

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 29th day of January, 2010

ORIGINAL APPLICATION NO. 149/2009
With
MISC. APPLICATION NO. 294/2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

1. G.K. Pancholi son of Shri K.L.Pancholi. Presently working as Director (Geology) SG.
2. S. Iqbal son of Shri Hakimuddin Nisar. Presently working as Director GSI WR, Jaipur.
3. I.R. Kirmani son of Ibne Ali. Presently working as Director, GSI, Jhalana Dungari, Jaipur.
4. Prabal Rakshit son of Shri Prabhat Rakshit. Presently working as Director, GSI, Jhalana Dungari, Jaipur.
5. Dr. Ravindra Kumar son of shri Prem Singh. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
6. J.V. Natani son of Shri Radha Vallabh Natani. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
7. R.G. Verma son of Shri Ram Chandra Verma, Presently working as Director, GSI, Jhalana Dungari, Jaipur.
8. Ram Avtar Sharma son of Late Dr. M.N. Sharma. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
9. Subir Dasgupta son of Late Shri N.B. Dasgupta. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
10. R.S. Rao son of Late Shri R. Venkateshwari. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
11. A.B. Mathur son of Shri Kasushal Nath. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
12. G.P. Gupta son of Shri Ramdayal Gupta. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
13. D.W. Joshi son of Shri W.L. Joshi. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
14. Dr. Dipendu Bhusan Guha son of Shri Dinesh Chand Guha. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
15. Dr. S.K. Kulshrestha son of Shri R.R. Kulshrestha. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
16. Suresh Pareek son of Late Shri C.R. Pareek. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
17. Surendra Prasad son of Late Shri Ramayan Prasad. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
18. J.C. Dutta son of Shri P.K. Dutta. Presently working as Director in GSI, NER, Shillong.
19. S.K. Bohra son of Shri R.L. Bohra. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.

- 20.V.K. Chittora son of Shri B.L. Chittora. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
- 21.B.K. Sareen son of Shri R.A. Sareen. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
- 22.Somnath Bhattacharya son of Shri S.S. Bhattacharya. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
- 23.S. Chowdhury son of Late Shri H.K. Chowdhury. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
- 24.Dr. L.S. Shekhawat son of Shri M.S. Shekhawat. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
- 25.Dr. B.R. Bejarniya son of Shri G.R. Bejarniya. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
- 26.P.R. Golani son of Shri Ramchandra Golani. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
- 27.Chaitanya Kumar Gautam son of Shri Jamanalal Gupta. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
- 28.Dr. Shabbir Hussain son of Shri S.M. Naib. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
- 29.Arvind Kumar Mathur son of Shri Radhakishan Mathur. Presently working as Geologist (Sr.), GSI, Jhalana Dungari, Jaipur.
- 30.Dr. Shipra Chaudhary daughter of Shri Shanker Lal. Presently working as Geologist (Jr.), GSI, Jhalana Dungari, Jaipur.
- 31.A.K. Grover son of Late Shri Late Deshraj Grover. Presently working as Director, GSI, Jhalana Dungari, Jaipur.
- 32.A.K. Saxena son of Late Shri R.A. Saxena. Presently working as Director GSI, Operation Gurjарат, Gandhinagar, Gujarat.
- 33.Praveen Sharma son of Shri Suresh Chander Sharma. Presently working as Geologist (Jr.), GSI, Jhalana Dungari, Jaipur.

.....APPLICANTS

(By Advocate: Mr. Virendra Lodha)

VERSUS

1. Union of India through the Secretary, Ministry of Mines, Government of India, Shastri Bhawan, New Delhi.
2. The Secretary, Department of Personnel, PG & Pension, Government of India, North Block, New Delhi.
3. The Secretary, Ministry of Finance, Department of Economic Affairs, Government of India, North Block, New Delhi.
4. The Director General, Geological Survey of India, 27, J.L. Nehru Road, Kolkatta.

.....RESPONDENTS

(By Advocate: Mr. Hemant Mathur)

ORDER (ORAL)

The applicants have filed this OA thereby praying for the following reliefs:-

- "(i) It is, therefore, prayed that the Hon'ble Tribunal may kindly call for the entire record and after examining the same, be please to declare the impugned action of the official respondents in denying of implementation of 6th Central Pay Commission recommendation of granting pay parity on non functional basis with two years Junior I.A.S. Officers posted in the center, i.e. inspite of the Geology Stream being an Organized Group A Central Service.
- (ii) By further appropriate order or direction, the respondents be directed to implement the 6th pay commission recommendation of granting pay parity to the applicants forthwith.
- (iii) Any other order or direction which may be considered just and proper in the fact and circumstances of the case be passed in favour of the applicants.
- (iv) Cost of the OA may kindly be awarded to applicants."

2. The case of the applicants in this case is that DOPT has issued guidelines for introduction of non functional selection grade of Rs.14300-18300 in Group 'A' organized Central Service vide OM dated 31.07.1982. It is further case of the applicants that the name of Geological Survey of India is mentioned as an organized group 'A' central Service of the said OM. The grievance of the applicants is that despite the fact that name of Department of the applicants has been mentioned in organized Group 'A' service, even ^{then} the respondents are not implementing the recommendations given by the 6th Pay Commission vide Para No. 3.3.12. The promotional scale of the applicants is being withheld by the department arbitrarily.

2. The applicants have filed an MA No. 294/2009 thereby brining on record certain documents where it has been stated that the non functional upgradation has given to some of the departments and even in their cases, recruitment and promotion rules has not been framed.

3. The respondents have filed reply to the OA as well as MA. In Para No. 4 of the reply to the MA, the respondents have made the following averments:-

"4. That the contents of Paras -4 of the Misc. Application are not admitted as stated being misconceived and misleading. It is however submitted that the GSI consists of a group of services, such as Geology Stream, Geophysical (Expl.) Stream, Geophy (Instt.) stream, Geo Chemical stream, Mechanical stream, Drilling Stream, Mineral Physics Stream etc. For all such services recruitment rules of respective streams are different.

It is further submitted that the comparison with IAS in terms of time scale etc. and its parity in respect of other services of Central Civil Group 'A' needs following conditions.

- A. Single Recruitment Rules of appointment to all the stream of GSI.
- B. Uniform functional responsibility for all Government servants per Recruitment Rules which is applicable to all IAS candidates.
- C. Formalities of Recruitment under the category of Organized Service which is yet to be prepared by GSI.
- D. Notification of 'Organized Service' which is till date not done.
- E. As per Para 6.4.4 of Promotion Chapter in the Swamy's Establishment and Administration Manual promotion is always prospective.

It is further submitted that the concept is a new concept and as per DOPT OM NO. AB 14017/64/2008 -Estt (RR) dated 24.04.2009, the procedure of screening committee is followed as in case NFSG grade needs to be followed after amendment of RRs. The amendment of RRs are in process and PRs on Organized Service Pattern in respect of Geology, Chemical, Geo Physics and Engineering (Merged Stream of Mechanical Engineering & Drilling) have been sent to the DOPT for approval, further action will be taken at earliest as possible."

Thus according to the respondents, unless the aforesaid steps are not completed the applicants cannot be granted the benefits.

4. We have heard the learned counsel for the parties and have gone through the material placed on record. In view of the stand taken

by the respondents, as reproduced above, we are of the view that it will not be useful to keep this matter pending and the same can be disposed of by giving time bound directions to the respondents to take aforesaid steps immediately so that the applicants and the persons similarly situated can get the benefit of recommendations as made by the 6th Pay commission. Accordingly, the respondents are directed to ensure completion of aforesaid steps including steps for amending the rules expeditiously and in any case within a period of six months from the date of passing of this order.

5. With these observations OA as well as MA are disposed of with no order as to costs.

B.L. KHATRI
(B.L. KHATRI)
MEMBER (A)

M.L. CHAUHAN
(M.L. CHAUHAN)
MEMBER (J)

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