

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓ O.A./T.A No... 277/2006

R.A/C.P No.....

E.P/M.A No.....

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SECTION OFFICER (Judl.)

30/X/17

FROM NO. 4
(SEE RULE 24)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application No. 277/06
2. Mice Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(S) Sri Purnushottam Das

Respondant(S) U.O.P. GOM

Advocate for the Applicant(S) Adil Ahamed

Mr. S. Bhattacharyya

Advocate for the Respondat(S) case

Notes of the Registry	Date	Order of the Tribunal
	08.11.2006	Present: Hon'ble Sri K.V. Sachidanandan Vice-Chairman.
<p>The application is in form is filed/G. P. for Rs. 10/- deposited with the No. <u>266932496</u> Dated <u>4.11.06</u></p> <p><u>gum</u> Dy. Registrar</p> <p><u>7.11.06</u></p> <p>steps taken.</p> <p><u>Hi</u></p>		<p>The Applicant is presently working as Administrative Officer in the Regional Metrological Centre, Borjhar, Guwahati and his grievance is that as per recommendation of the 5th Pay Commission and Gazette notification dated 30.12.1997 pay scale of the Administrative Officer has been recommended as Rs. 7500- 250-12000/- at paragraph 46.13 of the report of the Commission, but he was not granted the said pay scale. He has submitted representation which was rejected by annexure - L order dated 14/15.02.2006 stating that "The pay scale of Rs. 7500-200-12000 has been given to those Admin. Officers by 5th Pay Commission who were working in pre- revised scale of Rs. 2375-75-3200-100- 3500" and further stated that the posts of Admin. Officers were not in existence</p>

Contd/-

Contd/-

08.11.2006 before implementation of 5th Pay Commission in IMD. The short question brought to my notice by the Learned Counsel for the Applicant is that there cannot be two pay scales in a post in the same department.

Heard Mr A. Ahmed, learned Counsel for the Applicant and Mr G. Baishya, learned Sr. C.G.S.C. for the Respondents.

Considering the issues involved, I am of the view that the O.A. is to be admitted. Admit. Issue notice to the Respondents. Six weeks time is given to the Respondents to file reply statement.

Post on 19.12.2006.

Vice-Chairman

/mb/

19.12.2006

Mr.G.Baishya, learned Sr.C.G.S.C. wanted further time to file reply statement. Let it be done.

Post on 22.1.2007.

Vice-Chairman

bb

22.1.2007

Mr.G.Baishya, learned Sr.C.G.S.C. is granted further more four weeks time to file reply statement.

Post on 22.2.2007.

Vice-Chairman

/bb/

Notice & order
Sent to D/Section
for issuing to
Resp. nos. 1,2 & 3
Jey. regd. A/D post.

D/No - 1133 to 1135

D/- 16/11/06.

Notice duly served

on R-3

6/5/12/06.

No Wls has been
b'leel.

18.12.06.

No Wls has been
b'leel.

19.1.07.

No Wls has been
b'leel.

22.2.07.

23.2.07. At the request of learned counsel for the respondents six weeks time is granted to file written statement. Post the matter on 9.4.07.

Vice-Chairman

lm

No Wls hms been
filed.

23
5.4.07.

23.4.2007 Present: The Hon'ble Mr. G. Shanthappa
Member (J)

The Hon'ble Mr. G. Ray, Member(A)

Ms. S. Bhattacharjee, learned counsel represented Mr. A. Ahmed, who has submitted a letter for adjournment. Counsel for the Respondents sought for some more time to file reply statement. Four weeks' time is granted for the same.

Post on 24.05.2007.

23
Member (A)

23
Member (J)

/bb/

24.5.07

Counsel for the respondents wanted time to file written statement. Let it be done. Post the matter on 25.6.07.

Vice-Chairman

lm

25.6.07.

At the request of learned counsel for the respondents four weeks time is granted to file written statement. Post the matter on 25.7.07.

Vice-Chairman

lm

No Wls. filed.

23
22.6.07.

Wls not filed.

24
24.7.07.

OA 277/06

25.7.07.

Counsel for the respondent wanted time to file written statement. Let it be done. Post the matter on 27.8.07.

Vice-Chairman

24.3.08

W/s filed by the Respondents. Copy served.

lm

02.09.2008

Call this matter on 03.10.2008 for hearing.

19.6.08

Response filed by the Applicant. Copy served.

Issue notice to the Applicant and the Respondents of this case, so that they can come ready to participate in the hearing on the date fixed.

(Khushiram)
Member(A)

(M.R. Mohanty)
Vice-Chairman

nkm

27/8/08

On overnight this OA was not listed on due date. This case is ready for hearing. Place before the Court for hearing.

03.10.08

None appears for the Applicant nor the Applicants is present. However, Mr. G. Baishya, learned Sr. Standing counsel for the Respondents is present.

Call this matter on 26.11.2008 for hearing along with O.A.178/07.

(S.N. Shukla)
Member(A)

(M.R. Mohanty)
Vice-Chairman

pg

Copies of order dt. 2/9/08 send to D/Section for issuing to applicant and respondents by post.

10/9/08. D/No-3972-75
Dt= 11/9/08.

The case is ready for hearing.


24
25.11.08.

O.A.277/2006

25.06.2009

Call on 22.07.2009 for hearing.

The case is ready
for hearing.


(M.R. Mohanty)
Vice-Chairman

21.7.09

22.07.2009

On the prayer of Mr.N.Ahmed
(Advocate representing the Applicant) made
in presence of Mr.G.Baishya, learned Sr.
Standing counsel, call this matter on
10.08.2009 for hearing.

The case is ready
for hearing.


(M.K. Chaturvedi)
Member (A)


(M.R. Mohanty)
Vice-Chairman

7.8.09

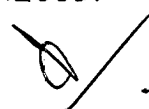
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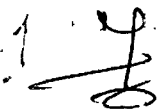
10.08.2009

Call this matter for hearing on

06.10.2009.

The case is ready
for hearing.


(M.K. Chaturvedi)
Member(A)


(M.R. Mohanty)
Vice-Chairman


5.10.09

/lm/

06.10.2009

Call this matter before Division
Bench on 05.11.2009.

The case is ready
for hearing.


(M.R. Mohanty)
Vice-Chairman

9.11.09

/lm/

05.11.2009

On the request of both sides list
on 10.11.2009 for hearing.


(Madan Kr. Chaturvedi)
Member (A)


(Mukesh Kr. Gupta)
Member (J)

/pg/

O.A.277 of 08

26.11.2008

Call this matter on 16th January

2009, for hearing.



(M.R. Mohanty)
Vice-Chairman

lm

Vacation on 16.1.09.
Hence postponed to 19.1.09.
by 11.1.09

19.1.09

No Bench is available.
List on 16.2.09.

b
CO.

16.2.09

Bench is not available.
List on 3.4.09.

b
CO.

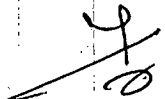
The case is ready
for hearing.

3
24.4.09.

03.04.2009

Call this matter on 27.05.2009 for

hearing.



(M.R. Mohanty)
Vice-Chairman

pg.

The case is ready
for hearing.

2
26.5.09.

27.05.2009

Mr. N. Ahmed, Advocate
(representing Mr. A. Ahmed, learned
counsel for the Applicant) prays for
adjournment of this case. Mr. G.
Baishya, learned Sr. Standing
Counsel appearing for the
Respondents is present. Prayer for
adjournment is granted.

The case is ready
for hearing.

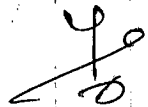
2
24.6.09

Call this matter on

25.06.2009.



(N.D. Dayal)
Member(A)



(M.R. Mohanty)
Vice-Chairman

lm

O.A. No. 277-06

10.11.2009

Heard Mr. A. Ahmed, learned counsel
for the Applicant and Mrs. M. Das, learned Sr.
C.G.S.C. for Respondents.

Hearing concluded. Order reserved.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

18.11.2009

Judgment pronounced in open court.

The O.A. is dismissed in terms of
common order passed separately. No costs.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

Issue vide memo
No. 12815 to 12823
dt- 07-12-2009

17.12.09

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 277 of 2006

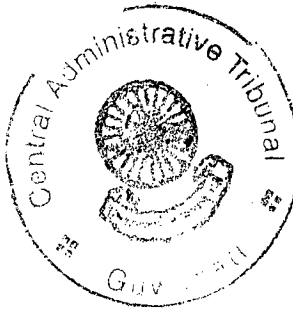
with

Original Application No.175 of 2008

Date of Decision: This, the 18th Day of November, 2009

HON'BLE SHRI MUKESH KUMAR GUPTA, MEMBER (J)

HON'BLE SHRI MADAN KUMAR CHATURVEDI, MEMBER (A)



Shri Purushottam Das
Son of Shri Sunkaram
Administrative Officer
Regional Meteorological Centre
India Meteorological Department
Government of India, N.E. Region
Head Quarter, Borjhar
Assam, PIN - 781015.

...Applicant in both O.A.s

By Advocate: Shri Adil Ahmed.

-Versus-

1. The Union of India
Represented by the Secretary
To the Government of India
Ministry of Science and Technology
And Ocean Development
New Mehruuli Road, New Delhi - 1.
2. The Director General of Meteorology
India Meteorological Department
Mausam Bhawan, Lodhi Road
New Delhi - 110 003.
3. The Deputy Director General of Meteorology
Regional Meteorological Centre
India Meteorological Department
Guwahati - 781 015.

...Respondents in O.A.277/2006

By Advocate: Smt. M. Das, Sr. C.G.S.C.

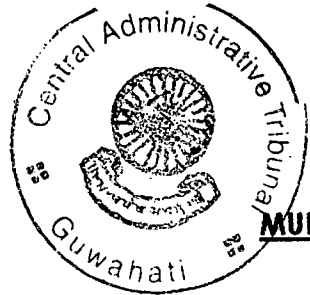
1. The Union of India
represented by Secretary to the
Government of India

Ministry of Earth Sciences
'Mahasagar Bhavan' Block - 12
C.G.O. Complex
Lodhi Road, New Delhi - 110003.

2. The Secretary
Department of Personnel and Training
Ministry of Public Grievances
& Pensions, Government of India
North Block, New Delhi - 110001.
3. The Director General of Meteorology
India Meteorological Department
Mausam Bhawan, Lodhi Road
New Delhi - 110003.

...Respondents in O.A.175/2008

By Advocate: Ms. Usha Das, Addl. CGSC.



ORDER
18.11.2009

MUKESH KUMAR GUPTA, MEMBER (J):

As the issues raised in these two applications filed by same [Sri Purushottam Das] are overlapping, the same are being dealt with by present common order.

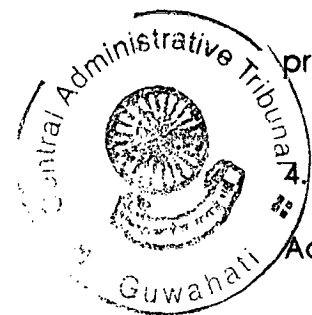
2. Vide O.A. No.277/2006, Applicant basically seeks direction to the Respondents to grant him pay scale of Rs.7500-12000/- w.e.f. 06.09.2005 as Administrative Officer with all consequential benefits including costs whereas vide O.A. 175/2008, he has sought multiple reliefs, namely, challenging speaking order dated 10.08.2007 as well as 19.09.2007. Vide para 8.2 he also seeks direction to Respondents to fully implement the scheme of separation of Administrative and Technical cadre of India Metrological Department as per recommendation of S.K.Das Committee. Relief regarding challenge to orders dated 10.08.2007 and 19.09.2007 have

A

not been pressed and this fact was so noticed and recorded vide order dated 10.11.2009.

3. Admitted facts are that Applicant initially joined as Observatory Attendant in India Metrological Department (IMD in short) in 1971. Later he was appointed/promoted as LDC, UDC and Administrative Officer. As per recommendation made by 3rd Central Pay Commission Administrative and Technical wing of IMD was separated. As per pre-separated recruitment rules, UDC can seek promotion to post of Scientific Assistant through Limited Departmental Examination quota. 5th Central Pay Commission in its recommendation prescribed pay scale for post of Administrative Officer as Rs.7500-12000/- subject to fulfillment of conditions prescribed therein.

His grievance had been that though he was appointed as Administrative Officer, Group B Gazetted but he was not allowed said scale. Rather his pay was fixed in scale of Rs.6500-10500/-. In such circumstances, he submitted representation dated 12.12.2005 which had been rejected vide communication dated 14/15.02.2006. Basic ground urged in support of claim for scale of Rs.7500-12000/- is that similarly situated officers in other departments have been allowed said scale, and therefore, same cannot be denied to him. Gazette of India notification dated 30.09.1997 issued while implementing recommendation made by 5th CPC also prescribed revised pay scale of Administrative Officer as Rs.7500-12000/-. Respondents being a model employer cannot deny him said benefit and therefore its action granting lower pay scale, is illegal, arbitrary and is result of colourable exercise of power besides violation of Articles 14, 16 & 21 of the Constitution of India.

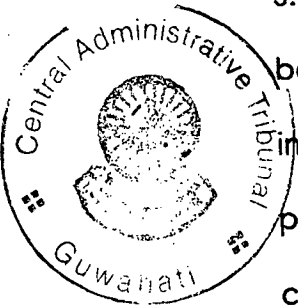


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5. Shri A. Ahmed, learned counsel appearing for Applicant vehemently contended that Applicant is entitled to pay scale of Rs.7500-12000/-.

6. Vide O.A. 175/2008 basic grievance raised by Applicant is that while implementing recommendation of 3rd CPC, Government of India vide Office Order dated 18.05.1979, decided to separate the Administrative and Technical cadre of IMD and options were asked to be exercised to continue in administrative stream or go to technical stream. At that point of time, it was assured that complete bifurcation of the department on similar pattern as adopted by other scientific departments like ISRO, DOD, DOE, and SOI etc. would be adopted. Though 30 years have gone by, Respondents have not yet completed process of bifurcation. Rather, said process of bifurcation was completed in administrative wing only upto to level of Assistant Meteorologist i.e., equivalent to Administrative Officer. S.K.Das Committee was constituted for restructuring IMD. Its report had been submitted, but without any justification, Respondents have delayed implementation of scheme of bifurcation which has caused serious prejudice to persons like Applicant working in Administrative side and consequently he has suffered immensely as he has been denied promotional avenues. Similarly situated persons approached Principal Bench of this Tribunal vide **O.A. 573/2004, Smt. Shalini Makhija vs. Union of India & Ors.** which was decided on 20.09.2004 directing Respondents to take a final decision on the Internal Review Committee report. Applicant also approached this Tribunal earlier vide O.A. 89/2007, which was disposed of vide order dated 03.04.2007 requiring him to make detail representation and in turn Respondents were directed to pass reasoned



and speaking orders thereon. Vide speaking order dated 10.08.2007, it was conveyed that restructuring of IMD is under active consideration of Ministry of Earth Sciences and the recommendation of the Internal Review Committee headed by Dr.U.S.De, the then ADGM, has already been given to said Committee for consideration. Vide O.M. dated 19.09.2007 it was conveyed that no further information can be given till the report of restructuring committee receives approval of the Government.

In this regard learned counsel contended that on one hand Respondents are dithering to take any final decision in the matter and on the other hand, Applicant's career has been adversely affected. In the above backdrop, learned counsel contended that Applicant cannot be made to suffer for any inaction on the part of Government and its agencies.



7. By filing reply, the Respondents pointed out that scheme of separation of administrative and technical wings of IMD, duly approved by the Ministry of Finance was issued vide office order dated 03.07.1980, which was made effective from 01.07.1980. Approval of Ministry to the redesignation of technical posts into equivalent administrative posts was circulated by Budget Section vide office order dated 24.03.1986, based on which order dated 16.04.1986 was issued requiring concerned department to exercise fresh options. Thereafter proposal of creation of 21 posts of Administrative Officer by re-designating by equivalent technical cadre of Assistant Meteorologist Grade was taken up with the Ministry of Finance, which was finally approved on 07.04.1999. The posts of Administrative Officer, so created, were filled up as per provision in the notified Recruitment Rules. Administrative and technical cadres were separated

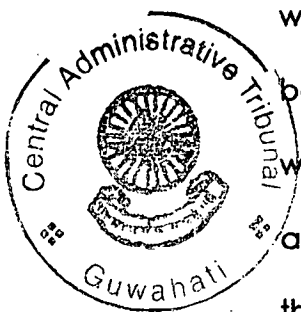
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and new Recruitment Rules for administrative cadre were framed and notified on 15.01.1983. Vide O.M. dated 14.06.1985 Applicant's request for promotion was noted and he was conveyed that he would be considered after bifurcation of technical and administrative wings in the department. 21 posts of Administrative Officer were created in the pay scale of Rs.6500-10500/- under matching saving by re-designating equal number of technical posts in the cadre of Assistant Meteorologist Grade II in the pay scale of Rs.6500-10500/- (pre-revised pay scale of Rs.2000-3500/-) in 1999. As per 5th CPC recommendation, revised pay scale of Rs.7500-12000/- was given to those Administrative Officers who were in the pre-revised scale of Rs.2375-3500/- and not to those who were in receipt of their pay in the pre-revised scale of Rs.2000-3500/-. Applicant was promoted as Administrative Officer w.e.f. 06.09.2005 and his representation dated 12.12.2005 for grant of higher pay scale was considered but it was found that since he was not in the pre-revised scale of Rs.2375-3500/-, prior to implementation of 5th CPC recommendation, he was not entitled to the scale of Rs.7500-12000/, and said fact has been apprised to him. Even as on date, cadre restructuring in the Administrative Wing do not have any post in the pay scale of Rs.7500-12000/-.

8. With reference to reply filed vide O.A. 175/2008 it was stated that in terms of direction of this Tribunal vide order dated 03.04.2007 in O.A. 89/2007 Applicant's comprehensive representation was considered and detail speaking order dated 10.08.2007 had been passed informing him that proposal of restructuring is under active consideration of the Ministry of Earth and Sciences. His subsequent representation was also disposed of on 19.09.2007. The report of S.K.Das Committee has not been approved so far,

2

and therefore, same cannot be implemented. Unless recommendation is accepted by the Government, question of implementation of such recommendation did not arise. An Internal Review Committee was constituted in IMD by the Director General of Meteorology for augmentation of administrative staff strength required in various cadres for a vertical bifurcation of administrative and technical set up of IMD vide O.M. dated 02.07.1999. The report in original submitted by the Chairman of said Committee was forwarded to the Department of Science and Technology vide letter dated 26.04.2000 for placing the report before the DST Review Committee headed by Dr.K.Kasturirangan, the then Secretary, Department of Space. The Government did not approve recommendation made by Dr. Kasturirangan Committee on the report of Internal Review Committee so far. After formation of Ministry of Earth Sciences, the recommendations of Internal Review Committee for administrative staff were forwarded to the said Ministry for its consideration, which has also not been finalized till date. Bifurcation is being done in the phased manner without any additional support of Government. At present no employee of administrative cadre is working in technical/scientific wing. Since In IMD, the highest post in the administrative cadre is Administrative Officer in the pay scale of Rs.6500-10500/- Group 'B' Gazetted, and also there is a ban for creation of post, therefore, it is compulsion on the part of departmental authority to deploy scientific officers in administrative wing to manage the show. Recommendations of any of the Committees have not so far been approved by the Government, was the emphasis laid by learned counsel for the Respondents.



9. We have heard Shri A.Ahmed, learned counsel for Applicant in both O.A.s, Smt. M.Das, learned Sr. C.G.S.C. and Ms. U.Das, learned Addl. C.G.S.C. for the respondents in O.A. Nos. 277/2006 and 175/2008 respectively. We have also perused the pleadings and materials placed on record.

10. Reliance has been placed by learned counsel for Applicant on **2006(9) SCC 406, K.T. Veerappa vs. State of Karnataka** and **2009 (2) GLT 350, Shyamal Kanti Deb vs. State of Tripura & Ors.** to contend that granting lower pay scale to Applicant amounted to down-gradation, which is impermissible. On examination of the matter, particularly with reference to the materials placed on record, we observe that sanction of the President to create 21 posts of Administrative Officer (Group 'B' Gazetted) was conveyed vide O.M. dated 07.04.1999 in the pay scale of Rs.6500-10500/- in IMD by surrendering equivalent post of Assistant Meteorologist Grade II (Group B Gazetted) also in the pay scale of Rs.6500-10500/-. It is undisputed fact that at the time of implementation of 5th CPC recommendations, Applicant was not in pay scale of Rs.2375-3500/-. The revised pay scale of Rs.7500-12000/- was allowed to those Administrative Officers who were in pre-revised scale of pay of Rs.2375-3500/-. Admittedly, Applicant was not enjoying said pay scale of Rs.2375-3500/- prior to his promotion as Administrative Officer. Moreover, post of Administrative Officer had been created after recommendations made by 5th CPC and its implementation. We may also note at the cost of repetition that said posts were created vide O.M. dated 07.04.1999 by which time implementation of 5th CPC had been undertaken. We may also observe that validity of said O.M. dated 07.04.1999 creating the post in scale of Rs.6500-10,000/- has not been

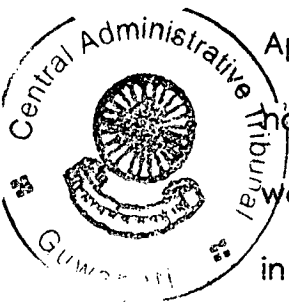


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questioned either in present proceeding or in any other proceedings initiated on that account. Grant of revised pay scale of Rs.7500-12000/- is not automatic and ipso-facto. Furthermore, perusal of para 46.13 of 5th CPC recommendations reveals that hierarchy above the level of Office Superintends comprises Assistant Administrative Officers and Administrative Officers and a small number of them were in the pay scale of Rs.2000-3200, but the majority were in the pay scale of Rs.2000-3500/-, Rs.2375-3500/- and Rs.2200-4000/-. The revised designation of Administrative Officer was as Administrative Officer Grade-II in the pay scale of Rs.2500-4000/-. Applicant did not fall in such category.

11. As far as judgments relied upon by learned counsel for Applicant in support his claim for higher pay scale are concerned, we do not find any justification and same do not assist him in any manner. Thus, we find no substance and justification in the submission made by Applicant in O.A.277/2006 that he is entitled to revised pay scale of Rs.7500-12000/-.

12. As far as relief claimed in O.A.175/2008 is concerned, we noticed that though the decision on bifurcation in IMD particularly to administrative and technical/scientific wing has been pending since 3rd CPC recommendation and S.K.Das Committee had submitted its report in the year 1990, yet no final decision on the said aspect had been taken despite passage of almost 2 decades. We note with concern that Administrative Ministry cannot remain so unconcerned about such an important aspect, namely, bifurcation of administrative and technical/scientific wings in IMD. There is a need and justification to impress the Government that such matters requires urgent attention. In the circumstances, as no final decision has been taken by the Government



though thereafter another two committees were constituted under the chairmanship of Dr.U.S.De as well as Dr.K.Kasturirangan, present O.A. is disposed of with direction to Respondent Nos.1 and 2 to decide said aspect with utmost expedition, in any case not later than six months from the date of receipt of this order.

13. In the result, our conclusion is:

- (a) O.A. 277/2006 is devoid of any merit and accordingly dismissed;
- (b) O.A. 175/2008 is disposed of with directions vide paragraph 12 above. No costs.



Sd/- M.K.Gupta
Member (J)
Sd/-M.K.Chaturvedi
Member (A)

7.10.2007

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 277 OF 2006.

Shri Purushottam Das

...Applicant

- Versus -

The Union of India & Others

...Respondents

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Date: 7- 11 - 2006

Filed By:

Smrita Bhattacharjee
Advocate

[Handwritten signature]

29

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

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

ORIGINAL APPLICATION NO. 277 OF 2006.

Shri Purushottam Das

...Applicant

- Versus -

The Union of India & Others

...Respondents

DATE & SYNOPSIS:

1971	Applicant was appointed as Observatory Attendant in the India Metrological Department (in short IMD)
22.01.1972	Applicant was appointed as Lower Division Clerk (in IMD) through Examination and secured 1 st position
1973	The 3 rd Central Pay Commission Report was published and made certain recommendation regarding functioning of India Metrological Department
07.09.1973	He has successfully completed the Elementary Course in Metrology with 68%.
1976	He passed his BA Examination.
<u>18.05.1979</u>	As per recommendation of 3 rd Central Pay Commission <u>Administrative and Technical Cadre in India Metrological Department was separated.</u>
1982	Applicant has passed the Departmental Examination for the post of Upper Division Clerk.
1997	5 th Central Pay Commission Report was published and the commission expressed their view regarding pay scale of Head-Clerk / Supervisor, Cadre of Ministerial Post and Administrative Officer.
✓ 30.09.1997	The Gazette of India vide their notification revised the pay scale of the Administrative Officer in the scale of Rs.7500-250-12000/- in lieu of earlier scale of Rs. <u>2375-75-3200-100-3500/-</u> .
07.04.1999	India Metrological Department, Government of India created 21 posts of Administrative Officers (Group "B" Gazetted) in the pay scale of Rs.6500-10500/- . Although as per Gazette Notification the pay scale of Administrative Officers are fixed at Rs.7500-250-12000/-.
19.09.2005	Applicant was appointed as Administrative Officer in the pay scale of Rs.6500-200-10500/-. It is to be stated that apart from the aforesaid newly created Administrative Officer,



✓
other Administrative Officer of the India Metrological Department are enjoying the pay scale of Rs.7500-12000/-.

12.12.2005

Applicant filed a Representation before the Respondent No.2 for implementation of pay scale of Administrative Officer at Rs. 7500-250-12000/- in reference to Gazette Notification dated 30.09.1997.

14/15.02.2006

The Office of the Respondent No.2 rejected the claim of the Applicant in a most mechanical and arbitrary manner.

Hence this Original Application for upgradation of the pay scale of the Applicant.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

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

FILED BY

Shri Purushottam Das
... Applicant
Through - Smita (Advocate)

ORIGINAL APPLICATION NO. 277 OF 2006.

BETWEEN

Shri Purushottam Das
Son of Shri Sunkaram
Administrative Officer
Regional Metrological Centre
India Metrological Department
Government of India
N. E. Region, Head Quarter
Borjhar, Pin-781 015.

... Applicant

- AND -

- 1) The Union of India represented by the Secretary to the Government of India, Ministry of Science And Technology and Ocean Development, New Mehuruli Road, New Delhi-1.
- 2) The Director General of Metrology India Metrological Department, Mausam Bhawan, Lodhi Road New Delhi-110 003.
- 3) The Deputy Director General of Metrology, Regional Metrological Centre, India Metrological Department, Guwahati-781 015.

... Respondents

DETAILS OF THE APPLICATION

- 1) **PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:**

This instant application is made against the Impugned Letter No.DGM UOI No.E (1) 894/15/2005/16228 dated 14/15.02.2006 issued by the Office of the Respondent No.2

2) **JURISDICTION OF THE TRIBUNAL:**

The Applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

3) **LIMITATION:**

The Applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) **FACTS OF THE CASE:**

Facts of the case, in brief, are given below:

4.1) That your humble Applicant is a citizen of India and as such, he is entitled to all the rights, protections and privileges guaranteed under the Constitution of India and the laws framed thereunder.

4.2) That your Applicant begs to state that he is presently working as Administrative Officer in the Regional Metrological Centre, India Metrological Department, N. E. Region Head Quarter-Borjhar Guwahati-781 015.

4.3) That your Applicant begs to state that he had joined in the India Metrological Department in the year 1971 as Observatory Attendant. Thereafter, he appeared in the examination for the post of Lower Division Clerk (in short L.D.C.) in the India Metrological Department along with other candidates through Employment Exchange, He secured 1st position in the Selected Merit List of Lower Division Clerk. Thereafter he was appointed as L.D.C. in the above said Department w.e.f. 22.01.1972. He had passed English & Hindi Type Writing by securing 89% of marks in Hindi Type Writing. He obtained his B.A. Degree in the year 1976. Moreover, he had passed the Elementary Course of Metrological Training in a single attempt by securing 68% of marks. He was promoted to the post of Upper Division Clerk (in short U.D.C.) on the basis of his seniority in the Department.



Photocopy of the letter No.E (2) 146/ 27/41 dated 12.01.1972 enlisting the names of the successful candidates on merit for recruitment in the post of Lower Division Clerk in India Metrological Department is annexed herewith and marked as ANNEXURE-A.

Photocopies of Certificate and Training result of the Applicant issued by the Director Training & Deputy Director General of Observation (Forecasting), India Metrological Department is annexed herewith and marked as ANNEXURE B & B1.

4.4) That your Applicant begs to state that the 3rd Central Pay Commission 1973 in its report made certain recommendation regarding the functioning of India Metrological Department. Some of the recommendations made by the 3rd Central pay Commission regarding cadre structure of the India Metrological Department are quoted below for kind perusal of this Hon'ble Tribunal :

" In the course of our examination of the cadre structure of the Department, we noticed that out of a total strength of 1100 posts of Observer, Senior Observer and Scientific Assistant in the headquarters office, about 14 % were engaged on purely administrative and accounting duties. On the other hand the recruitment rules for the posts of Senior Observer and Scientific Assistant provide for promotion of non-scientific staff like Upper Division Clerks, Stores Keepers, Lower Division Clerks, Telephone Operators, etc. to these posts. It appears to us that the employment of scientific personnel on purely administrative duties in such large numbers and the promotion of non-scientific staff to scientific posts



is not a satisfactory arrangement and should be looked into".

On the aforesaid recommendation made by the 3rd Central Pay Commission in 1973, the Government of India had separated the Administrative and Technical Cadre of India Metrological Department vide Office Order No. E (2) 107/03/79 dated 18.05.1979 issued by the India Metrological Department. Accordingly, the administrative and technical cadre in India Metrological Department was separated.. The post of Administrative Officer was made up of 21 posts of Assistant Metrologists in the pre-separated recruitment rules. It was also mentioned in the Office Order that new recruitments rules are to be framed to regulate the mode of appointment after bifurcation. It was further mentioned that the technical staff who are being utilized for administrative work will be given an option as to whether they want to continue in administrative stream or would go to technical staff. The choice must be made within 31.08.1979. It was also provided that those staff in the technical side has opted to remain in technical side will not be eligible for promotion in the administrative wing after 31.08.1982.

Extract Copy of 3rd Central Pay Commission 1973 Report is annexed herewith and marked as ANNEXURE - C.

Photocopy of the Office Order No. E (2) 107/03/79 dated 18.05.1979 issued by India Metrological Department, Government of India is annexed herewith and marked as ANNEXURE- D.

4.5) That your Applicant begs to state that, in the pre-separated recruitment rules of the India Metrological Department, there was a provision for promotion for Upper Division Clerk (UDC) to the post of Scientific Assistant through Limited Departmental Examination



Quota. The applicant who was working as UDC at the relevant time requested the Authority concerned to appear in the said Examination, but the same was denied by the Authority concerned on the plea that he is ineligible for promotion to the post of Scientific Assistant as per the new recruitment rules. It is worth to mention here that some of the Lower Division Clerk (L.D.C.) of the India Metrological Department, Government of India had approached some of the Benches of the Hon'ble Central Administrative Tribunal to give them chance for option to go for Scientific Wing. Accordingly, as per the direction of the Hon'ble Tribunal the aforesaid L.D.C. were given chance for taking option in the Scientific Wing of India Metrological Department. Thereafter they were selected for Metrological Training . But, the applicant, who had already completed the said Metrological training successfully was not given a chance by the concerned Authority. In this connection the Applicant had filed a Representation on 15.02.1983 before the Deputy Director General of Metrology (Instrument Production) for sympathetic consideration of his case that but the same was rejected by the Office of the Deputy Director General of Metrology (Instrument Production), New Delhi vide Office Memorandum No.AE-290 (E)/27941 dated 26.02.1983.

Photocopy of the Office Memorandum No.AE-290 (E) /27941 dated 26.02.1983 issued by the Office of the Deputy Director General of Metrology (Instrument Production), New Delhi is annexed herewith and marked as ANNEXURE-E.

4.6) That your Applicant begs to state that on 16.05.1985 had filed a representation before the Deputy Director General of Metrology (Instrument Production) for consideration of his name for promotion to the post of Administrative Assistant. The Assistant Metrologist (Administration) vide his letter No.AF-290 (P)(85)/6413 dated 14.06.1985 informed the applicant that his request for promotion to the post of Administrative Assistant has been noted and will be



considered after bifurcation of the Technical and Administrative wing.

Photocopy of the letter dated 14.06.1985 is annexed herewith and marked as ANNEXURE-F.

4.7) That your Applicant begs to state that the 5th Central Pay Commission report which was published in the month of January 1997 has expressed their view regarding pay scale of Head Clerk / Supervisor, Cadre of Ministerial post and Administrative Officer. The view expressed by the 5th Central Pay Commission was that *"the pay scale of the Assistant in Non-Secretariat Organisations should slightly be lower as compared to the pay scales of Assistants in the Secretariat. Assistants in subordinate offices may therefore, be placed in the pay scale of Rs.1600-2660/-. The post of Head Clerk (Rs.1400-2300) and Office Superintendent Level II (Rs.1400-2300/Rs.1400-2600) also exist in all the Non-Secretariat organisations. It is felt that none of these posts has any supervisory functions with the name. It will be appropriate if the two grades are merged with the cadre of Assistants. Their pay scales and designations will also be modified accordingly. The post of Office Superintendent Level I (Rs.1600-2660) or Office Superintendent in the pay scale of Rs.1600-2660/Rs.1640-2900 are supervisory posts in the real sense. The incumbents of these posts supervise the work the Assistants, Head Clerks and other clerical staff in the Offices. They should, therefore, be designated uniformly as Office Superintendent and placed in the pay scale of Rs.1640-2900. To sum up the discussion so far, the cadre of ministerial posts in Non-Secretariat organisations should be organized in the following manner:- "*

LDC	- Rs.950-1500
UDC	- Rs.1200-2040
Assistant	- Rs.1600-2660
Office Superintendent	- Rs.1640-2900

The hierarchy above the level of Office Superintendents comprises Assistant Administrative Officers and Administrative



Officers. A small number of them are in the pay scale of Rs.2000-3200, but the majority are in the pay scales of Rs.2000-3500/ Rs.2375-3500 and Rs.2200-4000. A good number of Superintendents are also in the pay scale of Rs.2000-3200. Due to the general decision to merge the pay scale of Rs.2000-3200 with the pay scale of Rs.2000-3500, the Office Superintendents in the pay scale of Rs.2000-3200 and Assistant Administrative Officers in the same pay scale or in the higher pay scale of Rs.2000-3500 will need to be treated equally. The post of Administrative Officers in these organisations may, therefore, be recognized/redesiganted in the following manner.

Sl. Present Designation/ No. Pay Scale	Revised Designation/ Pay Scale
1. Supdt. / Asst. Adm. Officer (Rs.2000-3200) (Rs.2000-3500)	Administrative Officer Grade-III (Rs.2000-3500)
2. Administrative Officer (Rs.2375-3500)	Administrative Officer Grade-II (Rs.2500-4000)
3. Administrative Officer (Rs.2200-4000)	Administrative Officer Grade-I (Rs.2200-4000)
4. Sr. Administrative Officer (Rs.3000-4500)	Sr.Administrative Officer (Rs.3000-4500)

In Offices having posts in both the pay scales of Rs.2000-3500 and Rs.2000-3200, the former being promotion grade for the letter, the pay scale of higher post shall be revised to Rs.2500-4000, if the functional considerations so dictate. Otherwise, both the grades can be merged in the pay scale of Rs.2000-3500."

Photocopy of the Extract Report of the 5th Pay Commission issued in January 1997 is annexed herewith and marked as ANNEXURE-G.

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4.8) That your applicant begs to state that "The Gazette of India" vide their notification published on 30 September 1997 has revised the pay scale for certain common categories of Staff. Accordingly, the pay scale for Administrative Officer was revised in the scale of Rs.7500-250-12000/- in lieu of the earlier scale of Rs.2375-75-3200-100-3500. The aforesaid revised pay scale was effective for the Office Staff working in organisation outside the Secretariat.

Photocopy of the Extract copy of Gazette of India report Part II issued on 30.09.1997 is annexed herewith and marked as ANNEXURE-H.

4.9) That your Applicant begs to state that the India Metrological Department, Government of India, vide their Office Memorandum No.B-73268 dated 7th April 1999 created 21 nos. of posts of Administrative Officers (Group 'B' Gazetted) in the pay scale of Rs.6500-10500/- in India Metrological Department by surrendering equivalent post of Assistant Metrological Gr.II (Group 'B' Gazetted) in the pay scale of Rs.6500-10500/-. It is worth to mention here that except above mentioned 21 newly created posts of Administrative Officers, other Administrative Officers in the same rank and working in the same office are enjoying the revised pay scale of Rs.7500-250-12000 as per "The Gazette of India" notification published on 30 September 1997.

Photocopy of the Office Memorandum No.B-73268 dated 07.04.1999 issued by the India Metrological Department, Government of India is annexed herewith and marked as ANNEXURE-I.

4.10) That your applicant begs to state that the Office of the Respondent No.2 vide their notification No.A 32014/AO/2/03 - E.I dated 19th September 2005 appointed the applicant as Administrative Officer w.e.f. 06.09.2005 in the pay scale of Rs.6500-200-10500.



Being aggrieved by the anomaly in the pay scale of Administrative Officer he filed a Representation on 12.12.2005 before the Respondent No.2 and also prayed for implementation of the pay scale of the Administrative Officer at Rs.7500-250-12000 in reference to Gazette Notification dated 30th September 1997. The Office of the Respondent No.2 vide their letter No.DGM UOI No.E(I) 894/15/2005/16228 dated 14/15.02.2006 rejected the claim of the applicant in a mechanical and arbitrary manner. Hence finding no other alternative your applicant is compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

Photocopy of the letter No.A32014/AO/2/03-E.I annexed herewith and marked as ANNEXURE-J.

Photocopy of the Representation dated 12.12.2005 before the Respondent No.2 is annexed herewith and marked as ANNEXURE-K.

Photocopy of the letter No.DGM UOI No.E (I) 894 /15/2005/16228 dated 14/15.02/06 is annexed herewith and marked as ANNEXURE-L.

4.11) That your Applicant begs to state and submit that in the rejection letter it has been stated by the Office of the Respondent No.2 " *The pay scale of Rs.7500-200-12000 has been given to those Admin. Officers by 5th Pay Commission who were working in pre-revised scale of Rs.2375-75-3200-100-3500. The posts of Admin. Officers were not in existence before implementation of 5th Pay Commission in IMD*". The said rejection letter was issued by the Respondents without applying their proper mind. It is to be stated that the newly created 21 Administrative Officers of the India Metrological Department and other Administrative Officers of the India Metrological Department are in common cadres, categories



and they are similarly situated, although the Respondents have discriminated among them by giving two different pay scale in a similar posts. The Government of India vide their notification published in "The Gazette of India" has clearly mentioned the pay scale of Administrative Officers at Rs.7500-12000 without any pre-condition. However, the Respondents in an arbitrary and whimsical manner granted lower pay scale to the newly created 21 Administrative Officer of India Metrological Department.

4.12) That your applicant submits that due to non-consideration of his appropriate pay scale of Rs.7500-250-12000 in the post of Administrative Officer, he is suffering from heavy financial loss. As such the action of the Respondents are arbitrary, unjust, unfair, illegal, discriminatory and violative of the principle of natural justice and doctrine of equality.

4.13) That your applicant submits that the cause of action arises each and every day, every month for non-fixation of appropriate pay scale in favour of the applicant.

4.14) That your applicant submits that the Respondents have acted with a mala-fide intention only to deprive the application from his legitimate right.

4.15) That your applicant submits that the action of the Respondents is highly illegal, improper, and whimsical and also against the fair play of Administrative justice.

4.16) That your application submits that the Respondents have violated the fundamental rights of the applicant.

4.17) That the applicant demand justice and same has been denied to him.

4.18) That this application is filed bonafide and for the interest of justice.



5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in prima facie illegal, malafide, arbitrary and without jurisdiction. Hence the Impugned Rejection letter DGM UOI No.E (I)/894/15/2005/16228 dated 14/15.2.2006 issued by the Office of the Respondent No.2 is liable to be set aside and quashed.

5.2) For that the applicant being similarly situated and working in the same Department as Administrative Officer with other Administrative Officers. As such Respondents cannot deny the appropriate pay scale of Rs.7500-250-12000 to the applicant as they are paying the aforesaid pay scale to other Administrative Officers working in the same Department. Hence the Impugned Rejection letter DGM UOI No.E (I)/894/15/2005/16228 dated 14/15.2.2006 issued by the Office of the Respondent No.2 is liable to be set aside and quashed.

5.3) For that, "The Gazette of India" vide their Notification dated 30th September 1997 had fixed the revised pay scale of the Administrative Officer at Rs.7500-250-12000 without any precondition. As such the Respondents cannot deny the same benefits to the applicant. Hence the Impugned Rejection letter DGM UOI No.E (I)/894/15/2005/16228 dated 14/15.2.2006 issued by the Office of the Respondent No.2 is liable to be set aside and quashed.

5.4) For that, the non consideration for granting the appropriate revised pay scale to the Applicant is bad in law and also not sustainable in the eye of law. Hence the Impugned Rejection letter DGM UOI No.E (I)/894/15/2005/16228 dated 14/15.2.2006 issued by the Office of the Respondent No.2 is liable to be set aside and quashed.

5.5) For that, being a model employer the Respondents cannot deny the same benefit of appropriate pay scale to the applicant as the Respondents are paying the appropriate pay scale to other similarly



situated persons. Hence the Impugned Rejection letter DGM UOI No.E (I)/894/15/2005/16228 dated 14/15.2.2006 issued by the Office of the Respondent No.2 is liable to be set aside and quashed.

5.6) For that, the applicant's case is genuine and need to be considered by the Respondents by granting him appropriate pay scale in the light of facts and circumstances of the case. Hence the Impugned Rejection letter DGM UOI No.E (I)/894/15/2005/16228 dated 14/15.2.2006 issued by the Office of the Respondent No.2 is liable to be set aside and quashed.

5.7) For that, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive.

5.8) For that, the applicant have a strong prima facie case in his favour. The balance of convenience is strongly lies in favour of the Applicant. It is a preeminently fit case where this Hon'ble Tribunal may be pleased to interfere into the matter and direct the Respondents to grant appropriate pay scale to the applicant.

5.9) For that, the Respondents are resorting the colourable exercise of power only to deprive the applicant from his legitimate rights.

5.10) For that, the Respondents have violated the Article 14,16 & 21 of the Fundamental rights guaranteed under the Constitution of India.

5.11) For that, in any view of the matter the Impugned Order of Rejection for not granting the appropriate pay scale to the applicant is not sustainable and same is liable to be set aside to be quashed.

The applicant craves leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.



6) DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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

That the Applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition of suit is pending before any of them.

8. RELIEF SOUGHT :

Under the facts and circumstances stated above, the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought by the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

8.1 That the Hon'ble Tribunal may be pleased to direct the Respondents to grant the applicant the pay scale of Rs.7500-250-12000/- w.e.f. the date of his appointment (i.e. 06.09.2005) as Administrative Officer, along with all consequent financial and service benefits which he is entitled.

8.2 To Pass any other relief or relieves to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.3 To pay the cost of the application.



9) INTERIM ORDER IF ANY PRAYED FOR:

At this stage the applicant does not seek any interim relief but if the Tribunal may deem fit and proper may pass any order / orders.

10) Application is filed through Advocate.

11) Particulars of L.P.O.:

L.P.O. No. : 26 G 326020
Date of Issue : 21-8-2006
Issued from : Guwahati GPO
Payable at : Guwahati.

12) LIST OF ENCLOSURES:

As stated above.

Verification...



VERIFICATION

I, Shri Purushottam Dass, Son of Late Sunkaram, aged about 55 years, working as Administrative Officer, Office of the Deputy Director General of Metrology, Regional Metrological Centre, Borjhar, Guwahati-781 015 do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.2, and 4.11 — are true to my knowledge, those made in paragraph nos. 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10 — are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 2nd day of November 2006 at Guwahati.


DECLARANT
(PURUSHOTTAM DASS)

INDIA METEOROLOGICAL DEPARTMENT
(BHARAT MAUSAM VIGYAN VIMHAG)
OFFICE OF THE DIRECTOR GENERAL OF OBSERVATORIES
LODI ROAD, NEW DELHI-3.

37

NO.Z(2)146/27/71

Dated New Delhi-3;

the 12/1/72.

The following candidates have been declared successful in the competitive examination conducted in November 1971 for drawing up a panel of names for recruitment to posts of Lower Division Clerk, Storekeeper etc. The names have been arranged in order of merit.

S.No.	Name	Roll No.
1.	Shri Purushottam Dass	109
2.	" Gurcharan Jit	216
3.	" Raj Kumar	208
4.	" Devinder Kumar Lamba	212
5.	" Harminder Singh	211
6.	" Girdhari Lal	207
7.	" Krishan Singh Miyani	104
8.	" Lekh Raj Singh (Scheduled Caste)	103

Appointment to posts of Lower Division Clerk etc. will be made subject to availability of vacancies and Govt. orders relating to reservation of vacancies for Scheduled Caste/Scheduled Tribe candidates.

Refd
7-1-1/72

(P.A. GEORGE)
Meteorologist Gr-I (Establishment)
(Mausam Viskeshagya Shreni-I (Sibbandi)
for Director General of Observatories
(Krite Vedhshalaon Ke Mahanideshak)

NO.E(2)146/27/71

Dated New Delhi-3;

the 13/1/72.

Copy to:- Shri Purushottam Dass & A. K. Singh, Lodi Road, New Delhi

for information and guidance.

(S. PARKASH)
Assistant Meteorologist,
(Sahayak Mausam Viskeshagya)
for Director General of Observatories
(Krite Vedhshalaon Ke Mahanideshak)

ATTESTED
S. Shetty
ADVOCATE

भारत मौसम विज्ञान विभाग
INDIA METEOROLOGICAL DEPARTMENT

38

वेधशालाओं के उपमहा निदेशक (पूर्वानुमान) का कार्यालय, पूना-5.
Office of the Deputy Director General of Observatories (Forecasting), Poona-5.

प्रशिक्षण परिणाम
TRAINING RESULTS

नाम : Shri Purushottam Dass

बल क्रमांक : 129

पद संज्ञा : L.D.C.

कार्यालय : DDGI New Delhi

शैक्षणिक योग्यताएँ : Matric

Training

प्रारंभ दिनांक : 14-5-1973

समाप्त दिनांक : 7-9-1973

पूर्ण किया पाठ्यक्रम : Course Undergone

प्रारंभिक-पाठ्यक्रम
ELEMENTARY COURSE

विषय Subject	अधिकतम अंक Max. Marks	उत्तीर्णक Pass Marks	प्राप्त अंक Marks obtained	टिप्पणी Remarks
मौसम विज्ञान विषय Met. Theory	150	60	96	Passed. Good.
व्यावहारिक Practical	300	180	226	
मौखिक Viva-Voce	100	40	60	
कुल Total	550		372	प्रतिशत Percentage: 68

मुद्रा

K.K. Ramamurti
(K.K. RAMAMURTI)
प्रशिक्षण निदेशक
Director of Training

वेधशालाओं के उप महानिदेशक (पूर्वानुमान)
for Deputy Director General of Observatories
(Forecasting)

पूना-5, दिनांक 3rd November
Poona-5, Dated the 3rd November, 1973

No. T0854/

ATTESTED

Shatta
ADVOCATE



India Meteorological Department

Certificate of Training

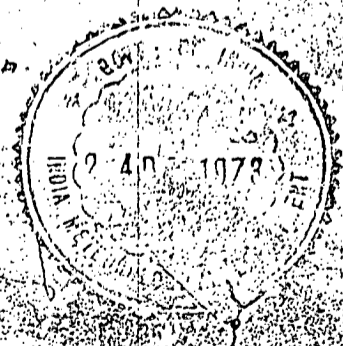
This is to certify that
Shri. Purushottam Dass
has successfully completed the
Elementary course of training in
Meteorology at the Departmental
Training School at Poona and
has passed the prescribed tests
held in the month of September 1973.

Meteorological Office
Poona-5

Dated the 21st Dec '73.

N. H. Rieip
Deputy Director General of
Observatories Forecasting

for Director General of Observatories



ATTESTED

Bhatte
ADVOCATE

Office of the Dy. Director General
of Observatories (Climatology &
Geophysics) Poona-5.



REPORT
OF THE
THIRD CENTRAL PAY COMMISSION
1973

Volume I, II & III

MINISTRY OF FINANCE
GOVERNMENT OF

ATTESTED

S. Shetty
ADVOCATE

37. For the following other posts in the Department, we recommend the scales of pay indicated against each in the Table below :-

TABLE VI

Sl. No.	Designation of post	Number of posts	Existing scale of pay	Revised scale of pay
			Rs.	Rs.
1.	Administrative Officer	1	700-40-1100-50/2-1250	1050-1600
2.	Assistant Director (Administration)	5	400-75-500-30-590-EB-30-800	650-1700
3.	Guide Lecturer (Khajuraho)	1	210-10-290-15-320-EB-15-425	425-700
4.	Photostat Operator	4	205-7-240-8-280	380-560
5.	Machine Operator	1	150-5-160-8-240-EB-8-280-10-300	330-560

38. There is one post of Personal Assistant to Director General which is in the scale of Rs. 320-15-425. We recommend by us for similar posts in other Departments.

39. The Association of Tourist Officers have represented that an All India Tourism Service should be constituted as specialised service. We are unable to make any recommendation as this is a matter for the Government to consider.

III. INDIA METEOROLOGICAL DEPARTMENT (IMD)

40. The India Meteorological Department, as its name implies, is responsible for the provision of meteorological services to the various user-interests in the country. The observational organisations of the Department consist of Surface observatories, Hydro-meteorological observatories, Pilot Balloon observatories, Radiation observatories, etc. spread over a number of places in the country. The Institute of Tropical Meteorology, Poona, Astrophysical Observatory, Kodaikanal and the Geomagnetism Observatory at Colaba and Alibag which were previously under this Department have been constituted as autonomous Institutes with effect from 1-4-1971. We have, therefore, not made any recommendations in regard to the posts transferred to these Institutes.

The class-wise distribution of posts left in the Department on 1-4-1971 is as follows :-

Class I	130
Class II (Gazetted)	225
Class II (Non-gazetted)	324
Class III	3138
Class IV	1329
	5146

41. The Class I and II posts in the Department are indicated in the Table below :-

TABLE VII

Sl. No.	Designation of post	Number of posts	Scale of pay
			Rs.
1.	Director General (DGO)	1	2250-125-2500
2.	Deputy Director General	4	1600-100-1800
3.	Director	14	1300-60-1600
4.	Meteorologist Grade I	43	700-50-1250
5.	Meteorologist Grade II	67	400-40-800-4
6.	Assistant Meteorologist	225	350-25-500-4-EB-30-500

(Class II Non-gazetted)

At the Class I level there is direct recruitment to the grade of Meteorologist Grade II to the extent of 50 % and all the higher posts are filled by promotion only. The recruitment qualifications for Meteorologist Grade II are a Second Class degree in any of the relevant subjects, e.g. Meteorology, Physics, Agriculture, Astronomy, Astrophysics, or a degree in Engineering with two years' experience as evidenced by published papers in the subjects or fields mentioned above.

42. The India Meteorological Department's Gazette Officers' Association has represented that the status of the Director General of Observatories should be enhanced at least to the level of an Additional Secretary, having regard to his increased duties and responsibilities. The pay of the Director General of Observatories was raised from Rs. 2250-125-2500 in 1971. The Bhargava Committee* (1967), which examined the posts in this Department, had recommended that the Director General of Observatories should have a scale of pay commensurate with his responsibilities and status, it should not be lower than that of an Additional Secretary.

*Page 15 of the Report of Committee on Organization of Scientific Research.

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posts left in the
follows :—

- 130
- 225
- 324
- 3138
- 1329
- 5146

posts in the Department
are :—

Number of
posts

Scale of pay

Rs.

- 1 2250-125-2500
- 4 1600-100-1600
- 14 1300-60-1600
- 43 700-50-1250
- 67 400-40-800-10-50
- 225 350-25-500-30-50
EB-30-50-50
30-800
- 317 325-15-475-20-575

2500-2750. The official witnesses suggested up-
gradation of this post to the level of a Joint Secretary.
In regard to all these considerations and the
fact that the area of control of the Director General
Observatories has been reduced recently with the
research oriented institutes being made autonomous,
we recommend the pay scale of Rs. 2500-2750 for
this post.

For the post of Deputy Director General, which
is filled by promotion of Directors, we recommend
a scale of Rs. 2000-2250.

For the other Class I posts, we recommend
the following scales of pay :—

	Rs.
Director	1500-2000
Meteorologist Grade I	1100-1600
Meteorologist Grade II	700-1300

(P) See para 42
of GE 5013
1151476 (P)

43. At present 50 % of the Class II gazetted
posts of Assistant Meteorologist are filled by direct
recruitment. The recruitment qualifications are the
same as for the Class I posts of Meteorologist Grade
I except that the research experience of two years
is insisted upon in their case. There is also direct
recruitment to 50 % of the Class II (Non-gazetted)
posts of Professional Assistant from amongst Second
Class Post-graduates in Science. It does not appear
desirable to have direct recruitment at these two
lower levels. The official witnesses were also
in favour of stopping direct recruitment at the level
of Assistant Meteorologist. We, therefore, re-
commend that the posts of Assistant Meteorologist
should, in future, to be filled entirely by promotion
from the posts of Professional Assistant.

44. We recommend the scales of Rs. 650-1200
and Rs. 550-900 for Assistant Meteorologist and
Professional Assistant, respectively.

For the post of Professional Assistant (Foreman)
in the pay scale of Rs. 325-15-475-20-575, we
recommend the revised pay scale of Rs. 550-900.

45. The Class III scientific posts peculiar to the
Department are indicated in the Table below :—

TABLE VIII

Designation of post	Number of posts	Scale of pay, Rs.
Scientific Assistant	861	210-10-290-15-320-EB-15-425
Observer	1255	150-5-160-8-240-EB-8-280-10-300
Junior Observer	201	110-4-150-EB-4-170-5-180-EB-5-200

Under Secretary has dissented from the view vide his Note of Dissent.

There is direct recruitment to the extent of 25 %
at the level of Scientific Assistant from amongst
Second Class Graduates in Science. 50 % of the
posts of Senior Observer are filled from Graduates
in Science with Physics as one of the subjects. The
posts of Observer are filled by direct recruitment
from amongst candidates whose educational qualifica-
tion is Matriculation or its equivalent.

46. We recommend the scales of Rs. 425-700
and Rs. 330-560 for the posts of Scientific Assistant
and Senior Observer, respectively.

For the post of Observer the scale of Rs. 260-430
would be appropriate. For the post of Inspector
of Observatories, in the pay scale of Rs. 210-10-290-
15-320-15-425, we recommend the scale of Rs.
425-700.

47. In the course of our examination of the cadre
structure of the Department, we noticed that out of
a total strength of 1100 posts of Observer, Senior
Observer and Scientific Assistant in the headquarters
office, about 14 % were engaged on purely administra-
tive and accounting duties. On the other hand the
recruitment rules for the posts of Senior Observer
and Scientific Assistant provide for promotion
of non-scientific staff like Upper Division Clerks,
Storekeepers, Lower Division Clerks, Telephone
Operators, etc. to these posts. It appears to us that
the employment of scientific personnel on purely
administrative duties in such large numbers and the
promotion of non-scientific staff to scientific posts
is not a satisfactory arrangement and should be
looked into.

48. The only category of Class IV employees
peculiar to the Department is Office/Observatory
Attendant in the pay scale of Rs. 75-1-85-EB-2-95.
There is direct recruitment to 33 1/3 % of these
posts from amongst persons who have studied upto
Matriculation standard and the remaining posts are
filled by promotion from Peons on the basis of
seniority-cum-fitness. We recommend the pay scale
of Rs. 190-240 for this post.

49. For the posts of Security Sub-Inspector
in the pay scale of Rs. 150-5-160-8-216, we
recommend the revised pay scale of Rs. 330-480.

IV. COMMISSION OF RAILWAY SAFETY

50. The Commission of Railway Safety is an
independent authority for investigating railway
accidents, etc. and for serving as the Principal Tech-
nical Adviser to the Government on the adoption
of various measures connected with the Safety of
railway operations. The strength and composition

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Government of India
India Meteorological Department

ANNEXURE - D
23

Office of the
Director General of Meteorology
Lodi Road, New Delhi- 110003.

No. E(2) 107/03/79

dated: the 18/5/1979.

OFFICE ORDER

It has been decided in consultation with Government and staff representatives to initiate action for separating the administrative and technical cadres in India Meteorological Department and to utilise only admin. cadres for administrative work. To start with, this will be done in Headquarters Offices of the Department. This will now cover only the admin. and technical sections in Headquarters offices, but not field/operational offices.

2. The cadres proposed for admin. wing are given below. The scientific/technical posts now sanctioned/utilised for admin. work will be converted to corresponding admin. cadres and this equation is also indicated.

S.No.	Cadre	Pay scale	Posts to be included
1.	L. D. C.	Rs. 260 - 400	Posts of LDC, Obsr., Lab. Assistant.
2.	U. D. C.	Rs. 330 - 560	Posts of Sr. Observer and U.D.C.
3.	Assistant	Rs. 425 - 700	Posts of Head clerk, Sc. Assistant.
4.	Superintendent	Rs. 550 - 900	Posts of Supdt. DDGC, DDGI and Prof. Assistant.
5.	Admin. Officer	Rs. 650 - 1200	Posts of Assistant Meteorologist.

The designation and pay scale to be allowed for the admin. posts especially those at S.No. 3, 4, 5 are yet to be decided by Government.

3. The number of posts proposed to be provided for admin. work will be

1.	L. D. C.	149 made up of LDC (135), Obsr. (12) & Lab. Asst. (2).
2.	U. D. C.	233 made up of S.O. (110), U.D.C. (123),
3.	Assistant	115 made up of S.A. & Head Clerk.
4.	Superintendent	15 made up of 13 P.A. & posts of Supdt. DDGC & DDGI.
5.	Admin. Officer	21 made up of 21 Assistant Meteorologists.

The number of posts indicated above are the posts now sanctioned/used for admin. functions. Retention of all these posts in the admin. wing is subject to approval by Government.

Other posts like Superintendent H.Q. Office, Translators, S.S.I., Stenographer, Sr. Personal Assistant to D.G.M. etc. will continue to remain as at present.

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4. After the scheme for bifurcation is initiated in the Department, fresh recruitment rules are to be framed to regulate the mode of appointment. The rules will become final only after they are approved by Government and by U.P.S.C. where necessary and are notified. In view of the beginning being made in this case, the Departmental offices may need persons capable of processing admin. cases/problems and present cases clearly and succinctly. To ensure this, it is necessary to have adequate staff who are graduates. It is therefore, proposed to have an element of direct recruitment at the level of UDC and Assistant. The following mode of filling up is being contemplated.

L.D.C. 100% recruitment - 90% from open market and 10% from among educationally qualified group D employees.

U.D.C. 75% promotion to be filled by seniority-cum-fitness and examination in equal proportion.

25% by direct recruitment.

Direct Recruitment will be continued for a period of 5 to 10 years and will be discontinued when not found necessary.

Assistant 75% promotion to be filled by seniority-cum-fitness and examination in equal proportion.

25% by direct recruitment.

Supdt. 100% promotion by selection.

Admin. Officer 100% promotion by selection on the basis of examination failing which by deputation failing which by direct recruitment.

5. For the present, the separation is envisaged only upto the level of Assistant Meteorologist. Posts of Mbt. now utilised for administration may continue to be available for promotion of Administrative Officer till those higher posts are also converted.

6. As a number of Scientific and technical staff are being utilised for admin. work, it is necessary to obtain an option from them, if they want to continue in admin. stream or would go to technical side. The technical/Scientific staff in admin. wing are, therefore, required to exercise an option electing to continue in the admin. side or go to technical side. The option shall be exercised in the form enclosed and shall be submitted to reach the head of office on or before 31.8.1979. Mere exercise of option to go to technical side will not guarantee immediate transfer to technical side, if on the basis of options exercised, the administrative wing will be depleted to such an extent as to affect the day to day functions of offices. In such cases, persons will be relieved as and when they can be replaced. In any case, the transfer will be completed within a period of 3 years i.e. by 31.8.82. During the transition period, the staff who have opted for technical side will have their interests on the technical side safeguarded, but they will not be eligible for promotion in the administrative wing.

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7. As the scheme envisages replacement of Scientific/technical staff from admin. ~~to technical~~ wing, staff working in technical side will not be eligible for consideration for admin. posts at the commencement of the scheme. If as a result of option exercised by the scientific/technical staff in admin. wing, need arises to induct staff from technical side, volunteers from technical will be considered. Such persons will be transferred to admin. side under the appropriate admin. designation. For this purpose, staff in technical sections as well as operational/field stations can volunteer for posting to admin. sections. Their names will be considered if and to the extent necessary.

8. Option/volunteering once exercised by the staff as in para 6 and 7 will be final.

9. With the introduction of this scheme, admin. staff can not aspire for promotion to technical side and vice versa. They will be eligible for promotion in their own stream. For this, the seniority list of staff will be maintained separately for admin. and technical cadres. Such of the technical staff who opt for admin. wing will have their appointment transferred and efforts will be made to protect their seniority. This will also be applicable to staff coming over to admin. wing from technical/operational side under para 7.

10. In respect to group D services, the following posts will be retained.

- a) Observatory Attendant (to be redesignated as Daftry).
- b) Peon
- c) Chowkidar
- d) Gardner
- e) Safaiwala (Sweeper)
- f) F arash
- g) Mardar
- h) Cleaner.

The number of posts available on date will be retained for admin. wing.

G. R. Gupta

(G. R. GUPTA) 15.5.77
Meteorologist (Establishment)
for Director General of Meteorology

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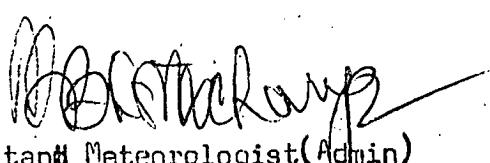
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GOVT. OF INDIA
OFFICE OF THE DY. DIRECTOR, GENERAL OF METEOROLOGY
(INSTRUMENT PRODUCTION)
LODI ROAD NEW DELHI-3

NO. AE-290(E)/270.41 New Delhi; 3 Dated. 26-2-1983

OFFICE MEMORANDUM

With reference to his application dated. 15-2-83
Shri Purushottam Das, U.D.C is informed that his request
has been considered sympathetically but it cannot be
acceded to.



Assistant Meteorologist (Admin)
for Dy. Director General of Meteorology
(Instrument Production)

Shri Purushottam Das
U.D.C.
Through A.S.

* * * * *

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का पता :
"एरो", नई दिल्ली ।
File Address :
"AERO", New Delhi.



Annexure - F 47

वेधशाला, लोदी रोड,
THE OBSERVATORY, LODI ROAD,

6413

संख्या AF-290(P)(85)/
No.

नई दिल्ली-3, दिनांक 14 June 85 196
New Delhi-3, dated the 196

कार्यालय ज्ञापन
OFFICE MEMORANDUM

With reference to his application dated 16-5-85, Shri Purshattam Das, U.D.C. is informed that his request for promotion to the post of Administrative Assistant has been noted and will be considered after bifurcation of Technical and Administrative wing in the department has been effected.

M.C. Asthana

(M.C.ASTHANA) 1316
Asstt. Meteorologist (Admin.)
for Dy. Director General of Meteorology
(Instrument Production)

Shri Purshottam Das
U.D.C.
through A.S.

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Government of India
Ministry of Finance

Report of the

Fifth

Central Pay Commission

Volume I

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Jan 1997

in subordinate offices, where the nature of work is confined to routine matters related to establishment, personnel and general administration only. Assistants in the secretariat also submit cases directly to the decisionmaking level of Under Secretary/Deputy Secretary, under the scheme of level jumping. Taking all these factors into consideration, we are of the definite view that the pay scale of Assistants in the Non-Secretariat organisations should slightly be lower as compared to the pay scale of Assistants in the Secretariat. Assistants in subordinate offices may therefore, be placed in the pay scale of Rs.1600-2660.

Head Clerk/
Supervisor

46.10 The posts of Head Clerk (Rs. 1400-2300) and Office Superintendent Level II (Rs.1400-2300/ Rs.1400-2600) also exist in all the Non-Secretariat organisations. It is felt that none of these posts has any supervisory functions with the name. It will, be appropriate if the two grades are merged with the cadre of Assistants. Their pay scales and designations will also be modified accordingly.

46.11 The posts of Office Superintendent Level I (Rs.1600-2660) or Office Superintendent in the pay scale of Rs.1600-2660/Rs.1640-2900 are supervisory posts in the real sense. The incumbents of these posts supervise the work of Assistants, Head Clerks and other clerical staff in the Offices. They should, therefore, be designated uniformly as Office Superintendent and placed in the pay scale of Rs.1640-2900.

Cadre of
Ministerial
posts

46.12 To sum the discussion so far, the cadre of ministerial posts in Non-Secretariat organisations should be organised in the following manner:-

LDC	- Rs. 950-1500
UDC	- Rs.1200-2040
→ Assistant	- Rs.1600-2660
Office Superintendent	- Rs.1640-2900

Administrative
Officer

46.13 The hierarchy above the level of Office Superintendents comprises Assistant Administrative Officers and Administrative Officers. A small number of them are in the pay scale of Rs. 2000-3200, but the majority are in the pay scales of Rs. 2000-3500 / Rs. 2375-3500 and Rs.2200-4000. A good number of Superintendents are also in the pay scale of Rs.2000-3200. Due to the general decision to merge the pay scale of Rs. 2000-3200 with the pay scale of Rs. 2000-3500, the Office Superintendents in the pay scale of Rs. 2000-3200 and Assistant Administrative Officers in the same pay scale or in the higher pay scale of Rs. 2000-3500 will need to be treated equally. The post of Administrative Officers in these organisations may, therefore, be reorganised/ redesignated in the following manner:-

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Sl. No.	Present Designation/ Pay Scale	Revised Designation/ Pay Scale
1.	Supdt/Asstt. Administrative Officer (Rs.2000-3200) (Rs.2000-3500)	Administrative Officer Gr.III (Rs.2000-3500)
2.	Administrative Officer (Rs.2375-3500)	Administrative Officer Gr.II (Rs.2500-4000)
3.	Administrative Officer (Rs.2200-4000)	Administrative Officer Grade-I (Rs.2200-4000)
4.	Sr. Administrative Officer (Rs.3000-4500)	Sr. Administrative Officer (Rs.3000-4500)

In offices having posts in both the pay scales of Rs.2000-3500 and Rs.2000-3200, the former being promotion grade for the latter, the pay scale of higher post shall be revised to Rs.2500-4000, if the functional considerations so dictate. Otherwise, both the grades can be merged in the pay scale of Rs. 2000-3500.

ISSUES OTHER THAN PAY SCALES

Parity in method of recruitment

46.14 In spite of complete parity in the pay scales of LDCs/UDCs, variations exist in the methods of recruitment at the level of UDC. Demands have been made for introducing a fast track of promotion. In a number of organisations, departmental examinations are held for promotion from LDC to UDC grade. In order to bring uniformity in different organisations and parity with CSCS, a limited departmental competitive examination for promotion to UDCs needs to be introduced. The examination should be based on the pattern of the examination conducted by Staff Selection Commission for CSCS.

46.15 At the level of Assistant in the CSS, 50% of the posts are filled by direct recruitment and the remaining by promotion. In the case of Non-Secretariat organisations, similar component of direct recruitment cannot be introduced as in a large number of small organisations, there are no senior level posts beyond the scale of Rs.2000-3500. Direct recruitment at Assistant level without having enough promotion opportunities will be detrimental to the cause of efficiency and will become a major cause of frustration. As such, all the posts of Assistants should continue to be filled by promotion in Non-Secretariat Organisations. However, with a view to improving efficiency, at least 25% of the posts of Assistant may be filled through a Limited Departmental Competitive

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भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 385]
No. 385]

नई दिल्ली, मंगलवार, सितम्बर 30, 1997/आश्विन 8, 1919
NEW DELHI, TUESDAY, SEPTEMBER 30, 1997/ASHWINA 8, 1919

विन मंत्रालय

(न्याय विभाग)

अधिसूचना

नई दिल्ली, 30 सितम्बर, 1997

सा. का. नि. 569(अ).—यंविभाग के अनुच्छेद 309 और अनुच्छेद 148 के खण्ड (5) के परस्पर द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत के नियंत्रक-महालेखा परीक्षक के परामर्श से राष्ट्रपति एतद्वारा भारतीय लेखा परीक्षा और लेखा विभाग में कार्य कर रहे व्यक्तियों के संबंध में निम्नलिखित नियम बनाते हैं अर्थात् :—

1. लघु नाम और प्रारम्भ:—(1) इन नियमों को केन्द्रीय सिविल सेवा (संशोधित वेतन) नियम, 1997 कहा जाएगा।

(2) इन्हें 1 जनवरी, 1996 से लागू माना जाएगा।

2. उन सरकारी कर्मचारियों की श्रेणियां जिन पर ये निर्णय लागू होंगे :—

(1) अन्यथा उपलब्ध व्यवस्था या इन नियमों में निहित प्रावधानों को छोड़कर, यह नियम सिविल सेवाओं और केन्द्र के मामलों के निपटारे वाले पदों पर कार्य करने वाले व्यक्तियों पर लागू होंगे और यह नियम भारतीय लेखा परीक्षा और लेखा विभाग में कार्य कर रहे व्यक्तियों पर भी लागू होंगे।

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PART - B

REVISED PAY SCALES FOR CERTAIN COMMON CATEGORIES OF STAFF

The revised scales of pay mentioned in Column 4 of this part of the Notification for the posts mentioned in column 2 have been approved by the Government. However, it may be noted that in certain cases of the scales of pay mentioned in column 4, the recommendations of the Pay Commission are subject to fulfilment of specific conditions. These conditions relate inter-alia to changes in recruitment rules, restructuring of cadres, re-distribution of posts into higher grades etc. Therefore, in those cases where conditions such as changes in recruitment rules etc. which are brought out by the Pay Commission as the rationale for the grant of these upgraded scales, it will be necessary for the Ministries to decide upon such issues and agree to the changes suggested by the Pay Commission before applying these scales to these posts w.e.f. 1.1.96. In certain other cases where there are conditions prescribed by the Pay Commission as pre-requisite for grant of these scales to certain posts such as cadre restructuring, redistribution of posts etc. It will be necessary for the Ministries/Department concerned to not only accept these preconditions but also to implement them before the scales are applied to those posts. It would, therefore, be seen that it is implicit in the recommendations of the Pay Commission that such scales necessarily have to take prospective effect and the concerned posts will be governed by the normal replacement scales until then.

Sl. No.	Posts	Present Scale (Rs)	Revised Scale (Rs)	Paragraph No. of Report
1.	2.	3.	4.	5.
1.	<u>OFFICE STAFF WORKING IN ORGANISATIONS OUTSIDE THE SECRETARIAT.</u>			
(a)	Assistant	1400-40-1800-50-2300	5000-150-8000	46.9
(b)	Head Clerks	1400-40-1800-50-2300 1350-30-1440-40-1800- 50-2200	5000-150-8000	46.10
(c)	Office Superintendent level II	1400-40-1800-50-2300	5000-150-8000	46.10
(d)	Office Superintendent level I	1600-50-2300-60-2660	5500-175-9000	46.11
(e)	Office Superintendent			
(f)	Administrative Officer	2375-75-3200-100-3500	7500-250-12000	46.13
(g)	Upper Division Clerk	1200-30-1540-40-2040 with special pay of Rs.70/- per month.	5000-150-8000 without special pay.	46.17

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ANNEXURE-I

No.B-73268
Government of India
India Meteorological Department
.....

OFFICE MEMORANDUM

Dated: New Delhi-3; the 7th April, 1999.

Sub:- Creation of the post of Administrative Officer in the scale of Rs.6500-10500 in India Meteorological Department in lieu of surrendering equivalent post of Assistant Meteorologist Gr.II (Scale Rs.6500-10500).

President is pleased to create the twenty one (21) posts of Administrative Officer (Group 'B' Gazetted) in the scale of Rs.6500-10500 in India Meteorological Department by surrendering of twenty one (21) posts of Assistant Meteorologist Gr.II (Group 'B' Gazetted) in the scale of Rs.6500-10500. The office-wise distribution of the posts of Administrative Officer is as follows:-

S.No.	Name of the office	No. of posts
1.	DGM Office, New Delhi	6
2.	✓ADGM(R) Pune	1
3.	DDGM(UI) New Delhi	2
4.	✓DDGM(WF) Pune	1
5.	✓DDGM(AG) Pune	1
6.	✓DDGM(SI) Pune	1
7.	DDGM(RMC) Mumbai	1
8.	DDGM(RMC) Calcutta	2
9.	DDGM(RMC) Chennai	1
10.	DDGM(RMC) Nagpur	1
11.	DDGM(RMC) New Delhi	2
12.	DDGM(RMC) Guwahati	1
13.	Director PAC Calcutta	1
Total		21

2. These orders will be effective from the date of issue of this Office Memorandum.

3. Sanction order for surrendering of 21 posts of Assistant Meteorologist Gr.II is being issued separately.

4. This issues with the approval of Ministry of Finance (Department of Expenditure) vide their Note No. ID-203/E/Coord 1/99 dt. 24.3.99.

(S. Niranjana)
Dy. Director General of Meteorology
(Administration & Stores)

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/s/ Shatle
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TO BE PUBLISHED IN PART III SECTION I OF THE NEXT ISSUE OF THE
GAZETTE OF INDIA)

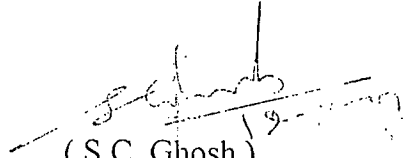
Government of India
India Meteorological Department
O/o the Director General of Meteorology
Lodi Road, New Delhi - 110003

Dated, the 19th Sept. 2005

NOTIFICATION

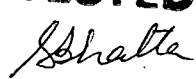
No. A32014/AO/2/03-E.I. The Director General of Meteorology has appointed the undermentioned Superintendents in India Meteorological Department as Administrative Officers (scale Rs.6500-200-10500) in an officiating capacity with effect from the dates indicated against their names below and until further orders.

S.No.	Name	Date from which appointed as Administrative Officers
1.	Shri Purushottam Das	06.09.2005
2.	Shri H.B. Chugh	31.08.2005


(S.C. Ghosh)
Meteorologist (Establishment)
for Director General of Meteorology

To,

The Manager,
Govt. of India Press,
Faridabad (Haryana)
with Hindi Version

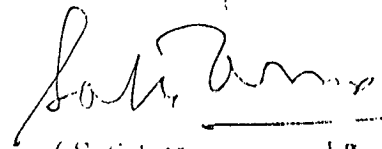
ATTESTED

ADVOCATE

No. A32014/AO/2/03-E.I. / 4778

Dated : 19 Sept. 2005

Copy forwarded to :

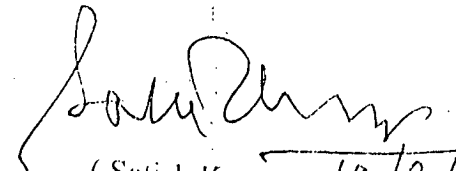
- ✓ 1. Shri Purushottam Das, Administrative Officers through DDGM (RMC) Guwahati.
2. Shri H.B. Chugh, Administrative Officers through DGM's Office, New Delhi.
3. The Sr. Accounts Officer, PAO, IMD, New Delhi.
4. The Accounts Officer, PAO, IMD, Kolkata.
5. DDGM (RMC) Guwahati.


(Satish Kumar) 19/9/05
Asstt. Met. Gr.I (Gaz. Establishment)
for Director General of Meteorology

Copy for information to :

1. Vigilance Section at HQ.
2. G.S. (Gaz. Bills) at HQ.
3. E(2)/ E(3) Sections at HQ.

No. No. A32014/AO/2/03-E.I. ...
Dated : 19 Sept. 2005


(Satish Kumar) 19/9/05
Asstt. Met. Gr.I (E.I. Section)

ATTESTED


ADVOCATE

भारत सरकार

भारत मौसम विज्ञान विभाग

देशीय मौसम विज्ञान केन्द्र

लोकप्रिय गोपीनाथ बरदली अन्तराष्ट्रीय हवाई अड्डा

गुवाहाटी - 781 015



No. GH-P(226)/

Government of India

India Meteorological Department

Regional Meteorological Centre

LGBI Airport, Guwahati - 781 015

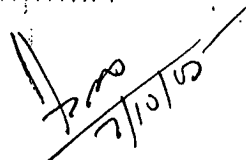
Date 10/10/05

OFFICE ORDER

Consequent on his/her joining to the post of Admin Officer w.e.f. 06.9.05 in the pay scale of Rs 6500-200-10,500 pay of Sri/Smt. Purushottam Dass A.O. is fixed @ Rs 7900/- w.e.f. 06.9.05 under FR 22 (I) (a) (1) with date of next increment on 01.9.06

Sri/Smt. Purushottam Dass was drawing pay @ Rs 7600/- w.e.f. 01.8.05 as Superintendent in the pay scale of Rs 5500-175-9000/-

He is presently posted at R.M.C. Guwahati

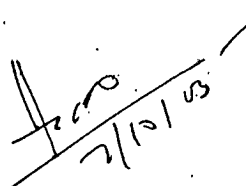

(H. MALAKAR)
for DDGM (RMC) Guwahati

Copy to:-


1. CB (Pay Seat) for information & necessary action.
2. PAO, Alipore, Kolkata-700027
3. Service Book/Personal File.
4. ☒ Shri P. Dass A.O. through R.M.C. Guwahati

RMC Guwahati u.o. No.

GH-P(226)/ 4182


(H. MALAKAR)
for D.D.G.M (RMC) Guwahati

ATTESTED


ADVOCATE

To

67

The Director General of Meteorology,
India Meteorological Department,
Lodi Road, New Delhi-110003.

Sub: Common Categories - Rational Scale of Pay.

Sir,

(through proper channel)

Your kind attention is invited towards Gazette of India, Extra ordinary issue No. 385 (Part B) dated September 30, 1997 (photocopy attached) wherein the revised Pay Scale for certain common cadres of Administrative wing have been notified and are effective w.e.f. 1.1.1996. The same have been published with the approval of President of India and are applicable to certain common categories working in organisations outside the secretariat i.e. in the subordinate offices of Govt of India. Although the pay Scale of Rs. 7500-250-12000 is for the cadre of Administrative Officer yet the same has not been made applicable to the 21 posts of Admn Officer re-created in the year 1999 which were initially ear-marked for Admn Wing for carrying out administrative functions while separating the administrative wing from the scientific in the year 1979 vide H.Q. Office Order No. E(2)107/03/79 dated 11.5.1979.

In the above context it is to say that the cadres of Admn Wing are the common category cadres to the other subordinate offices as well as the Administrative Officer is also one of the most common category cadre in subordinate offices and the Pay scale of Rs. 7500-250-12000 w.e.f. 1.1.1996 approved and notified by the Govt of India necessarily is to be made effective in this department also, keeping in view the rationalization and parity of pay to similar other departments of Govt of India.

The Department has made every effort to get granted and made applicable Up-graded pay scale and other better service conditions for the betterment of staff and officers but it would be pitiable if sincere efforts are not made to get approved and applicable the appropriate pay scale in the cadre of Admn. Officer.

In view of above I, therefore, request that an early action may kindly be taken sympathetically to get approved and implement the pay scale of Admn. Officer of Rs. 7500-250-12000 and my pay re-fixed accordingly from my date of joining.

Thanking you

Yours faithfully,

SP 12.12.2005

(Purushottam Dass)
Admn. Officer.

ATTESTED

Sshatta
ADVOCATE

58

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3492

Sub :- Revised Pay Scale in the cadre of Admin. Officers – Shri Purnushottam Das, A.O.

With reference to your letter No. GH-E-00002(circular)/5256 dated 21.12.2005 on the above cited subject. Shri Purnushottam Das, Admin. Officer may be informed that his case for revision of pay scale in the cadre of Admin. Officer was considered but could not be agreed to due to following reasons.

1. The posts of Admin. Officer were created by surrendering the 21 posts of Asst. Met. Gr.II (pay scale Rs.6500-200-10500) by way of matching & saving.
2. The pay scale of Rs. 7500-200-12000 has been given to those Admin. Officers by 5th Pay Commission who were working in pre-revised scale of Rs. 2375-75-3200-100-3500.

The posts of Admin. Officers were not in existence before implementation of 5th Pay Commission in IMD.

(R.B. Thapa)

Meteorologist (Establishment)
for D. G. M.

DGM UOI No. EQ/894/15/2005

16228

Dated : New Delhi-3, the 14.2.2006

TS

ATTESTED

Shatta

ADVOCATE

24 MAR 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

O.A. NO. 277 OF 2006

Sri Purshottam Das

...Applicant

-Versus-

Union of India & Ors.

....Respondents

The written statement on behalf of
the Respondents above named-

WRITTEN STATEMENT OF THE RESPONDENTS

MOST RESPECTFULLY SHEWETH:

1. That with regard to the statement made in paragraph 1, 2 and 3 of the instant application the Respondents beg to state that those are within specific knowledge of the applicant hence the respondent offer no comment.

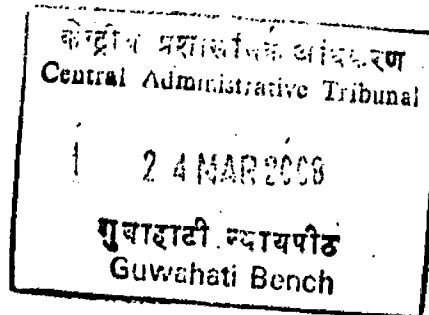
2. That with regard to the statement made in paragraph 4.1 and 4.2 of the instant application the Respondents beg to state that the applicant has prayed to the Hon'ble Court for the same. Further at present the applicant is transferred to office of Director General of Meteorology, India meteorological Department, Lodi Road, New Delhi from Regional Meteorological Centre, Guwahati.

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File by

Nasim

LLH
Shree
20.3.2008



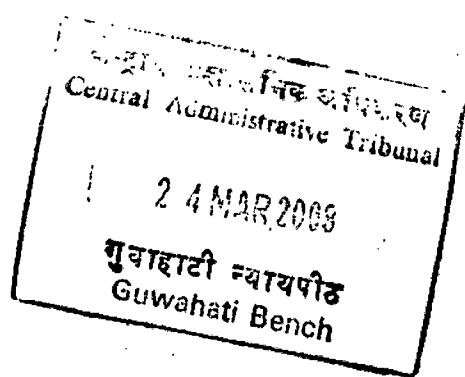
[2]

3. That with regard to the statement made in paragraph 4.3 of the instant application the Respondents beg to state that those are matter of record and do not admit anything which are not borne out of records.

4. That with regard to the statement made in paragraph 4.4 of the instant application the Respondents beg to state that in the implement separation of administrative and technical cadres in Head Quarters Offices of the department and accordingly office order No.E(2)107/03/79 dated 18.5.79 was issued to the members of technical staff working in administrative side to exercise option for opting to come over either to administrative side or to continue to technical side. Against this office order some of the staff member represented requesting to clarify pay scales, designation, promotion prospects and other service conditions. Further a meeting was convened by DDGM(A&S) on 3.8.79 with the representatives of GOA and NGSU to discuss the proposed R/Rules of new administrative setup. The staff side also suggested that the options given by staff members may be treated as provisional pending finalisation of R/Rules. The scheme of separation of administrative and technical wings of IMD, duly approved by Ministry of Finance, was issued vide office order E(2)107/03/79 dated 3.7.1980 which was effective from 01.7.1980. Approval of Ministry of Finance to the rede-

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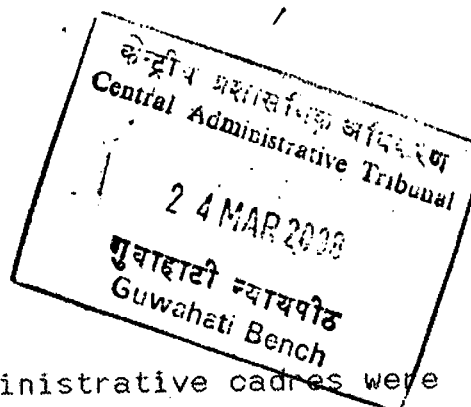


signation of technical posts into equivalent administrative posts was circulated by Budget Section vide office order No. B-73268 dated 24.3.1986. On the basis of which letter No. E(2)107/03/83 dated 16.04.1986 was issued by this office for exercising fresh options from technical side working in administrative side. The last date of exercising option was 30.6.1986 and the new R/Rules for the administrative posts of LDC, UDC, Administrative Assistant were notified on 15.01.83 and circulated to all the offices. Thereafter the proposal of creation of 21 posts of Administrative officer by re-designating by equivalent technical cadre of Asstt. Met Gr-II was taken up with the Ministry of Finance and finally it was approved vide B-73268 dated 7.4.1999. The post of Administrative Officer so created were filled up as per provision in the above notified R/Rules.

5. That as regard to the statement made in paragraph 4.5 of the instant application the Respondents beg to state that since the Recruitment Rules for Administrative cadres came into force with effect from 15.1.1983 after their notification in Gazette of India, according to which administrative cadres were for Group "C" cadres notified in 1971, there was a provision for Upper Division Clerk for promotion to the post of Scientific Assistant under 25% limited departmental examination quota. But the applicant was not allowed for the same as the Administrative and Technical cadres were

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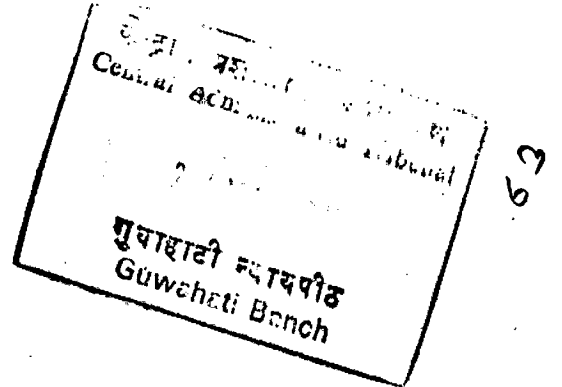
separated and new R/Rules for administrative cadres were framed and notified on 15.1.1983, as such administrative staff were no more eligible for promotion to the technical cadre. The Hon'ble CAT (PB) New Delhi in its judgment dated 10.3.1987 in the case of Shri Shyam Bihari and others directed the respondents to give chance to the applicants for giving options for coming over to technical wing and on accepting their options the applicant will complete the appropriate Meteorological training within the stipulated time period. The judgment was generalised in consultation with DOPT to all similar placed LDCs. This judgment was applicable to LDCs only and not to UDCs. Since the R/Rules for Administrative cadres were notified on 15.1.1983, as such Shri Purushottam Das who was holding the post of UDC at that time, was eligible for promotion to administrative side only.

6. That with regard to the statement made in paragraph 4.6 of the instant application the Respondents beg to state that vide OM dated 14.6.1985 Shri Purushottam Das, UDC was informed that his request for promotion to the post of Administrative Assistant has been noted and will be considered after bifurcation of technical and Administrative wing in the department.

7. That with regard to the statement made in paragraph 4.7 & 4.8 of the instant application the

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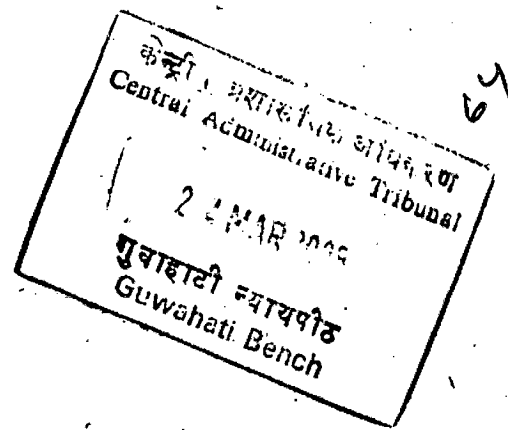
Respondents beg to state that the position indicated by the applicant in these paras were only the recommendation of 5th Central Pay Commission and not the approval of the Government. In IMD, 21 posts of Administrative Officers, Group-B Gazetted were created in the pay scale of Rs.6500-10500 under matching saving by redesignating equal number of posts of Asstt. Met Gr.II (Pay Scale Rs.6500-10500) with the approval of the government.

8. That with regard to the statement made in paragraph 4.9 of the instant application the Respondents beg to state that in India Meteorological Department 21 posts of Administrative Officers in the pay scale of Rs.6500-10500 were created under matching saving by redesignating equal number of technical posts in the cadre of Asstt. Met. Gr.II Pay scale Rs.6500-10500 and (prerevised pay scale s. 2000-3500) in the year 1999, with the approval of the government. As per 5th Central Pay Commission, the revised scale of Rs.7500-12000 was given to those Administrative Officers who were in the pre-revised scale of Rs. 2375-3500 and not in the pre-revised scale of Rs.2000-3500/-.

9. That with regard to the statement made in paragraph 4.10 & 4.11 of the instant application the Respondents beg to state that the representation of Sri Purushottam Das, A.O. dated 12.12.2005 for revision of pay scale as Rs.7500-12000 was duly considered in this

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[6]

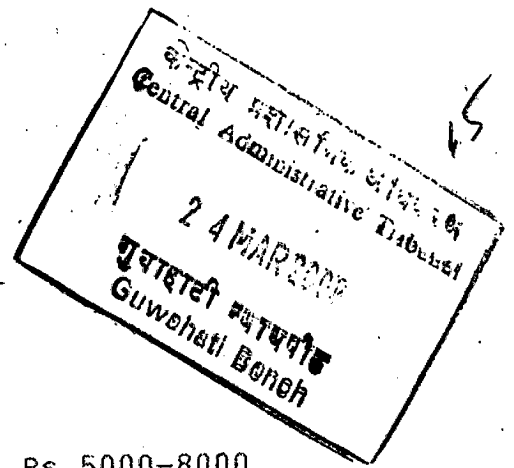
office. On examination of the case it was found that the revised pay scale of Rs.7500-12000 was applicable to those Admin. Officers who were in the pre-revised pay scale of Rs.2375-3500 only prior to implementation of 5th Central Pay Commission. In India Meteorological Department, 21 post of Administrative Officer in the pay scale of Rs.6500-10500 were created by redesignating of equivalent technical post of Asstt. Met. Gr-II, Pay Scale Rs.6500-10500 (pre-revised pay scale Rs.2000-3500) in the year 1999 only and not prior to implementation of 5th Pay Commission. Therefore the pay scale of Rs.7500-12000/- to Admn Officer, IMD is not applicable. This position was appraised to the applicant. It may also be worth mentioning that no other posts of Admin. Officers in IMD except 21 posts in the pay scale Rs.6500-10500 who were created in 1999 i.e. after implementation 5th CPC.

The present cadre structure in admin. wing is given may be read as follows:

Sl.No.	Name of the post	Pay scales
Official Language Cadre		
1.	Senior Hindi Officer	Rs.8000-13500
2.	Hindi Officer	Rs.6500-10500.
3.	Senior Translator	Rs.5500-9000
4.	Junior Translator	Rs.5000-8000
Admn Cadre		
1.	Admn Officer	Rs.6500-10500.
2.	Superintendent	Rs.5500-9000

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[7]

3.	Admin Assistant	Rs.5000-8000
4.	Upper Division Clerk	Rs.4000-6000
5.	Lower Division Clerk	Rs.3050-4590
Stenographic Cadre		
1.	Senior Private Secretary	Rs.7500-12000
2.	Private Secretary	Rs.6500-10500
3.	Stenographer Grade-I	Rs.5500-9000
4.	Stenographer Grade-II	Rs.5000-8000
5.	Stenographer Grade-III	Rs.4000-6000

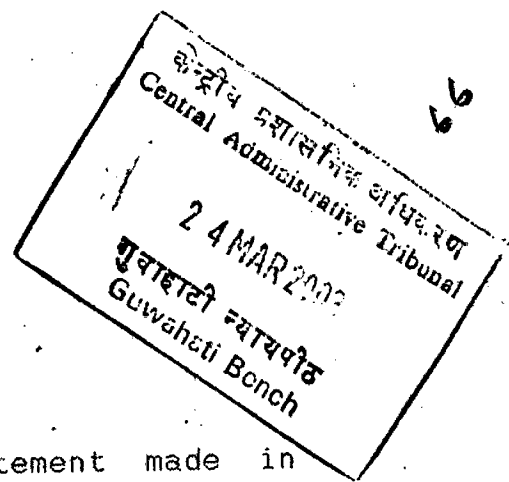
10. That with regard to the statement made in paragraph 4.12 & 4.13 of the instant application the Respondents beg to state that the position which is given under the para may be referred para 4.9 for the same.

11. That as regard to the statement made in paragraph 4.14 to 4.18 of the instant application the Respondents begs to state that this office has no mala-fide intention to deprive the application from his legitimate right.

12. That with regard to the statement made in paragraph 5 of the instant application the Respondents beg to state that the grounds set forth in the application are not good grounds and not tenable in law as well as on facts and the application is liable to be dismissed.

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Hamir



13. That with regard to the statement made in paragraph 6 and 7 of the instant application the Respondents have no comment.

14. That with regard to the statement made in paragraph 8 and 9 of the instant application the Respondents beg to state that in view of the facts and circumstances mentioned above the applicant is not entitled to get any relief or interim relief as prayed for and the instant application is liable to be dismissed.

Samui
24.1.08
(R.P. SAMUI)
D.D.G.M.,
Regional Meteorological Centre,
Guwahati Airport
Guwahati-781015

VERIFICATION

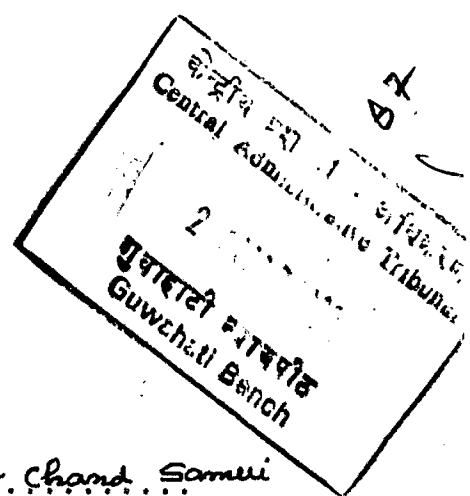
I, Sri. R. P. Samui.....S/o Late. Sudhir Chand. Samui
aged about 50 years, R/o D.D.G.M., Regional Meteorological Centre, Secwaha
District Guwahati..... and competent officer of the
answering respondents, do hereby verify that the state-
ment made in paras 1-14 are true
to my knowledge and those made in paras x
being matters of record are true to my information
derived therefrom which I believe to be true and the
rests are my humble submission before this Hon'ble
Tribunal.

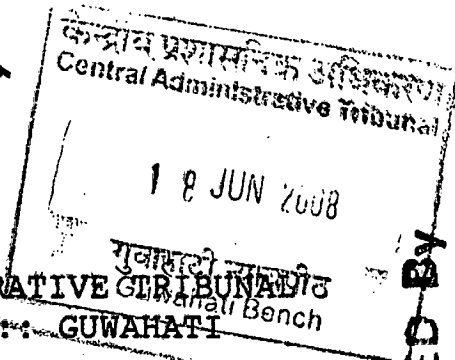
And I sign this verification on this 24 th day
of January 2008 at Guwahati.

R. P. Samui
24.1.08.

Signature

(R. P. Samui)
Deputy Director General
Regional Meteorological Centre
L.G.B.I. Airport, Guwahati,
D.D.G.M.,
Regional Meteorological Centre
Guwahati Airport
Guwahati-781015





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

FILED BY

Sri Purushottam Dass

Applicant
S.D.

through Nuruddin Ahmad
Advocate 16/06/07

IN THE MATTER OF :

O.A. No.277 OF 2006

Sri Purushottam Dass

. . . . Applicant

- Versus -

The Union of India & Others

. . . Respondents

- AND -

IN THE MATTER OF :

Rejoinder filed by the
applicant to the written
statement filed by the
Respondents.

The humble applicant submits
this Rejoinder as follows:

MOST RESPECTFULLY SHEWETH:

[1] That I am of the applicant of the O.A. No 277 of 2006 and the respondents have filed the Written Statement in the aforesaid O.A. A copy of the same has been served upon me through my counsel. I have gone through the written Statement filed by the respondents and understood the contents thereof and I emphatically deny each and every averment made therein except those which are specifically admitted herein.

[2] That with regard to the statement made in paragraph No.1 of the written statement the applicant has not comment to offer.

Purushottam Dass

18 JUN 2008
Central Administrative Tribunal

[3] That with regard to the statements made in paragraph 2 of the written statement the Applicant begs to state that he has already been again transferred from the Office of the Director General, Meteorology, Indian Meteorological Department, Mausam Bhawan, Lodhi Road, New Delhi to the Regional Meteorological Centre, India Meteorological Department, Government of India, N.E. Region, Head Quarter, Borjhar, Guwahati, Pin-781015.

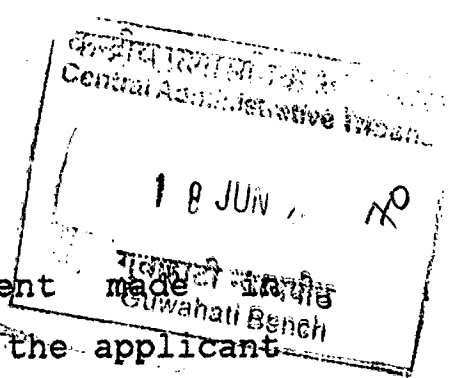
When?

[4] That with regard to the statements made in paragraph no. 3 of the written statement the applicant has no comment to offer.

[5] That with regard to the statements made in paragraph No.4 of the written statement the applicant begs to state that on the basis of the Office order vide No E(2)107/03/79 dated 18-05-1979 issued by the India Meteorological Department, the Government of India separated the Administrative cadre from the Technical cadre with an proposal of creation of adequate number of posts for the cadre of Administrative wing from bottom to top and also to provide an option, whether the Administrative officials want to continue in Administrative stream or would like to go to Technical Wing.

The applicant further begs to state that he has prayed before the Hon'ble Tribunal to direct the Respondents to grant the pay scale of Rs.7,500-250-12,000/- w.e.f. the date of his appointment i.e. 06.09.2005 as Administrative Officer along with all consequent financial and service benefit which he is entitled.

Laxushollan Das

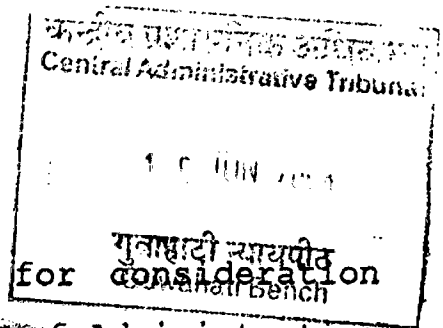


[6] That with regard to the statement paragraph no. 5 of the written statement the applicant begs to state that the Recruitment Rules for Administrative cadres came into force with effect from 15-01-1983 and there was a provision for Upper Division Clerk (in short UDC) for promotion to the post of Scientific Assistant through Limited Departmental Examination Quota. It is to be stated that at the relevant time the applicant was working as UDC. However the instant applicant was promoted to the Post of Administrative Assistant in year 1987. The Department did not fill up the post deliberately of the cadres of Superintendent and Administrative Officer even though the persons were eligible and available in the respective feeder cadres but the posts were abolished. Again the post of Administrative Officer was re-created in 1999 and filled up in 2000. Thus the persons who had got promotion in 2000 against the vacancies created in 1999 are eligible to get notional seniority and notional pay fixation and arrears of pay.

note? That at the time of separation of cadre in the year 1979, some expert committees were constituted from time to time for looking into the aspect of separation of cadre from bottom to top in Administrative Wing. But the recommendations were not implemented due to reason best known to the Respondent No.2 i.e. Director General of Meteorology. Now the report of newly constituted S.K.Das committee has been approved by the Ministry. *When?* However, the Respondents have not taken any positive steps for implementation of the same.

[7] That with regard to the statements made in paragraph no.6 of the written statement the applicant begs to state that after filing a representation on 16-05-1985 before the Deputy Director General of

Purushottam Das



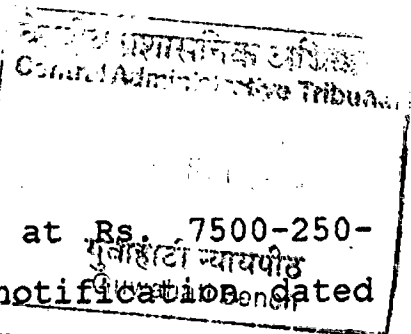
Meteorology (Instrument Production) of his name for promotion to the post of Administrative Assistant, he was informed on 14-06-1985 that his request for promotion has been noted and will be considered after bifurcation.

[8] That with regard to the statements made in paragraph no.7 of the written statements the applicant begs to state that the same is not true and false. It is to be stated that the applicant has already annexed the recommendation of the Pay Commission and Government Gazette Notification in the instant Original Application as Annexure G and Annexure H respectively. The articles published in Govt. Gazette Notification dated 30.09.1997 is self explanatory.

[9] That the with regard to the statement made in paragraph no.8 of the written statement the applicant begs to state that 21 Nos of post of Administrative Officer were created in the year of 1999 by the India Meteorological Department vide its O.M. No B-73268 dated 7th April 1999 and the Government of India Gazette (pay scale revision) published in the year 1997, much earlier than the recreation of the posts wherein it has clearly mentioned that the pay scale of Administrative Officer of Rs. 7500-12000 without any pre-condition. But the India Meteorological Department authority instead of implement the Gazette notification the Respondents separated the pay scale of the newly created Administrative Officers which is lower than the accepted and approved one.

[10] That with regard to the statements made in paragraph No.9 of the written statement the applicant begs to state that his representation dated 12-12-2005 to the respondent No.2 for implementation of the pay

Sushanta Das



scale of the Administrative Officer at Rs. 7500-250-12000 in reference to the Gazette notification dated 30th September 1997 was rejected in a mechanical and arbitrary manner. The posts of Administrative Officer numbering 21 were created in the year of 1999 and the Govt. of India Gazette published in the year 1997 wherein it has clearly mentioned that the pay scale of the Administrative Officer at Rs. 7500-12000 without any pre-condition but without implementing the same the Respondents separated the pay scale of the newly created post of the Administrative Officer. Parity may be maintained by giving appropriate pay scale of Rs. 7500-12000.

The Government of India Gazette also contains the pre-revised and revised pay scale of Superintendent, the feeder cadre of Administrative Officer herein the higher pay scale admissible to the person of this Department was equalized in revision to the notified against the lower revised but the notified pay scale of 7500-12000 for the post of Administrative Officer was not granted to the incumbents of this Department.

[11] That the statement made in paragraph nos. 10 to 14 of the written statement the applicant denies the same and reiterate the statements made in his Original Application.

Therefore, the applicant respectfully submits that the written statement filed by the Respondents is wholly bereft of substance and no credence ought to be given to it. Thus, in view of the abject failure of the Respondents to refute the contentions, averments, questions of law and grounds made by the Applicant in the Original Application filed by the Applicant deserved to be allowed by this Hon'ble Tribunal.

Sushanta Das

VERIFICATION

I, Shri Purushottam Dass aged about 57 Years son of Shri Sunkaram working as Administrative Officer, Regional Meteorological Centre, India Metrological Department, Govt. of India, N.E. Region, Head Quarter, Barjhar, PIN 781015 do hereby verify that the statement made in paragraphs 1, 2, 3, 4, 5 (Partly), 6 to 11 are true to my knowledge and belief and those made in paragraphs 5 (Partly) being matters of records are true to my information derived there from and the rest are my humble submission before this Hon'ble Tribunal. And I sign this verification on this 16th day of June 2008.

Purushottam Dass
Declarant

