accepted. As per rule at the time of giving ad-hoc promotion, it was clearly stated in the promotion order for the post of Officer Surveyor on ad-hoc basis vide this letter No. C-2425/707, dtd.23-7-1998 that the ad-hoc promotion is purely provisional and would not bestow any benefits of seniority and can be terminated at any time.

12. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

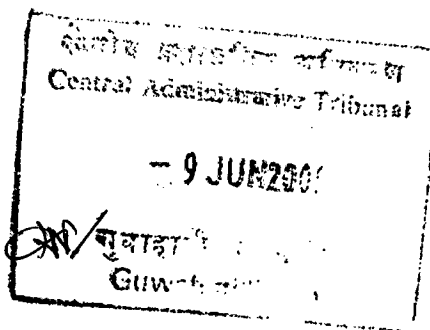
VERIFICATION

I, Brig. B.D. Sharma, presently working as Director, Survey of India, Meghalaya and Arunachal Pradesh GDC, Shillong being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs / of the application are true to my knowledge and belief, those made in paragraphs 2 - 11 being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 15th day of April, 2005 at Shillong

DEPONENT

(Brig. B. D. Sharma)
Director (M. & A. P., GDC)
Survey of India
Shillong-793001



Filed by -
the applicants -
through
Bandana Devi
Abhocali -
9.6.05 25

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No.151/04

Sri Patal Bihari Das & Ors.

-VS-

Union of India & Ors.

REJOINDER TO THE WRITTEN STATEMENT FILED ON BEHALF OF
RESPONDENT NOS.1, 2 & 3.

1. That a copy of the written statement has been served upon the counsel for the applicant and they have gone through the same and have understood the contents thereof.
2. That save and except the statements which are admitted herein below other statements made in the written statement are denied. The statements which are not borne on record are also denied and the respondents are put to the strictest proof thereof.
3. That before dealing with the various contentions made in the written statement, the applicants beg to raise the preliminary objection regarding the maintainability of the written statement. The Written Statement has been verified by Brig. B.D.Sarma, Director Survey of India without disclosing regarding the paragraphs which are true to his knowledge and which are matters of records. Such an

- 2 -

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incomplete Written Statement supported by defective Verification is not at all acceptable more so where the issue involved in this case is serious in nature. Apart from that there has been contradictory statements in the aforesaid Written Statement with suppression of material facts and as such while rejecting the Written Statement the Hon'ble Tribunal may be pleased to accept the statements made by the applicants to be true and the OA may be allowed.

Without prejudice to the preliminary objection raised above, the applicants beg to place the parawise remarks as under.

4. That with regard to the statement made in para 1 of the Written Statement, the applicants offer no comment on it.

5. That with regard to the statement made in para 1 of the Written Statement, the applicants offer no comment on it.

6. That with regard to the statement made in para 2 of the Written Statement, the applicants while denying the contentions made therein beg to state that the contentions raised by the respondents are self contradictory and same can not be accepted. On one hand the respondents placed the fact that as per the existing recruitment rule cadre review was effected creating posts and those posts were in existence on 30.1.96. The law is well settled that posts created by following the due process of law can not be kept ideal where there is adequate man power to shoulder the

responsibility. It is also the settled law that in public service the short cut method of adhocism is totally uncalled for. Admittedly posts were in existence w.e.f. 30.1.96 and there were eligible officers to occupy those posts on regular basis. However due to negligence and delay in convening DPC as required under the rules, the posts surfaced on 30.1.96, could only be filled up on 23.7.98 that too by resorting to adhoc promotion. Had there been year wise DPC, those posts could have been filled up in the year 1996 itself on regular basis.

It is further stated that in the instant case admittedly the regular promotions made to the applicants against the vacancies of 1996, should have been made effective from the date when the vacancies arose. Law in this regard as settled by the Hon'ble Apex Court is clear that vacancies occur on a particular period requires to be filled up on the date of occurrence when there is sufficient man power to shoulder such responsibility.

That respondents in their Written Statement have admitted the fact that on 30.1.96 the posts in question surfaced and the said cadre review was effected taking into consideration the recruitment rule of 1983. The recruitment rule of 1962 is not applicable in this case. In terms of 1993 recruitment rules the applicants were eligible to be promoted to the post of officer surveyor on regular basis. However due to certain untenable reason the matter relating to their promotion was delayed and lastly on 23.7.98 adhoc promotions were made. The contention of the respondents regarding availability of vacancy is also not tenable as it

revelas from the admitted fact that due to cadre review, number of vacancies surfaced and non convening of DPC in time was the sole reason for not effecting regular promotion to the applicants in the year 1996 itself.

The respondents immediately after creation of 136 posts on 30.1.96 did not take any initiative to fill up the same by convening regular DPC and same has resulted serious prejudice to the service as well as promotion of the applicants.

It is further stated that in one hand the respondents have admitted the fact that DPC could not be convened due to administrative reason for the newly created posts and on the other hand in subsequent paragraphs it is contended that DPC was held regularly effecting and regulating the seniority of the applicants. Admittedly the respondents have failed to explain the fact that since 30.1.96 (i.e the date on which 136 Posts surfaced), no DPC held and it was only in the month of July 1998²⁰⁰¹ a DPC held for giving the applicants the regular promotion to the posts of Officer Surveyor, but subsequently without any reason such regular promotion was altered to Ad-hoc one. It was the information gathered by the applicants in respect of holding the DPC from the reliable source. Since the respondents never replied to the representation filed by the applicants, it was not known as to why the mode of promotion were altered from regular to Ad-hoc. Thereafter another DPC held in the month of July 2001 pursuant to which the applicants have been given promotion to the post of Officer Surveyor on regular basis.

It is further denied that the promotion were made in order to consolidated select list and as such same could not be made retrospective as stated by the respondents. In fact it is clear the Annexure-2 order dated 16.7.01 that enblock promotions were made pursuant to the cadre review held in the year 1996 and as such contention of drawal of consolidated select list as well as effecting promotion on the basis of availability of vacancies is not at all tenable.

7. That with regard to the statement made in para 3 of the Written Statement, the applicants while denying the contentions made therein begs to state that the mere putting some irrelevant rules in the order promoting them to the post of Officer Surveyor does not debar from making claim for treating such ad-hoc service as regular one and to refix their seniority. Admittedly the applicants were eligible to hold the post of Officer Surveyor on the date when the vacancies surfaced i.e. 30.1.96 and there is also no dispute that the recruitment Rule in force i.e. the recruitment Rules of 1983 was in force and as such the respondents now can not take the shater of delay in convening DPC in time. The reasoning put forwarded by the respondents are not correct one indefinite. The respondents have failed to explain the delay on the plea of Administrative reason. Again as per the information gathered from reliable source, there was no interference from any court of Law towards holding of DPC. Even if there is some interim direction from any competent court of Law, same could not infact restrained the respondent to convine review DPC as on 30.1.96. It is further stated that since the date of ad-hoc promotion, the

applicants continue to hold the said posts of officer Surveyor till same is regularised and as such the service rendered by the applicants on ad-hoc requires to be counted towards fixing their seniority. The Law in this regard is very clear that the ad-hoc promotion made against clear vacancy, which subsequently regularised pursuant to DPC requires to be made with restropective effect i.e. from the date of ad-hoc promotion refixing the seniority.

8. That with regard to the statement made in para 4 of the Written Statement, the applicants while reiterating and reaffirming the statement made above as well as in the OA beg to state that pursuant to the cadre review (30.1.96) 136 posts of Officer Surveyor surfaced but it was ony due to non-convening of regular DPC as contemplated under the Rules, same could not be given effect to w.e.f. 1976 i.e. when the posts surfaced. The reasonings assigned by the respondents are self contradictory and vague. The statement of the respondents i.e. "Administrative Reason" is vague and same does not disclose as to how delay occured.

9. That with regard to the statement made in para 5 of the Written Statement the applicants offer no comment on it.

10. That with regard to the statement made in para 6 of the written statement the applicants while reiterating and reaffirming the statements made above as well as in the OA begs to state that the statements made by the respondents are self contradictory and vague. The Recruitment Rules of 1962 laid down the quota of direct recruit and promottee as

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50% : 50% and of 75% from promotional quota and 25% from limited Department Competative Examination. In terms of the Rules holding the filed DPC is required to be convened every year taking in to consideration available and anticipated vacancies. If the posts in question fell vacant in a particular year and DPC could not held for some extraordinary situation, the provision for convening Review DPC, as on that date (i.e. date of occurrence of the vacancies) may be followed. However, in the instant case the respondents kept the vacancies of 1996 inoperative till 2001 without there being any suitable explanation. On the other hand the said respondents only on 17.7.01 filled up the vacancies in question on regular basis, that too with prospective effect the respondents ought to have convene a review DPC as on 1996, as the vacancies were in existence and the applicants were at the relevant point of time.

14. That with regard to the statement made in para 7, 8 & 9 of the written statements the applicant while reiterating and reaffirming the statements made above as well as in the OA beg to state that the respondents have admitted the fact that the Recruitment Rules of 1983 was in force at the time of occurrence of the vacancy as well as till the time of regular vacancy. It is also stated that the respondents while fixing the seniority failed to take into consideration the relevant Rules regarding fixing seniority. In fact before finalisation of the seniority, the respondents even have not provided any opportunity of hearing to the applicants in violation of the settled position of law.

12. That with regard to the statement made in para 10 of the Written Statement, the applicants while reiterating and reaffirming the statements made above as well as in the DA beg to state that the statements made by the respondents are self contradictory and baseless.

13. That with regard to the statement made in para 11 of the Written Statement, the applicants while denying the statements made therein begs to state that delay in holding DPC and thereby drawing year wise penal, have given rise to the present contradictory and for that only the applicants can not be made to suffer.

14. That with regard to the statement made in para 12 of the Written Statement, the applicants while reiterating and reaffirming the statements made above as well as in the DA begs to state that no year wise penal was down by the respondents in respect of filling up of 136 posts of Officer's Surveyor since 1996. The respondents in fact have admitted the fact that due to administrative reason DPC could not be held and as such the statement made in this para is self contradictory and false. Law relating to that effect is very clear that the vacancies at the relevant point of time required to be filled up by the recruitment Rules prevailling at that point of time.

15. That with regard to the statement made in para 13 of the Written Statement, the applicants while denying the contentions raised therein beg to state that the respondents by making contradictory statement has made an attempt to complicate the simple issue raised by them only with a sole

purpose to defeat their claim.

16. That with regard to the statement made in para 14 to 23 the applicants while reiterating and reaffirming the contentions made above as well as in the OA begs to state that the respondents have admitted the fact that since 1996 to 2000 there was no DPC only on the pretext of some administrative reason. However, the fact relating to such long delay as well as other factual disclosure does not indicate any bonafide exercise of power and for that the legitimate claim of the applicants cannot be denied. The DPC held in the year 2001 should have been relate back to the year 1996 treating the same to a review DPC and to fill up these posts invoking the Recruitment Rules of the relevant period.

Admittedly the present applicants have been made the victim of the circumstances and for that appropriate relief as prayed for in the OA may be granted.

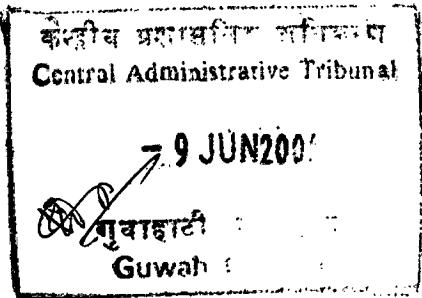
VERIFICATION

I, Shri Patal Bihari Das , son of Late P.K.Das, aged about 56 years, resident of Survey of India Estate, Barik, Shillong- 793001, do hereby solemnly affirm and verify that the statements made in paragraphs 5, 11, 12, 13, 14, 15..... are true to my knowledge and those made in paragraphs 6, 7, 8, 10, 16..... are also matter of records and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 9th day of ..June of 2005.

Signature.

Patal Behari Das



Filed by -
the applicants
through
Bondana Devi
Advocate
9.6.05

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A No. 151 of 2004

Patal Bihari Das & ors.

- VS -

Union of India & ors.

IN THE MATTER OF.

An affidavit regarding service of
notice on the Respondents Nos 4 to 8.

I Shri Patal Bihari Das, aged about 56 years, son of
Late P.K.Das, resident of Survey of India Estate, Barik,
Shillong 793001.

1. That I am the applicant No 1 in the instant OA and as
such well acquainted with the facts and circumstances of the
case. I am also authorised by the other applicants to swear
this affidavit.

2. That the applicants above named making a grievance
against the action of the respondents in not fixing the

seniority correctly along with other related grievances, in the cadre of Officer Surveyor, preferred the above noted OA which is pending disposal before the Hon'ble Tribunal. The official respondents while admitting the issues involved in the OA submitted their Written Statement. While going through the Written Statement filed by the respondents the applicants felt it necessary to add some of the junior officials in the OA as Respondents No 4 to 8 which will be utmost necessary for proper ADJUDICATION of the matter. The applicants to that effect, filed Misc Case No 56 of 2005 in the aforesaid OA, praying for amendment of the OA. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to allow the amendment as prayed for and directed them to file consolidated application with an observation to take steps at their own cost.

3. That the applicants in terms of the said order of the Hon'ble Tribunal have taken steps towards the newly added respondents i.e, the Respondents No 4 to 8 through registered speed post on 13.05.05 from Assam Sachibalaya Post Office, Guwahati.

Copies of the postal receipts dated 13.05.05 are annexed herewith and marked as ANNEXURE - A.

4. That the applicants begs to state that as on date the said respondents No 4 to 8 has not appeared before the Hon'ble Tribunal by filing their pleadings what so ever. Since the statutory period has been elapsed, the Hon'ble

Tribunal may be pleased to draw presumption that the copies of the OA which have been sent to their official address, have been dully received.

5. That the applicants begs to state that this affidavit has been filed as a piece of evidence to show the mode of service and for drawal of presumption towards completion of service.

6. That the statements made in para4..... are true to my knowledge and those made in para .2.,.3.... are matters of records which I believed to be true and rests are my humble submission before this Hon'ble Tribunal.

Patal Bihari Das

DEPONENT.

Identified by

Bandana Devi

Advocate.

Solemnly affirm and state by the deponent before me on this the 8th day of June 05, who is identified by Ms Bandana Devi Advocate.

Hizhoni Sam

(AGSAM SACHIDALAYA) भारतीय डाक 599, 2851
Speed Post Recd. No: 2851 IN
NAME: A KUMAR, DND SURVEY
CITY: BENGALURU
FROM 1.
P-STAMP Rs. 50
Gos. 2000/ ANT NULL / 13/05/2005

EE 00003552 IN

(AGSAM SACHIDALAYA) भारतीय डाक 599, 2853
Speed Post Recd. No: 2853 IN
NAME: B S KEMER, SURVEY
CITY: HYDERABAD
FROM 1.
P-STAMP Rs. 50
Gos. 2000/ ANT NULL / 13/05/2005

(AGSAM SACHIDALAYA) भारतीय डाक 599, 2852
Speed Post Recd. No: 2852 IN
NAME: KPS BIKHA, SURVEY OF INDIA
CITY: RANCHI
FROM 1.
P-STAMP Rs. 50
Gos. 2000/ ANT NULL / 13/05/2005

EE 00003553 IN

(AGSAM SACHIDALAYA) भारतीय डाक 599, 2854
Speed Post Recd. No: 2854 IN
NAME: G KUMAR, BENGALURU
CITY: BENGALURU
FROM 1.
P-STAMP Rs. 50
Gos. 1500/ ANT NULL / 13/05/2005

EE 00003554 IN

Dr