

30/100
X
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN. NO. 52 OF 1996
TRANSFER APPLN. NO. OF 1995
CONT EMFT APPLN. NO. OF 1995 (IN OA NO.)
REVIEW APPLN. NO. OF 1995 (IN OA NO.)
MISC. PETN. NO. OF 1995 (IN OA NO.)

.....Mr. Tulsiram Sharma, APPLICANT(S)
& 75 ors.

-VS-

.....Union of India, RESPONDENT(S)

FOR THE APPLICANT(S)

...MR. J.L. Sarkar
MR. M. Chanda
MR.
MR.

FOR THE RESPONDENTS

...MR. A.K. Chaudhury
Addl. Cstl.

OFFICE NOTE

DATE

ORDER

9.4.96

Learned counsel Mr J.L.Sarkar moves this application on behalf of 76 applicants who are Draftsman Grade II under the Director, Survey of India, N.E.Circle Shillong. Prayer to join in this single application has been submitted. This has been considered and permission is hereby granted.

Perused the contents of the application and the reliefs sought. The application is admitted. Issue notice to the respondents by registered post. Written statement within six weeks.

List on 30.5.96 for written statement and further orders. Steps to be taken within two days.

68
Member

pg

30.5.96
Notice duly served
on 2, 3.

Box
W/affidavit - has not been
filed
and
8/7

10.7.96

Mr. A.K. Choudhury, Addl. C.G.S.C.,
for the respondents. Written statement
has not been submitted.

List for written statement and
further orders on 9.8.96.

30.5.96.

For orders on
9.7.96

60
Member

pg

10.7.96

by order

1) Notice duly served
on op. no. 263.

9.8.96

Learned counsel Mr. M. Chanda
for the applicant. Mr. A.K. Choudhury, learned
Addl. C.G.S.C., for the respondents prays
for four weeks time to file written statement.

List on 9.9.96 for written statement
and further orders.

60
Member

*Writings not been
filed*

nkm

8/9
9.9.96

Mr. J.L. Sarkar for the applicant.
Mr. A.K. Choudhury, Addl. C.G.S.C. for
the respondents. ~~maxxumikked~~

Written statement has been submitted
and a copy of which has been served on
Mr. Sarkar today.

List on 4.10.96 for ~~maxxumikked~~ rejoin-
der as requested by Mr. Sarkar and further
orders.

60
Member

9.9.96

Writings filed by the
R. no. 1, 2, 3.

at pg. 82-95

pg

Rajinder has not
been filed.

ab 3/10

4-10-96 Mr.J.L.Sarkar counsel for the applicant. Mr.A.K.Choudhury, Addl.C.G.S.C. for the respondents.

Mr.Sarkar prays for time for submission of rejoinder to the written statement submitted by the respondents. Allowed.

List for rejoinder and further order on 17-10-96.

6
Member

lm
PV
17/10

17.10.96 Mr. M.Chanda for the applicant.

Mr. A.K.Choudhury, Addl.C.G.S.C. for the respondents.

List for hearing on 27.11.96. In the meantime Mr. Chanda may submit rejoinder with a copy to the counsel of the opposite parties.

6
Member

trd
PV
17/11

27.11.96

Mr. M.Chanda for the applicants.

Mr. A.K.Choudhury, Addl.C.G.S.C. for the respondents.

Adjourned for hearing on 17.12.1996.

6
Member

trd

17.12.96

Learned counsel Mr. M.Chanda for the applicants. Learned Addl. C.G.S.C. Mr. A.K.Choudhury for the respondents. This matter relates to Division Bench. The case is ready for hearing.

List for hearing before Division Bench when it is next available.

Mr. Chanda may submit rejoinder if desires, with copy to the counsel of the opposite party.

6
Member

10.2.97

Let the case be listed for hearing on 10.3.1997.

Rejoinder filed in
Dec '96 but was defective.
No defectives removed &
paged.

60
Member

 Vice-Chairman

trd

6-3-97

10.3.97

- 1) written statement has been filed.
- 2) Rejoiner has been filed.
- 3) memo of appearance filed.

Mr A. Roy, learned counsel has informed this Tribunal that he has been very recently engaged and he has not been able to go through the brief properly and he will need sometime. Mr A.K. Choudhury, learned Addl. C.G.S.C., is also not present. Considering the submissions we adjourn the case till 27.3.97.

Member

Vice-Chairma

The case is ready
for learning.

11/3

27.3.97

Mr. M. Chanda, learned counsel for the applicant is present.

List on 8.4.1997 for hearing.

6
Member


Vice-Chairman

For the Vietnamese firm

~~John~~ Ray, Adr.

26-3-97

pg

The case is ready ^{for} 31/3 8.4.97
for hearing as
regards service &
w/s/Rejoinder.

$\frac{Zn}{263}$ not stable & dependent
on Sun's W.

trd

6
Member

Vice-Chairman

19

28.4.97

On the prayer of Mr M.Chanda,
learned counsel for the applicant
the case is adjourned to 14.5.97.

6
Member


Vice-Chairman

pg

fr
29/4

14.5.97

Heard the learned counsel for the
parties in part. List it for further
hearing on 21.5.97 as first item.

6
Member


Vice-Chairman

nkm

fr
15/5

21-5-97

Left over. List for hearing on

Heard in part. List on 27-5-97 for
further hearing.

6
Member


Vice-Chairman

lm

fr
23/5

27-5-97

Left Over. List for hearing on
17-6-97.

6
Member


Vice-Chairman

lm

fr
29/5

17-6-97

Learned counsel Mr.M.Chanda on
behalf of Mr.A.Roy prays for two weeks
time. Prayer is allowed.

List for hearing as part heard on
26-6-97.

6
Member

lm

fr
27/6

26.6.97 Heard the learned counsel for the parties. Hearing concluded. Judgment reserved.

b
Member

b
Vice-Chairman

nkm

17.7.97 Judgment delivered in open court and kept in separate sheets. The application is allowed. No order as to costs.

b
Member

b
Vice-Chairman

nkm

1.8.97
Copy of the Judgment
issued vide D.No.2600
to 2603 on 1.8.97
through Regd. W.H.A.D.

b.

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.Chanda.

-Vs-

1. The Secretary, Ministry of Science & Technology
New Delhi.
2. The Surveyor General,
Survey of India,
Block B, Hathibarkala Estate,
DEHRADUN.
3. The Director, Survey of India,
North Eastern Circle,
Shillong.

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

O R D E R.

SANGLYINE MEMBER(A):

All the 76 applicants are Draftsman/Draftsmen Grade II under the Director, Survey of India, North Eastern Circle, Shillong. They have been permitted 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 arrear monetary benefits either in terms of O.M.No. 5(13)-E.III/87 dated 11-9-1987 or M.M.No.13(1)-IC/91 dated 19-10-94. In the Survey of India there are

contd/-

17.7.97

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 retain Grade II and Grade III separately and placed them in the scale of pay of Rs. 330-480 and Rs. 425-600/- respectively. As a result of the 4th Pay Commission, the scale of pay of Draftsman Grade II in the Survey of India became Rs. 1350-2200. The scale of pay of Senior Draftsman in Ordnance Factory was also Rs. 205-280 on the basis of the 2nd Pay Commission. In the 3rd Pay Commission, the scale of pay of Draftsman was placed at Rs. 330-560. The 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

contd/-



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 Arbitration the scale of pay was raised from Rs. 330-560 to Rs. 425-700/-.. The Government of India, Ministry of Finance, Department of Expenditure issued O.M.No. F.6/59-E.III/82 dated 13-3-84 to the effect that Draughtsmen Grade II in other offices/Departments of the Government of India may also have the scale of pay of Rs. 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

contd/-

17.7.97

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

3. Some of the applicants submitted O.A.No.135/95 which was disposed of by the Tribunal on 20-7-95 with a direction to the respondents to consider and decide whether the benefit of the revised pay scales should be extended to the applicants. The applicants were given liberty to approach the Tribunal, if so advised, if the decision of the respondents is against them. The respondents thereafter had issued the order No. SM/06/001/95 dated 31-1-96 which is impugned in the present Original Application No.52/96. According to this order the respondents had considered the question whether the benefit of the revised pay scale extended to the Draughtsman 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 with those of the Draughtsmen under the C.P.W.D.

contd/-

17-7-97

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 applicant, submitted that the grounds given by the respondents in support of their refusal to grant the benefit provided in the O.M. dated 19-10-1994 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.

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

X
17-7-97

contd/-

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). The question in this O.A. is whether the applicants are entitled to draw pay in the scale of pay of Rs. 1400-2300 (Pre-revised 425-700). The Draughtsman Grade II in the Survey of India had the same pay scales as those of Draughtsman in other offices/Departments of the Government of India. For instance, their scale of pay on the basis of the 2nd Central Pay Commission was 205-280 as was that of Sr.Draughtsman in Ordnance Factory. In the 3rd Pay Commission their scale of pay was 330-560/- since 1-1-1973 which was same with those of the Draughtsman II in the CPWD and in the Ordnance Factory in whose cases the scales had been raised from 330-560 to Rs. 425-700/-. It was only in 1977

contd/-

17-7-97

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 Draughtsman 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 Draughtsman Grade I,II and III of the CPWD were made applicable to the Draughtsman 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 Draughtsman in the CPWD. Further, those who did not fulfil the condition will continue to draw pay in the corresponding pre-revised scales. These were the only conditions placed in the O.M. dated 13-3-1984 and

contd/-

17.7.97

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

The terms of the O.M. above are clear and unambiguous. No distinction on any ground whatever is made between Draughtsmen Grade I,II and III of one office/department of the Government of India from those of another office or department or CPWD. The O.M. simply lays down that minimum period of service in a particular grade would determine the eligibility and entitlement to be placed in a particular pay scale. It is only the respondents who have brought into the O.M. interpretations extraneous to it in their efforts to deprive the applicants of the benefits granted by the O.M. dated 14-10-1994. 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.

17.7.97

contd/-

states that Draughtsman Gr.II in offices/departments of the Government of India other than in CPWD who were drawing pay in the scale of pay Rs. 330-560 may also be placed in the scale Rs. 425-700/- (Pre-revised) subject to certain conditions. The Draughtsman Grade II in the Survey of India were initially in the scale of pay of Rs. 330-560 on the basis of the recommendations of the 3rd Pay Commission till 1977 when their pay scale was raised to Rs. 425-600/-. In our view under the facts and the circumstances stated 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 3 (three) months from the date of receipt of this order by Respondent No. 3. The respondents shall also allow the consequential benefits provided in para 3 of the O.M. dated 19-10-1994 mentioned above to the applicants.

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

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

COPY

W. Sumner

Serial Officer (A)
Central Administrative Tribunal
Gulshan Beach, Ghaziabad-201005
Uttar Pradesh, India

6/2/98

3 APR 1996

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

O.A. No. 52 /96.

Sri Tulsiram Sharma & 77 Ors.

... Applicants.

- Versus -

Union of India & Ors.

... Respondents.

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Filed by the applic
ants through
M. C. S. Adcock
26.3.96

2

1. Particulars of the Applicants.

1. Shri Tulsiram Sharma
2. Shri Satyajit Kumar Dey
3. Shri Tara Prasad Kharel
4. Shri L.B. Pradhan
5. Shri Pradip Kumar Neogi
6. Smti. Nandita Das
7. Smti Neblbora Tiewla
8. Shri K.B. Gurung
9. Smti Pandora Solykhlet
10. Smti Maries Nareen Laloo
11. Shri Kajal Kumar Bhattacharjee
12. Shri Arun Kumar Baidya
13. Smti Joya Adhikari
14. Smti Shanti Kumari Ghimire
15. Smti Lawmzuali
16. Smti Rekha Mech
17. Shri Dilip Kumar Deka
18. Smti Mita Dasgupta
19. Smti Subhra Gupta
20. Shri Shambu Singh Solanki
21. Shri Sudip Dutta Chowdhury
22. Shri Donbor Singh Lartang
23. Shri Ranjit Sukla Baidya
24. Shri Prabash Paul
25. Smti Erboline Majaw
26. Smti. Spirian Kharangi

3

27. Smti Everymai Warjri
28. Smti Evelynnora Ryngsai
29. Smti Ritikona Majaw
30. Shri Chaman ^Singh Negi
31. Shri Mustaq Ahmed Swer
32. Smti Bertilla Khylep
33. Smti Arunima Dutta
34. Smti Sofiana Kharkongor
35. Smti Manjula Bhattacharjee
36. Smti Hildaline Makhiew
37. Smti Tapashi Mishra
38. Shri Bhubaneshwar Das
39. Smti Amebha Roy Chowdhury
40. Smti Caroline Lamo
41. Smti Fidelis Jyrwa
42. Shri R. S. Thapa
43. Shri S.C. Roy
44. Shri S. A. Rahman
45. Smti G. M. Shhten
46. Shri B. Das
47. Smti D. Majaw
48. Smti R. C. Nongbri
49. Shri A. Mannan
50. Shri M. M. Umlong
51. Shri E. Lartang
52. Shri Durgesh Purkayastha

Contd... P/4

law

20

53. Km. A Tombi Singha
54. Smti Santa Ghosh
55. Smti R. Kharbuki
56. Shri B. Dohkrut
57. Smti M. Diengdoh
58. Smti M.A. Kharbuki
59. Smti N. Kharbtong
60. Shri K.C. Das
61. Smti S. Nongbsap
62. Smti Margarita Sawian
63. Km. B. Marbaniang
64. Smti Dipti Kar
65. Smti Rita Tarafdar
66. K. Konta Nongkynrih
67. Km. A. Bhattacharjee
68. Smti Junu Sarma
69. Smti E.L. Nongbri
70. Shri Asutosh Das
71. Shri Jeevan Kumar
72. Smti H. Lyngdoh
73. Shri T. Lyngdoh
74. Km. Ritalin Kukhim
75. Shri S.C. Sabdakar
76. Shri T.K. Mandal

(All the 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).

Contd.. P/5

laura

2. Particulars of the Respondents.

1. The Secretary

Ministry of Science & Technology
New Delhi

2. The Surveyor General,

Survey of India,
Block B, Hathibarkala Estate,
DEHRADUN

23.4.97
④ Vide M. P. No.
118/97 order dtd
23.4.97 is allow to
impeal as
Respondent No. 4.

3. The Director,

Survey of India,
North Eastern Circle,

Shillong.
④ Union of India Through The Secretary
Govt of India, Ministry of Science and Technology
New Delhi.

3. Particulars for which this application is made.

This application is made against the Office
Order dated 31.1.1996 issued by the Joint Secretary,
Govt. of India and for implementation of O.M. No. F.No15(13)
-E.III/87 dated the 11th September, 1987 and O.M No. 13(1)-
IC/91 dated 19.10.94 in respect of the applicants who are
serving as Grade II Draftsman in the Department of Survey
of India, Shillong and also for a direction to place the
applicants in the higher revised pay scale of Rs. 425-700
(revised pay scale Rs. 1400-2300) and also for payment of
arrear monetary benefits either in terms of O.M. dated
11.9.87 or O.M. dated 19.10.1994.

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4. Jurisdiction

The applicants declare that the subject matter of the application is within the jurisdiction of this Tribunal.

5. Limitation

The applicants declare that the application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

6. Facts of the case

6.1. That all the applicants are citizens of India as such they are entitled to all the rights and privileges guaranteed by the Constitution of India. All the applicants are presently serving as Draftsman Gr. II under the Director, Survey of India, N.E. Circle, Shillong in the revised pay scale of Rs. 1350-2200.

6.1(a) That the applicants pray that since the subject matter and reliefs sought for are common in this application therefore permission be granted to move this application jointly by the 76 applicants.

6.2 That the applicants initially entered into the service under the respondent No. 2 and 3 as topo trainees Type B (in short T.T.T.B) Draftsman. The requisite qualification for the post of T.T.T.B. Draftsman was initially Matriculation with mathematics, which is now amended and after amendment the educational qualification is now required Pre-University with mathematics. In the department of Survey of India T.T.T.B. Draftsman required, two years training, out of two years one year training is imparted in the Circle Office/Regional Office and another one year is required to be imparted in the Training Institute at

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Hyderabad. The pay scale of the T.T.T.B Draftsman are Rs. 260-430 per month. After completion of T.T.T.B Training the applicants are required to appear for classification test and after passing the said test they are treated as Draftsman Gr. IV and used to place in the scale of Rs. 260-430 (Revised 975-1540) and thereafter on completion of 3 years service in Draftsman Gr. IV applicants again appeared theoritical and practical tests conducted by the department for upgradation to Draftsman Gr. III and thereafter on completion of 2 years of service as Draftsman GR. III the applicants are again required to appear in the theoritical test and supervisory level test conducted by the department for upgradation to the post of Draftsman Gr. II. Be it stated that Gr. III Draftsman and Grade II Draftsman in the Survey of India by IIIrd Pay Commission merged together and placed in the scale of Rs. 330-560. However the Government recommended the pay scale of Grade III Draftsman Rs. 330-560 and Grade II Draftsman were placed in the pay scale of Rs. 425-600 (revised pay scale Rs. 1350-2200).

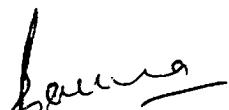
6.3 That the applicants beg to state that the Survey of India after recommendation of the IInd Pay Commission the present applicants were in the pay scale of Rs. 205-280 prior to 1.1.1973 and they were placed in the scale of Rs. 330-560 based on the recommendation of the IIrd Central Pay Commission. Be it stated that the IIIrd Central Pay Commission merged Category III & II draftsman in the same pay scale of Rs. 330-560. However Government recommended the pay scale of Rs. 330-480 for

Grade III Draftsman and the pay scale of Rs. 425-600 for the Grade II Draftsman although the IIIrd Central Pay Commission recommended in para 81 (iii) of Chapter 14 of its report relating to replacement of scale of Rs. 330-560 to Rs. 425-700. However the Survey of India granted the aforesaid pay scale of Rs. 330-480 and 425-600 to the category III and II Draftsman in the Survey of India respectively. The scale of Rs. 425-600 granted to the Draftsman Gr. II were placed in the corresponding revised scale of Rs. 1350-2200 by the IVth Central Pay Commission.

A comparative chart of pay scale recommended by various Pay Commissions/Government to the Draftsman of Survey of India is annexed for perusal of the Hon'ble Tribunal and the same is marked as Annexure 1.

6.4 That the applicants beg to state that in the Survey of India Draftsman in the initial grade are known as T.T.^T.B. Draftsman i.e. call initial Gr. having the scale of Rs. 260-430 and after completion of 5 years of service in the pay scale of Rs. 260-430 (including two years of training) the Draftsman are used to be upgraded in the cadre of Gr. III Draftsman, in the scale of Rs. 330-480 and treated them as Draftsmen Gr. III. Thereafter again on completion of 2 years of service in the cadre of Gr. III Draftsman they are used to be upgraded to the post of Draftsman Gr. II in the pay scale of Rs. 425-600 revised pay scale of Rs. 1350-2200 and thereafter next promotion in the cadre of Division I (Division I) Draftsman

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used to be considered on the basis of All India combined seniority list of Draftsman Gr. II. Therefore there is hardly any chance for all the Gr. II Draftsman in the department of Survey of India for further promotion. As a result the scope of promotion/upgradation is very limited for the Draftsman working in the Survey of India under the Ministry of Science and Technology. The present applicants being aggrieved for non-implementation of the higher revised pay scale of Rs. 425-700 which was granted vide Office Memorandum No. F.5(13)E.III/87 dated 11.9.87 to the Draftsman who were in the pay scale of Rs. 330-560 were granted higher scale of pay Rs. 425-700 vide Office Memorandum dated 11.9.87 and the present applicants preferred representation dated. 23.11.94 for extension of higher pay scale of Rs. 425-700 but the respondents remain silent and the present applicants preferred an Original Application which was registered as O.A. No. 135/95 where the Hon'ble Tribunal directed to consider the claim of the present applicants but the respondents vide their impugned order dated 31.1.96 rejected the claim of the present applicant on the ground that the existing system of carrier advancement is better for Draftsman of Survey of India which is contrary to the factual position. Therefore statement made in the Office Order dated 31.1.96 by the respondents as regards promotion prospect of the present applicants is false, misleading and not based on records. Therefore order dated 31.1.96 is liable to be set aside and quashed and the applicants are deserved to be placed in the pay scale of Rs. 425-700 (revised 1400-2300).

6.5 That in all the Govt. of India's office the prescribed qualification for recruitment of Draftsman are not similar although pay scale more or less same.

6.6. That the Draftsman of All Central Govt. offices who were in the scale of Rs. 330-560 following the recommendation of IIIrd Central Pay Commission agitated for a long time for higher pay scale of Rs. 425-700 through their staff representatives in the National Council of Joint Consultative Machinery. Therefore the IIIrd Central Pay Commission of Government of India had recommended for replacement of scales of Rs. 330-560 to Rs. 425-700. This recommendation was not initially accepted by the Government of India and the matter went up to the Hon'ble Supreme Court and was the subject matter in Civil Appeal No. 3121/81 in the Hon'ble Supreme Court for higher pay scale of

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Rs. 425-700 for the Draftsman which was in the scale of Rs. 330-560. The Hon'ble Supreme Court delivered the judgement and order in the aforesaid Civil Appeal on 1.5.1985, accepted the Appeal and allowed the replacement pay scale of Rs. 425-700 to thos draftsman who were previosly being given the scale of Rs. 330-560 on the basis of the recommendation of the IIIrd Central Pay Commission. Thereafter the Ministry of Finance vide Office Memorandum No. F.5(13)-E.III/87 dated 11.9.87 extended the benefit of the judgement of the Hon'ble Supreme Court (P. Sabita and Ors. Vs. Union of India) to the similarly placed Draftsman in other Ministry/Department of Govt. of India. The benefit was given notionally from 1.1.73 and actually from 1.9.87 only to those Draftsman who were in the pay scale of ~~Rs. 205-280~~ Rs. 205-280 prior to 1.1.73 and were placed in the pay scale of Rs. 330-560 on the basis of the recommendation of the IIIrd Central Pay Commission given the pay scale of Rs. 425-700. The present applicants are totally covered by the Office Memorandum dated 11.9.87 as the Draftsman of Survey of India prior to 1.1.73 were placed in the pay scale of Rs. 330-560 on the basis of the 3rd Central Pay Commission. Therefore the aforesaid Office Memorandum dated 11.9.87 is clearly applicable to the present applicants. The survey General of India vide his letter dated 13.11.87 endorsed the said Office Memorandum dated 11.9.87 to all the concerned Directorate of the Survey of India for information guidance and necessary action.

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Law

The present applicants thereafter expected that they would be given the higher pay scale of Rs. 425-700 following the Office Memorandum dated 11.9.87 but the Administration of the Survey of India has been remained silent as regards implementaion of the Office Memorandum dated 11.9.87. In this connection it is ought to be mentioned that the Dra tsmen of Survey of India, CPWD and Ordnance Factory were initially during IInd Central Pay Commission were placed almost in identitcal pay scale. A comparative chert of pay scale of Draftsman, Survey of India, CPWD and Ordnance Factory during IInd Central Pay Commission and IIIrd Central Pay Commission are furnished below for perusal of the Hon'ble Tribunal.

2nd Pay Commission	2nd Pay Commission C.P.W.D.	2nd Pay Commission Ordnance Factory
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T.T.T. 'B' D/Man	110-180	Tracer	- 110-200	Tracer	110-200
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Gr. V D/man	110-225
Gr. IV D/Man	

Gr.III D/Man	150-240	Asstt. D/Man	150-240	D/Man	150-240
Gr. II D/Man	205-280	D/Man	180-380	Sr. D/Man	205-280

3rd Pay Commission

T.T.T. 'B' D/Man	260-430	D/Man	Gde III	260-430	Tracer	260-430
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Gde IV D/Man

Note : After 3rd pay Commission Gde V was abolished and only Gde IV was in existence.

Note :

Gde III and II initially D/Man Gde II 330-560 D/Man 330-560 merged by the 3rd Pay Commission and placed in the scale of Rs. 330-560. However the Govt./ Department vide OM dtd. 19.3.77 placed Gde III D/Man in the scale of Rs. 330-480 and Gde II D/Man placed in the scale of Rs. 425-600.

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From above it is quite clear the the present applicants and the Draftsman of Ordnance Factory and CPWD almost having identical pay scale. Therefore denial of the benefit of revised pay scale of Rs. 425-700 to the present applicants is arbitrary and violative of Article 14 and 16 of the Constitution. In the Survey of India although the applicants approached to the authorities for implementation of the said Office Memorandum dated 11.9.87 but to no result.

A copy of the O.M. dated 11.9.87 and letter of the Surveyor General dated 13.11.87 are enclosed herewith and the same are marked as Annexure 2 and 3 respectively.

6.7 That the present applicants submitted thier representations on 23.11.1994 to the Sureyor General, Survey of India, Dehradun through proper channel vide representation dated 23.11.1994 wherein it is stated that the Office Memorandum dated 11.9.87 of the Ministry of Finance received under Surveyor General's letter dated 13.11.87 and it is further stated that as per the recommendation of the I^{Ind} Central Pay Commission the pay scale of Draftsman Gr. II of Survey of India was Rs. 205-280 and as per the recommendation of the II^{Ind} Central Pay Commission was initially given as Rs. 330-560 and after recommendation of the Govt. of India Draftsman in Survey of India was later on granted Rs. 425-600 to the grade II Draftsman in the Survey of India.

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Therefore this has resulted disparity in the maximum because this pay scale in all other offices/departments have been given Rs. 425-700 and as per the Office Memorandum No. F. 5 (13)-E.III/87 dated 11.9.87 issued by the Ministry of Finance, granted the pay scale of Rs. 425-700 notionally from 1.1.73 and actually from 1.9.87 for the Draftsman who ~~xxxxxx~~ were in the pay scale of Rs. 205-280 prior to 1.1.73 and were later on granted to Rs. 330.560 following the recommendation of 3rd Central Pay Commission. The applicants submitted these representations individually addressed to the Respondent No. 2 and requested for implementation of the O.M. dated 11.9.87.

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

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

This benefit of revision of pay scale was given notionally with effect from 13.5.82 and actual benefit being allowed with effect from 1.11.82. The staff side in the National Council of Joint Consultative Machinery

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requested for pay parity and similar benefit which was granted to the CPWD Draftsman for extension of the same to the Draftsman of other Central Offices, and on the basis of that request Govt. set up a committee of National Council (Joint Consultative Machinery) to consider the request of the staff side and finally agreed and recommended to extend the similar benefit of revised pay scale to the Draftsman Gr. I, II, and III under all ^Govt. of India Offices vide Office Memorandum No. F.5(59)-E.III/82 dated 13.3.84 issued by the Ministry of Finance, ^Govt. of India, Department of Expenditure and granted the benefit notionally with effect from 13.5.82 and actually benefit was allowed with effect from 1.11.83.

However, this benefit is extended only to the Draftsman in other Central ^Govt. offices provided their recruitment qualification are similar to those prescribed in the case of Draftsman in C.P.W.D. Therefore the benefit of Office Memorandum dated 13.3.84 was not extended to the present applicants.

A copy of the Office Memorandum dated 13.3.84 is annexed as Annexure-4.

6.9 That after the issuance of the Office Memorandum dated 13.3.84 Draftsman working in many Central Govt. offices were excluded from the benefit of the Office Memorandum dated 13.3.84. Therefore staff side of the National Council (Joint Consultative Machinery) further

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requested the Government of India to extend the benefit of revised pay scale which was extended through Office Memorandum dated 13.3.84 in the other Central Govt. Offices irrespective of their recruitment qualification and also demanded to extend the benefit with retrospective effect notionally from 13.5.82 and actually from 1.11.83.

The Govt. of India vide Office Memorandum No. 13(1)-IC/91 dated 19.10.94 issued by the Government of India Ministry of Finance, Deptt. of Expenditure whereby Govt. of India extended the benefit of revised pay scale which was initially granted through Office Memorandum dated 13.3.84 to all the Draftsman Grade I, II and III and in all Govt. of India Offices irrespective of their recruitment qualification. The relevant portion of the Office Memorandum dated 19.10.94 is reproduced below :

"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 975-1540 to Rs. 1200-2040 (pre-revised 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 Rs. 425-700).

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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 could be made against available vacancies in higher grade and in accordance with the normal eligibility criteria laid down in the recruitment rules.

4. The benefit of this revision of scales of pay would be given with effect from 13.5.1982 notionally and actually from 1.1.1983.

The above scheme and revision of pay scale laid down in para 2 of the Office Memorandum dated 19.10.94 formulated to place the working Draftsman of other Central Govt. offices other than the Draftsman working in C.P.W.D. with the intention to replace them in a better pay scale and better service condition like the Draftsman of C.P.W.D. Therefore condition of particular working period is also laid down in paragraph 2 of the said O.M. to replace the Draftsman in higher pay scale on expiry of prescribed working period such as 7 years, 5 years and 4 years respectively in the respective grade. After publication

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of this O.M. dated 19.10.94 the Govt. of India, Ministry of Science & Technology, Deptt. of Science and Technology vide their letter No. 1-12/93 Cdn dtd. 11.11.94 issued the same addressing the Surveyor General of India Hathibarkala Estate, Dehradun wherein it is stated that the O.M. dated 19.10.94 is forwarded on the subject of revision of pay scales of Draftsman of Grade I, II, and III in all Govt. of India Offices on the basis of the award of the Board of Arbitration in the case of C.P.W.D. for information, guidance and necessary action. But surprisingly the Surveyor General of India did not take any action as regard implementation of O.M. dated 11.9.87 and also dated 19.10.94. As such the present applicants are being deprived of their legitimate claim for pay parity with the Draftsman working in other Central Govt. Offices, the non-implementation of the O.M. dated 11.9.87 as well as 19.10.94 resulted indiscrimination and the action of the respondents are violative of Article 14 and 16 of the Constitution of India.

A copy of the O.M. dated 19.10.94 and letter dated 11.11.94 are enclosed as Annexures 5 and 6 respectively.

6.10 That the Draftsman working in the Survey of India are entrusted with very high standard of drawing works, and compilation of Maps and Cartography scribing and they are required to carry out topographical drawing on various skills covering the whole country. The topographical maps, topographical thematic maps, guide maps,

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tourist maps, state maps, three dimensional plastic relief maps and other project maps are generally prepared by the Draftsman of Survey of India. These maps are important and useful for defence and all other Ministries State Govt. as well as for ~~education~~ educational purposes and for map users/readers in general. All the above maps are prepared by the fair drawing or cartographic scribing techniques. The fair mapping in both the methods used are mainly carried out by the Draftsman in the Deptt. after completion of the field work. The fair mapping is allotted to the Circle drawing offices of the Deptt. hence right from the compilation, drawing to final proof stage of any map, the main job of preparing originals for printing and publishing is carried out by the Draftsman of Survey of India. The map under preparation is to undergo the following various stages in the hands of the Draftsman.

1. Projection
2. Plotting of Control points
3. Compilation (where necessary)
4. Mosaicing
5. Drawing/Cartographic scribing/plastic relief mapping.
6. Drafting of technical correspondence with the local ^Governments, the Deputy Director General of Military Survey (G.S.G.S.) Ministry of Defence and Ministry of External Affairs and Other indentors.

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7. Preparation of History Sheets and Publication Instructions.
8. Examination of Preliminary proofs and preparation of ancillary originals etc. (i.e. Grid, Colour separation Guides, Shade Originals etc.etc.).
9. Examination/preparation of Final P.O. Ps; ascertaining the correctness of the External/International Boundaries and the Coast line with the available records and Circulars etc.
10. Preparation of Area Statement, and submission of area figures of Indian States/Union territories for each Census of India.
11. Scrutiny of all such maps containing External/International Boundaries and coast line published by the private agencies.
12. Besides the above a Draughtsman has to prepare the Publications used in the Department including all charts, Indexes, Hand Books etc.
13. A Draughtsman has to have a very high standard of technical knowledge also of printing & publishing of all kinds of maps and basic knowledge of field work. This is being confirmed by the Circle Offices by means of Trade Tests periodically.
14. A Draughtsman has to prepare and supply data for gazetteers published by the Govt. of India.

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At the time of recruitment the basic qualification for a Draughtsman is Intermediate with Mathematics. After recruitment the Draughtsman are subject to two years of a very high regular standard course of training at Survey Training Institute, Survey of India, Hyderabad encompassing all the duties required of a Draughtsman enumerated above. They are practically trained in the use of all the instruments required of a Draughtsman. The scribing instruments used by the Draughtsman are sophisticated. Its blades/needles are to be prepared by Draughtsman concerned according to line weights. For this, specified training is being given at Survey Training Institute, Hyderabad. Draughtsman not only from other departments of our States & Central Govt. are sent for training/courses to Survey Training Institute, Survey of India, Hyderabad but also from abroad, e.g. Sri Lanka, Nepal, Bhutan, Africa and Iran etc.

For systematic processing of the job mentioned in paragraphs 1 to 13 above, the draftsman of the following grades are employed :

1. Draughtsman (Cartographic) Grade IV (After completion of the training) of two years and after passing the prescribed tests.
2. Draughtsman Grade III (After completion of 3 years by trade test & subject to qualify).
3. Draughtsman Grade II (after completion of two years by trade test and subject to qualify)

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4. Draughtsman (Cartographic) Division I (By D.P.C. on vacant posts). The only promotion one gets after 30-33 years of service. Trade Tests are not promotion as per Govt. of India's letter No. F. No. 10(1)/E-III/88 Govt. of India, Ministry of Finance, Deptt. of Expenditure, New Delhi dated 13th September, 1991 in para 2 (C).

It is, further to say that the Draughtsman of Survey of India employed in various kinds of map making, in which fair drawing/cartographic, scribing requires a high class of accuracy, consistency, uniformity and achieving the highest standard of precision mapping".

Therefore it appears that the Draftsman of Survey of India, the present applicants not only performing the similar nature of work like Draftsman of CPWD of the corresponding grade rather discharging the very high standard of drawing work which cannot be equated with the Draftsman of any other department of the Central Govt. Offices. Therefore the present applicants deserves rather a higher pay scale than the other Central Govt. Offices Draftsman working in the corresponding grades. But unfortunately the present applicants has been deprived of the revised scale of pay which was granted to the CPWD Draftsman long back following the award of Board of Arbitration. The non-extension of revised pay scale to the present applicant has violated the principles laid down in Article 14 and 16 of the Constitution of India.



6.11 That the present applicants declare that they are performing similar nature of work which are being performed by the Draftsman Gr. II in the CPWD. Therefore they are also entitled to the benefit of revised pay scale granted under O.M. dated 19.10.94 issued by the Ministry of Finance, Govt. of India, Department of Expenditure.

6.12. That the Survey of India is the National Survey and Mapping Organisation of our country under the Ministry of Science & Technology and is the oldest Scientific Department of the Govt. of India. It was set up in the year 1967. This is the only organisation for preparing the maps of land surveys of India and abroad. Therefore the present applicants who are working as Draftsman Gr. II should not be deprived from the benefit of extension of revised pay scales which was granted to other similarly situated Draftsman working in other Central Govt. Offices.

6.13 That the applicants beg to state O.M. dated 19.10.94 issued by the Govt. of India, Ministry of Finance during the Pendency of their representations which were addressed to the Surveyor General, Survey of India, Dehradun. Therefore it appears that applicants as regard their entitlement for placing them in the scale of Rs. 425-700 is covered vide Govt. of India's letter dated 11.9.87 as well as also covered under the OM dated 19.10.94 issued by the Ministry of Finance, Govt. of India to provide the better service career. The applicants

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further beg to state that the O.M. dated 19.10.94 provided better future prospects to the applicants who are similarly situated like Draftsman CPWD as well as Draftsman of Ordnance Factory althouth they are also covered under the O.M. dated 11.9.87 but for further advacnement in the service career of Draftsman Grade II O.M dated 19.10.94 should be implemented in respect of the present applicants with immediate effect with all consequential ~~benefit~~ monetary benefits.

6.14 That the case of the present applicants is covered by the judgement of the Hon'ble Supreme Court delivered in the case of P. Sabita and Ors. Vs. Union of India and Ors. in Civil Appeal No. 3121/81. Similar case also decided by the Hon'ble CAT, Calcutta Bench in the case of O.A. No. 458/86 (Sunil Kumar Bhowmick Vs. Union of India & Ors) whereby the Hon'ble Tribunal was directed to extend the benefit of O.M dated 13.3.84 issued by the Ministry of Finance to the Draftsman Gr.I, II, and III of the Director General, Supply & Disposal Govt. of India.

Representation dated 23-11-94.

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A copy of the judgement of Calcutta Bench is enclosed as Annexure-7.

6.15 That the applicants beg to state that in Survey of India the pay scale of different grade of Draftsman are as follows :

	Pay scale	Revised Pay Scale
Grade IV	Rs. 260-430	Rs. 975-1540
Grade III	Rs. 330-560 480	Rs. 1200-1800
Grade II	Rs. 425-600	Rs. 1350-2200
Grade I	Rs. 425-700	Rs. 1400-2600

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From the above, pay scale, it appears that the Gr. II Draftsman of Survey of India are placed in the scale of Rs. 425-600 whereas in all other Central Govt. Deptts. including C.P.W.D. Gr. II Draftsman are placed in the scale of Rs. 425-700. This is highly discriminatory and the same is violative of Article 14 and 16 of the Constitution of India.

6.16 That by the Office Memorandum dated 19.10.94 issued by the Govt. of India, Ministry of Finance, Department of Expenditure to provide a better, uniform future prospect to all the Draftsman Grade I, II and III of all Central Govt. Offices irrespective of their RECRUITMENT QUALIFICATION.

That the O.M. dated 19.10.94 which is subsequently modified and similar recruitment qualification which was earlier prescribed by the O.M. dated 13.3.84 is now waived in the O.M. dated 19.10.94 with the sole object to cover the left out Draftsman serving in other Central Government Offices and therefore the Central Government have take a more liberalised policy to grant higher revised pay scale in ~~mix~~ on uniform rate to the Draftsman working in various Central Government Offices although the present applicants already covered under the O.M. dated 11.9.87 but the present O.M. dated 19.10.94 provides a better future prospects to the Draftsman Grade II serving under Government of India and particularly this O.M. is also beneficial to the present applicants who are serving in the cadre of Grade II Draftsman in the Survey of India, under the the Ministry of Science and Technology.

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Therefore the present applicants are also entitled to the benefit or revised pay scale granted under O.M. dt. 19.10.94 as the same provided better promotional avenue to the Grade II Draftsman.

6.17 That the applicants beg to state that the respondents ought to have been implemented the benefit of higher revised pay scale in terms of O.M. dated 11.9.87 in the long back. The recent O.M. dated 19.10.94 is the improvement over the Office Memo andum dated 13.3.84 to extend the benefit of revised pay scale i.e. Rs. 425-700 to all the Draftsman of Grade II of different Central Government Departments by further relaxing and waiving the recruitment qualification and the O.M. dated 19.10.94 is issued for career advancement system and the present applicants categorically deny the statement made in paragraph 3 of the letter dated 31.1.96 issued by the Joing Secretary, Govt. of India wherein it is stated that the existing career advancement system is better than the CPWD. In this connection it may also be stated that following the Office Memorandum dated 13.3.84 Grade II Draftsman of CPWD were already granted higher revised pay scale of Rs. 425-700 in the year 1984 with retrospective benefit whereas even in the year 1996 the present applicants are still in the scale of Rs. 425-700. Therefore the statement made in the letter dated 31.1.96 is false, misleading and not bast on factual positio n. Therefore it is deserved that the letter dated 31.1.96 issued by the Joint Secretary, Government of India is liable to be set aside and quashed.

But the O.M. dated 19.10.94 has taken care of for further advancement in service career of Draftsman Grade II. Therefore implementation of the Office Memorandum dated 19.10.94 is essential in respect of the Draftsman Gr. II of Survey

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of India, for further advancement of service career of the present applicants. Be it stated that if the O.M. dated 11.9.87 would have been implemented in time in that event the present applicants would have readily fitted in the present scheme of revised pay scale issued under O.M. dated 19.10.94.

6.18 That the applicants beg to state that being highly aggrieved for non-extension of the benefit of higher revised scale of Rs. 425-700 to the present applicants they have filed an application under Section 19 of the Administrative Tribunals Act, 1985 before this Hon'ble Tribunal. The Hon'ble Tribunal after perusal of the said application, disposed of the same on 20.7.95 with the following directions :

"4." In view of the Office Memoranda mentioned above and as no other controversial question arises we think it proper in order to secure the ends of justice to direct the concerned authorities of the respondents 1 to 3 to apply their mind to the grievance of the applicants and take a decision if it is not so far taken as to whether the benefit of the revised pay scales should be extended to the applicants. If the authorities are satisfied that the applicants are eligible to get the benefit the respondents to implement the decision at the earliest.

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5. In the event of the respondents finding that any of the applicants are not eligible to be extended the benefit of revised pay scale that decision shall be communicated to the applicants individually by the respondents.

6. In the event of applicants of any of them being informed that the benefit cannot be extended to him the said applicant will be at liberty to approach the Tribunal if so advised for appropriate relief. The respondents are directed to take their decision as far as practicable within a period of three months from the date of receipt of the order. The O.A. is disposed of accordingly. No order as to costs."

But the respondents thereafter communicated their decision through order dated 31.1.96 issued by the Joint Secretary, Govt. of India whereby respondents have rejected the claims of higher revised pay scale of Rs. 425-700 without application of mind thereby forced the applicants for further litigation, hence this present application. The applicants deny the correctness of the statement made in the order dated 31.1.96 that the promotion prospect of Draftsman in the Survey of India is better than the prospect in CPWD. In this connection the applicants beg to state that for improving the service condition of pay scale and promotion, the Govt. of India has brought Draftsman all other Govt. of India's department other than CPWD at par with the position of scale and promotion as prevalent in CPWD. The Apex Court and different Benches of the Central Administrative Tribunal have also granted reliefs by allowing applications bringing the employees at par with the CPWD Draftsman. It is therefore not correct and also not just and fair to deny the benefit of parity to the present applicants on the plea that the applicants are enjoying better promotion prospect which is not the factual position. ~~xxxxxxxxxxxxxxxxxxxxxx~~

ff is stated that the O.M. dated 19.10.94 provides a better promotional avenue to the Grade II Draftsman.

In this connection it is ought to be mentioned that the present applicants who were enjoying pay scale 205-280 whereas counter part in C.P.W.D. during IInd Pay Commission were granted 180-380 but in the IIIrd Pay Commission Grade III Draftsman of Survey of India, initially granted Rs. 330-560 and Grade II Draftsman although initially granted 330-560 but subsequently Govt./Department recommended and accepted the scale of Rs. 425-600 but after award of the CPWD Draftsman Grade II who were enjoying the pay scale of Rs. 330-560 equivalent to Survey of India's Grade III Draftsman now after 13th March 1984 placed above the Grade II Draftsman of Survey of India in the scale of ~~Rs. 425-600~~ 425-700 and thereby superseded in the matter of pay scale. Therefore, the point of better promotional prospect in the existing procedure in Survey of India for Grade II Draftsman cannot be treated better as stated in paragraphs 3 and 4 of the order dated 31.1.96 issued by the Joint Secretary, Ministry of Science & Technology, New Delhi. Therefore the order dated 31.1.96 be set aside and quashed and the applicants be placed in the scale of Rs. 425-700 in terms of O.M. dated 19.10.94.

A copy of the letter dt. 31.1.96 is enclosed herewith and the same is marked as Annexure-8.

6.19 That the similar question of pay parity of Draftsman of Ordnance Factory with C.P.W.D. also dealt with by the Hon'ble Supreme Court in Civil Appeal No. 1433 of 1995 decided on 20.7.95. It is quite clear from the Hon'ble Apex Court decision dated 20.7.95 that the present ~~ff~~ applicants who are having similar historical background

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of pay scale are entitled to higher revised pay scale of Rs. 425-700 (revised 1400-2300) in terms of O.M. dated 19.10.94. The relevant portion of the Supreme Court Judgement dated 20.7.95 is quoted from paragraph 15, 16 and 17 and 18 below :

"15. Shri N.N.Goswami, the learned senior counsel appearing in support of the appeals as well as the Special Leave Petitions and the Review Petitions has urged that the channel of promotion in Ordinance Factories is different from the channel of promotion in CPWD inasmuch as in CPWD, there is no further promotion after a person reaches the scale of Draughtsman Grade I while in Ordinance Factories a Draughtsman is entitled to be promoted as Chargeman Grade II and thereafter as Chargeman Grade I and ~~promotions~~ ~~Chargeman Grade II~~ as Foreman and that the post of Chargeman Grade II which is the promotional post for draughtsman was in the pay scale of Rs. 425-700 and that placement of Draughtsman ~~being~~ in the said pay scale of Rs. 425-700 would result in Draughtsman being placed at the same level as the promotional post of Chargeman Grade II and, therefore, the benefit of the revision of pay scales under Office Memorandum dated March 13, 1984 cannot be extended to the Draughtsmen in Ordinance Factories. On behalf of the respondents it

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is disputed that there are no promotional chances for Draughtsman Grade I in CPWD. This question was not agitated in any of the matters before the Tribunal and we are, therefore, unable to entertain this plea urged by Shri Goswami on behalf of the appellants/petitioners. As regards the post of Chargement Grade II being a promotional post of Draftsman in Ordnance Factories was in the scale of Rs. 425-700 ~~on the basis of the Office Memorandum~~ at the relevant time, we are of the view that merely because of promotional post for Draughtsmen in Ordnance Factories was in the scale of Rs. 425-700 on the basis of the Office Memorandum dated March 13, 1984 if such Draughtsmen are otherwise entitled to such revision in the pay scale on the basis of the said Memorandum. Moreover, the provisions 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 May 13, 1982 on the basis of the Office Memorandum dated Marvh 13, 1984 and, at that time, the said Rules were not operative. Therefore, on the basis of the aforesaid Rules Draughtsmen

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in Ordinance Factories cannot be denied the benefit of revision of pay scales on the basis of the Office Memorandum dated March 13, 1984. The appeals and the SLPs as well as Review Petitions relating to draughtsmen in Ordinance Factories are, therefore, liable to be dismissed.

16. Dealing with draughtsmen in the Army Base Workshops in the E.M.E., the Principal Bench of the Tribunal has observed that in the E.M.E. for the post of draughtsman, the qualifications that are prescribed are "Matriculation or its equivalent". The Tribunal has referred to the Report of the Third Pay Commission wherein, while dealing with draughtsmen who were in the pay scale of Rs. 1 50-240 (as per report of Second Pay Commission) it is stated :

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

17. The Tribunal has observed that Tracer in the E.M.E. could not be treated in any other manner but at par ~~with~~ with Grade III Draughtsman of CPWD keeping in view their recruitment qualifications. The Tribunal held that the benefit of Office memorandum dated March, 13, 1984 had been rightly extended to Draughtsmen in E.M.E. and that its withdrawal was illogical

and irrational. The learned counsel for the appellants has been unable to show that is the said view of the Tribunal suffers from an infirmity which would justify interference by this Court.

18. Civil Appeal No. 1433 of 1986, 2125-33 of 1993 as well as S.L.P.s (Civil) Nos. 8593-94 of 1987, 22016 of 1993 and Review ~~Applications~~ Petitions ~~xx~~ Petitions (Civil) Nos. 857-58 of 1991 are accordingly dismissed but in the facts and circumstances of the case, the parties are left to bear their own costs".

From the above it is quite clear that the pay scale of present applicants are similar to that of Draughtsman of Ordnance Factory and CPWD therefore present applicants are entitled to the pay scale of Rs. 425-700 in terms of O.M. dated 19.10.94 and especially as the requirement of similar recruitment qualification is now waived.

6.20 That the applicants beg to state that they are similarly situated like the other Draughtsmen Grade II of different Central Govt. Offices including the Draughtsmen Grade II of CPWD and Draughtsmen Ordnance Factory. Therefore, in view of the facts and circumstances stated above the present applicants are entitled to be placed in the pay scale of Rs. 425-700 either in terms of O.M. dated 11.9.87 or in terms of O.M. dtd. 19.10.94. It appears that the latest O.M. dtd. 19.10.94 is applicable considering the same have provided

better promotional aspects and moreover as the present applicants of Survey of India rather entrusted with more complicated nature of works than the Draughtsmen Grade II working in any other organisation of the Central Govt. as Draftsman having same status. Therefore the Respondents be directed to place the present applicants in the revised pay scale of Rs. 425-700 per month in terms of O.M. dated 19.10.94. It would be evident from the Judgement and Order dated 11.4.1991 passed in O.A. No. 66 of 1989 (K.N. Chary & Ors. Vs. Union of India & Ors) that scribing work which is a very important and more complicated and pain taking work in addition to drawing work are being entrusted to the applicants as one of the major part of work, in addition to their drawing work. It is clear from the following observation of the Hon'ble Tribunal of Hyderabad that the scribing work is more complicated, sophisticated and pain taking work than the ordinary duty entrusted to the Draftsman of other department, the relevant portion is quoted from para 13 of the Judgement dated 11.4.91.

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

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of the Draftsmen firstly, equalised their pay with the Scribes and immediately thereafter they further increased the pay scales of the Draftsmen. The petitioners contended that their work is superior and involved great skill. They also contended that the department deputed some Draftsmen to undergo training under the Scribing work is more difficult, pains taking. For that reason alone the Scribes were put on higher pay scale than the Draftsmen and they are entitled to get the equal pay scale on par with the Draftsmen at least. The Department itself who is competent authority to assess the relative merits and demerits of the work involved in the two categories of people, made a recommendation stating that the Scribes are discharging important duties and they are taking a lot of risk in discharging their duties and sometimes it is also injurious to their eyes by focussing artificial light into their eyes. So, they recommended that their pay scale should be equated with the pay scale of the Draftsmen. The Departmental Officers are the competent authorities to assess the work of these categories of employees. They themselves after going through the nature of the work of the Scribes and the Draftsmen, recommended that the pay scales of the Scribes should be increased on par with the Draftsmen. When the Government increased the pay scale of the Draftsmen

10/12/1982

basing on the Awards, what prevented the Government to act upon the recommendation made by the officers of the Geological Survey of India who knows the work of the petitioners, who knows the risk involved in their work intimately and recommended to increase their pay scales on par with the Draftsmen. The Government has not shown any reason for not accepting the recommendation of the Department."

In the light of the above observation it may be further mentioned that the Director of Western Circle, office, Jaipur Vide its letter dated 7.1.988, referred the O.M. dated 11.9.87 strongly recommended for grant of benefit of the revised pay scale in terms of O.M. dated 11.9.87, the relevant portion is quoted below :

"Now that with issue of Govt. of India orders vide O.M. dated 11.9.87 (quoted in reference above), it is felt that our Draftsmen Gde. II who prior to 1.1.73 were in Pay Scale of Rs. 205-280 and were initially granted replacing Scale of Rs. 330-560 on the basis of recommendations of 3rd Pay Commission w.e.f. 1.1.73 (although were eventually granted revised scale of Rs. 425-600), it may not be in fitness of things if they are deprived of the benefit of revised pay scale of Rs. 425-700 by the Govt. of India.

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It is, therefore, requested and recommended that the case may kindly be considered in the correct perspective and given sympathetic consideration to allow the benefit of the current Govt. orders to the Draftsmen Gde. II of Survey of India. If need be, Govt. of India may be approached appropriately for favourable consideration of the case, so that uniformity in pay scale of Draftsmen, employed in various Departments of Govt. of India is maintained.".

Therefore it is quite clear that the present applicants entitled to the benefit of O.M. dated 11.9.87. It would be further evident from the letter dated 19.2.1988 issued by the Director PF (Survey) (AIR), New Delhi addressed to the Survey General of India, Dehradun wherein a doubt has been expressed as regard application of O.M. dated 11.9.87 and requested for clarification. The relevant portion of the letter dated 19.2.1988 is quoted below :

"In accordance with O.M. No. F.5(13)-E.III/87 dated 11.9.87 of the Ministry of Finance received under your above cited endorsement, all Draftsman who were in the pay scale of Rs. 205-280 prior to 1.1.73 and were placed in the pay scale of Rs. 330-560 based on the recommendations of the 3rd Pay Commission may be given the pay scale of Rs. 425-700 notionally from 1.1.73.

[Signature]

A doubt has arisen whether these orders would be applicable to our D'Man Gde. II who were in the pay scale of Rs. 205-280 prior to 1.1.73 and were recommended the scale of Rs. 330-560 by IIIrd Pay Commission but were actually given the scale of Rs. 425-600 vide your No. E2-18114/1904-PC dated 25.3.77.

'Kindly advise."

But the Surveyor General of India remain silent although clarification sought, as regard the application of O.M. dated 11.9.87, and the same is also strongly recommended for Extension of higher revised pay scale to the Draftsmen Grade II of Survey of India.

The present applicants are being denied the revised pay scale either in terms of O.M. dated 11.9.87 or in terms of O.M. dated 19.10.94 in a very arbitrary manner, by the respondents and the rejection of the prayer of revised pay scale vide order dt. 31.1.96 is highly illegal, unfair, and the same is violative of Article 14 and 16 of the Constitution of India and the same is liable to be set aside and quashed.

Copy of the Judgement and Order dated 11.4.91 passed in O.A. 66 of 1989 and letter dated 7.1.1988 and 19.2.88 are annexed herewith as Annexure 9,10, and 11 respectively.

6.21 That the applicants beg to state that the Draftsman (Cartographic) Association of Survey of India at Headquarter at Dehradun also submitted representation to the Secretary

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Department of Science and Technology, New Delhi for demanding a higher pay scale of Rs. 1600-2660 for the Draftsman Grade II of the Survey of India and in the said representation dated 11.1.96 the Association stated interalia, about the IVth Pay Commission's specific recommendation for the Draftsmen in their report on Page No. 196 para 11.15 which is quoted below :

"After taking into consideration all the relevant factors and the revisions of pay scales of Draughtsmen which would have been carried out in different Ministries/Departments in pursuance of Government orders of March 1984. We recommended that Draughtsmen in the existing scale of Rs. 330-560, Rs. 425-700, Rs. 550-750 and Rs. 700-900 may be given the appropriate replacement scales proposed in Chapter 8. The few posts of Draughtsmen in the scale of Rs. 840-1040 and all posts on other scale of pay may be similarly placed in the scales proposed in chapter 8. Draughtsmen who are not at present in the above scales of pay may be given the revised scales suggested in chapter 8 in the first instance and then refitted by the Ministries/Departments into one of the four appropriate scales given above."

After above recommendation now the demand for grant of higher pay scale is conceded by the Union Govt. and the same is now liable to be implemented in favour of the Draftsmen of Survey of India but the respondent are reluctant

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to grant the benefit of higher revised pay scale.

A copy of the Association representation dated 11.1.96 is annexed as Annexure-12.

6.22 That the applicants beg to state that the respondents had adopted a delaying tactics in the case of the applicants for granting higher revised pay scale which would be evicent from the fact that the order dated 20.7.95 passed in O.A. 135/95 whereby the respondents were directed to communicate their decision regarding grant of higher revised pay scale within a period of 3 months but the same was communicated after a lapse of 7 months on 31.1.96. Therefore it is requested that the matter be decided expeditiously, for the benefit of the applicants as the revised higher pay scale is already granted to all the Draftsmen of other Central Government Organisations.

6.23 That the order dated 31.1.96 rejects the claim of the applicants on the ground that the Survey of India does not required diploma or qualification of certificates for the Draftsman serving in the Survey of India but the Govt. of India's letter dated 19.10.94 very clearly waived recruitment qualification with the intention to cover all the similarly situated Draftsmen serving in other Central Government Departments for granting the benefit of higher pay scale, as it is already stated above that the Draftsmen of Survey of India is entrusted with more

Complicated nature and sophisticated nature of work than the Draftsmen of C.P.W.D. and of other Central Government Organisation rather deserves a higher revised pay scale as the Draftsmen of Survey of India particularly Grade II Draftsmen are also entrusted with the scribing works, which would be evident from the observation made in Judgement and Order dated 11.4.91 passed in O.A.66 of 1991. Moreover Draftsmen of other departments were imparted training at Hyderabad, where from the present applicants also received training. Moreover the recruitment ~~guide~~ qualification is further waived and ~~by~~ in the O.M. dated 19.10.94 to cover more Draftsmen in the higher pay scale (revised), but the present respondents failed to understand the object of modification and liberalisation of O.M. dated 19.10.94 hence the contention raised in para 3, 4, 5 and 6 of the order dated 31.1.96 and further beg to state that the initial grant of higher pay scale to the Draftsmen of Survey of India during 1st and 2nd ~~and~~ 3rd Pay Commissions also indicate the recognition of higher status of the Draftsmen of Survey of India. Be it stated that the Draftsmen of Survey of India are required to work with more sophisticate instruments, than the Draftsmen of any other organisation of Central Govt., Govt. of India, therefor allegation made in para 4 that the Draftsmen of Survey of India, none confined themselves only with respect to survey is misleading, incorrect, and the same is categorically denied by the present applicants. Moreover, because of the higher skillness,

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expertise of the drawing work, as well as of computation/ preparation of various maps the Draftsmen of Survey of India used to be deputed to other Central Government Organisations and also abroad which have no link with survey as for example the Draftsmen of Survey of India used to be sent on deputation to the Geological Survey of India, Subsidiary Intelligence Bureau, ONGC, and STI, Hyderabad in the scale of Rs. 1640-2900 as Inspectors therefore the Draftsmen of Survey of India deserves a higher revised pay scale than those are granted to CPWD Draftsmen following the award of Board of Arbitration and the letter dated 31.1.96 is liable to be set aside and quashed and the applicants be placed in the higher revised pay scale of Rs. 425-700 (revised 1400-2300) and thereafter they be fitted with the scale of 19.10.94 for further advancement in their service career and the monetary benefit of arrear in the pay scale of Rs. 425-700 (revised 1400-2300) be paid to the applicants either in the terms of O.M. dated 11.9.87 or O.M. dated 19.10.94, as the applicants are covered for grant of higher pay scale interms of O.M. dated 11.9.87 and 19.10.94.

6.24 That this application made bonafide and for the cause of justice.

7. Reliefs sought for :

Under the facts and circumstances stated above the applicants pray for the following reliefs :

1. That the respondents be directed to replace the applicants in the pay scale of Rs. 425-700 (Revised scale of Rs. 1400-2300).
2. That the respondents be directed to grant arrear monetary benefits in the revised higher pay scale of Rs. 425-700 (Revised 1400-2300) either in terms of O.M. dated 11.9.87 or O.M. dated 19.10.94.
3. That the respondents be directed to cover the applicants under the scheme of O.M. dated 19.10.94 issued by the Ministry of Finance, Govt. of India, New Delhi for providing better promotional avenues for career advancement of the applicants.
4. To pass any other order/orders regarding placement of the ~~implementation~~ applicants in the higher revised higher pay scale of Rs. 425-700 (Revised 14000-2300) in the light of various Judgements, decisions of the Supreme Court, Central Administrative Tribunal and also in the light of the different Circulars/Office Memorandums issued by the Govt. of India from time to time and any other order as deemed fit and proper under the facts and circumstances ~~xxxxx~~stated above.
5. To set aside the letter Bearing No. SM/06/001/95 . dated 31.1.96 issued by the Joint Secretary, Govt. of India, Ministry of Science & Technology, Deptt. of Science & Technology, New Delhi.
6. Costs of the case

The above reliefs are prayed on the following amongst other-

-G R O U N D S-

1. For that the O.M. dated 13.3.84 is further liberalised by the Govt. of India through O.M. dated 19.10.1994 by waiving the recruitment qualification to cover up all the Draftsmen Grade II of Central Govt. offices for extending the revised higher pay scale of Rs. 425-700 (Revised 1400-2300).
2. For that the applicants also totally covered by the Office Memorandum dated 11.9.87 issued by the Govt. of India, Ministry of Finance, Department of Expenditure as the pay scale of the present ~~perk~~ applicants were initially recommended by the IIIrd Central Pay Commission Rs. 330-560.
3. For that the Apex Court decision in Civil Appeal No. 3121/81 (P.Savita & Others Vs. Union of India & Ors) also squarely cover the case of the present applicants as they are similarly placed.
4. For that the statement made in the order dated 31.1.1996 is contrary to the factual position of the present applicants and does not reveal the actual position of the Draftsman Grade II of Survey of India and there promotion avenues and it is also contrary to the objects laid down in the O.M. dated 11.9.87 and 19.10.94.
5. For that the present applicants also ^{Contd.} performing similar work like grade II draftsman of C.P.W.D and Ordnance Factory.

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5. For that the ~~applicants~~ statement made in paragraph 4 of the order dated 31.1.96 (Annexure-8) is incorrect as similar recruitment qualification is already waived by O.M. dated 19.10.94 therefore order dated 31.1.96 liable to set aside and quashed.
6. For that the statement as regard promotional prospect of Grade II Draftsman of Survey of India stated in the order dated 31.1.96 is incorrect misleading and the same is liable to be set aside and quashed.
7. For that the order of rejection for revised higher pay scale in respect of Gr. II Draftsman of Survey of India passed under letter No. SM/06/001/95 dated 31.1.96 (Annexure-8) is violative of Article 14 and 16 of the Constitution and the same is liable to be set aside and quashed.
8. For that the case of the applicants is also covered by the Judgement and order passed in O.A. 66/89 by the Hon'ble Hyderabad Bench of the Central Administrative Tribunal, dated 11.4.1991 ascribing is the major duty of the Draftsman Grade II along with Drawing as well as Mapping work and as the Scribing work is ~~more~~ more sophisticated than the Drawing work therefore the applicants are similarly placed like the applicants of O.A. 66/89.

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9. For that the Director, Western Circle, Survey of India, strongly recommended the case of the applicants for their placement in the pay scale of Rs. 425-700 in terms of Office Memorandum dated 11.9.87.

10. For that the Director Survey (AIR), New Delhi also pointed out for placement of the applicants in the scale of Rs. 425-700 in terms of Office Memorandum dated 11.9.87.

11. For that similarly placed other Draftsman Gr. II in different Central Govt. Offices who were serving in the lower scale also brought under the higher revised pay scale of Rs. 425-700 (Revised 1400-2300) whereas the claim of the present applicants has been rejected by the respondents vide order dt. 31.1.96. (Annexure-8).

12. For that O.M. dated 19.10.94 provides better promotional avenues to the applicants from the existing promotional facilities which is very limited.

13. For that the benefit of higher pay scale as well as arrear monetary benefits to the applicants is violative of Article 14 and 16 of the Constitution of India.

14. For that the Govt. of India already extended the higher revised pay scale to the Grade II Draftsman to all Central Govt. Offices therefore the present applicants who are similarly situated are entitled

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to the revised higher pay scale of Rs. 425-700 (Revised Rs. 1400-2300) with arrear monetary benefit.

8. Interim Reliefs prayed for :

That the applicants are not praying any interim relief in this application but pray for speedy disposal of this application.

9. That the applicants declare that they have not filed any other application/case in any other Court or Tribunal.

10. That the applicants declare that there is no remedy under any rule and the Hon'ble Tribunal is the only remedy.

11. Particulars of I.P.O.

Postal Order No.	:	337001
Date of Issue	:	13.3.96.
Issued from	:	G.P.O., Guwahati
Payable at	:	G.P.O., Guwahati

12. An Index showing particulars of the enclosures is enclosed.

13. Documents

As per Index.



VERIFICATION

I, Sri Tulsiram Sharma, working as Draftsman
Gr. II, Survey of India, North Eastern Circle, Shillong
do hereby solemnly affirm and declare that the statements
made in this application are true to my knowledge and
belief and am competent to sign this verification on
behalf of all the applicants in this application.
I have not suppressend any material fact and I sign
this verification on this the 26th day of March, 1996,
at Guwahati

Tulsiram Sharma
(Tulsiram Sharma)

Place : Guwahati

SIGNATURE

Date : 26.3.96

Comparative Chart of PAY SCALES recommended by various Pay Commissions/Govt. to the Draughtsmen of Survey of India.

Grade	IIInd Pay Commission	III Pay Commission	Recommended by the Govt. Deptt.	IVth Pay Commission Recommended by the Govt. Deptt.	@ Placement according to the No. 13(1)-IC/91 dt. 19.10.94 from Ministry of Finance.
V	110-180	260-430	260-430	975-1540	1200-2040 (To be remained in this
IV	110-225				pay scale for 7 years for furhter promotion
III	150-240		330-480	1200-1300	To be remained in this pay scale for 5 yrs. 1400-2300
II	205-280	330-560	425-600	1350-2200 Letter No. E-2-45276/ O.M. No. F.42(5)/74-IC dt. 19.03.77	Revised as per S.G.'s (To be remained in this 1904-PC/IV dt. 13.11.87 from 425-600 to 25-700 subsequent to 1400-2300. 1600-2660 pay scle for 4 years for further promotion sub tc availability of vacancies) @ Recruitment Rules and qualifications is waived cff vide this letter.

(N.P.S. Ahuja)
Genl. Secy D/Mens' (C) Asso.
Survey of India

Attested
Om Shukla
Asst. Secy

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Annexure-2

F.No.5(13)-E.III/87
Government of India
Ministry of Finance
Department of Expenditure

New Delhi the 11th Sept. 1987

OFFICE MEMORANDUM

Subject : Recommendation of the Third Central Pay Commission
- Pay Scale of Draughtsmen-Revision thereof.

The undersigned is directed to state that the Government had accepted the recommendation of the Third Central Pay Commission contained in para 81 (iii) of Chapter 14 of its Report relating to replacement scales of Rs. 330-560 and Rs. 425-700 to be prescribed in the given ratio to the Draughtsmen in the pre-revised scale of Rs. 205-280.

2. The above decision was challenged by a section of employees of the Ordnance Factories Organisation, Ministry of Defence, in the Supreme Court of India. The Hon'ble Court in its judgement delivered on 1st May, 1985, in the Civil Appeal No. 3121 of 1981 P. Savita and Others verus Union of India - accepted the appeal and allowed the replacement scale of Rs. 425-700 to those Draughtsmen also who had previously been given the scale of Rs. 330-560 on the basis of the above recommendation of the Pay Commission. Action has been taken separately to implement the Judgement of the Hon'ble Court.

3. The question of extension of the benefit of the judgement of the Supreme Court to the similarly placed Draughtsmen in other Ministries/Departments of the Government of India has been under consideration of the Government. President is now pleased to decide that the Draughtsmen as were in the pay scale of Rs. 330-560 based on the recommendations of the Third Central Pay Commission as referred to in para 1 above, may be given the scale of Rs. 425-700 notionally from 1.1.1973 and actually from 1.9.87.

Sd/- B. KUMAR
UNION SECRETARY TO THE GOVT. OF INDIA

To

All Ministries/Departments etc.

*Accepted
O.P.W.*

संख्या संभा०२-४५२७६ /१९०४-१०८०/IV

भारतीय सर्वेक्षण विभाग
 गहासर्वेक्षक का कार्यालय
 पोस्ट बक्स संख्या ३७
 देहरादून १०४०-भारत
 दिनांक १३ नवम्बर, १९८७
 कार्तिक, १९०९ ईश्वर

निम्नलिखित पत्र की प्रतिलिपि विरोनि आ०मा०के०/अंगाम्बे०/
 निं०अ०मा०के०/निं०जा०गा०के०/निं०स०ह०/निं०द०प०स०/निं०मा०प्र०/
 निं०ग०उ०स०/निं०प०उ०स०/निं०स०००स०/निं०प००स०/निं०ज्यौ०एवं भन०श्वा०/
 निं०प्रा०प्र०मा०उ०संत्र०/निं०म०स०/निं०उ०स०/निं०अनु०एवं विकास/निं०द०म०स०/
 निं१०स०/निं०द०स०/भार अधिकारी, सर्वे० को सूचनार्थ, मार्गदर्शन एवं
 आवश्यक कार्यवाही हेतु ।

प्रतिलिपि:- निदेशक, सर्वेषित्र०एवं मा०उ०के०/उष निदेशक,
 सीमा सैल को सूचनार्थ ।

प्रतिलिपि:- स्थापना एवं लेखा अधिकारी०प्रशा०१ को सूचनार्थ,
 मार्गदर्शन एवं आवश्यक कार्यवाही हेतु ।

प्रतिलिपि:- स्था०।/स्था०३/गोपनीय/बजट/जे०सी००८०/का०अ०एकक/
 हिन्दी/तकनीकी/रिकार्ड/केन्द्रीय प्राप्ति एवं निर्गत/
 कानूनी सैल भनुभाग ०म०स०का०१ को सूचनार्थ ।

प्रतिलिपि:- १- अध्यक्ष ग्रुा । सिविल अधिकारी एसोसिएशन ।
 २- जनरल सचिव ग्रुा ॥ ॥ ॥
 ३- महासचिव सर्वेयर एसोसिएशन ।
 ४- महासचिव ग्रुा ॥ ॥ ॥ सेवा एसोसिएशन ।
 ५- महासचिव लिपिक वर्गीय कर्मचारी एसोसिएशन ।
 ६- महासचिव भारतीय सर्वेक्षण विभाग कर्मचारी
 एसोसिएशन ।

प्रतिलिपि:- गट्ट फाइल

A copy of the undermentioned paper is forwarded to
 PD, MCC/DMC/DDMC/DMCC/DSA/DSEC/DMP/DNWC/DNEC/DSTI/DEC/DG&RB/
 DPMPP/DC/DC/DR&D/DSCC/DWC/DSC/SOS for information, guidance
 & necessary action.

Copy to:- DCST&MP/DD Boundary Cell for information.

Copy to:- E&AO (Adm.) for information, guidance &
 necessary action.

Copy to:- E1/E3/C/S/JCM/WSU/Hindi/Tech./Record/
 CR&I/Legal Cell Sections (SCO) for information

.....2/-

1. K. K. K.
 2. P. D.
 3. P. D.

67 :: 2 ::

Copy to:- 1. The Chairman, Class I Civilian Officers Association.

2. The General Secretary, Class II.

3. The General Secretary, Surveyors Association.

4. The Secretary General, Class III Service Association.

5. The Secretary General, Ministerial Staff Association.

6. The General Secretary, Survey of India Karamchari Class IV Union.

Copy to:- Guard File.

Mr. Bahl
(K.G. Bahl) LT.COL.,
ASSISTANT SURVEYOR GENERAL,
for SURVEYOR GENERAL OF INDIA.
PHONE: 27051/35.

Ak/

PAPER FORWARDED

(i) O.M.No. 7(21)-E.III/87 dt.17.8.1987 and (ii) O.M. No. F.5(13)-E.III/87 dt.11.9.1987 from Ministry of Finance (Department of Expenditure) both (received under DST's No. 1-9/87-Cdn dt.17.9.1987 and dated 19.10.1987).

(i) O.M.No.7(21)-E.III/87 dt.17.8.1987.

Subject:- Central Civil Services (Revised Pay) Rules, 1986- grant of increment in the revised scales to persons drawing pay at the maximum of the revised scales of pay.

The undersigned is directed to refer to third and Fourth proviso to Rule 8 of the Central Civil Services (Revised Pay) Rules, 1986, which read as follows:-

"Provided also that in the case of persons who had been drawing maximum of the existing scale for more than a year as on the 1st day of January, 1986 next increment in the revised scale shall be allowed on the 1st day of January, 1986;

Provided also that in the case of Government servants who were in receipt of an adhoc increment on their stagnating for more than two years at the maximum of existing scale of pay as on the 1st day of January, 1986 one more increment in the revised scale shall be allowed to them on the 1st day of January, 1986, in addition to the increment already allowed under the preceding proviso."

Annexure-3

Copy to :

1. The Chairman, Class I Civilian Officers Association.
2. The General Secretary, Class II.
3. The General Secretary, Surveyors Association.
4. The Secretary General, Class III Service Association.
5. The Secretary General, Ministerial Staff Association.
6. The General Secretary, Survey of India, Karamchari Class IV Union.

Copy to :- Guard File.

Sd/- K.G.BEHL, LT.COL.
 ASSISTANT SURVEY GENERAL
 for SURVEYOR GENERAL OF INDIA
 Phone : 27051/35

PAPER FORWARDED

(i) O.M. No. 7(21)-E.III/87 dt. 17.8.1987 and (ii) O.M. No. F 5(13)-E.III/87 dt. 11.9.87 from Ministry of Finance (Department of Expenditure) both (received under DST's No. 1-9/87-Cdn dt. 17.9.87 and dated 19.10.1987).

(i) O.M. No. 7(21)-E.III/87 dt. 17.8.87

Subject :- Central Civil Services (Revised Pay) Rules, 1986- grant of increment in the revised scale to persons drawing pay at the maximum of the pre-revised scales of pay.

The undersigned is directed to refer to third and fourth proviso to Rule 8 of the Central Civil Services (Revised Pay) Rules, 1986, which read as follows :

"Provided also that in the case of persons who had been drawing maximum of the existing scale for more than a year as on the 1st day of January, 1986 next increment in the revised scale shall be allowed on the 1st day of January, 1986;

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A.H. - 1/1/88

Annexure-3 (Contd.)

Provided also that in the case of Government servants who were in receipt of an adhoc increment on their stagnating for more than two years at the maximum of existing scale of pay as on the 1st day of January 1986 one more increment in the revised scale shall be allowed to them on the 1st day of January, 1986 in addition to the increment already allowed under the preceding proviso."

A question whether in cases where Government servants stagnate in the pre-revised scale of pay exactly for one/two years as on 1.1.86, additional increment(s) can be granted on 1.1.86 under the aforesaid proviso to Rule 8 of the CCS(RP) Rules, 1986 has been under consideration of the Government of India. The President is now pleased to decide that in such cases where a Government servant had stagnated exactly for one/two years at the maximum of the pre-revised scale of pay as on 1.1.1986, he shall be granted additional increment(s) on 1.1.86 under the Third/Fourth proviso to Rule 8 of the CCS (RP) Rules, 1986. Action to amend the CCS(RP) Rules, 1986 is being taken separately.

3.

(ii) O.M. No. F. 5(13).E.III/87 dt. 11.9.87-

Subject : Recommendation of the Third Central Pay Commission - pay scale of Draftsmen - Revision of.

The undersigned is directed to state that the Government had accepted the recommendation of the Third Central Pay Commission contained in para 81 (iii) of Chapter 14 of its Report relating to replacement scale of Rs. 330-560, and Rs. 425-700 to be prescribed in the given ration to the Draftsmen in the pre-revised scale of Rs. 205-280.

A. H. Patel
A. H. Patel
A. H. Patel

Annexure-3 (Contd.)

2. The above decision was challenged by a section of employees of the Ordnance Factories Organisation Ministry of Defence, in the Supreme Court of India. The Hon'ble Court, in its Judgement delivered on 1st May, 1985, in the Civil Appeal No. 3121 of 1981 P. Savita and Others versus Union of India - accepted the Appeal and allowed the replacement scale of Rs. 425-700 to thos Draftsmen also who had previously been given the scale of Rs. 330-560 on the basis of the above recommendation of the Pay Commission. Action has been taken separately to implement the Judgement of the Hon'ble Court.

3. The question of extension of the benefit of the judgement of the Supreme Court to the similarly placed Draftsmen in other Ministries/Departments of the Government of India has been under consideration of the Government. President is now pleased to decide that the Draftsmen as were in the pay scale of Rs. 205-280 prior to 1.1.1973 and were placed in the scale of Rs. 330-560 based on the recommendations of the Third Central Pay Commission as referred to para 1 above may be given the scale of Rs. 425-700 notionally from 1.1.1973 and actually from 1.9.87.

4. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

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Annexure-4

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

New Delhi the 13th March '84

OFFICE MEMORANDUM

Subject :- Revision of Pay Scale of Draftsmen II, II and I in all Government of India Offices on the basis of the Award of Board of Arbitration in the case of Central Public Works Department.

The undersigned is directed to state that a committee of the National Council (Joint Consultative Machinery) was set up to consider to the request of the staff side that following revised scales of pay allowed to the Draughtsmen Grade I, II and III working in Central Public Works Department on the basis of the Award of Board of Arbitration may to extend to Draughtsmen Grade III, II, I in all Government of India offices :-

	ORIGINAL SCALES	REVISED SCALES ON THE BASIS OF AWARD
Draughtsman Grade I	Rs. 425-700	Rs. 550-750
✓ Draughtsman Grade II	Rs. 330-560	Rs. 425-700 ✓
Draughtsman Grade III	Rs. 260-430	Rs. 330-560

2. The President is now pleased to decide that the scales of pay of Draughtsman Grade III, II and I in offices, Department of the Government of India, other than the Central Public Works Department, may be revised as above provided their recruitment qualification are similar to those prescribed in the case of Draughtsman in Central Public Works Department. Those who do not fulfil the above qualification will continue in the pre-revised scales. The benefit of this revision of pay of scale should be given notionally with effect from 13.05.82, and the actual benefit being allowed w.e.f. 01.11.83.

3. Hindi version will follow.

To

All Ministries/Departments of the Govt. of India (as per standard list with _____) _____ (copies).

Sd/- Illegible
Deputy Secretary to the Govt. of India

A. H. A. S.
A. H. A. S.
A. H. A. S.

ANNEXURE-5

No. 13 (1)-IC/91

Government of India
Ministry of Finance
Department of Expenditure

New Delhi the 19th Oct. 1994

OFFICE MEMORANDUM

Subject : Revision of pay scales of Draughtsmen Grade I, II and III in all Government of India Offices on the basis of the Award of Board of Arbitration in the 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, & III irrespective of their recruitment qualification, in all Government of India Offices.

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

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

- (a) Minimum period of service for placement ~~5~~ ⁷ years from the post carrying scale of Rs. 975-~~4~~ ¹ 1540 to Rs. 1200-2040 (pre-revised scale Rs. 260-430 to Rs. 330-560).
- (b) Minimum period of service for placement ~~5~~ ⁷ years from the post carrying scale of ~~Rs. 1200-2040~~ ¹ ~~560~~ to Rs. 425-700).
- (c) Minimum period of service for placement ~~4~~ ⁷ years from the post carrying scale of ~~Rs. 1400-2300~~ ¹ 2300 to Rs. 1600-2660 (Pre-revised Rs. 425-~~4~~ ¹ 700 to Rs. 550-750).

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Adm

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Annexure-5 (Contd.)

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

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

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

To

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

Attn: [initials]
[initials]
[initials]

ANNEXURE-6

GOVERNMENT OF INDIA
MINISTRY OF SCIENCE & TECHNOLOGY
Department of Science & Technology
Technology Bhawan, New Delhi

No. 1-12/93-Cdn

Date 11th November, 94

To

1. Surveyor General of India
S.O.I.
Block 8, Hathibarkala Estate
Dehraduh (UP) - 248001
2. The Director General of Meterology
I.M.D., Lodhi Road,
New Delhi-110003
3. The Director,
NATMO
MSO Bldg. DF Block
7th Floor, Salt Lake
Calcutta-700064

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.

Sir,

I am directed to forward herewith a copy of Ministry of Finance (Dept. of Expenditure)'s O.M. No. 13(1)-IC/91 dated the 19th October, 94 on the above subject for information, guidance and necessary action.

Yours faithfully,
Sd/- KAMAL PRAKASH
Section Officer

*Attested
while
Pd.*

Annexure-7

To
 The Surveyor General
 Survey of India
 Dehradun 240 001

(Through Proper Channel)

Sub : REVISION OF PAY SCALES.

Sir,

With reference to O.M. No. 5(13)-E.III/87 dated 11.9.87 from Ministry of Finance (Dept. of Expenditure) received under S.G.'s No. E.2-45276/1904-P &C/IV dated 13.11.87 it is requested that as per the recommendations of Second Central Pay Commissions the pay scale of D/Man Gde. II was 205-280. This pay scale as per the recommendations of Third Central Pay Commission was initially given as 330.560 and keeping in view of the appeal of the employees working as Draftsmen was latter on granted as 425-600. This still keeps some more disparity in the maximum because this pay scale should have been given as 425-700.

2. As per Finance Ministry's O.M. quoted above, Hon'ble President is now pleased to decide that the Draftsman Gde. II as were in the pay scale of 205-280 prior to 1.1.73 may be given the scale of Rs. 425-700 notionally from 1.1.73 and actually from 1.9.87. Inspite of S.G.'s letter quoted above, the decision of revision of pay scale of Draftsmen by Hon'ble President of India, has not been implemented for Draftsman Gde. II.

3. Sir in this respect I request that I am working as Draftsman Gde. II w.e.f. 1.1.1986. Hence, in view of Ministry of Finance O.M. referred above and Hon'ble President of India's decision I may be given the pay scale of 425-700 notionally from 1.1.73 and actually from 1.9.87 and in Fourth Central Pay Commission be fixed ~~maximum~~ identical to this scale i.e. 1400-2300 and be given all financial benefits from the retrospective dates.

A. H. Patel
 Addl. Secy.

4. Further, since the Fifth Central Pay Commission has been constituted, it is requested to fix this Draftsman Gde. II pay scale to that, pay scale where, the 1400-2300 is to be upgrades.

An early action is requested, please.

Yours faithfully,

Sd/- Tulsiram Sharma
D/man Gde.

Place : Shillong

No. Shillong

D.O. (NEC)

Date : 23.11.94

After ^{1st}
Ch. Ad.

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

No. SM/06/001/95

Dated 31st January, 1996

O R D E R

The Central Administrative Tribunal, Guwahati Bench, Guwahati, on an application filed by Shri Tulsi Sarma, Draughtsman Grade II in Survey of India, North Eastern Circle, Shillong and seventyseven other Draughtsmen in Survey of India, pass an order directing the Government to consider the grievance of the applicants and to take a decision as to whether the benefit of the revised pay scales extended to Draughtsmen in Government offices other then CPWD vide Ministry of Finance Office Memorandum No. 13(i)-IC/91 dated 19th October, 1994 can be extended to the applicants. The Government after careful consideration of the matter observes and makes the following order.

2. The applicants have requested for implementation of the Ministry of Finance, Government of India Office Memorandum No. 13(1)-IC/91 dated 19th October, 1994 extending the benefit of revised pay scales for Draughtsmen in Government offices and Departments other than C.P.W.D.

3. The Department has considered the existing pay structure of Draughtsman in Survey of India (SOI). Draughtsman in Survey of India is a part of the topographical cadre which includes other employees like planetablers, topo-auxilliary, air-survey draughtsman, Survey Assistants, Topo-Computers, etc. The qualification for recruitment is kept as Inter-mediate with Mathematics as one of the subjects. No candidate in the Draughtsman cadre at any level is required to have the qualification of Certificate/diploma in Draughtsmanship. Further the promotions in the Survey of India from the level of Rs. 260-350, Rs. 260-430, 330-480 upto the level of Rs. 425-600 are flexible whereas in C.P.W.D. the promotions are based on functional basis against sanctioned strength at each level. In Survey of India, the Draughtsmen get promotion on passing departmental examination after completion of fixed tenure of service and get promotion without linkage to vacancies at higher level.

4. It would thus be seen on the one hand the Draughtsmen in Survey of India are not required to possess the qualification of Draughtsman for appointment to any level and on the other hand they get their promotion after fixed periodicity on passing departmental examination without linkage to vacancies. Accordingly, there is no comparison between Draughtsman in CPWD and other organisations vis-a-vis Draughtsman in SOI. Again whereas the Draughtsman in CPWD and other organisations are required to handle varied types of draughtsmanship related jobs ~~in survey~~ whereas the Draughtsman in SOI have confined themselves only with respect to survey. The requirement in their case is knowledge of drawing/~~and~~ cartography as against draughtsmanship in other organisations. Thus, any order issued in respect of Draughtsman in CPWD or Draughtsman in other Ministries/Departments or Organisation cannot automatically be made applicable to Draughtsmen in Survey of India.

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5. The pay structure of Draughtsman in Survey of India had not been and at present also is not at par with pay structure for Draughtsman existing in other Organisations. At one stage, the employees have got higher pay scale through the Joint Consultative Machinery and Arbitration Award. In case the present Office Memorandum is considered for implementation, this will infringe upon the benefits already accrued to the employees of SOI which may not hold good.

6. The above issues have been considered carefully in the Government and it has not been found possible to agree with the request of the Draughtsmen in Survey of India for revision of their pay scales based on the Office Memorandum of Ministry of Finance, Govt. of India dated 19.10.94. All the applicants in the O.A. No. 135/95 dated 20.7.95 filed in the Central Administrative Tribunal, Guwahati Bench, Guwahati are hereby informed of the above decision of the Government.

Sd/- M.M.K.Sardana
Joint Secretary to the Government of India.

Shri Tulsiram S. Arma,
Draughtsman Grade-II
North Eastern Circle, Survey of India,
SHILLONG.

Copy to the Hon'ble Central Administrative Tribunal,
Guwahati Bench, Guwahati, Assam with reference to their
order in the original application No. 135/95 dated 20th July,
1995.

Copy to the Surveyor General of India, Survey of India,
Dehra Dun -248 001.

Copy to Brig. P.K.Gupta, Director, North Eastern
Circle, Survey of India, Survey of India Estate, Shillong
793001 with a request to kind deliver the copies of this
order to all the applicants individually in the above case.

Sd/- M.M.K.Sardana
Joint Secretary to the Government of India.

*After read
G. M. S.
A.D.V.*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATIIN NO. 66 of 1989

DATE OF JUDGEMENT : 11.4.1991

BETWEEN :

1. Mr. K.N. Chary
2. Mr. M. Ganesh Rao
3. Mr. T.C. Norbert Dominic
4. Mr. G. Sailu
5. Mr. V. Prabhakaran
6. Smt. Taiyaba Asgar

..... Applicants

AND

1. Union of India represented by
the Secretary, Ministry of Steel & Mines,
Dept. of Mines,
New Delhi.
2. The Director General
Geological Survey of India
Calcutta.
3. The Deputy Director General,
Geological Survey of India,
Southern Regional Office
Mukaramjahi Road,
Hyderabad-500001

..... Respondents

For APPLICANTS : Mr. V. Venkateswara Rao, Advocate

For RESPONDENTS: Mr. Naram Bhaskar Rao, Addl. C.G.S.C.

CORAM :

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

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

JUDGEMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI J. NARASIMHA MURTHY, MEMBER (JUDICIAL)

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Order
Adv.*

Annexure-9 (contd.)

This is a petition filed by the petitioners for a relief to revise their pay scales of Rs. 330-560 as Junior Scribers to that of Rs. 425-700 with effect from 13.5.1985 notionally and to declare that the petitioners are entitled to the actual benefit of pay fixation in the said scale with effect from 1.11.1983 and further revision to the scale of Rs. 1400-2300 (RSRP) with effect from 1.1.1986 or the date of option in individual cases, as was done in the case of the Draftsmen in the grade of Rs. 330-560 and quash the letter No. J-11011/11/87M.2 dated 8.12.1988 and letter No. J. 11011/11/87/M.2 dated 19-8-1987 issued by the Ministry of Steel & Mines, Department of Mines, New Delhi, directing the respondents to grant the pay scales of Rs. 425-700 (RS) and Rs. 1400-2300 (RSRP) with effect from the respective dates to the applicants herein, with all consequential benefits such as arrears of pay and allowances and fixation of pay etc. Brief facts of the case are as follows :

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

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A handwritten signature in black ink, appearing to read "Atta Afsar" or "Atta Afsar with C/S".

The applicants Nos. 3, 4, 5 and 5 have been appointed as Junior Scribes in the pay scale of Rs. 330-560 with effect from 5.7.1979, 18.7.79, 31.10.1979 and March 1976 respectively. The Map Printing Press of Geological Survey of India, Hyderabad has 3 grades of Scribes viz. Head Scribe, Senior Scribe and Junior Scribe with recruitment rules similar to Senior Technical Assistant (Drawing office) Junior Technical Assistant (Drawing Office) and Draftsman under Drawing Office stream of the Geological Survey of India. The job performed by the Scribe is similar and identical to the job performed by the Draftsman. The existing recruitment rules for the Scribing stream and the Drawing Office stream posts of the Geological Survey of India are almost identical at the entry points of both the streams i.e., Draftsman in Drawing Office stream and Junior Scribe in the Scribing stream. The only difference being in the case of Draftsman is Diploma in Draftsmanship with 2/3 years course while practical knowledge in Map drawing is a must for Junior Scribe. The rest of the posts of Drawing Office stream i.e., Junior Technical Assistant and Senior Technical Assistant are promotion posts. Similarly, the posts of Senior Scribe and Head Scribe are also promotion posts. The posts of Draftsman Junior Technical Assistant and Senior Technical Assistant carry the pay scale of Rs. 260-400, 330-560 and 425-700 respectively which were subsequently revised. The posts of Junior Scribe and Senior Scribe and Head Scribe carry the scales of Rs. 330-560, 425-640 and 550-750 respectively. Thus, the

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

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

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Attested
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on the basis of the Central Public Works Department award vide Ministry of Steel & Mines, Department of Mines, letter dated 1.7.1985 and it was implemented by the Director General, Geological Survey of India, Calcutta vide his letter dated 15.10.1985 on the basis of the Government of India Office Memo dated 13.3.1984. As a result, the Draftsman who joined originally in the grade of Rs. 260-400 is placed in the grade of Rs. 425-700 (Rs. 1400-2300 RSRP) whereas the Scribes (Junior) who joined in a higher scale of Rs. 330-560 (now Rs. 1200-2040 RSRP) remained in lower scale even after 7 to 10 years of service. Thus, a superior post once is now being treated as inferior post.

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

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

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

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

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

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

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

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

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

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Draftsman with effect from 20.12.1980. From 1.1.1973, the pay scale of Draftsman has been revised from Rs. 330-560 to Rs. 425-700 as per the orders of the Ministry of Steel & Mines in letter dated 5.5.1988. Hence, the said order has no relevance to the case of Scribers.

8. On the basis of the representation, the case was referred to the Ministry of Steel & Mines, New Delhi but the same was not accepted by the Ministry. If the individuals have had the access to official correspondence, and have succeeded in obtaining copies of the correspondence by unfair means, they are not expected to make use of the same in support of their case. The information asked for by the IVth Pay Commission was furnished by the office in June 1984. Normally matters relating to equating of different posts and their pay scales have to be left to the Judgement of the expert bodies like Pay Commission. No discrimination has been made to the Scribers as the revision of pay scales of Dra tsman was made on the basis of a special award contained in the Ministry of Steel & Mines, Department of Mines letter dated 5.5.1986. There was however no proposal for merger of the cadre of Draftsman with that of the Scriber. The petitioners failed to make out a case for grant of the relief claimed by them and there are no merits in the petition and the petition is liable to be dismissed.

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

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

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

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

12. In so far as the pay scales are concerned initially the scribes were drawing higher scales of pay whereas the Draftsmen were drawing the lower scales of pay. Basing on an Award of Board of Arbitration, the pay scale of the Draftsmen Grade-III was raised from Rs. 260-400 to Rs. 330-560, Draftsmen Grade-II was raised from Rs. 380-560 to Rs. 425-700, and the Draftsmen Grade-I was raised from Rs. 425-700 to Rs. 550-750. Very recently, the pay scales of Draftsmen were further increased on the basis of the Central Public Works Department Award with effect from 13.5.1982 raising the pay scale of the Draftsmen Grade-II from Rs. 330-560 to Rs. 425-700 whereas the Scribes who were getting pay in the pay scale of Rs. 330-560 were originally remained as it is. The Draftsmen were initially drawing lesser pay scales than the Scribes because the Government has recognised that the Scribes, are more skillful and pains-taking, so they were given higher scales of pay for a petty long time whereas

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

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They further stated that they very small number (4 Juniors, 2 Senior and 1 Head Scriber) in the Department vis-a-vis the heavy work load, the Scribers ~~main~~ tend to be overburdened with work. So, according to the Department, the Scribers require equal treatment on par with the Draftsmen. The petitioners themselves also contended in their representation to the Secretary to the Government, Department ~~of~~ Mines, New Delhi that their work in the Department is more pains-taking involving long hours of work every day, looking over a power light source below the scribe sheets. They also contended that the scribing work requires additional skills is corroborated by the fact that Draftsmen in Geological Survey of India are being imparted special training in Survey of India to enable them to undertake the scribing. Hence, the Scribers deserve, if not higher benefits, atleast parity with the Draftsmen. In fact Scribers are treated as a step lower than that of the Draftsmen. Recognising the fact that the scribing is a more sophisticated function, the Scribers were originally recruited in the higher pay scale of Rs. 330-560 whereas the lowest scale of Rs. 260-400 was given to the Draftsmen. According to the petitioners, the pay scale of Draftsmen was increased to Rs. 425-700. So, they requested the Government to treat them on par with the Draftsmen.

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

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

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the recommendation of the Department.

14. In this case, the Scribers are very limited in number, say about half a dozen and their grievance cannot be effectively agitated and only thing they can do is that they can make an appeal to their higher authorities. If the authorities apply their mind as to how the Scribers were placed above the Draftsmen at the first instance, how the Draftsmen were came up basing on the Awards, and what is the weight they have given to the Draftsmen while upgrading their pay scales etc., they must also consider sympathetically the recommendation made by the Department. Once the Government acted upon the observations made in the Awards and acted upon it and increased the pay scales of the Draftsmen, the same Government ought to have given weight to the recommendations of the departmental officers who are competent to recommend to increase the pay scales on par with the Draftsmen and they ought to have implemented the same. There are no proper grounds shown for not placing the petitioners on par with the Draftsmen. The claim of the petitioners is that their pay scales shall be fixed on par with the Draftsmen. The same was recommended by the Department also. There are no grounds to reject the recommendation of the Department. The Government ought to have appreciated the recommendations of the Department as they have done in the case of the recommendations made in the Awards with regard to the Draftsmen. So, it is a fit case to equalise the pay scales of the Scribers on par with the Draftsmen. We accordingly quash the impugned order No. J-11011/11/87-M.II dated 8.12.1988 and letter No. J.11011/11/87/M.2 dated 19.8.1987 issued by the Ministry of Steel and Mines, Department of Mines, New Delhi. We direct the

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

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

Certified to be true copy

Sd/- Illegible 12.4.91
Court Officer,
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

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Adv

GOVERNMENT OF INDIA
SURVEY OF INDIA

WESTERN CIRCLE OFFICE
CHHJgarh House, Civil Lines
72, Post Bos No. 72
Jaipur-402001 (RAJ)

/Vol.2.

Dated the 7th January, 1988

To

The Survey of General of India
Dehradun.

Sub : Recommendation of 3rd Pay Commission - Pay Scale of
Draftsman - Revision of.

Ref : Ministry of Finance (Dept. of Exp.) O.M. No. F.5(13)
E.III/87 dated 11.9.87 endoresed under your No. E2/
45276/1904-PC/IV dated 13.11.87.

According to para 3 of Govt. of India orders quoted
in reference on the subject cited above, the Draftsman
as were in the Pay Scale of Rs. 205-280 prior to 1.1.73
and were placed in the pay scale of Rs. 330-560 based on the
recommendations of the Third Pay Commission, are to be
given the Scale of Rs. 425-700 notionally from 1.1.73 and
actually from 1.9.87.

In the above context, it is submitted that vide
Govt. of India, Ministry of Finance (Department of Expenditure)
O.M. No. F.42(5)/74-IC dated 19.3.77, the Draftsman Gde.II
of Survey of India who prior to 1.1.73 were in the Pay Scale
of Rs. 205-580 were granted revised Pay Scale of Rs. 425-600
w.e.f. 1.1.73. The said Ministry, under O.M. No. F.5(59)
E.III/83 dated 13.3.1984 (Copy enclosed) ordered that the
Scale of Pay of Draftsmen Gde. III, II and I in offices/
departments of the Govt. of India, where recruitment qualifi-
cations are similar to those prescribed in the case of
Draftsman in C.P.W.D. may be granted revised Pay Scale of
Rs. 550-750, 425-700 and 330-560 respectively notionally w.e.f
13.5.82 but actual benefit to be allowed w.e.f. 1.11.83
while those Draftsmen who do not fulfil the said recruitment
qualifications will continue in the Pre-revised Scales. Since
the Draftsmen in Survey of India did not fulfil the said
condition, the benefit of said Govt. orders was not extended
to them.

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Now that with issue of Govt. of India orders vide O.M. dated 11.9.87 (quoted in reference above), it is felt that our Draftsmen Gde. II who prior to 1.1.73 were in Pay scale of Rs. 205-280 and were initially granted replacing Scale of Rs. 330-560 on the basis of recommendations of 3rd Pay Commission with effect from 1.1.73 (although were eventually granted revised scales of Rs. 425-600), it may not be in fitness things if they are deployed of the benefit of revised pay scale of . 425-700 ordered by the Govt. of India.

It is therefore, requested and recommended that the case may kindly be considered in the correct perspective and given sympathetic consideration to allow the benefit of the current Govt. orders to the Draftsmen Gde. II of Survey of India. If need be, Govt. of India may be approached appropriately for favourable consideration of the case, so that uniformity in Pay Scale of Draftsmen, ~~exclusively~~ employed in various Departments of Govt. of India is maintained.

Sd/- ~~SxK~~ Illegible
for Deputy Director
Director, Western Circle

Copy to : O.C. No. 3 D.O. (WC) for information with reference to his letter No. 2267/17-Y-18 dated 16.12.1987.

Attest
Dhruva
Adv.

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Annexure-11

SURVEY OF INDIA
DIRECTORATE OF SURVEY (AIR)
WEST BLOCK NO. IV, WING NO. IV
R.K.PURAM, NEW DELHI

/18-A-12 (PC-IV)

Dated 19 Feb, 1988

To

The Surveyor General of India,
DEHRADUN

Sub : RECOMMENDATION OF THE THIRD CENTRAL PAY COMMISSION-
PAY SCALE OF DRAFTSMAN - REVISION OF .

REF : Your No. EZ-4587/1904-PC/IV dated 13.11.87

In accordance with O.M. No. F.5(13)-E.III/87
dated 11.9.87 of the Ministry of Finance received under
your above cited endorsement, all Draftsman who were in
the pay scale of Rs. 205-280 prior to 1.1.73 and were
placed in the pay scale of Rs. 330-560 based on the
recommendations of the 3rd Pay Commission may be given the
pay scale of Rs. 425-700 notionally from 1.1.73.

A doubt has arisen whether these orders would be
applicable to our D'Man Gde. II who were in the pay scale
of Rs. 205-280 prior to 1.1.73 and were recommended the
scale of Rs. 330-560 by III & 3rd Pay Commission but were
actually given the scale of Rs. 425-600 vide your No. E2-
18114/1904-PC dated 25.3.87.

Kindly advise

Yours faithfully,

Sd/- K.C.KHERA
OFFICER SURVEYOR
FOR DIRECTOR (SURVEY (AIR))

Copy to O.C. No. 73 (APPFS) party with reference to his
No. 95-18-A-1 (A) PC dated 8.2.88.

Copy to O.C. No. 94 (AM) Party with reference to his No.
73/18-A-12 (A)/PC dated 10.2.88.

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checked
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A.D.J.

DRAUGHTSMENS' (CARTOGRAPHIC) ASSOCIATION
SURVEY OF INDIA
HEAD QUARTERS - DEHRA DUN-248001

No. DA 115/SOI/HQ

Date 11.1.96

To

The Secretary,
Dept. of Science & Technology,
New Delhi

Sir,

It is brought to your kind notice that Draughtsmen working in Survey of India are passing through mental agony especially when comparing the pay and perks of their counterparts working in other Central Government offices.

Ministries of this Cadre were started from the IIIrd Pay Commission may be due to poor representation of the importance of the job and duties. In its finding the Commission has admitted that the Pay scales of the Draughtsmen are rather low and do not match with their duties or qualification (para 79 Page No. 153 Vol I of the IIIrd P.C. report). While dealing with Survey of India, Pay Commission merged the Draughtsmen Grade III (Rs.150-240) and Grade II (Rs. 205-280) and recommended the Pay scale of Rs. 330-560 (para 22 page No. 126 Vol. I of IIIrd P.C.) but the identity of these two grades were restored vide Govt. of India's No. F-42(5)/74-10 dated 19.3.1977 and placed in the Pay Scales of Rs. 330-480 & Rs. 425-600 respectively.

In Ordnance Factory 50% strength of the Draughtsmen whose scale were Rs. 205-280 were placed in 330-560 and 50% in the scale of Rs. 425-700 (para 81 Vol I of IIIrd P.C.). These recommendations were challenged and contested before the Supreme Court. The Honourable Court has accepted the appeal and allowed the Pay Scale of Rs. 425-700 to all who were recommended the Pay Scale of Rs. 330-560 by the IIIrd Pay Commission.

A Presidential Order No. F.5(13)-E.III/87 dated 11.9.87 was issued to extend this benefit to those Draughtsmen who were similarly placed in the Pay scale of Rs. 205-280 ~~by~~ prior to the IIIrd Pay Commission and were recommended the pay scale of Rs. 330-560 by the IIIrd Pay Commission.

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To implement the same your good office has endorsed the above Presidential Order under letter No. T-9/87-Cdr dated 19.10.1987 to the Surveyor General.

It is clarified here that similarly placed Draughtsmen means placement of scales, as is clearly stated in the 4th line of 3rd para of the letter which reads here :-

"President is now pleased to decide that the Draughtsmen as were in the Pay Scale of Rs. 205-280 prior to 1.1.73 and were placed in the scale of Rs. 330-560 based on the recommendation of the Third Central Pay Commission, as referred to in para 1 above may be given the scale of Rs. 425-700 notionally from 1.1.1973 & actually from 1.19. 1987."

Sir this letter was endorsed to subordinate offices for implementation but in practice neither the benefit of the revised scale i.e. Rs. 425-700 was given nor it was withdrawn or cancelled. Some Directors asked the Surveyor General for some clarifications but were never replied. In the meantime recommendation of the IV th Pay Commission were out and the matter went in Hush-Hush.

The IVth Pay Commission also made a specific recommendation for the Draughtsmen in his report on Page No. 19 para 11.15 which reads :-

"After taking into consideration all the relevant factors and the revisions of pay scales of Draughtsmen which would have been carried out in different Ministries/Departments in pursuance of Government Orders of March 1984. We recommend that Draughtsmen in the existing scale of Rs. 330-560, Rs.425-700, Rs. 550-750 and Rs.700-900 may be given the appropriate replacement scales proposed in chapter 8. The few posts of Draughtsmen in the scale of Rs. 840-1040 and all posts on other scale of pay may be similarly placed in the scales proposed in chapter 8. Draughtsmen who are not at present in the above scale of may be given the revised scales suggested in chapter 8 in the first instance and then refitted by the Ministries/Departments into one of the four appropriate scales given above."

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Now the Govt. of India has conceded to the demand of Draughtsmen working in the Union Govt. Offices (after long discussion at the National Council) and issued the orders (endorsed to the Surveyor General of India vide your letter No. 1-12/93-Cdn dated 1.11.1994) for revision of the pay scales of the Draughtsmen.

In the light of above orders Draughtsmen of Survey of India may be placed as under :-

1.	Draughtsmen Grade IV	-	Rs. 1200-2040	For ready reference a
2.	" Grade III	-	Rs. 1400-2300	Chart is enc
3.7	" Grade II	-	Rs. 1600-2660	sed herewith

and Govt. may please be approached to revise the pay scale of Draughtsmen Division I which is a promotional post as mentioned in 3rd para of the letter referred above.

It has come to our knowledge that our officers are adopting the attitude of recalcitrant for one or the other reason and making their own suggestions which are totally against the true spirit of the Govt. letter and on sacrificing the interest of the Draughtsmen cadre by equating with other cadres. Sir, this Association is not against of any other cadre but certainly will be pained if they will be deprived of the benefit of revised scales or wrongly placed.

Trust you being in the high position are sufficiently empowered to accord your approval and will remove the grievances of the Draughtsmen Cadre.

Thanking you,

Yours faithfully,

Enclo : Six

Sd/- N.P.S.Ahuja
General Secretary,

1. IIIrd P.C. Report of Draughtsmen's (Cartographic) Association, para 79 page 153 Survey of India No. 1 D.O.
2. IIIrd PC Report para 22 page 126. Hathibarkala, Dehradun-248001
3. Govt. of India, Min. of Finance letter No. F.42(5)/74-IC dt. 19.3.77.
4. DST's letter No. T-9/87/Ddn dt. 17.9.87
5. President of India's letter No. F.5(13)-E.III/87 dt. 11.9.87
6. IVth P.C. Report para 11.15 page 196.

Attested
O.P. Ahuja
Adv.

Filed by
A.K. Choudhury
9.9.96
Addl. Central &
Standing C.C.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI BENCH
GUWAHATI

Filed in Court
on....9-9-96
✓
Court Master

In the matter of :-

O.A. No.52 of 1996

Tulsi Ram Sharma & others

.... Applicants

- Versus -

Union of India & others

.... Respondents

Written statement for and on behalf on the
Respondents Nos.1,2 & 3.

I, Brig. P.K. Gupta, Director, N.E. Circle,
Survey of India, Shillong, do hereby solemnly
affirm and say as follows :-

1) That I am the Director, N.E. Circle, Survey of India, Shillong and Respondent No.3 in the above case.

2) That at the outset the Respondents beg to narrate the brief history of the case before answering the statements and contentions of the applicants that in Survey of India, candidates possessing Matriculation (changed to intermediate since 1991) with Mathematics are recruited in the Class-III (Group 'C' - Since 1986) service, Division II Establishment and designated as Topo Trainee Type 'B' on a pay scale of Rs.260-350 w.e.f. 1-1-73. They are thereafter rigorously trained for one year in "fair drawing" and "Scribing". On completion of one year training, their productive work is again assessed for one year. On completion of satisfactory training and productive work for two years as above, they are eligible for classification as Draftsmen Grade-IV in the pay scale of Rs.260-430. Residency period in the grade of Draftsmen IV is 3 years. At the end of third year they are tested for further classification. On passing the test they are classified as Draftsmen Grade-III in the pay scale of Rs.330-480. Residency period in Grade-III is 2 years. At the end of two years they are again test for further classification as Grade-II. On passing the test, they are classified as Draftsmen "Grade-II in the pay scale of Rs.425-600.

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9.9.96

Residency period for further promotion as Draftsmen Division I is 5 years and is by seniority cum fitness subject to the availability of vacancies in the Draftsmen Grade-I cadre. For further promotion by selection to Group 'B' service, Draftsmen Grade-I are combined with sister service viz. Surveyors, Survey Assistants, Geodetic Computer and Scientific Assistants with respect to the date of coming over to Division I.

In a nutshell, the grades and pay scale available as on 1-1-73 was as under.

T.T.T. 'B'	Rs.260-350
Grade-IV	Rs.260-430
Grade-III	Rs.330-480
Grade-II	Rs.425-600
Division I (Gr.I)	Rs.425-700

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

Recommended by 3rd Pay Commission	Scales revised w.e.f. 1-1-73 vide Ministry of Finance letter dated 19-3-77.
T.T.T. 'B'	Rs.260-350
Grade-V	Rs.260-430
Grade-IV	Grade IV. 260-430
Grade-III	Grade-III 330-480
Grade-II	Rs.330-560
Division I	Rs.425-700
	Division I 425-700

Before we go further, the history of the case, is also to be submitted. For CPWD Draftsmen, the scales recommended by the Third Pay Commission and accepted by the Govt. is as under :-

Draftsmen Grade-III	Rs.260-430
Draftsmen Grade-II	Rs.330-560
Draftsmen Grade-I	Rs.425-700

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

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Draftsmen Grade-III : Rs.330-560

Draftsmen Grade-II : Rs.425-700

Draftsmen Grade-I : Rs.550-750

By impugned order dated 19-10-94, replacement scales for the Arbitration Award scales were given. Besides, the benefits of these scales were extended to similarly placed Draftsmen of other Central Govt. organisation irrespective of their recruitment qualification.

Few words on CPWD Draftsmen are also required to comprehend the case. In CPWD, the entry point is Grade-III. Methods of entry are through Direct recruitment of qualified Diploma holders/Certificate in Draughtsmen and also by promotion from 'Ferro Printer' with 8 years service in the grade subject to passing of a Departmental qualifying test.

Job requirement is also relevant for consideration. CPWD Draftsmen have to conceptualise and produce various drawings viz. plan, elevation and section from mathematical design data. They have to work out quantities and cost of the projects.

Survey of India Draftsmen are essentially to produce Fair Drawing viz. produce neat drawings over the impressions/guides given. In a way the work resembles tracing. They are required to examine the fair drawn work of others. Scribing is essentially the same but the medium of paper and ink is replaced by film and needless/knives.

For consideration of the applicability of the impugned orders, basic features of recruitment, qualification, training and job requirements are to be kept in view. Perusal of above aspects bring out inherent and material differences viz.

- a) Pre recruitment qualifications are not same.
- b) CPWD Draughtsmen are trained in their profession before recruitment. SOI Draftsmen are to be trained for the job after recruitment.
- c) Availability of grades and pay scales for cases Advancement are not identical.
- d) Residency periods prescribed for each grades are different in SOI & CPWD.

e) CPWD Draughtsmen disputed the scales of Third Pay Commission and went for Arbitration. SOI Draughtsmen were not a party to the Arbitration. Besides they have opted without protest scales revised in 1977.

f) Draughtsmen of SOI never pressed for extending the Arbitration Award for CPWD Draughtsmen implemented vide orders dtd. 13-3-84, then or with the Fourth Pay Commission in 1986. They have accepted the scales awarded by Fourth Pay Commission till the issue of impugned order dtd. 19-10-94.

g) Job requirements, functions and responsibilities are not identical.

In spite of the substantial differences as above the respondents have been actively considering the applicability of the impugned order dtd. 19-10-94 as early as 16-2-95. The points involved in decision making were to have substantial repurcussion and hence consultations with various nodal ministries viz. Deptt. of Personnel and Training, Ministry of Law, Ministry of Finance etc. were required. Simply by going through the nomenclature of Draughtsmen the applicability could not have been.

Shri Tulsi Ram, Draughtsmen Grade-II in North Eastern Circle, Survey of India, Shillong and Seventy Seven other, Draughtsmen in Survey of India filed a case in the O.A. No. 135/95 in the C.A.T. Guwahati Bench, Guwahati and the Hon'ble Tribunal passed an order dated 20-7-95 directing the Govt. to consider the grievance of the applicants and to take a decision as to whether the benefit of the revised pay scale extended to Draughtsmen in Government Offices other than C.P.W.D., vide Ministry of Finance O.M. No. 13(i)-IC/91, dated 19-10-94 can be extended to the applicants. The Government after careful consideration of the matters made ~~order~~-certain observations and passed a reasoned, self explanatory speaking order dated 31-1-96 (copy enclosed) concluding it that it has not been found possible to agree with the request of the Draughtsmen in Survey of India for revision of their pay scales based on the Office Memorandum of Ministry of Finance, Government of India dated 19-10-94.

Aggrieved by the order, Shri Tulsi Ram Sharma and seventyfive other Draughtsmen have filed O.A. No. 52/96 in Hon'ble C.A.T. Guwahati Bench, Guwahati.

It is also worthwhile to note here that the claims of Draughtsmen of DRDO for extending the benefits of the orders dated 13-3-84 have been rejected by the Hon'ble C.A.T. Ernakulam Bench by their reasoned order dated 1-7-94 in O.A.s No.943, 976 and 1459 of 1993.

- 3) That the respondents have no comments to the statements made in paragraph 1 to 5 of the application.
- 4) That the statements made in paragraph 6.1 of the application are admitted being matters of record.
- 5) That the respondents have no comments to the statements made in paragraph 6.1(a) of the application.
- 6) That with reference to the statements made in paragraph 6.2 of the application the respondents begs to state that these are matters of record, However for proper analysis of the case it is added that even under training they are paid pay and allowances in the regular scale of Rs.260-350 (Revised Rs.950-1400) and are entitled for all facilities as entitled for all the Central Govt. Servants and in addition all the expenses for imparting training are borne by the Govt.
- 7) That the statements made in paragraph 6.3 of the application are admitted being matters of record.
- 8) That the respondents deny the correctness of the statements made in paragraph 6.4 of the application & begs to state that the contention of the applicants that in pugned order dated 31-1-96 rejecting the claim of present applicants is contrary to the factual position is not correct as the speaking order is supported by the convincing reasons and is self explanatory justifying its conclusion as to how it has not been found possible to agree with the request of the Draftsmen in Survey of India for revision of their Pay Scales based on the office memorandum of Ministry of Finance, Govt. of India dated 19-10-94 copy of order dated 31-1-96 is enclosed for perusal of Hon'ble C.A.T.
- 9) That the respondents have no comments to offer to the statements made in paragraph 6.5 of the application as the contention of the applicants is based on their presumption only. Presumption is rather vague.

10) That the statements made in paragraph 6.6 of the application are denied. The respondents beg to state that the facts are merely repetition of the facts stated in O.A. No. 135/95. The issue has been reconsidered by the Govt. on directions of the Hon'ble C.A.T. and in the order dated 31-1-96 it has been made amply clear that there is no comparison between Draftsmen in C.P.W.D. and other organisations ~~vis-a-vis~~ Draftsmen in Survey of India. Again whereas the Draftsmen in C.P.W.D. and other organisation are required to handle varied types of Draftsmanship related jobs the Draftsmen in Survey of India have confined themselves only with respect of Survey. Engineering Draftsmen in C.P.W.D. and other Govt. Organisation have to conceptualize the drawing from design particulars or data and produce the drawings. They have to produce various sectional and detailed drawing viz plan, elevation, cross Section also from the design data, be it buildings, roads, dams etc. Survey of India Draftsmen have to produce only drawing over the blue prints or scribe guides. Thus they produce fine copy work of definition, clarity and uniformity. Therefore denial of the benefits of revised pay scale of Rs.425-700 to the applicants is neither arbitrary nor violative of article 14 and 16 of the constitution as alleged by the applicants.

11) That with reference to paragraph 6.7 of the application beg to state that the request of the applicants for implementation of O.M. Dated 11-9-87 could not be accepted as it was not applicable to Draftsmen of Survey of India.

12) That the respondents have no comments to the statements made in paragraph 6.8 of the application.

13) That the statements made in paragraph 6.9 of the application the respondents begs to state that the reasons due to which the benefit of O.M. dated 19-10-94 could not be extended to Draftsmen of Survey of India have already been explained in paragraph 6.6 above and also in speaking order dated 31-1-96 (copy enclosed). The basic point is that content of job ought to have similarity. Engineering Draftsmen possess various qualification viz. Draftsmen in Engineering (Polytechnic) Certificate in Draftsmanship (Industrial Training Institute/Schools). Possessing minimum qualification in trade of Draftsmen is essential for recruitment as engineering Draftsmen. Recruitment rules also may vary according to the type of organisation, strength of the cadre and career prospects. In Survey of India, there is no fixed

strength in Grade IV, III and II. Because of this unfixed scheme Draftsmen in Survey of India get promotion on passing Trade Test. In C.P.W.D. and other organisation, the strength of Grade III, II and I are fixed. Hence for promotion a clear regular vacancy should be available. Hence the words "Irrespective of their recruitment, qualification in all Govt. of India Offices" in O.M. dated 19-10-94 must be read in proper perspective.

14) That the statements made in paragraph 6.10 of the application the respondents beg to state that the duties and responsibilities of Draftsmen of C.P.W.D. and other organisations vis-a-vis the Draftsmen of the Survey of India are quite different as explained in para 6.6 above. Simply by nomenclature, the orders of Govt. of India can not be implemented OM Dated 19-10-94 is basically for C.P.W.D. Draftsmen who are engineering Draftsmen and similar Draftsmen employed in other Govt. Organisations. What exactly is implied by the impugned order of G.O.I. Dated 10-10-94 is that the engineering Draftsmen working in all other Organisations may also be given the benefits. It does not mean that, simply by nomenclature, one can & get the scale. Content of job ought to have similarity. Irrespective of the long list of jobs furnished by the applicants, Survey of India Draftsmen have to produce only drawing over the blue prints or scribe guides. Thus they produce fine copy work of definition clarity and uniformity whereas Engineering Draftsmen in C.P.W.D. and other Govt. Organisations have to conceptualize the drawing from design particulars and data and produce the drawing. They have to produce various Sectional and detailed drawing viz. Plan, elevation, cross section also from the design data, be it buildings, roads, dams etc. Thereafter they have to work out estimate of quantities of material, labour and cost of the project. Thus there is a substantial difference in the recruitment qualification, nature of duties a job and career advancement of engineering Draftsmen mentioned in the impugned G.O.I. order and the applicants Draftsmen of Survey of India.

15) That the statements made in paragraph 6.11 of the application the respondents beg to state that the contention of the applicants that they are performing similar nature of work which are being performed by Draftsmen Grade-II in C.P.W.D. is not correct as the nature of work of Draftsmen Grade-II in C.P.W.D. vis-a-vis Survey of India is quite different as explained in comments against para 6.10 above.

16) That the statements made in paragraph 6.12 and 6.13 of the application the respondents beg to state that the reasons due to which Draftsmen of Survey of India could not be granted such scales as mentioned in O.M. dated 19-10-94 have been furnished in order dated 31-1-96 which is self - explanatory supported by cogent reason. There is substantial difference in the recruitment qualification career prospects and nature of duties of the Draftsmen of Survey of India and that of other departments quoted by the applicants.

17) That the statements made in paragraph 6.14 of the application the respondents beg to state that the contention made by the applicants that they are covered by the Judgement of the Hon'ble Supreme Court in Civil Appeal No.3121/81 and the Judgement of Hon'ble C.A.T. Calcutta Bench in O.A. No.458/86 cannot be commented upon in the absence of material of the case. The case for grant of scales vide O.M. dated 19-10-94 has already been considered, in depth, after taking into account all the facts such as essential minimum qualification required for appointment of Draftsmen in Survey of India and other Departments and their nature of duties and responsibilities.

18) That the statements made in paragraph 6.15 of the application the respondents beg to state that the fourth Pay Commission had examined the case of Draftsmen in Survey of India at par with sister trades separately. These applicants were not considered at par with the Engineering staff in the report of the Commission imply because, the nature of the duties and job performed are different. Accordingly, different scales were prescribed and implemented with effect from 1-1-86 and Draftsmen Grade-II in Survey of India granted pay scale of Rs.1350-2200 (Pre-revised Rs.425-600) there is no discrimination and no violation of article 14 and 16 of the Constitution of India as alleged by the applicant.

19) That the statements made in paragraph 6.16 of the application the respondents beg to state that at the same time it is submitted that the content of job ought to have similarity, Simoly by nomenclature, one can not get the scale, Engineering Draftsmen working in all other organisation possess various qualifications viz Diploma in Engineering (Polytechnic), certificate in Draftsmanship (Industrial Training Institute School). Possessing minimum qualification in trade of Draftsmen. Recruitment rules also may vary according to the type of Organisation, strength of cadre the cadre and career prospects. Hence the words, "Irrespective of their recruitment qualifications in all

all Govt. of India offices "The word irrespective implies any Diploma/Certificate related to the trade and does not include where no certificate/Diploma is required for recruitment. It is to be noted here that ferro printer become eligible for promotion as Draftsmen.

20) That the statements made in paragraph 6.17 of the application the respondents beg to state that pay scales in terms of O.M. dated 13-3-84, 11-9-87 were not applicable to Draftsmen of Survey of India. Hence there were not implemented. It is submitted & that revision of Pay Scales of Draftsmen in all other organisations were made in March, 1984 on the basis of award given by the Board of Arbitration in respect of Draftsmen of C.P.W.D. Even at that time Govt. of India had rejected the demand of Draftsmen working in other organisations of the Ministry of Defence. This fact is borne in para 11-13 page 196, Fourth Pay Commission report Volume-I.

In para 11.14 ibid, it has been clarified that "the remaining posts of Draftsmen are distributed in other scales of pay also and the instruction issued by the Govt. in March, 1984 do not cover them".

As regards O.M. Dated 19-10-94, is has been clarified in foregoing paragraphs as to why the Govt. did not agree to extend the benefit of O.M. to the Draftsmen of Survey of India. It is strongly denied that order dated 31-1-96 is false, misleading and not based on factual position. In fact, the Govt. has viewed the whole Pay structure & service conditions of the cadre of Draftsmen of Survey of India in totality.

21) That the statements made in paragraph 6.18 of the application the respondents beg to state that the respondents had communicated their decision through order dated 31-1-96 in pursuance of the direction of the Hon'ble C.A.T. Guwahati passed on 20-7-95 in O.A. filed by the applicants in this connection. So far as adherence of time limit fixed by the Hon'ble C.A.T. for disposal of representations was concerned, the reasons for administrative delay were furnished before Hon'ble C.A.T. and Hon'ble C.A.T. had also dismissed the contempt petition filed by the applicants. Hon'ble C.A.T. may kindly uphold the order.

dated 31-1-96 and reject the applications of the petitioner on the grounds as explained in foregoing paragraphs.

22) That the respondents have no comments to the statements made in paragraph 6.19 of the application for want of total facts similarly of pay scales cannot be adduced as reason. Functional justification ought to be established.

23) That the statements made in paragraph 6.20 of the application the respondents beg to state that the contention the applicants that they are similarly situated like the other Draftsmen Grade-II of different Central Govt. offices including the Draftsmen Grade-II of C.P.W.D. and Draftsmen Ordnance factory is not correct as explained in foregoing paragraphs. There is substantial difference not only in recruitment qualifications but also nature of their duties and responsibilities. Draftsmen in Survey of India enter the Govt. service without any training in their trade and they are appointed training for 2 years in the Department at Govt. expenses. They get regular pay scales of Rs.950-1400 (Rs.260-350 pre-revised) during their training for 2 years which is not granted by any of the Department quoted by them in their application. Even nature of duties and responsibilities are not identical. Survey of India Draftsmen are essentially to produce fair drawing viz produce neat drawing over the impression/guides given. In a way the work resembles tracing whereas C.P.W.D. Draftsmen and Draftsmen of other Govt. offices have to conceptualise and produce various drawing viz plan, elevation and section from mathematical design data. They have to work out quantities and cost of the project. As such they are not similarly situated as contended.

24) That the respondents deny the correctness of the statements made in paragraph 6.21 of the application & begs to state that the relevant paragraph quoted from the fourth Pay Commission report is relevant only in such cases where revision of pay scales of Draftsmen was to be carried out in pursuance of the Govt orders of March, 1984 were not applicable to the Draftsmen of Survey of India. Even at that time, Govt. of India had rejected the demand of Draftsmen working in other organisations of Ministry of Defence. This fact is borne in para 11.13; Page 196, Fourth Pay Commission Volume-I.

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In para 11.14 ibid, it has been clarified that "the remaining posts of Draftsmen are distributed in other scales of pay also and the instructions issued by the Govt. in March, 1984 do not cover them".

25) That the statements made in paragraph 6.22 of the application the respondents beg to state that it is denied that any delaying tactics were adopted in the case of applicants. The respondents have been considering the various aspects as regards applicability of order dated 19-10-94 as early as 16-2-95. The points involved in decision making were to have substantial repercussions and hence consultation with various nodal Ministries are involved. After careful consideration it was concluded that the scales notified under O.M. dated 19-10-94 can not be implemented in case of Draftsmen of Survey of India. All the applicants in O.A. No. 135/95 were informed accordingly in compliance of the order dated 20-7-95 passed by Hon'ble C.A.T. The convincing reasons were also submitted before the Hon'ble C.A.T. and the contempt petition filed by the applicants in this regard was dismissed by the Hon'ble C.A.T.

26) That the statements made in paragraph 6.23 of the application the respondents beg to state that the contention of the applicants as regards waiver of recruitment qualification is based on misconception, since the cases covered by O.M. dated 19-10-94 is for other Govt. offices/agencies having their own engineering and construction wings. Employing engineering Draftsmen.

The applicants were only matriculate or Intermediate at the time of their recruitment in Survey of India and need to be given through training as cartographic Draftsmen for two years at Govt. Expenses whereas C.P.W.D. & other Engineering Draftsmen are trained at their expenses and possessed prescribed qualification such as Diploma in Engineering (Polotecnic) certificate in Draftsmanship (I.T.I./School) etc. etc. before entry in service. Hence the words "Irrespective of their recruitment qualification". It certainly does not mean that it includes such entrants who had no such qualification/Diploma are also covered by the O.M.

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27) That the statements made in paragraph 6.24 of the application the respondents beg to state that the application is based only on the presumptions of the applicants ignoring the spirit of O.M. dated 19-10-94.

28) That the statements made in paragraph 6. 7 and 8 of the application the respondents beg to ~~not~~ state that no relief/Interim Relief is admissible in view of the replies above and the application is liable to be rejected.

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

VERIFICATION

I, Brig. P.K. Gupta, Director, N.E. Circle, Survey of India, Shillong, do hereby solemnly declare and affirm that the statements made in this written statement are true to my knowledge derived from the records of the case.

Aug.
I sign this Verification on this the day 21st of Aug., 1996 at Shillong.




(P. K. GUPTA) Brigadier
Director, North Eastern Circle
Survey of India, Shillong
DEPONENT

भारत सरकार
विज्ञान सौर प्रौद्योगिकी मंत्रालय
विज्ञान सौर प्रौद्योगिकी विभाग
ट्रीनिंग भवन, नवा महाराष्ट्र मार्ग, नई दिल्ली-110011

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

Technology Bhawan, New Mohrauli Road, New Delhi-110016

No. SM/06/001/95

तार/Telegram : SCIENCTECH
दूरभाष/Telephone : 662135, [EPABX]
667373
टेलेक्स/Telex : 73381, 73317, 7328
फैक्स/Fax : 661682, 6863847
6862418, 664567

Dated 31st January, 1996.

ORDER

The Central Administrative Tribunal, Guwahati Bench, Guwahati, on an application filed by Shri Tulsiram Sarma, Draughtsman Grade-II in Survey of India, North Eastern Circle, Shillong and seventyseven other Draughtsmen in Survey of India, passed an order directing the Government to consider the grievance of the applicants and to take a decision as to whether the benefit of the revised pay scales extended to Draughtsmen in Government offices other than CFWD vide Ministry of Finance Office Memorandum No.13(1)-IC/91 dated 19th October, 1994 can be extended to the applicants. The Government after careful consideration of the matter observes and makes the following order.

2. The applicants have requested for implementation of the Ministry of Finance, Government of India Office Memorandum No.13(1)-IC/91 dated 19th October, 1994 extending the benefit of revised pay scales for Draughtsmen in Government Offices and Departments other than C.P.W.D.

3. The Department has considered the existing pay structure of Draughtsman in Survey of India (SOI). Draughtsman in Survey of India is a part of the topographical cadre which includes other employees like planetablers, topo-auxilliary, air-survey draughtsman, Survey Assistants, Topo-Computers, etc. The qualification for recruitment is kept as Inter-mediate with Mathematics as one of the subjects. No candidate in the Draughtsman cadre at any level is required to have the qualification of Certificate/diploma in Draughtsmanship. Further, the promotions in the Survey of India from the level of Rs.260-350, Rs.260-430, Rs.330-430 upto the level of Rs.425-600 are flexible whereas in C.P.W.D. the promotions are based on functional basis against sanctioned strength at each level. In Survey of India, the Draughtsmen get promotion on passing departmental examination after completion of fixed tenure of service and get promotion without linkage to vacancies at higher level.

4. It would thus be seen on the one hand the Draughtsmen in Survey of India are not required to possess the qualification of Draughtsman for appointment to any level and on the other hand

Contd...2/-

*Attested
PK Chawla
Addl. Central Govt.
Standing Counsel*

- 40. Smti. Caroline Lemo
- 41. Smti. Fidelis Jyrwa
- 42. Shri R.S.Thapa
- 43. Shri S.C.Roy

they get their promotion after fixed periodicity on passing departmental examination without linkage to vacancies. Accordingly, there is no comparison between Draughtsman in CPWD and other organisations vis-a-vis Draughtsman in SOI. Again whereas the Draughtsman in CPWD and other organisations are required to handle varied types of draughtsmanship related jobs whereas the Draughtsman in SOI have confined themselves only with respect to survey. The requirement in their case is knowledge of drawing/cartography as against draughtsmanship in other organisations. Thus, any order issued in respect of Draughtsman in CPWD or Draughtsman in other Ministries/ Departments or Organisation cannot automatically be made applicable to Draughtsman in Survey of India.

5. The pay structure of Draughtsman in Survey of India had not been and at present also is not at par with pay structure for Draughtsman existing in other Organisations. At one stage, the employees have got higher pay scale through the Joint Consultative Machinery and Arbitration Award. In case the present Office Memorandum is considered for implementation, this will infringe upon the benefits already accrued to the employees of SOI which may not hold good.

6. The above issues have been considered carefully in the Government and it has not been found possible to agree with the request of the Draughtsman in Survey of India for revision of their pay scales based on the Office Memorandum of Ministry of Finance, Govt. of India dated 19.10.1994. All the applicants in the O.A. No.135/95 dated 20.7.95 filed in the Central Administrative Tribunal, Guwahati Bench, Guwahati are hereby informed of the above decision of the Government.

M.M.K. Sardana
(M.M.K. Sardana)

Joint Secretary to the Government of India,

Shri Tulsiram Sarma,
Draughtsman Grade -II,
North Eastern Circle, Survey of India,
Shillong-793001.

Copy to the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati, Assam with reference to their order in the original application No.135/95 dated 20th July, 1995.

Copy to the Surveyor General of India, Survey of India, Dehra Dun - 248 001.

Copy to Brig. P.K. Gupta, Director, North Eastern Circle, Survey of India, Survey of India Estate, Shillong- 793001 with a request to kindly deliver the copies of this order to all the applicants individually in the above case.

(M.M.K. Sardana)
Joint Secretary to the Government of India.

✓ Copy to:- Shri Anup Kumar Choudhury, Addl. CGSC, CAT, Guwahati alongwith a copy of DST's order quoted above.

Copy to:- The Surveyor General of India, Dehra Dun

Dated, the 06 Feb., 1996

To

1. Shri Tulsiram Sharma
2. Shri Satyajit Kumar Dey
3. Shri Taraprasad Kharel
4. Shri Srikanta Dasgupta
5. Shri Pradip Kumar Neogi
6. Smti. Nandita Das
7. Smti Mebibora Tiewla
8. Shri K.B.Curung
9. Smti. Pandora Sohkhlet
10. Smti. Kuries Nareen Laloo
11. Shri Kajal Kr. Bhattacharjee
12. Shri Arun Kr. Baidya
13. Smti. Joya Adhikari
14. Smti. Shanti Kumari Ghimire
15. Smti. Lawmizuali
16. Smti. Rekha Mech
17. Shri Dilip Kumar Deka
18. Smti. Mita Dasgupta
19. Smti. Subhra Gupta
20. Shri Debasis Dutta.
21. Shri Sudip Dutta Chowdhury
22. Shri Donbor Singh Lartang
23. Shri Ranjit Suklabaidya
24. Shri Prabash Paul
25. Smti. Erholine Majaw
26. Smti. Spirian Kharangi
27. Smti. Everymai Warjri
28. Smti. Evelynora Kyngsai
29. Smti. Ritikona Majaw
30. Shri Charan Singh Negi
31. Shri Mustaq Ahmed Swer
32. Smti. Bertilla Khyllep
33. Smti. Arunima Dutta.
34. Smti. Sofiana Khorkongor
35. Smti. Manjula Bhattacharjee
36. Smti. Mildaline Makhiew
37. Smti. Tapashi Mishra
38. Shri Bhurbaneshwar Das
39. Smti. Anubha Roy Choudhury
40. Smti. Caroline Lemo
41. Smti. Fidelis Jyrwa
42. Shri R.S.Thapa
43. Shri S.C.Roy
44. Shri S. A. Rahman

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45. Smti. G.M.Sohsten
 46. Shri B.Das
 47. Smti. D.Majaw
 48. Smti. R.C.Nongbri
 49. Shri A.Mannan
 50. Shri. M.M.Umlong
 51. Shri E.Lertang
 52. Shri Durgesh Purkayastha
 53. Km. A.Tombi Singha
 54. Smti. Santa Ghosh
 55. Smti. R.Kharbuki
 56. Shri B.Dohkhrut
 57. Smti. M.Diengdoh
 58. Smti. M.A.Kharbuki
 59. Smti. N.Kharbteng
 60. Shri K.C.Das
 61. Smti. S. Nongbsap
 62. Smti. Margarita Sawian
 63. Smti. B.Marbaniang
 64. Smti. Dipti Kar
 65. Smti. Rita Tarafdar
 66. Km. Kanta Nongkynrih
 67. Mr. A.Bhattacharjee
 68. Smti. Junu Sharma
 69. Smti. E.L.Nongbri
 70. Shri Ashutosh Das
 71. Shri Jeevan Kumar
 72. Smti. H.Lyngdoh
 73. Shri T.Lyngdoh
 74. Km. Ritalin Mukhim
 75. Shri S.C.Sabdekar
 76. Shri T.K.Mondal
 77. Shri L.B.Fradhan
 78. Shri Shamboo Singh Solenki

(Through Os.C.Nos. 12 & 13 D.Os.(NEC) & T.O., NEACO)
C.P. NO.29/95 ON OA NO.135/95

Sub:-

A copy of order bearing No. SM/06/001/95 dt. 31 Jan. 1996 on the subject case received from Govt. of India, Ministry of Science & Technology, Department of Science & Technology, New Delhi is sent herewith, for information. Receipt of this letter may please be acknowledged through Os.C.Nos. 12 & 13 D.Os. and T.O., NEACO.

(MAJOR S CHAUDHURI) ENGRS,
 DEPUTY DIRECTOR,
 (CURRENT DUTY CHARGE)
 for DIRECTOR NORTH EASTERN CIRCLE.

Encl:- As above

Copy to:- Shri Anup Kumar Choudhury, Addl. CGSC, CAT, Guwahati along with a copy of DST's order quoted above.

Copy to:- The Surveyor General of India, Dehra Dun

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 52 of 1996

Shri Tulsi Ram Sharma & Ors.

-versus-

Union of India & Ors.

-And-

In the matter of :-

Rejoinder submitted by the
applicants.

The above named applicants most humbly and respectfully beg to state as under :

REPLY TO THE BRIEF HISTORY OF WRITTEN
STATEMENT

That the applicants categorically deny the statement made in paragraph 3 of the written statement where an attempt is made to make distinction between Draftsman of Survey of India and the Draftsman of CPWD in respect of recruitment, qualification, procedure of recruitment, pay scale and also with nature of works and the respondents also relied upon on the grounds stated in the impugned order dated 31.1.96 whereby the prayer of the present applicants was rejected. But surprisingly the same authority also made a strong recommendation for grant of higher pay scale to the Draftsman of Survey of India and also particularly to the Grade II Draftsman of Survey of India vide Surveyor

Recd. copy
All Clerical
Hand/Copy
28/12/96

Filed by the applicants
through Manish Chawla
78-12-96
Advocate

(97)

Surveyor General of India's letter No. J-7162/2158-A Arbitration dated 16.2.1995 wherein it was requested for grant of higher pay scale of Rs. 425-700/- (Revised Rs. 1400-2300) in terms of Office Memorandum dated 19.10.1994 with effect from 1.11.1983. Therefore ground of distinction shown in the written statement in paragraph 2 are categorically denied by the present applicants. Be it stated that the recommendation of the Surveyor General of India has been made to the Secretary to the Govt. of India, Ministry of Science and Technology, Deptt. of Science and Technology vide letter dated 16.2.1995. It is also appears from the 1st paragraph of para 2 of the written statement where it is admitted that the qualification of Draftsman at the initial recruitment is ~~Intermediate with mathematics~~ Matriculation with Science and it is also admitted that after initial recruitment they are "rigorously trained" and it is further admitted that "on completion of satisfactory training" and productive work for 2 years as above they are eligible for classification as Draftsman Grade IV in the pay scale of Rs. 260-430. It is also admitted that they are rigorously trained for "fair drawing and scribing". The respondents also admitted the following facts in the 1st paragraph of para 2 of the written statement.

"Residency period in the grade of Draftsman IV is three years. At the end of third year they are tested for further classification. On passing the test they are classified as Draftsman Grade III in the pay scale of Rs. 330-~~460~~⁴⁸⁰. Residency period in Grade III is 2 years. At the end of

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two years they are again tested for further classification as Grade II. On passing the test, they are classified as Draftsman Grade II in the pay scale of Rs. 425-600."

From above it is quite clear that the Draftsman of Survey of India require to undergo a rigorous and sophisticated ^{and numbered trade tests.} training before they are being classified as Draftsman, ^{Grade II} Therefore the quality of work as admitted in the written statement are higher/superior than those draftsman of CPWD. Hence they deserve rather higher pay scale than those of CPWD Draftsman. In this connection it may be stated that the Draftsman of Survey of India Grade III and II even after recommendation of the 3rd Central Pay Commission was granted higher pay scale by the Ministry of Finance vide their letter No. F. 42(5)/74-IC dated 19.3.1977 with effect from 1.1.1973 although initial recommendation of the 3rd Central Pay Commission almost identical to that of CPWD pay scale recommended by the 3rd Central Pay Commission. Although Ministry of Finance subsequently granted higher pay scale to the present applicants vide Finance Ministry's letter dated 19.3.1977 but the same granted with effect from 1.1.1973. Therefore it is quite clear that Draftsman of Survey of India was granted all along higher pay scale than those Draftsman of CPWD.

A mere reading of the recommendation of the 3rd Central Pay Commission and 4th Central Pay Commission both Draftsman scale for Survey of India and CPWD are almost identical. However, it appears from the statement of the

respondents that Draftsman of CPWD were granted higher pay scale following an award of arbitration vide Office Memorandum dated 13.3.1984, whereby the CPWD Draftsman Grade III and II & I were granted the following scale

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

However this discrimination which arises between the Draftsman of CPWD and the present applicants following the grant of arbitration award to CPWD Draftsman which was sought to be removed by the Government of India, Ministry of Finance vide the O.M. dated 19.10.94 wherein it is observed as follows :

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

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

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

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

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 1.11.1983."

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From the above Office Memorandum it is quite clear that the intention of the Government of India to grant the higher pay scale (revised) to all the Draftsmen serving in other offices of the Government of India so that there should not be any discrimination in the matter of pay scale. Therefore in the Office Memorandum dated 19.10.94 the tremendous improvement has been made by saying that "irrespective of recruitment qualification" and therefore the attempt of the respondents to make a distinction of recruitment ~~qualification~~ ~~qualification~~ ~~clarification~~ in between the Draftsmen of CPWD and Draftsmen of Survey of India with a deliberate attempt to deny the legitimate claim of the applicants for granting of a higher pay scale in terms of Office Memorandum dated 19.10.94.

The attempt of the respondents to make a further distinction in respect of job, it is nothing only an arbitrary exercise of power. In this connection it may be stated that the respondents have categorically admitted that the present applicants are rigorously trained in fair drawing and scribing nature of work of the present applicants which is elaborately stated in paragraph 6.10 of the Original Application and the same is not denied by the respondents rather admitted the rigorous training in "fair drawing and scribing. Be it stated that "scribing" is a more sophisticated work, it would be evident from the Judgement and Order dated 11.4.91 passed in O.A. No. 66 of 1989 (K.N.Chary & Ors. Vs. U.O.I. & Ors.) by the Hon'ble Hyderabad Bench of the Central Administrative Tribunal. The relevant portion

of the said Judgement and Order dated 11.4.91 is quoted below :

" 13. In this case, the Government, at the inception, placed the Scribes in higher grade than the Draftsmen. After recognising the skill and the arduousness involved in the work, the Government has fixed higher scale of pay and the Draftsmen were given the lower scale of pay. The Government itself has not gone into the details of the respective duties and works of the two categories of people by appointing a committee on their own accord and they merely based on the Awards given in this respect. They increased the pay scales of the Draftsmen firstly equalised their pay with the Scribes and immediately thereafter they further increased the pay scale of the Draftsmen. The petitioners contended that their work is superior and involved great skill. They also contended that the department deputed some Draftsmen to undergo training under the scribes work is more difficult, pains taking. For that reason alone the Scribes were put on higher pay scale than the Draftsmen and they are entitled to get the equal pay scale on par with the Draftsmen at least. The Department itself who is competent authority to assess the relative merits and demerits of the work involved in the two categories of people, made a recommendation stating that the Scribes are discharging important duties and they are taking a lot of risk in discharging their duties and sometimes it is also injurious

to their eyes. So, they recommended that their pay scale should be equated with the pay scale of the Draftsmen. The Departmental Officers are the competent authorities to assess the work of these categories of employees. They themselves after going through the nature of work of the Scribers and the Draftsmen, recommended that the pay scale of the Scribers should be increased on par with the Draftsmen. When the Government increased the pay scales of the Draftsmen basing on the Awards, what prevented the Government to act upon the recommendation made by the officers of the Geological Survey of India who knows the work of the petitioners, who knows the risk involved in their work intimately and recommended to increase their pay scales on par with the Draftsmen. The Government has not shown any reason for not accepting the recommendation of the Department."

From above, it is quite clear that this scribing work is rather more sophisticate and superior and it is also observed in the said Judgement and Order that the Draftsman of Geological Survey of India who are finally granted relief of revised higher pay scale as demanded by the present applicants are being observed in the said judgement in paragraph 1 that this Draftsman of Geological Survey of India are imparted a special training in Survey of India to enable them to undertake the scribing work. Therefore it can be emphatically argued that the

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Draftsman of Survey of India who were all along enjoying higher pay scale since 1.1.1973 than those Draftsman of CPWD now deserves rather a higher pay scale (revised) which was granted to CPWD Draftsman following the Office Memorandum dated 10.10.94 for grant of such revised pay scale of Rs. 425-700 (revised 1400-2300) to the Draftsman Grade II to all the Central Govt. offices. Therefore, the present applicants are squarely covered by the Office Memorandum dated 19.10.1994 which is also admitted by the respondents in the recommendation letter dated 16.2.1995 addressed to the Secretary, Government of India, Department of Science & Technology and the grant of revised pay scale deserves to be allowed to the applicants. The applicants also beg to state that since the Office Memorandum of the Government of India, dated 19.10.94 has waived the recruitment qualification, now the respondents cannot make any more distinction on the ground of recruitment qualification. The present applicants are not aware regarding the order dated 1.7.94 passed in O.A. No. 943, 976 and 1459 by the Ernakulam Bench of the Central Administrative Tribunal.

PARAWISE REPLY TO THE WRITTEN STATEMENT

1. That the applicants categorically deny the statement made in paragraphs 8, 9, 10, 11 and 13 of the written statement and further beg to state that even before passing the order dated 31.1.96 the Surveyor General of India has strongly recommended for grant of higher pay scale of Rs. 425-700 (revised 1400-2300)

vide his letter dated 16.2.95 addressed to the Secretary, Government of India, Department of Science and Technology. Therefore claim of the present applicants for grant of high pay scale appears to be admitted as a bona fide claim by the Surveyor General of India and the applicants further claim that they are entrusted with more sophisticated work which is superior in nature. Details of which has been elaborately stated in paragraph 6.10 of the Original Application and reiterates the statement in this regard made above in reply to the brief history as well as in the Original Application, and it is further declare that the O.M. dated 11.9.87 is also applicable to the present applicants as the same has been in a specific term granted the benefit of higher pay scale to all the similarly placed draftsman serving in other Ministry's/Dept't's of the Government of India vide paragraph of Memorandum dated 11.9.87. The relevant portion of paragraph 3 of the O.M. dated 11.9.87 is quoted below :

"The question of extension of the benefit of the judgement of the Supreme Court to the similarly placed Draughtsman in other Ministries/Departments of the Government of India has been under consideration of the Government. President is now pleased to decide that the Draughtsmen as were in the pay scale of Rs. 330-560 based on the recommendations of the Third Central Pay Commission as referred to in para 1 above, may be given the scale of Rs. 425-700 notionally from 1.1.1973 and actuall from 1.9.87."

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Therefore the applicants are squarely covered even in terms of OM dated 11.9.87 but they are being deprived by the authorities from grant of the benefit of higher pay scale and it is further reiterates by the applicants that the nature of job performs by the Draftsman of Survey of India rather more sophisticated and superior than those of Draftsman of CPWD and therefore only Ministry of Finance vide their letter dated 19.3.1977 reviewed the pay scale of Draftsman of Survey of India 3rd which was initially recommended by the Central Pay Commission and was pleased to grant higher pay scale by the Ministry of Finance with effect from 1.1.1973 recognising the skill and quality of works of the present applicants whereas the Draftsman of CPWD at the relevant time were in a lower pay scale than those of the present applicants. Therefore when the C.P.W.D. Draftsman are allowed to higher pay scale following the Arbitration Award vide Office Memorandum dated 13.3.84 the present applicants also simultaneously entitled to higher revised pay scale than those draftsman of CPWD ~~therefore~~ and with this view of intention only the subsequent O.M. dated 19.10.94 was issued by the Government of India therefore there is no justification on the part of the respondents to deny the bona fide claim of the present applicants for revised higher pay scale.

The respondents admit that the trainees are given rigorous training for ^{two} ~~one~~ year in fair drawing and scribing vide lines 10 and 11 of the written statement. There is always certain differences of job requirement among the various organisations of Central Government

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working as Draftsman even then the Govt. of India, allowed to grant of higher revised pay scale to all the Draftsman in all the Offices/departments of Govt. of India. Therefore if theres is little difference of job requirement of Survey of India, Draftsman and C.P.W.D. Draftsmen, the same should ^{not} be the strict criteria for grant of revised pay scale in terms of O.M. dt. 19.10.94. Otherwise, there would be no necessity of Office Memorandum dated 19.10.94.

Though the residency period is 5 years in Grade II for promotion to Grade I, normally the chance for promotion occurs after a minimum period of 15 years.

The Order dated 19.10.94 contains placement of scales after a period of certain number of years in each scale. It is not replacement of scales as stated. Before going through the O.M. dated 19.10.94 it is essential to go through the background of this decision by referring to the report of J.C.M. Committee issued by the Department of Personnel and Training (JCA) vide No. 3/5/92-JCA.

There is always, certain differences of job requirement from one organisation to other organisation even under the Central Govt. so that this cannot be strictly a criteria for determination for grant of higher pay scale.

Tracing means copying on a ^{translucent} paper laid over the original and not drawing the original itself. Hence the word "resembles" cannot be accepted.

The statements of respondents also did not throw any light on any point as (i) the result of the consideration for applicability is not stated; (ii) details of repercussions such as from which quarter and on what grounds (iii) whether consultations were actually took place with various Nodal Ministries etc. are not explained.

If the nomenclature has no bearing then the statement made by the respondents in the absence of information without documentary evidence as stated above cannot be taken into account.

The humble submission of the applicants that neither the job pattern nor the so-called criteria for recruitment qualification of the applicants are similar with those of DRDO Draftsmen. Hence applicants are unable to explain the relevance for making this statement here. Further the Respondents have tried to mislead the Court by suppressing the fact implementation but the O.M. dated 19.10.94 have now been implemented in Ministry of Defence vide letter dated 15.9.95.

It is amply clear from para 3 of the letter dated 16.2.95 that the Respondents having left with no base for implementing the scales (as awarded to Draftsmen) in respect of other topographical cadres, an attempt has now been made by the respondents to deprive the benefits to the Draftsmen forgetting DST's letter on Cadre Review Report dated 30.1.1996 where Draftsmen are no more under topographical cadres.

When one of the Directors working in Survey of India have agreed and recommended the revision of scales of Draftsman Grade II from 205-280 to 425-700, the applicants could not find any reason now for rejection of the same by the Respondents and particularly when Surveyor General has strongly recommended the revision of pay scale vide letter dated 16.2.1995. If the Director North Eastern Circle's reply is to be given due weightage then it is not justifiable to ignore the recommendations of Director Western Circle as both of are equally responsible officers and form part and parcel of the Government which is to consider ~~our~~ the case of the applicants. Moreover both are functioning as appointing authority for Group 'C' having full knowledge about the rules for appointment and also the job requirement of Group 'C' personnel. It can never be expected that in Government of India departments officers having the duties of appointing authority may be indifferent capabilities/ignorance of rules and regulations and functions and responsibilities of the department.

From the letter dated 16.2.1995 of Surveyor General it was given to understand that the department is satisfied regarding the claim of revised scales of Draftsmen but now the reply of the Respondents states otherwise. Therefore it means that no set of principles are laid down for implementation of orders of Nodal Ministries. Earlier the Surveyor General has strongly recommended for grant of revised pay scale now a Director replying on behalf of him says otherwise, without showing any satisfactory grounds of rejection in the letter dated 31.1.1996, except emphasising on recruitment qualification and job requirement which is explained in

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details as above, and the reasoning shown in the impugned letter dated 31.1.1996 is contradictory to the letter dated 16.02.1995 through which, the grant of revised higher pay scale recommended strongly by the Surveyor General of India to the Secretary, Department of Science and Technology. In the impugned letter dated 31.1.96 the respondents unnecessarily given much emphasis to recruitment qualification which is already waived by the Government of India, though O.M. dated 19.10.94 and further attempt of the respondents sought to be made on the basis of job requirement, it is already explained above that the nature of work performed by the present applicants are of superior nature which would be evident from the photographs of drawing materials, scribing instruments and the books and pamphlets normally used by the applicants. Therefore the impugned letter dated 31.1.1996 is liable to be set aside and quashed.

A photograph of instruments and list of book etc. are annexed as Annexure-

That the scribing work is more injurious to the eye-sight and it would be evident from the Manual that the scribing would definitely throw light about the nature of job done by the Draftsman in Survey of India and the same would definitely disapprove the contents of the respondents that draftsman in Survey of India are doing neat tracing. The quality of work and accuracy of work would be evident from the ~~Manual~~ topo maps published by Survey of India. The applicants urged to produce different kind of maps and topo-sheets before the Hon'ble Tribunal alongwith the Syllabus of course No. 140-Cartography Technical and the copy of the certificate.

The Draftsman of Survey of India are entrusted with fair drawing, scribing, tracing, neat tracing and further details has been elaborately stated in paragraph 6.10 of the Original Application. Therefore the designation of Draftsman has been rightly awarded by the respondents now they cannot make any differential treatment towards the applicants who are serving as Draftsman in Survey of India solely with the intention to deny the benefit of revised higher pay scale. The Hon'ble Tribunal be pleased to direct the respondents to produce the cadre review report and Circular under 439 before the Tribunal which would provide information regarding the duties and responsibilities of the Draftsman of different cadres and also about the different recommendations in respect of Draftsman of Survey of India. It would be seen that the post of Chief Draftsman is filled in amongst the Draftsmen Grade I. If the Draftsman are doing neat tracing only then they would have not been supervisory responsibilities even at Modern Cartographic Centre and Digital Mapping Centres of Survey of India. It would also be evident from the Departmental Publications and the Cadre Review Report that the Draftsman of Survey of India have been termed as Master in Cartography work.

The Draftsman working in Survey of India are doing fine drawing work on drawing paper on scribe ~~water~~ coated mycar sheets. Different thickness are to be decided for maintaining accuracy and alignment of details, instructions contained in (i) Manual for scribing (ii) Topographical Hand Book Chapters vi, x, xi (iii) Conventional symbol

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tables (iv) Border ~~xxx~~ Specimens (v) Professional Orders etc. are to be followed while drawing/scribing. It is not mere neat tracing as stated by the respondents. The literal meaning of tracing is "Copying on the transducent paper laid over the Original". What the Draftsmen prepare is the Original. As such the applicants beg to submit that the statements made by the respondents should not be viewed as a factual position. Rather it is misleading, misconceived amounting to suppression of facts. As regard the training imparted at the Government expenses the applicant beg to state that there is no training institute which is imparting training in jobs done by the Draftsmen in Survey of India even a diploma holder in draftsmanship who had spent from his own pocket is further required to undergo training again in Survey of India on his appointment to the department as the knowledge he/she possesses earlier do not have any bearing on the jobs performed by Draftsman in Survey of India. There are systems of training whether it is for Army officers or IAS and allied services etc. are being given by the Government of India at his own expenditure and with a prescribed scale of pay. Thus it will be seen that the contention of the Respondents in this regard seems to be not applicable in respect of the applicants. Therefore the impugned letter dated 3.1.1.1996 is liable to be set aside and quashed.

The applicants further beg to state that the respondents have again failed to understand that order dated 19.10.94 pertaining to placement of scale issued, as there is no scope for further promotions after Grade II within a reasonable time.

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The respondents have also failed to produce any documentary evidence to show that the above contention of the applicants are on presumption and vague. The respondents cannot deny the fact that the scale of Grade II Draftsman of Survey of India and CPWD Draftsman Grade II prior to 1.1.1973 was in the same scale of Rs. 205-280 therefore the claim of the applicants is bona fide and based on factual position. The applicants further beg to state that as the allegation of the respondents regarding job requirement of Draftsman and Survey of India and Draftsman of CPWD are different. In this connection it may be pointed out that job requirement varies from one organisation to another and same cannot be expected cent percent identical. Hence this comparison regarding the nature of job for the purpose of granting revised pay scale has no justification rather as the skill of the Draftsman of the Survey of India has been recognised more superior than the Draftsman of CPWD in the year 1979 when the Ministry of Finance had granted higher pay scale to the Draftsman Grade II with effect from 1.1.1973. This itself establish that the quality of work and skill of the Draftsman of Survey of India ^{is superior} than thos Draftsman of CPWD. The Draftsman of Survey of India are doing cartographic work including fair drawing, scribing work whereas the Draftsman of CPWD does in respect of building etc and Draftsman working in DRDO and Ordnance Factory also doing altogether different job and the requirement of job are not similar to thos with CPWD Draftsman even then the Draftsman in different establishment

and CPWD are treated at par so there is no reasonable ground to deny the same benefit by granting of higher pay scale (revised) to the present applicants. The respondents have miserably failed to state the reasonable grounds for rejection of the legitimate claim of the applicants for granting of higher revised pay scale in the impugned letter dated 31.1.96. The O.M. dated 11.9.87 was also applicable to similarly situated Draftsmen working in Organisation/Departments of the Central Government. Word "Similar" which was dealt with Hon'ble Central Administrative Tribunal, Calcutta Bench Judgement in O. A. No. 66/89 is also support the case of the present applicants. Moreover if Draftsmen having pay scale of Rs. 330-560 can be placed to the pay scale of Rs. 425-700 then there is no justification to deny the said legitimate benefit to the present applicants who are presently in the pay scale of Rs. 425-600 (1350 - 2200) when both CPWD Draftsman and Draftsman of Survey of India Grade II were in the same pay scale of Rs. 205-280 before 3rd Central Pay Commission i.e. 1.1.1973.

2. That with regards to the statement mad in paragraph 14, 15, 16, 17, 18 and 19 of the written statement the applicants categorically deny the same and further beg to state that the present applicants claim the benefit of higher revised pay scale only on the basis of nomenclature rather the claim of the present applicants is based on the basis of factual position whether the applicants performing the more complicated and sophisticated and very high quality of drawing and scribing works in addition to the works which is stated in detail in the

paragraph 6.10 of the Original Application and it is further stated that the applicants are squarely covered by the decision of the Hon'ble Supreme Court passed in Civil Rule No. 3121 of 1981 and the Judgement of the Hon'ble Central Administrative Tribunal, Calcutta Bench passed in O.A. No. 458/86 and also by the judgement dated 3.2.95 passed in O.A. No. 5/89.

The respondents now cannot make any distinction on the ground of recruitment, qualification and also on the ground that the CPWD Draftsman are engineering Draftsman rather it is admitted by the respondents in paragraph 19 of the written statement that even the engineering draftsman are working in other organisations of Central Government possess different qualification therefore no distinction can be made with the present applicants with those draftsman of CPWD. The applicants reiterate their statement made in the Original Application.

The applicants also beg to state that in all Central Government organisations using the nomenclature of Draftsman and nowhere it is written engineering Draftsman as alleged by the respondents. In this connection it may be stated that the respondents contention is that the order dated 19.10.94 is only for engineering Draftsman but the same is not correct otherwise the Finance Ministry would have taken care of this aspect and would have issued necessary clarification in this regard. Therefore the contentions of the respondents cannot be accepted. The respondents have miserably failed to point out that in Survey of India the job of projection proof, corrections are being done by the Draftsman of Survey of India and their

statement that the applicants are doing "neat tracing" are categorically denied by the applicants. The exact meaning of word tracing is copying on a translucent paper laid down on the original drawing on a plain paper which would be treated as original. Be it stated that only compilation is being done by tracing in Survey of India. By mentioning the word "neat tracing" the respondents seem to have tried to label the applicants as tracers. This is not based on the factual position and cannot be accepted otherwise the nomenclature draftsman used in the organisation of Survey of India during the last 229 years would be ~~meaningless~~ as the respondents are trying to make differentiation on the ground of job requirement of the Draftsman of CPWD as well as with the present applicants whereas the O.M. dt. 19.10.94 thus nowhere mentioned about the similarity of job with that of CPWD. Moreover all the departments may not have similar jobs for the Draftsman cadre as such the job requirement cannot be compared to each other. It is very much painful to state that the oldest cartographic department have vandered to degrade the persons working the cartographic work by not only labelling them as a 'neat tracer' but inadvertently have also conveye their ignorance about the job pattern of Draftsman, working in the Survey of India. Therefore the applicants cannot accept the statement of the respondents that the job ought to have similarity as the same is not there in the O.M. dated 19.10.94. The respondents have miserably failed to state categorically that the long listed jobs furnished

by the applicants are not based on factual position.

If any of the jobs listed out is not carried out by the present applicants, it could have been pointed by the respondents. In the absence of the same, it should be treated that the applicants claim is based on facts and justifiable. It is further clarified that the jobs done by Draftsman Grade II of CPWD and that of Survey of India are both at the same degree of capability in their respective field. The intention of the applicants is to stress the capability of Draftsman at a particular Grade and not to stress the nature of jobs as the applicants are fully aware of the fact that the job pattern is different and can never be compared with each other. The applicants would further ~~clarify~~ like to clarify the jobs done by draftsman in Survey of India is of cartography in nature and they cannot be treated as inferior to other draftsman serving in other Central Govt. Organisation rather the work of the present applicants are superior in nature and entitled to rather a higher pay scale than those of Draftsman of CPWD. ^{& other deptt} It is really a pity that the respondents have vendered to condemn their own employees just to deny the benefit of higher revised pay scale. If the work of the present applicants are inferior ~~and that event~~ their products would not have been purchased by other organisations. If the product of the applicants are inferior then the said products cannot be of any value and ~~utilised~~ ^{utilization} for the ^{and for the nation} public as it would have no utility. It is regretted to submit that the respondents have failed to take pain to

go through the Judgement of Calcutta Bench and to furnish their comments and it is implied that they have nothing to state against implementation of O.M. dt. 19.10.94 in Survey of India. The applicants are constrained to repeat that the O.M. dated 19.10.94 does not mention anything about the recruitment qualifications etc. In the absence of any documentary proof made available to the applicants to show as how the case was represented before the Fourth Central Pay Commission and the reasons given by them for rejection by the Commission and the same cannot be accepted. The applicants also beg to state that the spirit of the O.M. dated 19.10.94 is not taken into proper perspective by the respondents. The contents were not fully and properly understood by the authorities. If a Ferro Printer becomes eligible for promotion as Draftsman who is technically unqualified, after passing a Deptt. test & 8 years service then there is no reason that the Draftsman doing cartographic work cannot be treated at par with Draftsman working in other organisation/department of the Central Government.

3. That the applicants categorically deny the statement made in paragraphs 20, 21, 22, 23, 24, and 25 of the written statement and further beg to state that no satisfactory reason has been stated or distinction can be made by the respondents for non-extension of the benefit of higher revised pay scale as enumerated in O.M. dated 13.3.84, 11.9.87 as well as to the O.M. dated 19.10.94 by the respondents and respondents also failed to make out any significant distinction between the present applicants and the Draftsman of the CPWD and also with the Draftsman

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working in the other Central Government offices rather than the Surveyor General of India vide his letter dated 16.2.95 very strongly recommended for granting of higher pay scale to the present applicants in terms of the O.M. dated 19.10.94 even before passing the impugned order dated 31.1.96. On that score alone the application is deserves to be allowed with costs, and particularly when the ~~respon~~ respondents have recognised the higher quality of work and skill of the present applicants by granting higher pay scale by the Government of India, Ministry of Finance, after reviewing the pay scale recommended by the 3rd Central Pay Commission vide Finance Ministry's letter dated 19.3.1977 with effect from 1.1.1973 and the respondents themselves admitted that the present applicants have/entrusted with the work of fair drawin and scribing in addition to the work stated in paragraph 6.10 of the Original Application which has already been held by the Hon'ble Tribunal of Hyderabad Bench is more superior than those of drawing works performed by the CPWD Draftsman in the Original Application in reply to this above mentioned paragraphs.

The applicants further beg to state that the O.M. dated 13.3.84 pertains to revision of scales for Draftsmen who were earlier at Rs. 205-280 to 425-700. As the Draftsmen who were also at Rs. 205-280 ought to have been given the benefit of higher pay scale. It is amply clear that the scale of Rs. 205-280 were also provided to Draftsmen working in Survey of India, considering the fact that the nature of jobs are similar. If any decision

had already been taken at a particular time, then this should continue further. Simply because the Draftsmen (who were at Rs. 205-280 at one stage) are benefitted at a later stage with higher scale of Rs. 452-600 the whole issue of the past decisions cannot be granted to the present applicants. As the respondents have not refuted the fact that at one stage the Draftsmen in CPWD were at a lower scale than those of Draftsmen in Survey of India and now they are at a higher scale in spite of the fact that there were no material changes in the job pattern instead qualification has been increased to the present applicant. Therefore it is violative of Article 14 and 16 of the Constitution of India and discriminatory and it is also violative of natural justice to downgrade the scale of Draftsman who were all along at higher level/scale. The respondents in this case have failed to verify the statement made by the applicants in the Original Application in paragraph 6.19 and by simply stating 'No Comments' do not speak well. Functional justification is not a criteria for implementing any Government orders until and unless such things are to be taken into consideration by the implementing authority that too with orders by the issuing authority. When the issuing authority, in this application the Ministry of Finance has not mentioned anything to this effect in their O.M. dated 19.10.94, it means that the issuing authority had already gone deep into this aspect and the implementing authority has nothing to do with about the applicability on the basis of any justification.

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It is an established fact that ~~any~~ ^{many} person with same nomenclature working in various departments doing/ performing various types of jobs according to a particular requirement in a particular office. It is strange to note that the Respondents have failed to understand this that so far as imparting training at Government expenses the applicants state that there does exist a lot of instances where the training is imparted at Government expenses. The applicants beg to submit that even IAS, ^{Army,} and allied services officers are given training at the Government costs. Therefore it seems that the respondents forgot the fact that all the training given by Survey of India to Government employees at its Training Institute, Hyderabad are at Government's cost only. Even those officers who are sent abroad for training were also at the Government expenses. Normally if any training is given at Government expenses, the beneficiaries should have been bound to serve in the Government for a certain period of years so that their services are utilised and the costs compensated. When there was no criteria in the O.M. dated 19.10.94 about the source of training, the applicants failed to understand as to why made the Respondents to mention this aspect here. The Craftsmen working in CPWD are dealing architecture, those in Survey of India in Cartography and in Ordnance Factories in respect of instrument/equipment. Here it is not possible to compare them with each other. The respondents mentioned that they are masters

in their own field, and they cannot replace each others' work in any other department except of their own. The applicants feel that by dragging the nature of jobs done by Draftsmen in CPWD into this case, the Respondents are trying to mislead the Hon'ble Tribunal.

The word 'substantial repercussions' is not fully elaborated as to what sort of repercussion and by who. Further nothing is stated about the discussions held with Nodal Ministries. Unless and until a categorical statement is issued by the Competent Authorities to the effect that the order dated 19.10.94 cannot be implemented in respect of Draftsmen working in Survey of India and that too with reasonable justifications the Respondents should not venture to paint a vague picture.

The applicants further beg to state that the respondents failed to go deep into the order dated 19.10.94. It is very much clear that the above orders is mainly to waive the criteria of educational qualifications and to consider the length of services for placement in a particular scale.

The applicants further beg to state that the Respondents have miserably failed to go through the O.M. dated 19.10.94 and the earlier proceedings leading to issuance of this Order. The respondents may therefore, should go through the Ministry of Finance letter Nos. F-5 (59)E.III/82 dated 13.3.84; (ii) No. 345/92/JCA dated 22.3.94 and (iii) No. 13(1)/IC/91 dated 19.10.94 again because until these aforesaid letters studied together the orders dated

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19.10.94 cannot be clarified/understood properly. The main theme of the meeting of JCM was to give weightage on account of services for eligibility for placement in a particular scale. The relaxation of recruitment rules was a concession given by the Government. When all the decisions arrived at JCM level are implemented in all the Departments of Government of India, as to why this particular decision could not be implemented in the Survey of India. It is also submitted that on perusal of S.G's letter No. J-7162/2158-Arbitration dated 16.2.95, it would be seen that the respondents had no objection to implement the order dated 19.10.94. The respondents instead of pleading the case of other cadres doing similar job, with the concerned Ministries, the respondents have wrongly chosen this step to degrade the Draftsmen and pleading for not allowing the case of the applicants.

4. That the applicants beg to state that it not correct that the IVth Central Pay Commission did not recommend the case of the present applicants rather it would be evident from the report of the IVth Central Pay Commission incorporated in chapter 11 under paragraph 11.13 and 11.14 and 11.15 wherein it is specifically stated that Draftsmen who are not at present in the existing scale of Rs. 330-560, 425-700, 550-~~700~~ 750 and Rs. 700-900 may be given the revised scale suggested in Chapter 8 in the first instance and then re-fitted by the Ministries and departments into one of the appropriate scales given above. The relevant portions are quoted below :

"11.13 In March 1984, government issued orders for revision of pay scales of draftsmen in all government of India offices on the basis on an award given by the Board of Arbitration in respect of draftsmen of Central Public Works Department. As per these orders, the draftsmen were to be placed in the following three scalse in all government offices provided the recruitment qualifications were similar to those prescribed for draftsmen of CPWD

i)	Draftsman, grade I	Rs. 550-750
ii)	draftsman, grade II	Rs. 425-700
iii)	draftsman, grade III	Rs. 330-560

In addition, there are posts of draftsmen in the higher scales of Rs. 700-900 in come departments and the pay scale of Rs. 840-1040 is applicable to a few posts in railway production units only. The Board of Arbitration has also given an award in August, 1985 for grant of pay scale of Rs. 840-1040 to draftsmen working in the Research and Development Organisation and the Directorate General of Inspection under Ministry of Defence. The demand for introduction of the same scale of pay in respect of draftsmen working in other organisations of the Ministry of defence has been rejected by the Board. The award of the Board of Arbitration is under consideration.

11.14 Apart from the above scales of pay, the remaining posts of draftsmen are distributed in other scales of pay also and the instructions issued by government in March, 1984 do not cover them.

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11.15 After taking into consideration all the relevant factors and the revisions of pay scales of draftsmen which would have ~~been~~ been carried out in different ministries/departments in pursuance of government orders of March, 1984, we recommend that draftsmen in the existing scale of Rs. 330-560 Rs. 425-700, Rs. 550-750 and Rs. 700-900 may be given the appropriate replacement scales proposed in Chapter 8. The few posts of draftsmen in the scale of Rs. 840-1040 and all posts on other scales of pay may be similarly placed in the scales proposed in Chapter 8. Draftsmen who are not at present in the above scales of pay may be given the revised scales suggested in chapter 8 in the first instance and then refitted by the ministries and departments into one of the four appropriate scales given above".

From above, it is quite clear that the applicants were at the time of recommendation in the scale of Rs. 425-600 therefore they should first to be shifted in the revised scale of Rs. 1350-2200 in terms of Chapter 8 of the recommendation of the IV Central Pay Commission and thereafter they should be re-fitted in the scale ~~of~~ in any of the suitable pay scale out of the four pay scales suggested in Chapter 11. Therefore under the facts and circumstances since the applicants were already in the higher pay scale of Rs. 425-600 since 1.1.1973 they ought to have been re-fitted in the pay scale of Rs. 1400-2300. Be it stated that if the III Central Pay Commission and II Central Pay Commission recommendations is taken into consideration

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alongwith the Office Memorandum dated 19.10.94 in that event the case of the applicants are squarely covered and they are entitled to be refitted in the scale of Rs. 425-700 (revised Rs. 1400-2300). Rather present applicants are entitled to be fitted next higher scale than that of Rs. 245-700 whereas in this case the present applicants are claiming for extension of higher pay scale of Rs. 425-700 (revised Rs. 1400-2300). In the IVth meeting of the Committee of the National Council which was held on 22.3.94 had very elaborately examined the matter of grant of higher pay scale for draftsmen in details and it is also observed in the said meeting dated 22.3.94 that the draftsmen working in different organisations of Central Government are not having uniform recruitment rules at the entry stage and the educational qualification also not similar for draftsmen in all the Central Government organisations and therefore the experience also laid down is one of the main criteria in the matter of extension of higher revised pay scale in terms of O.M. dated 19.10.94 and it would been seen from the minutes of the meeting that the official side had never raised or insisted as regard similar job requirement in the event of granting higher pay scale (revised). The applicants urged to produce the minutes of the meeding dt. 22.3.94 of the meeting of the National Council on the scale of draftsmen before the Hon'ble Tribunal at the time final hearing.

5. That the applicants further beg to state that the allegation of the respondents as regard applicability of O.M. dated 19.10.94 is ~~xxxxxxxx~~^{only} confined to engineering draftsmen is totally false, baseless and misleading. It is nowhere stated in the O.M. dated 19.10.94 that the revised

higher pay scale is exclusively confined to the draftsmen of engineering department rather it is specifically stated that draftsmen are working in all Government of India offices. Therefore Survey of India is an organisation under the Govt. of India only. Therefore draftsmen of Survey of India cannot be denied the benefit of O.M. dated 19.10.94 since they are working as draftsmen under the Govt. of ~~India~~ India. It would be evident from the judgement of the Hon'ble Supreme Court passed in Civil Appeal No. 1433/95 decided on 20.7.95 where the benefit of O.M. dated 13.3.84 has been discussed and it is held by the Hon'ble Supreme Court that the draftsmen of Ordnance Factories the revision of pay scales on the basis of the O.M. dated 13.3.84. In this connection it may be stated that O.M. dated 19.10.94 has also been discussed by the Hon'ble Supreme Court in the aforesaid judgement. Be it stated that the job requirement of the draftsmen of Ordnance Factory and draftsmen in the ~~EME~~ Army based workshops in the EME although varies even then the same was extended on the ground of historical parity of pay scale since the present applicants who were also enjoyed identical pay scale with CPWD draftsmen and also enjoyed higher pay scale since 1973 cannot be discriminated in the matter of granting high pay scale in terms of O.M. dated 19.10.94 otherwise the same would be violative of Article 14 and 16 of the Constitution of India.

Under the facts and circumstances stated above, the applicants are fully confident that the Hon'ble Tribunal would be certainly awarded justice to the applicants based on the factual position of the applicants and the application is deserves to be allowed with costs.

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The following relevant documents and Judgements and orders are annexed hereto by the applicants for kind perusal of the Hon'ble Tribunal which would support the case of the present applicants regarding granting of higher revised pay scale of Rs. 425-700 (revised Rs. 1400-2300) and the same are marked as Annexures 1, 2, 3, 4, 5, 6, 7, and 8 respectively.

Detail particulars of Annexures

1. Recommendation letter dated 16.2.95 issued by the Surveyor General of India.
2. Report of the Committee of the National Council on scale of Draftsmen dt. 22.3.1994.
3. Judgement & Order of the Hon'ble Supreme Court passed in Civil Appeal Nos. 1433 of 1995 dated 20.7.1995.
4. Judgement and Order passed in O.A. 66/89 by the Hon'ble Hyderabad Bench of Central Administrative Tribunal dated 11.4.1992.
5. Circular Order No. 439 (Administrative) dated 1.8.1950.
6. Course No. 140 Cartography Technician.
7. Judgement & Order passed in O.A. 5/89 by the Hon'ble Ahmedabad Bench Ahmedabad Bench of the Central Administrative Tribunal on 3.2.1995.
8. List of Books & Charts and Tables used by the Draftsmen of Survey of India.

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VERIFICATION

I, Shri Tulsiram Sarma

son of

Late H. A. ^{ma}aged about 46 years, working as Surveyor
Grade II in the Survey of India, Shillong, ~~as~~ one of
the applicants in the O.A. duly authorised by the other
applicants to verify this rejoinder to the Original
Application in reply to the written statement and
declare that the statements made in this rejoinder are
true to my knowledge and belief.

I sign this verification on this the 10th day
of December, 1996, at Guwahati.

Signature

Signature

Annexure -1

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भारतीय सर्वेक्षण विभाग THROUGH COURIER
SURVEY OF INDIA

मा. रो (गोप.)
31 C (S.G.)

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/2168-Arbitration

महासर्वेक्षक
Telegram : "SURVEYS"

महासर्वेक्षक का कार्यालय
SURVEYOR GENERAL'S OFFICE
डाक बग्स सं. 37, POST BOX NO. 37,
देहरादून-248001 (उ.प्र.)—भारत;
DEHRADUN-248001 (U.P.)—INDIA.
वारीस Dated 16 February 1995.

19 (मास Saka).

To

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

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

SUB:

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

Sir,

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

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

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

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

Attested
Chd
Adv.

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

$$\begin{aligned}
 & \text{II Pay Com} \\
 & = 205 - 280 = 501 \\
 & = \text{no gr II} = 180 - 380 = 200 \text{ (P.W.D)} \\
 & = \text{SF gr II} = 205 - 280 = 200 \\
 & = \text{no gr II} = 205 - 280 = 200 \\
 & = \text{SF gr II} = 205 - 280 = 200 \\
 & = \text{SF gr II} = 205 - 280 = 200
 \end{aligned}$$

These scales were further revised as under:

Grade III	330-480
Grade II	425-600

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

The scale of Div. I was revised to 425-750 vide DST's letter No. 22-11/81-SMP dated 5th March, 1985 (copy enclosed). This revision was based on Arbitration Award and was effective from 14th March, 1980.

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

T.T.T. 'B' (Trainees)	
Draftsmen Grade IV	-260-350
Draftsmen Grade III	-260-430
Draftsmen Grade II	-330-480
Draftsmen Div. I	-425-600 ✓
	-425-750

(iv) After IVth Pay Commission these scales were revised as under:

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

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

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

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

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A. D. S. S.

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

The split scales are suggested as under :

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

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

	<u>Before IV Pay Commission</u>	<u>After IV Pay Commission</u>
T.T.T.'B' (Trainees)	-260-360	950-1400
Draftsmen Grade IV	-330-560	1200-2040
Draftsmen Grade III	-425-600	1350-2200
Draftsmen Grade II	-425-700	1400-2300
Draftsmen Grade I	-550-750	1600-2660

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

Yours faithfully,

(M. NAUTIYAL)
DIRECTOR, (ADM. & FINANCE)
for SURVEYOR GENERAL OF INDIA.

RKG/

Affixed
Only
Adv.

No. 3/5/92-JCA
 Department of Personnel & Training
 (JCA Division)

REPORT OF THE COMMITTEE OF THE NATIONAL COUNCIL
 ON "SCALE OF DRAFTSMEN - COMPLIANCE OF GOVERNMENT
 ORDERS BY VARIOUS ATTACHED OFFICES."

The 4th meeting of the Committee of the National Council on "Scale of Draftsmen - Compliance of Government orders by various attached offices" was held on 22.3.92 under the chairmanship of Shri K. Venkatesan, Secretary (Expenditure).

The meeting was attended by the following representatives of the Staff Side and Official Side:-

Staff Side

Official Side

S/ Shri

S/ Shri

1. U.M. Purohit
2. P.N. Sharma
3. O.P. Gupta
4. S. Madhusudan
5. S.K. Vyas

1. J.S. Mathur, JS(E), DOP&T
2. D. Swarup, JS(Pers)
3. G.C. Bhandari, JS, M/o U.D.
4. V. Vishwanathan, Adv. Rly. Bd.
5. M.S. Khan, ED., Rly. Board
6. Surendra Singh, Dir., Defence
7. Bir Datt, Dir(JCA), DOP&T
8. Smt R. Iyer, DS(P&A), DOP&T
9. V.S. Thakral, US, D/o A&C
10. B. Kumar, US, M/o Finance

2.1 The Committee had earlier met on three occasions. In the first meeting of the Committee held on 8.4.92, both the Official Side and the Staff Side had put forth their views on the demand. The meeting had concluded with the request by Chairman to the Staff Side to formulate firm views on what exactly is required to be done i.e. whether the Staff Side desired:

- (i) Modification of the 1984 order dated 13.3.84; or
- (ii) Issue of a clarificatory order; or
- (iii) the implementation of the order, as it is, by issue of suitable directives to Ministries/Departments which have not done so.

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Attested
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2.2 In the second meeting held on 28.10.92, it was agreed that:

- (i) All Ministries/Departments must adopt uniform recruitment rules at the entry stage for all future recruitment.
- (ii) Official Side would examine whether the O.M. dated 13.3.84 could be amended so as to give some weightage to experience.
- (iii) The Official Side would have another look at the demand of the Staff Side to give effect to the revision of pay scales notionally from 1.11.73 with actual benefit from 16.11.78.

2.3 In the third meeting held on 20.7.93, the Official Side indicated that it was willing to consider the following formulations as a package which must be accepted or rejected by the Staff Side in toto:

- (i) In respect of past cases in organisations where recruitment qualifications prescribed in the rules of recruitment for the posts of Draftsmen have not been similar to the qualifications prescribed in the rules of recruitment for Draftsmen in CPWD and on that account their scales of pay have not been revised at par with scales of Draftsmen in CPWD, the incumbents of the posts of Draftsmen in such organisations may be allowed the weightage on account of service rendered for placement in various scales of pay as follows:
 - (a) Eligibility for placement from the post carrying scale of Rs.975-1540 to Rs.1200-2040 : 7 years
 - (b) Eligibility for placement from the post carrying scale of Rs.1200-2040 to Rs.1400-2300 : 5 years
 - (c) Eligibility for placement from the post carrying scale of Rs.1400-2300 to Rs.1600-2660 : 4 years

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

- (ii) As regards the demand to give effect to the revised pay scales from earlier date, the Official Side had pointed out that the decision to give effect to the revision of pay scales notionally from 13.5.82 with actual benefit from 1.11.83 was discussed and accepted by the Staff Side. It was, therefore, not proper for the Staff Side to ask for the change of date of

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order now. The Staff Side had responded that they would like to study the package offered by the Official Side and would revert as soon as their discussions are completed. The Staff Side vide their letter No. NC.JUN/91/36-7 dated 11.9.93 had suggested the following changes in the weightage on account of service rendered for placement in various scales of pay:-

- (a) Eligibility for placement from the posts: 3 years carrying scale of Rs.975-1540 to Rs.1200-2040
- (b) Eligibility for placement from the post : 2 years carrying scale of Rs.1200-2040 to Rs.1400-2300
- (c) Eligibility for placement from the post : 3 years carrying scale of Rs.1400-2300 to Rs.1600-2660.

In addition, the Staff side also reiterated that the pay scales of Draftsmen should be notionally fixed with effect from 1.11.73 with actual benefit from 16.11.78.

3. In the meeting held on 22.3.94, the Official Side explained that, strictly speaking, the employees who did not have the educational qualification, were not eligible for the pay scales at par with the draftsmen in CPWD. The substitution of educational qualification by experience was, therefore, a major relaxation. The number of years of service prescribed for placement in the next higher post was based on the guidelines issued by the Department of Personnel & Training in 1980. In view of this, the Official Side reiterated that they would not be in a position to make any change in offer made in the meeting of this Committee held on 7.93.

The Staff Side stated that the absence of recruitment rules in certain Ministries/Departments was an administrative failure for which the employees should not be penalised. Secondly, the substitution for experience of educational qualification was an interpretation given in the award of the Board of Arbitration. Further, there had been a large number of judgements which the Government had implemented. Therefore, the number of employees that would now be left to be covered under the concession would be few and far between and they should not be penalised just because they have not gone to Court. The Staff Side, therefore, desired that the weightage on account of service for eligibility for placement from the post carrying scales of Rs.975-1540 to Rs.1200-2040 be reduced from 7 years to 6 years.

BA/akd
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Adv.

5. The Chairman responded that the fact that the existing recruitment rules were being relaxed as a concession was not being adequately appreciated by the Staff Side. It must be remembered, he said, that the relaxation in the recruitment rules cannot be such as to further dilute the guidelines governing such recruitment rules as this would defeat the very purpose for which the guidelines are prescribed. The Chairman, therefore, expressed his inability to accept the suggestions of the Staff Side. The Staff Side concluded the meeting by saying that the Official Side may have another look at their demand. However, if it was not acceptable, then necessary orders based on the formulation offered in the meeting of 20.7.93 may be issued.

✓ Presd
M. B.
P. D.

mentioning the title of the subordinate legislation. We do not think that there is room for implying anything in this behalf.

9. Section 8 of the 1994 does not in express terms save the said Regulations, nor does it mention them. Section 8 only protects the remuneration, terms and conditions and rights and privileges of those who were in Air India's employment when the 1994 Act came into force. Such saving is undoubtedly "to quieten doubts" of those Air India employees who were then in service. What is enacted in Section 8 does not cover those employees who joined Air India's service after the 1994 Act came into force. The limited saving enacted in Section 8 does not, in our opinion, extend to the said Regulations.

10. Holding as we do that the said Regulations ceased to be effective on 29th January, 1994, the very foundation of Air India's case no longer exists. No consideration of other arguments is, therefore, necessary.

11. The appeal, accordingly, fails and is dismissed with costs.

Appeal dismissed.

SUPREME COURT OF INDIA

Before:- S.C. Agrawal and S. Saghir Ahmad, JJ.

Civil Appeal No. 1433 of 1995 / Decided on 20.7.1995

Union of India and Ors. Appellants

Versus

Shri Debashis Kar & Ors. Respondents

(With Civil Appeal No. 2125-33/93, S.L.P. (C) Nos. 8593-94/87,

22016/93, Review Petitions (c) Nos. 857-58/91)

Constitution of India, Article 16—Pay—Revision of pay of Draughtsmen in Ordnance factories—Draughtsmen are entitled to revised pay scale in accordance with Office Memorandum of 13th March, 1984—Merely because of promotional post for a Draughtsmen in Ordnance Factories was in the scale of Rs. 425-700 cannot be a justification for denying the revision of pay scales on the basis of Office Memorandum—They are otherwise entitled to it—Office Memorandum dated 13th March 1984 applicable to Draughtsmen in Ordnance Factories as and they are entitle to revised pay scales.

The Tribunal has observed that the scheme of training of draughtsmen at ATS Ambarnath was laid down in the Ministry of Defensee's letter of November 14, 1969 which prescribes the various entrance qualifications and the curriculum and the period of training and that the entrance qualification is matriculation with two years' practical experience in Tools Room or 1-1/2 years' Draughtsman's course of I.T.I and that after selection 2- 1/2 years' taining is given which includes six months' working in factories and that according to clause 10 of the Scheme a draughtsman trainee will be graded either for the post of Senior Draughtsman or Draughtsman and that the Scheme nowhere lays down that those trainees can be posted as Tracers. According to the Tribunal, the qualifications prescribed for draughtsmen in Ordnance Factories are similar or equivalent to those prescribed for recruitment in C.P.W.D. The Tribunal has held that the decision of the Ordnance Factory Board based on the Sub-Committee report that the applicants (respondents herein) should be equated with Tracers and Draughtsman Grade III of C.P.W.D. was fallacious. In this context, it would be relevant to mention that as per the pay scales fixed on the basis of report of the First Pay Commission of 1947 there was no difference

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in the pay scales of Draughtsmen and Tracers in the Ordnance Factories and the pay scales of Draughtsmen and Tracers in C.P.W.D. Senior Draughtsman in the Ordnance Factories and Draughtsman in the C.P.W.D. were placed in the pay scale of Rs. 150-225, Draughtsman in the Ordnance Factories and Assistant Draughtsman in C.P.W.D. were placed in the scale of Rs. 100-185 and Tracers in Ordnance Factories as well as in C.P.W.D. were placed in the scale of Rs. 60-150. On the basis of the report of the Second Pay Commission in 1959 there was a slight modification in the pay scale of Senior Draughtsman in Ordnance Factories. Tracers in the Ordnance Factories and C.P.W.D. were placed in the same pay scale of Rs. 110-200 and Draughtsmen in Ordnance Factories and Assistant Draughtsmen C.P.W.D. were placed in the same pay scale of Rs. 150-240. Senior Draughtsmen in Ordnance Factories were placed in the pay scale of Rs. 205-280 while Draughtsmen in C.P.W.D. were placed in the pay scale of Rs. 180-380. By Notification dated September 1, 1965, there was change in the designation of posts of drawing office staff in C.P.W.D. and Draughtsman was designated as Draughtsman Grade I, Assistant Draughtsman was designated as Draughtsmen Grade II and Tracer was designated as Draughtsman Grade III. Thereafter on the basis of the report of the Third Pay Commission in 1973, Tracer in the Ordnance Factories and Draughtsmen Grade III in C.P.W.D. were placed in the same pay scale of Rs. 260-430, Draughtsmen in Ordnance Factories and Draughtsmen Grade II in C.P.W.D. were placed in the same pay scale of Rs. 330-560 and Senior Draughtsmen in Ordnance Factories and the Draughtsmen Grade I in C.P.W.D. were placed in the same pay scale of Rs. 425-700. This would show that Tracer in Ordnance Factories has all along been treated as equivalent to Tracer/Draughtsman Grade III in C.P.W.D. and Draughtsman in Ordnance Factories has all along been treated as equivalent to Assistant Draughtsman/Draughtsman Grade II in C.P.W.D. As a result of the revision of pay scales in C.P.W.D. on the basis of the Award of the Board of Arbitration, the pay scale of Draughtsman Grade III was revised to Rs. 330-560, while that of Draughtsman Grade II was revised to Rs. 425-700 and of Draughtsman Grade I was revised to Rs. 550-750. The denial of similar revision of pay scale to Draughtsmen in Ordnance Factories would result in their being down-graded to the level of Tracer/Draughtsman Grade III in C.P.W.D. Office Memorandum dated March 13, 1984 cannot, in our opinion, be construed as having such an effect. (Para 14)

Shri N.N. Goswami, the learned senior counsel appearing in support of the appeals as well as the Special Leave Petitions and the Review Petitions has urged that the channel of promotion in Ordnance Factories is different from the channel of promotion in C.P.W.D. inasmuch as in C.P.W.D. there is no further promotion after a person reaches the scale of Draughtsman Grade I while in Ordnance Factories a Draughtsman is entitled to be promoted as Chargeman Grade II and thereafter as Chargeman Grade I and as Foreman and that the post of Chargeman Grade II which is the promotional post for draughtsman was in the pay scale of Rs. 425-700 and that placement of Draughtsman in the said pay scale of Rs. 425-700 would result in Draughtsman being placed at the same level as the promotional post of Chargeman Grade II and, therefore, the benefit of the revision of pay scales under Office Memorandum dated March 13, 1984 cannot be extended to the Draughtsmen in Ordnance Factories. On behalf of the respondents it is disputed that there are no promotional chances for Draughtsman Grade I in C.P.W.D. This question was not agitated in any of the matters before the Tribunal and we are, therefore, unable to entertain this plea urged by Shri Goswami on behalf of the

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appellants/petitioners. As regards the post of Chargeman Grade II being a promotional post for Draughtsman in Ordnance Factories and it being in the scale of Rs. 425-700 at the relevant time, we are of the view that merely because of promotional post for Draughtsmen in Ordnance Factories was in the scale of Rs. 425-700 cannot be a justification for denying the revision of pay scales to Draughtsmen and their being placed in the scale of Rs. 425-700 on the basis of the Office Memorandum dated March 13, 1984 if such Draughtsmen are otherwise entitled to such revision in the pay scale on the basis of the said Memorandum. Moreover, the provisions 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 dt 1 May 4, 1989. The said Rules are not retrospective in operation. Here we are concerned with the revision of pay scales with effect from May 13, 1982 on the basis of the Office Memorandum dated March 13, 1984 and, at that time, the said Rules were not operative. Therefore, on the basis of the aforesaid Rules Draughtsmen in Ordnance Factories cannot be denied the benefit of revision of pay scales on the basis of the Office Memorandum dated March 13, 1984. The appeals and the SLPs as well as Review Petitions relating to draughtsmen in Ordnance Factories are, therefore, liable to be dismissed. (Para 15)

The tribunal has observed that Tracer in the E.M.E could not be treated in any other manner but at par with Grade III Draughtsman of C.P.W.D. keeping in view their recruitment qualifications. The Tribunal held that the benefit of Office memorandum dated March 13, 1984 had been rightly extended to Draughtsmen in E.M.E. and that its withdrawal was illogical and irrational. The learned counsel for the appellants has been unable to show that is the said view of the Tribunal suffers from an infirmity which would justify interference by this Court. (Para 17)

JUDGMENT

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

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

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

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

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

4. By the award it was directed that the above mentioned categories of draughtsmen shall be fixed notionally in their respective scales of pay as aforesaid from January 1, 1973, but for computation of arrears, the date of reckoning shall be July 28/29, 1978. In accordance with the said award the

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pay scales of draughtsmen in C.P.W.D. were revised vide order dated November 10, 1980. The draughtsmen employed in departments other than C.P.W.D. claimed the revision of their pay scales in the light of the revision of pay scales in the C.P.W.D. and on March 13, 1984 the Government of India, Ministry of Finance (Department of Expenditure), issued an Office Memorandum whereby it was directed that the scale of pay of Draughtsmen Grade III, II, I in the Office/Department of the Government of India, other than the C.P.W.D., may be revised as per revised scales for C.P.W.D. provided their recruitment qualifications are similar to those prescribed in the case of Draughtsmen in C.P.W.D. and those who do not fulfil the said qualifications would continue in the pre-revised scales. Thereupon, the Ministry of Defence on July 3, 1984 issued an order whereby the user organisations were requested to take necessary action in terms of para 2 of the Office Memorandum dated March 13, 1984. It appears that in the Ordnance Factories under the control of the Director General of Ordnance Factories (DGOF) no action was taken to revise the pay scales of draughtsmen as per the Office Memorandum dated March 13, 1984. A Writ Petition [Civil Order No. 5023(W) of 1985] was filed in the Calcutta High Court by some of the draughtsmen employed in the Ordnance Factories in the State of West Bengal. The said Writ Petition was disposed of by the High Court by order dated October 8, 1985 whereby the respondents in the said writ petition were directed to forthwith implement the Office Memorandum dated March 13, 1984 as well as the order of Ministry of Defence dated July 3, 1984 to revise the pay scales in accordance therewith. The said order was clarified by order dated July 14, 1986 whereby it was indicated that the order passed on October 8, 1985 was restricted to the writ petitioners and the added respondents only. The Ordnance Factory Board appointed a Sub-Committee to go into the Matter and on the basis of the report of the Sub-Committee, the Ordnance Factory Board in its meeting held on September 9, 1986 decided that the qualifications of draughtsmen employed in the Ordnance Factories are not similar to those of draughtsmen in the C.P.W.D. and therefore, they were not entitled to revision of their pay scales as per the Office Memorandum dated March 13, 1984. The petitioners in the said writ petition were informed about the said decision of the Ordnance Factories Board by letter dated October 9, 1986. While the matter was thus pending consideration before the Ordnance Factory Board, a Writ Petition was filed in the Madhya Pradesh High Court by draughtsmen employed in the Ordnance Factories situated in that State and after the constitution of the Central Administrative Tribunal (for short 'the Tribunal'), the said writ petition was transferred to the Jabalpur Bench of the Tribunal and it was registered as TAA 111/86. Another application (OA-87/96) was also filed by some of the draughtsmen before the Jabalpur Bench of the Tribunal. Both these applications were disposed of by the Jabalpur Bench of the Tribunal by judgment dated April 21, 1987 whereby it was held that the applicants were entitled to be placed at par with Grade II draughtsmen of the C.P.W.D., i.e. in revised scale Rs. 425-700, and that if there are any individual exceptions amongst the applicants to this general equation, they should be identified by a suitable departmental committee of three Assessors of whom one should be from Management, one a technical person of appropriate level from inside the Ordnance Factory and one technical outsider not connected with the Ordnance Factories of the rank of Professor or Addl. Professor from Engineering College, Jabalpur or Engineering Institute at Roorkee, IIT, Kanpur. The Tribunal rejected the

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contention urged on behalf of the respondents in the said application that the applicants do not possess the recruitment qualifications and experience equivalent to those of grade category II of draughtsman of the Ordnance Factories. The justifications and reasons for the decision of the Ordnance Factories at its meeting held on September 9, 1986 based on the report of the Sub-Committee dated January 24, 1986 and the findings of the Sub-Committee that the qualifications of draughtsmen in the Ordnance Factories have been treated as corresponding to those of draughtsmen Grade III in C.P.W.D. not accepted by the Tribunal Special Leave Petitions Nos. 8593-94 filed by the Union of India and others against the said judgment of the Tribunal were dismissed by the order of this Court dated November 1, 1991 but the said order was subsequently recalled by another order dated August, 1993 passed in Review Petition; (Civil) Nos. 847-48 of 1991. The respondents in the said Special Leave Petitions have, however, stated that the said decision of the Tribunal has already been implemented and the applicants in those applications have been allowed the revised pay scale of Rs. 425/- with effect from May 30, 1982 as per Office Memorandum dated March 1984 and that the Assessors Committee which was constituted in pursuance of the decision of the Tribunal have found that the applicants have qualifications which are equivalent to the technical qualifications of Draughtsmen Grade II in C.P.W.D.

5. Two applications (O.A. No. 569 of 1986 and 570 of 1986) were filed before the Calcutta Bench of the Tribunal by draughtsmen employed in the Ordnance Factories in the State of West Bengal whereby a direction was sought for implementation of the Office Memorandum of Ministry of Finance dated March 13, 1984 and the direction contained in the order dated July 19, 1984 of the Ministry of Defence after setting aside the order dated October 9, 1986 passed by the Ordnance Factories Board. On the said application the Tribunal on September 13, 1987, passed an order for setting up of an expert committee to examine the recruitment qualifications of draughtsmen in the Ordnance Factories and to examine as to whether they can be treated similar to or higher than the recruitment qualifications of Draughtsman Grade II in C.P.W.D. An Expert Committee was set up on pursuance of the said order of the Tribunal and it submitted its report dated December 4, 1987 where-in the Expert Committee opined that the recruitment qualifications of Draughtsmen in the Ordnance Factories is neither similar to nor higher than the recruitment qualifications for Draughtsmen Grade II in the C.P.W.D. The said report of the Expert Committee was assailed by the applicants before the Tribunal by filing Miscellaneous Applications, being M.A. Nos. 64-A and 94-A of 1987. A. Nos. 569 of 1986 and 570 of 1986 pending before the Calcutta Bench of the Tribunal by judgment dated April 21, 1987.

The Tribunal in T.A.A. No. 111 of 1986 and O.A. 94-A of 1987 held that the Calcutta Bench of the Tribunal quashed the order dated April 21, 1987. The report of the Expert Committee dated December 4, 1987, was held that the applicants in the said applications be granted the same pay scale as the draughtsmen in the Ordnance Factories. The order dated April 21, 1987, Special Leave Petition Nos. 857-58 of 1991 filed by the Union of India and others against the said order of the Tribunal were dismissed by order dated April 21, 1991. The said Special Leave Petitions Nos. 857-58 of 1991 filed by the Union of India and others against the said order of the Tribunal were dismissed by order dated April 21, 1991.

4. The said applications for the grant of pay scale to the draughtsmen in the Ordnance Factories from the date of the order dated April 21, 1987, shall be

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the said order were dismissed by order dated October 25, 1991 but by a subsequent order dated November 28, 1994 the said order dated October 25, 1991 dismissing the Review Petitions was recalled and the Review Petitions have been directed to be tagged with the Special Leave Petition Nos. 8593-94 of 1987.

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

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

8. In accordance with order of the Ministry of Defence dated July 3, 1984 orders were passed on August 14, 1984 and February 15, 1985 revising the pay scales in accordance with the Office Memorandum dated March 13, 1984 but by a subsequent order of E.M.E. Records dated October 30, 1986 on the basis of which other orders were passed by the respective Commandants of the Base Workshops the said orders were rescinded and the benefit of the revised pay scales which had been extended was withdrawn. A number of applications were filed before the Tribunal by the draughtsmen in Army Base Workshops, E.M.E. which were disposed of by the Principal Bench of the Tribunal by judgment dated May 15, 1992 whereby the orders of E.M.E. Records dated 30th October, 1986 and subsequent orders issued by the respective Commandants of the respective Base Workshops in pursuance of the said order of the E.M.E. Records, Secunderabad have been quashed and it has directed that the applicants in the applications before the Tribunal be placed in their revised scale of pay as per Office Memorandum dated March 13, 1984 notionally with effect from May 13, 1982 and that the actual benefit be allowed with effect from November 1, 1983. C.A. Nos. 2125-33 of 1993 have been filed by the Union of India against the said judgment of the Tribunal.

9. Though by order dated April 7, 1994 S.L.P. Nos. 8593-94 of 1987 were directed to be listed after the decision in C.A. Nos. 2125-33 of 1993 but since the said SLPs are directed against the judgment of the Jabalpur Bench of the Tribunal dated April 21, 1987 which forms the basis for the judgments

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of other Benches of the Tribunals in other connected matters, we have taken up SLPs Nos. 8593-94 of 1987 along with these matters and have heard the said SLPs also and the same are being disposed of by this judgment.

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

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

"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 the Board of Arbitration in the case of Central Public Works Department.

The undersigned is directed to refer to his Department's O.M.No.F. 5.(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 Draughtsman Grade I, II and III working in CPWD on the basis of the Award of Board of Arbitration may be extended to Draughtsman 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 (Rs.)
Draughtsman Grade I	425-700	550-750
Draughtsman Grade II	330-560	425-700
Draughtsman Grade III	260-430	330-560

*Attested
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2. The President is now pleased to decide that the Draughtsman 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:

bject to the following:	
(a) Minimum period of service for placement from the post carrying scale of Rs. 975-1540 to Rs. 1200-2040 (pre-revised Rs. 260-430 to Rs. 330-560)	7 years
(b) Minimum period of service from placement from the post carrying scale of Rs. 1200-2040 to Rs. 1400-2300 (pre-revised Rs. 330-560 to Rs. 425-700)	5 years
(c) Minimum period of service for placement from the post carrying scale of Rs. 1400-2300 to Rs. 1600-2600 (pre-revised Rs. 425-700 to Rs. 550-750)	4 years

Rs. 425-700 to Rs. 550-750)

3. Once the Draughtsman 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.

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.
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(Shyam Sunder)

(Shyam Sunder)
Under Secretary to the Government of India."

12. By the said office memorandum, the Government of India, after considering the request of the staff side that the scales of pay, allowed to the Draughtsmen Grade I, II and III working in C.P.W.D. on the basis of the above Award of Board of Arbitration may be extended to Draughtsmen Grade I, II and III irrespective of their recruitment qualifications in all Government of India Offices, has decided that Draughtsmen Grade I, II and III in offices/departments of the Government of India other than in C.P.W.D. may also be placed in the revised scales of pay on the basis of the award subject to certain minimum period of service as mentioned in the clauses (a), (b) and (c) in para 2 of the Office Memorandum. The benefit of this revision of scales of pay under the Office Memorandum dated 19th October, 1994 has been given retrospectively with effect from the same dates as was given by Office Memorandum dated March 13, 1984, i.e., from May 13, 1982 onwards and actually from 1st November, 1983. In respect of draughtsmen fulfilled the requirement relating to the period of Service mentioned in said Office Memorandum dated 19th October, 1994 on the relevant date question whether their recruitment qualifications were similar to those in case of draughtsmen in C.P.W.D. would not arise and they would be entitled to the revised pay scales as granted to the draughtsmen in C.P.W.D. irrespective of their recruitment qualifications. But in respect of those draughtsmen who did not fulfil the requirement relating to the period of service prescribed in para 2 of the Office Memorandum dated 19th October, the question whether their recruitment qualifications are similar to those prescribed for draughtsmen in C.P.W.D. is required to be considered for the purpose of deciding whether they are entitled to the benefit of the revision of pay scales as per the Office Memorandum dated March 13, 1984.

Approved
Diane Dow

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

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

14. The Tribunal has observed that the scheme of training of draughtsmen at ATS Ambarnath was laid down in the Ministry of Defence's letter of November 14, 1969 which prescribes the various entrance qualifications and the curriculum and the period of training and that the entrance qualification is matriculation with two years' practical experience in Tools Room or 1-1/2 years' Draughtsman's course of I.T.I and that after selection 2- 1/2 years' training is given which includes six months' working in factories and that according to clause 10 of the Scheme a draughtsman trainee will be graded either for the post of Senior Draughtsman or Draughtsman and that the Scheme nowhere lays down that those trainees can be posted as Tracers. According to the Tribunal, the qualifications prescribed for draughtsmen in Ordnance Factories are similar or equivalent to those prescribed for recruitment in C.P.W.D. The Tribunal has held that the decision of the Ordnance Factory Board based on the Sub-Committee report that the applicants (respondents herein) should be equated with Tracers and Draughtsman Grade III of C.P.W.D. was fallacious. In this context, it would be relevant to mention that as per the pay scales fixed on the basis of report of the First Pay Commission of 1947 there was no difference in the pay scales of Draughtsmen and Tracers in the Ordnance Factories and the pay scales of Draughtsmen and Tracers in C.P.W.D. Senior Draughtsman in the Ordnance Factories and Draughtsman in the C.P.W.D. were placed in the pay scale of Rs. 150-225, Draughtsman in the Ordnance Factories and Assistant Draughtsman in C.P.W.D. were placed in the scale of Rs. 100-185 and Tracers in Ordnance Factories as well as in C.P.W.D. were placed in the scale of Rs. 60-150. On the basis of the report of the Second Pay Commission in 1959 there was a slight modification in the pay scale of Senior Draughtsman in Ordnance Factories. Tracers in the Ordnance Factories and C.P.W.D. were placed in the same pay scale of Rs. 110-200 and Draughtsmen in Ordnance Factories and Assistant Draughtsmen C.P.W.D. were placed in the same pay scale of Rs. 150-240. Senior Draughtsmen in Ordnance Factories were placed in the pay scale of Rs. 205-280 while Draughtsmen in C.P.W.D. were placed in the pay scale of Rs. 180-380. By Notification dated September 1, 1965, there was change in the designation of posts of drawing office staff in C.P.W.D. and Draughtsman was designated as Draughtsman Grade I.

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Assistant Draughtsman was designated as Draughtsman Grade II and Tracer was designated as Draughtsman Grade III. Thereafter on the basis of the report of the Third Pay Commission in 1973, Tracer in the Ordnance Factories and Draughtsmen Grade III in C.P.W.D. were placed in the same pay scale of Rs. 260-430, Draughtsmen in Ordnance Factories and Draughtsmen Grade II in C.P.W.D. were placed in the same pay scale of Rs. 330-560 and Senior Draughtsmen in Ordnance Factories and the Draughtsmen Grade I in C.P.W.D. were placed in the same pay scale of Rs. 425-700. This would show that Tracer in Ordnance Factories has all along been treated as equivalent to Tracer/Draughtsman Grade III in C.P.W.D. and Draughtsman in Ordnance Factories has all along been treated as equivalent to Assistant Draughtsman/Draughtsman Grade II in C.P.W.D. As a result of the revision of pay scales in C.P.W.D. on the basis of the Award of the Board of Arbitration, the pay scale of Draughtsman Grade III was revised to Rs. 330-560, while that of Draughtsman Grade II was revised to Rs. 425-700 and of Draughtsman Grade I was revised to Rs. 550-750. The denial of similar revision of pay scale to Draughtsmen in Ordnance Factories would result in their being down-graded to the level of Tracer/Draughtsman Grade III in C.P.W.D. Office Memorandum dated March 13, 1984 cannot, in our opinion, be construed as having such an effect.

15. Shri N.N. Goswami, the learned senior counsel appearing in support of the appeals as well as the Special Leave Petitions and the Review Petitions has urged that the channel of promotion in Ordnance Factories is different from the channel of promotion in C.P.W.D. inasmuch as in C.P.W.D. there is no further promotion after a person reaches the scale of Draughtsman Grade I while in Ordnance Factories a Draughtsman is entitled to be promoted as Chargeman Grade II and thereafter as Chargeman Grade I and as Foreman and that the post of Chargeman Grade II which is the promotional post for draughtsman was in the pay scale of Rs. 425-700 and that placement of Draughtsman in the said pay scale of Rs. 425-700 would result in Draughtsman being placed at the same level as the promotional post of Chargeman Grade II and, therefore, the benefit of the revision of pay scales under Office Memorandum dated March 13, 1984 cannot be extended to the Draughtsmen in Ordnance Factories. On behalf of the respondents it is disputed that there are no promotional chances for Draughtsman Grade I in C.P.W.D. This question was not agitated in any of the matters before the Tribunal and we are, therefore, unable to entertain this plea urged by Shri Goswami on behalf of the appellants/petitioners. As regards the post of Chargeman Grade II being a promotional post for Draughtsman in Ordnance Factories and it being in the scale of Rs. 425-700 at the relevant time, we are of the view that merely because of promotional post for Draughtsmen in Ordnance Factories was in the scale of Rs. 425-700 cannot be a justification for denying the revision of pay scales to Draughtsmen and their being placed in the scale of Rs. 425-700 on the basis of the Office Memorandum dated March 13, 1984 if such Draughtsmen are otherwise entitled to such revision in the pay scale on the basis of the said Memorandum. Moreover, the provisions 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 May 4, 1989. The said Rules are not retrospective in operation. Here we are concerned with the revision of pay scales with effect from May 13, 1982 on the basis of the Office

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Memorandum dated March 13, 1984 and, at that time, the said Rules were not operative. Therefore, on the basis of the aforesaid Rules Draughtsmen in Ordnance Factories cannot be denied the benefit of revision of pay scales on the basis of the Office Memorandum dated March 13, 1984. The appeals and the SLPs as well as Review Petitions relating to draughtsmen in Ordnance Factories are, therefore, liable to be dismissed.

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

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

17. The tribunal has observed that Tracer in the E.M.E could not be treated in any other manner but at par with Grade III Draughtsman of C.P.W.D. keeping in view their recruitment qualifications. The Tribunal held that the benefit of Office memorandum dated March 13, 1984 had been rightly extended to Draughtsmen in E.M.E. and that its withdrawal was illogical and irrational. The learned counsel for the appellants has been unable to show that is the said view of the Tribunal suffers from an infirmity which would justify interference by this Court.

18. Civil Appeal Nos. 1433 of 1986, 2125-33 of 1993 as well as S.L.Ps. (Civil) Nos. 8593-94 of 1987, 22016 of 1993 and Review Petitions (Civil) Nos. 857-58 of 1991 are accordingly dismissed but in the facts and circumstances of the case, the parties are left to bear their own costs.

Petitions dismissed.

PUNJAB AND HARYANA HIGH COURT (D.B.)

Before:- S.P. Kurdukar, CJ. and Swatanter Kumar, J.

C.W.P. No. 1487 of 1995 / Decided on 18.4.1995

Prabhjot Wahi

Petitioner

Versus

Guru Nanak Dev University, Amritsar

through its Registrar and others

Respondents

For the Petitioner : Mr. H.S. Giani, Sr. Advocate with Mr. G.S. Virdi, Advocate.

For the Respondents : Mr. P.S. Patwaria, Advocate.

Constitution of India, Article 14 and 226—Evidence Act 1872, Section 115—Education/Admission—Estoppel—Admission to Graduate Course in Dental Science—Admission in violation of the rules and regulations as the student did not appear in the entrance examination—By securing admission in violation of rules, no legitimate right vests in the candidate to continue with the admission—No equity in favour of the applicant, as such, the principle of estoppel cannot be invoked. (Paras 16 and 17)

Referred :

Bina Philopose v. State of Kerala, 1992 (Sup.) (3) SCC 95.

Shri Krishan v. Kurukshetra University, Kurukshetra, AIR 1976 SC 376.

Sanathan Gauda v. Berhampur University, AIR 1990 SC 1075.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

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146
Annexure-4
11.12

ORIGINAL APPLICATION NO. 66 of 1989

DATE OF JUDGMENT: 11-10-1991

BETWEEN:

1. Mr. K.N. Chary
2. Mr. M. Ganesh Rao
3. Mr. T.C. Norbert Dominic
4. Mr. G. Sailu
5. Mr. V. Prabhakaran
6. Smt. Taiyaba Asgar

Applicants

AND

1. Union of India represented by
the Secretary, Ministry of Steel & Mines,
Dept. of Mines,
New Delhi.
2. The Director General,
Geological Survey of India,
Calcutta.
3. The Deputy Director General,
Geological Survey of India,
Southern Regional Office,
Mukaram Jahi Road,
Hyderabad-500001.

Respondents

(B. JOHN GUJAKAR)

SECRETARY

Geological Survey of India
HYDERABAD - Branch.

FOR APPLICANTS: Mr. V. Venkateswara Rao, Advocate

FOR RESPONDENTS: Mr. Naram Bhaskar Rao, Addl. CGSC

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

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

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI J. NARASIMHA MURTHY, MEMBER (JUDICIAL)

This is a petition filed by the petitioners for a relief to revise their pay scales of Rs. 330-560 as Junior Scribes to that of Rs. 425-700 with effect from 13.5.1985 notionally and to declare that the petitioners are entitled to the actual benefit of pay fixation in the said scale with effect from 1.11.1983 and further revision to the scale of Rs. 1400-2300 (RSRP) with effect from 1.1.1986 or the date of option in individual cases, as was done in the case of the Draftsmen in the grade of Rs. 330-560 and quash the letter No. J-11011/11/87-M.2 dated 8.12.1988 and letter No. J.11011/11/87/M.2, dated 19.8.1987 issued by the Ministry of Steel & Mines, Department of Mines, New Delhi, directing the respondents to grant the pay scales of Rs. 425-700 and (RS) and Rs. 1400-2300 (RSRP) with effect from the respective dates to the applicants herein, with all consequential benefits such as arrears of pay and allowances/fixation of pay etc. Brief facts of the case are as follows:-

The petitioners herein are working as Scribes in the Map Printing Division of the Geological Survey of India

R. Balasubramanian
Shri R. Balasubramanian

at Hyderabad. The first applicant was initially appointed as Junior Scriber in the pay scale of Rs.330-560 on 25.6.1977. Thereafter, he was promoted as Senior Scriber in the pay scale of Rs.425-640 and he was further promoted as Head Scriber in the pay scale of Rs.550-750. The 2nd applicant was initially appointed as Junior Scriber in the pay scale of Rs.330-560 with effect from 6.4.1976 and was promoted as Senior Scriber in the Pay scale of Rs.425-640. The applicants Nos. 3, 4, 5 and 5 have been appointed as Junior Scribers in the pay scale of Rs.330-560 with effect from 5.7.1979, 18.7.1979, 31.10.1979 and March 1976 respectively. The Map Printing Press of Geological Survey of India, Hyderabad has 3 grades of Scribers viz., Head Scriber, Senior Scriber and Junior Scriber with recruitment rules similar to Senior Technical Assistant (Drawing Office), Junior Technical Assistant (Drawing Office) and Draftsman under Drawing Office stream of the Geological Survey of India. The job performed by the Scriber is similar and identical to the job performed by the Draftsman. The existing recruitment rules for the Scribing stream and the Drawing Office stream posts of the Geological Survey of India are almost identical at the entry points of both the streams i.e., Draftsman in Drawing Office stream and Junior Scriber in the Scribing Stream. The only difference being in the case of Draftsman is Diploma in Draftsmanship with 2/3 years course while practical knowledge in Map drawing is a must for Junior Scriber. The rest of the posts of

(B. JOHNSUJAKAR) Drawing Office stream i.e., Junior Technical Assistant and Senior Technical Assistant are promotion posts. Similarly the posts of Senior Scriber and Head Scriber are also promotion posts. The posts of Draftsman, Junior Technical

SECRETARY
Surveyors' (Custodians' Association)
SURVEY OF INDIA
HYDERABAD Branch

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Assistant, and Senior Technical Assistant carry the pay scale of Rs.260-400, 330-560 and 425-700 respectively which were subsequently revised. / The posts of Junior Scriber and Senior Scriber and Head Scriber carry the scales of Rs.330-560, 425-640 and 550-750 respectively. Thus, the post of Junior Scriber in the Scribing stream carries a higher scale of pay i.e., Rs.330-560 than that of the Draftsman of the Drawing Office stream which was only Rs.260-400. While the basic functions of both the Scriber and Draftsman are similar i.e., map making, there is some difference in the actual process adopted by each.

Scribing is a modern and modified version of Draftsmanship employed for the reproduction of high quality maps in print which requires additional skills. The Draftsman in Geological Survey of India is being imparted a special training in Survey of India to enable him to undertake the scribing. In fact, scribing can be done by a Draftsman only after a specialised training. On the other hand, a Scriber if posted to Drawing Section will be able to perform the duties of a Draftsman, without any training. Draftsmen from Survey of India are brought to Geological Survey of India on deputation to work as Scribes. One such example is Mr. Phoolchand, who was subsequently repatriated.

2. Recognising the fact that Scribing is a most sophisticated function, the initial recruitment to the Scribing stream is made in the pay scale of Rs.330-560 with the designation of Junior Scriber whereas the initial recruit-

*Approved
B. H. Patel
D. S. D.*

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ment to the post of Draftsman in the Drawing Office stream carries the pay scale of Rs.260-400 only. The pay scale of Draftsman has been upgraded from Rs.260-400 to Rs.330-560 following an arbitration award with effect from 13.5.1982 and further revised to Rs.425-700 with effect from 1.11.1983 on the basis of the Central Public Works Department award vide Ministry of Steel & Mines, Department of Mines, letter dated 1.7.1985 and it was implemented by the Director General, Geological Survey of India, Calcutta vide his letter dated 15.10.1985 on the basis of the Government of India Office Memo dated 13.3.1984. As a result, the Draftsman who joined originally in the grade of Rs.260-400 is placed in the grade of Rs.425-700 (Rs.1400-2300 RSRP) whereas the Scribes (Junior) who joined in a higher scale of Rs.330-560 (now Rs.1200-2040 RSRP) remained in lower scale even after 7 to 10 years of service. Thus, a superior post once is now being treated as inferior post.

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

JOHN SUJAKAR)
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miners' (C.) (Graphic) Association
SUKHDEV SINGH
Lokendra Singh

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

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

*D. B. Patel
M. A. S. H.*

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

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

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

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

(B. JOHN SUJAKAR)

SECRETARY

Survey of India
Geographical
Surveyors' (Cartographic) Association
SURVEY OF INDIA

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

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

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CIRCULAR ORDER No. 439 (Administrative)

Dated the 1st August 1950

(Corrected up to 30th September 1964)

SUBJECT

QUALIFICATIONS AND TRADE TESTS
FOR
CLASS III TECHNICAL PERSONNEL

PUBLISHED BY ORDER OF
THE SURVEYOR GENERAL OF INDIA

PRINTED AT THE SURVEY OF INDIA OFFICES (P.Z.O.), DEHRA DUN, 1964

Attested
Date
1964

GROUP A.—TOPOGRAPHICAL ESTABLISHMENT, DIVISION II

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

(Continued)

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GROUP A.—TOPOGRAPHICAL ESTABLISHMENT, DIVISION II

15/2

Trades	Classification	Qualifications and/or tests
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3. *Draftsman* Type 'A' Grade III. (vii) Should be able to extract figures from Projection tables and carry out the projection of any small scale map on any projection (Lambert Conical)

Corrigendum No. 12(b), dated 14 September, 1970 to Circular Order No. 439 (Adm.), dated 1-8-1950 (corrected upto 30th September, 1964)

Page 11 (Draftsman Type 'A').—

For the existing statement against Grade II substitute the following qualifications and/or tests:—

Grade II.

- (i) Should be capable of thorough examination of all Topographical maps.
- (ii) Should have a thorough knowledge of T.H.B. Chapter VI and Chapter XI.
- (iii) Should be able to understand, interpret and explain professional orders.
- (iv) Should be capable of training T.Ts.T. 'B' (Draftsmen).
- (v) Should be capable of taking action on (a) Reprints (b) Re-issues (c) Fresh compilation of Topographical and Geographical maps.
- (vi) Should be able to deal with routine correspondence, compile the various Fair Drawing Technical returns and write History sheets and Publication instructions.
- (vii) Should be able to assist in supervision.

Note:—Items underlined are for actual practical test.

Approved
R. G. L.
A.D.V.

Course No.140 - Cartography Technician

1. **Objective:** To impart basic training in the preparation of Cartographic originals for printing maps, for employment as Draftsman.
2. **Eligibility:** The course is meant for persons who have passed Intermediate examination with Mathematics, or its equivalent, and have aptitude for cartographic work.
3. **Duration:** 1 year.
4. **Course capacity:** 20.
5. **Training Method:** The participants will be given thorough training in cartographic practices by conventional ink-drawing and modern scribing techniques. They will be taught handling and adjustment of all types of drawing and scribing tools. The training will consist of lectures, demonstration and practical exercises with emphasis on acquiring skill for individual work.
6. **Course Syllabus:**

Organisation of the Survey of India. Zonal, Regional and special Circles/Directorates; field and static units; technical, ministerial and other sections.

Cartographic Mathematics.-Arithmetic, algebra, geometry and trigonometry.

Fundamentals of Surveying.- Principles and methods of ground and aerial surveys. Photogrammetry, photo interpretation.

Cartographic concepts.- Definitions. Elements of a map. Introduction to Computer Assisted Cartography and Digitization (PC based systems).

Topographical maps.- Projections, scales, symbols, Lambert grid, relief representation and map lettering. Graphic communication : Graphic image, visual perception, visual variables; colour in cartography. Semiology. Legibility, contrast and exaggeration.

Cartographic techniques.- Base materials, instruments, inks and pens. Drawing of point, line and area symbols and relief features. Lettering methods. Advantages of scribing techniques. Base materials, instruments. Scribing procedure. Preparation of line originals and tint originals. Lettering by stick-ups. Photo-laboratory processes. Hunterian system of transliteration of spellings of names.

Topographical fairmapping.- source materials, preparatory work, Fairdrawing of outline, contour, tree and name originals and marginal applique slips for topo maps. Town guide maps, and engineering project maps. Examination and submission of sheets. Preparation of colour patterns and grid original. Disposal of records. Compilation of degree sheets. Examination of proofs.

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Geographical fairmapping. - Preparation, compilation, drawing, examination and submission for printing.

Thematic mapping. - Definitions. Base maps, scale, map projection. Qualitative and quantitative mapping, point, line and area symbols.

Reprography techniques. - Process camera and photography. Preparation of press plates. Proving and printing procedures and presses. Rub-on proving.

Unit Administration. - Administration in Drawing Offices.

Civil Service rules. - Departmental Circular Orders.

Duties and responsibilities of draftsman. Preparation of contingent bills. Reports and returns.

Affected
Charles
Adm

Annexure-7

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CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

CAT/J/10

O.A. NO. 5 OF 1989

Exhibit A

DATE OF DECISION 3.2.1995.

Petitioner's

Shri R.K. Joshi & Ors.

Advocate for the Petitioner (s).

Mr. Shailesh Brahmbhatt.

Versus

Respondent's

Union of India & Ors.

Advocate for the Respondent (s)

Mr. Akil Kureishi,

CORAM

Attested
Dilip
Adv.

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✓ 182

1. Shri R.K. Joshi
2. Shri B.J. Modi
3. Shri M.S. Bhatt
4. Census Employees Association
Gujarat, (Through its General
Secretary Shri K.K. Patel,
Directorate of Census Operation,
Kerawala Building,
Opp: V.S. Hospital,
Ellisbridge, Ahmedabad. Applicants.

(Advocate: Mr. Shailesh Brahmbhatt)

Versus,

1. Union of India,
(Notice to be served through
the Secretary, Ministry of
Home, New Delhi).
2. The Secretary,
Ministry of Finance,
New Delhi.
3. The Registrar General, India,
Kota House Annexe,
2A, Mansingh Road,
New Delhi.
4. Deputy Director of Census,
Operation, Gujarat,
Kerawala Building,
Opp: V.S. Hospital,
Ellisbridge, Ahmedabad. Respondents.

(Advocate: Mr. Akil Kureshi)

✓ ORAL ORDER

1 O.A. No. 5 OF 1989

Date: 3.2.1995.

Per: Hon'ble Mr. N.B. Patel, Vice Chairman.

The applicants' learned advocate Mr. Brahmbhatt
states that the Government of India (Ministry of Finance)
has issued orders No. 13(1)-IC/91 dated October 19, 1994.
He tenders a copy of this order which may be kept on
record. On reading this order, we are of the opinion

that it redresses the grievances of the applicants largely, if not wholly. Mr. Bhambhatt states that, in any event, the grievance of the applicants that there should be ^{no} conditions of minimum service (experience) ^{After Normans} for placement in the revised pay-scale, as such a condition was not there in the order dated March 13, 1984 under which Draftsmen of the other Departments were granted benefit of revised pay-scale. Since, however, the order dated October 19, 1994 largely redresses the grievance of the applicants, we find that the O.A now does not survive. If the applicants have any grievances in the matter of the condition regarding experience (minimum period of service) for placement in the revised pay-scale, they may make representations to the concerned authorities in that behalf. In view of the development which has taken place during the pendency of this O.A as mentioned above, Mr. Bhambhatt states that the applicants will be satisfied, if necessary directions/observations are made regarding implementation of the order dated October 19, 1994 within a fixed time-limit and if it is kept open to the applicants to have recourse of such remedy, as may be available to them under the law, in respect of their remaining grievance regarding experience or length of service for placement in the revised pay-scale. Mr. Kureshi states that if such leave is to be granted to the applicants, it should be kept open to the Department also, ^{to} urge against any possible steps that may be taken by the applicants, that the Tribunal cannot go

Attested
M. G. Patel
Adv.

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behind Arbitrator's award. Permission to withdraw granted with liberty to the applicants and the respondents as stated above. The respondents are directed to implement the orders dated October 19, 1994 qua the applicants as early as possible and, preferably, within six months from the date of the receipt of a copy of this order. D.A. stands disposed of accordingly. No order as to costs.

Sd/-

(K.Ramamoorthy)
Member (A)

Sd/-
N.B.Patel
Vice Chairman

vtc.

LIST OF BOOKS, CHARTS AND TABLES USED BY DRAUGHTSMAN OF SURVEY OF INDIA :-

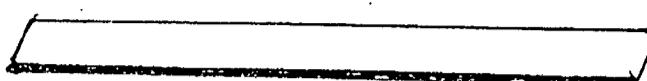
- (i) THB (Topo Hand Book) Chapter - VI
- (ii) do Chapter - X
- (iii) do Chapter - XI
- (iv) do Chapter - V
- (v) Auxilliary Table Part - I
- (vi) do Part - III
- (vii) do Part - V

- (viii) Instruction to Plane Tablers.
- (ix) Pamphlets relating to all kinds of Primary and Secondary GTS, Bench Marks.
- (x) Naval Hydrographic and Admirability Chart.
- (xi) Aeronautical Chart.
- (xii) Magnetic Variation Chart.
- (xiii) Index to Road of 1st and 2nd importance.
- (xiv) Professional Orders / Govt. Notifications / Gazetteers.
- (xv) Map Catalogue.
- (xvi) Imperial Gazetteer of India and State Gazetteers.
- (xvii) History of Indian Railways.
- (xviii) Conversion Tables for Metric and FPS.
- (xix) All Kinds of Geographical Maps, State Maps, Guide Maps, Forest Maps, Cantonment Maps, Project Maps, Hydel Project Maps etc.
- (xx) Air Photographs of the Landscape and their Fusion.

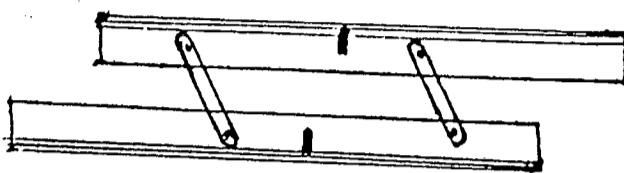
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21
 LIST OF INSTRUMENTS USED BY DRAUGHTMEN
 IN SURVEY OF INDIA
 (CONVENTIONAL METHOD)

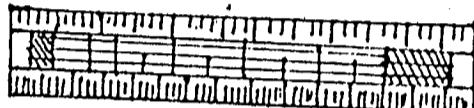
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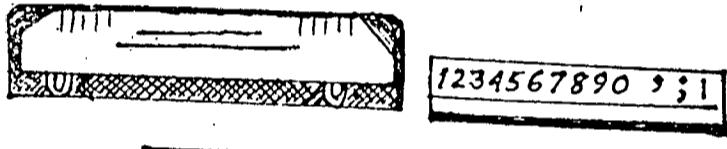
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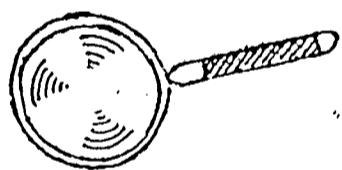
10. PARALLEL RULER



11. PROTECTOR

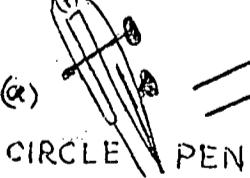
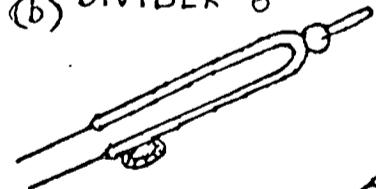


12. LETTERING SET MACHINE



13. MAGNIFYING GLASS

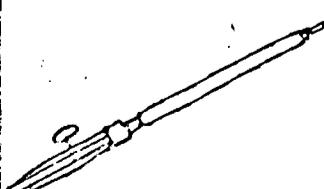
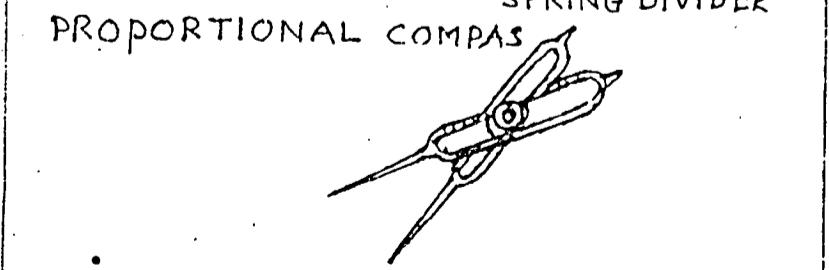
(b) DIVIDER 6"



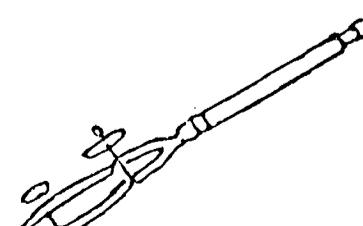
(a) CIRCLE PEN



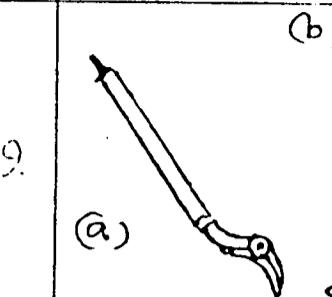
(c) SPRING DIVIDER 3"



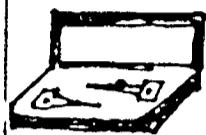
14. LINE PEN



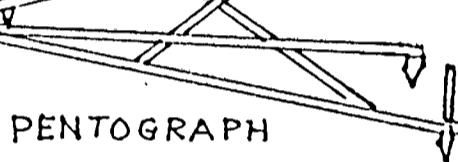
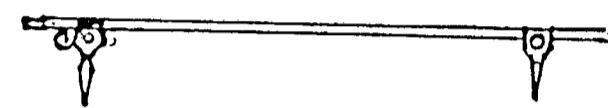
ROAD PEN



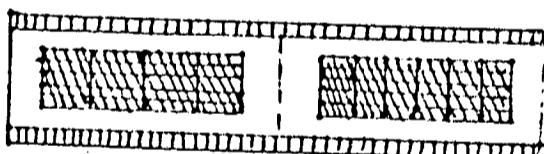
15. SET SQUARES



16. BEAM COMPASS



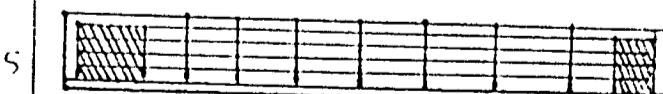
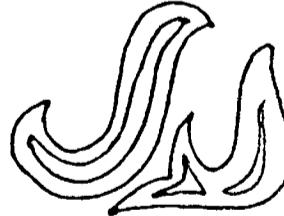
17. PLANIMETRE



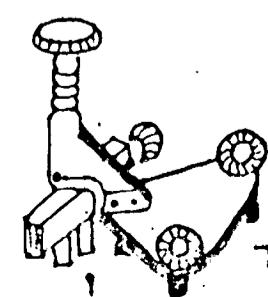
18. GRID AND SPHERICAL SCALE FOR PLOTTING



19. FRENCH CURVES



20. METRE SCALE



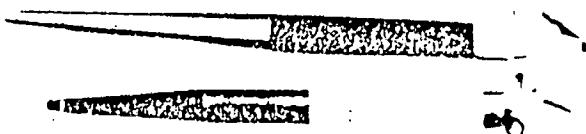
21. TYPING MACHINE

A. Worked
B. Done
C. Done
D. Done

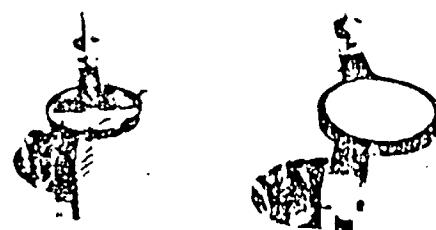
LIST OF SCRIBING INSTRUMENTS USED BY SURVEY OF INDIA. D/MAP

SCRIBING TOOLS

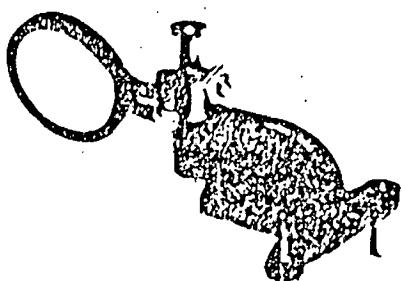
Fig. 1 (a)



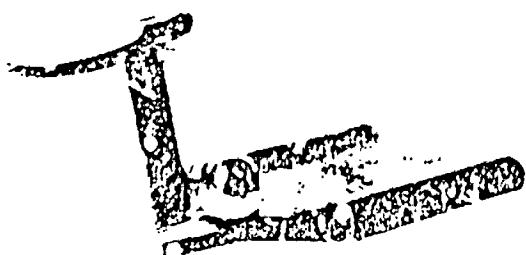
Pen type gravers



Straight-line gravers

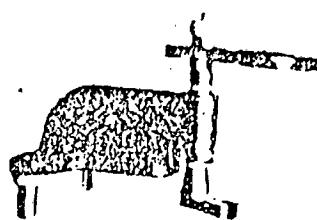


Rigid graver with optic.

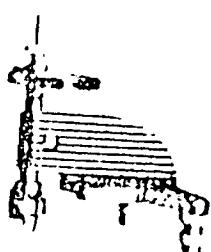


Building graver (Blade type)

Swivel gravers



(Blade type)

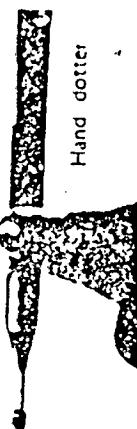
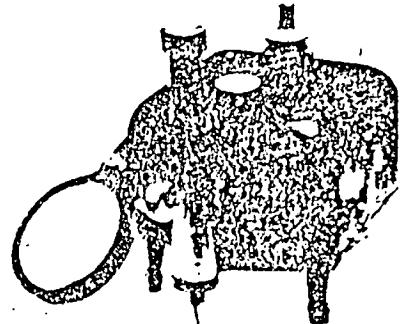


(Needle type)

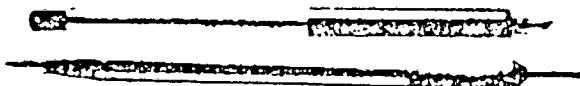


Building graver (Needle type)

Motorized dotter



Swivel knife



Pen type knife

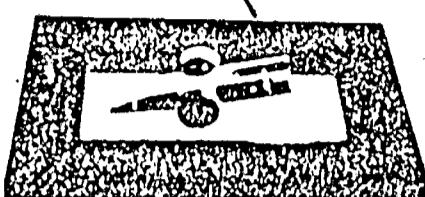
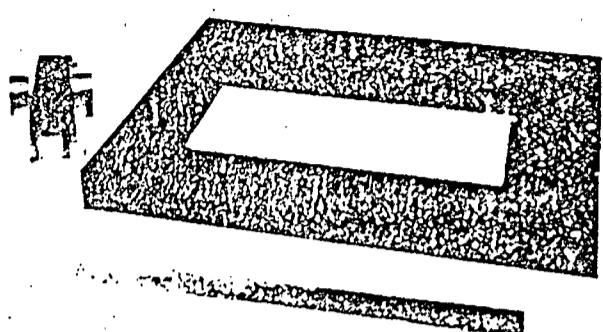
*Different types
of dotter
and
dotter*

LIST OF SCRIBING INSTRUMENTS USED BY SURVEY OF INDIA D/MAN.

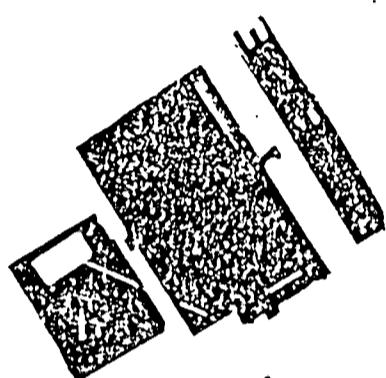
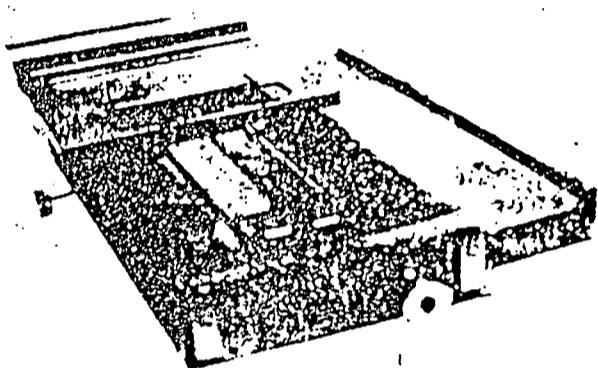
SCRIBING TOOLS

Fig. 1 (a)

160



Blade/needle sharpening set.

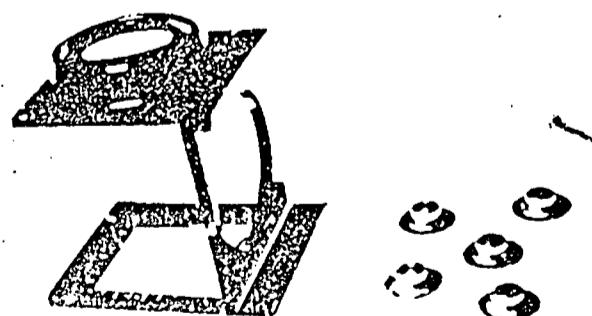


U. S. G. S. Pattern Jig

Line measuring microscopes

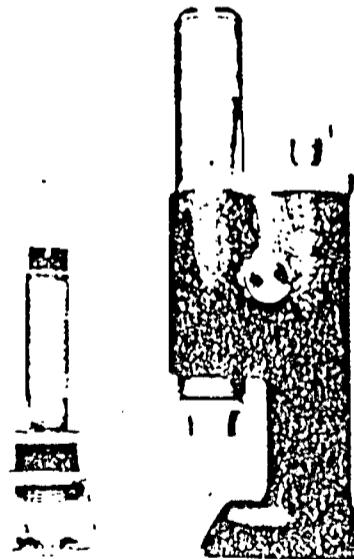


Hand punch



Linen tester

Register studs



small

big

Attested
R. H. D. M. S.