

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. OA 163/2007

(2) MP 58/08 order page - 1 26.3.08

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E.P./M.A No.

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SECTION OFFICER (Judl.)

Shalika
24.10.17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 163/2007

2. Miscellaneous Petition No. _____

3. Contempt Petition No. _____

4. Review Application No. _____

Applicant(s) Sri Anup Sarma & others vs Union of India & Ors

Advocate for the Applicant(s) Mr. M. Chandra
Mr. S. Nath &
... Mrs. D. Dutta ...

Advocate for the Respondant(s) Adv. CGSC. Ms. U. Daj

Notes of the Registry | Date | Order of the Tribunal

Application is in form 22.6.2007

Fee paid Rs 50/-

346 654187

2.6.07

Registered

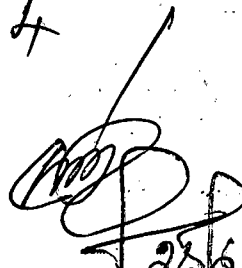
22.6.07

Steps taken with-
out envelops.

20/6

The Applicants are presently working as Draftsman Grade-II under the Survey of India Department. Applicants 1 to 5, when they were working as Draftsman Grade-III, had approached this Tribunal and the Tribunal directed to consider their case. Subsequently they were promoted as Draftsman Grade-II. Applicants Nos.6 and 7 also were subsequently promoted to the present post. According to them, they have attained the eligibility on having completed the required combined regular service of five years on different dates for grant of higher revised pay scale of Rs.5,000-8,000/-. The Applicants claimed that the benefits of higher revised pay scale have already been granted to identically placed Draftsmen, whereas in hostile discrimination the present Applicants have been deprived

✓ Received

Contd
22.6.2007And copy of
Petition for
Respondent no
3 & 4
25/6/07

Notice and order
Sent to D/Section
for issuing to resp.
nos. 1, 2 by regd.
A/D post and ors
resp. nos 3 & 4 received
by hand.

26/6/07. D/Nb-667,668 /bb/
Dt= 5/7/07.

- ① Service report
Awaited.
② Wls not filed.

23
1.8.07.

2.8.07

Four weeks further time granted to file
written statement by the respondents.

Post on 3.9.07 for order.

Vice-Chairman

Vice-Chairman

Wls not filed.

18.9.2007

As requested by Ms.U.Das, learned
Addl. C.G.S.C. four weeks time is granted
to the Respondents to file reply statement.

Post on 5.11.2007.

Vice-Chairman

2.11.07
no Wls filed.

b

/bb/

of the same. In a similar matter in O.A.
No.2094/2001 the Principal Bench of this
Tribunal has already directed to the
Respondents to grant revised pay scale of
Rs.5,000-8000/- to the similarly situated
employees.

Heard Mr.S.Nath, learned counsel for
the Applicants. Ms.U.Das, learned Addl.
C.G.S.C. represented the Respondents.
Considering the above, I am of the view this
is a fit case to be admitted. Hence, admit the
O.A. Issue notice to the Respondents. Six
weeks time is granted to the Respondents to
file reply statement.

Post the case on 2.8.2007.

-3-
O.A. 183/07

05.11.2007

Mr.M.Chanda, learned counsel for the Applicant is present. Ms.U.Das, learned Addl. Standing counsel for the Union of India submitted that reply statement will be filed within the next four weeks.

Call this time on 05.12.2007.

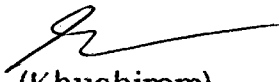

Member (A)

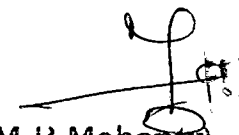
/bb/

05.12.07.

No written statement has been filed in this case as yet. Ms. Usha Das, learned Addl. Standing Counsel appearing for the Union of India, seeks more time to file written statement. Prayer is allowed.

Call this matter on 08.01.2008.


(Khushiram)
Member(A)



(M.R.Mohanty)
Vice-Chairman


lm

08.01.2008

Written statement is undertaken to be filed by 11.01.2008. Mrs U. Dutta, learned Counsel appearing for the Applicant, who has received a copy of the written statement, seeks time for filing rejoinder.


Call this matter on 30.01.2008, awaiting rejoinder from the Applicant.


(Khushiram)
Member (A)



(M. R. Mohanty)
Vice-Chairman

nkm

W/s not filed.

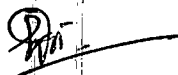

4.12.07.

W/s not filed.


7.12.08.

22.1.08

W/s filed by
the respondents.
copy served.




O.A. 163 of 07
O.A. 163 of 07


30.01.2008
14.02.2008. Despite written statement, no rejoinder has yet been filed by the Applicant in this case. Mr. M. Chanda learned counsel appearing for the Applicant seeks more time to file rejoinder.

Call this matter on 14.02.2008 awaiting rejoinder from the Applicant.

Rejoinder not
filed.

30
13.2.08.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

lm


O.A. 163 of 07


14.02.2008. Mrs. U. Dutta, learned counsel appearing for the Applicant seeks more time for filing rejoinder.

Call this matter on 13.03.2008.

Rejoinder not
filed.

30
12.3.08.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

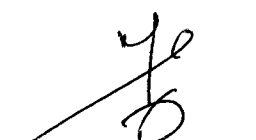
Lm

13.03.2008 Despite three adjournments no rejoinder has been filed in this case.

Call this matter on 28.03.2008 for hearing.

Ms. U. Dutta learned counsel appearing for the Applicant undertakes to file rejoinder by end of March.

Call this matter on 28.03.2008 for hearing.


(M.R. Mohanty)
Vice-Chairman

26.3.08
Rejoinder submitted
by the Applicant.
undertaking given for
service.



lm

26.03.2008 In this case M.P.No.57/2008 has been filed by the Applicant to implead the Secretary to the Government of India in the Ministry of Finance (Department of Expenditure), North Block, New Delhi-110001 as Respondent No.5 in this O.A. No.163/2007.

The Applicant has also filed M.P.No.58/2008 seeking amendment of the O.A. by seeking to include certain paragraphs in paragraphs 4, 5 and 8 of the O.A. and to place certain Annexures to the O.A.

Copies of both the M.P.s have already been supplied to Mr G. Baishya, learned Sr. Standing Counsel for the Union of India.

Heard the learned Counsel for the parties.

Prayers in both the M.P.s No.57/2008 and 58/2008 are hereby allowed permitting the Applicant to add a new Respondent No.5 and to incorporate new paragraphs in paragraphs 4, 5 and 8 of the O.A. and to include additional annexures.

Mr M. Chanda, learned Counsel appearing for the Applicant undertakes to file consolidated O.A. (incorporating the amendments) by 31.03.2008. He also undertakes to supply a copy of the amended O.A. to Mr G. Baishya, learned Sr. Standing Counsel for the Union of India, by 31.03.2008.

O.A. No-163/2007 - 6

0

Dt. 26.3.08

Pl. send copies of this order
w/ copies of the amended O.A.
to all five respondents.

Pl. issue notice to new
Respondent No. 5

[Signature]
31/3/08

As per court's order
dt. 26/3/08 Mr. M. Chanda
L/A for applicants
deposit Rs = 366/- only
vide receipt no-2637
dt. 4/4/08 for issuing
the notices to the
respondents by speed
post, A/D.

nkm

09.05.2008

Mr. M. Chanda, learned counsel
appearing for the Applicant is present. None
appears for the Respondents. On the prayer
of Mr. G. Baishya, learned Sr. Standing
Counsel appearing for the Union of India, call
this matter on 11.6.2008.

[Signature]
(Khushiram)
Member(A)

[Signature]
(M. R. Mohanty)
Vice-Chairman

11.06.2008

No additional counter has yet been filed
to the amended portion of the O.A. However,
regular counter and rejoinder having been
filed, this case is otherwise ready for hearing. Call
on 8th August, 2008 for hearing.

Additional counter, if any, may be filed
by 25th July, 2008.

Call this matter for hearing on
08.08.2008.

[Signature]
(Khushiram)
Member(A)

[Signature]
(M. R. Mohanty)
Vice-Chairman

W/s and rejoinder filed
by the parties.

[Signature]
4/8/08

[Signature]
4/4/08.
(a) Order dt. 26/3/08
alongwith copies of
the amended O.A.
sent to D/Section for
issuing to respondents
nos 1 to 4 by speed
post A/D.

(b) Notice & Order sent
to D/Section for issuing
to R-5 by speed post,
A/D.
D/No-1673, 1674 to
6/4/08. Dt= 1677
8/4/08.

08.08.2008 Mrs. U. Dutta, learned counsel appearing for the Applicant is present. Mrs. M. Das, learned Addl. Standing Counsel appearing for the Respondents is also present.

The case is ready for hearing.

Call this matter on 22.9.2008 for hearing before Division Bench.

M.
19.9.08. lm



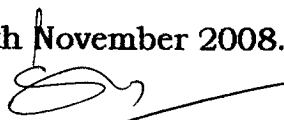
(M.R. Mohanty)
Vice-Chairman

22.09.2008 On the prayer of learned counsel appearing for both the parties, call this matter on 24.11.2008^{for} hearing along with O.A.No.322 of 2006.

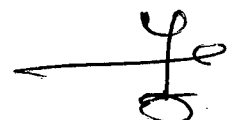
The case is ready for hearing.

Additional written statement, if any, may be filed by the Respondents, well before 24th November 2008.

M.
21.11.08



(S.N. Shukla)
Member(A)



(M.R. Mohanty)
Vice-Chairman

lm

1.12.08
Additional W/s submitted by the Respondents, copy served.

24.11.2008

Call this matter on 8th January, 2009

The case is ready for hearing.

lm



(M.R. Mohanty)
Vice-Chairman

M.
7.1.09

12.02.2009

Call this matter on 02.04.2009 for hearing.



(M.R. Mohanty)
Vice-Chairman

/bb/

O.A.163 of 07

09.01.2009 Mrs. U. Dutta, learned counsel appearing for the Applicant is present. Mrs. M. Das, learned Addl. Standing Counsel appearing for the Government of India is also present.

Call this matter on 12th February, 2009.

(M.R.Mohanty)
Vice-Chairman

lm

12.02.2009 Call this matter on 02.04.2009 for hearing.

(M.R.Mohanty)
Vice-Chairman

bb

02.04.2009 Call this matter on 20.05.2009 for hearing.

(M.R.Mohanty)
Vice-Chairman

/bb/

20.05.2009 On the prayer of learned counsel for both the parties, call this matter on 19.06.2009.

(N.D.Dayal)
Member(A)

(M.R.Mohanty)
Vice-Chairman

lm

19.06.2009 Call this Division Bench matter on 18.08.2009 for hearing.

(M.R.Mohanty)
Vice-Chairman

/bb/

The case is ready
for hearing.

11.2.09.

The case is ready
for hearing.

18.5.09.

The case is ready
for hearing.

17.8.09

18.08.2009

On the prayer of the learned Counsel for the parties, call this matter on 16.09.2009.

(M.K. Chaturvedi)
Member (A)

(M.R. Mohanty)
Vice-Chairman

The case is ready for hearing. nkm

15.9.09

16.09.2009

Learned counsel appearing for the parties are present. Call this matter on 18.11.2009.

(M.K. Chaturvedi)
Member (A)

The case is ready for hearing. /lm/

19.10.09

20.10.2009

Mr. M. Chanda learned counsel appearing for the Applicant has filed certain documents in O.As. No. 322 of 2006 and 163 of 2007, which is stated to be arising other the same Memoranda. Mrs. M. Das, learned Sr. Standing Counsel appearing for the Respondents seeks an adjournment to obtain proper instructions.

In the facts and circumstances and on request of learned counsel appearing for both sides, list these matter on 26.10.2009.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

The case is ready for hearing.

23.10.09

/lm/

20.10.09

The Advocate for the Applicant filed some document in the court on 20.10.09. 20/10/09

O.A No. 163/2007

26.10.2009

Mrs M. Das, learned Sr. C.G.S.C. appearing for the respondents, have produced order dated 21.07.2009 whereby pay scales in respect of Draftsman Grade II has been revised pursuant to order of the Delhi High Court dated 25.03.2009 passed in WP(c) No.3505/2002 (Shri Chandra Bose vs. Union of India and others). Mr M. Chanda, learned counsel for the applicant, states that no further grievance survives in this O.A.

30/10/09

Copy of order dated 26/10/09 has been prepared and send to the D/section for issuing to the both side standing Counsel by hand.

nkrr

Accordingly, O.A. stands disposed of.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

D/No. -

30/10/09

Dtd. -

[Handwritten mark]

- 2 APR 2007

गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

AMENDED ORIGINAL APPLICATION

In O. A. No. 163/2007

Sri Anup Sarma & Others.

Versus-

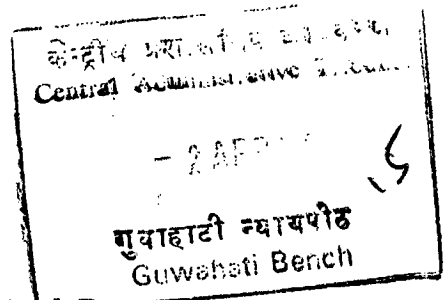
Union of India & Others

Lists of dates and synopsis of the case

Applicants are presently working in the cadre of Draftsman Grade-II under the Director, Survey of India, Assam and Nagaland Geo Statistical Data Centre and Meghalaya and Arunachal Pradesh Geo-Statistical Data Centre.

- 19.10.1994- Govt. of India, Ministry of Finance issued O.M. revising scale of pay of Draughtsman Grade I, II and III in all Govt. of India offices. In the said O.M it is provided that minimum period of 5 years service in the scale of pay of Rs. 1200-2040 is required by the Draftsman for placement to the scale of Rs. 1400-2300.
- 10.04.1995- Applicant No. 1 to 5 were initially appointed to the post of Topo Trainees Type B (TTTB) in the scale of Rs 950-1500/-.
- 20.05.1996- Applicant No. 6 and 7 were initially appointed to the post of Topo Trainees Type B (TTTB) in the scale of Rs 950-1500/-.
- 01.04.1997- Applicant No. 1 to 5 were upgraded to the post of Draftsman (Grade-IV) in the scale of Rs 3200-4900 w.e.f 01.04.97.
- 01.04.1998- Applicant No. 6 and 7 were upgraded to the post of Draftsman (Grade-IV) in the scale of Rs 3200-4900 w.e.f 01.04.97.
- 16.10.2000- Respondent No. 1 intimated the respondent No. 2 that after completion of combined 5 years of service in the grade of Draftsman Grade-III and Grade-II applicants of O.A. No. 52/06 (Draftsman in Survey of India) would be placed in the scale of Rs. 5,000-150-8,000/- instead of Rs. 4500-7000. (Annexure- 3)
- 01.01.2001- Applicant No. 1 to 5 were upgraded to the cadre of Grade-III in the scale of Rs 4000-6000/- after passing the second trade test on completion of another three years service.
- 01.06.2001- Govt. of India, Ministry of Finance issued O.M. providing minimum period of 8 years service for placement from the post

Received
G. Anup Sarma
Sr. Case
02.04.08



carrying scale of Rs. 4000-6000 (pre-revised Rs. 1200-2040) to Rs. 5000-8000 (pre-revised Rs. 1400-2300).

- 22.10.2001- Department of Science and Technology, Govt. of India after consultation with the Ministry of Finance clarified that the O.M dated 01.06.01 issued by the Govt. of India, Ministry of Finance is not applicable to the Draftsman working in Survey of India.
Respondents Union of India in their additional written statement submitted in O.A. No. 14/2002 (T.R Sharma - Vs- U.O.I & Ors.), which was disposed of on 30.05.03, specifically stated in para 9 that the O.M dated 01.06.01 issued by the Govt. of India, Ministry of Finance is not applicable to the Draftsman working in Survey of India. (Annexure- 6)
- 01.01.2002- Applicant No. 6 and 7 were upgraded to the cadre of Grade-III in the scale of Rs 4000-6000/- after passing the second trade test on completion of another three years service.
- 07.02.2002- Hon'ble CAT, Principal Bench directed respondents to extend higher revised scale of pay of Rs. 5,000-8,000/- to the similarly situated Draftsman of respondent department. (Annexure- 5)
- 23.09.2004- Hon'ble Tribunal allowed OA No. 252/03 (filed by applicant No. 1 to 5), directing the respondents to promote the applicants to the grade of Draftsman Gr-II. (Annexure- 4)
- 01.01.2006- Applicant No. 1 to 5 attained eligibility for scale of pay of Rs. 5000-8000 in terms of Govt. of India's letter dated 16.10.2000, but they were placed in the scale of Rs. 4500-8000.
- 29.06.2006- Respondents framed impugned Gr. 'C' Non-ministrial Draftsman Cadre post RR 2006 wherein scale of pay of Rs. 5000-8000 has been prescribed by way of promotion from amongst the Draftsman Grade- III with 8 years regular service in the grade. (Annexure- 7)
Impugned RR 2006 has been framed with a malafide intention just to deny the benefit of higher revised scale granted to other similarly situated employees of Survey of India who were applicants in O.A. No. 52/96 and 14/2002 in terms of the O.M dated 19.10.1994.
- 29.12.2006- Applicant No. 1 to 5 submitted representations for grant of higher revised scale of pay of Rs. 5,000-8,000/- to the appropriate authority, but to no result. (Annexure- 1 and 2)
- 01.01.2007- Applicant No. 6 and 7 attained eligibility for scale of pay of Rs. 5000-8000 in terms of Govt. of India's letter dated 16.10.2000, but they were placed in the scale of Rs. 4500-8000.

Hence this amended Original Application.

PRAYERS

1. That the Hon'ble Tribunal be pleased to direct the respondents to grant the revised higher scale of pay of Rs. 5,000-150-8,000/- to the applicants with effect from the date when the individual applicants have completed combined 5 years of service in the grade of Draftsman Grade-III and Grade-II in terms of the Govt. of India's letter dated 16.10.2000 with all consequential benefit including arrear monetary benefit.
1. A That the Hon'ble Tribunal be pleased to set aside and quash the impugned Group 'C' Non-Ministerial Draftsman Cadre Posts Recruitment Rule 2006 (Annexure- 7).
1. B That the Hon'ble Tribunal be pleased to set aside and quash the impugned O.M bearing No. 6/1/98-IC dated 01.06.2001 issued by the Govt. of India, Ministry of Finance, Department of Expenditure, New Delhi.
2. Cost of the application.
3. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

1. That the Hon'ble Tribunal be pleased to observe that pendency of this application shall not be bar to grant the relief's as prayed for by the applicants.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

AMENDED ORIGINAL APPLICATION

O.A. No. 163 /2007

Sri Anup Sarma & Ors. : Applicants.

-Versus -

Union of India & Others. : Respondents.

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| 04. | 2 | Copy of representation dated 27.02.07 | -18- |
| 05. | 3 | Copy of the letter dated 16.10.2000 | -19- |
| 06. | 4 | Copy of the judgment and order dated 23.09.04 in OA No. 252/03 | 20-37. |
| 07. | 5 | Copy of the judgment and order dated 07.02.02 passed in OA No. 2094/01 | 38-43 |
| 08. | 6 | Copy of the additional written statement and letter dated 22.10.01. | 44-48. |
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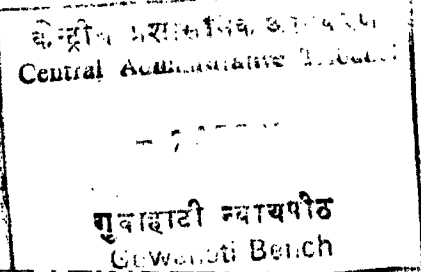
Filed by

M. Dutta

Advocate

Date: 02.04.08

Anup Sarma



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

AMENDED ORIGINAL APPLICATION

O.A. No. 163 /2007

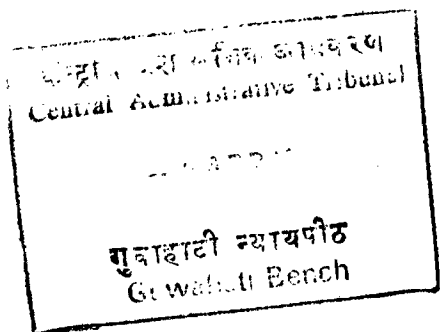
BETWEEN:

1. **Shri Anup Sarma,**
Working as Draftsman, Grade-II
Office of the Director,
Assam & Nagaland G.D.C,
Survey of India,
Ganeshguri, Guwahati- 781006.
2. **Smti. Rumki Choudhury**
Working as Draftsman, Grade- II
Office of the Director,
Meghalaya & Arunachal Pradesh G.D.C
Survey of India, Shillong-793001.
3. **Smti. Sapna Mawrie.**
Working as Draftsman, Grade-II,
Office of the Director,
Meghalaya & Arunachal Pradesh G.D.C
Survey of India, Shillong-793001.
4. **Shri Partha Das Choudhury.**
Working as Draftsman Grade- II,
Office of the Director,
Meghalaya & Arunachal Pradesh G.D.C
Survey of India, Shillong-793001.
5. **Shri Alok Dam.**
Working as Draftsman, Grade- II
Office of the Director,
Meghalaya & Arunachal Pradesh G.D.C
Survey of India, Shillong-793001.
6. **Shri Sandeep Paul,**
Working as Draftsman, Grade- II,
Office of the Director,
Meghalaya & Arunachal Pradesh G.D.C,
Survey of India, Shillong-793001.
7. **Mrs. Joyceta Paul,**
Working as Draftsman, Grade-II
Office of the Director,
Meghalaya & Arunachal Pradesh G.D.C,
Survey of India, Shillong-793001.

...Applicants.

Anup Sharma.

Filed by the applicant
Through M. Dutta, advocate
on 02.04.08



-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Science and Technology
New Mehrauli Road, New Delhi- 110016.
2. The Surveyor General
Survey of India
Block B, Hathi Barkala Estate,
Dehradun- 248001, Uttaranchal.
3. The Director,
Assam & Nagaland G.D.C.,
Survey of India,
Ganeshguri, Guwahati- 781006.
4. The Director,
Meghalaya & Arunachal G.D.C.,
Survey of India, Malki, Shillong-793001.
5. The Secretary to the
Govt. of India, Ministry of Finance,
Department of Expenditure,
North Block, New Delhi- 110001.

... Respondents.

DETAILS OF THE APPLICATION

1. Particulars of order against which this application is made.

This application is made not against any particular order but praying for a direction upon the respondents to grant higher revised scale of pay of Rs. 5,000-150-8,000/- to the applicants as the same has already been granted to all other similarly situated employees in the cadre of Draftsman Grade-II on completion of 5 years combined regular service both in the cadre of Grade-III and Grade-II from the scale of pay of Rs. 4,500-7,000/-, in the light of the decision contained in the Govt. of India's order bearing No. SM/04/010/2000 dated 16.10.2000.

Anup Sharma

2. Jurisdiction of the Tribunal.

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

3. Limitation.

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

4. Facts of the case.

4.1 That the applicants are citizens of India and as such they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicants pray permission to move this application jointly in a single application under Sec 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987 as the reliefs sought for in this application by the applicants are common, therefore, they pray for granting leave to approach the Hon'ble Tribunal by a common application.

4.3 That the applicants are presently working in the cadre of Draftsman Grade-II under the Director, Survey of India, Assam and Nagaland Geo Statistical Data Centre and Meghalaya and Arunachal Pradesh Geo-Statistical Data Centre. All the applicants have completed the combined regular service of 5 years as stated in Govt. letter dated 16.10.2000 on different dates.

It is pertinent to mention here that all the applicants have been promoted to the grade of Draftsman Grade-III as well as to the cadre of Draftsman Grade-II long back. The details particulars of all the applicants are furnished as below:

Anup Sharma

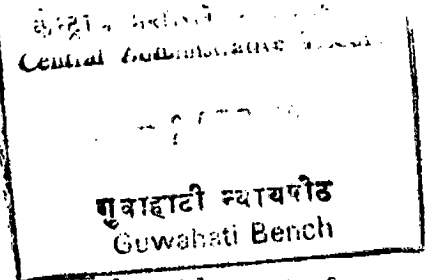
| Sl. No | Name | Date of appointment | Date of Grade-III | Date of Grade-II | Completion of 5 years in combined Grade | Date of eligibility for scale of Rs. 5000-8000 |
|--------|----------------------|---------------------|-------------------|------------------|---|--|
| 1. | Anup Sharma | 10.04.1995 | 01.01.2001 | 01.01.2003 | 31.12.2005 | 01.01.2006 |
| 2. | Aloka Das | 10.04.1995 | 01.01.2001 | 01.01.2003 | 31.12.2005 | 01.01.2006 |
| 3. | Partha Das Choudhury | 10.04.1995 | 01.01.2001 | 01.01.2003 | 31.12.2005 | 01.01.2006 |
| 4. | Rumki Choudhury | 10.04.1995 | 01.01.2001 | 01.01.2003 | 31.12.2005 | 01.01.2006 |
| 5. | Sapna Mawri | 10.04.1995 | 01.01.2001 | 01.01.2003 | 31.12.2005 | 01.01.2006 |
| 6. | Sandeep Paul | 20.05.1996 | 01.01.2002 | 01.01.2004 | 31.12.2007 | 01.01.2007 |
| 7. | Joyeeta Paul | 20.05.1996 | 01.01.2002 | 01.01.2004 | 31.12.2007 | 01.01.2007 |

It is relevant to mention here that after attaining the eligibility, all the applicants submitted representations for grant of higher revised scale of pay of Rs. 5,000-8,000/- to the appropriated authority, but no action was taken on the basis of said representation, and as such the applicants are still receiving their pay and allowances in the lower scale of Rs. 4,500-7,000/- and as a result they are incurring huge financial loss each and every month when the similarly situated Draftsman are receiving the higher scale of pay of Rs. 5,000-8,000/- and the applicants have been deprived the benefit of appropriate scale of pay due to inaction, laches and negligence of the respondent authority.

Copies of representations dated 29.12.06 and 27.02.07 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure -1 (Series) and 2 respectively.

- 4.4 That it is stated that initially the revised higher scale of pay of Rs. 5,000-8,000/- has been granted to the similarly situated employees of the Survey of India, following a decision rendered by this Hon'ble Tribunal in O.A No. 52/2006, however the respondent authority preferred a writ petition before the Hon'ble Gauhati High Court against the said judgment and order dated 17.07.1997 in O.A No. 52/2006. However, the said Writ Petition preferred by the respondent Union of India was dismissed by the

Anup Sharma,

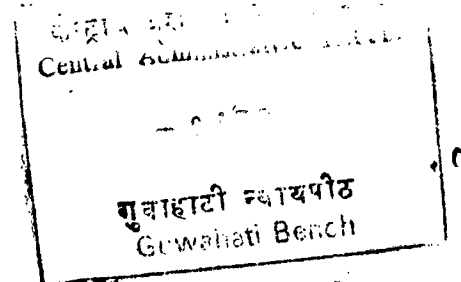


Hon'ble Gauhati High Court and upheld the decision of entitlement of higher revised scales contained in the O.M dated 19.10.1994 issued by the Govt. of India, Ministry of Finance for the cadre of Draftsman Grade-II working in the various establishment of the Central Govt. The respondents Union of India further preferred a Special Leave Petition before the Hon'ble Supreme Court but the Hon'ble Supreme Court also dismissed the S.L.P and upheld the decision of this learned Tribunal, and thereafter benefit of higher revised scale of pay of Rs. 5,000-8,000/- has been extended to the Draftsman Grade-II following the Govt. of India's order dated 16.10.2000. But for the reasons best known to the authorities, the similar benefit in the higher revised scale of pay of Rs. 5,000-8,000/- has not been extended to the present applicants till filing of this Original Application in terms of the Govt. of India's order dated 16.10.2000 in spite of the fact that all the applicants have attained eligibility for grant of higher revised scale of pay of Rs. 5,000-8,000/-.

Copy of the letter dated 16.10.2000 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 3.

- 4.5 That it is stated that the respondents Union of India initially denied to provide the benefit of promotion to the present applicants to the cadre of Draftsman Grade-II in terms of the rules and the applicants being highly aggrieved and dissatisfied with the in action of the respondents had approached this Hon'ble Tribunal in OA No. 252/2003 (Sri Anup Sharma & Ors. -Vs- U.O.I & Ors.) and in OA No. 74/2006 (Sri Sandeep Paul & another -Vs- U.O.I & Ors.) claiming promotion in the cadre of Draftsman Grade-II. The said OA No. 252/2003 has been duly contested by the respondents before the learned Tribunal. However, the learned Tribunal by it's order dated 23.09.2004 allowed the O.A No. 252/2003 with a direction upon the respondents to consider the promotion of the applicants after conducting necessary trade test. However, the said judgment and order dated 23.09.2004 was not initially implemented but after long persuasion and also after filing an application under Rule 24 of CAT (Procedure) Rule 1987 the judgment and order dated 23.09.2004 was

Anup Sharma



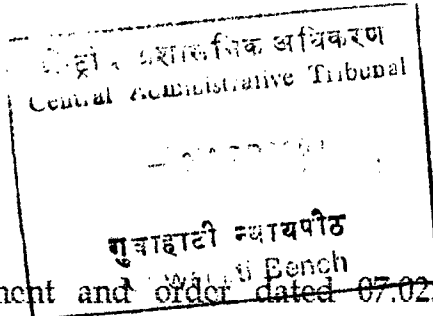
implemented and the present applicants were granted promotion to the cadre of Draftsman Grade-II. It is relevant to mention here that the applicants No. 6 and 7 also got their promotion to the grade of Draftsman Grade-II during pendency of the OA No. 74/2006.

Copy of the judgment and order dated 23.09.04 in OA No. 252/03 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 4.

- 4.6 That it is stated that although the applicants have been promoted to the cadre of Grade-II pursuant to the direction of the Hon'ble Tribunal contained in judgment and order dated 23.09.04 in OA No. 252/2003, but they have been granted the scale of Rs. 4,500-7,000/- in spite of the fact that they have attained the eligibility for grant of higher revised scale of Rs. 5,000-8,000/- in terms of the Govt. of India's order dated 16.10.2000.

It is pertinent to mention here that the applicant No. 1 in his representation dated 27.02.2007 drawn the attention of the higher authority to the fact that one Sri Bishnu Kumar Chetri, Draftsman Grade-II of the Assam and Nagaland C.D.C, Survey of India have been upgraded in the scale of Rs. 5,000-8,000/- w.e.f. 01.01.04, but the similar benefit has been denied to the present applicants, and as such the present applicants have been meted out with hostile discrimination in the matter of allotment of higher revised scale. It is also relevant to mention here that the similarly situated employees of Survey of India earlier approached the learned CAT, Principal Bench, by filing an OA No. 2094/2001 for non-extension of benefit of higher revised scale of Rs. 5,000-8,000/-, the said Original Application has been settled in favour of the similarly situated employees awarding a cost of Rs. 5,000/- upon the respondents. But surprisingly for the same cause, the present applicants have been forced to approach the learned Tribunal again by the same respondents with a deliberate intention to cause extreme harassment to the applicants. Therefore the learned Tribunal in the facts and circumstances as narrated above be pleased to allow the instant Original Application awarding huge cost upon the respondents.

Anup Sharma,



Copy of the judgment and order dated 07.02.02 passed in OA No. 2094/01 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 5.

4.6 A. That it is stated that the respondents Union of India in their additional written statement submitted in O.A. No. 14/2002 (T.R Sharma - Vs- U.O.I & Ors.), which was disposed of on 30.05.03 wherein it is specifically stated in para 9 that the O.M dated 01.06.01 issued by the Govt. of India, Ministry of Finance is not applicable to the Draftsman working in Survey of India which was clarified by the Department of Science and Technology, Govt. of India vide letter No. SM/04/10/2000 dated 22.10.2001 after consultation with the Ministry of Finance, as such respondents are barred by law of estoppel to contend at this stage that applicants are not entitled to the benefit of higher revised scale in terms of O.M dated 19.10.94.

Copy of the additional written statement and letter dated 22.10.01 are enclosed herewith as Annexure- 6.

4.6 B That it is stated that once the benefit of higher revised pay scale has been granted in terms of O.M dated 19.10.1994 to the similarly situated employees of the respondent department following a decision rendered by a competent Court of law i.e. O.A. No. 52/2006 decided by this Hon'ble Tribunal on 17.07.1997 and also in O.A. No. 14/02 disposed of on 30.05.03 which were subsequently carried on appeal by the respondents before the Hon'ble Gauhati High Court as well as before the Hon'ble Supreme Court and the Hon'ble Apex Court confirmed the judgment of this Hon'ble Tribunal. Therefore the respondents are not entitled to deny the similar benefit to the present applicants on the pretext of O.M dated 01.06.01 rather the applicants have acquired a valuable legal right for grant of higher revised scale of pay in terms of the O.M dated 19.10.1994 as prayed in the O.A.

4.6 C That the respondent Union of India in order to deny the higher revised scale of pay in terms of O.M dated 19.10.1994 have also framed a new

Anup Sharma

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Recruitment Rule 2006 which is called as Cr. 'C' Non-ministrial Draftsman Cadre post RR 2006 wherein scale of pay of Rs. 5500-9000/- has been prescribed for Draftsman Grade-I by way of promotion having 8 years regular service in the grade of Draftsman Cr. III, provided other conditions laid down in the note given below. For Draftsman Cr. II scale of pay of Rs. 5000-8000 has been prescribed by way of promotion from amongst the Draftsman Grade- III with 8 years regular service in the grade with other conditions laid down in the note given below.

Therefore it appears that the impugned RR 2006 has been framed with a malafide intention just to deny the benefit of higher revised scale granted to other similarly situated employees of Survey of India who were applicants in O.A. No. 52/96 and 14/2002 in terms of the O.M dated 19.10.1994. In other words, it can rightly be said that the O.M dated 01.06.01 which was initially declared by the respondent Union of India not applicable to the employees of the department of Survey of India by filing an additional written statement duly signed by the Director, N.E Circle, enclosing the Ministry's letter bearing No. SM/04/10/2000 dated 22.10.2001, as such framing a recruitment rule subsequently after pronouncement of the judgment in O.A. No. 52/1996 and in O.A. No. 14/2002 by a competent Court of law declaring that the employees of the Survey of India working in the cadre of Draftsman Cr. II are entitled to the benefit of higher revised scale of pay in terms of O.M dated 19.10.94 that too in April 2003, long after the issuance O.M dated 01.06.2001. It is an admitted position that while judgment in OA No. 14/2002 has been rendered by the Hon'ble Tribunal, the O.M dated 01.06.01 was a part of the record and in view of the additional written statement submitted by the Union of India, the learned Tribunal in detail consideration and on perusal of materials on record was pleased to held that the Draftsman Cr. II of the department of Survey of India are entitled to the benefit of higher revised scale of Rs. 5500-9000 in terms of para 2 (c) of the O.M dated 19.10.1994. As such the impugned recruitment rule 2006 which has been issued by the respondents with the malafide intention to deprive the present applicants from getting the similar benefit of higher revised scale

Anup Sharma,

in terms of judgment and order dated 30.05.03 passed in OA. No. 14/2002 is liable to be set aside and quashed.

Copy of the impugned RR 2006 is enclosed herewith and marked as Annexure- 7.

- 4.6 D That it is stated that the benefit of entitlement of higher revised scale of pay declared by a competent court of law, which was further confirmed by the Hon'ble High Court in W.P (C) No. 9786/2003 as well as by the Hon'ble Apex Court in SLP No. CC No. 5398/2004 and more so when the said order was implemented by the respondents Union of India and extended the benefit of higher scale to the applicants of O.A. No. 14/2002, as such the respondents are not entitled to deny the same benefit to the similarly situated employees like the present applicants, otherwise such action of the respondents will attract violation of Article 14 and 16 of the Constitution of India and on that score alone the impugned RR 2006 notified by the Govt. of India on 29.06.2006 is liable to be set aside and quashed.
- 4.6 E That it is stated that the impugned recruitment rule 2006 notified in the Gazette of India on 29.06.2006 with a malafide intention to deny the benefit of higher revised scale to the present applicants, as such the impugned recruitment rule 2006 is liable to be set aside and quashed.
- 4.6 F That it is stated that by the impugned O.M dated 01.06.01 issued by the Govt. of India has in fact introduced a revised set of criteria/norms for grant of higher revised scale, which was earlier extended by the Govt. of India through O.M dated 19.10.94 to the different categories of Draftsman working in various Central Govt. establishment. In other words residency period of the Draftsman has been enhanced by the O.M dated 01.06.2001 for grant of a particular scale of pay in comparison of residency period laid down by the earlier O.M dated 19.10.1994. Therefore it is submitted that the Govt. of India is not entitled to introduce two sets of criteria for grant of same set of higher revised scale, by the O.M dated 01.06.2001 for enhancement of residency period for the similarly situated employees. As

Anup Sharma,

such the impugned O.M dated 01.06.2001 issued by the Govt. of India Ministry of Finance, department of Expenditure, New Delhi is highly arbitrary, illegal and such action of offends Article 14 of the Constitution of India. The quantum of work of the Draftsman in different grades in the department of Survey of India also remained same and the present applicants performing the same duties and responsibilities as done by the applicants of O.A. No. 14/2002. As such the impugned O.M dated 01.06.2001 as well as recruitment rule 2006 are liable to be set aside and quashed.

4.6 G That it is stated that similarly situated employees cannot be denied similar benefit of higher revised scale of pay, more so when the recruitment rule 2006 came into force only on 29.06.06 whereas the present applicants have attained eligibility of revised scale of Rs. 5000-8000/- (as per Vth Central Pay Commission) in terms of O.M dated 19.10.1994 and also in the light of the judgment and order dated 30.05.2003 in O.A. No. 14 of 2002 long before the recruitment rule 2006 came into force. As such the recruitment rule 2006 cannot be made applicable retrospectively in order to deny the benefit of revised scale of pay to the present applicants.

4.7 That it is stated that in the facts and circumstances stated above the applicants have no other alternative but to approach this Hon'ble Tribunal for protection of their valuable legal rights and interests.

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

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

5.1 For that the applicants have been denied higher revised scale of Rs. 5,000-8,000/- in terms of Govt. of India's order dated 16.10.2000 in spite of attaining eligibility for grant of higher revised scale of pay.

5.2 For that, the applicants have rendered combined 5 years service both in the cadre of Draftsman Grade- III and Grade-II and thereby attained eligibility way back in the month of January 2006/2007, as such they have acquired valuable legal right for grant of higher revised scale of Rs. 5,000-150-8,000/-.

Anup Sharma

- 5.3 For that though the applicants have been promoted to the cadre of Grade-II Draftsman and they have already rendered 5 years combined service as required for placement in the higher revised scale of pay of Rs. 5,000-150-8,000/- in terms of the Govt. of India's letter dated 16.10.2000 but even then the applicants have been denied the benefit of higher revised scale of Rs. 5000-150-8,000/- and thereby the respondents have violated the equality principle laid down in Article 14 and 16 of the Constitution of India.
- 5.4 For that other similarly situated employees have been granted the benefit of higher revised scale of Rs. 5,000-150-8,000/- following the decision rendered by the Hon'ble Tribunal in OA No. 52/1996 as well as in OA No. 2094/01, as such the applicants cannot be discriminated in the matter of allotment of higher revised scale of Rs. 5,000-150-8,000/- from the due date when respective applicants have completed 5 years combined service in the grade of Draftsman Grade- III and Grade-II, in terms of the letter dated 16.10.2000.
- 5.5 For that, the respondents Union of India in each and every occasion forcing the applicants to approach the learned Tribunal with a malafide intention denying their legitimate claims for allotment of appropriate pay scale without any reasonable ground.
- 5.6 For that, the applicants have submitted representation before the higher authorities and brought the matter to their notice but the authorities are silent and did not take any steps for redressal of grievances of the applicants, as such applicants are incurring huge financial loss each and every month.
- 5.7 For that the O.M dated 01.06.2001 cannot be made applicable in the department of Survey of India in disguise in the form of impugned recruitment rule 2006 to deny the benefit of higher revised scale of pay in terms of O.M dated 19.10.1994 and also in terms of judgment and order dated 30.05.2003 in O.A. No. 14 of 2002, the validity of which has already been confirmed by the Hon'ble High Court and also by the Hon'ble Supreme Court.

Anup Sharma.

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5.8 For that the respondents are barred by the law of ~~estoppel to deny the~~ benefit of higher revised scale in terms of O.M dated 19.10.1994 in view of the submission made before this Hon'ble Tribunal in additional written statement in O.A. No. 14/2002 declaring that the O.M dated 01.06.2001 is not applicable in the department of Survey of India after obtaining clarification from the Ministry of Finance as indicated in their letter dated 22.10.01 in the earlier O.A. No. 14/2002.

5.9 For that the O.M dated 01.06.2001 is highly arbitrary illegal, unfair and discriminatory as because a revised set of criteria has been introduced by the impugned O.M dated 01.06.01 for grant of higher revised scale for the same set of employees which offends Article 14 of the Constitution. More so no reason has been indicated in the said O.M dated 01.06.2001 for introducing revised set of criteria/norms for grant of same set of scale and on that score alone the impugned O.M dated 01.06.2001 is liable to be set aside and quashed.

5.10 For that the applicants have attained their eligibility long back prior to notification of the impugned recruitment rule 2006, as such applicants have acquired a valuable legal right for grant of higher revised scale in terms of O.M dated 19.10.1994.

6. Details of remedies exhausted.

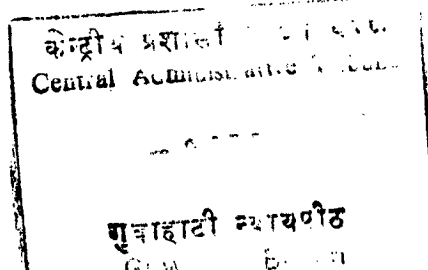
That the applicants state that they had exhausted all the remedies available to them and there is no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed before or pending with any other Court.

The applicants further declare that they had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for.

Anup Sharma,



Under the facts and circumstances stated above, ~~the applicants~~ ^{the} applicants humbly pray that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1 That the Hon'ble Tribunal be pleased to direct the respondents to grant the revised higher scale of pay of Rs. 5,000-150-8,000/- to the applicants with effect from the date when the individual applicants have completed combined 5 years of service in the grade of Draftsman Grade-III and Grade-II in terms of the Govt. of India's letter dated 16.10.2000 with all consequential benefit including arrear monetary benefit.

8.1 A That the Hon'ble Tribunal be pleased to set aside and quash the impugned Group 'C' Non-Ministerial Draftsman Cadre Posts Recruitment Rule 2006 (Annexure- 7).

8.1. B That the Hon'ble Tribunal be pleased to set aside and quash the impugned O.M bearing No. 6/1/98-IC dated 01.06.2001 issued by the Govt. of India, Ministry of Finance, Department of Expenditure, New Delhi.

8.2 Cost of the application.

8.3 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

9.1 That the Hon'ble Tribunal be pleased to observe that pendency of this application shall not be bar to grant the relief's as prayed for by the applicants.

10.

This application is filed through Advocates.

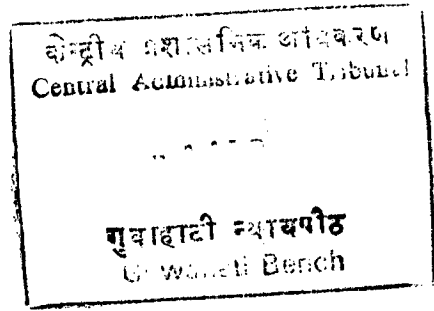
11. Particulars of the I.P.O.

- | | | |
|------|---------------|--------------------|
| i) | I. P. O. No. | : |
| ii) | Date of Issue | : |
| iii) | Issued from | : C.P.O, Guwahati |
| iv) | Payable at | : G.P.O, Guwahati. |

12. List of enclosures.

As given in the index.

Anup Sharma



VERIFICATION

I Shri Anup Kumar Sharma, Son of Shri Paresh Kumar Sharma, aged about 46 years, working as Draftsman, Grade III, presently posted in the office of the Office of the Director, Assam & Nagaland C.D.C, Survey of India, Ganeshguri, Guwahati-6, applicant No. 1 in the instant original application, duly authorized by the others to verify the statements in the Amended Original Application, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 31st day of March 2008.

Anup Sharma

केन्द्रीय प्रशासनिक आ. ५१६
Central Administrative Tribunal

- 2000

गुवाहाटी न्यायपीठ
Guwahati Bench

To,
The Director,
Meghalaya & Arunachal Pradesh G.D.C.
Survey of India, Shillong.
(Through proper channel)

Sub : Prayer for complete implementation of judgement and order dated 8/11/2006 of honorable CAT Guwahati and Principal Bench order dated 7/2/2002 in O.A. No. 2094/2001.

Ref : SG's letter No. E2-14192/1196-B (Anup Sharma) dated 28/11/2006.

Sir,

Respectfully I have the honour to submit herewith that the direction passed by the learned Tribunal in the above O.A. No. 252/03 has been partly implemented to me in the scale of Rs. 4500-7000 w.e.f 01/01/03 as per SG's letter under reference. Whereas, vide above mentioned judgement, I am already eligible to be placed in the scale of Rs. 5000-8000 w.e.f 01/01/06 which is not implemented to me so far.

Therefore, I request you to kindly to implement the order of both the learned Tribunals dated 08/11/2006 and 07/02/2006 respectively by considering my case in placing the scale of pay to Rs. 5000-8000 as I am incurring huge financial loss every day.

An early action in this regard is highly solicited.

Thanking You,

Date: 29/12/06

Yours faithfully,

Shawna
(SHAPNA MAURIE)
D/naam Col II

Attested
Advocate

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

गुवाहाटी न्यायपीठ
Guwahati Bench

To,
The Director,
Meghalaya & Arunachal Pradesh G.D.C.,
Survey of India, Shillong.
(Through proper channel)

Sub : Prayer for complete implementation of judgement and order dated 8/11/2006 of honorable CAT Guwahati and Principal Bench order dated 7/2/2002 in O.A. No. 2094/2001.

Ref : SG's letter No. E2-14192/1196-B (Anup Sharma) dated 28/11/2006.

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An early action in this regard is highly solicited.

Thanking You.

Date: 29.12.06

*Attended
Dutta
Advocate*

Yours faithfully,

Partha Das Choudhury
[PARTHA DAS CHOUDHURY]
D/Mam Aida IV

To,
The Director,
Meghalaya & Arunachal Pradesh G.D.C.,
Survey of India, Shillong.
(Through proper channel)

गुवाहाटी न्यायपीठ
Principal Bench

Sub : Prayer for complete implementation of judgement and order dated 8/11/2006 of honorable CAT Guwahati and Principal Bench order dated 7/2/2002 in O.A. No. 2094/2001.

Ref : SG's letter No. E2-14192/1196-B (Anup Sharma) dated 28/11/2006.

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Respectfully I have the honour to submit herewith that the direction passed by the learned Tribunal in the above O.A. No. 252/03 has been partly implemented to me in the scale of Rs. 4500-7000 w.e.f 01/01/03 as per SG's letter under reference. Whereas, vide above mentioned judgement, I am already eligible to be placed in the scale of Rs. 5000-8000 w.e.f 01/01/06 which is not implemented to me so far.

Therefore, I request you to kindly to implement the order of both the learned Tribunals dated 08/11/2006 and 07/02/2006 respectively by considering my case in placing the scale of pay to Rs. 5000-8000 as I am incurring huge financial loss every day.

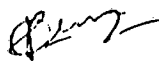
An early action in this regard is highly solicited.

Thanking You.

Date:

29/12/06

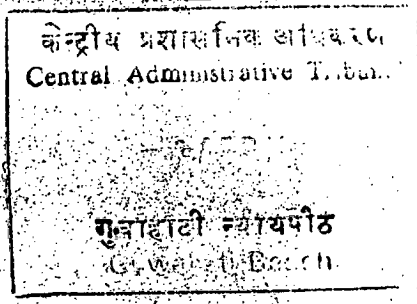
Yours faithfully,


(Ramesh CHOUDHURY)
D/Man Circle, TI

Witnessed
Advocate

To

The Director
Assam and Nagaland GDC.
Survey of India.
Guwahati - 6



(Through proper channel)

SUB: Prayer for complete implementation of Judgement and order dtd 08.11.06 of honourable CAT Guwahati and Principal Bench order dtd. 07.02.2002 in O.A.No. 2094/2001.

Sir,

Respectfully I have the honour to submit herewith that the direction passed by the learned Tribunal in the O.A.No. 252/2003 has been partly implemented to me in the pay scale of Rs.4500-7000 w.e.f. 01.01.2003, whereas vide above mentioned judgement I am already eligible to be placed in the pay scale of Rs.5000-8000 w.e.f. 01.01.2006 which is not implemented to me so far.

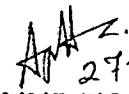
As for reference I am to mention here that Shri Bishnu Kumar Chetri D/man Grade II who is a permanent employee of Assam and Nagaland GDC, Survey of India was upgraded to D/man Grade III in the year 01.01.1999 and D/man Grade II in the year 01.01.2002 respectively. After completion of 5(five) years service in to grade combined, Grade III and Grade II in the pay scale of Rs 4000-6000 and Rs.4500-7000 respectively he was placed in the pay scale of Rs.5000-8000 from 01.01.2004.

I therefore request you kindly to consider my case in placing the scale of pay to Rs.5000-8000 by implementing the order of both the tribunal dtd.08.11.2006 and 07.02.2002 respectively as I am incurring huge financial loss everyday.

An early action in this regard is highly solicited.
Thanking you.

Dated: 27.02.2007.
Place: Guwahati - 6.

Encl: 1 Copy of judgement order(CAT)ghy
dtd.08.11.06.
2. copy of OA No.2094/2001
(Principal Bench) NewDelhi
dtd. 07.02.2002

Yours faithfully

27-02-07
(ANUP SHARMA)
D/man Grade II
Assam & Nagaland GDC.
Survey of India.
Guwahati - 6

*Attested
Advocate*

-19-

केंद्रीय शांति प्रयोगशाला
Central Academy
ANNEXURE-73

36

भारत सरकार

विज्ञान और प्रौद्योगिकी मंत्रालय

विज्ञान और प्रौद्योगिकी विभाग

रक्षाभवन भवन, नया मेहरौली मार्ग, नई दिल्ली-110016

GOVERNMENT OF INDIA
MINISTRY OF SCIENCE & TECHNOLOGY

Department of Science & Technology
ogy Bhavan, New Mehrauli Road, New Delhi-110016

गुवाहाटी ब्याच
Guwahati Bench
Phone : (0361) 656733, 65672819
Telex : 73381, 73317, 73280
Fax : 6861570, 6862418

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श्री जसवंत राय

दोहरी-
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No.SM/04/010/2000

Dated : 16 October, 2000.

To

The Surveyor General of India,
Survey of India,
Delira Dun - 248001.

(Attention: Shri Jaswant Rai, Deputy Surveyor General)

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

Sir,

I am directed to refer to your letter No.E2-5736/1196-B(T.R. Sharma) dated 28.9.2000 on the subject mentioned above. The problems being faced in implementation of the Tribunal's directions has been considered in the Department and SOI is requested to implement the directions of the Tribunal by taking the service already rendered in the grade of Rs. 330-480 (Grade-III) and keep them in the scale of pay of Rs. 425-600 (Grade-II) till completion of five years. After completion of five years service in the two Grade combined, Grade-III and Grade-II in the pay scale of Rs. 330-480 and Rs. 425-600, they may be placed in the scale of pay of Rs. 425-700. By applying this the eligibility conditions of five years prescribed for placing them in the scale of pay of Rs. 425-700 would be met. After 1.1.1996, the applicants would be placed in the scale of pay of Rs. 5000-8000 instead of Rs. 4500-7000. SOI is requested to take immediate necessary action and intimate the Department the action taken in the matter.

Attended
Advocate

C-1721-E2
17/10/2000

Yours faithfully,
K.P. Nair
(K.P. Nair)
Officer on Special Duty

15/10/2000

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 252 of 2003.

Date of Order : This the 23rd Day of September, 2004.

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

The Hon'ble Mr K.V.Prahladan, Administrative Member.

কেন্দ্রীয় প্রশাসনিক আদালত
Central Administrative Tribunal
গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

1. Shri Anup Sarma,
2. Smti. Rumki Choudhury,
3. Smti. Swapna Mawrie,
4. Shri Parth Das Choudhury &
5. Shri Alok Dam.

All the applicants are Draftsman Grade III working in the office of the Survey of India, North Eastern Circle Office, Shillong-793001.

...Applicants

By Advocate Sri M.Chanda.

- Versus -

1. The Union of India, represented by the Secretary to the Govt. of India, Ministry of Science & Technology, New Delhi.

2. The Surveyor General, Survey of India, Block B, Hathibarkala Estate, Dehradun.

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

....Respondents

By Shri A.Deb Roy, Sr.C.G.S.C.

ORDER

R.K.BATTA, J. (V.C)

The applicants were initially appointed on 10.4.1995 to the post of Topo Trainees Type B in the pay scale of Rs.950-1500/-. After completion of two years training, classification test was conducted by the respondents and on the basis of the said classification

Affected
Advocate

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| केन्द्रीय प्रशासनिक बोर्ड Central Administrative Tribunal | 38 |
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test the applicants were upgraded as Draftsman Grade after passing of the trade test and they were placed in the pay scale of Rs.3200-4900 with effect from 1.4.1997. Thereafter on completion of 3 years regular service in the Draftsman Grade IV, they again appeared in the trade test and after passing the trade test they were upgraded in the cadre of Grade III Draftsman in the scale of pay of Rs.4000-6000/- with effect from 1.1.2001. According to the applicants Circular Order No. 435/439 (Administrative), wherein service conditions of Group C employees are laid down and which governs the promotional avenues of the applicants, Rule 6(d) provides for promotion to the next higher grade on completion of certain number of years. The applicants further allege that they are working in the Draftsman Grade-III with effect from 1.1.2001 and are entitled to be promoted/upgraded to the next higher grade of Draftsman Grade-II in the scale of Rs.4500-7000/- with effect from 1.1.2003 without reference to availability of vacancy. It is further contended that as per Government instruction trade test/DPC for promotion/upgradation has to be conducted well in advance so that the employee gets the benefit of Government instructions. According to the applicants, the trade test has not been conducted as a result of which they have been deprived of the promotion/upgradation to Grade-II with effect from 1.1.2003. The applicants submitted

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केन्द्रीय प्रशासिका विभाग
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representation for conducting trade test on 15.11.2002 and vide letter dated 27.12.2002 applicant No.4 was informed that the residency period from one grade to another grade would be followed as per order dated 8.10.2002 of the Director, N.E.Circle, Shillong and asked the applicants not to make any further correspondence. The applicant No.4 was further informed in the said letter that in view of the letter dated 8.10.2002 residency period is required in case of Draftsman Grade-III for getting promotion to Draftsman Grade-II as per O.M.No.13(1)IC/91 dated 19.10.1994. The applicant challenge various impugned letters dated 18.7.2002 and 8.10.2002 (Annexure-IV) and seeks setting aside of the same. Their case further is that no amendment of Recruitment Rules has been made incorporating the residency conditions laid down in O.M. dated 19.10.1994 and as such the Recruitment Rules in Circular Order No.435/439(Administrative) are still in force and the promotion/upgradation from Grade III to Grade II has to be considered in terms of the said Circular Order No.439. The applicants rely upon averments made by the respondents in O.A.14/2002 filed before this Tribunal. The applicants, therefore, claim setting aside of letters dated 18.7.2002 and 8.10.2002 and direction to conduct trade test for effecting promotion/upgradation of the applicants to the

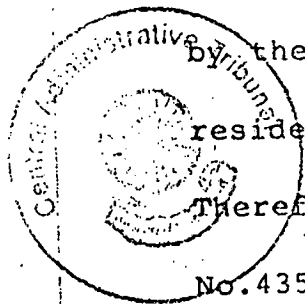


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केन्द्रीय प्रशासनिक अपील बोर्ड
Central Administrative Tribunal
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cadre of Draftsman Grade II with effect from 1.1.2003 with all consequential benefits.

2. The respondents in the written statement have stated that prior to the implementation of judgment dated 17.7.97 of this Tribunal in O.A.52/96 and Principal Bench, CAT New Delhi order dated 7.2.2002 in O.A.No.2094/2001, the provisions laid down and Circular 435/439(Administrative) in respect of residency period for conducting trade test was followed which was two years in case of Grade III for being eligible for trade test of Grade II and promotion thereto. However, after the implementation of the judgment dated 17.7.97 of this Tribunal in O.A.52/96 and order dated 7.2.2002 of the Principal Bench of this Tribunal in O.A.2094/2001, the Draftsman of Survey of India are governed by the provisions made in the O.M. dated 19.10.94 and the residency period prescribed therein has to be followed. Therefore, according to the respondents Circular Order No.435/439 are not now applicable to the Draftsman working in Survey of India and the applicants cannot claim benefits of two separate set of rules. It is further averred in the written statement that revised recruitment rules for Draftsman Grade I, II and III, as per O.M. dated 19.10.1994 and Fifth Central Pay Commission report have already been sent to the Department of Science and Technology vide letters dated 25.5.2003 and 11.7.2003 for their approval.



terms of Rule 2(b) of the Circular order No. 439 (Administrative), regradation is effected गुवाहाटी न्यायपीठ
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recognition of technical competence and an individual in

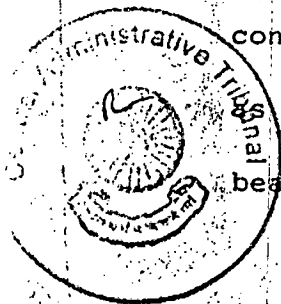
Group 'C' will be eligible to be regraded under Rule 6 to the next higher grade if he is qualified under the Appendix to these Rules and if it is considered that he has sufficient experience by virtue of length of service in his present grade. Rule 6(a) provides for regradation on the results of trade test in terms of Rule 6(b) thereunder. Rule 6(a) of the said Circular further provides that requests from the Directors should reach Surveyor General's Office by 30th September each year and all promotions as a result of regradation, re-classification/initial classification will normally take effect from the 1st January following. Rule 6(b) of the said Circular lays down that to assist the Directors in assessing the qualifications of candidates, Directors will periodically convene Trade Testing Boards to consider all eligible candidates to undergo the trade test as prescribed. ~~in~~ Rule 6(d) of the said Circular which has bearing on the controversy to be decided, reads as under :

"Personnel will have to complete the following minimum period in a particular grade before they can be promoted to the next higher grade provided their work and conduct have been satisfactory over the past one year:-

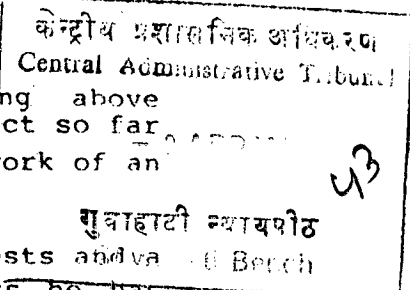
Grade IV .. 3 years
Grade III .. 2 years.

They will be allowed to take trade test for the next higher grades in the third and second year of grades IV and III respectively or in subsequent years."

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Note :-The word "conduct" appearing above should be taken to mean conduct so far as it affects the professional work of an individual.



Marks should be allotted for all tests and a candidate should not be passed unless he has obtained at least 45% in each item of the test (except where specially stated otherwise) and 55% in the aggregate."

5. We may at this stage refer to O.M. No.13(1)-IC/91 dated 19.10.1994 of Government of India, Ministry of Finance, Department of Expenditure which deals with revision of pay scales of Draftsman Grade I, II and III in Government of India offices on the basis of award of Board of Arbitration in the case of Central Public Works Department. The said Office Memorandum is reproduced below :

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

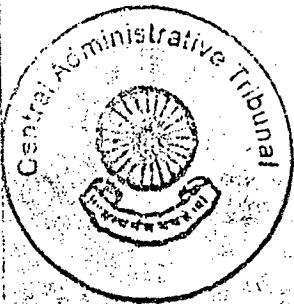
New Delhi the 19th Oct, 1994

OFFICE MEMORANDUM

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

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

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



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

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

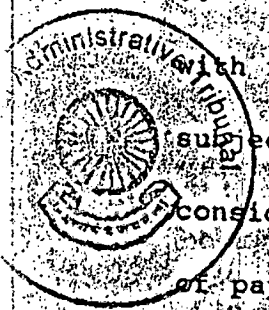
3. Once the Draughtsmen are placed in the regular scales, further promotions would be made against available vacancies in higher grade and in accordance with the normal eligibility criteria laid down in the recruitment rules.

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

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

6. From the above Office Memorandum it is clear that with reference to O.M.No.F(59)-E III/82 dated 13.3.84 on the subject, a Committee of National Council (JCM) was set up to consider the request of staff side that the following scales of pay allowed to Draftsman Grade I, II and III working in CPWD on the basis of the Award of Board of Arbitration may be extended to Draftsman Grade I, II and III irrespective of their recruitment qualification in all Government of India offices. Accordingly, it was decided that Draftsman Grade I, II and III in offices/Departments of the Government of India

7 years - 01.11.83
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other than in CPWD may also be placed in the scale of pay mentioned above subject to fulfillment of minimum period of service which in case of Draftsman Grade II is 5 years. It

is clear from the above Office Memorandum that scales of Draftsman Grade I, II and III working in the CPWD had been

revised, but the pay scales of the Draftsman in Grade I, II and III working in other Government departments had not been revised and for that purpose a Committee of National Council was appointed to consider the case of Draftsman Grade I, II and III of the other departments in Government of India and thereafter Government of India decided that the scales given to CPWD Draftsman Grade I, II and III should be extended to Draftsman Grade I, II and III in the other Government offices irrespective of their recruitment qualifications provided they fulfill the minimum period of service which in the case for Draftsman Grade III to Grade II is 5 years. It

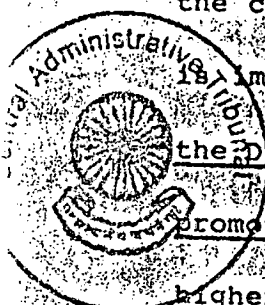
is important to note that Para 3 of O.M provides that once the Draftsmen are placed in the regular scales, further promotions would be made against available vacancies in higher grade and in accordance with the normal eligibility criteria laid in the Recruitment Rules (emphasis supplied).

Para 4 of the said Memorandum further provides that the benefit of this revision of scale of pay be given with effect from 13.5.82 notionally and actually from 1.11.83. The O.M therefore relates back and remedies the grievances of employees working in other establishments other than

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Central Administrative Tribunal

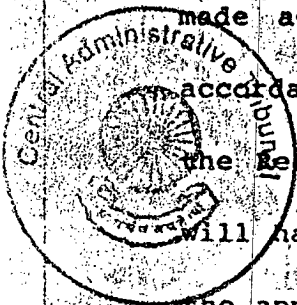
मुंबई न्यायपीठ
Bombay Bench



CPWD and grants them revised pay scales at par with CPWD Draughtsman and fixation in the revised pay scales with retrospective effect. And once the same is done further promotions have to be effected as per normal Recruitment Rules.

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7. Therefore, a close reading of the said Office Memorandum dated 19.10.1994 goes to show that the said Memorandum provides for placing the Draftsman of other Government departments in the regular scales, namely, in the scales which are earlier been given to Draftsman Grade I, II and III of CPWD and the benefit of this revision of pay scale was extended with effect from 13.5.82 notionally and actually from 1.11.83. It is pertinent to note that Para 3 of this Memorandum enjoins that once the Draftsman are placed in the regular scales, further promotions would be made against available vacancies in higher grade and in accordance with the normal eligibility criteria laid down in the Recruitment Rules. Therefore, Para 2 of the Memorandum will have no bearing in so far as the claim put forward by the applicants is concerned who shall be governed by Para 3 of the said Memorandum dated 19.10.1994 in relation to further promotion against available vacancies in higher grade and in accordance with normal eligibility criteria laid down in Recruitment Rules. The normal eligibility criteria laid down in the Recruitment Rules is laid down in Circular Order No.435, 436 and 439 (Administrative), which



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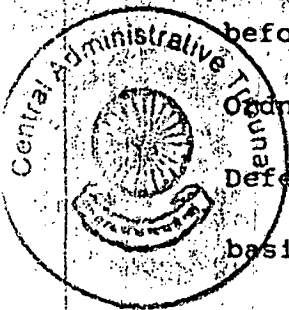
केन्द्रीय प्रशासनिक बोर्ड
Central Administrative Tribunal
Rule

deals with promotions by selection and regradation.

6(d) of the Circular Order 439 clearly contemplates that the personnel will have to complete the minimum period in particular grade before they can be promoted to the next higher grade provided their work and conduct have been satisfactory over the past one year. The minimum period required for promotion from Grade III to Grade II is 2 years and trade test in order to determine the competency of the Draftsman for consideration to the next higher grade.

8. We shall at this stage refer to various rulings which have been placed before us. The question of parity in pay in relation to Draftsman working in Ordnance Factories and Draftsman Grade II in CPWD came up before the Apex Court in Union of India and others vs. Debashis Kar and others, 1995

Supp (3) SCC 528. The question which arose for consideration before the Apex Court was whether Draftsman employed in the Ordnance Factories and Workshops of FME in the Ministry of Defence are entitled to have their pay scale revised on the basis of Office Memorandum of Government of India, Ministry of Finance dated 13.3.1984 to which reference has been made in Office Memorandum No.13(1)-JC/91 dated 19.10.94. In that case the Apex Court noticed that on the basis of report of the Third Pay Commission, the pay scales of Draftsman employed in CPWD were revised. However, the said employees of the CPWD were not satisfied and claimed that they should have been placed on higher pay scale. The dispute was

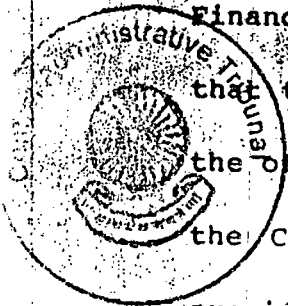


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referred to a Board of Arbitration and the Board of Arbitration gave Award on 20.6.1980 whereby the pay scales of Draughtsmen working in CPWD were revised as under :

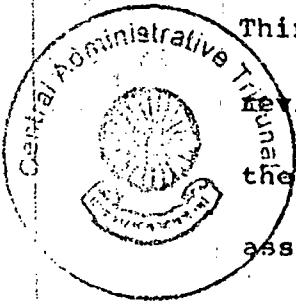
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|-----------------------------|--------------|
| (i) Draughtsman Grade I | Rs.550 - 750 |
| (ii) Draughtsman Grade II | Rs.425 - 700 |
| (iii) Draughtsman Grade III | Rs.330 - 560 |

By the said Award it was directed that, pay of the Draughtsman shall be fixed notionally in their respective scales of pay from 1.1.1973, but for computation of arrears, the date of reckoning shall be 28/29.7.1978. In accordance with the said Award, the pay scales of Draughtsmen in CPWD were revised vide order dated 10.11.1980. The Draughtsmen employed in departments other than CPWD claimed the revision of their pay scale in the light of revision of pay scale in CPWD and on 13.3.1984 the Government of India, Ministry of Finance issued an Office Memorandum whereby it was directed that the scale of pay of Draughtsmen Grade III, II and I in the office/department of the Government of India, other than the CPWD, may be revised as per revised scales for CPWD provided their recruitment qualification are similar to those prescribed in the case of Draughtsmen in CPWD and those who do not fulfill the said qualifications would continue in the pre-revised scales. The Ministry of Defence on 3.7.1984 issued an order whereby the organisations were requested to take necessary action in terms of para 2 of the Office Memorandum dated 13.3.1984. It appears that in the

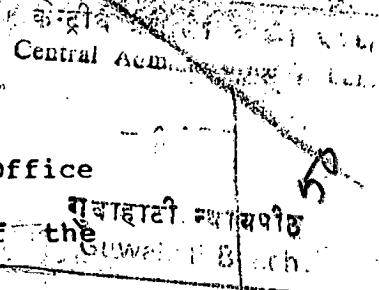


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Ordinance Factories under the control of Director General of Ordnance Factories no action was taken to revise the pay scales of Draughtsmen as per Office Memorandum dated 13.3.1984. A series of Writ Petitions were filed before the High Courts and Tribunals. In the Writ Petition filed before the Calcutta High Court, it was directed by order dated 8.10.85 that O.M. dated 13.3.84 as well as the order of Ministry of Finance dated 3.7.84 to revise the pay scales be implemented forthwith. The judgments of the various Benches of the Tribunal had taken the view that the qualifications which were required for appointment of Draughtsman in the Ordnance Factories as well as in the Army Base Workshops in EME were equivalent to qualifications which were prescribed for appointment in the post of Draughtsman Grade II in the CPWD and therefore, the respondents who were placed in the pay scale of Rs.335-560/- on the basis of the report of the Third Pay Commission were entitled to be placed in the revised pay scale of Rs.425-700/- in accordance with O.M. of the Ministry of Finance dated 13.3.1984. The Union of India assailed the view of the Tribunals and it was stated that qualifications for appointment in the post of Draughtsman on the Ordnance Factories and Army Base Workshops of EME cannot be treated as equivalent to the qualifications for appointment on the post of Draughtsman Grade II in CPWD and therefore, the said respondents are not entitled to the



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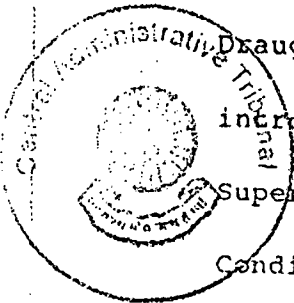


benefit of revision of pay on the basis of the Office Memorandum dated 13.3.1984. During the pendency of the matter before the Apex Court, Government of India, Ministry of Finance issued Office Memorandum dated 19.10.1994 to which we have already referred. By the said Office Memorandum Government of India after considering request of staff side that the scales of pay allowed to Draughtsmen Grade I, II and III working in CPWD on the basis of the Award of Board of Arbitration, may be extended to Draughtsmen Grade I, II and III irrespective of their recruitment qualification, in all Government of India offices has decided that Draughtsmen I, II and III in offices/departments of the Government of India other than in CPWD may also be placed in the revised scale of pay subject to certain minimum period of service as mentioned in clause (a), (b) and (c) of the O.M. The Apex Court has pointed out that the benefit of this revision of pay scales which is provided in O.M dated 19.10.1994 had been given retrospectively with effect from the same dates as was given by the O.M dated 13.3.1984, i.e. from 13.5.1985 notionally and actually from 1.11.1983. It was further observed by the Apex Court that in respect of Draughtsmen who fulfilled the requirement relating to the period of service mentioned in the same Office Memorandum dated 19.10.1994 on the relevant date the question whether their recruitment qualifications were similar to those in the case of Draughtsmen in CPWD would not arise and they would be entitled to the revised

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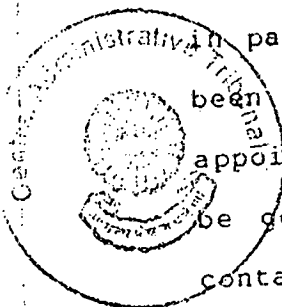
सुप्रीम कोर्ट
 Supreme Court

pay scales, as granted to the Draughtsmen in Ordnance Factories irrespective of their recruitment qualification. However, in respect of those Draughtsmen who did not fulfill the requirement relating to the period of service prescribed in Para 2 of the O.M. dated 19.10.1994 the question whether their recruitment qualification are similar to those prescribed for Draughtsmen in CPWD is required to be considered for the purpose of deciding whether they are entitled to the benefit of the revision of pay scales as per O.M. dated 13.3.1984. In that case it was urged on behalf of Union of India that there are different channels of promotion in Ordnance Factories and in fact better chances of promotion and as such benefit of revision of pay scales could not be given under O.M. dated 13.3.1984. The Apex Court noticed that provision regarding promotion of Draughtsman as Chargeman Grade II in Ordnance Factories was introduced by the Indian Ordnance Factories Group C Supervisory and Non-Gazetted Cadre (Recruitment and Conditions of Service) Rules, 1989 issued vide Notification dated 4.5.1989 and the said rules were not retrospective in operation. The Apex Court observed that the case in hand was of revision of pay scales on the basis of O.M. dated 13.3.1984 and at that time the said rules were not operative. Therefore, on the basis of aforesaid Rules, Draughtsmen in Ordnance Factories could not be denied the benefit of revision of pay scales on the basis of O.M. dated 13.3.1984.



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9. From the above judgment of the Apex Court it is clear that what was done vide O.M. dated 19.10.1994 was to effect revision of the pay scales in all Government of India offices on par with the Draughtsman Grade I, II and III working in the CPWD and for that purpose the Government had fixed minimum period of service for placement in the revised scales irrespective of recruitment qualifications in as much as the benefit of the revision of pay scale was to be given effect from 13.5.1982 notionally and actually from 1.11.1983. It is crystal clear from Para 3 of the said O.M. dated 19.10.1994 that once Draughtsmen were placed in regular scales (in fact revised scales) in terms of Memorandum dated 19.10.1994, all further promotions were to be made against available vacancies in higher grade and in accordance with the normal eligibility criteria laid down in the Recruitment Rules. The normal eligibility criteria in the Recruitment Rules is found in Circulars Order No.435/436 and 439(Administrative) and for that purpose minimum period in particular grade for promotion to next higher grade has been fixed at 2 years for Grade III. The applicants were appointed on 10.4.1995 and their promotions obviously will be governed by the Recruitment Rules in force which are contained in Circular Order No.435/436 and 439(Administrative). The respondents in the written statement have admitted that the Recruitment Rules have not been amended and the revised Recruitment Rules have been sent to the Department of Science and Technology vide letter dated 25.5.2003 and 11.7.2003 for their approval. Besides this, O.M. dated 19.10.94 provides for revision of pay scales retrospectively at par with CPWD scales and it does not embody any rule of recruitment nor is it in supercession of



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Recruitment Rules. The condition relating to minimum service relates to cases of revision of pay thereunder and cannot be imported in Recruitment Rules for the purpose of promotion. Therefore, there is no merit whatsoever in the stand taken by the respondents.

10. Our attention was drawn to the decision in Tulsiram Sharma & Others vs. The Secretary, Ministry of Science & Technology, New Delhi and others, O.A.No.52/96 and the decision in Tulsiram Sharma and others vs. Union of India & Others, O.A.14/2002. In both these applications the question which came up for consideration was in relation to the revision of pay scales with reference to O.M. dated 19.10.1994. The question which has been raised in the present application never cropped up in the said applications. In both those applications the Union of India had challenged the order before the High Court but the Writ Petitions Civil Rule No.4733 of 1997 and WP(C) No.9786/2003 were dismissed. Special Leave Petition filed by the Union of India before the Apex Court also dismissed. It is relevant to point out that in Union of India & Ors. vs. Tulsiram Sharma and others, Writ Petition(C) No.9786/2003, the Hon'ble High Court found that the matter pertained to revision in the pay scale in terms of O.M. dated 19.10.1994 and it was made clear that this revision in pay scale was on account of the particular number of years of service rendered by the respondents and it does not mean that they have been given promotion to the higher post.

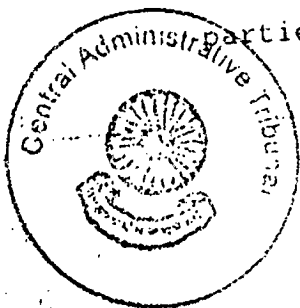
11. In view of this the applicants shall be governed by the Recruitment Rules contained in Circular Order No.435/436 and 439 (Administrative) and their claim for promotion shall be governed thereunder. Since they have completed 2 years in Grade III, the appropriate authority shall have to take further necessary action in terms of the said Circular Order

No.435/436 and 439 (Administrative) and conduct trade test and thereafter pass appropriate order in accordance with the respective rules contained in Circular Order No.435/436 and 439 (Administrative).

12. In view of the above, the application is allowed and impugned orders issued under letters dated 18.7.2002 and 8.10.2002 (Annexure-IV) are hereby set aside and the respondents are directed to conduct necessary trade test in terms of Circular Order No.439 (Administrative) within a period of 3 months from the date of receipt copy of this order and consider the case of the applicants and other Draftsmen who have completed 2 years in Grade III for the purpose of promotion to the next higher grade, namely, Grade II in accordance with the provisions contained in Circular Order No.435/436 and 439 (Administrative).

In the facts and circumstances we shall leave the

parties to bear their costs.



Sd/ VICE CHAIRMAN
Sd/ MEMBER (adm)

TRUE COPY

प्रतिनिधि

Attested
Mulla
Advocate

PG

Section Officer (I)
C.A.T. CHAIRMAN'S OFFICE
Gurgaon, Haryana

19/10

38- CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

ANNEXURE-5

OA No.2094/2001

New Delhi this the 7th day of February, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

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

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

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

...APPLICANTS

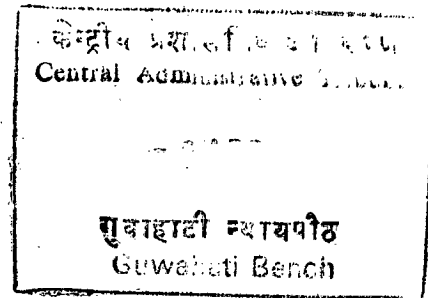
VERSUS

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

Respondents

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

Attested
Mudgil
Advocate



TESTED

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

केन्द्रीय न्यायाधीश
Central Administrative Tribunal

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

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

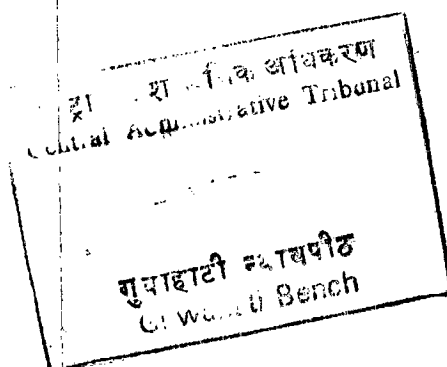
(17)

- 40 -

rendered on 31.7.1999 (A-6). Later, the SLP filed in the same case before the Supreme Court was also dismissed on 31.3.2000 (A-7). Consequently, the orders passed by the Tribunal were implemented in respect of all the applicants in O.A. No. 52 of 1996. Copy of ^{2 passed} one such order in the case of S.S. Solanki has been placed on record (A-8).

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

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

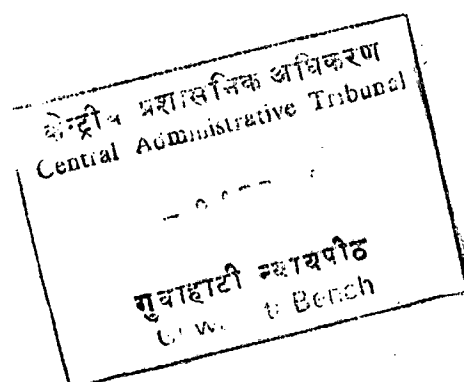


प्रमाणित
संयोजक, न्याय विभाग
Secretary, Judicial Deptt.
केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
दिल्ली

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

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

5. On consideration, we find that the contention raised by the learned counsel is ^{wholly} ~~partly~~ in accord with the law laid down by the Apex Court in the various cases referred to in the above extract. The order passed by the High Court upholding the Tribunal's orders in this case is ^{to be} ~~regarded~~ ^{according to him} as a judgment in rem and the benefit flowing therefrom must, therefore, reach ~~to~~ the



प्रमाणित, ATTESTED

Signature of the Officer
 Deputy Secretary
 Date: _____

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

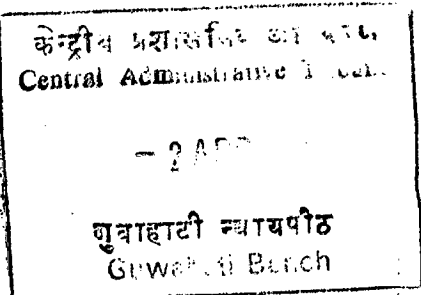
6. Since nothing new, apart from what has been pleaded in the reply placed on record, has been submitted before us by the learned proxy counsel for the respondents, we find merit in the O.A. on the basis of whatever has been observed by us in the preceding paragraphs. The O.A., therefore, deserves to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

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

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

अनुमोदित/ATTESTED

Dep't.
Tribunal



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

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

(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

'SRD'

*Attested
Bhatta
Advocate*

प्रमाणित/ATTESTED

प्रमाणित/Attested
By
Dep't.
Secy.
Tribunal

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

- 245 -

गुवाहाटी न्यायपीठ
Guwahati Bench

ANNEXURE-6
Union of India & Others
- Respondents -
through
Shri Tulsi Ram Sharma
24/4/02
Addl. Central Govt
Standing Counsel

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI
24 APR 2002
In the matter of:-
O.A.No.14/2002

Shri Tulsi Ram Sharma & Others
Applicants

-Versus-

Union of India & Others
Respondents

Additional written statement on behalf of the Respondents
Most Respectfully beg to state that:-

1. That Survey of India recruitment rules in the Cadre of Draftsman provides the promotion to Draftsman Grade I Division I selected from those in Division II Grade II.
2. That the benefit of O.M. No.13-(1)-IC/91 dated 19.10.94 of Ministry of Finance was extended to the Draftsman of Survey of India on the implementation of Judgement dated 17.7.1997 in O.A.No.52/96 of this Hon'ble Tribunal.
3. After implementation of this O.M. the scale of pay and residency period for Draftsman Cadre in Survey of India is as under:-

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

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

Attended
Shri Tulsi
Advocate

Attended
Shri Tulsi
Advocate

Central Administrative Tribunal
GUWAHATI BENCH
Guwahati Bench

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

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

The 4 years period shown in the para 2(c) of O.M. dated 19.18.1994 is the minimum residency period in the scale of pay for the promotion to higher grade. The conditions shown in para 3 of O.M. may also be kept in consideration while reading the para 2(c) of the O.M. dated 19.10.1994.

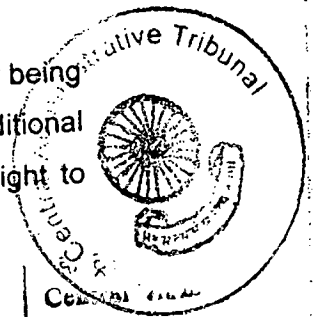
The claim of the applicants pretending to have obtained eligibility for being placed in the higher scale of Rs.5500-9000 as per Annexure-A to the additional rejoinder of the applicants is not correct and it is not the fundamental right to claim for the promotion.

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

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

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

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



গুৱাহাটী ন্যায়ালয়
Guwahati Bench

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

गुवाहाटी न्यायाधीश
Guwahati Bench

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

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

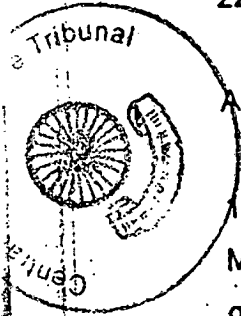
A copy of O.M. dated 1.6.2001 is annexed hereto and marked as Annexure 'B'.

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

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

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

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



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

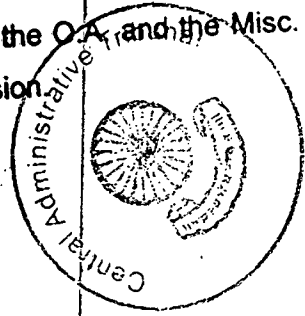
A copy of CPWD's letter dated 20.12.2002 is annexed hereto and marked as Annexure 'D'.

Central Administrative Tribunal
Guwahati Bench

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

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

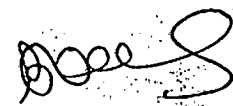
12. That in view of the above explanations, the placement of Draftsman in the scale of Rs.5500-9000 can not be de-linked from the criteria of availability of vacancy and recommendation of DPC as the total numbers of Draftsman Division-I posts can not exceed the sanctioned strength of 300 posts in Survey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



VERIFICATION

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

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


DEPONENT.

(B. D. SHARMA) Brigadier
Director, North Eastern Circle

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29/10/2001

29/10

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

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

सा/Telegram : SCIENCTECH
फ़ोन/Phone : (BPABX) 6567373/6962819
टेलीक्स/Telex : 73381, 73317, 73280
फैक्स/Fax : 6864570, 6862418

E-2
29/10/2001

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
Date: 22 October 2001
वाणिज्यीय न्यायपीठ
Commercial Bench

No.SM/04/10/2000

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

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

Sir,

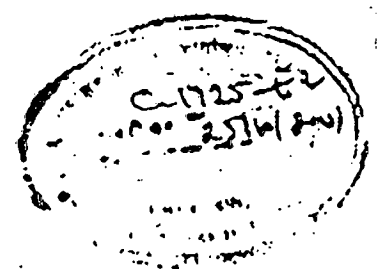
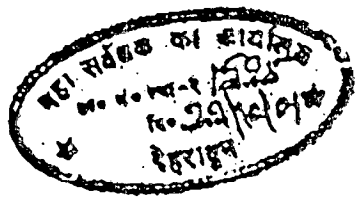
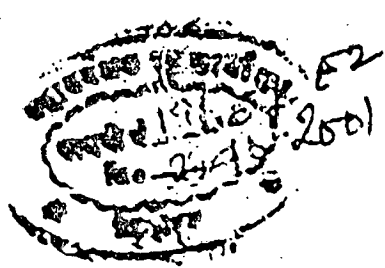
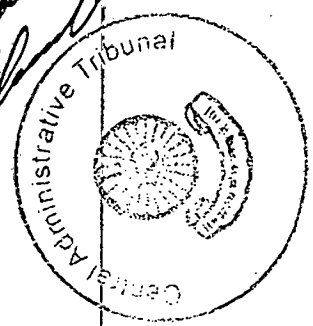
I am directed to refer to your letter No E2-7588/1904-PC-V dated 9th October, 2001 on the subject mentioned above and to inform that the proposal for granting benefits under Ministry of Finance, Department of Expenditure (Implementation Cell)'s OM No. 6/1/98-IC dated 1.6.2001 was taken up with Ministry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

Yours faithfully,

Encl: as above.

22/10/2001
P.P. Nelli
Staff Officer

Attested
HAC





भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

गुवाहाटी न्यायपीठ
Guwahati Bench

सं. 28] नई दिल्ली, जुलाई 9-जुलाई 15, 2006, शनिवार/आषाढ़ 18-आषाढ़ 24, 1928
No. 28] NEW DELHI, JULY 9-JULY 15, 2006, SATURDAY/ASADHA 18-ASADHA 24, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

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

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) और केन्द्रीय अधिकारियों (संघ राज्य क्षेत्र प्रशासनों को छोड़कर) द्वारा विधि के अंतर्गत बनाए और जारी किए गए साधारण सांविधिक नियम (जिनमें साधारण प्रकार के आदेश), उप-नियम आदि सम्मिलित हैं)

General Statutory Rules (Including Orders, Bye-laws etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Central Authorities (other than the Administrations of Union Territories)

विधि एवं न्याय मंत्रालय

(न्याय विभाग)

नई दिल्ली, 29 जून, 2006

सा.का.नि. 162.—राष्ट्रपति, भारत के संविधान के अनुच्छेद 222 के खंड (2) के अनुसरण में एतद्वारा निम्नलिखित आदेश देते हैं,

अर्थात्:—

राजस्थान उच्च न्यायालय के न्यायाधीश, न्यायविद् श्री यादराम मोणा, जिन्हें गुजरात उच्च न्यायालय के न्यायाधीश के रूप में स्थानांतरित किया गया है, अपने मूल उच्च न्यायालय अर्थात् राजस्थान उच्च न्यायालय से बाहर अपने कर्तव्यों का निर्वहन करने की अवधि तक, अपने वेतन के अतिरिक्त, मूल वेतन के 10% और प्रतिमाह स्वीकार्य महंगाई वेतन के 10% की दर से प्रतिपूर्ति भत्ता पाने के पात्र होंगे।

[सं. के-11017/3/2006-यूएस-1/11]

डॉ. पी. के. सेट, संयुक्त सचिव

Attested
Advocate

The principal rules were published vide notification number G.S.R. 1475, dated the 30th July, 1968 and subsequently amended by —

- (i) No. G.S.R. 506, dated 10-04-1971.
- (ii) No. G.S.R. 57, dated 07-01-1975
- (iii) No. G.S.R. 382, dated 18-03-1980
- (iv) No. G.S.R. 749, dated 03-08-1981
- (v) No. G.S.R. 53, dated 23-12-1982.

Central Recruitment Board

गुवाहाटी न्यायपीठ
Guwahati Bench

विज्ञान और प्रौद्योगिकी मंत्रालय

(विज्ञान और प्रौद्योगिकी विभाग)

नई दिल्ली, 29 जून, 2006

सा.का.नि. 175-राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए विज्ञान और प्रौद्योगिकी मंत्रालय के अधीन विज्ञान और प्रौद्योगिकी विभाग, भारतीय सर्वेक्षण विभाग में (नक्शानवीस काडर) समूह 'ग' के पदों पर भर्ती की पद्धति का विनियमन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :-

संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम भारतीय सर्वेक्षण विभाग, समूह 'ग', अननुसचिवीय, नक्शानवीस काडर पद भर्ती नियम, 2006 है।

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

2. पद-संख्या, वर्गीकरण और वेतनमान.—उक्त पदों की संख्या, उनका वर्गीकरण और उनका वेतनमान वे होंगे, जो इन नियमों से उपाबद्ध अनुसूची के स्तंभ (2) से स्तंभ (4) में विनिर्दिष्ट हैं।

3. भर्ती की पद्धति, आयु-सीमा, और अन्य अर्हताएं आदि.—उक्त पदों पर भर्ती की पद्धति, आयु-सीमा और अर्हताएं और उससे संबंधित अन्य बातें वे होंगी जो उक्त अनुसूची के स्तंभ (5) से स्तंभ (14) में विनिर्दिष्ट हैं।

4. आरंभिक गठन.—इन नियमों से उपाबद्ध अनुसूची में वर्णित पदों के ऐसे पदधारियों को, जो इन नियमों के प्रारंभ होने की तारीख को नियमित आधार पर ऐसे पद धारण किए हुए हैं, इन नियमों के अधीन नियुक्त किया गया समझा जाएगा।

5. निरर्हता.—वह व्यक्ति—

(क) जिसने ऐसे व्यक्ति से जिसका पति या जिसकी पत्नी जीवित है, विवाह किया है, या

(ख) जिसने अपने पति या अपनी पत्नी के जीवित रहते हुए किसी अन्य व्यक्ति से विवाह किया है,

उक्त पद पर नियुक्ति का पात्र नहीं होगा :

परन्तु यदि केन्द्रीय सरकार का यह समाधान हो जाता है कि ऐसा विवाह, ऐसे व्यक्ति और विवाह के अन्य पक्षकार को लागू स्वीय विधि के अधीन अनुज्ञेय है और ऐसा करने के लिए अन्य आधार हैं, तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकेगी।

6. शिथिल करने की शक्ति.—जहां केन्द्रीय सरकार की यह राय है कि ऐसा करना आवश्यक या समीचीन है, वहां वह उसके लिए जो कारण हैं उन्हें लेखबद्ध करके इन नियमों के किसी उपबंध को किसी वर्ग या प्रयोग के व्यक्तियों की बाबत, आदेश द्वारा शिथिल कर सकेगी।

7. व्यावृत्ति.—इन नियमों की कोई बात, ऐसे आरक्षणों, आयु-सीमा में छूट और अन्य रियायतों पर प्रभाव नहीं डालेगी, जिनका केन्द्रीय सरकार द्वारा इस संबंध में समय-समय पर निकाले गए आदेशों के अनुसार अनुसूचित जातियों, अनुसूचित जनजातियों भूतपूर्व सैनिकों तथा अन्य विशेष वर्गों के व्यक्तियों के लिए उपबंध करना अपेक्षित है।

1978 GI/06-7

पुनर्वासी न्याय बोर्ड
Gurwaranti Bench

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अनुसूची

| पद का नाम | पदों की संख्या | वर्गीकरण | वेतनमान | चयन अथवा अचयन पद | सेवा में जोड़े गए वर्षों का फायदा केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 के नियम 30 के अधीन अनुज्ञेय है या नहीं | सीधे भर्ती किए जाने वाले व्यक्तियों के लिए आयु-सीमा |
|--|---|---|--|---------------------|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| नक्शानवीस श्रेणी-I | 300* (2006) *कार्यभार के आधार पर परिवर्तन किया जा सकता है। | साधारण केन्द्रीय सेवा समूह 'ग' (अराजपत्रित, अननुसचिवीय) | 5500-175- 9000 रु. | चयन | लागू नहीं होता | लागू नहीं होता |
| सीधे भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षित शैक्षिक और अन्य अर्हताएं | सीधे भर्ती किए जाने वाले व्यक्तियों के लिए विहित आयु और शैक्षिक अर्हताएं, प्रोन्नत व्यक्तियों की दशा में लागू होंगी या नहीं | परिवीक्षा की अवधि, यदि कोई हो | भर्ती की पद्धति : भर्ती सीधे होगी या प्रोन्नति द्वारा या प्रतिनियुक्ति द्वारा या आमेलन द्वारा तथा विभिन्न पद्धतियों द्वारा भरे जाने वाले पदों की प्रतिशतता | 8 | 9 | 10 |
| लागू नहीं होता | लागू नहीं होता | लागू नहीं होता | प्रोन्नति द्वारा | 11 | 12 | 13 |
| प्रोन्नति/प्रतिनियुक्ति/आमेलन द्वारा भर्ती की दशा में वे श्रेणियां जिनसे प्रोन्नति/प्रतिनियुक्ति/आमेलन किया जाएगा | यदि विभागीय प्रोन्नति समिति है तो उसकी संरचना | भर्ती करने में किन परिस्थितियों में संघ लोक सेवा आयोग से परामर्श किया जाएगा | प्रोन्नति : | 14 | 15 | 16 |
| प्रोन्नति : ऐसे नक्शानवीस श्रेणी II जिन्होंने उस श्रेणी में नियमित रूप से छः वर्ष सेवा की है। टिप्पण : जहां ऐसे कनिष्ठ व्यक्तियों के संबंध में जिन्होंने अपनी अर्हक/पात्रता सेवा पूरी कर ली है, प्रोन्नति के लिए विचार किया जा रहा हो वहां उनसे ज्येष्ठ व्यक्तियों के संबंध में भी विचार किया जाएगा परंतु यह तब जब कि उसके द्वारा की गई ऐसी अर्हक/पात्रता सेवा, अपेक्षित अर्हक/पात्रता सेवा के आधे से अधिक हो या दो वर्ष से, इनमें से जो भी कम हो, कम न हो और उन्होंने अपने ऐसे कनिष्ठ व्यक्तियों सहित जिन्होंने ऐसी अर्हक/पात्रता सेवा पहले ही पूरी कर ली है, अगली उच्चतर श्रेणी में प्रोन्नति के लिए अपनी परिवीक्षा की अवधि सफलतापूर्वक पूरी कर ली हो। | समूह 'ग' विभागीय प्रोन्नति समिति में निम्नलिखित होंगे: 1. उप महासर्वेक्षक, (प्रशासन) —अध्यक्ष 2. भारतीय सर्वेक्षण से भिन्न किसी कार्यालय से समूह 'क' का एक अधिकारी 3. समूह 'क' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो (जिसके न हो सकने पर समूह 'ख' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो) 4. सहायक महासर्वेक्षक —सदस्य | लागू नहीं होता | | | | |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|------------------------|--|---|-------------------|----------------|----------------|------------------|
| 2. नक्शानवीस श्रेणी-II | 400* (2006) *(कार्यभार के आधार पर परिवर्तन किया जा सकता है) | साधारण केन्द्रीय सेवा समूह 'ग' (अराजपत्रित, अननुसचिबीय) | 5000-150-8000 रु. | चयन | लागू नहीं होता | लागू नहीं होता |
| | | | | | | |
| | | 9 | | 10 | | 11 |
| | लागू नहीं होता | लागू नहीं होता | | लागू नहीं होता | | प्रोन्नति द्वारा |
| | | | | | | |
| | 12 | | | 13 | | 14 |

प्रोज्ञति

ऐसे तद्विज्ञानीस, श्रेणी III जिन्होंने उस श्रेणी में नियमित रूप से आठ वर्ष सेवा की है।

टिप्पणी : जहाँ ऐसे कनिष्ठ व्यक्तियों के संबंध में जिन्होंने अपनी अर्हक/पात्रता सेवा पूरी कर ली है, प्रोन्नति के लिए विचार किया जा रहा हो वहाँ उनके ज्येष्ठ व्यक्तियों के संबंध में भी विचार किया जाएगा परंतु यह तब जब कि उसके द्वारा की गई ऐसी अर्हक/पात्रता सेवा, अपेक्षित अर्हक/पात्रता सेवा के आधे से अधिक से या दो वर्ष से, इनमें से जो भी कम हो, कम न हो और उन्होंने अपने ऐसे कनिष्ठ व्यक्तियों सहित, जिन्होंने ऐसी अर्हक/पात्रता सेवा पहले ही पूरी कर ली है, अगली उच्चतर श्रेणी में प्रोन्नति के लिए अपनी परिवीक्षा की अवधि सफलतापूर्वक पूरी कर ली हो।

समूह 'ग' विभागीय प्रोन्नति समिति में निम्नलिखित होंगे :

लागू नहीं होता

1. उप महासर्वेक्षक, (प्रशासन)
2. भारतीय सर्वेक्षण से भिन्न किसी कार्यालय से समूह 'क' का एक अधिकारी
3. समूह 'क' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो (जिसके न हो सकने पर समूह 'ख' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो)
4. सहायक महासर्वेक्षक

—અધ્યક્ષ

—सदस्य

-सदस्य

गुवाहाटी न्यायपीठ
Guwahati Bench

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-----------------------|---|---|-------------------|----------|---|---|
| 3. नवशान्तिश्रेणी-III | **641*(2006) *(कार्यभार के आधार पर परिवर्तन किया जा सकता है) | साधारण केन्द्रीय सेवा समूह 'ग' (अराजपत्रित, अननुसचिवीय) | 4000-100-6000 रु. | समय नहीं | 18 से 27 वर्ष के बीच। | |
| | | | | | (केन्द्रीय सरकार द्वारा समय-समय पर जारी किए गए अनुदेशों या आदेशों के अनुसार सरकारी सेवकों के लिए ऊपरी आयु-सीमा शिथिल करके 35 वर्ष तक की जा सकेगी।) | |
| | | | | | टिप्पण : आयु-सीमा अवधारित करने के लिए निर्णायक तारीख भारत में अभ्यर्थियों से आवेदन प्राप्त करने के लिए नियत की गई अंतिम तारीख होगी (न कि वह तारीख जो असम, मेघालय, अरुणाचल प्रदेश, मिजोरम, मणिपुर, नागालैंड, त्रिपुरा, सिक्किम, जम्मू-कश्मीर राज्य के लद्दाख खंड | |

7

हिमाचल प्रदेश के लाहोल और स्पीति जिले तथा चम्पा-जिले के पांगो उपखंड, अंदमान और निकोबार द्वीप या लक्षद्वीप के अभ्यर्थियों के लिए विहित की गई है।

रोजगार कार्यालयों के माध्यम से की जाने वाली नियुक्ति की दशा में, आयु-सीमा अवधारित करने के लिए निर्णायक तारीख वह अंतिम तारीख होगी जिस पर रोजगार कार्यालयों से नाम भेजने के लिए कहा गया है।

| 8. | 9 | 10 | 11 |
|--|--|------------------------|---|
| <p>आवश्यक</p> <p>(1) 10+2 या समतुल्य जिसमें गणित एक मुख्य विषय के रूप में हो।</p> <p>(2) नक्शानवीस (सिविल) में या औद्योगिक प्रशिक्षण संस्थान में सिविल इंजीनियरी में दो वर्ष का पाठ्यक्रम या समतुल्य।</p> <p>(3) जो सर्वांगीण दृष्टि रखता हो।</p> | <p>लागू नहीं होता</p> | <p>दो वर्ष</p> | <p>सीधे भर्ती द्वारा</p> <p>टिप्पण : श्रेणी IV/स्थला-कृतिक प्रशिक्षार्थी प्रकार 'ख' (नक्शानवीस) में वर्तमान पद-धारियों के प्रोन्नत/सेवानिवृत्त किए जाने तक व्यवसाय परीक्षण के द्वारा शतप्रतिशत प्रोन्नति। उसके पश्चात् शतप्रतिशत सीधे भर्ती द्वारा।</p> |
| | | | |
| 12 | 13 | 14 | |
| <p>लागू नहीं होता</p> | <p>समूह 'ग' विभागीय प्रोन्नति समिति (विभागीय स्तर) :</p> <ol style="list-style-type: none"> 1. उप महासर्वेक्षक, (प्रशासन) —अध्यक्ष 2. भारतीय सर्वेक्षण से भिन्न किसी कार्यालय से समूह 'क' का एक अधिकारी 3. समूह 'क' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो (जिसके न हो सकने पर समूह 'ख' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो) —सदस्य 4. सहायक महासर्वेक्षक —सदस्य <p>सर्किल स्तर</p> <ol style="list-style-type: none"> 1. संबंधित निदेशक —अध्यक्ष 2. भारतीय सर्वेक्षण से भिन्न किसी कार्यालय से समूह 'क' का एक अधिकारी —सदस्य | <p>लागू नहीं होता।</p> | |

3. समूह 'क' का ज्येष्ठतम अधिकारी —सदस्य
जो अनुसूचित जातियों/अनुसूचित
जनजातियों का हो (जिसके न हो
सकने पर समूह 'ख' का ज्येष्ठतम
अधिकारी जो अनुसूचित जातियों/
अनुसूचित जनजातियों का हो)
4. संबद्ध सर्किल का उप निदेशक —सदस्य
(प्रशासन)

टिप्पणी :- वर्तमान में, इन पदों में नक्शानवीस श्रेणी IV भी सम्मिलित है। जब नक्शानवीस श्रेणी IV प्रोन्नति द्वारा या अन्यथा सेवानिवृत्ति किए जाएं तब सभी 641 पद, नक्शानवीस श्रेणी III के लिए होंगे। वर्तमान पदधारी (स्थलाकृतिक प्रशिक्षार्थी प्रकार 'ख' (नक्शानवीस) और नक्शानवीस श्रेणी IV), नक्शानवीस श्रेणी III के पद पर, स्थलाकृतिक प्रशिक्षार्थी प्रकार 'ख' (नक्शानवीस) और नक्शानवीस श्रेणी IV में सात वर्ष की सेवा पूर्ण किए जाने पर प्रोन्नत होंगे। रिक्तियों की उपलब्धता के आधार पर विभागीय प्रोन्नति समिति द्वारा प्रोन्नति की जाएगी। नक्शानवीस श्रेणी II के 400 पर आने तक नक्शानवीस श्रेणी III के पद से कोई प्रोन्नति नहीं की जाएगी।

[फा. सं. एस. एम./02/023/2004]

आर. प्रसाद, अवर सचिव

MINISTRY OF SCIENCE AND TECHNOLOGY

(Department of Science and Technology)

New Delhi, the 29th June, 2006

G.S.R. 175.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the Group 'C', (Draftsman Cadre) in the Survey of India, Department of Science and Technology under the Ministry of Science and Technology, namely :—

1. Short title and commencement.—(1) These Rules may be called the Survey of India, Group 'C', Non-Ministerial, Draftsman Cadre posts Recruitment Rules, 2006.

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

2. Number of Posts, Classification and Scale of Pay.—The number of the said posts, their classification and the scale of pay attached thereto shall be as specified in columns (2) to (4) of the Schedule, annexed to these rules.

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

4. Initial Constitution.—The incumbents of the posts mentioned in the Schedule annexed to these rules who are holding such posts on regular basis on the date of commencement of these rules shall be deemed to have been appointed under the provisions of these rules.

5. Disqualifications.—No persons,—

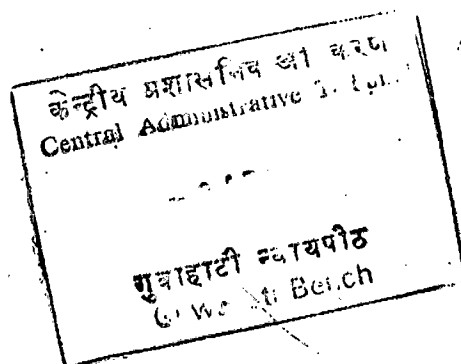
- (a) who has entered into or contracted a marriage with a person having a spouse living, or
- (b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said post :

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

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

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THE GAZETTE OF INDIA : JULY 15, 2006/ASADHA 24, 1928

[PART II—SE

7. Saving.—Nothing in these rules shall affect reservations, relaxations of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

| Name of the post | Number of posts | Classification | Scale of pay | Whether selection post or non-selection post | Whether benefit of added years of service admissible under rule 30 of the Central Civil Services (Pension) Rules, 1972 |
|--|---|--|-----------------------------|--|--|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. Draftsman Grade-I | 300* (2006) *Subject to variation dependent on workload. | General Central Service, Group 'C', Non-Gazetted, Non-Ministerial. | Rs. 5500-175-9000 | Selection | Not applicable |
| Age limit for direct recruits | Educational and other qualifications required for direct recruits | Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees | Period of probation, if any | Method of recruitment whether by direct recruitment or by promotion or by deputation/absorption and percentage of the posts to be filled by various methods. | |
| 7 | 8 | 9 | 10 | 11 | |
| Not applicable | Not applicable | Not applicable | Not applicable | By promotion. | |
| In case of recruitment by promotion/deputation/absorption grades from which promotion/deputation/absorption to be made | | If any Departmental Promotion Committee exists what is its composition | | Circumstances in which Union Public Service Commission is to be consulted in making | |
| 12 | | 13 | | 14 | |
| Promotion : Draftsman Grade III with eight years regular service in the grade. | | Group 'C' Departmental Promotion Committee consisting of :— | | Not applicable. | |
| <p>Note : Where juniors who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years, whichever is less and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying/eligibility service.</p> | | 1. Deputy Surveyor General (Administration) | | —Chairman | |
| | | 2. One Group 'A' Officer from Office other than Survey of India. | | —Member | |
| | | 3. Senior most Group 'A' Officer belonging to Scheduled Castes/ Scheduled Tribes (failing which senior most Group 'B' officer belonging to the Scheduled Castes/ Scheduled Tribes. | | —Member | |
| | | 4. Assistant Surveyor General | | —Member | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 2. Draftsman Grade-II | (**641*)(2006) *Subject to variation dependent | General Central Service, Group 'C', Non-Gazetted, Non-Ministerial. | Rs. 5000-150-8000 | Selection | No applicable |

—Chairman
केन्द्रीय प्रशासनिक आयोग
—Member
Central Administrative Tribunal
—Member
गुवाहाटी न्यायपीठ
C. W. B. B. B. B.

| 7 | 8 | 9 | 10 | 11 |
|----------------|----------------|----------------|----------------|---------------|
| Not applicable | Not applicable | Not applicable | Not applicable | By promotion. |

| 12 | 13 | 14 |
|----|----|----|
|----|----|----|

Promotion: Group 'C' Departmental Promotion Committee consisting of:— Not applicable.

Draftsman Grade III with eight years regular service in the grade.

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

1. Deputy Surveyor General (Administration) — Chairman
2. One Group 'A' Officer from Office other than Survey of India. — Member
3. Senior most Group 'A' Officer belonging to Scheduled Castes/ Scheduled Tribes (failing which senior most Group 'B' officer belonging to the Scheduled Castes/ Scheduled Tribes. — Member
4. Assistant Surveyor General — Member

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

- 2 A.D.

गुवाहाटी न्यायपीठ
Guwahati Bench

| 2 | 3 | 4 | 5 | 6 | |
|------------------------|--|---|-----------------------|-----------|---------------|
| Draftsman Grade-III | **641* (2006) *Subject to variation dependent on workload. | General Central Service, Group 'C', Non-Gazetted, Non-Ministerial. | Rs. 4000-100- 6000 | Selection | No applicable |

| 7 | 8 | 9 | 10 |
|---|---|---|----|
|---|---|---|----|

Between 18 to 27 years (Upper age limit relaxable for Government servants up to 35 years in accordance with the instructions or orders issued by the Central Government time to time in this regard).

- Essential:—
- (1) 10+2 or equivalent with Mathematics as one of the main subject.
 - (2) Two years Course in Draftsman (Civil) or in Civil Engineering of Industrial Training Institute or equivalent.
 - (3) Should possess stereoscopic vision.

Not Applicable

Two years

Note:—The crucial date for determining the age limit shall be closing date for receipt of application from the candidates in India (other than those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu & Kashmir Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep).

In case of recruitment through the Employment Exchange, the crucial date for determining the age limit shall be the last date up to which the Employment Exchange is asked to submit the names of the candidates.

| 11 | 12 | 13 | 14 |
|----|----|----|----|
|----|----|----|----|

By direct recruitment Not applicable Group 'C' Departmental Promotion Committee (Departmental Level). Not Applicable.

Note:—100% by promotion by trade test till present incumbents in Grade IV/Topo Trainee Type 'B' (Draftsman) are promoted/ wasted

consisting of:—

1. Deputy Surveyor General — Chairman (Administration)

| 11 | 12 | 13 | 14 |
|--|--|-----------|----|
| out. Thereafter, 100% by direct recruitment. | 2. One Group 'A' Officer from an Office other than Survey of India. | —Member | |
| | 3. Senior most Group 'A' Officer belonging to Scheduled Castes/ Scheduled Tribes (failing which senior most Group 'B' officer belonging to the Scheduled Castes/Scheduled Tribes. | —Member | |
| | 4. Assistant Surveyor General Circle Level. | —Member | |
| | 1. Director Concerned | —Chairman | |
| | 2. One Group 'A' Officer from an office other than Survey of India— | —Member | |
| | 3. Senior most Group 'A' Officer belonging to Scheduled Castes/ Scheduled Tribes (Failing which senior most Group 'B' officer belonging to the Scheduled Castes/ Scheduled Tribes. | —Member | |
| | 4. Deputy Director (Administration) of Concerned Circle. | —Member | |

केन्द्रीय प्रशासकीय
Central Administrative
गुवाहाटी प्रशासकीय
Guwahati Branch

**** NOTE.**—At present these posts include Draftsman Grade IV also. When Draftsman Grade IV are wasted out by promotion or other wise, all the 641 posts will be for Draftsman Grade III. The present incumbents (Topo Trainee Type 'B' (Draftsman) and Draftsman Grade IV) will be promoted to the post of Draftsman Grade III after completion of 7 years service in the Topo Trainee Type 'B' (Draftsman) and Draftsman Grade IV Promotion will be done by the Departmental Promotion Committee subject to availability of vacancies. No promotion will be made from the post of Draftsman Grade III till the Draftsman Grade II comes to 400.

[F. No. SM/02/023/2004]

R. PRASAD, Under Secy.

MINISTRY OF HEALTH AND FAMILY WELFARE CORRIGENDUM

New Delhi, the 7th July, 2006

G.S.R. 176.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Ministry of Health and Family Welfare, Regional Drug testing Laboratory, Guwahati (Senior Scientific assistant, Group 'B' Recruitment Rules 2004, namely :—

1. (1) These Rules may be called the Ministry of Health and Family Welfare, Regional Drug Testing Laboratory, Guwahati, (Senior Scientific Assistant, Group B) (Amendment) Recruitment Rules, 2006.

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

2. In the opening paragraph of the Ministry of Health and Family Welfare, Regional Drug Testing Laboratory, Guwahati, (Senior Scientific Assistant, Group B) Recruitment Rules, 2004, for the words "Senior Technical Assistant", the following words shall be substituted, namely :—

"Senior Scientific Assistant".

[F. No. A-12018/172--2-D]

NITA KEJREWAL, Under Secy.

Foot Note.—The principal rules were published *Vide* G. S. R. No. 279 dated 30th July, 2004 in the Gazette of India Notification.

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07.02.2002- The Hon'ble CAT, Principal Bench, New Delhi directed respondents to extend higher revised scale of pay of Rs. 5,000-8,000/- to the similarly situated Draftsman of respondent department. Applicants being similarly situated entitled to be placed in the higher revised scale of Rs. 5,000-8,000/-.

(Annexure- 5)

Hence this Original Application.

PRAYERS

1. That the Hon'ble Tribunal be pleased to direct the respondents to grant the revised higher scale of pay of Rs. 5,000-150-8,000/- to the applicants with effect from the date when the individual applicants have completed combined 5 years of service in the grade of Draftsman Grade-III and Grade-II in terms of the Govt. of India's letter dated 16.10.2000 with all consequential benefit including arrear monetary benefit.
2. Cost of the application.
3. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for

1. That the Hon'ble Tribunal be pleased to observe that pendency of this application shall not be bar to grant the relief's as prayed for by the applicants.

Anup Sharma

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

Title of the case : O.A. No. 163 /2007

Sri Anup Sarma & Ors. : Applicants.

-Versus
Union of India & Others. : Respondents.

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| 03. | 1 (Series) | Copies of representations dated 29.12.2006 | 12-14. |
| 04. | 2 | Copy of representation dated 27.02.07 | -15- |
| 05. | 3 | Copy of the letter dated 16.10.2000 | -16- |
| 06. | 4 | Copy of the judgment and order dated 23.09.04 in OA No. 252/03 | 17-34. |
| 07. | 5 | Copy of the judgment and order dated 07.02.02 passed in OA No. 2094/01 | 35-40. |

Date: 18.06.07

Filed by

H Dutta
Advocate

Anup Sarma.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O.A. No. _____/2007

BETWEEN:

1. **Shri Anup Sarma,**
Working as Draftsman, Grade-II
Office of the Director,
Assam & Nagaland G.D.C,
Survey of India,
Ganeshguri, Guwahati- 781006.
2. **Smti. Rumki Choudhury**
Working as Draftsman, Grade- II
Office of the Director,
Meghalaya & Arunachal Pradesh G.D.C
Survey of India, Shillong-793001.
3. **Smti. Sapna Mawrie.**
Working as Draftsman, Grade-II,
Office of the Director,
Meghalaya & Arunachal Pradesh G.D.C.
Survey of India, Shillong-793001.
4. **Shri Partha Das Choudhury.**
Working as Draftsman Grade- II,
Office of the Director,
Meghalaya & Arunachal Pradesh G.D.C
Survey of India, Shillong-793001.
5. **Shri Alok Dam.**
Working as Draftsman, Grade- II
Office of the Director,
Meghalaya & Arunachal Pradesh G.D.C
Survey of India, Shillong-793001.
6. **Shri Sandeep Paul,**
Working as Draftsman, Grade- II,
Office of the Director,
Meghalaya & Arunachal Pradesh G.D.C,
Survey of India, Shillong-793001.

1607 Prasad

Anup Sharma,

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Filed by the applicant
through M. Dutta, Advocate
on 18.06.07

7. Mrs. Joyeeta Paul,
Working as Draftsman, Grade-II
Office of the Director,
Meghalaya & Arunachal Pradesh G.D.C,
Survey of India, Shillong-793001.

...Applicants.

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Science and Technology
New Mehrauli Road, New Delhi- 110016.
2. The Surveyor General
Survey of India
Block B, Hathi Barkala Estate,
Dehradun- 248001, Uttanchal.
3. The Director,
Assam & Nagaland G.D.C,
Survey of India,
Ganeshguri, Guwahati- 781006.
4. The Director,
Meghalaya & Arunachal G.D.C,
Survey of India, Malki, Shillong-793001.

* 5/ The Secretary, Govt. of India
Ministry of Finance,
(Dept. of Expenditure)
North Block,
New Delhi - 110001

Impleaded as R-5, vide
order dated 26/3/08.
2/4/08.

.... Respondents.

* 5- Secy. MOF (DOE) NB
New Delhi-1

DETAILS OF THE APPLICATION

1. Particulars of order against which this application is made.

This application is made not against any particular order but praying for a direction upon the respondents to grant higher revised scale of pay of Rs. 5,000-150-8,000/- to the applicants as the same has already been granted to all other similarly situated employees in the cadre of Draftsman Grade-II on completion of 5 years combined regular service both in the cadre of Grade-III and Grade-II, from the scale of pay of Rs. 4,500-7,000/-, in the light of the decision contained in the Govt. of India's order bearing No. SM/04/010/2000 dated 16.10.2000.

Anup Sharma,

2. Jurisdiction of the Tribunal.

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

3. Limitation.

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

4. Facts of the case.

4.1 That the applicants are citizens of India and as such they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicants pray permission to move this application jointly in a single application under Sec 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987 as the reliefs sought for in this application by the applicants are common, therefore, they pray for granting leave to approach the Hon'ble Tribunal by a common application.

4.3 That the applicants are presently working in the cadre of Draftsman Grade-II under the Director, Survey of India, Assam and Nagaland Geo Statistical Data Centre and Meghalaya and Arunachal Pradesh Geo-Statistical Data Centre. All the applicants have completed the combined regular service of 5 years as stated in Govt. letter dated 16.10.2000 on different dates.

It is pertinent to mention here that all the applicants have been promoted to the grade of Draftsman Grade-III as well as to the cadre of Draftsman Grade-II long back. The details particulars of all the applicants are furnished as below:

Anup Sharma.

| Sl. No. | Name | Date of appointment | Date of Grade-III | Date of Grade-II | Completion of 5 years in combined Grade | Date of eligibility for scale of Rs. 5000-8000 |
|---------|----------------------|---------------------|-------------------|------------------|---|--|
| 1. | Anup Sharma | 10.04.1995 | 01.01.2001 | 01.01.2003 | 31.12.2005 | 01.01.2006 |
| 2. | Aloka Das | 10.04.1995 | 01.01.2001 | 01.01.2003 | 31.12.2005 | 01.01.2006 |
| 3. | Partha Das Choudhury | 10.04.1995 | 01.01.2001 | 01.01.2003 | 31.12.2005 | 01.01.2006 |
| 4. | Rumki Choudhury | 10.04.1995 | 01.01.2001 | 01.01.2003 | 31.12.2005 | 01.01.2006 |
| 5. | Sapna Mawri | 10.04.1995 | 01.01.2001 | 01.01.2003 | 31.12.2005 | 01.01.2006 |
| 6. | Sandeep Paul | 20.05.1996 | 01.01.2002 | 01.01.2004 | 31.12.2006 | 01.01.2006 |
| 7. | Joyeeta Paul | 20.05.1996 | 01.01.2002 | 01.01.2004 | 31.12.2006 | 01.01.2006 |

It is relevant to mention here that after attaining the eligibility, all the applicants submitted representations for grant of higher revised scale of pay of Rs. 5,000-8,000/- to the appropriated authority, but no action was taken on the basis of said representation, and as such the applicants are still receiving their pay and allowances in the lower scale of Rs. 4,500-7,000/- and as a result they are incurring huge financial loss each and every month when the similarly situated Draftsman are receiving the higher scale of pay of Rs. 5,000-8,000/- and the applicants have been deprived the benefit of appropriate scale of pay due to inaction, laches and negligence of the respondent authority.

Copies of representations dated 29.12.06 and 27.02.07 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure -1 (Series) and 2 respectively.

- 4.4 That it is stated that initially the revised higher scale of pay of Rs. 5,000-8,000/- has been granted to the similarly situated employees of the Survey of India, following a decision rendered by this Hon'ble Tribunal in O.A No. 52/2006, however the respondent authority preferred a writ petition

Anup Sharma,

before the Hon'ble Gauhati High Court against the said judgment and order dated 17.07.1997 in O.A No. 52/2006. However, the said Writ Petition preferred by the respondent Union of India was dismissed by the Hon'ble Gauhati High Court and upheld the decision of entitlement of higher revised scales contained in the O.M dated 19.10.1994 issued by the Govt. of India, Ministry of Finance for the cadre of Draftsman Grade-II working in the various establishment of the Central Govt. The respondents Union of India further preferred a Special Leave Petition before the Hon'ble Supreme Court but the Hon'ble Supreme Court also dismissed the S.L.P and upheld the decision of this learned Tribunal, and thereafter benefit of higher revised scale of pay of Rs. 5,000-8,000/- has been extended to the Draftsman Grade-II following the Govt. of India's order dated 16.10.2000. But for the reasons best known to the authorities, the similar benefit in the higher revised scale of pay of Rs. 5,000-8,000/- has not been extended to the present applicants till filing of this Original Application in terms of the Govt. of India's order dated 16.10.2000 in spite of the fact that all the applicants have attained eligibility for grant of higher revised scale of pay of Rs. 5,000-8,000/-.

Copy of the letter dated 16.10.2000 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 3.

- 4.5 That it is stated that the respondents Union of India initially denied to provide the benefit of promotion to the present applicants to the cadre of Draftsman Grade-II in terms of the rules and the applicants being highly aggrieved and dissatisfied with the in action of the respondents had approached this Hon'ble Tribunal in OA No. 252/2003 (Sri Anup Sharma & Ors. -Vs- U.O.I & Ors.) and in OA No. 74/2006 (Sri Sandeep Paul & another -Vs- U.O.I & Ors.) claiming promotion in the cadre of Draftsman Grade-II. The said OA No. 252/2003 has been duly contested by the

Anup Sharma

respondents before the learned Tribunal. However, the learned Tribunal by its order dated 23.09.2004 allowed the O.A No. 252/2003 with a direction upon the respondents to consider the promotion of the applicants after conducting necessary trade test. However, the said judgment and order dated 23.09.2004 was not initially implemented but after long persuasion and also after filing an application under Rule 24 of CAT (Procedure) Rule 1987 the judgment and order dated 23.09.2004 was implemented and the present applicants were granted promotion to the cadre of Draftsman Grade-II. It is relevant to mention here that the applicants No. 6 and 7 also got their promotion to the grade of Draftsman Grade-II during pendency of the OA No. 74/2006.

Copy of the judgment and order dated 23.09.04 in OA No. 252/03 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 4.

- 4.6 That it is stated that although the applicants have been promoted to the cadre of Grade-II pursuant to the direction of the Hon'ble Tribunal contained in judgment and order dated 23.09.04 in OA No. 252/2003, but they have been granted the scale of Rs. 4,500-7,000/- in spite of the fact that they have attained the eligibility for grant of higher revised scale of Rs. 5,000-8,000/- in terms of the Govt. of India's order dated 16.10.2000.

It is pertinent to mention here that the applicant No. 1 in his representation dated 27.02.2007 drawn the attention of the higher authority to the fact that one Sri Bishnu Kumar Chetri, Draftsman Grade-II of the Assam and Nagaland G.D.C., Survey of India have been upgraded in the scale of Rs. 5,000-8,000/- w.e.f. 01.01.04, but the similar benefit has been denied to the present applicants, and as such the present applicants have been meted out with hostile discrimination in the matter of allotment of higher revised scale. It is also relevant to mention here that the similarly situated employees of Survey of India earlier approached the learned

CAT, Principal Bench, by filing an OA No. 2094/2001 for non-extension of benefit of higher revised scale of Rs. 5,000-8,000/-, the said Original Application has been settled in favour of the similarly situated employees awarding a cost of Rs. 5,000/- upon the respondents. But surprisingly for the same cause, the present applicants have been forced to approach the learned Tribunal again by the same respondents with a deliberate intention to cause extreme harassment to the applicants. Therefore the learned Tribunal in the facts and circumstances as narrated above be pleased to allow the instant Original Application awarding huge cost upon the respondents.

Copy of the judgment and order dated 07.02.02 passed in OA No. 2094/01 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 5.

4.7 That it is stated that in the facts and circumstances stated above the applicants have no other alternative but to approach this Hon'ble Tribunal for protection of their valuable legal rights and interests.

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

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

5.1 For that the applicants have been denied higher revised scale of Rs. 5,000-8,000/- in terms of Govt. of India's order dated 16.10.2000 in spite of attaining eligibility for grant of higher revised scale of pay.

5.2 For that, the applicants have rendered combined 5 years service both in the cadre of Draftsman Grade- III and Grade-II and thereby attained eligibility way back in the month of January 2006/2007, as such they have acquired valuable legal right for grant of higher revised scale of Rs. 5,000-150-8,000/-.

Anup Sharma

5.3 For that though the applicants have been promoted to the cadre of Grade-II Draftsman and they have already rendered 5 years combined service as required for placement in the higher revised scale of pay of Rs. 5,000-150-8,000/- in terms of the Govt. of India's letter dated 16.10.2000 but even then the applicants have been denied the benefit of higher revised scale of Rs. 5000-150-8,000/- and thereby the respondents have violated the equality principle laid down in Article 14 and 16 of the Constitution of India.

5.4 For that other similarly situated employees have been granted the benefit of higher revised scale of Rs. 5,000-150-8,000/- following the decision rendered by the Hon'ble Tribunal in OA No. 52/1996 as well as in OA No. 2094/01, as such the applicants cannot be discriminated in the matter of allotment of higher revised scale of Rs. 5,000-150-8,000/- from the due date when respective applicants have completed 5 years combined service in the grade of Draftsman Grade- III and Grade-II, in terms of the letter dated 16.10.2000.

5.5 For that, the respondents Union of India in each and every occasion forcing the applicants to approach the learned Tribunal with a malafide intention denying their legitimate claims for allotment of appropriate pay scale without any reasonable ground.

5.6 For that, the applicants have submitted representation before the higher authorities and brought the matter to their notice but the authorities are silent and did not take any steps for redressal of grievances of the applicants, as such applicants are incurring huge financial loss each and every month.

6. Details of remedies exhausted.

Anup Sharma

That the applicants state that they had exhausted all the remedies available to them and there is no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed before or pending with any other Court.

The applicants further declare that they had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for.

Under the facts and circumstances stated above, the applicants humbly pray that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1 That the Hon'ble Tribunal be pleased to direct the respondents to grant the revised higher scale of pay of Rs. 5,000-150-8,000/- to the applicants with effect from the date when the individual applicants have completed combined 5 years of service in the grade of Draftsman Grade-III and Grade-II in terms of the Govt. of India's letter dated 16.10.2000 with all consequential benefit including arrear monetary benefit.

8.2 Cost of the application.

8.3 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

Anup Sharma.

- 9.1 That the Hon'ble Tribunal be pleased to observe that pendency of this application shall not be bar to grant the reliefs as prayed for by the applicants.

10.
This application is filed through Advocates.

11. Particulars of the I.P.O.

- | | | |
|------|---------------|--------------------|
| i) | I. P. O. No. | : 34 G 654187 |
| ii) | Date of Issue | : 02.06.07 |
| iii) | Issued from | : G.P.O, Guwahati |
| iv) | Payable at | : G.P.O, Guwahati. |

12. List of enclosures.

As given in the index.

Anup Sharma

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VERIFICATION

I, Shri Anup Kumar Sharma, Son of Shri Paresh Kumar sharma, aged about 46 years, working as Draftsman, grade III resident of Upper New Colony, Laithumukhra, Shillong presently posted in the office of the Survey of India, Northeastern Circle, shillong, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 18th day of June 2007.

Anup Sharma.

MS

To,
The Director,
Meghalaya & Arunachal Pradesh G.D.C.
Survey of India, Shillong.
(Through proper channel)

Sub : Prayer for complete implementation of judgement and order dated 8/11/2006 of honorable CAT Guwahati and Principal Bench order dated 7/2/2002 in O.A. No. 2094/2001.

Ref : SG's letter No. E2-14192/1196-B (Anup Sharma) dated 28/11/2006.

Sir,

Respectfully I have the honour to submit herewith that the direction passed by the learned Tribunal in the above O.A. No. 252/03 has been partly implemented to me in the scale of Rs. 4500-7000 w.e.f 01/01/03 as per SG's letter under reference. Whereas, vide above mentioned judgement, I am already eligible to be placed in the scale of Rs. 5000-8000 w.e.f 01/01/06 which is not implemented to me so far.

Therefore, I request you to kindly to implement the order of both the learned Tribunals dated 08/11/2006 and 07/02/2006 respectively by considering my case in placing the scale of pay to Rs. 5000-8000 as I am incurring huge financial loss every day.

An early action in this regard is highly solicited.

Thanking You,

*Attested
Author
Adm.*

Date: 29/12/06

Yours faithfully,

S. Mawrie
(SAPNA MAWRIE)
D/ran Adm II

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To,
The Director,
Meghalaya & Arunachal Pradesh G.D.C.
Survey of India, Shillong.
(Through proper channel)

Sub : Prayer for complete implementation of judgement and order dated 8/11/2006 of honorable CAT Guwahati and Principal Bench order dated 7/2/2002 in O.A. No. 2094/2001.

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Therefore, I request you to kindly to implement the order of both the learned Tribunals dated 08/11/2006 and 07/02/2006 respectively by considering my case in placing the scale of pay to Rs. 5000-8000 as I am incurring huge financial loss every day.

An early action in this regard is highly solicited.

Thanking You.

Attested
W. S. S.
A. W.

Date: 29.12.06

Yours faithfully,

Partha Das Choudhury
[PARTHA DAS CHOUDHURY]
D/Mem Cde II

To,
The Director,
Meghalaya & Arunachal Pradesh G.D.C.,
Survey of India, Shillong.
(Through proper channel)

Sub : Prayer for complete implementation of judgement and order dated 8/11/2006 of honorable CAT Guwahati and Principal Bench order dated 7/2/2002 in O.A. No. 2094/2001.

Ref : SG's letter No. E2-14192/1196-B (Anup Sharma) dated 28/11/2006.

Sir,

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Therefore, I request you to kindly to implement the order of both the learned Tribunals dated 08/11/2006 and 07/02/2006 respectively by considering my case in placing the scale of pay to Rs. 5000-8000 as I am incurring huge financial loss every day.

An early action in this regard is highly solicited.


Thanking You.

Attested
Rout
A.S.V.

Date:

29/12/06

Yours faithfully,


(RAMESH CHOUDHURY)
D/Secy Circle II

To

The Director
Assam and Nagaland GDC.
Survey of India.
Guwahati - 6

(Through proper channel)

SUB: Prayer for complete implementation of Judgement and order dtd 08.11.06 of honourable CAT Guwahati and Principal Bench order dtd. 07.02.2002 in O.A.No. 2094/2001.

Sir,

Respectfully I have the honour to submit herewith that the direction passed by the learned Tribunal in the O.A.No. 252/2003 has been partly implemented to me in the pay scale of Rs.4500-7000 w.e.f. 01.01.2003, whereas vide above mentioned judgement I am already eligible to be placed in the pay scale of Rs.5000-8000 w.e.f. 01.01.2006 which is not implemented to me so far.

As for reference I am to mention here that Shri Bishnu Kumar Chetri D/man Grade II who is a permanent employee of Assam and Nagaland GDC, Survey of India was upgraded to D/man Grade III in the year 01.01.1999 and D/man Grade II in the year 01.01.2002 respectively. After completion of 5(live) years service in to grade combined, Grade III and Grade II in the pay scale of Rs 4000-6000 and Rs.4500-7000 respectively he was placed in the pay scale of Rs.5000-8000 from 01.01.2004.

I therefore request you kindly to consider my case in placing the scale of pay to Rs.5000-8000 by implementing the order of both the tribunal dtd.08.11.2006 and 07.02.2002 respectively as I am incurring huge financial loss everyday.

An early action in this regard is highly solicited.
Thanking you.

Dated: 27.02.2007.
Place: Guwahati 6.

Encl: 1 Copy of judgement order(CAT)ghy
dtd.08.11.06.
2. copy of OA No.2094/2001
(Principal Bench) NewDelhi
dtd. 07.02.2002

Yours faithfully

ANUP SHARMA
27-02-07
(ANUP SHARMA)

D/man Grade II
Assam & Nagaland GDC
Survey of India.
Guwahati - 6

*Attested
Dutta
Ash*

-16-

ANNEXURE → 3

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भारत सरकार
विज्ञान और प्रौद्योगिकी मंत्रालय
विज्ञान और प्रौद्योगिकी विभाग
रक्षापथी भवन, नया मेहरौली मार्ग, नई दिल्ली-110016

GOVERNMENT OF INDIA
MINISTRY OF SCIENCE & TECHNOLOGY

Department of Science & Technology
Rajghat Bhavan, New Mehrauli Road, New Delhi-110016

Min. Telegram : SCITECH/11/11
Min. Phone : (H/PAHX)
6567473, 6962819
Telex : 73381, 73317, 71280
Fax : 6864570, 6862418

17/10

17/10

श्री नटभू राः

17/10

17-10

No. SM/04/010/2000

Dated : 16 October, 2000.

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

(Attention: Shri Jaswant Rai, Deputy Surveyor General)

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

Sir,

I am directed to refer to your letter No.E2-5736/1196-B(T.R. Sharma) dated 28.9.2000 on the subject mentioned above. The problems being faced in implementation of the Tribunal's directions has been considered in the Department and SOI is requested to implement the directions of the Tribunal by taking the service already rendered in the grade of Rs. 330-480 (Grade-III) and keep them in the scale of pay of Rs. 425-600 (Grade-II) till completion of five years. After completion of five years service in the two Grade combined, Grade-III and Grade-II in the pay scale of Rs. 330-480 and Rs. 425-600, they may be placed in the scale of pay of Rs. 425-700. By applying this the eligibility conditions of five years prescribed for placing them in the scale of pay of Rs. 425-700 would be met. After 1.1.1996, the applicants would be placed in the scale of pay of Rs. 5000-8000 instead of Rs. 4500-7000. SOI is requested to take immediate necessary action and intimate the Department the action taken in the matter.

5000-8000

Yours faithfully,

16.10.2000

(K. P. Nair)

Officer on Special Duty

17/10/00

17/10/00

17/10/00

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 252 of 2003.

Date of Order : This the 23rd Day of September, 2004.

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

The Hon'ble Mr K.V.Prahladan, Administrative Member.

1. Shri Anup Sarma,
2. Smti. Rumki Choudhury,
3. Smti. Swapna Mawrie,
4. Shri Parth Das Choudhury &
5. Shri Alok Dam.

All the applicants are Draftsman Grade III working in the office of the Survey of India, North Eastern Circle Office, Shillong-793001.

...Applicants

By Advocate Sri M.Chanda.

- Versus -

1. The Union of India,
represented by the Secretary to the
Govt. of India,
Ministry of Science & Technology,
New Delhi.

2. The Surveyor General,
Survey of India,
Block B, Hathibarkala Estate,
Dehradun.

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

....Respondents

By Shri A.Deb Roy, Sr.C.G.S.C.

ORDER

R.K.BATTA, J. (V.C)

The applicants were initially appointed on 10.4.1995 to the post of Topo Trainees Type B in the pay scale of Rs.950-1500/-. After completion of two years training, classification test was conducted by the respondents and on the basis of the said classification



*Attested
R.K.Batta
A.D.W.*

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test the applicants were upgraded as Draftsman Grade IV after passing of the trade test and they were placed in the pay scale of Rs.3200-4900 with effect from 1.4.1997. Thereafter on completion of 3 years regular service in the Draftsman Grade IV, they again appeared in the trade test and after passing the trade test they were upgraded in the cadre of Grade III Draftsman in the scale of pay of Rs.4000-6000/- with effect from 1.1.2001. According to the applicants Circular Order No. 435/439 (Administrative), wherein service conditions of Group C employees are laid down and which governs the promotional avenues of the applicants, Rule 6(d) provides for promotion to the next higher grade on completion of certain number of years. The applicants further allege that they are working in the Draftsman Grade-III with effect from 1.1.2001 and are entitled to be promoted/upgraded to the next higher grade of Draftsman Grade-II in the scale of Rs.4500-7000/- with effect from 1.1.2003 without reference to availability of vacancy. It is further contended that as per Government instruction trade test/DPC for promotion/upgradation has to be conducted well in advance so that the employee gets the benefit of Government instructions. According to the applicants, the trade test has not been conducted as a result of which they have been deprived of the promotion/upgradation to Grade-II with effect from 1.1.2003. The applicants submitted

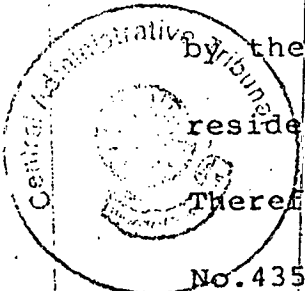
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representation for conducting trade test on 15.11.2002 and vide letter dated 27.12.2002 applicant No.4 was informed that the residency period from one grade to another grade would be followed as per order dated 8.10.2002 of the Director, N.E.Circle, Shillong and asked the applicants not to make any further correspondence. The applicant No.4 was further informed in the said letter that in view of the letter dated 8.10.2002 residency period is required in case of Draftsman Grade-III for getting promotion to Draftsman Grade-II as per O.M.No.13(1)IC/91 dated 19.10.1994. The applicant challenge various impugned letters dated 18.7.2002 and 8.10.2002 (Annexure-IV) and seeks setting aside of the same. Their case further is that no amendment of Recruitment Rules has been made incorporating the residency conditions laid down in O.M. dated 19.10.1994 and as such the Recruitment Rules in Circular Order No.435/439(Administrative) are still in force and the promotion/upgradation from Grade III to Grade II has to be considered in terms of the said Circular Order No.439. The applicants rely upon averments made by the respondents in O.A.14/2002 filed before this Tribunal. The applicants, therefore, claim setting aside of letters dated 18.7.2002 and 8.10.2002 and direction to conduct trade test for effecting promotion/upgradation of the applicants to the

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cadre of Draftsman Grade II with effect from 1.1.2003 with all consequential benefits.

2. The respondents in the written statement have stated that prior to the implementation of judgment dated 17.7.97 of this Tribunal in O.A.52/96 and Principal Bench, CAT New Delhi order dated 7.2.2002 in O.A.No.2094/2001, the provisions laid down and Circular 435/439(Administrative) in respect of residency period for conducting trade test was followed which was two years in case of Grade III for being eligible for trade test of Grade II and promotion thereto. However, after the implementation of the judgment dated 17.7.97 of this Tribunal in O.A.52/96 and order dated 7.2.2002 of the Principal Bench of this Tribunal in O.A.2094/2001, the Draftsman of Survey of India are governed by the provisions made in the O.M. dated 19.10.94 and the residency period prescribed therein has to be followed. Therefore, according to the respondents Circular Order No.435/439 are not now applicable to the Draftsman working in Survey of India and the applicants cannot claim benefits of two separate set of rules. It is further averred in the written statement that revised recruitment rules for Draftsman Grade I, II and III, as per O.M. dated 19.10.1994 and Fifth Central Pay Commission report have already been sent to the Department of Science and Technology vide letters dated 25.5.2003 and 11.7.2003 for their approval.

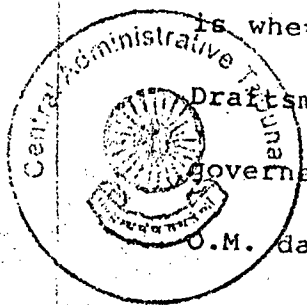


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Accordingly, there is no merit in the application and it should be dismissed.

3. In reply the applicants have stated that O.A.52/96 was relating to extension of revised higher pay scale in terms of O.M. dated 19.10.94 and it does not relates to promotion. The present applicants claim promotion in terms of Circular Order 439. It is further contended that the O.M. dated 19.10.94 cannot be treated as recruitment rules for Draftsman, in as much as no amendment of the recruitment rules has been carried out. Learned counsel for the applicant has placed reliance on Rangaiah vs. J.Sreenivasa Rao, 1983(3) SCC 284 and State of Rajasthan vs. R.Dayal or others, 1997(10) SCC 419.

4. We have heard learned counsel for the parties at length. The controversy which is required to be sorted out is whether the applicants, who are working in the cadre of Draftsman Grade III in the office of Survey of India, are governed by Circular Order No.439 (Administrative) or by O.M. dated 19.10.94 for the purpose of consideration for the promotion to next Grade II. We shall, therefore, first refer to the relevant part of Circular Order No.439 which deals with qualifications and trade test for Group C technical personnel. Rule 2 of the said circular provides that the grade of an individual in the Group 'C' service may be changed to a higher one in the following circumstances, which includes promotion by selection and on regradation. In



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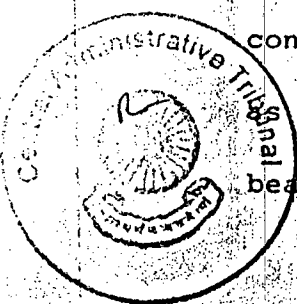
terms of Rule 2(b) of the Circular Order No.439(Administrative), regradation is effected in recognition of technical competence and an individual in Group 'C' will be eligible to be regraded under Rule 6 to the next higher grade if he is qualified under the Appendix to these Rules and if it is considered that he has sufficient experience by virtue of length of service in his present grade. Rule 6(a) provides for regradation on the results of trade test in terms of Rule 6(b) thereunder. Rule 6(a) of the said Circular further provides that requests from the Directors should reach Surveyor General's Office by 30th September each year and all promotions as a result of regradation, re-classification/initial classification will normally take effect from the 1st January following. Rule 6(b) of the said Circular lays down that to assist the Directors in assessing the qualifications of candidates, Directors will periodically convene Trade Testing Boards to consider all eligible candidates to undergo the trade test prescribed. ~~in~~ Rule 6(d) of the said Circular which has bearing on the controversy to be decided, reads as under :

"Personnel will have to complete the following minimum period in a particular grade before they can be promoted to the next higher grade provided their work and conduct have been satisfactory over the past one year:-

Grade IV .. 3 years
Grade III .. 2 years.

They will be allowed to take trade test for the next higher grades in the third and second year of grades IV and III respectively or in subsequent years."

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Note :-The word "conduct" appearing above should be taken to mean conduct so far as it affects the professional work of an individual.

Marks should be allotted for all tests and a candidate should not be passed unless he has obtained at least 45% in each item of the test (except where specially stated otherwise) and 55% in the aggregate."

5. We may at this stage refer to O.M. No.13(1)-IC/91 dated 19.10.1994 of Government of India, Ministry of Finance, Department of Expenditure which deals with revision of pay scales of Draftsman Grade I, II and III in Government of India offices on the basis of award of Board of Arbitration in the case of Central Public Works Department. The said Office Memorandum is reproduced below :

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

New Delhi the 19th Oct, 1994

OFFICE MEMORANDUM

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

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

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



St. Paul
CPWD

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

(a) Minimum period of service for 7 years placement from the post carrying scale of Rs.975-1540 to Rs.1200-2040 (pre-revised scale Rs.260-430 to Rs.330-560)

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

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

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

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

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

6. From the above Office Memorandum it is clear that with reference to O.M.No.F(59)-E III/82 dated 13.3.84 on the subject, a Committee of National Council (JCM) was set up to consider the request of staff side that the following scales of pay allowed to Draftsman Grade I, II and III working in CPWD on the basis of the Award of Board of Arbitration may be extended to Draftsman Grade I, II and III irrespective of their recruitment qualification in all Government of India offices. Accordingly, it was decided that Draftsman Grade I, II and III in offices/Departments of the Government of India



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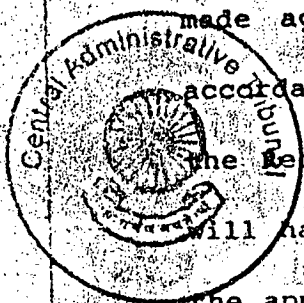
other than in CPWD may also be placed in the scale of pay mentioned above subject to fulfillment of minimum period of service which in case of Draftsman Grade II is 5 years. It is clear from the above Office Memorandum that scales of Draftsman Grade I, II and III working in the CPWD had been revised, but the pay scales of the Draftsman in Grade I, II and III working in other Government departments had not been revised and for that purpose a Committee of National Council was appointed to consider the case of Draftsman Grade I, II and III of the other departments in Government of India and thereafter Government of India decided that the scales given to CPWD Draftsman Grade I, II and III should be extended to Draftsman Grade I, II and III in the other Government offices irrespective of their recruitment qualifications provided they fulfill the minimum period of service which in the case for Draftsman Grade III to Grade II is 5 years. It is important to note that Para 3 of O.M provides that once the draftsmen are placed in the regular scales, further promotions would be made against available vacancies in higher grade and in accordance with the normal eligibility criteria laid in the Recruitment Rules (emphasis supplied).

Para 4 of the said Memorandum further provides that the benefit of this revision of scale of pay be given with effect from 13.5.82 notionally and actually from 1.11.83. The O.M therefore relates back and remedies the grievances of employees working in other establishments other than

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CPWD and grants them revised pay scales at par with CPWD Draughtsman and fixation in the revised pay scales with retrospective effect. And once the same is done further promotions have to be effected as per normal Recruitment Rules.

7. Therefore, a close reading of the said Office Memorandum dated 19.10.1994 goes to show that the said Memorandum provides for placing the Draftsman of other Government departments in the regular scales, namely, in the scales which are earlier been given to Draftsman Grade I, II and III of CPWD and the benefit of this revision of pay scale was extended with effect from 13.5.82 notionally and actually from 1.11.83. It is pertinent to note that Para 3 of this Memorandum enjoins that once the Draftsman are placed in the regular scales, further promotions would be made against available vacancies in higher grade and in accordance with the normal eligibility criteria laid down in the Recruitment Rules. Therefore, Para 2 of the Memorandum will have no bearing in so far as the claim put forward by the applicants is concerned who shall be governed by Para 3 of the said Memorandum dated 19.10.1994 in relation to further promotion against available vacancies in higher grade and in accordance with normal eligibility criteria laid down in Recruitment Rules. The normal eligibility criteria laid down in the Recruitment Rules is laid down in Circular Order No.435, 436 and 439 (Administrative), which



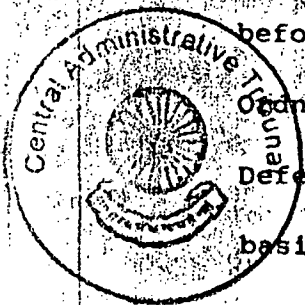
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deals with promotions by selection and regradation. Rule 6(d) of the Circular Order 439 clearly contemplates that the personnel will have to complete the minimum period in a particular grade before they can be promoted to the next higher grade provided their work and conduct have been satisfactory over the past one year. The minimum period required for promotion from Grade III to Grade II is 2 years and trade test in order to determine the competency of the Draftsman for consideration to the next higher grade.

8. We shall at this stage refer to various rulings which have been placed before us. The question of parity in pay in relation to Draftsman working in Ordnance Factories and Draftsman Grade II in CPWD came up before the Apex Court in Union of India and others vs. Debashis Kar and others, 1995

Supp (3) SCC 528. The question which arose for consideration before the Apex Court was whether Draftsman employed in the Ordnance Factories and Workshops of FME in the Ministry of Defence are entitled to have their pay scale revised on the basis of Office Memorandum of Government of India, Ministry of Finance dated 13.3.1984 to which reference has been made in Office Memorandum No.13(1)-JC/91 dated 19.10.94. In that case the Apex Court noticed that on the basis of report of the Third Pay Commission, the pay scales of Draftsman employed in CPWD were revised. However, the said employees of the CPWD were not satisfied and claimed that they should have been placed on higher pay scale. The dispute was



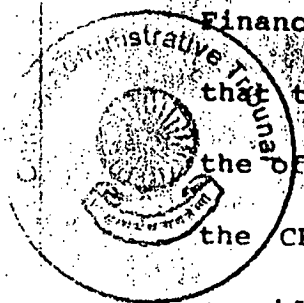
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referred to a Board of Arbitration and the Board of Arbitration gave Award on 20.6.1980 whereby the pay scales of Draftsmen working in CPWD were revised as under :

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

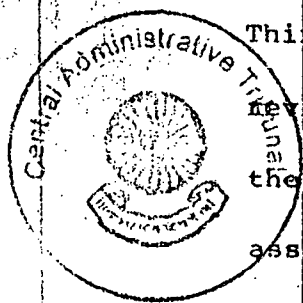
By the said Award it was directed that, pay of the Draughtsman shall be fixed notionally in their respective scales of pay from 1.1.1973, but for computation of arrears, the date of reckoning shall be 28/29.7.1978. In accordance with the said Award, the pay scales of Draughtsmen in CPWD were revised vide order dated 10.11.1980. The Draughtsmen employed in departments other than CPWD claimed the revision of their pay scale in the light of revision of pay scale in CPWD and on 13.3.1984 the Government of India, Ministry of Finance issued an Office Memorandum whereby it was directed that the scale of pay of Draughtsmen Grade III, II and I in the Office/department of the Government of India, other than the CPWD, may be revised as per revised scales for CPWD provided their recruitment qualification are similar to those prescribed in the case of Draughtsmen in CPWD and those who do not fulfill the said qualifications would continue in the pre-revised scales. The Ministry of Defence on 3.7.1984 issued an order whereby the organisations were requested to take necessary action in terms of para 2 of the Office Memorandum dated 13.3.1984. It appears that in the



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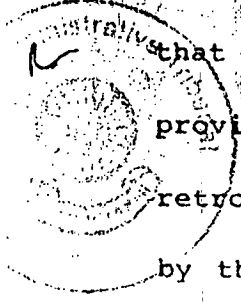
Ordinance Factories under the control of Director General of Ordinance Factories no action was taken to revise the pay scales of Draughtsmen as per Office Memorandum dated 13.3.1984. A series of Writ Petitions were filed before the High Courts and Tribunals. In the Writ Petition filed before the Calcutta High Court, it was directed by order dated 8.10.85 that O.M. dated 13.3.84 as well as the order of Ministry of Finance dated 3.7.84 to revise the pay scales be implemented forthwith. The judgments of the various Benches of the Tribunal had taken the view that the qualifications which were required for appointment of Draughtsman in the Ordinance Factories as well as in the Army Base Workshops in EME were equivalent to qualifications which were prescribed for appointment in the post of Draughtsman Grade II in the CPWD and therefore, the respondents who were placed in the pay scale of Rs.335-560/- on the basis of the report of the Third Pay Commission were entitled to be placed in the revised pay scale of Rs.425-700/- in accordance with O.M. of the Ministry of Finance dated 13.3.1984. The Union of India assailed the view of the Tribunals and it was stated that qualifications for appointment in the post of Draughtsman on the Ordinance Factories and Army Base Workshops of EME cannot be treated as equivalent to the qualifications for appointment on the post of Draughtsman Grade II in CPWD and therefore, the said respondents are not entitled to the



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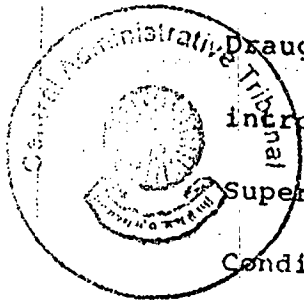
benefit of revision of pay on the basis of the Office Memorandum dated 13.3.1984. During the pendency of the matter before the Apex Court, Government of India, Ministry of Finance issued Office Memorandum dated 19.10.1994 to which we have already referred. By the said Office Memorandum Government of India after considering request of staff side that the scales of pay allowed to Draughtsmen Grade I, II and III working in CPWD on the basis of the Award of Board of Arbitration, may be extended to Draughtsmen Grade I, II and III irrespective of their recruitment qualification, in all Government of India offices has decided that Draughtsmen I, II and III in offices/departments of the Government of India other than in CPWD may also be placed in the revised scale of pay subject to certain minimum period of service as mentioned in clause (a), (b) and (c) of the O.M. The Apex Court has pointed out that the benefit of this revision of pay scales which is provided in O.M dated 19.10.1994 had been given retrospectively with effect from the same dates as was given by the O.M dated 13.3.1984, i.e. from 13.5.1985 notionally and actually from 1.11.1983. It was further observed by the Apex Court that in respect of Draughtsmen who fulfilled the requirement relating to the period of service mentioned in the same Office Memorandum dated 19.10.1994 on the relevant date the question whether their recruitment qualifications were similar to those in the case of Draughtsmen in CPWD would not arise and they would be entitled to the revised



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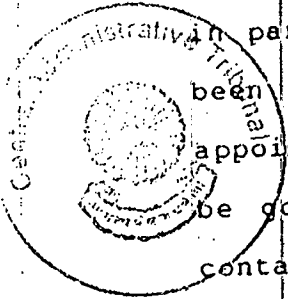
pay scales as granted to the Draughtsmen in CPWD irrespective of their recruitment qualification. However, in respect of those Draughtsmen who did not fulfill the requirement relating to the period of service prescribed in Para 2 of the O.M dated 19.10.1994 the question whether their recruitment qualification are similar to those prescribed for Draughtsmen in CPWD is required to be considered for the purpose of deciding whether they are entitled to the benefit of the revision of pay scales as per O.M dated 13.3.1984. In that case it was urged on behalf of Union of India that there are different channels of promotion in Ordnance Factories and in fact better chances of promotion and as such benefit of revision of pay scales could not be given under O.M. dated 13.3.1984. The Apex Court noticed that provision regarding promotion of Draughtsman as Chargeman Grade II in Ordnance Factories was introduced by the Indian Ordnance Factories Group C Supervisory and Non-Gazetted Cadre (Recruitment and Conditions of Service) Rules, 1989 issued vide Notification dated 4.5.1989 and the said rules were not retrospective in operation. The Apex Court observed that the case in hand was of revision of pay scales on the basis of O.M. dated 13.3.1984 and at that time the said rules were not operative. Therefore, on the basis of aforesaid Rules, Draughtsmen in Ordnance Factories could not be denied the benefit of revision of pay scales on the basis of O.M. dated 13.3.1984.



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9. From the above judgment of the Apex Court it is clear that what was done vide O.M. dated 19.10.1994 was to effect revision of the pay scales in all Government of India offices on par with the Draughtsman Grade I, II and III working in the CPWD and for that purpose the Government had fixed minimum period of service for placement in the revised scales irrespective of recruitment qualifications in as much as the benefit of the revision of pay scale was to be given effect from 13.5.1982 notionally and actually from 1.11.1983. It is crystal clear from Para 3 of the said O.M. dated 19.10.1994 that once Draughtsmen were placed in regular scales (in fact revised scales) in terms of Memorandum dated 19.10.1994, all further promotions were to be made against available vacancies in higher grade and in accordance with the normal eligibility criteria laid down in the Recruitment Rules. The normal eligibility criteria in the Recruitment Rules is found in Circulars Order No.435/436 and 439(Administrative) and for that purpose minimum period in particular grade for promotion to next higher grade has been fixed at 2 years for Grade III. The applicants were appointed on 10.4.1995 and their promotions obviously will be governed by the Recruitment Rules in force which are contained in Circular Order No.435/436 and 439(Administrative). The respondents in the written statement have admitted that the Recruitment Rules have not been amended and the revised Recruitment Rules have been sent to the Department of Science and Technology vide letter dated 25.5.2003 and 11.7.2003 for their approval. Besides this, O.M. dated 19.10.94 provides for revision of pay scales retrospectively at par with CPWD scales and it does not embody any rule of recruitment nor is it in supercession of



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Recruitment Rules. The condition relating to minimum service relates to cases of revision of pay thereunder and cannot be imported in Recruitment Rules for the purpose of promotion. Therefore, there is no merit whatsoever in the stand taken by the respondents.

10. Our attention was drawn to the decision in Tulsiram Sharma & Others vs. The Secretary, Ministry of Science & Technology, New Delhi and others, O.A.No.52/96 and the decision in Tulsiram Sharma and others vs. Union of India & Others, O.A.14/2002. In both these applications the question which came up for consideration was in relation to the revision of pay scales with reference to O.M. dated 19.10.1994. The question which has been raised in the present application never cropped up in the said applications. In both those applications the Union of India had challenged the order before the High Court but the Writ Petitions Civil Rule No.4733 of 1997 and WP(C) No.9786/2003 were dismissed. Special Leave Petition filed by the Union of India before the Apex Court also dismissed. It is relevant to point out that in Union of India & Ors. vs. Tulsiram Sharma and others, Writ Petition(C) No.9786/2003, the Hon'ble High Court found that the matter pertained to revision in the pay scale in terms of O.M. dated 19.10.1994 and it was made clear that this revision in pay scale was on account of the particular number of years of service rendered by the respondents and it does not mean that they have been given promotion to the higher post.

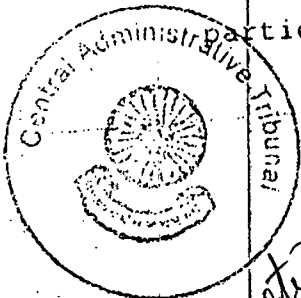
11. In view of this the applicants shall be governed by the Recruitment Rules contained in Circular Order No.435/436 and 439 (Administrative) and their claim for promotion shall be governed thereunder. Since they have completed 2 years in Grade III, the appropriate authority shall have to take further necessary action in terms of the said Circular Order

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No.435/436 and 439 (Administrative) and conduct trade test and thereafter pass appropriate order in accordance with the respective rules contained in Circular Order No.435/436 and 439 (Administrative).

12. In view of the above, the application is allowed and impugned orders issued under letters dated 18.7.2002 and 8.10.2002 (Annexure-IV) are hereby set aside and the respondents are directed to conduct necessary trade test in terms of Circular Order No.439 (Administrative) within a period of 3 months from the date of receipt copy of this order and consider the case of the applicants and other Draftsmen who have completed 2 years in Grade III for the purpose of promotion to the next higher grade, namely, Grade II in accordance with the provisions contained in Circular Order No.435/436 and 439 (Administrative).

In the facts and circumstances we shall leave the parties to bear their costs.



*Attested
Duly
for*

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प्रतिलिपि

[Signature]

Section Officer (J)
C.A.T. OFFICE, BANCH
Gurgaon, Haryana

19/10

Sd/ VICE CHAIRMAN
Sd/ MEMBER (Adm)

PG

- 35 -
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

ANNEXURE 75

OA No.2094/2001

New Delhi this the 7th day of February, 2002

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

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

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

...APPLICANTS

VERSUS

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

Respondents

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

TESTED

O R D E R (ORAL)

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

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

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

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

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

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

TESTED

सचिव, न्यायिक विभाग
Barrister, Judicial Deptt.
केन्द्रीय न्यायिक विभाग
Central Admin. & Judicial Tribunal
दिल्ली

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

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

5. On consideration, we find that the contention raised by the learned counsel is ^{wholly} ~~only~~ in accord with the law laid down by the Apex Court in the various cases referred to in the above extract. The order passed by the High Court upholding the Tribunal's orders in this case is ^{to be} ~~regarded~~ ^{according to him} as a judgment in rem and the benefit flowing therefrom must, therefore, reach ~~to~~ the

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

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

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

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

*Attested
Muthu
A/N*

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(Signature)
Deptt.
Tribunal

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

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

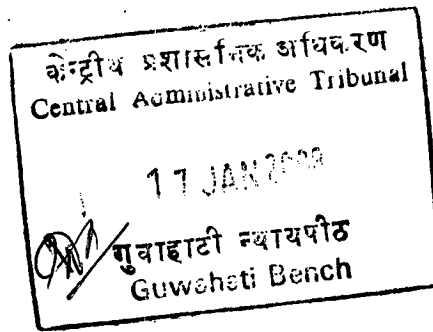
(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

SRD

*Master
Bulb
A.W.*

अनुयायित/ATTESTED

Excmpt. Deptt.
3-20
Tribunal



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

Title of the case :

OA No 163 of 2007

BETWEEN
SHRI ANUP KR. SARMA & OTHERS
AND

..Applicants.

UNION OF INDIA & ORS

.....RESPONDENTS

WRITTEN STATEMENT SUBMITTED BY THE RESPONDENTS

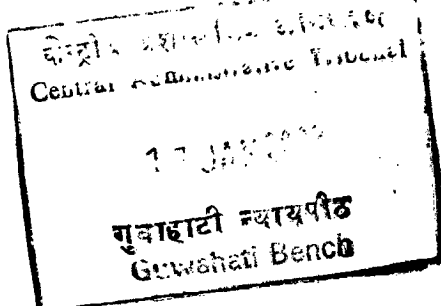
I N D E X

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Filed by :
Miss Usha Das
Addl CGSC

Usha Das

Date : 11/1/08



Filed by
The Respondents through
146 Alaka Das
Addl. C.S.C.
08/11/07

1
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

IN OA NO. 163/2007

SHRI ANUP SHARMA & ORS

.....PETITIONERS

-VERSUS-

UNION OF INDIA & ORS

.....RESPONDENTS

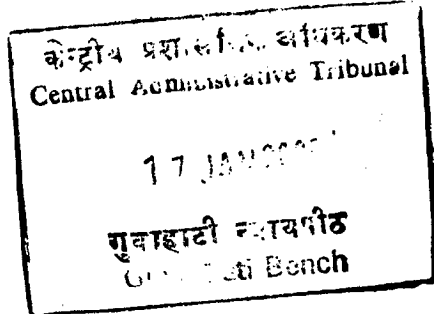
IN THE MATTER OF

Written Statement filed by the respondents

- 1) That the respondents have received copy of OA and have gone through same and understood the statements made therein. Save and except, the statements, which are specifically admitted herein below, rests may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.
- 2) That before traversing various paragraphs of the OA, the respondents would like to give the brief history of case, which may be treated as part of the Written Statement.

BREIF HISTORY OF THE CASE

The Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati had passed order dated 17.7.1997 in OA No. 52/1996 filed by Shri T. R. Sharma & 75 others Dratfsmen Vs. Union of India and others and ordered to grant the higher scale of pay of Rs. 5000-8000 on completion of residency period as prescribed in



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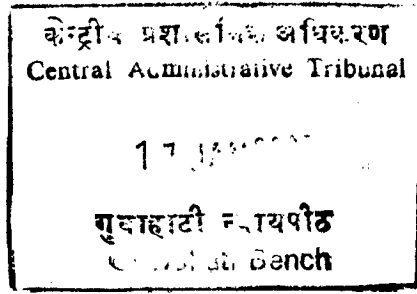
Govt. of India, Ministry of Finance's O.M. No. 13(1)-IC/91 dated 19.10.1994 to the applicants. The benefit of this judgment was given to the applicants only and was not extended to the other similarly placed Draftsmen/Non applicants.

Govt. of India's order dated 16.10.2000 was issued in regards to implementation of judgment dated 17.7.1997 of Hon'ble CAT, Guwahati Bench, Guwahati in O.A. No. 52/1996 filed by Shri T. R. Sharma & others. The applicants were never in the scale of Rs.330-480 and 425-600 as mentioned in the order and also they were not applicants in O.A. No. 52/1996. Therefore, the judgment dated 17.7.1997 of Hon'ble CAT Guwahati Bench, Guwahati in O.A. No. 52/1996 & Govt. Of India's order dated 16.10.2000 are not applicable to the applicants of the present O.A.

Subsequently, the Hon'ble CAT, Principal Bench, New Delhi has extended the benefit of the above judgment dated 17.7.1997 vide their order passed on dated 07.02.2002 in O.M. No. 2094/2001 filed by Draftsmen Cartographic Association & others Vs. Union of India and others.

While the judgment dated 07.02.2002 was implemented, the present applicants were not eligible to derive the benefits of this judgment as they had not completed minimum period of service for placement to higher scale of pay of Rs. 5000-8000 as prescribed in O.M. dated 19.10.1994 when it was in force. Consequent upon revision of pay scales by 5th Pay Commission, the Govt. of India has issued O.M. dated 01.06.2001 on the recommendations of 5th Central Pay Commission, superseding the earlier award as per O.M. dated 19.10.1994.

The provision of which specifically providing for those Draftsman who could not derived the benefits stipulated in the O.M. dated 19.10.1994 being not eligible when it was in force to place them in the scales of pay recommended by 5th Central



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Pay Commission on completion of the residency period in accordance with O.M. dated 01.06.2001.

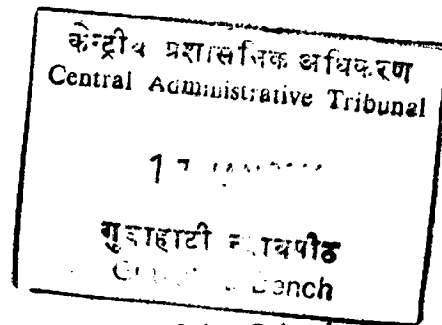
As the applicants are eligible for award as per O.M. dated 2001 and not by O.M. dated 1994, the benefits of the above judgments dated 17.7.1997 and dated 07.2.2002 cannot be extended to the applicants of the present OA.

As Shri Anup Sharma and 4 others filed an OA No. 252/03 before the Hon'ble Tribunal, Guwahati Bench, Guwahati and prayed directions to conduct the Trade Test as per C.O. 439(Admn.) Hon'ble Tribunal was pleased to passed the judgment and order dated 23.9.2004 in OA No. 252/2003 to conduct the Trade Test for the purpose of promotion to next higher Grade.

In pursuance of the order of Hon'ble Tribunal dated 23.9.2004, the trade tests were conducted as per C.O. 435(Adm.) and C.O. 439(Adm.). Accordingly, the present applicants were upgraded and granted the higher scale of pay of Rs. 4500-7000.

The applicants were appointed in year 1995 and 1996 there after and are much younger for who were not even entitled to benefits of O.M. dated 1994 as their service length was too short to fit in the prescribed criteria i.e. fulfillment of the residency period criteria. For such left out personnel the Govt. brought O.M. dated 01.06.2001 at later stage to awards higher scales on completion of prescribed service length.

Accordingly, the applicants of the present O.A. are eligible to get benefit in accordance with New Recruitment Rules of Draftsman cadre of Survey of India, which are based on O.M. dated 01.06.2001.



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3) That with regard to the statement made in paragraph 1 of the OA, the respondents submit that the present applicants are demanding higher scale of pay of Rs. 5000-8000 in accordance with para 2(b) of Govt. of India, Ministry of Finance, Department of Expenditure O.M. No. 13(i)-IC/91 dated 19.10.1994 (Annexure-I) as well as Govt. of India, Ministry of Science & Technology, Department of Science and technology's No. SM/04/010/2000 dated 16.10.2000 (Annexure-II) since the revised pay scales recommended by 5th CPC which came into force w.e.f. 01.01.1996, the O.M. dated 19.10.1994 loses its significance as well as application with the recommendations & implementation of the 5th Central Pay Commission w.e.f. 01.01.1996.

The Govt. of India has issued another O.M. dated 01.06.2001 (annexed as Annexure-III) on the recommendations of 5th Central Pay Commission, which supersedes the earlier instructions/awards O.M. dated 19.10.1994. The Draftsman who have not derived the benefits envisaged in the O.M. dated 19.10.1994 may be placed in the scales of pay recommended by the 5th Central Pay Commission on completion of the minimum service rendered in accordance with O.M. dated 01.06.2001. The present applicants were not eligible to get the benefits envisaged in the O.M. dated 19.10.1994 as they had not completed minimum period of service as required for placement to higher pay scale when the aforesaid O.M. was in force.

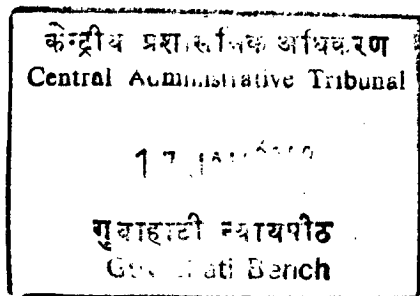
There are very much difference between the residency periods for reaching the lower pay scale to higher pay scale as prescribed in O.M. dated 19.10.1994 and O.M. dated 01.6.2001 as shown below:-

| Minimum period of service to be rendered for placement from the scale of | Residency period as per O.M. dated 19.10.1994 | Residency period as per new recruitment rules based on O.M. dated 01.06.2001. |
|--|---|---|
| | | |

| | | |
|---|----------|----------|
| i) Rs. 3200-4900 (pre-revised Rs. 975-1540) to the scale of Rs. 4000-6000 (pre-revised Rs. 1200-2040) | 7 years | 5 years |
| ii) Rs. 4000-6000 (pre-revised Rs. 1200-2040) to the scale of Rs. 5000-8000 (pre-revised Rs. 1400-2300) Revised to Rs. 1600-2660 by the fifth CPC | 5 years | 8 years |
| iii) Rs. 4500-7000 (pre-revised 1400-2300) to the scale of Rs. 5500-9000 (pre-revised Rs. 1640-2900) | 4 years | 6 years |
| Total | 16 years | 19 years |

Govt. of India, Ministry of Science & Technology, Department of Science and Technology order No. SM/04/010/2000 dated 16.10.2000 issued in regards to implementation of judgment/order/directions dated 17.07.1997 of Hon'ble CAT, Guwahati Bench, Guwahati in OA. No. 52/1996 filed by Shri T. R. Sharma and 75 others Draftsman of Survey of India. The present applicants were never in the scale of Rs.330-480 and 425-600 as mentioned in the order and they were not applicants in OA No. 52/1996. The benefit of the judgment dated 17.7.1997 was not extended to the non applicants/ other similarly situated Draftsman of Survey of India. Accordingly, the applicants of the present OA are eligible to get benefit in accordance with notified New Recruitment Rules of Draftsman cadre of Survey of India which are based on O.M. dated 01.06.2001.

Photocopies of the O.M. dated 19.10.1994, letter dated 16.10.2000, O.M. dated 01.6.2001 and the New Recruitment Rules are annexed herewith and marked as Annexure- I, II, III and IV respectively.



Consequently, O.M. dated 19.10.1994 and Department of Science and Technology's letter No. SM/04/010/2000 dated 16.10.2000 are not applicable to the present applicants as the applicants based on less service were not eligible to get benefits of O.M. dated 19.10.1994 and Govt. of India's order dated 16.10.2000.

Thus, the request made by the applicants in this para is wrong and untenable. In view of as stated above, the present O.A. has no merits and is liable to be rejected in limini.

- 4) That with regard to the statement made in paragraphs 2 and 3 of the OA, the respondents beg to offer no comment.
- 5) That with regard to the statement made in paragraphs 4.1 and 4.2 of the OA, the respondents beg to offer no comment.
- 6) That with regard to the statement made in paragraph 4.3 of the OA, the respondents denying the contentions made therein beg to submit that the present applicants are demanding higher scale of pay of Rs. 5000-8000 in accordance with para 2(b) of Govt. of India, Ministry of Finance, Department of Expenditure O.M. No. 13(i)-IC/91 dated 19.10.1994 (Annexure-I) as well as Govt. of India, Ministry of Science & Technology, Department of Science and technology's No. SM/04/010/2000 dated 16.10.2000 (Annexure-II) since the revised pay scales recommended by the CPC have come into force w.e.f. 01.01.1996, the O.M. dated 19.10.1994 loses its significance as well as application with the recommendations & implementation of the 5th Central Pay Commission w.e.f. 01.01.1996.

The Govt. of India has issued another O.M. dated 01.06.2001 (annexed as Annexure-III) on the recommendations of 5th Central Pay Commission, which supersedes the earlier instructions/awards O.M. dated 19.10.1994. The Draftsman who have not derived the benefits envisaged in the O.M. dated 19.10.1994 may be placed in the scales of pay recommended by the 5th Central Pay Commission on

completion of the minimum service rendered in accordance with O.M. dated 01.06.2001. The present applicants were not eligible to get the benefits envisaged in the O.M. dated 19.10.1994 as they had not completed minimum period of service as required for placement to higher pay scale when the aforesaid O.M. was in force.

There are very much difference between the residency periods before reaching the lower pay scale to higher pay scale as prescribed in O.M. dated 19.10.1994 and O.M. dated 01.6.2001 as shown below:-

| Minimum period of service to be rendered for placement from the scale of | Residency period as per O.M. dated 19.10.1994 | Residency period as per new recruitment rules based on O.M. dated 01.06.2001. |
|---|---|---|
| i) Rs. 3200-4900 (pre-revised Rs. 975-1540) to the scale of Rs. 4000-6000 (pre-revised Rs. 1200-2040) | 7 years | 5 years |
| ii) Rs. 4000-6000 (pre-revised Rs. 1200-2040) to the scale of Rs. 5000-8000 (pre-revised Rs. 1400-2300) Revised to Rs. 1600-2660 by the fifth CPC | 5 years | 8 years |
| iii) Rs. 4500-7000 (pre-revised 1400-2300) to the scale of Rs. 5500-9000(pre-revised Rs. 1640-2900) | 4 years | 6 years |
| Total | 16 years | 19 years |

Govt. of India, Ministry of Science & Technology, Department of Science and Technology order No. SM/04/010/2000 dated 16.10.2000 issued in regards to implementation of judgment/order/directions dated 17.07.1997 of Hon'ble CAT,

Guwahati Bench, Guwahati in OA. No. 52/1996 filed by Shri T. R. Sharma and 75 others Draftsman of Survey of India. The present applicants were never in the scale of Rs.330-480 and 425-600 as mentioned in the order and they were not applicants in OA No. 52/1996. The benefit of the judgment dated 17.7.1997 was not extended to the non applicants/ other similarly situated Draftsman of Survey of India. Accordingly, the applicants of the present OA are eligible to get benefit in accordance with notified New Recruitment Rules of Draftsman cadre of Survey of India which are based on O.M. dated 01.06.2001.

Consequently, O.M. dated 19.10.1994 and Department of Science and Technology's letter No. SM/04/010/2000 dated 16.10.2000 are not applicable to the present applicant as applicants based on less service were not eligible to get benefits of O.M. dated 19.10.1994 and Govt. of India's order dated 16.10.2000.

Thus, the request made by the applicants in this para is wrong and untenable. In view of as stated above, the present O.A. has no merits and is liable to be rejected in limini.

- 7) That with regard to the statement made in paragraph 4.4 of the O.A. the respondents beg to submit that the judgment passed on 17.7.1997 by the Hon'ble CAT, Guwahati Bench, Guwahati in OA No. 52/1996 was applicable to the applicants of the case only (Annexed as Annexure-V). The Department of Science and Technology vide their letter No. SM/04/010/2000 dated 19.04.2000 (Annexure- VI), wherein the Department had considered the matter of implementation of the Judgment and order dated 17.7.1997 of the Hon'ble CAT, Guwahati Bench and decided to implement the judgment for the applicants only. The present applicants were not the applicants in OA No. 52/1996. Therefore, the judgment dated 17.7.1997 and Govt. of India's order dated 16.10.2000 are not applicable on the present applicants. The applicants are misleading the Hon'ble Tribunal by submitting tampered information. OA No. 52 has not been filed in the year 2006 in facts OA No. 52 was filed in 1996 and this OA was decided on 17.7.1997. As per decision, Shri T. R. Sharma and other applicants were to be granted the pay scale of Rs. 1400-2300 and not the pay scale

of Rs. 5000-8000. O.M. dated 19.10.1994 was based on scales of 4th Central Pay Commission the applicants of the present OA were not at all eligible for benefits of O.M. dated 19.10.1994 as they were not completing the required residency period. The applicants by misquoting the OA No. 52 as of year 2006 has created an illusion to position themselves in purview of OA No. 52.

Thus, contentions made by the applicants are wrong and hence denied.

A photocopy of the letter dated 19.4.2000 is annexed herewith and marked as Annexure- VI.

8) That with regard to the statements made in paragraph 4.5 of the OA, the respondents beg to submit that as the applicants have filed an OA No. 252/03 before the Hon'ble Tribunal, Guwahti Bench, Guwahati and requested to conduct the Trade Test as per C.O. 439(Adm.). The Hon'ble Tribunal passed its judgments/order on 23.9.2004 in OA No. 252/2003 to conduct the Trade Test for the purpose of promotion to next higher Grade.

Shri M.S. Meena and others filed an OA No. 1777/2003 before the Hon'ble CAT, Principal Bench, New Delhi and contested that they may be promoted without holding the Trade Test and without any DPC. The Hon'ble Tribunal, Principal Bench, New Delhi passed the Judgment order dated 26.03.2004 in OA No. 1777/2003 and the respondents are directed to that the C.O. 439 is not applicable to the case of the applicants and they cannot be subjected to test in the absence of New Recruitment Rules for further promotion, rather they are entitled to be governed by the O.M. dated 01.6.2001. The notification issued for conducting the Trade Test is also quashed.

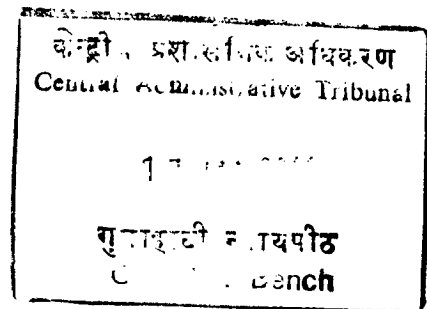
As both the orders dated 26.03.2004 of the Hon'ble CAT, Principal Bench, New Delhi dated 23.9.2004 of Hon'ble CAT, Guwahati Bench are contradictory. In view of the above, a Writ Petition (C) No. 5173/2005 has been filed against the order/judgment dated 26.03.2004 in O.A. No. 1777/2003 passed by Hon'ble CAT, Principal Bench, New Delhi before the Hon'ble High Court of Delhi. New Delhi by the respondents owing to this reason the judgment/order-dated 23.09.2004 was implemented accordingly.

9) That with regard to the statement made in paragraph 4.6 of the OA, the respondents beg to submit that the Govt. of India's order No. SM/04/010/2000 dated 16.10.2000 issued in regards to implementation of the judgment dated 17.7.1997 of the Hon'ble CAT, Guwahati Bench, Guwahati in OA No. 52/1996 filed by Shri T. R. Sharma and 75 others Draftsman. The present applicants were not the applicants in OA No. 52/1996. The judgment dated 17.7.1996 passed by Hon'ble CAT, Guwahati Bench, Guwahati in aforesaid OA applicant only to the applicants of the case. The benefit of the judgment had not been extended to the non-applicants of the case. Thus, Govt. Of India order dated 16.10.2000 was not applicable to the present applicants.

The up gradation and grant of higher scale of pay of Rs. 5000-8000 w. e. f. 01.01.2004 in respect of Shri Bishnu Kumar Chetri, Draftsman Grade. II has been made erroneously and to be corrected by the concerned Director.

Since the benefit of the judgment dated 17.7.1997 passed in OA No. 52/1996 had not been extended to all other Association had filed an OA No. 2094/2001 before the Hon'ble CAT, Principal Bench, New Delhi to extending the benefit of the judgment dated 17.7.1997 to all similarly persons. The Hon'ble CAT, Principal Bench allowed the said OA No. 2094/2001; vide its order-dated 07.02.2002 (Annexed as Annexure-VII). The actual benefit arising due to the judgment dated 07.2.2002 of Hon'ble CAT, Principal Bench, New Delhi had been implemented on 29.6.2000 after a lapse of one month from the date of filing of representation on 29.5.2000 by the Draftsman Cartographic Association.

The Draftsman who were not the member of this Association as on 29.5.2000 in their cases the benefits were given from the date of decision of the case. In the meantime the Govt. of India, Ministry of Finance has also issued another O.M. No. 6/1/98 dated 01.6.2001 as per the recommendation of 5th Central Pay Commission. The O.M. dated 01.6.2001 is applicable to such of that Draftsman who had not derived the envisaged in O.M. dated 19.10.1994. While the judgment dated 07.2.2002 implemented, the applicants of the present OA were not entitled to derive the benefit of this judgment as they had not completed minimum period of service for p



higher scale of pay as prescribed in O.M. dated 19.10.1994 when it was in force. Now they shall be governed under the terms and conditions as prescribed in O.M. dated 01.06.2001.

• Accordingly, the Department has implemented the directions/order of Govt. of India's O.M. dated 01.06.2001 vide S.G.'s letter No. E2-14843/1196-B (Man Cartographic Association) dated 18.12.2006 (copy annexed as Annexure-VIII).

New Recruitment Rules of Draftsman cadres have been notified in the Gazette of India in accordance with O.M. dated 01.06.2001.

Photocopies of the judgment and order dated 07.2.2002 passed in AO No. 2094/2001 and letter dated 18.12.2006 are annexed herewith and marked as Annexure- VII and VIII respectively.

- 10) That with regard to the statement made in paragraphs 4.7 and 4.8 of the OA, the respondents beg to offer no comment.
- 11) That with regard to the statement made in paragraphs 5, 5.1, 5.2, 5.3, 5.4, 5.5 and 5.6 of the OA, the respondents beg to submit that Govt. of India's order No. SM/04/010/2000 dated 16.10.2000 issued regards to implementation of directions of the judgment dated 17.7.1997 of the Hon'ble CAT, Guwahati Bench, Guwahati in OA No. 52/1996 filed by Shri T. R. Sharma and 75 others Draftsman. The present applicants were not the applicants in OA No. 52/1996. The judgment dated 17.7.1997 passed by the Hon'ble CAT, Guwahati Bench, Guwahati in aforesaid OA applicable only to the applicants of the case. The benefit of the judgment had not been extended to the non-applicants of the case.

Therefore, the judgment dated 17.7.1997 and Govt. of India's order dated 16.10.2000 are not applicable on the present applicants.

The Draftsmen who have not derived the benefits envisaged in the O.M. dated 19.10.1994 will be placed in the scales of pay recommended by the 5th Central Pay Commission on completion of the minimum service rendered in accordance with O.M. dated 01.6.2001.

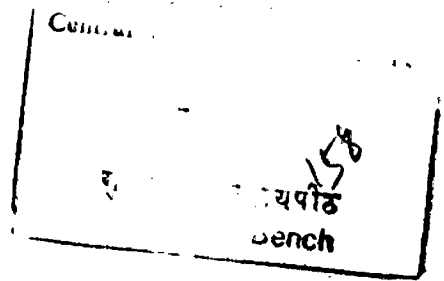
The respondents have implemented Govt. of India's orders /court's orders/directives dutifully from time to time as mentioned in above foregoing para's. Thus, the respondents have not violated the equality principle laid down in Article 14 and 16 of the Constitution of India.

Accordingly, the applicants of the preset OA are eligible to get benefits in accordance with notified New Recruitment Rules of Draftsman cadre of Survey of India, which are based on O.M., dated 01.6.2001.

12) That with regard to the statements made in paragraph 6 and 7 of the OA, the respondents beg to offer no comment.

13) That with regard to the statement made in paragraph 8 of the OA, the respondents beg to submit that as stated above, the respondents pray that the present OA has devoid of merits and is liable to be rejected on the following grounds:-

A. The judgment dated 17.7.1997 of the Hon'ble CAT, Guwahati Bench, Guwahati in OA No.52/1996 filed by Shri T. R. Sharma and 75 others Draftsman of Survey of India claiming pay scale of Rs. 425-700 (3rd C.P.C.) corresponding scale of Rs. 1400-2300 (4th C.P.C.) corresponding scale of Rs. 5000-8000 (5th C.P.C.) as per conditions stipulated in para 2(b) of O.M. dated 19.10.1994 was allowed only to the applicants of the case. The Govt. of India had considered the matter of implementation of the judgment dated 17.7.1997 and decided to implement the judgment for the applicant only vide their letter No. SM/04/010/2000 dated 19.4.2000. The present applicants were not the applicants in aforesaid Original Application. Therefore, the benefit of judgment-dated 17.7.1997 cannot be extended to the non-applicants of the above case. The applicants were appointed in the year 1995 and 1996 there after and are much junior for who are not even entitled to benefits of O.M. dated 1994 as their service length was too short to fit in the prescribed criteria i.e. fulfill the residency period criteria. For such left out

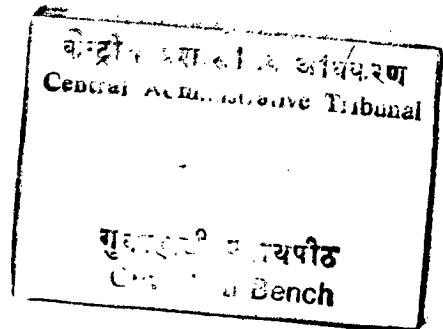


personnel, the Govt. brought O.M. dated 01.6.2001 at later stage to award higher scales on completion of prescribed. Service length.

B. The Govt. of India, Ministry of Science and Technology, Department of Science and Technology order No. SM/04/010/2000 dated 16.10.2000 was issued in regards to implementation of judgment dated 17.7.1997 of Hon'ble CAT, Guwahati Bench, Guwahati in O.A. No. 52/1996 filed by Shri T.R. Sharma and 75 others draftsmen of Survey of India. The present applicants were never in the scale of Rs. 330-480 and Rs425-600 as mentioned in the order and also they were not applicants in O.A. No. 52/1996. Therefore, Govt. of India's order dated 16.10.2000 is not applicable on the present applicants.

C. While the judgment dated 07.2.2002 of the Hon'ble CAT, Principal Bench, New Delhi passed in O.A. No. 2094/2001 filed by Draftsmen Cartographic Association and others was implemented, the present applicants were not entitled to derive the benefits of this judgment as they had not completed minimum period of service for placement of higher scale of pay of Rs. 5000-8000 as stipulated in O.M. dated 19.10.1994 when it was in force. In the year 2001, Govt. of India has issued O.M. dated 01.6.2001 as per recommendation of 5th CP.C. O.M. dated 01.6.2001 specifically providing for those Draftsmen who had not derived the benefit envisaged in O.M. dated 19.10.1994. Consequently, the present applicants are entitled to be governed under the terms and conditions as laid down in O.M. dated 01.6.2001.

D. As Shri Anup Sharma and 4 others (also applicants of the present case) filed OA No. 252/2003 before the Hon'ble CAT, Guwahati Bench, Guwahati and prayed for a direction to conduct the Trade Test as per C.O. 4390 dated 19.10.1994. Hon'ble Tribunal passed the judgment and order on 23.9.2004 in OA No. 252/2003 to conduct the Trade Test for the purpose of promotion to next higher scale.

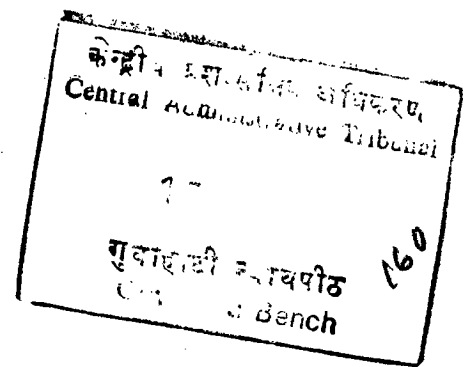


E. In pursuance of the order of Hon'ble Tribunal dated 23.9.2004, the Trade Test was conducted as per C.O. 435 (Adm.) and C.O. 439(Adm.). Accordingly, the applicants of the present O.A. were upgraded and granted the higher pay scale Rs. 4500-7000.

F. O.A. No. 457/2005 and M.A No. 433/2005 and filed by Cartographic Association before the Hon'ble CAT, Principal Bench, New Delhi to extend the benefit of the judgment dated 30.5.2003 of the Hon'ble Tribunal, Guwahati Bench, Guwahati in OA No. 14/2002 had been dismissed vide judgment dated 27.2.2006 of the Hon'ble CAT, Principal Bench, New Delhi (annexed as Annexure-IX) on the following grounds: -

- i) With the recommendation and implementation of 5th CPC w.e.f. 01.01.1996, the earlier O.M. dated 19.10.1994 stand superseded, since the revised pay scale has come into force from 01.01.1996, the O.M. dated 19.10.1994 loses its significance as well as application.
- ii) If, the applicants were granted the benefit of scale of Rs. 5000-8000 (pre-revised 1600-2600) only in the year 1994 then even as per the earlier criteria they must wait for 4 year which time would expire only after 01.01.1996, since in the mean time the pay scale were revised, one cannot be allowed to content that he would continue to be governed by old O.M. dated 19.10.1994.

Subsequently Draftsmen Cartographic Association had filed a Review Application No. 63/2006 in OA No. 457/2005 to review the final judgment and order dated 27.2.2006 passed in aforesaid OA before the Hon'ble CAT, New Delhi on the basis of Department of Science and Technology's letter No. SM/04/10/2000 dated 22.10.2001 accordingly. This



Review Application has also been dismissed by the Hon'ble Tribunal's orders dated 18.8.2006 (Annexed as Annexure- X).

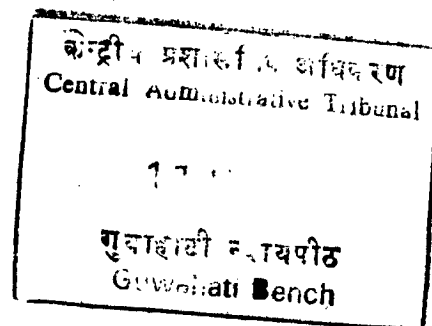
Accordingly, the Department has implemented the judgment-dated 27.2.2006 and 18.8.2006 of the Hon'ble Tribunal, Principal Bench, New Delhi vide S.G's letter No. E2-14843/1196-B (Draftsman Cartographic Association) dated 18.12.2006 (Copy annexed as Annexure-X).

New Recruitment Rules of Draftsman cadres have been notified in the Gazette of India in accordance with O.M. dated 01.06.2001.

G. The applicants of the present OA after claiming benefits of C.O. 439(Adm) are claiming benefits of O.M. dated 19.10.1994, which is not admissible to them. In their case O.M. dated 01.6.2001 is applicable and not the O.M. dated 19.10.1994.

Accordingly, the applicants of the present Original Application are eligible to get benefits in accordance with notified New Recruitment Rules of Draftsman cadre of Survey of India which are based on O.M. dated 01.6.2001 (Copy annexed as Annexure-IV)

14) That in view of the above submissions made by the respondents, the present Original Application is devoid of merits and is liable to be dismissed with cost.



VERIFICATION

I Rajendra Mori Tripathi....., aged about 51 years at present working as Director, A & Na GDC Guwahati, Survey of India, who is one of the respondents and taking steps in this case, being duly authorized and competent to sign this verification for all respondents, do hereby solemnly affirm and state that the statement made in paragraph 1, 10, 14 are true to my knowledge and belief, those made in paragraph 2-12, 13 being matter of records, are true to my information derived there from and the rest are my humble submission before this Humble Tribunal. I have not suppressed any material fact.

And I sign this verification this 7-----th day of January 2008 at Guwahati

DEPONENT

(आर० एम० त्रिपाठी) / (R. M. TRIPATHI)
निदेशक / DIRECTOR
असम एवं नागालैण्ड जी.डी.सी.
ASSAM & NAGALAND GDC
भारतीय सर्वेक्षण विभाग, गुवाहाटी
SURVEY OF INDIA, GUWAHATI-6

17-
Annexure - 11
162
16
No. 13(1)-IC/91

Government of India
Ministry of Finance
Department of Expenditure

New Delhi the 19th Oct. 1994

OFFICE MEMORANDUM

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

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

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

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

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

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18-

...roughtmen are placed in the ... available ... made against available

6.6

4B(a)

Annexure-5 (Contd.)

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

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

SD/- SHYAM SURGER
Under Secretary to the Government of India

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

Kan Kinnick

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

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

श्री नरेश राम
मोहरी
17/10

तार/Telegram : SCIENCTECH
दूरभाष/Phone : (EPABX)
6567373/6962819
टेलिक्स/Telex : 73381, 73317, 73280
फैक्स/Fax : 6864570, 6862418

No.SM/04/010/2000

Dated : 16 October 2000
Central Administrative Tribunal

To

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

(Attention: Shri Jaswant Rai, Deputy Surveyor General)

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

Slt,

I am directed to refer to your letter No.E2-5736/1196-B(T.R. Sharma) dated 28.9.2000 on the subject mentioned above. The problems being faced in implementation of the Tribunal's directions has been considered in the Department and SOI is requested to implement the directions of the Tribunal by taking the service already rendered in the grade of Rs. 330-480 (Grade-III) and keep them in the scale of pay of Rs. 425-600 (Grade-II) till completion of five years. After completion of five years service in the two Grade combined, Grade-III and Grade-II in the pay scale of Rs. 330-480 and Rs. 425-600, they may be placed in the scale of pay of Rs. 425-700. By applying this the eligibility conditions of five years prescribed for placing them in the scale of pay of Rs. 425-700 would be met. After 1.1.1996, the applicants would be placed in the scale of pay of Rs. 5000-8000 instead of Rs. 4500-7000. SOI is requested to take immediate necessary action and intimate the Department the action taken in the matter.

Yours faithfully,

K.P. Nair
(K.P. Nair)
Officer on Special Duty

C-1721-E2
17/10/2000

सर्वोच्च न्यायालय
दिल्ली
17/10/2000

No. 6/1/98-IC
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF EXPENDITURE
[IMPLEMENTATION CELL]

20-

Annexure III 12

165

New Delhi, dated 10.11.1994

केन्द्रीय प्रशासिक आयोग
Central Administrative Tribunal

1 -

गुवाहाटी न्यायपीठ
Guwahati Bench

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

In pursuance of an award of the Board of Arbitration, Draughtsmen in Grades I, II and III in the Central Public Works Department in the 3rd CPC pay scales of Rs. 425-700, Rs. 330-560 and Rs. 250-430 respectively were placed in the higher pay scales of Rs. 560-750, Rs. 425-700 and Rs. 330-560 respectively. Orders were also issued subsequently in this Department's O.M. No. F.5(59)-E.III/82 dated March 13, 1984 extending these scales of pay to Draughtsmen in all the Government of India offices notionally from May 13, 1982 and actually from November 1, 1983, subject to their recruitment qualifications being similar to those applicable in the Central Public Works Department. Following further consideration, orders were issued in this Department's O.M. No. 13(1)-IC/91 dated October 19, 1994 extending the corresponding 4th CPC pay scales to even those not possessing the prescribed qualifications, subject to the condition that they had instead rendered the length of service prescribed therein specifically for the purpose.

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

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

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

.... 5 years

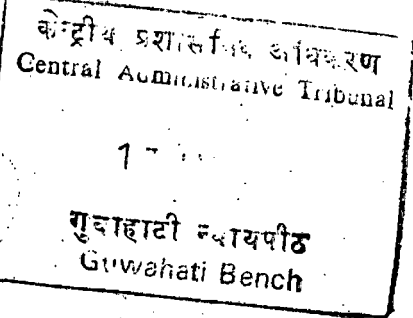
revised: Rs. 975-1540) to the
scale of Rs. 4000-6000 (pre-
revised: Rs. 1200-2040)

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

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

.... 8 years

.... 6 years



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

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

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

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

8. Hindi version will follow.

(MANOJ JOSHI)
Deputy Secretary to the Government of India

To

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

भारतीय सर्वेक्षण विभाग
SURVEY OF INDIA



वार : "महासर्वेक्षक"

Telegram : "SURVEYS"

फैक्स व दूरभाष : 0091-135-2744064

Fax-cum-Telephone : 0091-135-2744064

ई-मेल : sgo@nde.vsnl.net.in

E-Mail : sgo@nde.vsnl.net.in

महासर्वेक्षक का कार्यालय
SURVEYOR GENERAL'S OFFICE

डाक बक्स सं 37, POST BOX No.37,

देहरादून-248001 (उत्तरांचल)-भारत।

DEHRA DUN-248001 (Uttaranchal), INDIA

No. E2- 9088 /1968-Group-'C'

Dated: 3-07-2007.

To,

The Secretary to the Govt. of India,
Ministry of Science & Technology,
Department of Science & Technology,
Technology Bhawan, New Mehrauli Road,
New Delhi. 110016

(Kind attention:- Shri R.Mahendru, Under Secretary)

SUB:

AMENDMENT IN THE GAZETTE NOTIFICATION NO. 28 DATED JULY 9 - JULY 15, 2006 - Regarding Survey of India. Gp 'C' Non-Ministerial, D/Man cadre Posts Recruitment Rules, 2006.

Sir,

I have the honour to invite Ministry's kind attention to their letter No. SM/02/023/04 dated 29-06-2006 under which a copy of above said Notification had been sent to the Manager, Government of India Press, Ring Road, Mayapuri Industrial Area, New Delhi (With Hindi Version) to be published in the Gazette of India Part-II section-3 sub section (i) with a copy to this office.

The above said Notification has been published in Gazette of India vide Gazette Notification No. 28 (Dated July 9 - July 15, 2006) and extract copy of the same is enclosed for your ready reference.

The English version of above Gazette Notification is not identical with the Hindi version and the following corrections are essentially to be carried out as detailed below:-

| Existing entries in the Schedule | Corrections required in the Schedule |
|---|--|
| (i) Col. 12 in respect of D/Man Gde.I <u>Promotion</u> (Page No. 818) D/Man Gde.III with 8 years regular service in the Grade. | (i) Col. 12 in respect of D/Man Gde.I <u>Promotion</u> (Page No. 818) D/Man Gde.II with 6 years regular service in the Grade. |
| (ii) Col. 2 in respect of D/Man Gde.II <u>No. of Posts</u> (Page No. 818) 641 (2006) Subject to variation dependent. | (ii) Col. 2 in respect of D/Man Gde.II <u>No. of Posts</u> (Page No. 818) 400 (2006) Subject to variation dependent on the work load. |

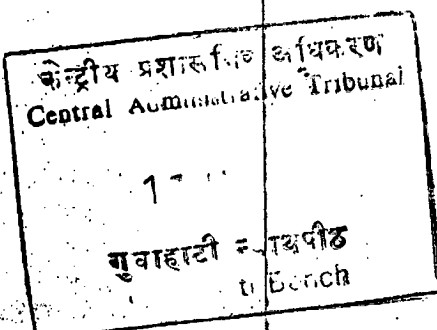
Ministry is therefore requested to kindly forward aforesaid corrections to the Manager, Govt. of India Press, New Delhi for issuing corrigendum and a copy of the same may be made available to this office at the earliest.

Inconvenience caused is regretted please.

Yours faithfully,

(NAVEEN TOMAR)

DEPUTY SURVEYOR GENERAL &
ASSISTANT SURVEYOR GENERAL
for SURVEYOR GENERAL OF INDIA.



8-07-07



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

केन्द्रीय प्रशासक अधिकारी
Central Administrative Tribunal

सं. 28] नई दिल्ली, जुलाई-9-जुलाई 15, 2006, शनिवार/आषाढ़ 18-आषाढ़ 24, 1928
No. 28] NEW DELHI, JULY 9-JULY 15, 2006, SATURDAY/ASADHA 18-ASADHA 24, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

गुवाहाटी न्यायपीठ
Guwahati Bench

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

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) और केन्द्रीय अधिकारियों (संघ राज्य क्षेत्र प्रशासनों को छोड़कर) द्वारा विधि के अंतर्गत बनाए और जारी किए गए साधारण सांविधिक नियम (जिनमें साधारण प्रकार के आदेश), उप-नियम आदि सम्मिलित हैं)

General Statutory Rules (Including Orders, Bye-laws etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Central Authorities (other than the Administrations of Union Territories)

विधि एवं न्याय मंत्रालय

(न्याय विभाग)

नई दिल्ली, 29 जून, 2006

सा.का.नि. 162.—राष्ट्रपति, भारत के संविधान के अनुच्छेद 222 के खंड (2) के अनुसरण में एतद्वारा निम्नलिखित आदेश देते हैं,
अर्थात्:-

राजस्थान उच्च न्यायालय के न्यायाधीश, न्यायविद् श्री यादराम मीणा, जिन्हें गुजरात उच्च न्यायालय के न्यायाधीश के रूप में स्थानांतरित किया गया है, अपने मूल उच्च न्यायालय अर्थात् राजस्थान उच्च न्यायालय से बाहर अपने कर्तव्यों का निर्वहन करने की अवधि तक, अपने वेतन के अतिरिक्त, मूल वेतन के 10% और प्रतिमाह स्वीकार्य मंहगाई वेतन के 10% की दर से प्रतिपूर्ति भत्ता पाने के पात्र होंगे।

[सं. के-11017/3/2006-यूएस-1/II]

डॉ. पी. कै. सेठ, संयुक्त सचिव

Note: The principal rules were published vide notification number G.S.R. 1475, dated the 30th July, 1968 and subsequently amended by:—

- (i) No. G.S.R. 506, dated 10-04-1971.
- (ii) No. G.S.R. 57, dated 07-01-1975
- (iii) No. G.S.R. 382, dated 18-03-1980
- (iv) No. G.S.R. 749, dated 03-08-1981
- (v) No. G.S.R. 53, dated 23-12-1982.

विज्ञान और प्रौद्योगिकी मंत्रालय
(विज्ञान और प्रौद्योगिकी विभाग)

नई दिल्ली, 29 जून, 2006

केन्द्रीय भ्रष्टाचार निरोधक आयोग
Central Bureau of Investigation

गुवाहाटी ब्रांच
Guwahati Branch

सा.का.नि. 175.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए विज्ञान और प्रौद्योगिकी मंत्रालय के अधीन विज्ञान और प्रौद्योगिकी विभाग, भारतीय सर्वेक्षण विभाग में (नक्शानवीस काडर) समूह 'ग' के पदों पर भर्ती की पद्धति का विनियमन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम भारतीय सर्वेक्षण विभाग, समूह 'ग', अनुसूचिवीय, नक्शानवीस काडर पद भर्ती नियम, 2006 है।

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

2. पद-संख्या, वर्गीकरण और वेतनमान.—उक्त पदों की संख्या, उनका वर्गीकरण और उनका वेतनमान वे होंगे, जो इन नियमों से उपाबद्ध अनुसूची के स्तंभ (2) से स्तंभ (4) में विनिर्दिष्ट हैं।

3. भर्ती की पद्धति, आयु-सीमा, और अन्य अर्हताएं आदि.—उक्त पदों पर भर्ती की पद्धति, आयु-सीमा और अर्हताएं और उससे संबंधित अन्य बातें वे होंगी जो उक्त अनुसूची के स्तंभ (5) से स्तंभ (14) में विनिर्दिष्ट हैं।

4. आरंभिक गठन.—इन नियमों से उपाबद्ध अनुसूची में वर्णित पदों के ऐसे पदधारियों को, जो इन नियमों के प्रारंभ होने की तारीख को नियमित आधार पर ऐसे पद धारण किए हुए हैं, इन नियमों के अधीन नियुक्त किया गया समझा जाएगा।

5. निरर्हता.—वह व्यक्ति—

(क) जिसने ऐसे व्यक्ति से जिसका पति या जिसकी पत्नी जीवित है, विवाह किया है, या

(ख) जिसने अपने पति या अपनी पत्नी के जीवित रहते हुए किसी अन्य व्यक्ति से विवाह किया है,

उक्त पद पर नियुक्ति का पात्र नहीं होगा :

परन्तु यदि केन्द्रीय सरकार का यह समाधान हो जाता है कि ऐसा विवाह, ऐसे व्यक्ति और विवाह के अन्य पक्षकार को लागू स्वीय विधि के अधीन अनुज्ञेय है और ऐसा करने के लिए अन्य आधार हैं, तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकेगी।

6. शिथिल करने की शक्ति.—जहां केन्द्रीय सरकार की यह राय है कि ऐसा करना आवश्यक या समीचीन है, वहां वह उसके लिए जो कारण हैं उन्हें लेखबद्ध करके इन नियमों के किसी उपबंध को किसी वर्ग या प्रवर्ग के व्यक्तियों की बाबत, आदेश द्वारा शिथिल कर सकेगी।

7. व्यावृत्ति.—इन नियमों की कोई बात, ऐसे आरक्षणों, आयु-सीमा में छूट और अन्य रियायतों पर प्रभाव नहीं डालेगी, जिनका केन्द्रीय सरकार द्वारा इस संबंध में समय-समय पर निकाले गए आदेशों के अनुसार अनुसूचित जातियों, अनुसूचित जनजातियों भूतपूर्व सैनिकों तथा अन्य विशेष प्रवर्ग के व्यक्तियों के लिए उपबंध करना अपेक्षित है।

1978 GI/06-7

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THE GAZETTE OF INDIA : JULY 15, 2006/ASADHA 24, 1928

[PART II]

अनुसूची

| पद का नाम | पदों की संख्या | वर्गीकरण | वेतनमान | चयन अथवा अचयन पद | सेवा में जोड़े गए वर्षों का फायदा केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 के नियम 30 के अधीन अनुज्ञेय है या नहीं | सीधे भर्ती किए जाने वाले व्यक्तियों के लिए आयु-सीमा |
|-----------|----------------|----------|---------|---------------------|---|---|
|-----------|----------------|----------|---------|---------------------|---|---|

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|--------------------------|---|--|-----------------------|-----|----------------|----------------|
| 1. नक्शानवीस श्रेणी-I | 300* (2006) *कार्यभार के आधार पर परिवर्तन किया जा सकता है। | साधारण केन्द्रीय सेवा समूह 'ग' (अराजपत्रित, अनुसूचिवीय) | 5500-175- 9000 रु. | चयन | लागू नहीं होता | लागू नहीं होता |

| | | | |
|--|---|-------------------------------|--|
| सीधे भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षित शैक्षिक और अन्य अर्हताएं | सीधे भर्ती किए जाने वाले व्यक्तियों के लिए विहित आयु और शैक्षिक अर्हताएं, प्रोन्नत व्यक्तियों की दशा में लागू होंगी या नहीं | परिवीक्षा की अवधि, यदि कोई हो | भर्ती की पद्धति : भर्ती सीधे होगी या प्रोन्नति द्वारा या प्रतिनियुक्ति द्वारा या आमेलन द्वारा तथा विभिन्न पद्धतियों द्वारा भरे जाने वाले पदों की प्रतिशतता |
| 8 | 9 | 10 | 11 |
| लागू नहीं होता | लागू नहीं होता | लागू नहीं होता | प्रोन्नति द्वारा |

| | | |
|---|---|--|
| प्रोन्नति/प्रतिनियुक्ति/आमेलन द्वारा भर्ती की दशा में वे श्रेणियां जिनसे प्रोन्नति/प्रति- नियुक्ति/आमेलन किया जाएगा | यदि विभागीय प्रोन्नति समिति है तो उसकी संरचना | भर्ती करने में किन परिस्थितियों में संघ लोक सेवा आयोग से परामर्श किया जाएगा |
|---|---|--|

| | | |
|--|--|----------------|
| 12 | 13 | 14 |
| प्रोन्नति : ऐसे नक्शानवीस श्रेणी II जिन्होंने उस श्रेणी में नियमित रूप से छः वर्ष सेवा की है। टिप्पण : जहां ऐसे कनिष्ठ व्यक्तियों के संबंध में जिन्होंने अपनी अर्हक/पात्रता सेवा पूरी कर ली है, प्रोन्नति के लिए विचार किया जा रहा हो वहां उनसे ज्येष्ठ व्यक्तियों के संबंध में भी विचार किया जाएगा परंतु यह तब जब कि उसके द्वारा की गई ऐसी अर्हक/पात्रता सेवा, अपेक्षित अर्हक/पात्रता सेवा के आधे से अधिक से या दो वर्ष से, इनमें से जो भी कम हो, कम न हो और उन्होंने अपने ऐसे कनिष्ठ व्यक्तियों सहित जिन्होंने ऐसी अर्हक/पात्रता सेवा पहले ही पूरी कर ली है, अगली उच्चतर श्रेणी में प्रोन्नति के लिए अपनी परिवीक्षा की अवधि सफलतापूर्वक पूरी कर ली हो। | समूह 'ग' विभागीय प्रोन्नति समिति में निम्नलिखित होंगे: 1. उप महासर्वेक्षक, (प्रशासन) —अध्यक्ष 2. भारतीय सर्वेक्षण से भिन्न किसी कार्यालय से समूह 'क' का एक अधिकारी 3. समूह 'क' का ज्येष्ठतम अधिकारी —सदस्य जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो (जिसके न हो सकने पर समूह 'ख' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/ अनुसूचित जनजातियों का हो) 4. सहायक महासर्वेक्षक —सदस्य | लागू नहीं होता |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|------------------------|--|---|-------------------|-----|----------------|----------------|
| 2. नक्शानवीस श्रेणी-II | 400* (2006) *(कार्यभार के आधार पर परिवर्तन किया जा सकता है) | साधारण केन्द्रीय सेवा समूह 'ग' (अराजपत्रित, अनुसूचिवीय) | 5000-150-8000 रु. | चयन | लागू नहीं होता | लागू नहीं होता |
| 8 | 9 | 10 | 11 | | | |
| लागू नहीं होता | लागू नहीं होता | लागू नहीं होता | प्रोन्नति द्वारा | | | |
| 12 | 13 | 14 | | | | |

प्रोन्नति

ऐसे नक्शानवीस श्रेणी III जिन्होंने उस श्रेणी में नियमित रूप से आठ वर्ष सेवा की है।

टिप्पणी : जहाँ ऐसे कनिष्ठ व्यक्तियों के संबंध में जिन्होंने अपनी अर्हक/पात्रता सेवा पूरी कर ली है, प्रोन्नति के लिए विचार किया जा रहा हो वहाँ उनके ज्येष्ठ व्यक्तियों के संबंध में भी विचार किया जाएगा परंतु यह तब जब कि उसके द्वारा की गई ऐसी अर्हक/पात्रता सेवा, अपेक्षित अर्हक/पात्रता सेवा के आधे से अधिक से या दो वर्ष से, इनमें से जो भी कम हो, कम न हो और उन्होंने अपने ऐसे कनिष्ठ व्यक्तियों सहित, जिन्होंने ऐसी अर्हक/पात्रता सेवा पहले ही पूरी कर ली है, अगली उच्चतर श्रेणी में प्रोन्नति के लिए अपनी परीक्षा की अवधि सफलतापूर्वक पूरी कर ली हो।

समूह 'ग' विभागीय प्रोन्नति समिति में निम्नलिखित होंगे :

1. उप महासर्वेक्षक, (प्रशासन) -अध्यक्ष
2. भारतीय सर्वेक्षण से भिन्न किसी कार्यालय से समूह 'क' का एक अधिकारी
3. समूह 'क' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो (जिसके न हो सकने पर समूह 'ख' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो)
4. सहायक महासर्वेक्षक -सदस्य

लागू नहीं होता

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| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------------------------|---|---|-------------------|-----|------|--|
| 3. नक्शानवीस श्रेणी-III | **641*(2006) *(कार्यभार के आधार पर परिवर्तन किया जा सकता है) | साधारण केन्द्रीय सेवा समूह 'ग' (अराजपत्रित, अनुसूचिवीय) | 4000-100-6000 रु. | चयन | नहीं | 18 से 27 वर्ष के बीच। (केन्द्रीय सरकार द्वारा समय-समय पर जारी किए गए अनुदेशों या आदेशों के अनुसार सरकारी सेवकों के लिए ऊपरी आयु-सीमा शिथिल करके 35 वर्ष तक की जा सकेगी।) टिप्पणी : आयु-सीमा अवधारित करने के लिए निर्णायक तारीख भारत में अभ्यर्थियों से आवेदन प्राप्त करने के लिए नियत की गई अंतिम तारीख होगी (न कि वह तारीख जो असम, मेघालय, अरुणाचल प्रदेश, मिजोरम, मणिपुर, नागालैंड, त्रिपुरा, सिक्किम, जम्मू-कश्मीर राज्य के लद्दाख खंड, |

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हिमाचल प्रदेश के लाहौल और स्पीति जिले तथा चम्बा-जिले के पांगी उपखंड, अंदमान और निकोबार द्वीप या लक्षद्वीप के अभ्यर्थियों के लिए विहित की गई है।

रोजगार कार्यालयों के माध्यम से की जाने वाली नियुक्ति की दशा में, आयु-सीमा अवधारित करने के लिए निर्णायक तारीख वह अंतिम तारीख होगी जिस पर रोजगार कार्यालयों से नाम भेजने के लिए कहा गया है।

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आवश्यक :

लागू नहीं होता

दो वर्ष

सीधे भर्ती द्वारा

(1) 10+2 या समतुल्य जिसमें गणित एक मुख्य विषय के रूप में हो।

(2) नक्शानवीस (सिविल) में या औद्योगिक प्रशिक्षण संस्थान में सिविल इंजीनियरी में दो वर्ष का पाठ्यक्रम या समतुल्य।

(3) जो सर्वांगीण दृष्टि रखता हो।

टिप्पण : श्रेणी IV/स्थला-कृतिक प्रशिक्षार्थी प्रकार 'ख' (नक्शानवीस) में वर्तमान पद-धारियों के प्रोन्नत/सेवानिवृत्त किए जाने तक व्यवसाय परीक्षण के द्वारा शतप्रतिशत प्रोन्नति। उसके पश्चात् शतप्रतिशत सीधे भर्ती द्वारा।

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लागू नहीं होता

समूह 'ग' विभागीय प्रोन्नति समिति (विभागीय स्तर) :

लागू नहीं होता।

1. उप महासर्वेक्षक, (प्रशासन)

—अध्यक्ष

2. भारतीय सर्वेक्षण से भिन्न किसी कार्यालय से समूह 'क' का एक अधिकारी

3. समूह 'क' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो (जिसके न हो सकने पर समूह 'ख' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो)

—सदस्य

4. सहायक महासर्वेक्षक

—सदस्य

सर्किल स्तर

1. संबंधित निदेशक

—अध्यक्ष

2. भारतीय सर्वेक्षण से भिन्न किसी कार्यालय से समूह 'क' का एक अधिकारी

—सदस्य

3. समूह 'क' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो (जिसके न हो सकने पर समूह 'ख' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो)

4. संबद्ध सर्किल का उप निदेशक (प्रशासन)

-सदस्य

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-सदस्य

*टिप्पणी :- वर्तमान में, इन पदों में नक्शानवीस श्रेणी IV भी सम्मिलित है। जब नक्शानवीस श्रेणी IV प्रोन्नति द्वारा या अन्यथा सेवानिवृत्ति किए जाएं तब सभी 641 पद, नक्शानवीस श्रेणी III के लिए होंगे। वर्तमान पदधारी (स्थलाकृतिक प्रशिक्षार्थी प्रकार 'ख' (नक्शानवीस) और नक्शानवीस श्रेणी IV) नक्शानवीस श्रेणी III के पद पर, स्थलाकृतिक प्रशिक्षार्थी प्रकार 'ख' (नक्शानवीस) और नक्शानवीस श्रेणी IV में सात वर्ष की सेवा पूर्ण किए जाने पर प्रोन्नत होंगे। रिक्तियों की उपलब्धता के आधार पर विभागीय प्रोन्नति समिति द्वारा प्रोन्नति की जाएगी। नक्शानवीस श्रेणी II के 400 पर आने तक नक्शानवीस श्रेणी III के पद से कोई प्रोन्नति नहीं की जाएगी।

[फा. सं. एस. एम./02/023/2004]

आर. प्रसाद, अवर सचिव

MINISTRY OF SCIENCE AND TECHNOLOGY

(Department of Science and Technology)

New Delhi, the 29th June, 2006

G.S.R. 175.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the Group 'C', (Draftsman Cadre) in the Survey of India, Department of Science and Technology under the Ministry of Science and Technology, namely:—

1. **Short title and commencement.**—(1) These Rules may be called the Survey of India, Group 'C', Non-Ministerial, Draftsman Cadre posts Recruitment Rules, 2006.

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

2. **Number of Posts, Classification and Scale of Pay.**—The number of the said posts, their classification and the scale of pay attached thereto shall be as specified in columns (2) to (4) of the Schedule, annexed to these rules.

3. **Method of recruitment, age-limit and other qualifications, etc.**—The method of recruitment, age limit, qualifications and other matters relating to the said posts shall be as specified in columns (5) to (14) of the said Schedule.

4. **Initial Constitution.**—The incumbents of the posts mentioned in the Schedule annexed to these rules who are holding such posts on regular basis on the date of commencement of these rules shall be deemed to have been appointed under the provisions of these rules.

5. **Disqualifications.**—No persons,—

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said post :

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

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

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7. **Saving.**—Nothing in these rules shall affect reservations, relaxations of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

| Name of the post | Number of posts | Classification | Scale of pay | Whether selection post or non-selection post | Whether benefit of added years of service admissible under rule 30 of the Central Civil Services (Pension) Rules, 1972 |
|---|---|---|-----------------------------|--|--|
| | 2 | 3 | 4 | 5 | 6 |
| 1. Draftsman Grade-I | 300* (2006) *Subject to variation dependent on workload. | General Central Service, Group 'C', Non-Gazetted, Non-Ministerial. | Rs. 5500-175-9000 | Selection | Not applicable |
| Age limit for direct recruits. | Educational and other qualifications required for direct recruits | Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees | Period of probation, if any | Method of recruitment whether by direct recruitment or by promotion or by deputation/absorption and percentage of the posts to be filled by various methods. | |
| 7 | 8 | 9 | 10 | 11 | |
| Not applicable | Not applicable | Not applicable | Not applicable | By promotion. | |
| In case of recruitment by promotion/deputation/absorption grades from which promotion/deputation/absorption to be made | | If any Departmental Promotion Committee exists what is its composition | | Circumstances in which Union Public Service Commission is to be consulted in making | |
| 12 | | 13 | | 14 | |
| Promotion : Draftsman Grade III with eight years regular service in the grade. | | Group 'C' Departmental Promotion Committee consisting of :— | | Not applicable. | |
| Note : Where juniors who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years, whichever is less and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying/eligibility service. | | 1. Deputy Surveyor General (Administration) — Chairman | | 2. One Group 'A' Officer from Office other than Survey of India — Member | |
| | | 3. Senior most Group 'A' Officer belonging to Scheduled Castes/ Scheduled Tribes (failing which senior most Group 'B' officer belonging to the Scheduled Castes/ Scheduled Tribes. — Member | | 4. Assistant Surveyor General — Member | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 2. Draftsman Grade-II | **641* (2006) *Subject to variation dependent | General Central Service, Group 'C', Non-Gazetted, Non-Ministerial. | Rs. 5000-150-8000 | Selection | Not applicable |

Part II—Sec 3(1)
7
Not applicable

| 7 | 8 | 9 | 10 | 11 |
|----------------|----------------|----------------|----------------|---------------|
| Not applicable | Not applicable | Not applicable | Not applicable | By promotion. |

| 12 | 13 | 14 |
|----|----|-----------------|
| | | Not applicable. |

Promotion:
Draftsman Grade III with eight years regular service in the grade.
Note: Where juniors who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years, whichever is less and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying/eligibility service.

Group 'C' Departmental Promotion Committee consisting of:—

1. Deputy Surveyor General (Administration) — Chairman
2. One Group 'A' Officer from Office other than Survey of India. — Member
3. Senior most Group 'A' Officer belonging to Scheduled Castes/ Scheduled Tribes (failing which senior most Group 'B' officer belonging to the Scheduled Castes/ Scheduled Tribes. — Member
4. Assistant Surveyor General — Member

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Guwahati Bench

| 1 | 2 | 3 | 4 | 5 | 6 |
|---------------------|---|--|-------------------|-----------|---------------|
| Draftsman Grade-III | **641* (2006) *Subject to variation dependent on workload. | General Central Service, Group 'C', Non-Gazetted, Non-Ministerial. | Rs. 4000-100-6000 | Selection | No applicable |

| 7 | 8 | 9 | 10 |
|---|---|----------------|-----------|
| | | Not Applicable | Two years |

Between 18 to 27 years (Upper age limit relaxable for Government servants up to 35 years in accordance with the instructions or orders issued by the Central Government time to time in this regard).

- Essential:—**
- (1) 10+2 or equivalent with Mathematics as one of the main subject.
 - (2) Two years Course in Draftsman (Civil) or in Civil Engineering of Industrial Training Institute or equivalent.
 - (3) Should possess stereoscopic vision.

Note:— The crucial date for determining the age limit shall be closing date for receipt of application from the candidates in India (other than those in Assam Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu & Kashmir Lahaul and Spiti District and Pangl Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Laksha-Deep).

In case of recruitment through the Employment Exchange, the crucial date for determining the age limit shall be the last date up to which the Employment Exchange is asked to submit the names of the candidates.

| 11 | 12 | 13 | 14 |
|-----------------------|----------------|--|-----------------|
| By direct recruitment | Not applicable | Group 'C' Departmental Promotion Committee (Departmental Level). | Not Applicable. |

Note:— 100% by promotion by trade test till present incumbents in Grade IV/Topo Trainee Type 'B' (Draftsman) are promoted/ wasted

- consisting of:—**
1. Deputy Surveyor General (Administration) — Chairman

out. Thereafter, 100% by direct recruitment.

2. One Group 'A' Officer from —Member
an Office other than Survey
of India.

3. Senior most Group 'A' Officer —Member
belonging to Scheduled Castes/
Scheduled Tribes (failing which
senior most Group 'B' officer belonging
to the Scheduled Castes/Scheduled Tribes.

4. Assistant Surveyor General —Member
Circle Level.

1. Director Concerned —Chairman

2. One Group 'A' Officer from —Member
an office other than Survey of
India—

3. Senior most Group 'A' Officer —Member
belonging to Scheduled Castes/
Scheduled Tribes (failing which
senior most Group 'B' officer be-
longing to the Scheduled Castes/
Scheduled Tribes.

4. Deputy Director (Administration) —Member
of Concerned Circle.

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**** NOTE.**—At present these posts include Draftsman Grade IV also. When Draftsman Grade IV are wasted out by promotion or other wise, all the 641 posts will be for Draftsman Grade III. The present incumbents (Topo Trainee Type 'B' (Draftsman) and Draftsman Grade IV) will be promoted to the post of Draftsman Grade III after completion of 7 years service in the Topo Trainee Type 'B' (Draftsman) and Draftsman Grade IV. Promotion will be done by the Departmental Promotion Committee subject to availability of vacancies. No promotion will be made from the post of Draftsman Grade III till the Draftsman Grade II comes to 400.

[F. No. SM/02/023/2004]

R. PRASAD, Under Secy.

MINISTRY OF HEALTH AND FAMILY WELFARE

CORRIGENDUM

New Delhi, the 7th July, 2006

G.S.R. 176.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Ministry of Health and Family Welfare, Regional Drug testing Laboratory, Guwahati (Senior Scientific assistant, Group 'B' Recruitment Rules 2004, namely :—

1. (1) These Rules may be called the Ministry of Health and Family Welfare, Regional Drug Testing Laboratory, Guwahati, (Senior Scientific Assistant, Group B) (Amendment) Recruitment Rules, 2006.

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

2. In the opening paragraph of the Ministry of Health and Family Welfare, Regional Drug Testing Laboratory, Guwahati, (Senior Scientific Assistant, Group B) Recruitment Rules, 2004, for the words "Senior Technical Assistant", the following words shall be substituted, namely :—

"Senior Scientific Assistant".

[F. No. A-12018/17/2—2-D]

NITA KEJREWAL, Under Secy.

Foot Note.—The principal rules were published *Vide* G. S. R. No. 279 dated 30th July, 2004 in the Gazette of India Notification.

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A. M. S. V.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 52/1996.

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

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

1. Shri Tulsiram Sharma & Others.

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

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

-Vs-

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

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

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

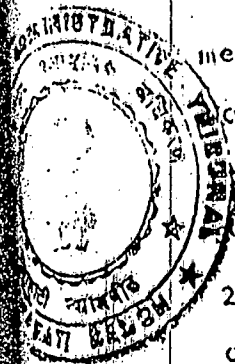
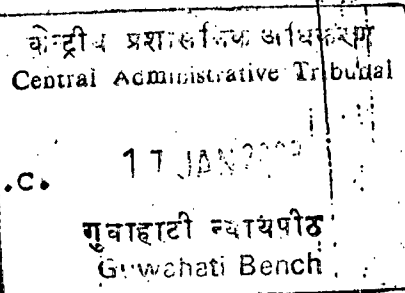
By Advocate Mr. A. K. Choudhury, Addl. C.O.S.C.

O R D E R.

SANGLYINE, MEMBER(A):

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

2. The applicants are drawing pay in the scale
of pay of Rs. 1350-2200. In this application they claim
that they are entitled to draw pay in the scale of
pay of Rs. 1400-2300 which is equivalent to the pre-
revised scale of Rs. 425-700 and for payment of
salar monetary benefits either in terms of O.M.
5(13)-E.111/87 dated 11-9-1987 or E.M.No.13(1)-20/1
dated 19-10-94. In the Survey of India there



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different grades of Draftsman, namely; (1) Topo Trainee Type B, (2) Draftsman Gr. IV, (3) Draftsman Grade III, (4) Draftsman Grade II and Draftsman Grade I. In this application we are concerned with Draftsman Grade II.

In the 2nd Central Pay Commission the scale of pay of Draftsman Grade II of Survey of India was Rs. 205-280. The 3rd Pay Commission merged Grade II and Grade III Draftsman and placed them in the scale of pay of Rs. 330-560/-. However, later on the Government of India decided by O.M. dated 19-3-77 to retained Grade II and Grade III separately and placed them in the scale of pay of Rs. 330-480 and Rs. 425-600/- respectively. As a result of the 4th Pay Commission, the scale of pay of Draftsman Grade II in the Survey of India became Rs. 1350-2200. The scale of pay of Senior Draftsman in Ordnance Factory was also Rs. 205-280 on the basis of the 2nd Pay Commission. In the 3rd Pay Commission the scale of pay of Draftsman was placed at Rs. 330-560. The Draftsman of Ordnance Factory who were drawing for pay

in the scale of pay agitated in the Court of law against this scale of pay of Rs. 330-560. Ultimately in Civil Appeal No. 3121/81 (P. Sabita and others Vs. Union of India), the Hon'ble Supreme Court allowed the replacement of the scale of pay by the scale of pay of Rs. 425-700/-.

Consequent to the judgment the Government of India, Ministry of Finance, Department of Expenditure issued the Office Memorandum F.No. 5(13)-E.II/87 dated 11-9-87 extending the benefit of the judgment to similarly placed Draughtsmen in other Ministries/Departments of the Government of India to the effect that the Draughtsmen as were in the pay scale of Rs. 330-560 based on the recommendation of the 3rd Central Pay Commission may be

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17-7-97

given the scale of Rs.425-700 notionally from 1-9-1973 and actually from 1-9-87. In the Central Public Works Department(CPWD) the scale of pay of Draftsman based on the 2nd Pay Commission was Rs. 180-380. In the 3rd Pay Commission the scale of Draftsman Grade II was Rs.330-560. The Draftsman of C.P.W.D. agitated against this scale of pay and according to the Award of the Board of Arbitra-

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

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1 Bench

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

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

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

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

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

could/-

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

6. The O.M. dated 19-10-1994 is concerned with application of the scales of pay of Draughtsman Grade I, II and III in the CPWD to the corresponding Grades of Draughtsmen in other offices/departments of the Government of India. The applicants are Draughtsman Grade II in the Survey of India, which is one of the offices/departments of the Government of India. They are drawing pay in the pay scale of Rs. 1350-2200 (pre-revised Rs. 425-600).¹¹ The question in this O.A. is whether the applicants are entitled to draw pay in the scale of pay of Rs. 1400-2300 (Pre-revised 425-700).¹¹ The Draughtsman Grade II in the Survey of India had the same pay scales as those of Draughtsman in other offices/Departments of the Government of India. For instance, their scale of pay on the basis of the 2nd Central Pay Commission was 205-280 as was that of Sr. Draughtsman in Ordinance Factory. In the 3rd Pay Commission their scale of pay was 330-560/- since 1-1-1973 which was same with those of the Draughtsman II in the CPWD and in the Ordinance Factory in whose scales the scales had been raised from 330-560 to Rs. 425-700/-. It was only in 1977

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that the pay scale of the applicants was raised to 425-600/-. Therefore, the applicants, Grade II Draughtsman of Survey of India, were in the scale of pay of Rs. 330-560/- initially and were drawing pay in the same pay scale as those mentioned in the O.M. dated 19-10-1994. The respondents seem to be labouring under a conception that the Draughtsman of the Survey of India are inferior to or, at least, different from the Draughtsmen in other offices/ Departments of the Government of India. Therefore, according to them, the applicants, who are Draughtsman Grade II in the Survey of India, are not entitled to draw pay in the pre-revised scale of Rs. 425-700 or in the revised scale of Rs. 1400-2300/-. Hence they denied the applicants the benefits granted to Draughtsman Grade II of other offices/Departments by the O.M. dated 19-10-1994. We are however, unable to agree with the contentions of the respondents in this O.A. The scales of pay granted by the Award of the Board of Arbitration to the Draughtsmen Grade I, II and III of the CPWD were made applicable to the Draughtsmen Grade I, II and III respectively of other offices/ Departments of the Government of India, other than the CPWD, by the O.M. Dated 13-3-1984 on condition that their recruitment qualifications are similar to those prescribed in the case of Draughtsmen in CPWD. Further, those who did not fulfil the condition will continue to draw pay in the corresponding pre-revised scales. These were the only conditions placed in the O.M. dated 13-3-1984 and

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

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

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

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

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states that Draughtsman Gr.II in offices/departments of the Government of India other than in CPWD who were drawing pay in the scale of pay Rs. 330-560 may also be placed in the scale Rs. 425-700/-(Pro-revised) subject to certain conditions. The Draughtsman Grade II in the Survey of India were initially in the scale of pay of Rs. 330-560 on the basis of the recommendations of the 3rd Pay Commission till 1977 when their pay scale was raised to Rs. 425-600/-. In our view under the facts and the circumstances stated herein above the terms of the aforesaid O.M. dated 19-10-1994 are applicable to the applicants. Accordingly, we set aside the impugned order No.SM/06/001/95 dated 31-1-1996. Further, we direct the respondents to place the applicants in the scale of pay of Rs. 425-700(Pre-revised)/1400-2300 (revised) in the manner stipulated in the O.M. No.13(1)-IC/91 dated 19-10-1994 and allow them to draw pay in the scales with effect from the date applicable in the case of each applicant respectively. This shall be complied with by the respondents within (three) months from the date of receipt of this order by Respondent No.3. The respondents shall also allow the consequential benefits provided in para 3 of the O.M. dated 19-10-1994 mentioned above to the applicants.

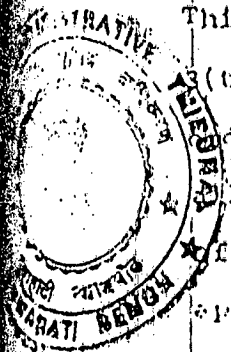
The application is allowed in terms of the above directions. No order as to costs.)

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

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

17 JAN 1997

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Guwahati Bench



Annexure - VI

Annexure - I

26/04/00

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26/04/00

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भारत सरकार
विज्ञान और प्रौद्योगिकी मंत्रालय
विज्ञान और प्रौद्योगिकी विभाग
नौगोली भवन, नया-महाराली रोड, नई दिल्ली-110016

तार/Telegram : SCIENCTECH
दूरभाष/Phone : (EPABX)
6567373/6962819
टेलीक्स/Telex : 73381, 73317, 73280
फैक्स/Fax : 6864570, 6862418

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

**MOST IMMEDIATE/COURT CASE
BY FAX NO. 0364-224937**

No. SM/04/010/2000

Date: 19 April, 2000.

To

The Director,
North Eastern Circle,
Bonnie Brae Estate,
SHILLONG - 793 001.

Sub: Contempt petition filed by Shri T.R. Sharma & Others in the
Central Administrative Tribunal, Guwahati Bench, Guwahati.

Sir,

I am directed to refer to SOI letter No. LC-2015/1196-C
(T.R. Sharma) dated 3.4.2000 on the above mentioned subject and to
intimate that the matter has been considered and it has been decided to
implement the judgement of the Hon'ble Central Administrative
Tribunal, Guwahati Bench dated 17.7.1997 for applicants only. You are
requested to kindly take immediate action to implement the judgement.
The Hon'ble Central Administrative Tribunal, Guwahati Bench may be
informed of the decision by filing suitable affidavit.

The matter may kindly be given TOP PRIORITY.

Yours faithfully,

K.P. Nair

(K.P. Nair)

Officer on Special Duty

Copy to:

1. The Surveyor General of India, Survey of India, Dehra Dun, (FAX
NO. 0135-744064) Attention: Shri K.L. Kararha, Superintending
Surveyor.
2. The Addl. Surveyor General, Survey of India, Eastern Zone, No.13,
Wood Street, Calcutta-700016 (FAX No. 033-2800196).

केन्द्रीय प्रशासनिक अधिकरण
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30-06-2002

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Annexure VII

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2094/2001

Delhi this the 7th day of February, 2002

able Smt. Lakshmi Swaminathan, Vice Chairman (J)

able Shri S.A.T. Rizvi, Member (A)

Draughtsmens' (Cartographic)
Association,
Survey of India,
Through Shri R.P. Bhartiya,
Assistant Secy. General,
West Block-4, R.K. Puram,
New Delhi-110066

J.P. Dhyani S/o late Sh. R.D. Dhyani
Directorate of Survey (AIR),
Wing No. 4, 11nd Floor, West Block-4,
R.K. Puram, New Delhi-110066

Suk Khan Singh S/o Late Sh. Nakli Singh
No. 94 (AM) Party, Survey of India,
West Block No. 4, Ground Floor,
Wing No. 4, R.K. Puram,
New Delhi-110066.

By Advocate Shri K.B.S. Rajan)

...APPLICANTS

VERSUS

Union of India Through
The Secretary, Ministry of Science & Tech.
New Mehrauli Road.
New Delhi 110 016

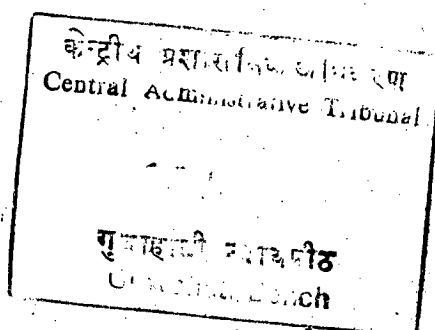
The Surveyor General
Survey of India
Block B, Hathi Barkala Estate,
Dehra Dun, U.P. 248001

Respondents

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

O R D E R (ORAL)

able Shri S.A.T. Rizvi, Member(A).



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

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

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

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

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

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

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

5. On consideration, we find that the contention raised by the learned counsel is ^{wholly} ~~partly~~ in accord with the law laid down by the Apex Court in the various cases referred to in the above extract. The order passed by the High Court upholding the Tribunal's orders in this case is, ^{to be} ~~regarded~~ ^{according to him} as a judgment in rem and the benefit flowing therefrom must, therefore, reach ~~to~~ the

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

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

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

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

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Guwahati Bench

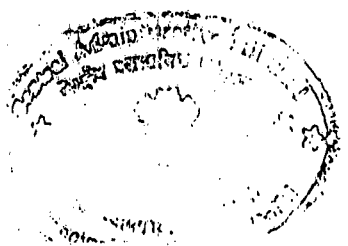
-6-

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

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

(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

'SRD'



CERTIFIED TRUE COPY
Dated

[Signature]
12/1/02
Section Officer (J-1)

Control

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

17 JAN 2006

गुवाहाटी न्यायाधीश
Guwahati Bench

भारतीय सर्वेक्षण विभाग
SURVEY OF INDIA



महासर्वेक्षक का कार्यालय
SURVEYOR GENERAL'S OFFICE
डाक बक्स सं 37, POST BOX No.37,
देहरादून-248001 (उत्तरांचल)-भारत।
DEHRA DUN-248001 (Uttaranchal), INDIA

महासर्वेक्षक
Telegram : "SURVEYS"
फैक्स व दूरभाष : 0091-135-2744064
Fax-cum-Telephone : 0091-135-2744064
ई-मेल : sgo@nde.vsnl.net.in
E-Mail : sgo@nde.vsnl.net.in

COURT CASE/MOST IMMEDIATE/FAX

Dated: 18 -12-2006

No.E2-

To,

/1196-B(D/Man Association)

Addl. SGs: MP GDC/Rajasthan GDC/Maharashtra & Goa GDC/UP
GDC/AP GDC

Directors : Haryana GDC/UA GDC/NGDC/DMC/G&RB/Punjab &
Chandigarh GDC/Himachal Pradesh GDC/Meghalaya &
Arunachal Pradesh GDC/Chhatisgarh GDC/J&K GDC/Bihar
GDC/WB. Sikkim GDC/Tripura, Manipur & Mizoram GDC/
Assam & Nagaland GDC/Orrisa GDC/Jharkhand GDC/B&P/
Karnataka GDC/Tamilnadu, Pondicherry & ANI GDC/NSDI/
Kerala & Lakshadweep GDC/Gujrat & Daman Diu GDC/GIS &
RSD/Survey (Air) & Delhi GDC/STI/ NPG/ SPG/WPG/EPG

SUB:-

Recommendations of the Vth CPC - Revision of Pay Scale of D'Man.

In pursuance of judgement/order passed on 27-02-2006 in O.A. No.457/2005 filed by D'Man (Cartographic) Association and others V/s Union of India & others by the Hon'ble CAT, PB, New Delhi and further judgement/order passed on 18-8-2006 in RA No.63/2006 in OA No.457/2005 by Hon'ble CAT PB, New Delhi, now it is decided that OM No.6/1/98-IC dated 01-6-2001 issued by Govt. of India, Min. of Finance, Deptt. of Exp. (Implementation Cell) may be implemented to such of all those D'Man of the Deptt. who had not derived the benefits envisaged in OM No.13(1)-IC/91 dated 19-10-1994.

As per the orders issued by the Min. of Finance under their OM No. 6/1/98-IC dated 01-6-2001, now all D'Man of the Department, who had not derived the benefits envisaged in OM No.13(1)-IC/91 dated 19-10-1994, should be granted the following higher scales of pay after rendering the minimum period of service as stipulated in the OM dated 01-06-2001 as detailed below :-

| Pay Scale | Minimum period of service |
|---|---------------------------|
| Minimum period of service to be rendered for placement from the Scale of Rs. 3200-4900 to Rs. 4000-6000 | 5 years |
| Minimum period of service to be rendered for placement from the Scale of Rs. 4000-6000 to Rs. 5000-8000 | 8 years |
| Minimum period of service to be rendered for placement from the Scale of Rs. 4500-7000 to Rs. 5500-9000 | 6 years |

Contd..

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The above benefits of higher scale of pay will be allowed with the condition and subject to the outcome of WP (C) No.- /2006 filed by D'Man Cartographic Association and others V/s Union of India and others before the Hon'ble High Court, New Delhi. In this regard an undertaking to this effect may be obtained from each D'Man.

The Gazette Notification of revised recruitment rules 2006 of D'Man cadre, as per provision of OM No. dated 01-6-2001 is under publication in Govt. of India Press and will be issued in due course.

Further promotions to the higher scale will be made only against available vacancies in such higher grade in accordance with the normal eligibility criteria prescribed in the recruitment rules 2006 of D'Man cadre.

Necessary action regarding implementation of the OM dated 01-6-2001 may please be taken immediately and compliance report be sent to this office by 31-12-2006 positively.

(NAVEEN TOMER)

DEPUTY SURVEYOR GENERAL &
ASSISTANT SURVEYOR GENERAL,
for SURVEYOR GENERAL OF INDIA.

Copy to:-

- 1- Genl. Secy. D'Man Cartographic Association, for information with reference to this office letter No. E2-12747/1196-B(D'Man Asso) dated 30-10-2006.
- 2- Genl. Secy. Class-III Service Association, for information with reference to this office letter No. E2-12747/1196-B(D'Man Asso) dated 30-10-2006
3. I/c Legal Cell (SGO), for information and further necessary action. He is requested that the Govt. Counsel may also be apprised of the above decision in subject cases accordingly.
- 4- OS, JCM/WSU/OS, LAP (SGO), for information and further necessary action.
- 5- File No. 1196-B (Anup Sharma).

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.457/2005.

New Delhi, this the 27th day of February, 2006

HON'BLE MR. V.K. MAJOTRA, VICE CHAIRMAN (A)
HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)

1. Draughtsmens' (Cartographic) Association,
Survey of India,
Through : Shri Swapan Das
Secretary General
C/o Business & Publicity Office
Survey of India
Hathibarkala
Dehradun - 248 001.

2. Shri Dilbag Singh
DS (AIR) & DGDC
Survey of India
West Block - IV, R.K. Puram,
New Delhi - 110 066

(By Advocate Shri Sudarshan Rajan)

VERSUS

1. Union of India
Through the Secretary
Ministry of Science & Tech.
New Mehrauli Road
New Delhi - 110 016.

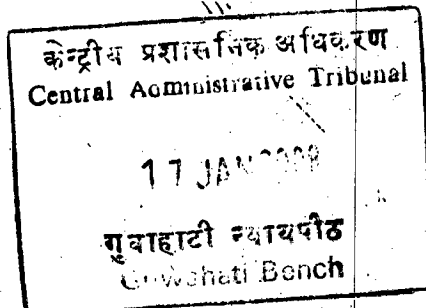
2. The Surveyor General
Survey of India
Block-B, Hathibarkala Estate,
Dehradun - 248 001.

(By Advocate Shri Amit Anand)

ORDER (ORAL)

BY MUKESH KUMAR GUPTA, MEMBER (J):

By the present OA, applicants seek direction to extend benefit of judgment and order dated 13.05.2003 in OA No.14 of 2002 (Shri Tulsiram Sharma & Others vs. Union of India & Others) to all Draughtsmen Grade-II of the Survey of India with arrears of pay and interest. They also seek direction to extend benefit of aforesaid judgment to those Draughtsmen who had either retired or died with consequential benefits, revised terminal benefits, revised pension etc. A further prayer is made to impose deterrent costs upon the respondents for



APPLICANTS



RESPONDENTS

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| केन्द्रीय प्रशासनिक आयोग Central Administrative Tribunal 17 JAN 1994 2 गुवाहाटी न्यायपीठ Guwahati Bench |
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deliberately failing to grant them upgraded pay scale, based on the law laid down by the Hon'ble Supreme Court in Lucknow Development Authority vs. M.K. Gupta, 1994 (1) SCC 243.

2. The core issue relates to revision of pay scale of Draughtsmen Grades-III, II and I. Initially the pay scales of Draughtsmen Grades-III, II and I were revised in the Central Public Works Department based on the Award of the Board of Arbitration. Later a Committee of the National Council (Joint Consultative Machinery) was set up to consider the request of the staff side to revise the scales of pay of Draughtsmen working in all Government of India Offices. Vide Office Memorandum dated 13.3.1984, Ministry of Finance, Department of Expenditure, conveyed the President's decision and extended the revised pay scales to the Draughtsmen of other Departments of the Government of India "provided their recruitment qualifications are similar to those prescribed in the case of Draughtsman in Central Public Works Department". Those who did not fulfil the recruitment qualification, were to continue in the pre-revised scales. Subsequently, vide Office Memorandum dated 19.10.1994, Presidential sanction was conveyed to the effect that the Draughtsmen Grades-I, II and III in the Offices/Departments of the Government of India, other than CPWD, would be placed in the scale of pay as mentioned under para-1 subject to conditions prescribed therein. The relevant excerpts of the said OM reads as under:

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

(a) Minimum period of Service for Placement from : 7 years
the post carrying scale of Rs. 975-1540 to
Rs. 1200-2040 (pre-revised Rs. 260-430 to
Rs. 330-560).

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

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



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Guwahati Bench

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Rs.550-750).

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

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

3. 76 applicants (Draughtsmen Grade-II) under the Director, Survey of India, North Eastern Circle, Ministry of Science & Technology, instituted OA No. 52 of 1996 before the Guwahati Bench of this Tribunal, claiming the pay scale of Rs.425-700 (revised to Rs.1400-2300) based upon para 2 (b) of the aforesaid O.M. The said OA was allowed vide order dated 17.7.1997 holding that the terms of the aforesaid OM were applicable to the applicants. The said order had been maintained by the Hon'ble Gauhati High Court as well as the Hon'ble Supreme Court of India vide orders dated 31.7.1999 and 31.3.2000 respectively. Later applicants herein instituted OA No.2094/2001 before this Bench of the Tribunal seeking extension of the aforesaid order, as the benefit of the Guwahati Bench judgment, had not been extended to them. The said OA No.2094/2001 was allowed by this Bench vide order dated 7.2.2002. It is not in dispute that the aforesaid directions dated 7.2.2002 had been complied with by the respondents. Immediately, thereafter 63 applicants, including the applicants in earlier OA No. 52 of 1996 approached the Guwahati Bench of this Tribunal once again vide OA No. 14 of 2002, challenging communication dated 1.8.2001 vide which their request for grant of next / higher pay scale of Rs.550-750 (Rs.1600-2600 and 5500-9000 revised) w.e.f. 1.1.1986 and 1.1.1996 respectively were rejected. They also sought enforcement of para 2 (c) of OM dated 19.10.1994 with respective date of eligibility attained by the individual applicants. The said OA was allowed vide order dated 30.5.2003 with a direction to respondents to grant them said higher pay scale of Rs.550-750 with all consequential benefits. Later certain typographical mistakes in the aforesaid order were corrected vide order dated 19.6.2003. Writ Petition (Civil) No.1786 of 2003 filed by the Union of India against the aforesaid judgment was dismissed vide order dated 9.12.2003, and



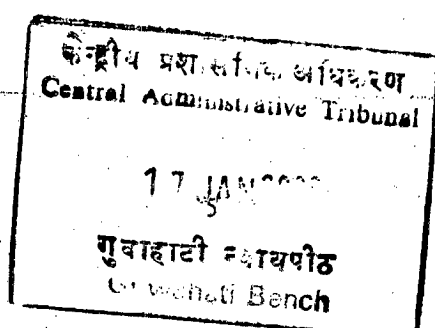
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5. The respondents stoutly opposed the claim laid in this OA and raised preliminary objections about its maintainability, contending that the applicants are guilty of suppressing & concealing material facts from this Tribunal. It is pointed out that OM dated 1.06.2001 has been issued by the respondents, which supersedes the earlier OM dated 19.10.1994. Furthermore, para-4 of the said OM provides that: "once the Draughtsmen in various Central Government Departments are placed in the applicable revised scales of pay, further promotions to the higher grades will be made only against available vacancies in such higher grades in accordance with the normal eligibility criteria prescribed in the Recruitment Rules." Neither the factum of the said Memorandum dated

5. The respondents stoutly maintain their preliminary objections about its maintainability, contending that the respondents are not guilty of suppressing & concealing material facts from this Tribunal. It is pointed out that OM dated 1.06.2001 has been issued by the respondents, which supersedes the earlier OM dated 19.10.1994. Furthermore, para-4 of the said OM provides that: "once the Draughtsmen in various Central Government Departments are placed in the applicable revised scales of pay, further promotions to the higher grades will be made only against available vacancies in such higher grades in accordance with the normal eligibility criteria prescribed in the Recruitment Rules." Neither the factum of the said Memorandum dated



1.6.2001 has been challenged in the present proceedings or in earlier proceedings nor issuing such subsequent OM had been disclosed. Moreover, the residency period for grant of next higher pay scale is different than the one prescribed under OM dated 19.10.1994. A perusal of the table herein below would show the difference between the residency period prescribed vide OMs dated 19.10.1994 and 1.6.2001:

| Minimum period of service to be rendered for placement from the scale | As per O.M. dated 19.10.1994 | As per O.M. dated 1.6.2001 |
|---|------------------------------|----------------------------|
| Rs.3200-4900 (pre-revised Rs.975-1540) to the scale of Rs.4000-6000 (pre-revised Rs.1200-2040) | 7 Years | 5 Years |
| Rs.4000-6000 (pre-revised Rs.1200-2040) to the scale of Rs. 5000-8000 (pre-revised Rs.1400-2300) revised to Rs.1600-2600 by the 5 th CPC). | 5 Years | 8 Years |
| Rs.4500-7000 (pre-revised Rs.1400-2300) to the scale of Rs.5500-9000 (pre-revised Rs.1640-2900) | 4 Years | 6 Years |
| Total | 16 years | 19 years |

6. Moreover, with the recommendations and implementation of the 5th Central Pay Commission w.e.f. 1.1.1996, the earlier instructions/awards viz. OM dated 19.10.1994 stands superseded. Since the revised pay scale has come into force from the said date, the OM dated 19.10.1994 loses its significance as well as application. The actual grant of higher pay scale is subject to availability of vacancy and all those who completed residency period in the lower pay scale cannot automatically be granted higher pay scale. The benefit as available under the said OM dated 19.10.1994 had been extended to the applicants in terms of directions issued by this Tribunal's order dated 7.2.2002 in OA No.2094/2001.

7. Applicants controverted the contention raised by the respondents submitting a detailed rejoinder, stating that they have expressly been excluded from the purview of OM dated 1.6.2001 as they had already been granted the initial benefits of the OM dated 19.10.1994 and, therefore, "the OM dated 1.6.2001 is not applicable" to them.

8. We have heard the learned counsel for the parties and perused the pleadings carefully.

9. The first and foremost question which needs determination in the present case is whether the applicants' contention that they are similarly placed as of applicants in OA No.14/2002 decided by Guwahati Bench of this Tribunal is justified or not and secondly, whether the applicants are guilty of suppressing material facts from this Tribunal. These two issues, in our considered view, overlap and, therefore, we will consider and decide them together.

In terms of law laid down by the Hon'ble Supreme Court in (1995) 1 SCC 745 **Chandigarh Administration vs Jagjit Singh & Another**, the claim made on the basis that another person similarly situated had been granted such a relief and non-grant of such relief to the person would lead to discrimination, has to be decided by investigating the facts before it could be directed to be followed in case of the petitioner. In the said case, challenge had been made to the Government order cancelling the lease of plot on default in payment of instalments on the ground that in similarly situated cases there had been non-cancellation of lease by the Government and, therefore, the respondents committed illegality and arbitrariness. In these circumstances, the Hon'ble Supreme Court observed as under:

"8. xxxxxx Generally speaking, the mere fact that the respondent-authority has passed a particular order in the case of another person similarly situated can never be the ground for issuing a writ in favour of the petitioner on the plea of discrimination. The order in favour of the other person might be legal and valid or it might not be. That has to be investigated first before it can be directed to be followed in the case of the petitioner. If the order in favour of the other person is found to be contrary to law or not warranted in the facts and

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Guwahati Bench

circumstances of his case, it is obvious that such illegal or unwarranted order cannot be made the basis of issuing a writ compelling the respondent-authority to repeat the illegality or to pass another unwarranted order. The extraordinary and discretionary power of the High Court cannot be exercised for such a purpose. Merely because the respondent-authority has passed one illegal/unwarranted order, it does not entitle the High Court to compel the authority to repeat that illegality over again and again. The illegal/unwarranted action must be corrected, if it can be done according to law - indeed, wherever it is possible, the Court should direct the appropriate authority to correct such wrong orders in accordance with law - but even if it cannot be corrected, it is difficult to see how it can be made a basis for its repetition. By refusing to direct the respondent-authority to repeat the illegality, the Court is not condoning the earlier illegal act/order nor can such illegal order constitute the basis for a legitimate complaint of discrimination. Giving effect to such pleas would be prejudicial to the interests of law and will do incalculable mischief to public interest. It will be a negation of law and the rule of law. Of course, if in case the order in favour of the other person is found to be a lawful and justified one it can be followed and a similar relief can be given to the petitioner if it is found that the petitioners' case is similar to the other persons' case. But then why examine another person's case in his absence rather than examining the case of the petitioner who is present before the Court and seeking the relief. Is it not more appropriate and convenient to examine the entitlement of the petitioner before the Court to the relief asked for in the facts and circumstances of his case than to enquire into the correctness of the order made or action taken in another person's case, which other person is not before the case nor is his case. In our considered opinion, such a course - barring exceptional situations - would neither be advisable nor desirable. In other words, the High Court cannot ignore the law and the well-accepted norms governing the writ jurisdiction and say that because in one case a particular order has been passed or a particular action has been taken, the same must be repeated irrespective of the fact whether such an order or action is contrary to law or otherwise. Each case must be decided on its own merits, factual and legal, in accordance with relevant legal principles. The orders and actions of the authorities cannot be equated to the judgments of the Supreme Court and High Courts nor can they be elevated to the judgments of the Supreme Court and High Courts nor can they be elevated to the level of the precedents, as understood in the judicial word. (What is the position in the case of orders passed by authorities in exercise of their quasi-judicial power, we express no opinion. That can be dealt with when a proper case arises)". (emphasis supplied).



10. Keeping in view the dicta laid down in the aforementioned judgment, we are required to examine as to whether the facts in the present case are similar to those of OA No.14/2002 or not. As noticed hereinabove, it is the applicants' own case that the OM dated 1.6.2001 is not applicable to them due to express bar

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laid in the said OM itself. It would thus be expedient to notice the said OM dated 1.6.2001, which reads thus:

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

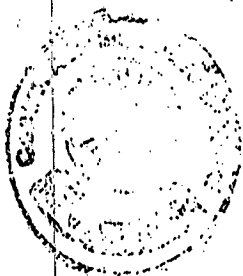
Minimum period of service to be
Rendered for placement from the
Scale of Rs.3200-4900 (pre- 5 years
Revised: Rs.975-1540) to the
Scale of Rs.4000-6000 (pre-
Revised : Rs.1200-2040)

Minimum period of service to be
Rendered for placement from the
Scale of Rs.4000-6000 (pre- 8 years
Revised : Rs.1200-2040) to the
scale of Rs.5000-8000 (pre-
revised: Rs.1400-2300 revised
to Rs.1600-2660 by the 5th CPC)

Minimum period of service to be
Rendered for placement from the
Scale of Rs.4500-7000 (pre- 6 years
Revised: Rs.1400-2300) to the
Scale of Rs.5500-9000 (pre-
Revised: Rs.1640-2900)

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

5. These orders shall be applicable to such of those Draughtsmen in various Central Government Departments who had not derived the benefits envisaged in this Department's O.M. dated October 19, 1994 as on January 1,



17 JAN 2002

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Guwahati Bench

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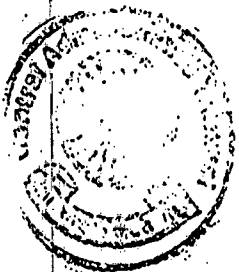
1996. The revised pay scales shall also be extended to them only on their fulfilling the revised eligibility criteria now prescribed in paragraph 3 above.

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

11. During the course of argument, Shri Sudarshan Rajan, learned counsel made a feeble attempt to contend that the aforesaid OM dated 1.6.2001 had been placed by the respondents before the Guwahati Bench in the aforesaid OA No.14/2002. The said contention, in our respectful opinion, is contrary to the pleading raised by them particularly in para 2.2. of the rejoinder wherein it has been specifically averred that "the above said O.M. dated 1st of June 2001 was not relied upon by the respondents".

12. It is not in dispute that the applicants did not disclose the factum of issuance of memorandum dated 01.6.2001 which superseded earlier memorandum dated 19.10.1994. No explanation has come forth from the applicants as to why they did not disclose such fact. In our considered view applicants are guilty of suppressing this material fact from the Tribunal.

13. A close perusal of the aforesaid OM dated 1.6.2001 reveals that the said OM, in specific, excluded those officials who had already derived the benefits from OM dated 19.10.1994 and further stated that: "the revised pay scales shall also be extended to them only on their fulfilling the revised eligibility criteria now prescribed in paragraph 3 above." When it is the applicants' own case that the said OM indeed superseded the earlier OM dated 19.10.1994 and had not been considered by the Guwahati Bench of this Tribunal, how could the benefits prescribed under para 2 (c) of the OM dated 19.10.1994 could be extended at this stage. The contention raised, is mis-placed and misconceived. It is not disputed that the applicants were granted the benefits under the aforesaid OA dated 19.10.1994 and also pursuant to directions issued by this



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Tribunal in OA No.2094/2001. On a pointed query raised by the Bench as to what is the precise date when such benefit had been granted to the applicants, no answer came forth. We may note that immediately thereafter, the pay scales were revised with effect from 01.1.1996. Perusal of aforesaid OM dated 01.6.2001 also leads to inescapable conclusion that the revised pay scales are available to officials "on their fulfilling the revised eligibility criteria" prescribed under Para-3 of the said OM. On perusal of the table noted under Para-5 hereinabove, we find that the eligibility for grant of such scale has undergone change from four years to six years. If the applicants were granted the benefit of the scale of Rs.5000-8000/- (pre-revised 1600-2600/-) only in the year 1994 then even as per the earlier criteria they must wait for four years, which time would expire only after 01.1.1996. Since in the meantime the pay scales were revised, one cannot be allowed to contend that he would continue to be governed by the old OM dated 19.10.1994. We may also note that the effect and impact of OM dated 01.6.2001 had not been the subject matter before the Guwahati Bench in OA No.14/2002 and as such the same was not considered. On these facts the applicants cannot be allowed to contend that the said OM should be ignored even by this Bench and they being allegedly similarly placed to the applicants in the said OA are entitled to extension of benefit of the said judgment. In our considered view, the applicants are not similarly placed to the applicants in the OA No.14/2002. Moreover, the relief claimed in the present proceedings would also be hit by the principle of constructive res judicata in terms of Section 11, Code of Civil Procedure. The judgments relied as such have no application in the facts and circumstances of the present case.

14. Accordingly, we find no merits in the claim laid and the OA is dismissed. There shall be no order as to costs.



(Mukesh Kumar Gupta)
Member (J)

/PKR/

प्रमाणित सत्यप्रमाणित
CERTIFIED TRUE COPY
दिनांक/Dated: 17/11/2001
मुख्य न्यायाधीश/Principal Officer
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रधान न्यायाधीश, नई दिल्ली
Principal Bench, New Delhi

(V.K. Majotra)
Vice-Chairman (A)

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO.63/2006

in

O.A. NO.457/2005

This the 18th day of August, 2006

केन्द्रीय प्रशासनिक अपील बोर्ड
Central Administrative Tribunal

17 JAN 2006

गुवाहाटी न्यायपीठ
Guwahati Bench

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

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

1. Draughtsmens' (Cartographic) Association,
Survey of India, through Shri Swapan Das,
Secretary General C/O Business & Publicity Office,
Survey of India, Hathibarkala,
Dehradun-248001.

2. Shri Dilbagh Singh,
DS (AIR) & DGDC,
Survey of India,
West Block-V, R.K.Puram,
New Delhi-110066.

... Applicants

(By Shri S. M. Garg for Shri Sudarshan Rajan, Advocate)

versus

1. Union of India through
Secretary, Ministry of Science & Tech.,
New Mehrauli Road,
New delhi-110016.

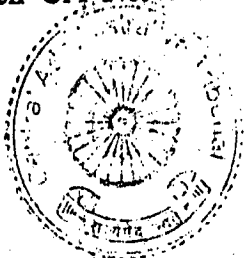
2. The surveyor General,
Survey of India,
Block-B, Hathibarkala Estate,
Dehradun-248001.

... Respondents

ORDER

Hon'ble Shri V. K. Majotra, Vice-Chairman (A):

Through this application has been sought review of orders dated
27.2.2006 by which OA No.457/2005 was dismissed. It has been



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stated that the Tribunal had relied upon OM dated 1.6.2001, which had superseded OM dated 19.10.1994. It had excluded those officials who had already derived benefits from OM of 19.10.1994. However, OM dated 22.10.2001 had stated that OM dated 1.6.2001 is not applicable to Draughtsmen of Survey of India. Applicants herein have stated that OM of 22.10.2001 ought to have been produced by respondents and that applicants could not lay their hands on OM of 22.10.2001 before disposal of the OA.

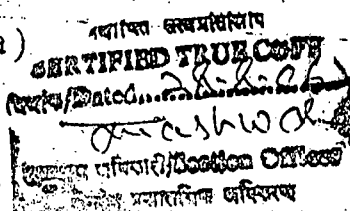
2. The learned counsel contended that applicants had exercised due diligence but had not been able to procure OM of 22.10.2001. No details have been furnished as to what action had been taken by applicants to get evidence against non-applicability of OM of 1.6.2001. If applicants were not able to produce evidence favouring them there is no error factual or legal on the part of the Tribunal in arriving at its findings. It is no new evidence but evidence which could have been easily procured by applicants at the relevant time.

3. Production of OM dated 22.10.2001 at this late stage and attempting rearguing the whole case is beyond the scope of review. Accordingly this application is dismissed.

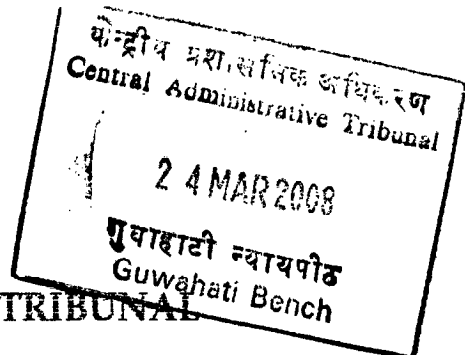


Mukesh Kumar Gupta)
Member (J)

/as/



(V. K. Majotra) 18.5.00
Vice-Chairman (A)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O.A. No. 163 /2007

Sri Anup Sarma & Ors.

-Versus -

Union of India & Others.

INDEX

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| 02. | - | Verification | -5- |
| 03. | A | Copy of the additional written statement filed by the U.O.I and ors. in O.A. No. 14/2002. | 6-10 |

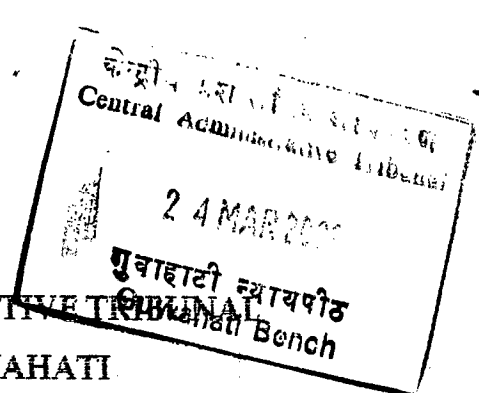
Date: 24.03.08

Filed by

Dutta

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI



208 Filed by the applicant
Through M. Dutta, advocate
on 24.03.08

In the matter of:-

O.A.No. 163/2007

Shri Anup Sharma & Ors.

-Versus-

Union of India and others.

-And-

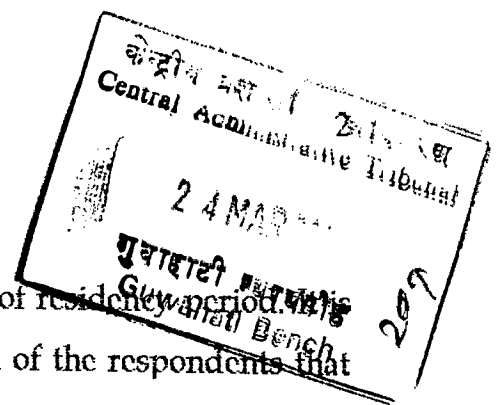
In the matter of:-

Rejoinder submitted by the applicants
against the written statements
submitted by the respondent.

The applicants above named most respectfully beg to state as follows:-

1. That the applicants carefully gone through the written statement and denies the statements made in paragraphs 1, 2 and 3, which are not borne on record. So far the grounds raised by the respondents for denial of benefit of higher revised scale of Rs. 5000-8000/- to the present applicants, on the pretext that the applicants were never placed in the pay scale of Rs. 330-480/- and 425- 600/- and also on the alleged ground that the applicants were not eligible for benefits of higher revised scale of Rs. 5000-8000/- in terms of O.M dated 19.10.1994 at the time when judgment and order dated 17.07.1997 was passed in O.A No. 52/1996, it is true that the applicants are admittedly junior to those applicants in O.A No. 52 of 1996, as such question of asking the benefit of higher revised scale of Rs. 5000-8000/- does not arise at all, on the part of the applicants, rather it is a settled position of law in the service jurisprudence that a senior employee would be entitled to promotion and higher scale of pay in an earlier point of time than their juniors but by no stretch of imagination, the respondents are entitled to enhance the residency period by the impugned memorandum dated 01.06.2001 for entitlement of higher revised scale of Rs. 5000-8000/-. Moreover, there is no reasonable explanation advanced

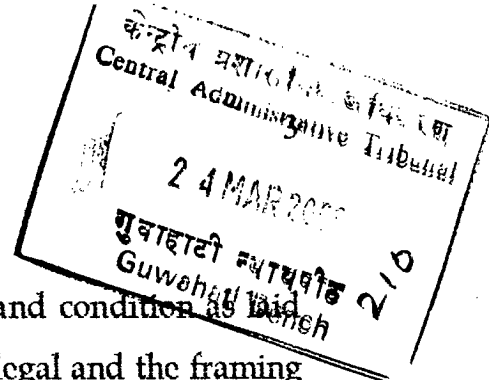
Anup Sharma,



by the respondents for such an arbitrary change of residence. It is also relevant to mention here that the contention of the respondents that the O.M dated 01.06.2001 is applicable in the instant case of the applicants is also not maintainable in view of the fact that the same respondents in O.A. No. 14 of 2002, while preferred by the employees of the same department has specifically stated before the Hon'ble Tribunal that the O.M dated 01.06.2001 is not applicable to the draftsman in Survey of India as clarified by the Ministry of Finance, which was communicated through letter dated 22.10.2001, as such respondents are not entitled to take alleged ground that the present applicants are not entitled to revised higher scale in terms of O.M dated 19.10.1994 rather respondents are barred by law of estoppel to take such a ground to deny the legitimate claim of the applicants.

2. That the applicants categorically deny the statement made in paragraph 6, 7, 8, 9 and 10 of the written statements and further beg to submit that the applicants are entitled to higher revised scale of pay of Rs. 5000-8000/- in terms of respondents letter dated 16.10.2000, as because they have attained eligibility as per O.M dated 19.10.1994 as well as in terms of condition laid down in letter dated 16.10.2000. The contention of the respondents that after recommendation and implementation of the 5th CPC, the significance and application of O.M dated 19.10.1994 has losses its significance is not factually correct. The 5th CPC simply prescribed the corresponding scale of pay. As such the O.M dated 19.10.1994 is still in force, so far employees of the Survey of India are concerned. More so in view of the clarification given by the Ministry of Finance, which was communicated by the department through their letter dated 22.10.2007. The respondents are also not entitled to take different plea on different occasion being a model employer. Non extension of benefit of the judgment dated 17.07.1997 passed in O.A. No. 52 of 1996 to the other similarly situated employees other than the applicants cannot be a valid ground to deny the higher revised pay to the applicant. The contention raised by the respondents in paragraph 8 is categorically denied as because regular promotion and upgradation of pay of scale are different concepts. Moreover, notification

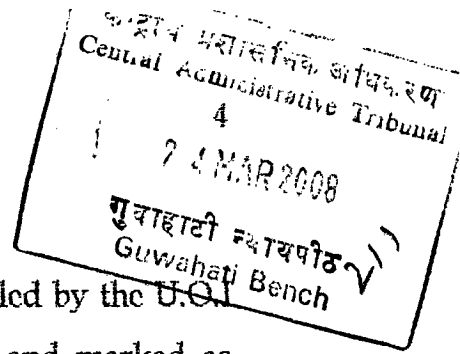
Anup Sharma,



of a fresh recruitment rule imposing similar terms and condition as laid down in O.M dated 01.06.2001 is highly arbitrary, illegal and the framing of new Recruitment Rule, 2006 simply in order to deny the benefit of judgment of O.A. No. 52 of 1996 as well as 14 of 2002 is highly arbitrary, illegal, unfair and contrary to the settled position of law and on that score alone the Recruitment Rule, 2006 issued by the respondents U.O.I as well as O.M dated 01.06.2001 are liable to be set aside and quashed. The applicants reiterate the statement made in the original application.

3. That with regard to the statements made in paragraph 13A, 13B, 13C, 13D, 13 E, 13F, 13G and 14 of the written statements and further beg to say that the present respondents U.O.I has misled and misrepresented the Hon'ble Principal Bench, while judgment and order dated 27.02.2006 passed in O.A no. 457/2005 by the learned Principal Bench. The respondents did not submitted the factual position, which they have raised in their additional written statement in O.A No. 14 of 2002, wherein the respondents U.O.I specifically stated that they had obtained clarification from the Govt. of India, Ministry of Finance that the O.M dated 01.06.2001 is not applicable to the employees of Survey of India, but the same has been suppressed by the present respondents before the learned Principal Bench and as a result the O.A. No. 457/2005 was dismissed and ultimately review application is also dismissed on the same ground. However, the said dismissal cannot be a ground to deny the benefit of the higher revised scale to the present applicants, when the same has been extended to the other employees of the department by implementing the judgment and order dated 17.07.1997 passed in O.A No. 52 of 1996 and in O.A 14 of 2002. Moreover the dismissal of O.A. No. 457/2005 and Miscellaneous Application No. 433/2005 as well as dismissal of review application no. 63 of 2006 cannot preclude the present applicants to claim higher revised scale of pay before the learned Tribunal when the judgment and order of the learned Tribunal in O.A. No. 52 of 1996 and 14 of 2002 was upheld by the Hon'ble High Court as well as by the Hon'ble Supreme Court which has attained finality.

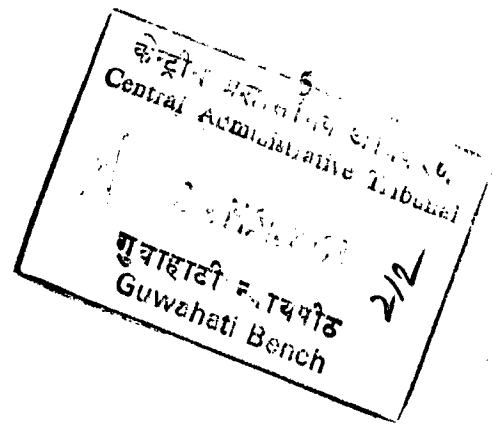
Anup Sharma,



(Copy of the additional written statement filed by the U.O. and ors. in O.A. No. 14/2002 is enclosed and marked as Annexure-A).

In the facts and circumstances stated above, it is respectfully prayed that the Hon'ble Tribunal be pleased to allow this original application with costs.

Anup Sharma



VERIFICATION

I Shri Anup Kumar Sharma, Son of Shri Paresh Kumar sharma, aged about 47 years, working as Draftsman, grade III Office of the Director, Assam & Nagaland C.D.C, Survey of India, Caneshguri, Cuwahati-781006, applicant No. 1 in the instant Original Application, duly authorized by the others to verify the statements in this rejoinder, do hereby verify that the statements made in Paragraph 1 to 3 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 23rd day of March 2008.

Anup Sharma.

-6-

ANNEXURE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI
24 APR 2003
In the matter of:-
O.A.No.14/2002

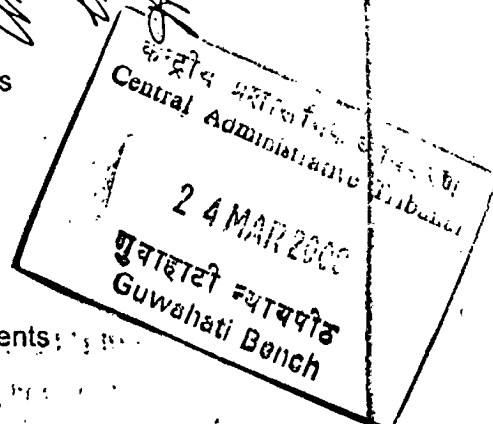
Union of India & others
- Respondents
through
Anup Kumar Choudhary
24/4/03
Addl. Central Govt.
Standing Counsel

2/3

Shri Tulsi Ram Sharma & Others
Applicants

-Versus-

Union of India & Others.
Respondents



Additional written statement on behalf of the Respondents-
Most Respectfully beg to state that:-

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

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

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

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

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

Attested
Muthu
Advocate

Attested
Muthu
Advocate

Boa

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

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

The 4 years period shown in the para 2(c) of O.M. dated 19.18.1994 is the minimum residency period in the scale of pay for the promotion to higher grade. The conditions shown in para 3 of O.M. may also be kept in consideration while reading the para 2(c) of the O.M. dated 19.10.1994.

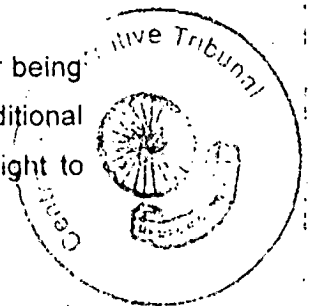
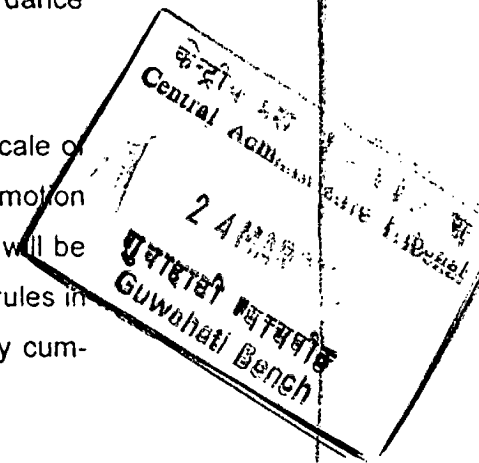
The claim of the applicants pretending to have obtained eligibility for being placed in the higher scale of Rs.5500-9000 as per Annexure-A to the additional rejoinder of the applicants is not correct and it is not the fundamental right to claim for the promotion.

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

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

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

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



[Handwritten signature]

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

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

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

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

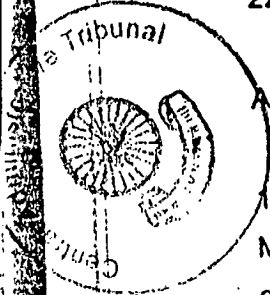
9. In the above O.M. in para 5, it is stated that "these orders shall be applicable to such of those Draughtsmen in various Central Government Departments who had not derived the benefits envisaged in this Department's O.M. dated 19.10.1994 as on 1.1.1996. The revised pay scale shall also be extended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

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

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

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

Central Administrative Tribunal
24 MAR 2008
Gowahati Bench



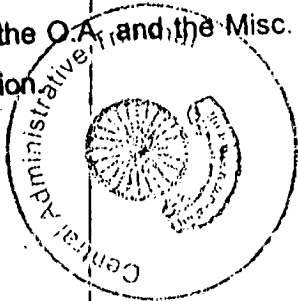
is clearly mentioned in the letter that "Promotion is based on the availability of the Vacancies".

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

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

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

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



VERIFICATION

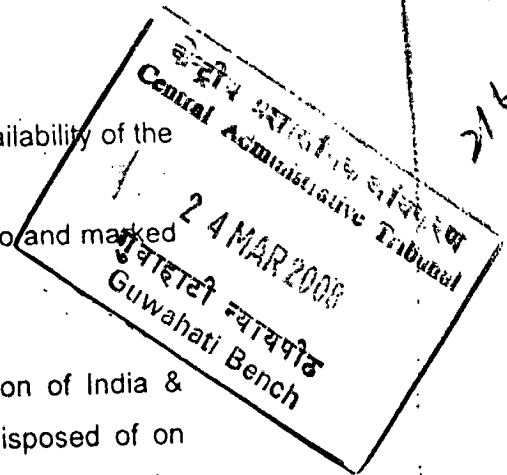
I, Brigadier B.D. Sharma, Director, Survey of India, North Eastern Circle Office, Shillong being authorized and competent to sign this verification do hereby solemnly affirm and state that the statements made in above paragraphs 1, 2, 3, 4, 6, 7 & 12 of the written statements are true to my knowledge,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

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


DEPONENT

(B. D. SHARMA) Brigadier
Director, North Eastern Circle

OFFICE OF VACANCY AND RECRUITMENT



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

GOVERNMENT OF INDIA
MINISTRY OF SCIENCE & TECHNOLOGY.
Department of Science & Technology
Technology Bhavan, New Mehrauli Road, New Delhi-110018

सा/Telegram
सूचना/Phone

टेलिग्राम/Telex
फैक्स/Fax

SCIENTECH

(BPABX)

6567373/6962373

73381, 73347, 73348

6864570, 6862418

गुवाहाटी पोस्टाधिकारी
Guwahati Bench

Dated: October 22, 2000

No.SM/04/10/2000

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

(Attention: Lt. Col. V.R. Mahendra, Deputy Surveyor General)

Subj:- Recommendation of the Fifth Central Pay Commission - revision of pay
scales of Draughtsmen in govt. of India offices.

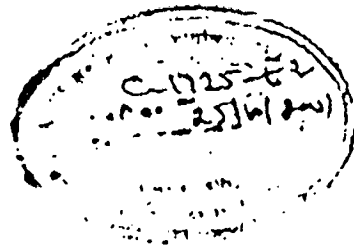
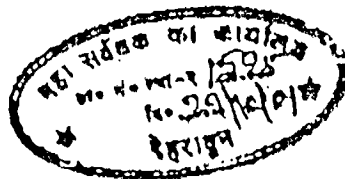
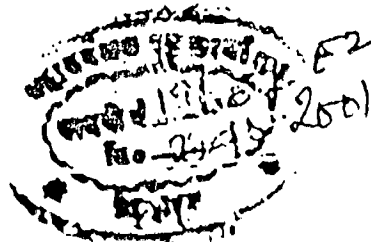
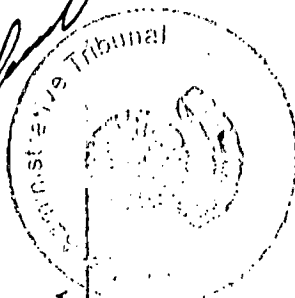
Sir,

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

Yours faithfully,

(V.P. Nair)
Staff Officer

Encl: as above.

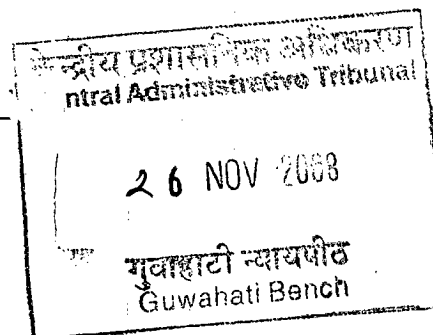


IN THE CENTRAL ADMINISTRATIVE T.
GUWAHATI BENCH

Amended O.A. No 163 /07

Sri Anup Sarma and ors.
...Applicant.

-Vs-
Union of India and ors.
...Respondents



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Filed by:

MS

24/11/08

Mrs. Manjula Das,
Senior Panel Counsel, UOI
CAT, Guwahati bench, Guwahati.

Received
24.11.08

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH.

IN THE MATTER OF:

Amended O.A. no.163/07

Sri Anup Sarma & ors.

...Applicant.

-Vs-

Union of India and ors

...Respondents.

-AND-

IN THE MATTER OF:

Additional statement on behalf of
Respondents

(ADDITIONAL STATEMENT ON BEHALF OF RESPONDENTS)

I, Sri R.M. TRIPATHI s/o SHRI G.M. TRIPATHI

Presently working as the Director, Assam and Nagaland GDC, Ganeshguri,
Guwahati-781006, do hereby solemnly affirm and state as follows:

1. That I am the Respondent no.3, the Director of Assam and Nagaland GDC, Ganeshguri, Guwahati. The copies of aforesaid application have been served upon the respondents. I have gone through the same and being the Superintending Surveyor from the Director, Assam and Nagaland GDC, have understood the contents there of. I have been authorized to file this written statement on behalf of the respondents no.1

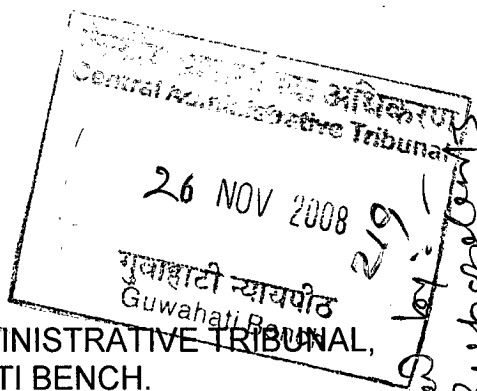
to 5.

2. I do not admit any of the averments except which are specifically admitted hereinafter and the same are deemed as denied.

3. That before traversing various paragraphs of the OA, the respondents would like to give the brief history of case, which may be treated as part of the Written Statement.

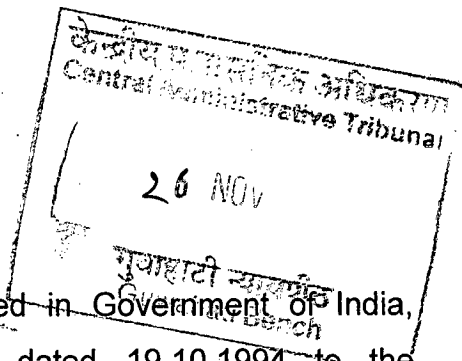
4. BRIEF HISTORY OF THE CASE:

A. That the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati has passed order dated 17.07.97 in OA no. 52/96 filed by Sri. T.R. Sharma and 75 others Draftsmen Vs. Union of India and others and ordered to grant the highest scale of pay of Rs.5000-8000 on



26/11/08
The Respondent
Manjinder Doss
Mangal corner
Central Bench
Guwahati

Rigga



220

completion of residency period as prescribed in Government of India, Ministry of Finance's O.M no.13(1)-IC/91 dated 19.10.1994 to the applicants. The benefit of this judgment was given to the applicants only and was not extended to the other similarly placed Draftsmen/ Non applicants.

B. That the Govt. of India's order dated 16.10.2000 was issued in regard to implementation of judgment dated 17.07.97 of Hon'ble CAT, Guwahati Bench, Guwahati in OA no. 52/1996 filed by T.R.Sharma and others. The applicants were never in the scale of Rs.330-480 and 425-600 as mentioned in the order and also they were not applicants in OA no.52/1996. Therefore, the judgment dated 17.07.1997 of the Hon'ble CAT Guwahati Bench, Guwahati in OA no.52/1996 and Govt. of India's order dated 16.10.2000 are not applicable to the applicants of the present O.A.

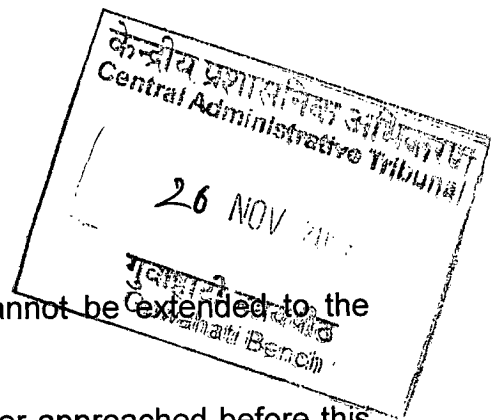
C. That subsequently, the Hon'ble CAT, Principal Bench, New Delhi has extended the benefit of the above judgment dated 17.07.1997 vide their order passed on 07.02.2002 in O.M no.2094/2001 filed by Draftsmen Cartographic Association and others Vs. Union of India and others.

D. That while the judgment dated 07.02.2002 was implemented, the present applicants were not eligible to derive the benefits of this judgment as they had not completed minimum period of service for placement to higher scale of pay of Rs. 5000-8000 as prescribed in O.M dated 19.10.1994 when it was in force. Consequently upon revision of pay scales by 5th Pay Commission, the Govt. of India has issued O.M dated 01.06.2001 on the recommendation of 5th Central Pay Commission, superseding the earlier award as per O.M dated 19.10.1994.

E. That the provision of which specifically providing for those Draftsman who could not derive the benefits stipulated in the O.M dated 19.10.1994 being not eligible when it was in force to place them in the scales of pay recommended by 5th Central Pay Commission on completion of the residency period in accordance with O.M. dated 01.06.2001.

F. That as the applicants are eligible for award as per O.M dated 01.06.01 and not by O.M dated 19.10.94, the benefits of the above

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judgments dated 17.07.1997 and 07.02.2002 cannot be extended to the applicants of the present OA.

Sri Anup Sharma and 4 others earlier approached before this Hon'ble Tribunal vide O.A.no.252/03 with a prayer for a direction to conduct the Trade Test as per Circular Order no. 439 (Administrative). After hearing this Hon'ble Tribunal was pleased to pass the judgment and order dated 23.09.2004 directing to conduct the respondents to conduct Trade Test for the purpose of promotion to next higher grade.

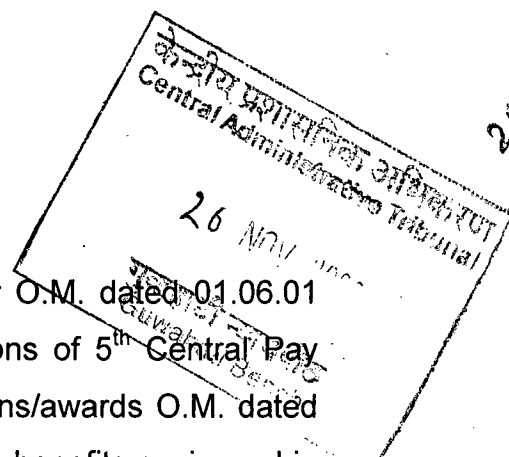
G. That in pursuance of the order of Hon'ble Tribunal dated 23.09.2004, the Trade Test was conducted as per Circular Order no.435 (Administrative) and Circular Order 439 (Administrative). Accordingly, the present applicants were upgraded and granted the higher scale of pay of Rs. 4500 – 7000.

H. That the applicants were appointed in year 1995 and 1996 and had not completed minimum period of service for placement to higher scale of pay as prescribed in OM dated 19.10.94 when it was in force. The service length of the applicants were too short to fit in the prescribed criteria i.e. fulfillment of the criteria for residency period. For such left out personnel the Govt. brought O.M dated 01.06.2001 at later stage to award higher scales on completion of prescribed service length.

I. That accordingly, the applicants of the present O.A are eligible to get benefit in accordance with New Recruitment Rules of Draftsmen cadre of Survey of India, which are based on O.M dated 01.06.2001.

REPLY TO FACTS OF THE CASE :

5. That with regard to the statement made in para 1 of the O.A, the respondents beg to state that the present applicants are demanding higher scale of pay of Rs. 5000 – 8000 in accordance with para 2 (b) of Govt. of India, Ministry of Finance, Department of Expenditure O.M no. 13 (i) - IC/91 dated 19.10.1994 (Annexure – I) as well as Government of India, Ministry of Science and Technology, Department of Science and Technology's no. SM/04/010/2000 dated 16.10.2000 (Annexure – II) since the revised pay scales recommended by the 5th Central Pay Commission which came into force w.e.f. 01.01.1996.

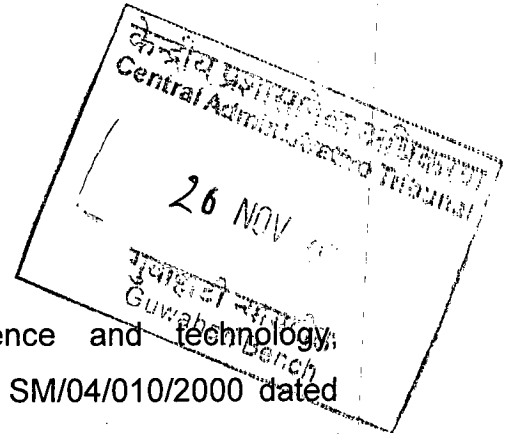


The Government of India has issued another O.M. dated 01.06.01 (annexed as Annexure - III) on the recommendations of 5th Central Pay Commission, which supersedes the earlier instructions/awards O.M. dated 19.10.1994. The Draftsman who have not derived the benefits envisaged in the O.M dated 19.10.1994 may be placed in the scales of pay recommended by the 5th Central Pay Commission on completion of the minimum service rendered in accordance with O.M dated 01.06.2001. The present applicants were not eligible to get the benefits envisaged in the O.M dated 19.10.1994 as they had not completed minimum period of service as required for the placement to higher pay scale when the aforesaid O.M was in force.

There are very much difference between the residency periods for reaching the lower pay scale to higher pay scale as prescribed in O.M dated 19.10.1994 and O.M dated 01.06.2001 as shown below :-

| Minimum period of service to be rendered for placement from the scale of:- | Residency period as per O.M dated 19.10.1994. | Residency period as per new recruitment rules based on O.M dated 01.06.2001 |
|--|---|---|
| i) Rs.3200-4900 (pre-revised Rs.975-1540) to the scales of Rs.4000-6000 (pre-revised Rs.1200-2040). | 7 years. | 5 years. |
| ii) Rs. 4000-6000 (pre-revised Rs.1200-2040) to the scale of Rs.5000-8000 (pre-revised Rs.1400-2300) Revised to Rs. 1600-2660 by the 5 th Central Pay Commission. | 5 years. | 8 years. |
| iii) Rs. 4500-7000 (pre-revised 1400-2300) to the scale of Rs.5500-9000 (pre-revised Rs. 1640-2900). | 4 years. | 6 years. |
| Total | 16 years. | 19 years. |

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Government of India, Ministry of Science and Technology, Department of Science and Technology order No. SM/04/010/2000 dated 16.10.2000 issued in regard to implementation of judgment / order / directions dated 17.07.1997 of Hon'ble CAT, Guwahati Bench, Guwahati in O.A No. 52/1996 filed by T.R Sharma and 75 other Draftsmen of Survey of India. The present applicants were never in the scale of Rs. 330-480 and Rs. 400-600 as mentioned in the order and they were not applicants in O.A No. 52/1996. The benefits of the judgment dated 17.07.1997 was not extended to the non applicants/ other similarity situated Draftsman of Survey of India. Accordingly, the applicants of the present OA are eligible to get benefit in accordance with notified New Recruitment Rules of Draftsman cadre of Survey of India which are based on O.M dated 01.06.2001.

Photocopies of the O.M dated 19.10.1994, letter dated 16.10.2000, O.M dated 01.6.2001 and the New Recruitment Rules are annexed herewith and marked as Annexure – I, II, III and IV respectfully.

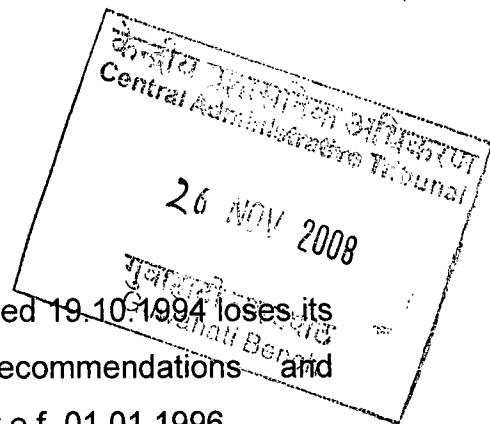
Consequently, O.M dated 19.10.1994 and Department of Science and Technology's letter No. SM/04/010/2000 dated 16.10.2000 are not applicable to the present applicants as the applicants based on less service were not eligible to get benefits of O.M dated 19.10.1994 and Government of India's order dated 16.10.2000.

Thus, the request made by the applicants in this para is wrong and untenable. In view of as stated above, the present O.A has no merits and is liable to be rejected in limini.

6. That with regard to the statement made in paragraphs 2 and 3 of the O.A., the respondents beg to offer no comments.

7. That with regard to the statement made in paragraphs 4.1 and 4.2 of the O.A, the respondents beg to offer no comments.

8. That with regard to the statement made in paragraph 4.3 of the O.A., the respondents denying the contentions made therein and begs to state that the present applicants are demanding higher scale of pay of Rs. 5000-8000 in accordance with para 2 (b) of Government of India, Ministry of Science and Technology, Department of Science and Technology's No. SM/04/010/2000 dated 16.10.2000 (Annexure – II) since the revised pay scales recommended by 5th the Central Pay Commission



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have come into force w.e.f. 01.01.1996, the O.M dated 19.10.1994 loses its significance as well as application with recommendations and implementation of the 5th Central Pay Commission w.e.f. 01.01.1996.

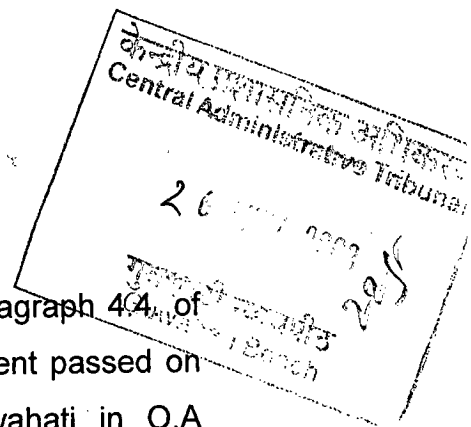
The Government of India has issued another O.M dated 01.06.2001 (annexed as Annexure - III) on the recommendations of 5th Central Pay Commission, which supersedes the earlier instructions/awards O.M dated 19.10.1994. The Draftsman who have not derived the benefits envisaged in the O.M dated 19.10.1994 may be placed in the scales of pay recommended by the 5th Central Pay Commission on completion of the minimum service rendered in accordance with O.M dated 01.06.2001. The present applicants were not eligible to get the benefits envisaged in the O.M dated 19.10.1994 as they had not completed minimum period of service as required for placement to higher pay scale when the aforesaid O.M was in force.

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There are very much difference between the residency periods before reaching the lower pay scale to higher pay scale as prescribed in O.M dated 19.10.1994 and O.M dated 01.06.2001 as mentioned above.

The Government of India, Ministry of Science and technology, Department of Science and technology order No. SM/04/010/2000 dated 16.10.2000 issued in regard to implementation of judgment/order/directions dated 17.07.1997 of Hon'ble CAT, Guwahati Bench, Guwahati in O.A No. 52/1996 filed by T.R Sharma and 75 other Draftsmen of Survey of India. The present applicants were never in the scale of Rs. 330-480 and Rs. 400-600 as mentioned in the order and they were not applicants in O.A No. 52/1996. The benefits of the judgment dated 17.07.1997 was not extended to the non applicants/ other similarity situated Draftsman of Survey of India. Accordingly, the applicants of the present OA are eligible to get benefit in accordance with notified New Recruitment Rules of Draftsman cadre of Survey of India which are based on O.M dated 01.06.2001.

Consequently, O.M dated 19.10.1994 and Department of Science and Technology's letter No. SM/04/010/2000 dated 16.10.2000 are not applicable to the present applicants as the applicants based on less service were not eligible to get benefits of O.M dated 19.10.1994 and Govt. of India's order dated 16.10.2000.



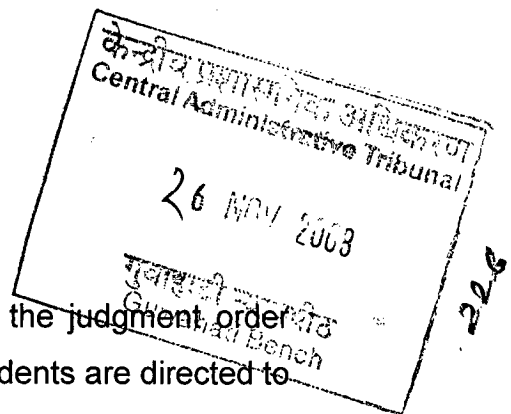
9. That with regard to the statement made in paragraph 4.4. of the application the respondents beg to state that the judgment passed on 17.07.1997 by the Hon'ble CAT, Guwahati Bench, Guwahati in O.A No.52/1996 was applicable to the applicants of the case only (Annexed as Annexure-V). The Department of Science and Technology vide their letter No. SM/04/010/2000 dated 19.04.2000 (Annexure-VI), wherein the Department had considered the matter of implementation of the Judgment and order dated 17.07.1997 of the Hon'ble CAT, Guwahati Bench and decided to implement the judgment for the applicants only. The present applicants were not the applicants in O.A.No.52/1996. Therefore, the judgment dated 17.07.1997 and Govt. of India's order dated 16.10.2000 are not applicable on the present applicants. The applicants are misleading the Hon'ble Tribunal by submitting tampered information. O.A no. 52 has not been filed in the year 2006 infact O.A 52 was filed in 1996 and this O.A was decided on 17.07.1997. As per decision, Sri T.R. Sharma and other applicants were to be granted the pay scale of Rs.1400-2300 and not the pay scale of Rs. 5000-8000. O.M dated 19.10.1994 was based on scales of 4th Central Pay Commission the applicants of the present O.A were not at all eligible for benefits of O.M dated 19.10.1994 as they were not completing the required residency period. The applicants by misquoting the O.A no.52 as of year 2006 have created an illusion to position themselves in purview of O.A 52.

Thus, contentions made by the applicants are wrong and hence denied.

Copy of the letter dated 19.04.2000 is annexed herewith and marked as Annexure - V.

10. That with regard to the statement made in paragraph 4.5 of the O.A, the respondents beg to state that Sri Anup Sharma and 4 others earlier approached before this Hon'ble Tribunal vide O.A.no.252/03 with a prayer for a direction to conduct the Trade Test as per Circular Order no. 439 (Administrative). After hearing this Hon'ble Tribunal was pleased to pass the judgment and order dated 23.09.2004 directing to conduct the respondents to conduct Trade Test for the purpose of promotion to next higher grade.

Sri M.S. Meena and others filed an O.A no.1777/2003 before the Hon'ble CAT, Principal Bench, New Delhi and contested that they may be promoted without holding the Trade Test and without any DPC. The



Hon'ble Tribunal, Principal Bench, New Delhi passed the judgment order dated 26.03.2004 in O.A no. 1777/2003 and the respondents are directed to that the Circular Order no.439 is not applicable to the case of the applicants and they cannot be subjected to test in the absence of New Recruitment Rules for further promotion, rather they are entitled to be governed by the O.M dated 01.06.2001. The notification issued for conducting the Trade Test is also quashed.

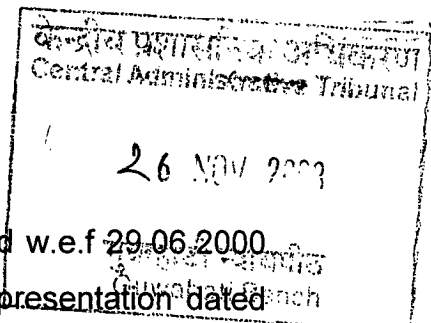
The order dated 26.03.2004 of the Hon'ble CAT, Principal Bench, New Delhi and order dated 23.09.2004 of the Hon'ble CAT, Guwahati Bench are contradictory. In view of the above, a Writ Petition (C) No. 5173/2005 has been filed against the order/judgment dated 26.03.2004 in O.A no.1777/2003 passed by the Hon'ble CAT, Principal Bench, New Delhi before the Hon'ble High Court of Delhi by the respondents owing to this reason the judgment/order dated 23.09.2004 was implemented accordingly.

11. That with regard to the statement made in paragraph 4.6 of the OA, the respondents beg to state that the Government of India order no. SM/04/010/2000 dated 16.10.2000 issued in regards to implementation of the judgment dated 17.07.1997 of the Hon'ble CAT, Guwahati Bench, Guwahati in O.A no.52/1996 filed by T.R.Sharma and 75 other Draftsman. The present applicants were not the applicants in O.A no.52/1996. The judgment dated 17.07.1996 passed by the Hon'ble CAT, Guwahati Bench, Guwahati in the aforesaid O.A applicant only to the applicants of the case. The benefit of the judgment had not been extended to the non-applicants of the case. Thus, Government of India dated 16.10.2000 was not applicable to the present applicants.

The upgradation and grant of higher scale of pay of Rs.5000-8000 w.e.f 01.01.2004 in respect of Sri Bishnu Kr. Chetri, Draftsman Grade II has been made erroneously and to be corrected by the concerned Director.

Since the benefit of the judgment 17.07.1997 passed in O.A no.52/1996 had not been extended to all other association had filed an O.A no. 2094/2001 before the Hon'ble CAT, Principal Bench , New Delhi to extending the benefit of the judgment dated 17.07.1997 told the similarly persons. The Hon'ble CAT, Principal Bench allowed the said O.A NO. 2094/2001; vide its order dated 07.02.2002 (annexed as Annexure-VII). The actual benefit arising due to the judgment dated 07.02.2002 of the Hon'ble

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CAT, Principal Bench; New Delhi had been implemented w.e.f 29.06.2000 after a lapse of one month from the date of filing of representation dated 29.05.2000 by the Draftsman Cartographic Association.

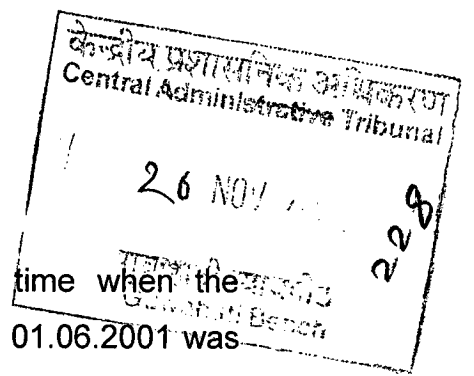
The Draftsman who were not the member of this Association as on 29.05.2000 in their cases the benefits were given from the date of decision of the case. In the meantime, the Government of India, Ministry of Finance has also issued another O.M no. 6/1/98-IC dated 01.06.2001 as per the recommendation of 5th Central Pay Commission. The O.M dated 01.06.2001 is applicable to such of the Draftsman who had not derived the benefits envisaged in O.M dated 19.10.1994. While the judgment dated 07.02.02 was implemented, the applicants of the present O.A were not entitled to derive the benefits of this judgment as they had not completed minimum period of service for placement to higher scale of pay as prescribed in O.M dated 19.10.1994 when it was in force. Now they shall be governing under the terms and conditions as prescribed in O.M dated 01.06.2001.

Accordingly, the Department has implemented the directions/order of Government of India's O.M dated 01.06.2001 vide S.G's letter no. E2-14843/1196-B (D'Man Cartographic Association) dated 18.12.2006 (Copy annexed as Annexure-VII)

New Recruitment Rules of Draftsman cadres have been notified in the Gazette of India in accordance with O.M dated 01.06.2001.

Photocopies of the judgment and order dated 07.02.2002 passed in O.A no. 2094/2001 and letter dated 18.12.2006 are annexed herewith and marked as Annexure-VI and VII respectively.

12. That with regard to the statement made in paragraphs 4.6(a) and 4.7(b) of the O.A, the respondents beg to state that the letter dated 22.10.2001 under no. SM/04/010/2000 issued by the Ministry of Science and Technology, New Delhi regarding the implementation of O.M dated 01.06.2001 infact was issued in connection with judgment dated 17.07.1997 passed by this Hon'ble Tribunal in O.A no. 52/1996 filed by Sri T.R.Sharma and 75 other Draftsman -v- Union of India. The said letter dated 22.10.2001 was specifically concerned to the applicants of O.A no. 52/1996 only.



Further, it is stated that at that relevant time when the judgment of O.A No. 52/1996 was passed, the O.M dated 01.06.2001 was not available as that was not issued. Therefore, the order dated 22.10.2001 was applicable only to the applicants of O.A No.52/1996 and not applicable to the other similarly placed Draftsman of Survey of India as well as applicants of the present application. The applicants of the present O.A were not the applicants in O.A no.52/1996.

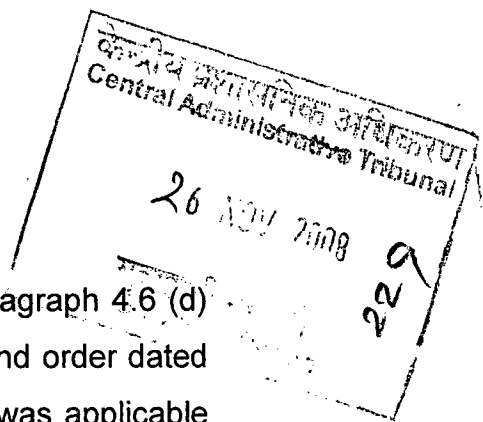
13. That with regard to the statement made in paragraph 4.6 (c) of the O.A, the respondents beg to state that the consequent upon revision of pay scales w.e.f 01.01.1996 by 5th Central Pay Commission, the Government of India, Ministry of Finance, Department of Expenditure has issued O.M dated 01.06.2001 on the recommendation of 5th Central Pay Commission superseding the award O.M dated 19.10.1994. As per judgment dated 27.02.2006 passed by Hon'ble CAT, Principal Bench, New Delhi in O.A no. 457/2005 filed by Draftsman Cartographic Association :-

"The revised pay scale has come into force from 01.01.1996 the earlier O.M dated 19.10.1994 stands superseded and loses its significance as well as application with the recommendation and implementation of 5th Central Pay Commission. Moreover, if the applicants were granted the benefit of scale of Rs. 5000-8000 (pre-revised 1600-2600) only in the year 1994 then even as per the earlier O.M dated 19.10.1994 they must wait for 4 years which time would expire only after 01.01.1996, since in the meantime the pay scales were revised, one cannot be allowed to content that he would continue to be governed by earlier O.M dated 19.10.1994".

The O.M dated 01.06.2001 is applicable to such of that Draftsman who had not derived the benefits envisaged in O.M dated 19.10.1994, they are to be placed in the scale of pay recommended by 5th Central Pay Commission on completion of minimum service rendered in accordance with O.M dated 01.06.2001. As per instructions laid down in O.M dated 01.06.2001, recruitment rules of Draftsman cadre have been framed and notified by Government of India.

Therefore O.M dated 19.10.1994 and Department of Science and Technology's dated 16.10.2000 are not applicable to the applicants of the present O.A. They are eligible to get benefits as per instructions stipulated in O.M dated 01.06.2001. The Recruitment Rules, 2006 of the Draftsman cadre were laid down in the memo dated 01.06.2001.

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14. That with regard to the statement made in paragraph 4.6 (d) of the OA, the respondents beg to state that the judgment and order dated 30/05/03 passed by this Hon'ble Tribunal in O.A. no. 14/02 was applicable to the applicants of that case only. The applicants of the present application were not the applicants in the O.A. no. 14/02. Therefore the benefit of the aforesaid judgment was not extended to the non- applicants.

Further the present applicants are covered by the judgment and order dated 27/02/06 passed by the Hon'ble Principal Bench, CAT, New Delhi in O.A. no.457/05.

15. That with regard to the statement made in paragraph 4.6 (e) and 4.6 (f) of the OA, the respondents beg to reiterates and reaffirms the statement made in paragraph 13 of this Additional Statement to the amended O.A.

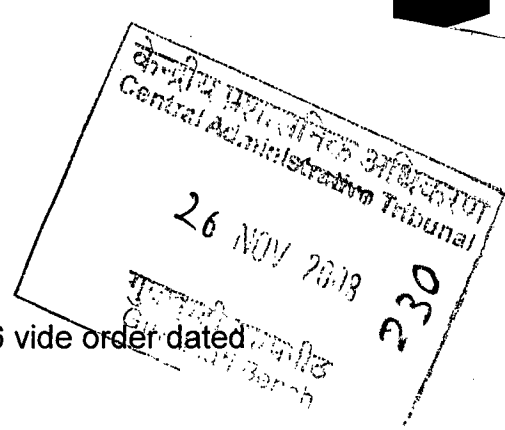
16. That with regard to the statement made in paragraph 4.6 (g) of the OA, the respondents beg to state that the O.M. dated 01/06/01 issued by the Government of India, Ministry of Finance in the recommendation of the 5th CPC superseded the earlier O.M. dated 19/10/94 and hence the O.M. dated 19/10 94 has become invalid and infructuous .Thus the applicants of the present application cannot claim for the benefit of O.M. dated 19/10/94 which is non- existence. The applicant infact is covered by O.M. dated 01/06/01.

The benefits of O.M. dated 19/10/94 and dated 01/06/01 were given to the Draftsmen of the Survey of India only to comply with the Court's directives of the order.

Further it is stated that the Draftsmen Cartographic Association had also filed an O.A.no. 457/05 before the Principal Bench ,CAT, New Delhi vide O.A. no.457/05 on similar issue and similar relief and the Hon'ble Bench vide order dated 27/02/06 was pleased to dismiss the O.A. by holding that the applicants are not similarly placed to the applicant in O.A, no. 14/02. Further it was noted that the effect and impact of O.M dated 01/06/01 had not been subject matter before the Guwahati Bench in O.A. no. 14/02 and as such the same was not considered.

Thereafter the said association approached before the Hon'ble Principal Bench, New Delhi for review of the order dated 27.02.06 passed in O.A. No. 457/05 vide R.A. No.63/06. The Hon'ble Tribunal after

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hearing the R.A. was pleased to dismiss the R.A. No.63/06 vide order dated 18.08.06.

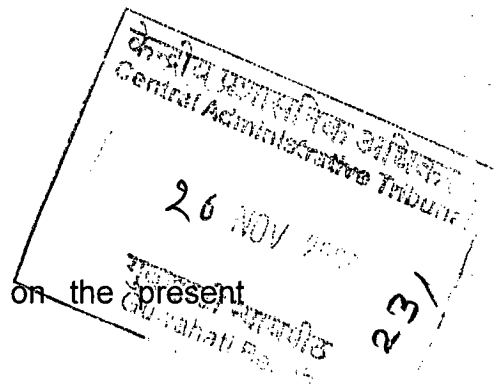
Copies of the said judgment and order dated 27/02/06 passed in O.A. no. 457/05 and order dated 18.08.06 passed in R.A. No. 63/06 are annexed herewith as Annexure -VIII and IX respectively.

17. That with regard to the statement made in paragraph 4.6 (h) of the OA, the respondents begs to submit that as stated above, the respondents pray that the present OA has devoid of merits and is liable to be rejected on the following grounds:-

A. The judgment dated 17-07-97 of the Hon'ble CAT, Guwahati Bench, Guwahati in O.A. No. 52/1996 filed by Sri T.R.Sharma and 75 others Draftsman of survey of India claiming pay scale of Rs. 425-700 (3rd C.P.C.) corresponding scale of Rs. 5000-8000 (5th C.P.C.) as per conditions stipulated in para 2 (b) of O.M. dated 19-10-94 was allowed only to the applicants of the case. The Govt. of India had considered the matter of implementation of the judgment dated 17-07-97 and decided to implement the judgment for the applicant only vide their letter No. SM/04/010/2000 dated 19-04-2000. The present applicants were not the applicants were not the applicants in aforesaid Original Application. Therefore, the benefit of judgment dated 17-07-97 cannot be extended to the non-applicants of the above case. The applicants were appointed in the year 1995 and 1996 thereafter and are much junior for who are not even entitled to the benefits of O.M. dated 1994 as their service length was too short to fit in the prescribed criteria i.e. fulfill the residency period criteria. For such left out personnel, the Government brought O.M. dated 01-06-01 at later stage to award higher scales on completion of prescribed Service length.

B. The Government of India, Ministry of Science and Technology order No. SM/04/010/2000 dated 16-010-2000 was issued in regards to implementation of judgment dated 17-07-97 of Hon'ble CAT, Guwahati Bench, Guwahati in O.A. No. 52/1996 filed by Sri T.R. Sharma and 75 others Draftsmen of Survey of India. The present applicants were never in the scale of Rs. 330-480 and Rs. 425-600 as mentioned in the order and also they were not applicants in O.A. no. 52/1996. Therefore, Government

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of India's order dated 16-10-2000 is not applicable on the present applicants.

C. While the judgment dated 07.02.2002 of the Hon'ble CAT, Principal Bench, New Delhi passed in O.A no. 2094/2001 filed by Draftsman Cartographic Association and others was implemented, the present applicants were not entitled to derive the benefits of this judgment as they had not completed minimum period of service for placement of higher scale of pay of Rs. 5000-8000 as stipulated in O.M dated 19.10.94 when it was in force. In the year 2001, Government of India has issued O.M dated 01.06.01 as per recommendation of 5th CPC. O.M dated 01.06.01 specially providing for those Draftsmen who had not derived the benefits envisaged in O.M dated 19.10.94. Consequently, the present applicants are entitled to be governed under the terms and conditions as laid down in O.M dated 01.06.01.

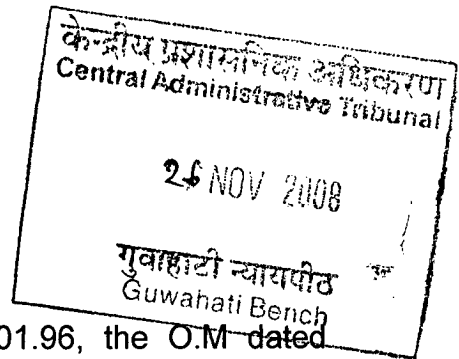
D. As Sri Anup Sharma and 4 others (also applicants of the present O.A) filed O.A no. 252/03 before this Hon'ble CAT, Guwahati Bench, Guwahati and prayed for a direction to conduct the Trade Test as per Circular Order no.439 (Administrative). The Hon'ble Tribunal passed the judgment and order on 23.09.04 in O.A no.252/03 to conduct the Trade Test for the purpose of promotion to next higher grade.

E. In pursuance of the order of the Hon'ble Tribunal dated 23.09.04, the Trade Test was conducted as per Circular Order no.439 (Administrative). Accordingly, the applicants of the present O.A were upgraded and granted the higher pay scale Rs. 4500-700.

F. O.A no.457/05 and M.A no.433/05 and filed by Cartographic Association before the Hon'ble CAT, Principal Bench, New Delhi to extend the benefit of the judgment dated 30.05.03 of the Hon'ble Tribunal, Guwahati Bench, Guwahati in O.A no. 14/02 had been dismissed vide judgment dated 27.02.06 of the Hon'ble CAT, Principal Bench, New Delhi (annexed as Annexure-IX) on the following grounds:-

i) With the recommendation and implementation of 5th CPC w.e.f. 01.01.96, the earlier O.M dated 19.10.94 stand superseded, since the

Revised



revised pay scale has come into force from 01.01.96, the O.M dated 19.10.94 loses its significance as well as application.

ii) If the applicants were granted the benefit of scale of Rs. 5000-8000 (pre-revised 1600-2600) only in the year 1994 then even as per the earlier criteria they must wait for 4 years which time would expire only after 01.01.96, since in the mean time the pay scale were revised, one cannot be allowed to content that he would continue to be governed by old O.M dated 19.10.1994.

Subsequently Draftsmen Cartographic Association had filed a Review Application no. 63/06 in O.A no.457/05 to review the final judgment and order dated 27.02.06 passed in aforesaid OA before the Hon'ble CAT, New Delhi on the basis of Department of Science and Technology's letter no. SM/04/010/2000 dated 22.10.01 accordingly. This Review Application has also been dismissed by the Hon'ble Tribunal, Principal Bench, New Delhi vide order dated 18.08.06 (Annexed as Annexure-IX)

Accordingly, the department has implemented the judgment dated 27.02.06 and 18.08.06 of the Hon'ble Tribunal, Principal Bench, New Delhi vide S.G's letter no. E2-14843/1196-B (Draftsmen Cartographic Association) dated 18.12.06 (Copy annexed as Annexure-VII)

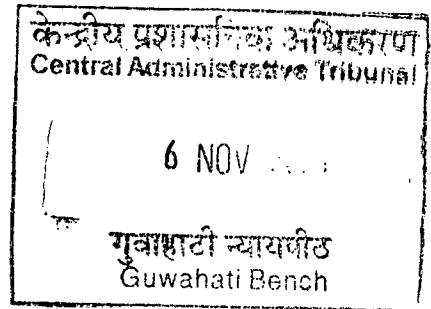
New Recruitment Rules of Draftsmen cadres have been notified in the Gazette of India in accordance with O.M dated 01.06.01.

G. The applicants of the present OA after claiming benefits of Circular Order no.439 (Administrative) are claiming benefits of O.M dated 19.10.94, which is not admissible to them. In their case O.M dated 01.06.01 is applicable and not the O.M dated 19.10.94.

Accordingly, the applicants of the present OA are eligible to get benefits in accordance with notified New Recruitment Rules of Draftsmen cadre of Survey of India which are based on OM dated 01.06.01(Copy annexed as Annexure-IV).

18. That in view of the above statements made by the respondents, the present Original Application is devoid of merits and is liable to be dismissed with cost.

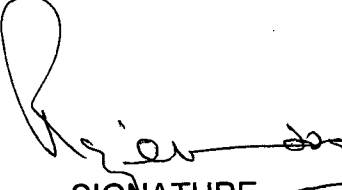
232



VERIFICATION

I, Sri ...R.M. TRIPATHI s/o SHRI G.M. TRIPATHI
Present working as.....Director, Assam & Nagaland GDC aged
about 52 years do hereby verify that the statements made in paragraphs
1 to 3, 4A to 4E, 6, 7 and 14 are true to my knowledge and belief, those made
in paragraphs 4A, 4F to 4H, 5, 8 to 13, 15 and 16 being matters of records of
the case are true to my information derived therefrom which I believe to be
true and the rests are my humble submission before the Hon'ble Tribunal. I
have not suppressed any material fact before the Hon'ble Tribunal,

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


SIGNATURE
(आर.एम. त्रिपाठी)
(R. M. TRIPATHI)
निदेशक /DIRECTOR
असम एवं नागालैण्ड जी.डी.सी.
ASSAM & NAGALAND GDC

ANNEXURE II

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

26 NOV

गुवाहाटी न्यायाधीश
Guwahati Bench

Government of India
Ministry of Finance
Department of Expenditure

New Delhi the 19th Oct. 1994

OFFICE MEMORANDUM

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

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

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

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

- (a) Minimum period of service for placement from the post carrying scale of Rs. 875-1540 to Rs. 1200-2040 (pre-revised scale Rs. 260-430 to Rs. 330-560). 7 years
- (b) Minimum period of service for placement from the post carrying scale of Rs. 1200-2040 to Rs. 1400-2300 (pre-revised Rs. 330-560 to Rs. 425-700). 5 years
- (c) Minimum period of service for placement from the post carrying scale of Rs. 1400-2300 to Rs. 1600-2660 (Pre-revised Rs. 425-700 to Rs. 550-750). 4 years

P.T.O.

26 NOV

गुवाहाटी न्यायाधीश
Guwahati Bench

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Annexure-3 (Contd.)

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

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

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

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

Ram Kumar

Annexure II

भारत सरकार
विज्ञान और प्रौद्योगिकी मंत्रालय

विज्ञान और प्रौद्योगिकी विभाग

टेक्नोलॉजी भवन, नया महरौली मार्ग, नई दिल्ली-110016

GOVERNMENT OF INDIA
MINISTRY OF SCIENCE & TECHNOLOGY

Department of Science & Technology
Technology Bhavan, New Mehrauli Road, New-Delhi-110016

तार/Telegram : SCIENCTECH

दूरभाष/Phone : (EPABX)

73381, 73317, 73280
6864370, 6862418

Central Administrative Tribunal
26 NOV 2000
F.R.-10. गुवाहाटी बेंच
Guwahati Bench
Dated : 16 October, 2000.

No. SM/04/010/2000

To

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

(Attention: Shri Jaswant Rai, Deputy Surveyor General)

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

Sir,

I am directed to refer to your letter No.E2-5736/1196-B(T.R. Sharma) dated 28.9.2000 on the subject mentioned above. The problems being faced in implementation of the Tribunal's directions has been considered in the Department and SOI is requested to implement the directions of the Tribunal by taking the service already rendered in the grade of Rs. 330-480 (Grade-III) and keep them in the scale of pay of Rs. 425-600 (Grade-II) till completion of five years. After completion of five years service in the two Grade combined, Grade-III and Grade-II in the pay scale of Rs. 330-480 and Rs. 425-600, they may be placed in the scale of pay of Rs. 425-700. By applying this the eligibility conditions of five years prescribed for placing them in the scale of pay of Rs. 425-700 would be met. After 1.1.1996, the applicants would be placed in the scale of pay of Rs. 5000-8000 instead of Rs. 4500-7000. SOI is requested to take immediate necessary action and intimate the Department the action taken in the matter.

Yours faithfully,

K.P. Nair
16.10.2000
(K.P. Nair)
Officer on Special Duty

C-1721-E2
17.10.2000

सर्वोच्च न्यायालय
दिल्ली
17.10.2000

Now Delhi, dated June

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

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

26 NOV

गुवाहाटी न्यायाधीश
Guwahati Bench

In pursuance of an award of the Board of Arbitration, Draughtsmen in the 3rd CPC pay scales of Rs.425-700, Rs.330-560 and Rs.260-430 respectively were placed in the higher pay scales of Rs.550-750, Rs.425-700 and Rs.330-560 respectively. Orders were also issued subsequently in this Department's O.M. No.F.5(59)-E.III/82 dated March 13, 1984 extending these scales of pay to Draughtsmen in all the Government of India offices notionally from May 13, 1982 and actually from November 1, 1983, subject to their recruitment qualifications being similar to those applicable in the Central Public Works Department. Following further consideration, orders were issued in this Department's O.M. No.13(1)-IC/91 dated October 19, 1994 extending the corresponding 4th CPC pay scales to even those not possessing the prescribed qualifications, subject to the condition that they had instead rendered the length of service prescribed therein specifically for the purpose.

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

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

Minimum period of service to be rendered for placement from the scale of Rs.3200-4900 (1994)

5 years

revised: Rs. 975-1540) to the
scale of Rs. 4000-6000 (pre-
revised: Rs. 1200-2040)

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

8 years

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

6 years

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

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

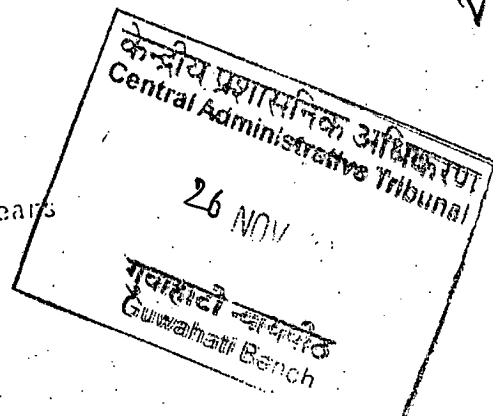
6. Draughtsmen who have already been covered by the orders contained in the O.M.s dated March 13, 1984 and October 19, 1994 shall be eligible to be placed only in the applicable revised scales of pay already approved for the common category of Draughtsmen in pursuance of the recommendations of the Fifth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

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

8. Hindi version will follow.

(MANOJ JOSHI)
Deputy Secretary to the Government of India

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



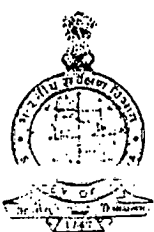
भारतीय सर्वेक्षण विभाग
SURVEY OF INDIA

Annexure - IV

-21-

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तार : "महासर्वेक्षक"
Telegram : "SURVEYS"
फैक्स व दूरभाष : 0091-135-2744064
Fax-cum-Telophone : 0091-135-2744064
ई-मेल : sgo@nde.vsnl.net.in
E-Mail : sgo@nde.vsnl.net.in



महासर्वेक्षक का कार्यालय
SURVEYOR GENERAL'S OFFICE
डाक बक्स सं० 37, POST BOX No.37,
देहरादून-248001 (उत्तरांचल)-भारत।
DEHRA DUN-248001 (Uttaranchal), INDIA

No. E2- 9088 /1968-Group-'C'

To,

The Secretary to the Govt. of India,
Ministry of Science & Technology,
Department of Science & Technology,
Technology Bhawan, New Mehrauli Road,
New Delhi. 110016

(Kind attention:- Shri R.Mahendra, Under Secretary)

SUB: AMENDMENT IN THE GAZETTE NOTIFICATION NO. 28 DATED JULY 9 - JULY 15, 2006 - Regarding Survey of India. Gp 'C' Non-Ministerial. D/Man cadre Posts Recruitment Rules, 2006.

Sir,

I have the honour to invite Ministry's kind attention to their letter No. SM/02/023/04 dated 29-06-2006 under which a copy of above said Notification had been sent to the Manager, Government of India Press, Ring Road, Mayapuri Industrial Area, New Delhi (With Hindi Version) to be published in the Gazette of India Part-II section-3 sub section (i) with a copy to this office.

The above said Notification has been published in Gazette of India vide Gazette Notification No. 28 (Dated July 9 - July 15, 2006) and extract copy of the same is enclosed for your ready reference.

The English version of above Gazette Notification is not identical with the Hindi version and the following corrections are essentially to be carried out as detailed below:-

| Existing entries in the Schedule | Corrections required in the Schedule |
|--|---|
| (i) <u>Col. 12 in respect of D/Man Gde.I</u> <u>Promotion</u> (Page No. 818) D/Man Gde.III with 8 years regular service in the Grade. | (i) <u>Col. 12 in respect of D/Man Gde.I</u> <u>Promotion</u> (Page No. 818) D/Man Gde.II with 6 years regular service in the Grade. |
| (ii) <u>Col. 2 in respect of D/Man Gde.II</u> <u>No. of Posts</u> (Page No. 818) 641 (2006) Subject to variation dependent. | (ii) <u>Col. 2 in respect of D/Man Gde.II</u> <u>No. of Posts</u> (Page No. 818) 400 (2006) Subject to variation dependent on the work load. |

Ministry is therefore requested to kindly forward aforesaid corrections to the Manager, Govt. of India Press, New Delhi for issuing corrigendum and a copy of the same may be made available to this office at the earliest.

Inconvenience caused is regretted please.

Yours faithfully,

(NAVEEN TOMAR)
DEPUTY SURVEYOR GENERAL &
ASSISTANT SURVEYOR GENERAL
for SURVEYOR GENERAL OF INDIA.

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03/07/07



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

26 NOV 70

गुवाहाटी न्यायाधीश
Guwahati Bench

सं. 281

No. 281

नई दिल्ली, जुलाई 9-जुलाई 15, 2006, शनिवार/आषाढ़ 18-आषाढ़ 24, 1928
NEW DELHI, JULY 9-JULY 15, 2006, SATURDAY/ASADHA 18-ASADHA 24, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

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

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) और केन्द्रीय अधिकारियों (संय राज्य क्षेत्र प्रशासनों को छोड़कर) द्वारा विधि के अंतर्गत बनाए और जारी किए गए साधारण सांविधिक नियम (जिनमें साधारण प्रकार के आदेश), उप-नियम आदि सम्मिलित हैं)

General Statutory Rules (Including Orders, Bye-laws etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Central Authorities (other than the Administrations of Union Territories)

विधि एवं न्याय मंत्रालय

(न्याय विभाग)

नई दिल्ली, 29 जून, 2006

सा.का.नि. 162.—राष्ट्रपति, भारत के संविधान के अनुच्छेद 222 के खंड (2) के अनुसरण में एतद्वारा निम्नलिखित आदेश देते हैं,
अर्थात् :-

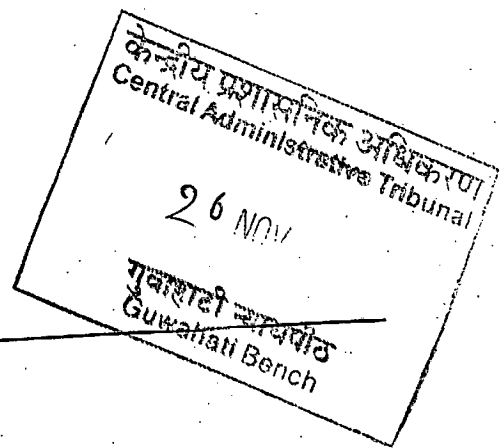
राजस्थान उच्च न्यायालय के न्यायाधीश, न्यायविद् श्री यादराम-मोणा, जिन्हें गुजरात उच्च न्यायालय के न्यायाधीश के रूप में स्थानांतरित किया गया है, अपने मूल उच्च न्यायालय अर्थात् राजस्थान उच्च न्यायालय से बाहर अपने कर्तव्यों का निर्वहन करने की अवधि तक, अपने वेतन के अतिरिक्त, मूल वेतन के 10% और प्रतिमाह स्वीकार्य मंहगाई वेतन के 10% की दर से प्रतिपूर्ति भत्ता पाने के पात्र होंगे।

[सं. के-11017/3/2006-यूएस-1/II]

डॉ. पी. के. सेठ, संयुक्त सचिव

Note: The principal rules were published vide notification number G.S.R. 1475, dated the 30th July, 1968 and subsequently amended by:—

- (i) No. G.S.R. 506, dated 10-04-1971.
- (ii) No. G.S.R. 382, dated 18-03-1980
- (iii) No. G.S.R. 749, dated 03-08-1981
- (iv) No. G.S.R. 53, dated 23-12-1982.



विज्ञान और प्रौद्योगिकी मंत्रालय

(विज्ञान और प्रौद्योगिकी विभाग)

नई दिल्ली, 29 जून, 2006

सा.का.नि. 175.—संघपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए विज्ञान और प्रौद्योगिकी मंत्रालय के अधीन विज्ञान और प्रौद्योगिकी विभाग, भारतीय सर्वेक्षण विभाग में (नक्शानवीस काडर) समूह 'ग' के पदों पर भर्ती की पद्धति का विनियमन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :-

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम भारतीय सर्वेक्षण विभाग, समूह 'ग', अनुसूचिवीय, नक्शानवीस काडर पद भर्ती नियम, 2006 है।

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

2. पद-संख्या, वर्गीकरण और वेतनमान.—उक्त पदों की संख्या, उनका वर्गीकरण और उनका वेतनमान वे होंगे, जो इन नियमों से उपाबद्ध अनुसूची के स्तंभ (2) से स्तंभ (4) में विनिर्दिष्ट हैं।

3. भर्ती की पद्धति, आयु-सीमा, और अन्य अर्हताएं आदि.—उक्त पदों पर भर्ती की पद्धति, आयु-सीमा और अर्हताएं और उससे संबंधित अन्य बातें वे होंगी जो उक्त अनुसूची के स्तंभ (5) से स्तंभ (14) में विनिर्दिष्ट हैं।

4. आरंभिक गठन.—इन नियमों से उपाबद्ध अनुसूची में वर्णित पदों के ऐसे पदधारियों को, जो इन नियमों के प्रारंभ होने की तारीख को नियमित आधार पर ऐसे पद धारण किए हुए हैं, इन नियमों के अधीन नियुक्त किया गया समझा जाएगा।

5. निरर्हता.—वह व्यक्ति—

- (क) जिसने ऐसे व्यक्ति से जिसका पति या जिसकी पत्नी जीवित है, विवाह किया है, या
- (ख) जिसने अपने पति या अपनी पत्नी के जीवित रहते हुए किसी अन्य व्यक्ति से विवाह किया है,

उक्त पद पर नियुक्ति का पात्र नहीं होगा :

परन्तु यदि केन्द्रीय सरकार का यह समाधान हो जाता है कि ऐसा विवाह, ऐसे व्यक्ति और विवाह के अन्य पक्षकार को लागू स्वीय विधि के अधीन अनुज्ञेय है और ऐसा करने के लिए अन्य आधार हैं, तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकेगी।

6. शिथिल करने की शक्ति.—जहां केन्द्रीय सरकार की यह राय है कि ऐसा करना आवश्यक या समीचीन है, वहां वह उसके लिए जो कारण हैं उन्हें लेखबद्ध करके इन नियमों के किसी उपबंध को किसी वर्ग या प्रवर्ग के व्यक्तियों की बाबत, आदेश द्वारा शिथिल कर सकेगी।

7. व्यावृत्ति.—इन नियमों की कोई बात, ऐसे आरक्षणों, आयु-सीमा में छूट और अन्य रियायतों पर प्रभाव नहीं डालेगी, जिनका केन्द्रीय सरकार द्वारा इस संबंध में समय-समय पर निकाले गए आदेशों के अनुसार अनुसूचित जातियों, अनुसूचित जनजातियों भूतपूर्व सैनिकों तथा अन्य विशेष प्रवर्ग के व्यक्तियों के लिए उपबंध करना अपेक्षित है।

1478 6I/06-7

आनुगृही

| पद का नाम | पदों की संख्या | वर्गीकरण | तैयारीमान | चयन अभ्यास अचयन पद | सेवा में जोड़े गए वर्षों का फायदा केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 के तहत 30 के अधीन अनुज्ञेय है या नहीं | सीधे भर्ती दि वाले व्यक्तियों आयु-सीमा |
|-----------|----------------|----------|-----------|-----------------------|--|--|
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| नक्शानवीस श्रेणी-I | 300* (2006) *कार्यभार के आधार पर परिवर्तन किया जा सकता है। | साधारण केन्द्रीय सेवा समूह 'ग' (अराजपत्रित, अननुसचिवीय) | 5500-175- 9000 च. | चयन | लागू नहीं होता | लागू नहीं होता |

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| सीधे भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षित शैक्षिक और अन्य अर्हताएं | सीधे भर्ती किए जाने वाले व्यक्तियों के लिए विहित आयु और शैक्षणिक अर्हताएं, प्रोन्नत व्यक्तियों की दशा में लागू होगी या नहीं | परिदीक्षा की अवधि, यदि कोई हो | भर्ती की पद्धति : भर्ती सीधे ह या प्रोन्नति द्वारा या प्रतिनियुक्ति द आमेलन द्वारा तथा विभिन्न पद द्वारा भरे जाने वाले पदों की प्रां |
| 8 | 9 | 10 | 11 |
| लागू नहीं होता | लागू नहीं होता | लागू नहीं होता | प्रोन्नति द्वारा |

| | | |
|---|--|---|
| प्रोन्नति/प्रतिनियुक्ति/आमेलन द्वारा भर्ती की दशा में वे श्रेणियां जिनसे प्रोन्नति/प्रति- नियुक्ति/आमेलन किया जाएगा | यदि विभागीय प्रोन्नति समाप्त है तो उसकी संरचना | भर्ती करने में परिस्थितियों लोक सेवा अ परामर्श किय |
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| 12 | 13 | 14 |
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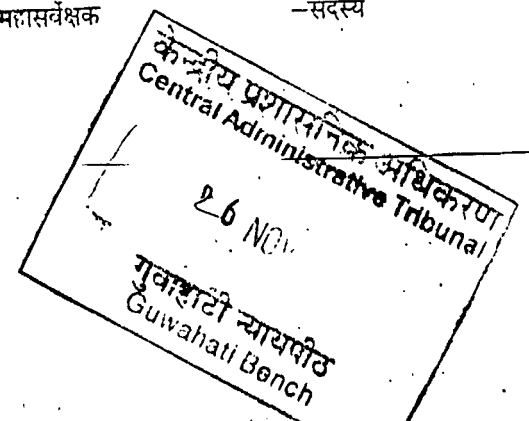
प्रोन्नति :

ऐसे नक्शानवीस श्रेणी II जिन्होंने उस श्रेणी में
नियमित रूप से छः वर्ष सेवा की है।

टिप्पण : जहां ऐसे कनिष्ठ व्यक्तियों के संबंध
में जिन्होंने अपनी अर्हक/पात्रता सेवा पूरी कर ली
है, प्रोन्नति के लिए विचार किया जा रहा हो
वहां उनसे ज्येष्ठ व्यक्तियों के संबंध में भी विचार
किया जाएगा परंतु यह तब जब कि उसके द्वारा
की गई ऐसी अर्हक/पात्रता सेवा, अपेक्षित
अर्हक/पात्रता सेवा के आधे से अधिक से या दो
वर्ष से, इनमें से जो भी कम हो, कम न हो और
उन्होंने अपने ऐसे कनिष्ठ व्यक्तियों सहित जिन्होंने
ऐसी अर्हक/पात्रता सेवा पहले ही पूरी कर ली है,
अगली उच्चतर श्रेणी में प्रोन्नति के लिए अपनी

समूह 'ग' विभागीय प्रोन्नति समिति में निम्नलिखित होंगे:

1. उप महासर्वेक्षक, (प्रशासन) - अध्यक्ष
2. भारतीय शायक्षण से भिन्न किसी
कार्यालय से समूह 'क' का एक
आधिकारी
3. समूह 'क' का ज्येष्ठतम अधिकारी - सदस्य
जो अनुसूचित जातियों/अनुसूचित
जनजातियों का हो (जिसके न हो
सकने पर समूह 'ख' का ज्येष्ठतम
आधिकारी जो अनुसूचित जातियों/
अनुसूचित जनजातियों का हो)
4. शाखायक महासर्वेक्षक - सदस्य



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| 2. नक्शानवीस श्रेणी-II | 400* (2006) */कार्यभार के आधार पर परिवर्तन किया जा सकता है) | साधारण केन्द्रीय सेवा समूह 'ग' (अराजपत्रित, अनुसूचित) | 5000-150- 8000 रु. | चयन | लागू नहीं होता | लागू नहीं होता |

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| लागू नहीं होता | लागू नहीं होता | लागू नहीं होता | प्रोन्नति द्वारा |

| 12 | 13 | 14 |
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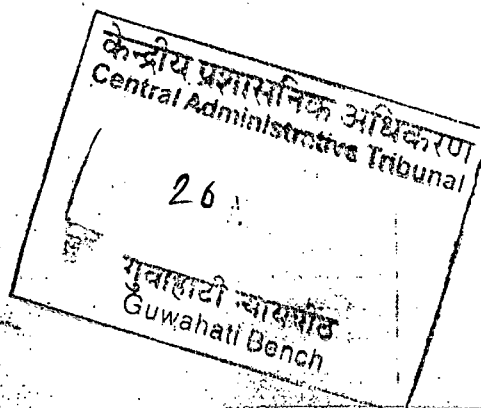
| | | |
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| प्रोन्नति :- ऐसे नक्शानवीस श्रेणी III जिन्होंने उस श्रेणी में नियमित रूप से आठ वर्ष सेवा की है। टिप्पणी :- जहाँ ऐसे कनिष्ठ व्यक्तियों के संबंध में जिन्होंने अपनी अर्हक/पात्रता सेवा पूरी कर ली है, प्रोन्नति के लिए विचार किया जा रहा हो वहाँ उनके ज्येष्ठ व्यक्तियों के संबंध में भी विचार किया जाएगा परंतु यह तब जब कि उसके द्वारा की गई ऐसी अर्हक/पात्रता सेवा, अपेक्षित अर्हक/पात्रता सेवा के आधे से अधिक से या दो वर्ष से, इनमें से जो भी कम हो, कम न हो और उन्होंने अपने ऐसे कनिष्ठ व्यक्तियों सहित, जिन्होंने ऐसी अर्हक/पात्रता सेवा पहले ही पूरी कर ली है, अगली उच्चतर श्रेणी में प्रोन्नति के लिए अपनी परिवीक्षा की अवधि सफलतापूर्वक पूरी कर ली हो। | समूह 'ग' विभागीय प्रोन्नति समिति में निम्नलिखित होंगे : 1. उप-महासर्वेक्षक, (प्रशासन) -अध्यक्ष 2. भारतीय सर्वेक्षण से भिन्न किसी कार्यालय से समूह 'क' का एक अधिकारी 3. समूह 'क' का ज्येष्ठतम अधिकारी -सदस्य जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो (जिसके न हो सकने पर समूह 'ख' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/ अनुसूचित जनजातियों का हो) 4. सहायक महासर्वेक्षक -सदस्य | लागू नहीं होता |
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| 3. नक्शानवीस श्रेणी-III | **641*(2006) *(कार्यभार के आधार पर परिवर्तन किया जा सकता है) | साधारण केन्द्रीय सेवा समूह 'ग' (अराजपत्रित, अनुसूचित) | 4000-100- 6000 रु. | चयन | नहीं | 18 से 27 वर्ष के बीच। (केन्द्रीय सरकार द्वारा समय-समय पर जारी किए गए अनुदेशों या आदेशों के अनुसार सरकारी सेवकों के लिए ऊपरी आयु-सीमा शिथिल करके 35 वर्ष तक की जा सकेगी।) टिप्पणी : आयु-सीमा अवधारित करने के लिए निर्णायक तारीख भारत में अभ्यर्थियों से आवेदन प्राप्त करने के लिए नियत की गई अंतिम तारीख होगी (न कि वह तारीख जो असम, मेघालय, अरुणाचल प्रदेश, मिजोरम, मणिपुर, नागालैंड, त्रिपुरा, सिक्किम, जम्मू-कश्मीर राज्य के लद्दाख खंड, |

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हिमाचल प्रदेश के लाहोल और जिले तथा चम्बा-जिले के उपखंड, अंदमान और निकोबार या लक्षद्वीप के अभ्यर्थियों के लिए विहित की गई है।

रोजगार कार्यालयों के माध्यम से की जाने वाली नियुक्ति की दशा में, आयु-सीमा अवधारित करने के लिए निर्णायक तारीख वह अंतिम तारीख होगी जिस पर रोजगार कार्यालयों से नाम भेजने के लिए कहा गया है।

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| <p>आवश्यक :</p> <p>(1) 10+2 या समतुल्य जिसमें गणित एक मुख्य विषय के रूप में हो।</p> <p>(2) नक्शानवीस (सिविल) में या औद्योगिक प्रशिक्षण संस्थान में सिविल इंजीनियरी में दो वर्ष का पाठ्यक्रम या समतुल्य।</p> <p>(3) जो सर्वांगीण दृष्टि रखता हो।</p> | लागू नहीं होता | दो वर्ष | <p>सीधे भर्ती द्वारा</p> <p>टिप्पण : श्रेणी IV/स्थला-कृतिक प्रशिक्षार्थी प्रकार 'ख' (नक्शानवीस) में वर्तमान पद-धारियों के प्रोन्नत/सेवानिवृत्त किए जाने तक व्यवसाय परीक्षण के द्वारा शतप्रतिशत प्रोन्नति। उसके पश्चात् शतप्रतिशत सीधे भर्ती द्वारा।</p> |
| 12 | 13 | 14 | |
| लागू नहीं होता | <p>समूह 'ग' विभागीय प्रोन्नति समिति (विभागीय स्तर) :</p> <ol style="list-style-type: none"> उप महासचिव, (प्रशासन) —अध्यक्ष भारतीय सर्वेक्षण से भिन्न किसी कार्यालय से समूह 'क' का एक अधिकारी समूह 'क' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो (जिसके न हो राकने पर समूह 'ख' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो) —सदस्य सहायक महासचिव —सदस्य <p>सर्किल स्तर</p> <ol style="list-style-type: none"> संबंधित निदेशक —अध्यक्ष भारतीय सर्वेक्षण से भिन्न किसी कार्यालय से समूह 'क' का एक अधिकारी —सदस्य | लागू नहीं होता। | |

3. समूह 'क' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/अनुसूचित जनजातों का है।
सकने पर समूह 'ख' का ज्येष्ठतम अधिकारी जो अनुसूचित जातियों/अनुसूचित जनजातियों का हो।
4. संबन्धित सर्किल का उप निदेशक (प्रशासन)

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-सदस्य

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Guwahati Bench

*टिप्पणी :- वर्तमान में, इन पदों में नक्शानवीस श्रेणी IV भी सम्मिलित है। जब नक्शानवीस श्रेणी IV प्रोन्नति द्वारा या अन्यथा सेवानिवृत्ति किए जाएं तब सभी 641 पद, नक्शानवीस श्रेणी III के लिए होंगे। वर्तमान पदधारी (स्थलाकृतिक प्रशिक्षार्थी प्रकार 'ख' (नक्शानवीस) और नक्शानवीस श्रेणी IV); नक्शानवीस श्रेणी III के पद पर, स्थलाकृतिक प्रशिक्षार्थी प्रकार 'ख' (नक्शानवीस) और नक्शानवीस श्रेणी IV में सात वर्ष की सेवा पूर्ण किए जाने पर प्रोन्नत होंगे। रिक्तियों की उपलब्धता के आधार पर विभागीय प्रोन्नति समिति द्वारा प्रोन्नति की जाएगी। नक्शानवीस श्रेणी II के 400 पर आने तक नक्शानवीस श्रेणी III के पद से कोई प्रोन्नति नहीं की जाएगी।

[फा. सं. एस. एम./02/023/2004]

आर. प्रसाद, अवर सचिव

MINISTRY OF SCIENCE AND TECHNOLOGY
(Department of Science and Technology)

New Delhi, the 29th June, 2006

G.S.R. 175.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the Group 'C', (Draftsman Cadre) in the Survey of India, Department of Science and Technology under the Ministry of Science and Technology, namely :—

1. **Short title and commencement.**—(1) These Rules may be called the Survey of India, Group 'C', Non-Ministerial, Draftsman Cadre posts Recruitment Rules, 2006.

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

2. **Number of Posts, Classification and Scale of Pay.**—The number of the said posts, their classification and the scale of pay attached thereto shall be as specified in columns (2) to (4) of the Schedule, annexed to these rules.

3. **Method of recruitment, age-limit and other qualifications, etc.**—The method of recruitment, age limit, qualifications and other matters relating to the said posts shall be as specified in columns (5) to (14) of the said Schedule.

4. **Initial Constitution.**—The incumbents of the posts mentioned in the Schedule annexed to these rules who are holding such posts on regular basis on the date of commencement of these rules shall be deemed to have been appointed under the provisions of these rules.

5. **Disqualifications.**—No persons,—

- who has entered into or contracted a marriage with a person having a spouse living, or
- who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said post :

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

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

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7. **Saving.**—Nothing in these rules shall affect reservations, relaxations of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Ex-servicemen and other special categories of persons as provided by the Central Government from time to time in this regard.

SCHEDULE

| SCHEDULE | | | | | |
|--|--|---|-----------------------------|--|--|
| Name of the post | Number of posts | Classification | Scale of pay | Whether selection post or non-selection post | Whether benefit of added years of service admissible under rule-30 of the Central Civil Services (Pension) Rules, 1972 |
| 1 | 2 | 3 | 4 | 5 | 6 |
| Draftsman Grade-I | 300* (2006) *Subject to variation dependent on workload. | General Central Service, Group 'C', Non-Gazetted, Non-Ministerial. | Rs. 5500-175-9000 | Selection | Not applicable |
| Age limit for direct recruits. | Educational and other qualifications required for direct recruits | Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees | Period of probation, if any | Method of recruitment whether by direct recruitment or by promotion or by deputation/absorption and percentage of the posts to be filled by various methods. | |
| 7 | 8 | 9 | 10 | 11 | |
| Not applicable | Not applicable | Not applicable | Not applicable | By promotion. | |
| In case of recruitment by promotion/deputation/absorption grades from which promotion/deputation/absorption to be made | | If any Departmental Promotion Committee exists what is its composition | | Circumstances in which Union Public Service Commission is to be consulted in making | |
| 12 | B | | | | 14 |
| Promotion: Draftsman Grade III with eight years regular service in the grade. | Group 'C' Departmental Promotion Committee consisting of:— | | | | Not applicable. |
| Note: Where juniors who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years, whichever is less and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying/eligibility service. | 1. Deputy Surveyor General (Administration) — Chairman 2. One Group 'A' Officer from Office other than Survey of India ---Member 3. Senior most Group 'A' Officer belonging to Scheduled Castes/ Scheduled Tribes (failing which senior most Group 'B' officer belonging to the Scheduled Castes/ Scheduled Tribes. —Member 4. Assistant Surveyor General —Member | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 2 Draftsman Grade-II | 400 (**641*)(2006) *Subject to variation dependent | General Central Service, Group 'C', Non-Gazetted, Non-Ministerial. | Rs. 5000-150-9000 | Selection | No applicable |

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Guwahati Bench

| 7 | 8 | 9 | 10 | 11 |
|----------------|----------------|----------------|----------------|---------------|
| Not applicable | Not applicable | Not applicable | Not applicable | By promotion. |
| | | 13 | | 14 |

Promotion:-

Draftsman Grade-III with eight years regular service in the grade.

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

Committee consisting of:-

1. Deputy Surveyor General (Administration) — Chairman
2. One Group 'A' Officer from Office other than Survey of India. — Member
3. Senior most Group 'A' Officer belonging to Scheduled Castes/Scheduled Tribes (failing which senior most Group 'B' officer belonging to the Scheduled Castes/Scheduled Tribes. — Member
4. Assistant Surveyor General — Member

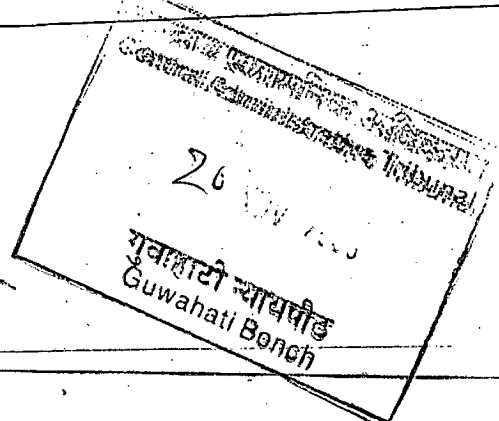
| 1 | 2 | 3 | 4 | 5 | 6 |
|-------------------------------------|---|--|-------------------|-----------|---------------|
| 3 rd Draftsman Grade-III | **641* (2006) *Subject to variation dependent on workload. | General Central Service, Group 'C', Non-Gazetted, Non-Ministerial. | Rs. 4000-100-6000 | Selection | No applicable |

| 7 | 8 | 9 | 10 |
|---|--|----------------|-----------|
| Between 18 to 27 years (Upper age limit relaxable for Government servants up to 35 years in accordance with the instructions or orders issued by the Central Government time to time in this regard). | Essential:- (1) 10+2 or equivalent with Mathematics as one of the main subject. (2) Two years Course in Draftsman (Civil) or in Civil Engineering of Industrial Training Institute or equivalent. (3) Should possess stereoscopic vision. | Not Applicable | Two years |

Note:- The crucial date for determining the age limit shall be closing date for receipt of application from the candidates in India (other than those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu & Kashmir Lahaul and Spiti District and Pangti Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep).

In case of recruitment through the Employment Exchange, the crucial date for determining the age limit shall be the last date up to which the Employment Exchange is asked to submit the names of the candidates.

| 11 | 12 | 13 | 14 |
|--|----------------|---|-----------------|
| By direct recruitment | Not applicable | Group 'C' Departmental Promotion Committee (Departmental Level) consisting of:- 1. Deputy Surveyor General (Administration) — Chairman | Not Applicable. |
| Note:- 100% by promotion by trade test till present incumbents in Grade IV/Topo Trainee Type 'B' (Draftsman) are promoted/wasted | | | |



11

12

13

14

out. Thereafter, 100% by direct recruitment.

2. One Group 'A' Officer from —Member
an Office other than Survey

3. Senior most Group 'A' Officer —Member
belonging to Scheduled Castes/
Scheduled Tribes (failing which
senior most Group 'B' officer belonging
to the Scheduled Castes/Scheduled Tribes.

4. Assistant Surveyor General —Member
Circle Level.

1. Director Concerned —Chairman

2. One Group 'A' Officer from —Member
an office other than Survey of
India—

3. Senior most Group 'A' Officer —Member
belonging to Scheduled Castes/
Scheduled Tribes (Failing which
senior most Group 'B' officer be-
longing to the Scheduled Castes/
Scheduled Tribes.

4. Deputy Director (Administration) —Member
of Concerned Circle.

**** NOTE.**—At present these posts include Draftsman Grade IV also. When Draftsman Grade IV are wasted out by promotion or other wise, all the 641 posts will be for Draftsman Grade III. The present incumbents (Topo Trainee Type 'B' (Draftsman) and Draftsman Grade IV) will be promoted to the post of Draftsman Grade III after completion of 7 years service in the Topo Trainee Type 'B' (Draftsman) and Draftsman Grade IV. Promotion will be done by the Departmental Promotion Committee subject to availability of vacancies. No promotion will be made from the post of Draftsman Grade III till the Draftsman Grade II comes to 400.

[F. No. SM/02/023/2004]

R. PRASAD, Under Secy.

MINISTRY OF HEALTH AND FAMILY WELFARE

CORRIGENDUM

New Delhi, the 7th July, 2006

G.S.R. 176.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Ministry of Health and Family Welfare, Regional Drug testing Laboratory, Guwahati (Senior Scientific Assistant, Group 'B' Recruitment Rules 2004, namely:—

1. (1) These Rules may be called the Ministry of Health and Family Welfare, Regional Drug Testing Laboratory, Guwahati, (Senior Scientific Assistant, Group 'B') (Amendment) Recruitment Rules, 2006.

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

2. In the opening paragraph of the Ministry of Health and Family Welfare, Regional Drug Testing Laboratory, Guwahati, (Senior Scientific Assistant, Group 'B') Recruitment Rules, 2004, for the words "Senior Technical Assistant", the following words shall be substituted, namely:—

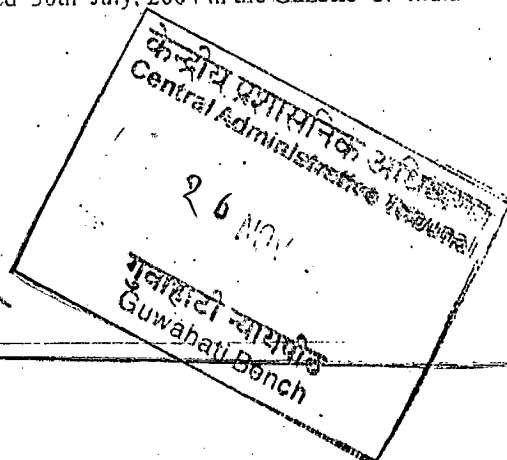
"Senior Scientific Assistant".

[F. No. A-12018/172—2-D]

NITA KEJREWAL, Under Secy.

Foot Note.—The principal rules were published Vide G. S. R. No. 279 dated 30th July, 2004 in the Gazette of India

Notification.



भारत सरकार
विज्ञान और प्रौद्योगिकी मंत्रालय
विज्ञान और प्रौद्योगिकी विभाग

तार/Telegram : SCIENCTECH
दूरभाष/Phone : (EPABX)
6567373/6962819
फैक्स/Fax : 6864570, 6862418

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

**MOST IMMEDIATE/COURT CASE
BY FAX NO. 0364-224937**

No..SM/04/010/2000

Date:19 April, 2000.

To

The Director,
North Eastern Circle,
Bonnie Brae Estate,
SHILLONG - 793 001.

Sub: Contempt petition filed by Shri T.R. Sharma & Others in the
Central Administrative Tribunal, Guwahati Bench, Guwahati.

Sir,

I am directed to refer to SOI letter No.LC-2015/1196-C (T.R.Sharma) dated 3.4.2000 on the above mentioned subject and to intimate that the matter has been considered and it has been decided to implement the judgement of the Hon'ble Central Administrative Tribunal, Guwahati Bench dated 17.7.1997 for applicants only. You are requested to kindly take immediate action to implement the judgement. The Hon'ble Central Administrative Tribunal, Guwahati Bench may be informed of the decision by filing suitable affidavit.

The matter may kindly be given TOP PRIORITY.

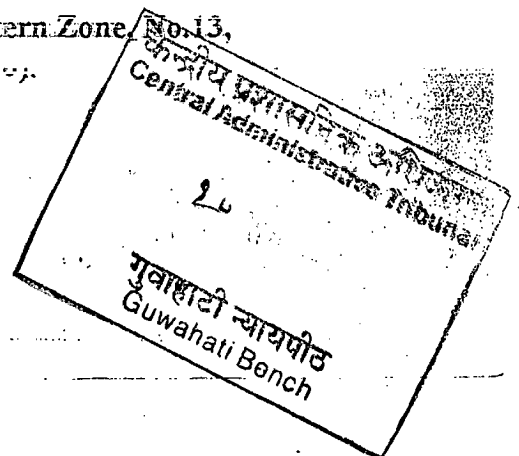
Yours faithfully,

(K.P. Nair)

Officer on Special Duty

Copy to:

1. The Surveyor General of India, Survey of India, Dehra Dun, (FAX NO. 0135-744064) Attention: Shri K.L. Kararha, Superintending Surveyor.
2. The Addl. Surveyor General, Survey of India, Eastern Zone, No.13, Central Administrative Tribunal, Guwahati Bench.



CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

Delhi this the 7th day of February, 2002

able Smt. Lakshmi Swaminathan, Vice Chairman (J)

able Shri S.A.T. Rizvi, Member (A)

Draughtsmens' (Cartographic)
Association,
Survey of India,
Through Shri R.P. Bhartiya,
Assistant Secy. General,
West Block-4, R.K. Puram,
New Delhi-110066

J.P. Dhyani S/o late Sh. R.D. Dhyani
Directorate of Survey (AIR),
Wing No. 4, IInd Floor, West Block-4,
R.K. Puram, New Delhi-110066

Sukkhan Singh S/o Late Sh. Nakli Singh
No. 94 (AM) Party, Survey of India,
West Block No. 4, Ground Floor,
Wing No. 4, R.K. Puram,
New Delhi-110066.

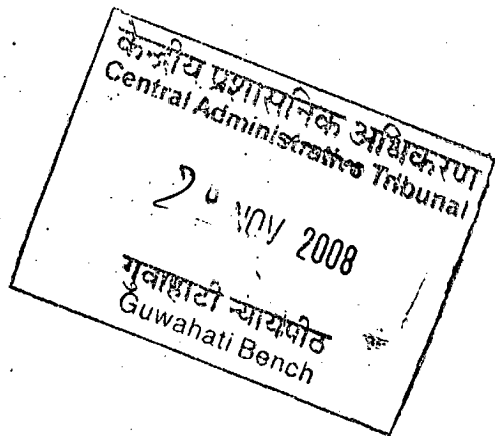
Advocate Shri K.B.S. Rajan)

VERSUS

Union of India Through
The Secretary, Ministry of Science & Tech.
New Mehrauli Road,
New Delhi 110 016

The Surveyor General
Survey of India
Block B, Mathi Barkala Estate,
Dehra Dun, U.P. 248001

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



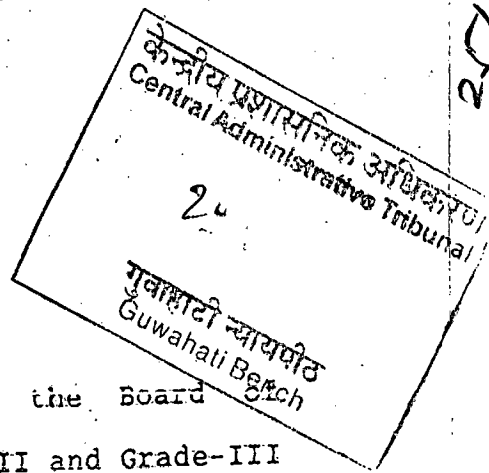
...APPLICANTS

Respondents

-2-

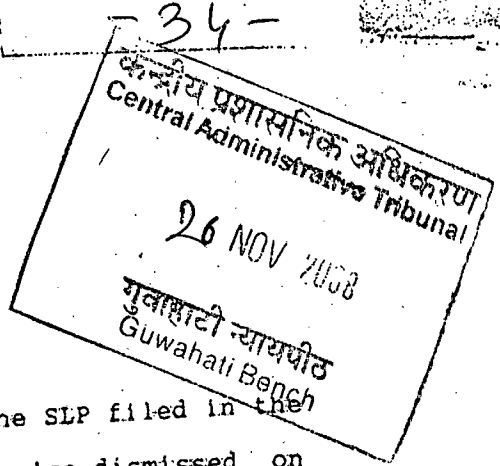
O R D E R (ORAL)

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



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

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



-3-

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

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

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

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
26 NOV 2008
गुवाहाटी न्यायाधीश
Guwahati Bench

-5-

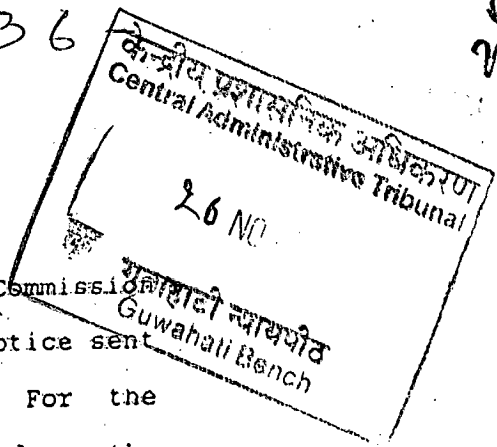
applicants without any manner of doubt, as they are all similarly placed persons. We do agree. d

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

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

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

Central Administrative Tribunal
Guwahati Bench

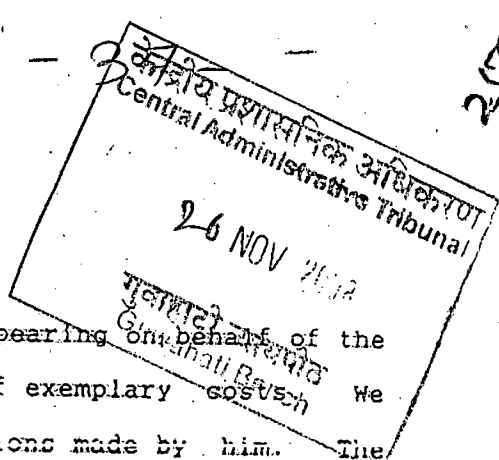


Paragraph 126.5 of the 5th Central Pay Commission recommendations reproduced by him in the legal notice sent on behalf of the applicants on 18.6.2001 (A-9). For the sake of convenience, we would like to reproduce the relevant portion taken therefrom as follows:

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

5. On consideration, we find that the contention raised by the learned counsel is ^{wholly} ~~partly~~ in accord with the law laid down by the Apex Court in the various cases referred to in the above extract. The order passed by the High Court upholding the Tribunal's orders in this case is, ^{to be} ~~regarded~~ ^{according to them} as a judgment in rem and the benefit flowing therefrom must, therefore, reach the





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

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

(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

SRD

RECEIVED
CERTIFIED TRUE COPY
Dated

12/11/02
Section Officer (J-1)
Section Officer (J-1)

Control

भारतीय सर्वेक्षण विभाग
SURVEY OF INDIA

Appendix VII

- 38 -

महासर्वेक्षक का कार्यालय
SURVEYOR GENERAL'S OFFICE
डाक बक्स सं 37, पोस्ट BOX No.37,
देहरादून-248007 (Uttarakhand)-भारत।



COURT CASE/MOST IMMEDIATE/FAX

/1196-B(D/Man Association)

No.E2-1423

To,

Addl. SGs: MP GDC/Rajasthan GDC./Maharashtra & Goa
GDC/AP GDC
Directors: Haryana GDC/UA GDC/NGDC/DMC/G&RB/Punjab
Chandigarh GDC/Himachal Pradesh GDC/Meghalaya &
Arunachal Pradesh GDC/Chhatishgarh GDC/J&K GDC/Bihar
GDC/WB. Sikkim GDC/Tripura, Manipur & Mizoram GDC/
Assam & Nagaland GDC/Orrisa GDC/Jharkhand GDC/B&P/
Karnataka GDC/Tamilnadu, Pondicherry & ANI GDC/NSDI/
Kerala & Lakshadweep GDC/Gujrat & Daman Diu GDC/GIS &
RSD/Survey (Air) & Delhi GDC/STI/ NPG/ SPG/WPG/EPG

Recommendations of the Vth CPC - Revision of Pay Scale of D'Man.

SUB:-

In pursuance of judgement/order passed on 27-02-2006 in O.A. No.457/2006 filed by D'Man (Cartographic) Association and others V/s Union of India & others by the Hon'ble CAT, PB, New Delhi and further judgement/order passed on 18-8-2006 in R No.63/2006 in OA No.457/2005 by Hon'ble CAT PB, New Delhi, now it is decided that C No.6/1/98-IC dated 01-6-2001 issued by Govt. of India, Min. of Finance, Deptt. of E (Implementation Cell) may be implemented to such of all those D'Man of the Deptt. who not derived the benefits envisaged in OM No.13(1)-IC/91 dated 19-10-1994.

As per the orders issued by the Min. of Finance under their OM No. 6/1/91 dated 01-6-2001, now all D'Man of the Department, who had not derived the benefits envisaged in OM No.13(1)-IC/91 dated 19-10-1994, should be granted the following scales of pay after rendering the minimum period of service as stipulated in the OM dated 01-06-2001 as detailed below :-

| Pay Scale | Minimum period of service |
|---|---------------------------|
| Minimum period of service to be rendered for placement from the Scale of Rs. 3200-4900 to Rs. 4000-6000 | 5 years |
| Minimum period of service to be rendered for placement from the Scale of Rs. 4000-6000 to Rs. 5000-8000 | 8 years |
| Minimum period of service to be rendered for placement from the Scale of Rs. 4500-7000 to Rs. 5500-9000 | 6 years |

Cc

The above benefits of higher scale of pay will be allowed with the condition and others V/s Union of India and others before the Hon'ble High Court, New Delhi. In this regard an undertaking to this effect may be obtained from each D'Man.

The Gazette Notification of revised recruitment rules 2006 of D'Man cadre, as per provision of OM No. dated 01-6-2001 is under publication in Govt. of India Press and will be issued in due course.

Further promotions to the higher scale will be made only against available vacancies in such higher grade in accordance with the normal eligibility criteria prescribed in the recruitment rules 2006 of D'Man cadre.

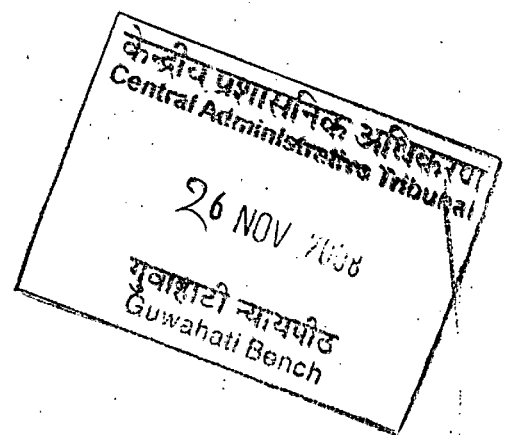
Necessary action regarding implementation of the OM dated 01-6-2001 may please be taken immediately and compliance report be sent to this office by 31-12-2006 positively.

(NAVEEN TOMER)

DEPUTY SURVEYOR GENERAL &
ASSISTANT SURVEYOR GENERAL,
for SURVEYOR GENERAL OF INDIA.

Copy to:-

- 1- Genl. Secy. D'Man Cartographic Association, for information with reference to this office letter No. E2-12747/1196-B(D'Man Asso) dated 30-10-2006.
- 2- Genl. Secy. Class-III Service Association, for information with reference to this office letter No. E2-12747/1196-B(D'Man Asso) dated 30-10-2006.
3. I/c Legal Cell (SGO), for information and further necessary action. He is requested that the Govt. Counsel may also be apprised of the above decision in subject cases accordingly.
- 4- OS, JCM/WSU/OS, LAP (SGO), for information and further necessary action.
- 5- File No. 1196-B (Anup Sharma).



- 40 -
258

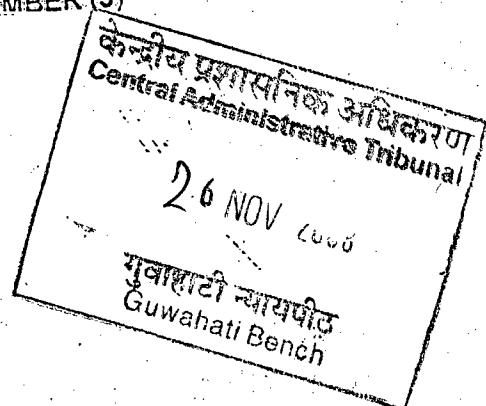
VIII
||

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.457/2005.

New Delhi, this the 27th day of February, 2006

HON'BLE MR. V.K. MAJOTRA, VICE CHAIRMAN (A)
HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)



1. Draughtsmens' (Cartographic) Association,
Survey of India,
Through: Shri Swapan Das
Secretary General
C/o Business & Publicity Office
Survey of India
Hathibarkala
Dehradun - 248 001.

2. Shri Dilbag Singh
DS (AIR) & DGDC
Survey of India
West Block - IV, R.K. Puram,
New Delhi - 110 066.

(By Advocate Shri Sudarshan Rajan)

... APPLICANTS

VERSUS

1. Union of India
Through the Secretary
Ministry of Science & Tech.
New Mehrauli Road
New Delhi - 110 016.

2. The Surveyor General
Survey of India
Block-B, Hathibarkala Estate,
Dehradun - 248 001.

(By Advocate Shri Amit Anand)



... RESPONDENTS

ORDER (ORAL)

BY MUKESH KUMAR GUPTA, MEMBER (J):

By the present OA, applicants seek direction to extend benefit of judgment and order dated 13.05.2003 in OA No.14 of 2002 (Shri Tulsiram Sharma & Others vs. Union of India & Others) to all Draughtsmen Grade-II of the Survey of India with arrears of pay and interest. They also seek direction to extend benefit of aforesaid judgment to those Draughtsmen who had either retired or died with consequential benefits, revised terminal benefits, revised pension etc. A further prayer is made to impose deterrent costs upon the respondents for

deliberately failing to grant them upgraded pay scale, based on the law laid down by the ~~Supreme~~ Court in Lucknow Development Authority vs. M.K. Gupta, 1994 (1) SCC.243.

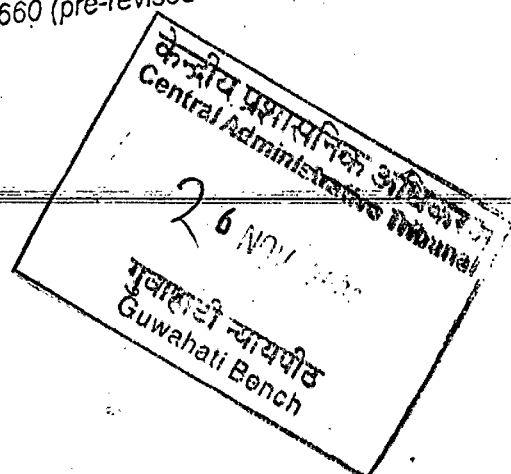
2. The core issue relates to revision of pay scale of Draughtsmen Grades-III, II and I. Initially the pay scales of Draughtsmen Grades-III, II and I were revised in the Central Public Works Department based on the Award of the Board of Arbitration. Later a Committee of the National Council (Joint Consultative Machinery) was set up to consider the request of the staff side to revise the scales of pay of Draughtsmen working in all Government of India Offices. Vide Office Memorandum dated 13.3.1984, Ministry of Finance, Department of Expenditure, conveyed the President's decision and extended the revised pay scales to the Draughtsmen of other Departments of the Government of India "provided their recruitment qualifications are similar to those prescribed in the case of Draughtsman in Central Public Works Department". Those who did not fulfil the recruitment qualification, were to continue in the pre-revised scales. Subsequently, vide Office Memorandum dated 19.10.1994, Presidential sanction was conveyed to the effect that the Draughtsmen Grades-I, II and III in the Offices/Departments of the Government of India, other than CPWD, would be placed in the scale of pay as mentioned under para-1 subject to conditions prescribed therein. The relevant excerpts of the said OM reads as under:

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

(a) Minimum period of Service for Placement from : 7 years
the post carrying scale of Rs.975-1540 to
Rs.1200-2040 (pre-revised Rs.260-430 to
Rs.330-560).

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

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



Rs.550-750).

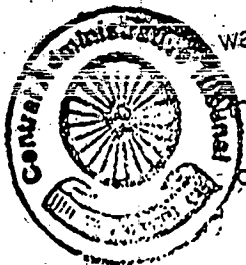
3. Once the Draughtsmen placed in the regular scales, further promotions would be made against the vacancies in higher grade and in accordance with the normal criteria laid down in the recruitment rules.
4. The benefit of this revision of scales of pay would be given with effect from 13.5.82 notionally and actually from 1.11.83.

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

26 NOV

गुवाहाटी न्यायाधीश
Guwahati Bench

3. 76 applicants (Draughtsmen Grade-II) under the Director, Survey of India, North Eastern Circle, Ministry of Science & Technology, instituted OA No. 52 of 1996 before the Guwahati Bench of this Tribunal, claiming the pay scale of Rs.425-700 (revised to Rs.1400-2300) based upon para 2 (b) of the aforesaid O.M. The said OA was allowed vide order dated 17.7.1997 holding that the terms of the aforesaid OM were applicable to the applicants. The said order had been maintained by the Hon'ble Gauhati High Court as well as the Hon'ble Supreme Court of India vide orders dated 31.7.1999 and 31.3.2000 respectively. Later applicants herein instituted OA No.2094/2001 before this Bench of the Tribunal seeking extension of the aforesaid order, as the benefit of the Guwahati Bench judgment had not been extended to them. The said OA No.2094/2001 was allowed by this Bench vide order dated 7.2.2002. It is not in dispute that the aforesaid directions dated 7.2.2002 had been complied with by the respondents. Immediately, thereafter 63 applicants, including the applicants in earlier OA No. 52 of 1996 approached the Guwahati Bench of this Tribunal once again vide OA No. 14 of 2002, challenging communication dated 1.8.2001 vide which their request for grant of next / higher pay scale of Rs.550-750 (Rs.1600-2600 and 5500-9000 revised) w.e.f. 1.1.1986 and 1.1.1996 respectively were rejected. They also sought enforcement of para 2 (c) of OM dated 19.10.1994 with respective date of eligibility attained by the individual applicants. The said OA was allowed vide order dated 30.5.2003 with a direction to respondents to grant them said higher pay scale of Rs.550-750 with all consequential benefits. Later certain typographical mistakes in the aforesaid order were corrected vide order dated 19.6.2003. Writ Petition (Civil) No.1786 of 2003 filed by the Union of India against the aforesaid judgment was dismissed vide order dated 9.12.2003, and



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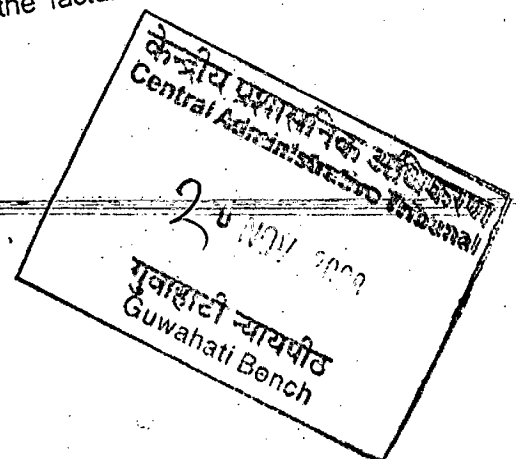
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further affirmed by dismissal of the SLP (C) filed vide CC No. 5398/2004, vide order dated 19.7.2004.

4. The grievance raised in the present OA is that though the applicants are similarly situated to the applicants in aforesaid OA No. 14/2002, yet the respondents have not extended the said higher pay scale of Rs. 550-750/- though they fulfilled the eligibility conditions as laid down under para-2(c) of OM dated 19.10.1994. Their representation dated 24.6.2003, followed by reminders elicited no tangible results. Relying upon the dicta laid down by the Hon'ble Supreme Court in Amrit Lal Berry vs. CCE, 1975 (4) SCC 714, K.I. Shephard vs. UOI, 1987 (4) SCC 431, Abid Hussain vs. UOI, JT 1987 (1) SC 147 as well as para 126.5 of the 5th Central Pay Commission, it was contended that the applicants should not have been dragged to litigation and the respondents ought to have extended them the same benefit as granted to Tulsiram Sharma & Others (supra). Since the respondents' action in not extending the said benefit is violative of the principle of legitimate expectation and the respondents have failed to redeem their behaviour, deterrent costs be imposed in terms of the law laid down in M.K. Gupta's judgement (supra). Shri Sudershan Rajan, learned counsel appearing for the applicants vehemently contended that they are similarly situated and placed at par with the applicants in OA No. 14/2002.

5. The respondents stoutly opposed the claim laid in this OA and raised preliminary objections about its maintainability, contending that the applicants are guilty of suppressing & concealing material facts from this Tribunal. It is pointed out that OM dated 1.06.2001 has been issued by the respondents, which supersedes the earlier OM dated 19.10.1994. Furthermore, para-4 of the said OM provides that: "once the Draughtsmen in various Central Government Departments are placed in the applicable revised scales of pay, further promotions to the higher ~~grades~~ will be made only against available vacancies in such higher grades in accordance with the normal eligibility ~~criteria~~ prescribed in the Recruitment Rules." Neither the factum of the said Memorandum dated

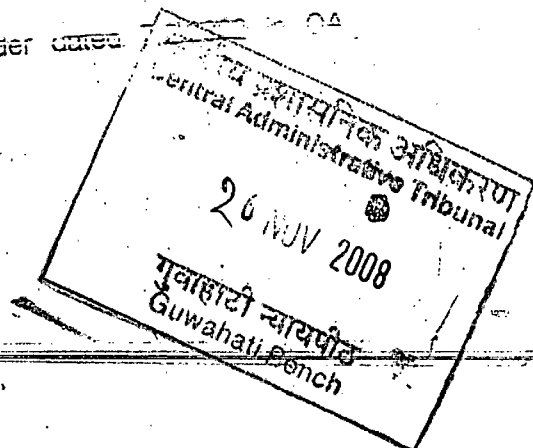


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1.6.2001 has been challenged in the present proceedings or in earlier proceedings nor issuing such subsequent OM. Moreover the residency period for grant of next higher pay scale is different than the one prescribed under OM dated 19.10.1994. A perusal of the table herein below would show the difference between the residency period prescribed vide OMs dated 19.10.1994 and 1.6.2001:

| Minimum period of service to be rendered for placement from the scale | As per O.M. dated 19.10.1994 | As per O.M. dated 1.6.2001 |
|---|------------------------------|----------------------------|
| Rs.3200-4900 (pre-revised Rs.975-1540) to the scale of Rs.4000-6000 (pre-revised Rs.1200-2040) | 7 Years | 5 Years |
| Rs.4000-6000 (pre-revised Rs.1200-2040) to the scale of Rs. 5000-8000 (pre-revised Rs.1400-2300) revised to Rs.1600-2600 by the 5 th CPC). | 5 Years | 8 Years |
| Rs.4500-7000 (pre-revised Rs.1400-2300) to the scale of Rs.5500-9000 (pre-revised Rs.1640-2900) | 4 Years | 6 Years |
| Total | 16 years | 19 years |

6. Moreover, with the recommendations and implementation of the 5th Central Pay Commission w.e.f. 1.1.1996, the earlier instructions/awards viz. OM dated 19.10.1994 stands superseded. Since the revised pay scale has come into force from the said date, the OM dated 19.10.1994 loses its significance as well as application. The actual grant of higher pay scale is subject to availability of vacancy and all those who completed residency period in the lower pay scale cannot automatically be granted higher pay scale. The benefit as available under the said OM dated 19.10.1994 had been extended to the applicants in terms of directions issued by this Tribunal's order dated No.2094/2001.



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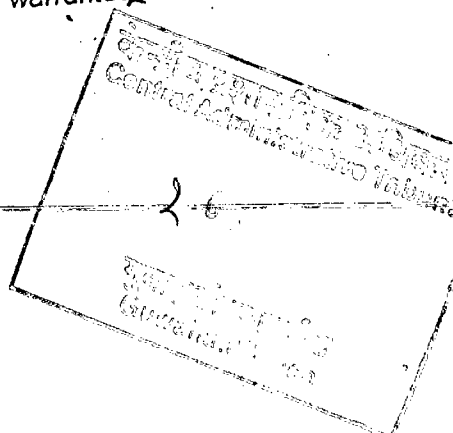
7. Applicants controverted the contention raised by the respondents submitting a detailed rejoinder, stating that they have expressly been excluded from the purview of OM dated 1.6.2001 as they have been granted the initial benefits of the OM dated 19.10.1994 and, therefore, "the OM dated 1.6.2001 is not applicable" to them.

8. We have heard the learned counsel for the parties and perused the pleadings carefully.

9. The first and foremost question which needs determination in the present case is whether the applicants' contention that they are similarly placed as of applicants in OA No.14/2002 decided by Guwahati Bench of this Tribunal is justified or not and secondly, whether the applicants are guilty of suppressing material facts from this Tribunal. These two issues, in our considered view, overlap and, therefore, we will consider and decide them together.

In terms of law laid down by the Hon'ble Supreme Court in (1995) 1 SCC 745 **Chandigarh Administration vs Jagjit Singh & Another**, the claim made on the basis that another person similarly situated had been granted such a relief and non-grant of such relief to the person would lead to discrimination, has to be decided by investigating the facts before it could be directed to be followed in case of the petitioner. In the said case, challenge had been made to the Government order cancelling the lease of plot on default in payment of instalments on the ground that in similarly situated cases there had been non-cancellation of lease by the Government and, therefore, the respondents committed illegality and arbitrariness. In these circumstances, the Hon'ble Supreme Court observed as under:

"8. xxxxxx Generally speaking, the mere fact that the respondent-authority has passed a particular order in the case of another person similarly situated can never be the ground for issuing a writ in favour of the petitioner on the plea of discrimination. The order in favour of the other person might be legal and valid or it might not be. That has to be investigated first before it can be directed to be followed in the case of the petitioner. If the order in favour of the other person is found to be contrary to law or not warranted in the facts and



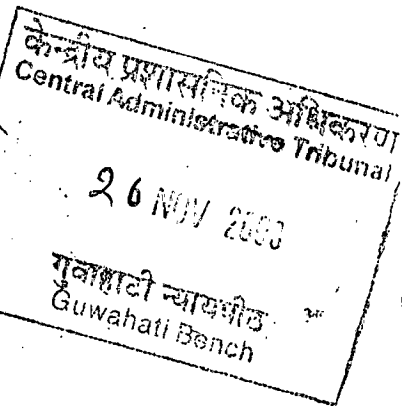
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circumstances of his case, it is obvious that such illegal or unwarranted ~~cannot be made the basis of issuing a writ~~ compelling the respondent authority to repeat the illegality or to pass another unwarranted order. The extraordinary and discretionary power of the High Court cannot be exercised for such a purpose. Merely because the respondent authority has passed one illegal/unwarranted order, it does not entitle the High Court to compel the authority to repeat that illegality over again and again. The illegal/unwarranted action must be corrected, if it can be done according to law - indeed, wherever it is possible, the Court should direct the appropriate authority to correct such wrong orders in accordance with law - but even if it cannot be corrected, it is difficult to see how it can be made a basis for its repetition. By refusing to direct the respondent authority to repeat the illegality, the Court is not condoning the earlier illegal act/order nor can such illegal order constitute the basis for a legitimate complaint of discrimination. Giving effect to such pleas would be prejudicial to the interests of law and will do incalculable mischief to public interest. It will be a negation of law and the rule of law. Of course, if in case the order in favour of the other person is found to be a lawful and justified one it can be followed and a similar relief can be given to the petitioner if it is found that the petitioners' case is similar to the other persons' case. But then why examine another person's case in his absence rather than examining the case of the petitioner who is present before the Court and seeking the relief. Is it not more appropriate and convenient to examine the entitlement of the petitioner before the Court to the relief asked for in the facts and circumstances of his case than to enquire into the correctness of the order made or action taken in another person's case, which other person is not before the case nor is his case. In our considered opinion, such a course - barring exceptional situations - would neither be advisable nor desirable. In other words, the High Court cannot ignore the law and the well-accepted norms governing the writ jurisdiction and say that because in one case a particular order has been passed or a particular action has been taken, the same must be repeated irrespective of the fact whether such an order or action is contrary to law or otherwise. Each case must be decided on its own merits, factual and legal, in accordance with relevant legal principles. The orders and actions of the authorities cannot be equated to the judgments of the Supreme Court and High Courts nor can they be elevated to the judgments of the Supreme Court and High Courts nor can they be elevated to the level of the precedents, as understood in the judicial word. (What is the position in the case of orders passed by authorities in exercise of their quasi-judicial power, we express no opinion. That can be dealt with when a proper case arises)". (emphasis supplied).



Seeing in view the dicta laid down in the aforementioned judgment, we are required to examine as to whether the facts in the present case are similar to those of OA No.14/2002 or not. As noticed hereinabove, it is the applicants' own case that the OM dated 1.6.2001 is not applicable to them due to express bar



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laid in the said OM itself. It would thus be expedient to notice the said OM dated

reads thus:

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

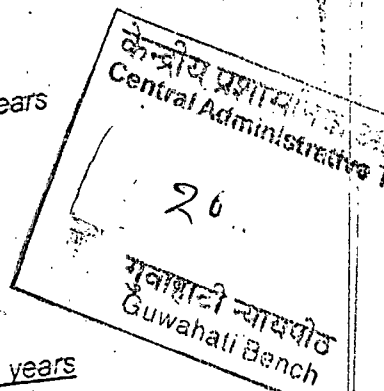
Minimum period of service to be
Rendered for placement from the
Scale of Rs. 3200-4900 (pre-
Revised: Rs. 975-1540) to the
Scale of Rs. 4000-6000 (pre-
Revised: Rs. 1200-2040) 5 years

Minimum period of service to be
Rendered for placement from the
Scale of Rs. 4000-6000 (pre-
Revised: Rs. 1200-2040) to the
scale of Rs. 5000-8000 (pre-
revised: Rs. 1400-2300 revised
to Rs. 1600-2660 by the 5th CPC) 8 years

Minimum period of service to be
Rendered for placement from the
Scale of Rs. 4500-7000 (pre-
Revised: Rs. 1400-2300) to the
Scale of Rs. 5500-9000 (pre-
Revised: Rs. 1640-2900) 6 years

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

5. These orders shall be applicable to such of those Draughtsmen in various Central Government Departments who had not derived the benefits envisaged in this Department's O.M. dated October 19, 1994 as on January 1,



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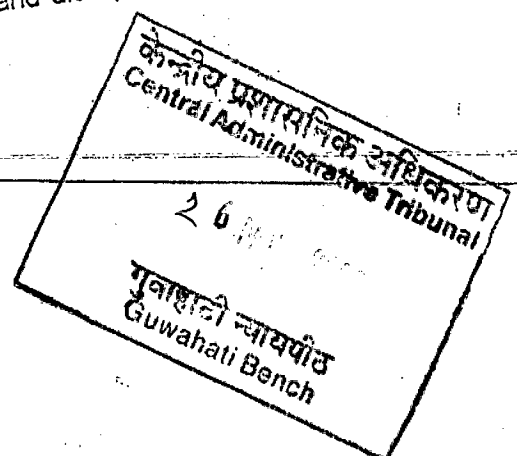
1996. The revised pay scales shall also be extended to them only on their fulfilling the revised eligibility criteria now prescribed in paragraph 3 above.

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

11. During the course of argument, Shri Sudarshan Rajan, learned counsel made a feeble attempt to contend that the aforesaid OM dated 1.6.2001 had been placed by the respondents before the Guwahati Bench in the aforesaid OA No.14/2002. The said contention, in our respectful opinion, is contrary to the pleading raised by them particularly in para 2.2. of the rejoinder wherein it has been specifically averred that "the above said O.M. dated 1st of June 2001 was not relied upon by the respondents".

12. It is not in dispute that the applicants did not disclose the factum of issuance of memorandum dated 01.6.2001 which superseded earlier memorandum dated 19.10.1994. No explanation has come forth from the applicants as to why they did not disclose such fact. In our considered view applicants are guilty of suppressing this material fact from the Tribunal.

13. A close perusal of the aforesaid OM dated 1.6.2001 reveals that the said OM, in specific, excluded those officials who had already derived the benefits from OM dated 19.10.1994 and further stated that: "the revised pay scales shall also be extended to them only on their fulfilling the revised eligibility criteria now prescribed in paragraph 3 above." When it is the applicants' own case that the said OM indeed superseded the earlier OM dated 19.10.1994 and has not been considered by the Guwahati Bench of this Tribunal, how could ~~benefits~~ prescribed under para 2 (c) of the OM dated 19.10.1994 could be extended at this stage. The contention raised, is misplaced and misconceived. It is not disputed that the applicants were granted the benefits under aforesaid OA dated 19.10.1994 and also pursuant to directions issued by



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Tribunal in OA No.2094/2001. On a pointed query raised by the Bench as to what is the precise case when ~~the benefit was granted~~ granted to the applicants, no answer came forth. We may note that immediately thereafter, the pay scales were revised with effect from 01.1.1996. Perusal of aforesaid OM dated 01.6.2001 also leads to inescapable conclusion that the revised pay scales are available to officials "on their fulfilling the revised eligibility criteria" prescribed under Para-3 of the said OM. On perusal of the table noted under Para-5 hereinabove, we find that the eligibility for grant of such scale has undergone change from four years to six years. If the applicants were granted the benefit of the scale of Rs.5000-8000/- (pre-revised 1600-2600/-) only in the year 1994 then even as per the earlier criteria they must wait for four years, which time would expire only after 01.1.1996. Since in the meantime the pay scales were revised, one cannot be allowed to contend that he would continue to be governed by the old OM dated 19.10.1994. We may also note that the effect and impact of OM dated 01.6.2001 had not been the subject matter before the Guwahati Bench in OA No.14/2002 and as such the same was not considered. On these facts the applicants cannot be allowed to contend that the said OM should be ignored even by this Bench and they being allegedly similarly placed to the applicants in the said OA are entitled to extension of benefit of the said judgment. In our considered view, the applicants are not similarly placed to the applicants in the OA No.14/2002. Moreover, the relief claimed in the present proceedings would also be hit by the principle of constructive res judicata in terms of Section 11, Code of Civil Procedure. The judgments relied as such have no application in the facts and circumstances of the present case.



14. Accordingly, we find no merits in the claim laid and the OA is dismissed. There shall be no order as to costs.

(Mukesh Kumar Gupta)
Member (J)

/PKR/

स्थायित्व-सामयिकता
दिनांक/Dated: 26/10/2001
मुख्य न्यायाधीश/Chief Officer
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रकाश नगर, नई दिल्ली
Principal Bench, New Delhi

(V.K. Majotra)
Vice-Chairman (A)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
26 NOV 2001
गुवाहाटी न्यायापीठ
Guwahati Bench

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Annexure -IX

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO.63/2006

in

This the 18th day of August, 2006

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE SHRI MUKESH KUMAR GUPTA, MEMBER (J)

1. Draughtsmens' (Cartographic) Association,
Survey of India, through Shri Swapan Das,
Secretary General C/O Business & Publicity Office,
Survey of India, Hathibarkala,
Dehradun-248001.
2. Shri Dilbagh Singh,
DS (AIR) & DGDC,
Survey of India,
West Block-V, R.K. Puram,
New Delhi-110066.

... Applicants

(By Shri S. M. Gang for Shri Sudarshan Rajan, Advocate)

versus

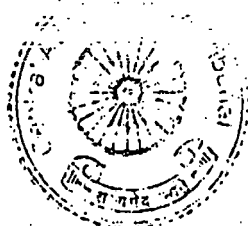
1. Union of India through
Secretary, Ministry of Science & Tech.,
New Mehrauli Road,
New delhi-110016.
2. The surveyor General,
Survey of India,
Block-B, Hathibarkala Estate,
Dehradun-248001.

... Respondents

ORDER

Hon'ble Shri V. K. Majotra, Vice-Chairman (A):

Through this application has been sought review of orders dated
27.2.2006 by which OA No.457/2005 was dismissed. It has been



stated that the OM dated 19.10.1994, which had superseded OM dated 19.10.1994. It had excluded those officials who had already derived benefits from OM of 19.10.1994. However, OM dated 22.10.2001 had stated that OM dated 1.6.2001 is not applicable to Draughtsmen of Survey of India. Applicants herein have stated that OM of 22.10.2001 ought to have been produced by respondents and that applicants could not lay their hands on OM of 22.10.2001 before disposal of the OA.

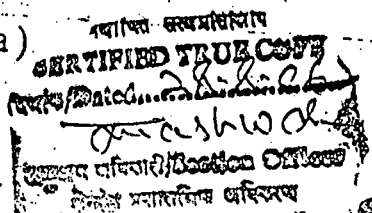
2. The learned counsel contended that applicants had exercised due diligence but had not been able to procure OM of 22.10.2001. No details have been furnished as to what action had been taken by applicants to get evidence against non-applicability of OM of 1.6.2001. If applicants were not able to produce evidence favouring them there is no error factual or legal on the part of the Tribunal in arriving at its findings. It is no new evidence but evidence which could have been easily procured by applicants at the relevant time.

3. Production of OM dated 22.10.2001 at this late stage and attempting rearguing the whole case is beyond the scope of review. Accordingly this application is dismissed.



Mukesh Kumar Gupta)
Member (J)

/as/



(V.K. Majumdar)
Vice-Chairman (Joint Bench)

