

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

Contempt APPLICATION NO. 3/2000

OF 199

OA. 52/96

Applicant(s) Sri Tulsi Ram Sharma and others.

Respondent(s) Sri Valamgianan Subramaniam
Ramanurty and others.

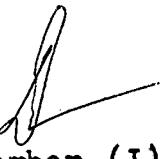
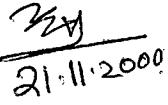
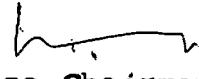
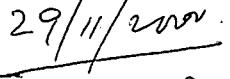
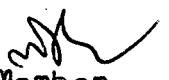
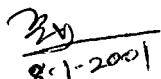
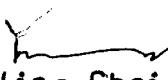
Advocate for Applicant(s) Mr. M. Chandra

Advocate for Respondent(s) Mr. B. C. Pathak, Add. C. S. C.

| Notes of the Registry | Date | Order of the Tribunal |
|---|----------------|---|
| The Learned applicant Advocate has filed the Contempt petition for non-compliance of judgment and order dated 17.7.97 Passed by this Hon'ble Tribunal Laid before Hon'ble court for further orders Section Officer 21/2/2000 | 22.2.2000 | List on 25.2.00 for order. <i>60</i> Member |
| | trd 25.2.00 | Issue notice to the alleged contemners to show cause as to why contempt proceeding should not be drawn up. List on 27.3.00 for orders. <i>60</i> Member |
| | mk 1/3/2000 | <i>60</i> Vice-Chairman |

| Notes of the Registry | Date | Order of the Tribunal |
|---|----------------|---|
| 2 - 3 - 2000 Service of notices prepared and sent to T. Section for issuing of the same to the respondents through Regd. post with A.D. 2nd reply D.NO. 660 No 662 Dtd-3-3-2000 | 27.3.00 trd | Mr. B.C. Pathak submits that he will appear for the alleged contemners and prays for adjournment. Prayer allowed. List on 24.4.2000 for further order. 6 Member |
| | 24.4.00 mk | Passed over for the day. 6 Member |
| | 25.4.00 nkm | Mr B.C. Pathak, learned Addl., C.G.S.C. submits copy of letter No.C-170/17-Y-9(TRS) dated 20.4.2000 and states that the process of implementation has already started. Place the C.P. for orders before the Division Bench on 17.5.00. 6 Member |
| 9 - 6 - 2000 ① Service report was still awaited. Reply has not been filed. 2nd 2000 Notice served on respondent No 1 - returned due to incomplete address as marked by P.T. Deptt. D-127 | 17.5.00 | Mr B.Chakraborty for the petitioner Mr A.Deb Roy on behalf of Mr B.C.Pathak learned counsel for the contemners, submits that implementation of the order of the Tribunal which was said to have been started on the last date of hearing has not yet culminated in the final order in favour of the applicant. In absence of Mr Pathak nothing can be said today. List on 13.6.00 for order. On that day reply to the contempt petition be filed or the progress of implementation of the order be brought to the notice of the Tribunal. 2 Member |

Ch. 3/2000 (of 52/96)

| Notes of the Registry | Date | Order of the Tribunal |
|---|----------|--|
| No. written statement has been filed. | 13.6.00 | <p>Present : Hon'ble Mr.D.C. Verma, Judicial Member.</p> <p>Mr. B.C. Pathak, learned Addl. C.G.S.C. seeks 3 (three) months time. S.L.P. filed by the department has been admittedly rejected. Three months time to file written statement and for compliance within this period is being sought.</p> <p>Time is allowed. List for orders on 15.9.00.</p> <p></p> <p>Member (J)</p> |
|  21.11.2000 | mk | |
| | 15.9.00 | No. Bens. To be listed on 22.11.00 |
| | 22.11.00 | <p>Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.</p> <p>Heard Mr. J.L.Sarkar, learned counsel for the petitioner and Mr B.C.Pathak, learned counsel for the alleged contemner. Mr Pathak has submitted that the order in question has already been implemented and to that effect he sought to refer to some departmental communication. Let the contemners file its reply. List on 22.12.2000 for further orders.</p> <p></p> <p>Vice-Chairman</p> |
|  29/11/2000 | pg | |
| Copy of the order has been sent to the D/see for issuing the same to the L/Advocates for the party. | 22.11. | |
| No. written statement has been filed. | 22.12.00 | <p>Heard counsel for the parties. Further two weeks time is allowed to file affidavit, if any. List on 9.1.01 for orders.</p> <p></p> <p>Member</p> |
|  No. wbs has been filed. | lm | |
|  8.1.2001 | |  |
| | | Vice-Chairman |

| Notes of the Registry | Date | Order of the Tribunal |
|--|----------|--|
| 8-1-2001 Vakkatnam Ans. filed See Statement No 12 | 9.1.2001 | Reply to show cause has so far been received from the respondents. The applicant prays for seven days time to examine the same. List it on 25.1.01 for further orders. |
| <i>Ans</i> 24-1-2001 | 25.1.01 | <i>I.C.Uthay</i> Member (A) <i>[Signature]</i> Vice-Chairman |
| Reply has been filed. | | |
| <i>Ans</i> 24-1-2001 | 13.2.01 | <i>I.C.Uthay</i> Member <i>[Signature]</i> Vice-Chairman |
| Rejoinder has been filed by the applicant Advocate. | 1m | The parties have submitted the affidavit. The case now require to be heard finally and disposed of. List on 22.3.01 for hearing. |
| <i>Ans</i> The case is ready for hearing. | 22-3 | Heard in part, left it again on 27/3/2001. <i>M/s A.Jay</i> <i>22-3</i> |
| <i>Ans</i> 21-3-01 | 27-3 | Heard at length. Left again on 30/4/2001. <i>M/s A.Jay</i> <i>27-3</i> |

| Notes of the Registry | Date | Order of the Tribunal |
|--|--|--|
| <p><i>Received for the respondent (Mr. Atul S. BORDEO)</i></p> <p><u>9.5.2001</u> copy of the order has been sent to the D/Sec. for issuing the sum to the L/Adm. for the parties.</p> <p>AS</p> | <p>30.4.01</p> <p>pg</p> <p>13 30/4/01</p> | <p>It has been stated that the judgment and order of the Tribunal dated 17.7.97 passed in O.A. 52/96 is duly complied and for that purpose the Order No.E2-2308/1196-B(TRS) dated 27-3-2001 is produced before us. A copy of that order is placed on record. In that view of the matter the contempt proceeding stands closed.</p> <p><i>Usha</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p> |

Central Administrative Tribunal

134 21 FEB 2000

Guwahati Bench

In the Central Administrative Tribunal

Guwahati Bench :: Guwahati

C.P. NO. 2000
In O.A. No. 52/96

Shri T. Sharma and others.

..... Applicant
-Vs- Petitioners

Union of India and others.

..... Respondents
Contempner

In the matter of :

An application under Section 17 of
the Administrative Tribunal Act 1985
of for initiation of a contempt proceeding
against the contempner for wilfull
and deliberate violation of the Judge-
ment and order dated 17.7.97 passed
in original application No.52/1996.

-And-

In the matter of :

Shri Tulsiram Sharma and others
Son of Late Hari Prasad Sharma
working as Draftsman Grade-II
O/O the Director Survey of India
North Eastern Circle,
Ministry of Science and Technology,
Shillong. Petitioners.

*Filed before applicant
Srimangal Mr. G. G. Guwahati
Advocate
9.2.2000*

- Versus -

1. Shri Valamgiman Subramonium-
Ramamurthy

Secretary

Science and Technology

New Delhi.

2. Lt. General Ashok V Kumar Ahuja

Surveyor General of India

Dehradun

3. Shri Brindaban Bandopadhyay

Director

North Eastern Circle

Shillong. Contemnors.

The above named petitioner -

Most Respectfully Sheweth :

1. That the petitioner had approached this Hon'ble Central Administrative Tribunal in original application No. 52/96 (T. Sharma and others -Vs- Union of India and others) challenging the action of the respondents in revision of pay scales of Draftman Grade I, II and III. petitioners claim that they are entitled to draw pay in the scale of Rs. 1400-2300 which is equivalent to the pre-revised scale of Rs. 425-700 and for payment of arrear monetary benefits in terms of O.M. dated 19.9.87 and O.M. dated 19.10.94.

2. That the Hon'ble Tribunal took up the matter for final hearing and after hearing the parties had been pleased to direct the respondents/contemnors to place the applicant/s

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in the scale of pay of Rs. 425-700 (pre-revised/1400-2300 (revised) in the manner stipulated in the F.O.M. dt. 17.7.97.

A copy of the aforesaid order dated 17.7.97 passed in O.A. No.52/96 is annexed herewith as Annexure-I.

3. That immediately after pronounced the judgement and order dated 17.7.97, the alleged contemner had preferred an writ petition before the Hon'ble Gauhati High Court but the Hon'ble High Court dismissed the writ petition on 31.7.99 and confirmed the judgement and order dated 17.7.97 passed by the Hon'ble Tribunal.

^{Judgement}
Copy of the ~~writ petition~~ of the Hon'ble Gauhati High Court is annexed as Annexure - 2.

4. That thereafter the applicants submitted similar nature of representation on 9.8.99 before the alleged contemner No.3 along with the Hon'ble High Court order dated 31.7.99 and with the Hon'ble Tribunal order dated 17.7.97, but no action has been taken by the alleged contempner and ^{presumed} it is ~~presumed~~ that the alleged contempner has violated the order willfully and deliberately.

Copies of the representation are annexed herewith as Annexure - 3 (series).

5. That your petitioner beg to state that on 1.10.99 all the applicants have submitted similar nature of remainder also, even than no action has been initiated by the alleged contempner. Therefore, the deliberate non compliance of the judgement and order passed by the Hon'ble Tribunal is amount

to contempt of Court. Therefore, the Hon'ble Tribunal be pleased to initiate contempt proceeding against the contempner for willful non compliance of the judgement and order dated 17.7.97 passed in O.A. No. 52/96.

Copies of the remainder are annexed herewith as Annexure - 4 (Series).

6. That this petition is filed bonafide and for the ends of justice.

Under the facts and circumstances stated above the Hon'ble Tribunal be pleased to initiate contempt proceeding against the contempner for willful non-compliance of the judgement and order dated 17.7.97 passed in O.A. No.52/96 and further be pleased to impose punishment in accordance with law and be pleased to pass any other order or orders as deem fit and proper.

-and-

for this act of kindness the petitioners as in duty bound shall ever pray.

..... Affidavit.

A F F I D A V I T

I, Shri Tulsiram Sharma, son of Late Hari Prasad Sharma aged about 50 years working as Draftsman Grade # II in the office of the Director, Survey of India, North Eastern Circle, Shillong, petitioner in the above contempt petition do hereby solemnly affirm and declare as follow :

1. I am the ~~my~~ petitioner in the above contempt petition and as such I am well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the statement made in para 1 to 6 are true to my knowledge and belief.
3. That this affidavit is made for the purpose of filing contempt petition before the Hon'ble Tribunal, Guwahati Bench Guwahati for non compliance of the judgement and order dated 17.7.97 passed in O.A. No. 52/96.
4. That I have been authorised by the other contemper to swear this affidavit.

And I sign this affidavit on this 9 th day of February, 2000.

Identified by
Shri Tulsiram Sharma
Advocate

Tulsiram Sharma
Deponent

Solemnly affirmed and declared before me by the deponent who is ~~is~~ identified by Mrs. N.D. Goswami on 9 th day of Feb '2000.

Leelacharan G
Advocate
Central Administrative Tribunal
Guwahati Bench.

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Draft Charge

Laid down before the Hon'ble Central Administrative -
Tribunal, Guwahati Bench Guwahati for initiating contempt
proceeding against the contemner/respondents for wilful
non compliance and disobedience of the Judgement and Order
of the Hon'ble Tribunal passed in O.A. No. 52/96 dated
17.7.97 and also to impose punishment upon the contemner
for non compliance of the judgement and order of the Hon'ble
Tribunal as mentioned above in accordance with law.

Annexure - E
13

12 each

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: :: :: GUWAHATI

REGD. WITH A.O.

DESPATCH NO. 2600

DATED, GUWAHATI THE 1/8/92

ORIGINAL APPLICATION NO. : 52/96
MISC. PETITION NO. :
CONTEMPT PETITION NO. :
REVIEW APPLICATION NO. :
TRANSFER APPLICATION NO. :

Shri. T. Sharma vs.

| APPLICANT(S) |
|-----------------|
| Shri. T. Sharma |

VERSUS

| RESPONDENT(S) |
|---------------|
| 1. O.S. vs. |

To

Shri Tulsi Ram Sharma

90 The Director, Survey of India, DILMAB.

North Eastern Circle, Shillong

Ministry of Science and Technology

Govt. of India

Sir,

Subject to you.

I am directed to forward herewith a copy of Judgment/Final Order dated

17-7-92 passed by the Bench of this Hon'ble Tribunal comprising of

Hon'ble Justice Shri D. N. Banerji

Vice-Chairman and Hon'ble

Shri G. L. Saenglykhe, Member, Administrative in the above noted

case for information and necessary action, if any.

Please acknowledge receipt of the same.

Yours faithfully,

Shri. B. B. Bhattacharya

DEPUTY REGISTRAR

Subhadeep Bhattacharya
30/2

Enclo : As stated above.

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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) :

7/6
App
All the 76 applicants are Draftsman/Draughtsmen 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.

13/50-220/
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 revised scale of Rs. 425-700 and for payment of arrear monetary benefits either in terms of O.M.R.C. S(13)-E.III/87 dated 11-9-1987 or E.M.No.13(1)-30/81 dated 19-10-94. In the Survey of India there are

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different grades of Draftsman, namely; (1) Topo Trainee Type B, (2) Draftsman Gr. IV, (3) Draftsman Grade III, (4) Draftsman Grade II and Draftsman Grade I. In this application we are concerned with Draftsman Grade II. In the 2nd Central Pay Commission the scale of pay of Draftsman Grade II of Survey of India was Rs. 205-280. The 3rd Pay Commission merged Grade II and Grade III Draftsman and placed them in the scale of pay of Rs. 330-560/- . However, later on the Government of India decided by O.M. dated 19-3-77 to retained Grade II and Grade III separately and placed them in the scale of pay of Rs. 330-480 and Rs. 425-600/- respectively. As a result of the 4th Pay Commission, the scale of pay of Draftsman Grade II in the Survey of India became Rs.1350-2200. The scale of pay of Senior Draftsman in Ordnance Factory was also Rs.205-280 on the basis of the 2nd Pay Commission. In the 3rd Pay Commission the scale of pay of Draftsman was placed at Rs.330-560. The Draftsman of Ordnance Factory who were drawing for pay in the scale of pay agitated in the Court of law against this scale of pay of Rs. 330-560. Ultimately in Civil Appeal No.3121/81(P.Sabita and others vs.Union of India), the Hon'ble Supreme Court allowed the replacement of the scale of pay by the scale of pay of Rs. 425-700/-. Consequent to the judgment the Government of India, Ministry of Finance, Department of Expenditure issued the Office Memorandum P.No.5(13)-E.IF/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

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

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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 Draftsman in Government office other than the C.P.W.D. vide Ministry of Finance O.M.No.13(1)-IC/91 dated 19-10-1994 referred to above can be extended to the applicants. They had come to the conclusion that the benefit of the O.M. dated 19-10-94 can not be extended to the Draughtsmen of the Survey of India. on the ground that their qualification for recruitment is not similar with that of the Draughtsmen of the C.P.W.D. or other departments, the scope of their promotion is not similar with that of the Draughtsmen of the CPWD, their type and nature of works, duties and responsibilities are not similar with those of the Draughtsmen under the C.P.W.D.

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

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

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

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

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

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

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

- (a) Minimum period of service for placement from the post carrying scale of Rs. 975-1540 to Rs. 1200-2040 (Pre-revised scale Rs. 260-430 to Rs. 330-560). 7 years
- (b) Minimum period of service for placement 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 10-10-1994.

This is arbitrary and unfair. The Draughtsmen Grade II in CPWD who were originally placed in the scale of pay of Rs. 330-560 were placed in the scale of Rs. 425-700/- on the basis of the Award. The O.M.

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-3-

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. *Set as*

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.

Certified to be true Copy
17/7/97

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

425-700
1400-2300

17/7/97

| प्राप्तालापि के लिए आवेदन का तारीख Date of application for the copy. | स्टाम्प और फॉलोजो का अपैक्षित संख्या रुचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios. | अपैक्षित स्टाम्प और फॉलोजो देने की तारीख Date of delivery of the requisite stamps and folios. | तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery. | आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant. |
|---|---|--|--|--|
| 2/8/99 | 3/8/99 | 3/8/99 | 3/8/99 | 3/8/99 |

IN THE GAUHATI HIGH COURT
 (The High Court of Assam, Nagaland, Meghalaya, Manipur,
 Tripura, Mizoram and Arunachal Pradesh)

Civil Rule No. 4733 of 1997

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

... Petitioners

-Versus-

1. Central Administrative Tribunal,
 Gauhati Bench, Rajgarh Road,
 Guwahati- 781005.
2. Shri Tulsiram Sharma
3. Shri Satyajit Kumar Dey
4. Shri Tara Prasad Kharal
5. Shri L.B. Pradhan
6. Shri Pradip Kumar Neogi
7. Smt. Nandita Das
8. Smt. Nebiabora Tiewla
9. Shri K.B. Gurung
10. Smt. Pandora Sohkhlet
11. Smt. Maries Nareen Laloo
12. Shri Kajal Kumar Bhattacharjee
13. Shri Arun Kumar Baidya

Contd....2/-

14. Smt. Joya Adhikari
15. Smt. Shantikumari Ghimire
16. Smt. Lawmzuali
17. Smt. Rekha Mech
18. Shri Dilip Kumar Deka
19. Smt. Mita Dasgupta
20. Smt. Subhra Gupta
21. Shri Shambu Singh Solanki
22. Shri Sudip Dutta Chowdhury
23. Shri Donbor Singh Lartang
24. Shri Ranjit Sukla Baidya
25. Shri Prabash Paul
26. Smt. Erboline Majaw
27. Smt. Spirian Kharangi
28. Smt. Everymai Warjri
29. Smt. Evelynnora Ryngsai
30. Smt. Ritikone Majaw
31. Shri Chaman Singh Negi
32. Shri Mustaq Ahmed Swer
33. Smt. Bartilla Khyllep
34. Smt. Arunima Dutta
35. Smt. Sofiana Kharkongor
36. Smt. Manjulam Bhattacharjee
37. Smt. Hildaline Makhiew
38. Smt. Tapashi Mishra
39. Shri Bhubaneshwar Das
40. Smt. Anebba Roy Chowdhury
41. Smt. Caroline Lamo
42. Smt. Fidelis Jyrwa
43. Shri R.S. Thapa

Contd....

44. Shri S.C.Roy
 45. Shri S.A. Rahman
 46. Smt. G.M. Sohten
 47. Shri B.Das
 48. Smt. D.Majaw
 49. Smt. R.C.Nonghri
 50. Shri A. Mannan
 51. Shri M.M.Umlong
 52. Shri E. Lartang
 53. Shri Durgesh Purkayastha
 54. Km. A. Tombi Singha
 55. Smt. Santa Ghosh
 56. Smt. R.Kharbuki
 57. Shri B. Dohkhrut
 58. Smt. M.Diengdoh
 59. Smt. M.A.Kharbuki
 60. Smt. N. Kharbtong
 61. Shri K.C.Das
 62. Smt. S.Nongbsap
 63. Smt. Margarita Sawian
 64. Km. B. Marbaniang
 65. Smt. Dipti Kar
 66. Smt. Rita Tarafdar
 67. K. Konta Nongkynrih
 68. Km. A. Bhattacharjee
 69. Smt. Junu Sarma
 70. Smt. E.L.Nongbri
 71. Shri Ashutosh Das
 72. Shri Jeevan Kumar
 73. Smt. M. Lyngdoh

Contd....

74. Shri T.Lyngdoh
 75. Km. Ritalia Mukhim
 76. Shri S.C.Sabdakar
 77. Shri T.K. Mandal.

Office of the Director, Survey of India, North Eastern Circle, Ministry of Science & Technology, Government of India, Shillong.

... Opposite Parties

P R E S E N T

The Hon'ble the Chief Justice Mr. Brijesh Kumar
 The Hon'ble Mr. Justice P.G. Agarwal

For the petitioners:- Mr. D.Sur, Central Govt. Standing
 Counsel

For the opposite parties:- Mr. A.Roy

Mr. M.Chanda

Mr. S.Dutta, Advocates

Date of hearing:- 29.6.1999

Date of Judgment:- 31.7.99

JUDGMENT AND ORDER

P.G.Agarwal, J.

This Civil Rule is directed against the order passed on 17.7.97 by the Central Administrative Tribunal, Gauhati Bench, in Original Application No. 52 of 1996.

2. Respondent Nos. 2 to 77 hereinafter referred as the applicants who are working as Draftsman under

Contd....

-6-

terms of the above mentioned Office Memorandum and hence the present appeal by the Union of India/ Survey of India.

5. We have heard Mr. D.Sur, learned Central Govt. Standing Counsel for the petitioners and Mr. A.Roy, learned senior Advocate for the respondents.

6. Mr. A.Roy, learned counsel for the respondent applicants has fairly submitted that the educational qualifications and other eligibility criteria for Draftsman Grade-II in the Survey of India are ^{not} ~~not~~ admittedly similar to that of CPWD (Central Public Works Department, Government of India).

7. The Office Memorandum issued by the Government of India, Ministry of Finance dated 19.10.94 reads as under:-

" OFFICE MEMORANDUM

Subject: Revision of pay scales of Draftsmen 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 this Department's OM No.F.5(59)-E.III/82 dated 13-3-1984 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 Draftsmen Grade I,II and III working in CPWD

Contd....

the Director, Survey of India, North Eastern Circle, Shillong under the Ministry of Science & Technology, Government of India. Initially their pay scale was Rs. 260- 430/- per month. As per the recommendation of the third Central Pay Commission the Draftsman belonging to Grade-II and Grade-III in the Office of the Survey of India were merged together and placed in the scale of pay of Rs. 330-560/-. However, the Government of India later on decided to retain separate Grade-II and Grade-III Draftsman. In this writ petition we are concerned with Grade-II Draftsman working in the Survey of India. Subsequently as per fourth pay Commission report the scale of pay of the applicants who all belong to Grade-II was fixed at Rs. 1350-2200/-. The applicants' claim is that they are entitled to a pay scale of Rs. 1400- 2300/-. The applicants also prayed for extending the benefits of the Finance Ministry's O.M. No. 13(1)-1C/91 dated 19.10.94 to them.

3. The case of the appellants is that the benefits of the above mentioned Office Memorandum dated 19.10.94 can not be extended to the applicants as their qualification for recruitment is not similar/ identical with that of the Draftsman of CPWD or other Departments. Further, the scope of their promotion, time and nature of the work, duties and responsibilities are also not similar or identical.

4. The Central Administrative Tribunal vide the impugned order allowed the prayer of the applicants in

Contd....

-7-

on the basis of the Award of Board of Arbitration, may be extended to Draftsmen Grade I, II and III, irrespective of their recruitment qualification, in all Government of India offices:

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

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

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

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

Contd....

-8-

4. The benefit of this revision of scales of pay would be given with effect from 13-5-1982 notionally and actually from 1-11-1983.

Sd/-

(Shyam Sunder)

Under Secretary to the Government of India."

8. The above mentioned Office Memorandum was the subject matter for consideration and the decision by the Apex Court in the case of Union of India and others versus Debasish Kar and others reported in 1995 Supp. (3) SCC 528. The Apex Court held in para-12 as under :

"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 Draftsmen Grade I, II and III working in CPWD on the basis of the above Award of Board of Arbitration may be extended to Draftsmen Grade I, II and III irrespective of their recruitment qualifications in all Government of India offices, has decided that Draftsmen Grade I, II in offices/departments of the Government of India other than in CPWD 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 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 19-10-1994 has been given retrospectively with effect from the same

Contd....

dates as was given by the Office Memorandum dated 13-3-1984, i.e., from 13-5-1982 notionally and actually from 1-11-1983. In respect of draftsmen who fulfilled the requirement relating to the period of service mentioned in the said Office Memorandum dated 19-10-1994 on the relevant date the question whether their recruitment qualifications were similar to those in the case of draftsmen in CPWD would not arise and they would be entitled to the revised pay scales as granted to the draftsmen in CPWD irrespective of their recruitment qualifications. But in respect of those draftsmen who did not fulfil the requirement relating to the period of service prescribed in para 2 of the Office Memorandum dated 19-10-1994 the question whether their recruitment qualifications are similar to those prescribed for draftsmen in CPWD is required to be considered for the purpose of deciding whether they are entitled to the benefit of the revision of pay scales as per the office memorandum dated 13-3-1984."

9. In view of the above we find no force in the submission of the appellants that the O.M. dated 19.10.1994 is not applicable to the draftsmen belonging to Survey of India as the waiver of recruitment qualifications based on misconception. As/~~such~~/the above applicants are not required to possess the qualifications similar to those in the case of draftsmen in CPWD and as such the Office Memorandum dated 13.3.1984 is not applicable to them and apparently this was the reason as to why the requirement relating to the period of service was incorporated in the Office Memorandum dated 19.10.1994. The decision in Union of India versus Debasish Kar (supra) squarely answers the

Contd.,

-10-

submissions raised by the appellants and the decision of the Central Administrative Tribunal stands fully justified.

10. In the result we find no merit in this writ petition and it is accordingly dismissed. The stay granted vide order dated 3.10.97 stands vacated. Costs easy.

Sd/- P. G. Agarwal ^{Shri Brijesh Kumar}
Chief Justice
Judge

Shyamal Baghban
31/8/97

Shyamal Baghban

27
The Director
Survey of India
North Eastern Circle
Shillong.

Ref : Civil Rule No. 4733/97 and Judgment dt. 31.07.99
passed thereon by the Hon'ble Guwahati high Court
upholding the decision/order dt. 17.07.97 of the
Central Administrative Tribunal, Guwahati Bench,
passed in O.A. No. 52/96.

Sir

With reference to the above, we have the honour to state that the Civil Rule No. 4733/97 preferred by you
amongst others namely the Secretary, Ministry of Science & Technology, New Delhi and The Surveyor General
Survey of India, against the judgement and Order dt. 17.07.97 passed by the Central Administrative Tribunal, Guwahati
Bench, in O.A. No. 52/96 granting pay-parity to the undersigned, has been dismissed by the Hon'ble Guwahati High
Court with easy cost vide its judgment quoted under reference above.

It is pertinent to mention here that while dismissing the above noted writ petition the Hon'ble High court held
the decision of the Central Administrative Tribunal to be wholly justified and as such vacated the earlier order dt.
31.10.97 passed in C.R. 4733/97 whereby the order of the Central Administrative Tribunal dt. 17.07.97 (passed in
O.A. No. 52/96) was stayed.

In view of the circumstances narrated above, the order of the Tribunal dt. 17.07.97 stands revived and the
same is in force.

It is therefore requested that your goodwill may be pleased to implement the said order dt. 17.07.97 passed in
O.A. No. 52/96 immediately, at any rate within a period of one month from the date of receipt of this, failing which
appropriate legal measure will be adopted for flouting the order of the Tribunal and in that event you will be liable to
consequences. You are also requested to intimate the undersigned about the steps taken in implementing the order of the
Tribunal else, it will be presumed that you are wilfully disobeying the order of the Tribunal.

Thanking you.

Yours faithfully

Law
9/8/99

Enclosed : i) Certified copy of the judgement dt. 31.07.99
passed by the Hon'ble Guwahati High Court
in C.R. No. 4733/97;

ii) Certified copy of the judgement and order
dt. 17.07.97 passed by the Hon'ble Central
Administrative Tribunal, Guwahati Bench,
in O.A. No. 52/96.

(Pulok Ranjan Sen)

*D/Officer In-charge
No. 1320 (N.E.)
Shillong.*

Copy : i) The Secretary, Ministry of Science & Technology, New Delhi, for information and necessary
action please
ii) The Surveyor General, Survey of India, Block B, Hathi Barkala Estate, Dehradun, for
information and necessary action to implement the Order dt. 17.07.97 passed in O.A.
No. 52/96 by the Hon'ble CAT, Guwahati Bench, Guwahati.

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The Director
Survey of India
North Eastern Circle,
Shillong.

34

Ref. : Civil Rule No. 4733/97 and Judgment dt. 31.07.99
passed thereon by the Hon'ble Guwahati High Court
upholding the decision/order dt. 17.07.97 of the
Central Administrative Tribunal, Guwahati Bench,
passed in O.A. No. 52/96.

Sir

With reference to the above, we have the honour to state that the Civil Rule No. 4733/97 preferred by you amongst others namely The Secretary, Ministry of Science & Technology, New Delhi and The Surveyor General, Survey of India, against the judgement and Order dt. 17.07.97 passed by the Central Administrative Tribunal, Guwahati Bench, in O.A. No. 52/96 granting pay-parity to the undersigned, has been dismissed by the Hon'ble Guwahati High Court with easy cost vide its judgment quoted under reference above.

It is pertinent to mention here that while dismissing the above noted writ petition the Hon'ble High court held the decision of the Central Administrative Tribunal to be wholly justified and as such vacated the earlier order dt. 31.10.97 passed in C.R. 4733/97 whereby the order of the Central Administrative Tribunal dt. 17.07.97 (passed in O.A. No. 52/96) was stayed.

In view of the circumstances narrated above, the order of the Tribunal dt. 17.07.97 stands revived and the same is in force.

It is therefore requested that your goodself may be pleased to implement the said order dt. 17.07.97 passed in O.A. No. 52/96 immediately, at any rate within a period of one month from the date of receipt of this, failing which appropriate legal measure will be adopted for flouting the order of the Tribunal and in that event you will be liable for consequences. You are also requested to intimation the undersigned about the steps taken in implementing the order of the Tribunal else, it will be presumed that you are wilfully disobeying the order of the Tribunal.

Thanking you.

Yours faithfully

D. PURKAYASTHA
9-8-99

(D. PURKAYASTHA)
D/man. Gde II
No. 12 D.O. (NEC)

Enclosed : i) Certified copy of the judgement dt. 31.07.99 passed by the Hon'ble Guwahati High Court in C.R. No. 4733/97;

ii) Certified copy of the judgement and order dt. 17.07.97 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, in O.A. No. 52/96.

Copy : i) The Secretary, Ministry of Science & Technology, New Delhi, for information and necessary action/please

ii) The Surveyor General, Survey of India, Block IV, HathiBarkala Estate, Dehradoon, for information and necessary action to implement the Order dt. 17.07.97 passed in O.A. No. 52/96 by the Hon'ble CAT, Guwahati Bench, Guwahati.

To

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

SUB : DUE HONOUR TO HON. HIGH COURT'S JUDGEMENT.

Ref : My application dated 9th Aug. '99, addressed to you and copy to the Secy. D.S.T. and S.G.

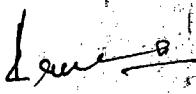
Sir

With reference to my application cited above, I have the honour to remind you that no action has so far been initiated after a lapse of one and half months on the subject. Therefore, it is once again requested that necessary action may kindly be taken so as to implement the Hon. Court's judgement at your earliest please.

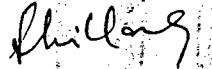
Thanking you.

Date : 1/10/99.

Yours faithfully,


(TULSI RAM SARMA)

D/Maw. Code - II
No. 13 S.O. (N.E.)


Shillong

To

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

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96

SUB : DUE HONOUR TO HON. HIGH COURT'S JUDGEMENT.

Ref : My application dated 9th Aug. '99, addressed to you and copy to the Secy. D.S.T. and S.C.I.

Sir

With reference to my application cited above, I have the honour to remind you that no action has so far been initiated after a lapse of one and half months on the subject. Therefore, it is once again requested that necessary action may kindly be taken so as to implement the Hon. Court's judgement at your earliest please.

Thanking you.

Date : 1-10-99.

Yours faithfully

D. PURKAYASTHA
(D. PURKAYASTHA)
D/mau Gd II
No. 12 D.O. (NEC)

| | |
|--|-------------|
| Central | 26 JAN 2001 |
| 134 | |
| IN THE CENTRAL ADMINISTRATIVE TRIBUNAL | |
| Guwahati BENCH | |

Filed by the Appellee
Through Advocate

IN THE MATTER OF :

Contempt Petition No. 3 of 2000

in

Original Application No. 52 of 1996

Sri Tulsi Ram Sharma & Ors.

...Petitioner
-versus

SRIVASTAVA

Sri V.S.Ramamurthy & Ors.

...Alleged Contemnors

-And-

IN THE MATTER OF :

Affidavit in opposition submitted
by the Contempt Petitioners against
the Affidavit in reply filed by the
alleged contemnors.

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

1. That your petitioners duly received a copy of the Affidavit in reply filed by the alleged contemnors No. 1 and 2 in the above contempt petition and carefully gone through the same and also understood the contents thereof. The statements made in paragraphs 2 and 3 of the affidavit in reply, denied by the petitioners and further beg to state that orders and necessary instructions were already issued by the Government of India, Ministry of Science and Technology, New Delhi for implementation of the Judgement and Order dated 17.7.97 long back vide

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their letter bearing No. SM/04/010/2000 dated 16.10.2000 and letter bearing No. EZ-6168/1196-8 (T.R.Sharma) dated 20.10.2000 by the Officer on Special Duty and Surveyor General of India, Ministry of Science and Technology, New Delhi respectively. In both the orders mentioned above, it is clearly stated by the Ministry of Science and Technology, Govt. of India that the problem being faced in implementation of the Tribunal's direction has been considered in the department of Survey of India to implement the direction of the Tribunal by taking the service already rendered in the Grade of Rs. 330-480 (Grade III) and keep the applicant in the scale of pay of Rs. 425-6000 (Grade II) till completion of five years and after completion of five years of service in the two grades combined i.e. Grade III and Grade II in the pay scale of Rs. 330-480 and Rs. 425-600 thereafter the applicants may be placed in the scale of Rs. 425-700 by applying this eligibility condition of five years prescribed for placing them in the scale of pay Rs. 425-700 would be met. After 1.1.1996 the applicants would be placed in the scale of Rs. 5000-8000 instead of Rs. 4500-7000 and further stated, Survey ^{General} of India is requested for immediate necessary action and intimate the department the action taken in ~~this regard~~ ^{your} ~~messyrt~~. In both the orders dated 16.10.2000 as well as in the order dated 20.10.2000 passed by the Govt. of India, Ministry of Science and Technology were in conformity with the order passed by this Hon'ble Tribunal in O.A. No. 52/96 dated 17.7.97. Therefore the grounds of delay as stated in paragraphs 2 and 3 are not correct. It is further stated that in the order dated 16.10.2000 as

well as in the order dated 20.10.2000 it is clearly admitted by the Govt. of India, Ministry of Science and Technology ^{that} with the condition for placement the contempt petitioners in the higher revised scale is five years and also laid down the procedure how these five years period are required to be computed for the purpose of placement the applicants in the higher revised scale and also there are categorical directions from the Government of India, Ministry of Science and Technology to comply with the order of the Hon'ble Tribunal in the manner indicated in the aforesaid orders dated 16.10.2000 and 20.10.2000. The relevant portion of the order dated 16.10.2000 as well as the order dated 20.10.2000 are quoted hereunder for perusal and convenience of the Hon'ble Tribunal :

"To

The Surveyor General of India
Survey of India
Dehradun-248001

Dated 16 October, 2000

(Attention : Shri Jaswant Rai, Deputy
Surveyor General)

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

Sir,

I am directed to refer to your letter No. E2-5736/1196-B (T.R. Sharma) dated 28.9.2000 on the subject mentioned above. The problems being faced in implementation of the Tribunal's directions has been considered in the Department and SOI is requested to implement the directions of the Tribunal by taking the service already rendered in the grade of Rs.330-480 (Grade-III) and keep them in the scale of pay of Rs. 425-600 (Grade-II) till completion of five years. After completion of five years service in the two Grade combined, Grade III and Grade II in the pay scale of Rs.330-480 and Rs. 425-600, they may be placed in the scale of pay of Rs. 425-700. By applying this

the eligibility conditions of five years prescribed for placing them in the scale of pay of Rs.425-700 would be met. After 1.1.1996, the applicant would be placed in the scale of pay of Rs.5000-8000 instead of Rs. 4500-7000. SOI is requested to take immediate necessary action and intimate the Department the action taken in the matter.

Yours faithfully,

Sd/-

(R.P.Nair)
Officer on Special Duty

Dated 20 Oct. 2000

TO

The Director
North Eastern Circle
Survey of India
Shillong

SUB : IMPLEMENTATION OF DIRECTIONS OF CAT, GUWAHATI BENCH IN O.A. NO. 52 of 1996 - SHRI TULSI RAM SHARMA AND OTHER VS. UNION OF INDIA.

Ref : This Office letter No. E2-5562/1196-B (T.R. Sharma) dated 20.09.2000 and No. E2-5986/1196-B (TRS) dated 6.10.2000.

The problems faced in implementation of the Tribunal's directions has been considered further in the Department and you are requested to implement the directions of the Tribunal by taking the service already rendered in the grade of Rs. 330-480 (Gr.III) and keep them in the scale of pay of Rs.425-600 (Grade II) till completion of five years. After completion of five years service in the two Grade Combined, Grade III and Grade II in the pay scale of Rs. 330-480 and Rs. 425-600, they may be placed in the scale of pay of Rs. 425-700. By applying this the eligibility conditions of five years prescribed for placing them in the scale of pay of Rs. 425-700

would be met. After 01.01.96, the applicants would be placed in the scale of pay of Rs. 5000-8000 instead of Rs. 4500-7000. You are requested to take immediate necessary action and intimate the action taken in the matter.

Sd/-

(JASWANT RAI)
DEPUTY SURVEYOR GENERAL
for SURVEYOR GENERAL OF INDIA
Tel. No. 746191)"

It is quite clear from above orders dated 16.10.2000 and 20.10.2000 that there are no ambiguity regarding fixation of pay of the applicants placing them in the higher revised scale in terms of the judgement and order dated 17.7.97. As such the contention ~~xxx~~ of the alleged contemners~~s~~ are not based on fact and the same are categorically denied.

Copy of the letter/order dated 15.5.2000 and 16-10-2000 and 20.10.2000 are annexed As Annexures 1 & 2, respectively

2. That your petitioners deny the statement made in paragraphs 5 and 6 of the Affidavit in reply filed by the alleged contemners 1 and 2 and further beg to state that the Judgement and Order dated 17.7.97 in O.A. No. 52/96 has not yet been implemented although the alleged contemners claimed that the Judgement and order dated 17.7.97 passed in O.A. No. 52/96 has already been implemented. It is categorically stated that although necessary order and procedure for fixation for placing in the higher revised pay scale has been laid down by the Government of India, Ministry of Science Technology vide their order dated 16.10.2000 and 20.10.2000 but for the reasons best known to the authority no fixation

is made either in the light of the judgement and order dated 17.7.97 passed in O.A. No. 52/96 or in the light of the orders dated 16.10.2000 and 20.10.2000 for the purpose of implementation of Judgement and order dated 17.7.97 but most surprisingly the alleged contemners proposed to make fixation of the pay of the contempt petitioners in the name of implementation of the judgement and order dated 17.7.97 passed in O.A. No. 52/96 which are appended with the letter of Surveyor General, Dehradun issued under letter bearing No. EZ-6463/1196-B (TRS) dated 6.11.2000. A mere perusal of fixation shown in the annexure to the letter dated 6.11.2000 is quite different and contrary to the formula laid down in the letter dated 16.10.2000 and 20.10.2000 by the Government of India, Ministry of Science Technology as well as the Surveyor General, Dehradun and also contrary to the judgement and order dated 17.7.97 rather it can be rightly said that no such fixation as proposed in the annexure of the letter dated 6.11.2000 was prayed by the contempt petitioner, ~~xxxxxx~~ through Original Application No. 52/96 nor any such order of fixation is passed by this Hon'ble Tribunal in the judgement and order dated 17.7.97. There is no relevancy in the proposed fixation shown in the Annexure of the letter dated 6.11.2000 ^{with} in the judgement and order dated 17.7.97. As such it can rightly be said that the alleged contemners deliberately did not implement the judgement and order dated 17.7.97 passed in O.A. No. 52/96 by this Hon'ble Tribunal even after confirming the same by the Hon'ble High Court as well as by the Hon'ble Supreme ^{Court} and after passing all the necessary orders by the Govt. of

India, Ministry of Science and Technology dated 16.10.2000 and 20.10.2000 in conformity with the judgement and order dated 17.7.97 passed in O.A. No. 52/96.

That your petitioners approached this Hon'ble Tribunal through Original Application No. 52/96 praying for a direction to place the applicants in the pay scale of Rs. 425-700 (Pre-revised). The Respondents duly contested the Original Application before the Hon'ble Tribunal and the said O.A. was decided by the Hon'ble Tribunal on 17.7.97 in favour of the present petitioners with the following directions :

" The terms of 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 of department of CPWD. The O.M. simply lays down that minimum period of service in a particular grade would determine the eligibility and entitlement to be placed in a particular pay scale. It is only the respondents who have brought into the O.M. interpretations extraneous to it in their efforts to deprive the applicants of the benefits granted by the O.M. dated 19.10.1994. This is arbitrary and unfair. The Draughtsman Grade II in C.p. W.D. 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. states that Draughtsman Gr. II in office/departments of the Government of India other than in CPWD who were drawing pay in the scale of pay Rs.300-560 may also be placed in the scale of pay of Rs. 425-700/- (Pre-revised)

subject to certain conditions. The Draftsmen Grade II in the Survey of India were initially in the scale of pay of Rs. 330-560 on the basis of Recommendations of the 3rd Pay Commission till 1977 when their pay scale was raised to Rs. 425-700. In our view under the facts and 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. SN/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 19.10.94 and allow them to draw pay in the scale with effect from the date applicable in the case of each applicant respectively. This shall be complied with by the respondents with 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 19.10.94 mentioned above to the applicants.

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

It is quite clear from the above direction of the Hon'ble Tribunal that the applicants/petitioners who are Draughtsman Grade II should be placed in the scale of pay of Rs. 425-700 (Pre-revised)/1400-2300 (Revised) in the manner stipulated in the O.M. dated 19.10.1994 as per para 2(b) and also be pleased to direct the respondents to allow the petitioners to draw the said pay

scale with effect from the date in which they were placed in the scale of Rs. 425-600 applicable in the pay of each applicant respectively with all consequential benefits provided in para 2(c) and 3 of the O.M. dated 19.10.1994.

It is stated that the Hon'ble Tribunal while disposing the Original Application it is categorically observed in para 2 of the judgement and order dated 17.7.97. The relevant portion is quoted below :

"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 pay Rs. 330-560 to 425-700) is 5 years. This benefit was allowed notionally with effect from 13.5.1982 and actually from 1.11.83."

In paragraph 6 of the judgement as follows :

"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)."

In view of the above observations and decision passed in O.A. No. 52/96 the petitioners are straightway entitled to be placed in the higher pre-revised scale of Rs. 425-700 in terms of the judgement and order dated 17.7.1997.

7. That your petitioners beg to state that the respondents preferred an appeal before the Hon'ble Gauhati High Court under Article 226 through Civil Rule No. 4733/97 (The Secretary Ministry of Science and Technology, New Delhi Vs. CAT & Ors.). However the Hon'ble High Court

confirmed the judgement and order of the Hon'ble Tribunal vide judgement dated 31.7.1997. The Original respondents being dissatisfied with the judgement dated 31.7.1999 passed by the Hon'ble High Court, preferred Special Leave Petition before the Hon'ble Supreme Court through SLP to appeal (Civil)/2000 CC 2082/2000. The Hon'ble Supreme Court also pleased to dismissed the said Appeal after condoning the dleay and thereby confirmed the judgement and order dated 17.7.97 passed in O.A. No. 52/96 and 31.7.1999 passed by the Hon'ble High Court in Civil Rule No. 4233/97.

That most surprisingly after dismissal of the Sp cial Leave Petition by the Hon'ble Supreme Court, the respondents particularly Surveyor General of India issued an order vide letter bearing No. E2/1196-B (Tulsiram Sharma) dated 25.5.2000 whereby it is ordered to implement the decision of the Court in respect of those 76 draughtsman (Applicants), for placing them in the pay scale of Rs. 425-700, computing 12 years minimum period of service from the date of initial placement of the applicants in the pay scale of Rs. 1260-430/-

The mode of implementation of the order of the Hon'ble Tribunal claculating minimum waiting period of 12 years for placing the applicants to the scale of Rs. 425-700 is contrary to the order passed by the Hon'ble Tribunal in O.A. No. 52/96. The above decision of the Surveyor General is highly arbitrary, illegal and unfair. It is stated that the respondents cannot implement the order of the Hon'ble Tribunal dated 17.7.97 in any other manner, than the manner prescribed/ordered by the Hon'ble Tribunal, therefore actions of the respondents to imple-

ment the order of the Hon'ble Tribunal computing 12 years of minimum service period for placing the applicants in the scale of Rs. 425-700 (Pre-revised) is amount to violation of the order of the Hon'ble Tribunal. It is pertinent to mention here that all the applicants are already working in the pay scale of Rs. 425-600 (Pre-revised) therefore applicants are entitled to be placed in the pay scale of Rs. 425-700 (Pre-revised) in the manner prescribed in the aforesaid judgement dated 17.7.97.

It is categorically denied that the applicants working under the Respondents could be reached to the scale of Rs. 425-700 after a period of 7 years as stated in the impugned order dated 25.5.2000, this statement is totally false, misleading as because there is no scale of pay of Rs. 425-700 in existence presently in the department of Survey of India for any category of Draftsman working under the Respondents. Therefore the above statement made in the order letter dated 25.5.2000 with an ulterior motive to deny the benefit of scale of Rs. 425-700 to the applicants by the respondents as ordered by the Hon'ble Tribunal.

That it is stated that the applicants have already submitted a representation addressed to the Secretary on 26th June, 2000 praying for implementation of the judgement of the Hon'ble Tribunal in the manner prescribed by the Hon'ble Tribunal. The applicants stated in detail regarding the mode of implementation of the order. It is stated that whatever past benefit granted and enjoyed by the applicants in the matter of scale of pay now cannot be reopened or taken away in the process of implementation of the order of the Hon'ble Tribunal dated 17.7.97.

The Hon'ble Tribunal be pleased to declare that the respondents are not entitled to compute minimum waiting period of 12 years for placing the petitioners in the pay scale of Rs. 425-700 and further be pleased to direct the respondents to implement the order of the Hon'ble Tribunal dated 17.7.97 in the manner indicated in the judgement and order dated 17.7.97 in O.A. No. 52 of 1996.

That it is stated that the Government of India, Directorate General of Works CPWD vide Office Memorandum No. 23/14/97-EC-IX dated 16.10.97 in pursuance of Government of India, Ministry of Finance Notification dated 30.9.97 was pleased to place the Draughtsman Grade II from the Pre-revised scale of Rs. 1400-2300 (Pre-revised Rs. 425-700) to Rs. 5000-8000 and also pleased to place the Draughtsman Grade I who were in the scale of Rs. 5500-175-9000. It is pertinent to mention here that following the judgement and order dated 17.7.97 passed in O.A. No. 52/96 the present applicants have been declared that the Draughtsman Grade II of Survey of India at par with Draughtsman Grade II of CPWD in view of the Office Memorandum issued by the Government of India, Ministry of Finance vide O.M. dated 13.3.1984 and O.M. dated 19.10.1994. The relevant portion of the CCS revised pay rules 1997 for drawing office staff as well as Office Memorandum dated 16.10.97 are quoted **below** :

"X DRAWING OFFICE STAFF

| | | |
|------------------------|------------------|-----------|
| a) Draftsman Grade/II/ | 1400-40-1800-50- | 5000-150- |
| Senior Draftsman | 2300 | 8000 |
| b) Draftsman Grade I/ | 1600-50-2300-60- | 5500-175- |
| Head Draftsman | 2660 | 9000 |

Contd...

| | | |
|--|--|----------------|
| c) Graduate Engineers recruited against posts of drawing/design office in subordinate Engg. cadres | 1400-40-1800- 50-2300 1600-50-2300- 60-2660 2000-60-2300- 75-3200 | 6500-200-10500 |
|--|--|----------------|

O.M. dated 16.10.97

"OFFICE MEMORANDUM

Subject : Upgradation of pay scale on Architectural sides, Horticulture side and Drawing Staff D/Man side.

In pursuance of Government of India, Ministry of Finance Notification dated 30.09.1997 regarding implementation of pay scales of the following categories of staff of C.P.W.D. as indicated in Part 'b' of the first Schedule to the Notification of the Ministry of Finance dated 30.09.1997, are hereby upgraded/revised as under w.e.f.01.01.1996.

| Sl.No. | Name of Post | Existing scale | Upgraded/Revised pay scale |
|--------|--------------------------|----------------|----------------------------|
| 1 | 2 | 3 | 4 |
| 1 | Assistant (Arch. Deptt) | 1400-2300 | 5000-8000 |
| 2 | Architectural Assistant | 1400-2300 | 6500-200-10500 |
| 3 | Assistant Architect | 2000-3500 | 7500-250-12000 |
| 4 | Sectional Officer (Hort) | 1400-2300 | 5000-150-8000 |
| 5 | Draughtsman Gr. II | 1400-2300 | 5000-150-8000 |
| 6 | Draughtsman Gr.I | 1600-2660 | 5500-175-9000 |

2. All the concerned may take necessary action for implementation of these pay scales accordingly.%

Sd/- Illegible
Dey. Director General."

In view of the above revision of pay scale following 5th Pay Commission Recommendations the present petitioners, Draftsman Grade II of Survey of India who are declared at par with Draughtsman Grade II of CPWD particularly in the manner of pay scales are also entitled to revised scale of Rs. 5000-8000 instead of Rs. 4500-7000 as decided by the respondents. Moreover present applicants are also entitled to the benefit of para 2 (c) of O.M. dated 19.10.1994 i.e. present petitioners are also entitled to be placed in the revised scale of Rs. 5500-175-9000 pre-revised (1600-2660) in terms of para 2 (c) of the O.M. dated 19.10.1994 in the manner stipulated in O.M. dated 19.10.1994 by the Government of India, Ministry of Finance as the applicants are entitled to the benefit of the scheme of 19.10.1994 has already been confirmed by the Hon'ble Supreme Court.

That your applicants beg to state that on 11.8.2000 the Survey of General India, instructed the Director, Survey of India, N. E. Circle to implement the judgement and order dated 17.7.97 in terms of the impugned mode of fixation laid down in the letter dated 25.5.2000. However, the applicants being aggrieved by the mode of fixation sought to be implemented by the impugned dated 25.5.2000 submitted a representation dated 26.6.2000 before the authority. Thereafter the matter was examined again in detail before the higher authorities and thereafter the Surveyor General was pleased to issue another letter regarding mode of implementation and ^{letter} ~~Pay in terms of~~ fixation of the judgement and order dated 17.7.97 bearing letter No. E2-6168/1196-B (T.R.Sharma) dated 20.10.2000 wherein it was stated that the judgement of the Hon'ble

Tribunal is required to be implemented taking the service already rendered in the grade of 330-480 (Grade III) and keep the applicant in the scale of Rs. 425-600 (Gr.II) till completion of five years. After completion of five years service in the two grades combined Grade II and Grade III in the pay scale of Rs. 330-480 and Rs. 425-600 applicants may be placed in the scale of pay of Rs. 425-700, by applying this eligibility condition of five years prescribed for placing them in the scale of pay of Rs. 425-700 would be made. It is further stated that in the said clarificatory letter dated 20.10.2000 after 1.1.1996 applicants would be placed in the scale of pay of Rs. 5000-8000 instead of Rs. 4500-7000 and also requested to take immediate necessary action and intimate the action taken in the matter. It is clear from the letter dated 20.10.2000 that the direction passed by the Surveyor General of India in conformity with the terms and conditions laid down in the judgement and order dated 17.7.1997 computing five years waiting period in ~~the~~ terms of the provision laid down in the O.M. dated 19.10.1994. But most surprisingly immediately thereafter another impugned letter bearing No. E2/6463/1196-B(T.R.S) dated 6.11.2000 has been issued by the Surveyor General of India stating inter alia that now the Ministry has approved the implementation plan as detailed in the statement in respect of 76 applicants/petitioners as enclosed for immediate necessary action after verifying the facts from service records to implement the judgement and order dated 17.7.97 passed in O.A. No. 52/96. It is also stated in the said impugned letter dated 6.11.2000 that differences of higher

pay drawn would be treated as Personal Pay and to be adjusted in future increment and the benefit of revision of scale of pay, be given with effect from 13.05.1982. But surprisingly the mode of fixation shown in the statement therewith is contrary to the procedure laid down in the letter dated 20.10.2000. As per the impugned letter dated 6.11.2000 minimum waiting period for placement in the scale of 425-700 has been calculated as 11/12 years whereas in the order dated 22.10.2000 it was rightly shown that for placement in the revised scale of Rs. 425-700, ^{5 years period,} be computed after completion of five years in the grade of 330-380 and 425-600 combined. But now the respondents made a clear departure from the mode of fixation earlier given vide their letter dated 20.10.2000 in conformity with the judgement and order dated 17.7.2000 in O.A. No. 52/96. It appears from the various correspondences of the respondents regarding implementation of the judgement and order dated 17.7.97 that on different occasion they are suggesting different formula regarding mode of fixation of pay of the applicants/petitioners, although there is no ambiguity in the direction passed by the Hon'ble Tribunal in O.A. No. 52/96 regarding grant of benefit of pay scale of Rs. 425-700 (Pre-revised) which is also confirmed by the Hon'ble High Court as well as Hon'ble Supreme Court. It is relevant to mention here that since the petitioners have approached the Hon'ble Tribunal the respondents by issuing different mode of fixation on different occasions started harassing the petitioners in the name of implementation of the judgement and order dated 17.7.1997 passed in O.A. No. 52 of 1996. It is relevant to mention here that Hon'ble Supreme Court

dismissed the SLP on 31.3.2000. The respondents thereafter has submitted before the Hon'ble Tribunal in C.P. No. 3/2000 in O.A. No. 52/96 that they will implement the Judgement and order dated 17.7.97 within a period of three months, but although ~~ex~~ ten months have already elapsed respondents in fact did not implement the judgement and order dated 17.7.97 in total violation of the judgement and order passed by the Hon'ble Tribunal, but passing one after another contradictory orders which is not in conformity with the judgement passed by the Hon'ble Tribunal. In the facts and circumstances finding no other alternative the applicants pray before the Hon'ble Tribunal for a direction/clarification regarding mode of fixation of pay of the applicants. It is pertinent to mention here that the order dated 20.10.2000 appears to have been passed in conformity with the judgement and order dated 17.7.97. Therefore the Hon'ble Tribunal be pleased to direct the respondents to grant benefit of the judgement and order dated 17.7.97 in terms of the instructions laid down by the Surveyor General in his letter dated 20.10.2000.

That your applicants beg to furnish the detail comparative chart regarding the mode of fixation sought to be implemented by the respondents by order dated 20.10.2000 and 6.11.2000. A detailed comparative chart in respect of three applicants out of 76 applicants are shown at Annexure- 4 and 5

That your applicants beg to state that it is quite clear from the above table that the mode of fixation prescribed by the order dated 6.11.2000 which is contrary to the judgement and order dated 17.7.97 passed in O.A.

No. 52/96. A mere reading of the above makes it abundantly clear that the formula adopted by the Surveyor General of India by his subsequent letter dated 6.11.2000 is detrimental to the interest of the petitioners and if the same is implemented in that event the applicants/petitioners shall suffer financial loss. Therefore

^{Respondents}
Hon'ble Tribunal be restrained ~~the respondents~~ from implementing the judgement and order dated 17.7.97 in the manner prescribed by letter dated 6.11.2000 and further be pleased to direct the respondents to implement the judgement and order dated 17.7.97 in the manner prescribed in the said judgement.

In view of the above ~~facts&exposures~~ categorical direction of the Hon'ble Tribunal and also in view of the order dated 16.10.2000 and 20.10.2000 there is no scope on the part of the alleged contemners to propose any other fixation formula including the formula of fixation has been proposed ~~maxx~~ to be made vide their letter dated 6.11.2000 which is inconsistent and the same is not relevant with the order passed by this Hon'ble Tribunal in O.A. No. 52/96. Therefore it appears that the alleged contemners in the name of implementation of the judgement and order dated 17.7.97 rather made an attempt to deprive the applicant from their legitimate claim which is confirmed by the Hon'ble Tribunal by its judgement and order dated 17.7.97 in O.A. No. 52/96. Therefore the attempt of the alleged contemners to violate the order of the Hon'ble Tribunal dated 17.7.97 is deliberate and the same cannot be said to be bona fide as claimed by the alleged contemners. It is stated ~~that~~ in

paragraph 5 of the Affidavit in reply that there is some doubt on the part of the alleged contemners on the method of implementation and entitlement of the applicants in the Original Application regarding the scale of pay and fixation. But after passing of the order dated 16.10.2000 and 20.10.2000 by the Government of India, Ministry of Science and Technology and also by the Surveyor General of India, Dehradun there is no scope on the part of the alleged contemners to make an attempt to fix up the revised scale of pay in any other manner except the manner indicated in the judgement and order dated 17.7.97 and in the line of which the Government also passed the order dated 16.10.2000 and 20.10.2000. Therefore it is quite clear that the alleged contemners now acted in a manner violating the order of the Hon'ble Tribunal dated 17.7.97 and it is established in the facts and circumstances that their action are not bona fide and as such they are liable for imposition of punishment in accordance with law for deliberate violation of the judgement and order dated 17.7.97. It is true that contempt does not lie when there no deliberate violation of the Court order but in the instant case it appears even after the clarification and mode of fixation laid down by the Government of India, Ministry of Science and Technology the present respondents wilfully made a departure from the judgement and order dated 17.7.97 putting 12 years servine for replacement of the revised higher scale in place of 5 years of service in spite of categorical direction. It is specifically laid down in the order dated 16.10.2000 and 20.10.2000 in conformity

with the judgement and order dated 17.7.97. Therefore question for treating waiting period of 12 years for replacement in the scale of Rs. 425-700/- is contrary to the judgement and order dated 17.7.97 and also contrary to the Govt. of India, Ministry of Science and Technology order dated 16.10.2000 and 20.10.2000. As such violation of the order of the Hon'ble Tribunal by the alleged contemners are deliberate, wilful and as such Hon'ble Tribunal be pleased to initiate contempt proceeding against the alleged contemners.

It would be evident from the Annexure-5~~5~~ and 6 prepared by the petitioners of O.A. No. 52/96 citing examples and on fixation of pay as per judgement and order dated 17.7.97 in conformity with the Govt. order dated 20.10.2000 and the impugned formula of fixation proposed by the alleged contemners vide order dated 6.11.2000 in total violation of the order of the Hon'ble Tribunal order. A mere perusal of the said fixation formula would clearly show that the formula adopted by the alleged contemners through their letter dated 6.11.2000 is detrimental to the interest of the present petitioners and the same was never prayed by the present petitioners as because the formula laid down in the letter dated 6.11.2000 is made treating 12 years service whereas ~~as~~ per direction of the Hon'ble Tribunal five years period is required to be treated for refixation in the higher scale which is also confirmed by the Govt. order dated 16.10.2000 and 20.10.2000. It is stated that the order of the Hon'ble Tribunal is now sought to be implemented in a manner in violation of the direction passed by the Hon'ble Tribunal in O.A.

No.52/96 as such the petitioners protested before the alleged contemners as because no such prayer was made by the original applicants in the O.A. nor such order was passed by the Hon'ble Tribunal regarding fixation formula shown by the alleged contemners in their affidavit in reuply as well as in the letter dated 6.11.2000.

In the circumstances stated above, the statements made by the alleged contemners are misleading and the Hon'ble Tribunal be pleased to initiate contemp proceeding for non-compliance of the judgement and order dated 17.7.97.

Copy of the letter dated 25x5x2000x 6.11.2000, comperative chart regarding the mode of fixation sought to be implemented by the alleged contemners, and that in terms of the letter dated 16.10.2000 and 20.10.2000 ~~xxx~~ prepared by the applicant for perusal of the Hon'ble Tribunal are annexed as Annexures-4, 5 & 6 respectively.

Atmis stated that a mere perusal of the fixation order shown in respect of Sri S.A. Rahman Draughtsman Grade II in the affidavit in reply filed by the respondent No.1 at page 11, the Office Order No. 46/37-G-10 dated 13.11.2000 the pay of the applicant shown to have been fixed to Rs. 1440 as on 1.7.88 and Rs. 5300 as on 1.1.96 (inthe scale of Rs. 5000-8000). It is stated in the said Office Order dated 13.11.2000 that this fixation is made in supersession of Office Order dated 26.9.2000 and Office Order dated 31.10.2000 and it is further stated that the pay of the applicant Sri S.A. Rahman is fixed as per the details in view of order passed on 17.7.97 in O.A. 52/96 and also in terms of the guidelines issued by the Surveyor

General's office vide letter dated 25.5.2000 and further guidelines issued under letter dated 20.10.2000 and also in terms of guidelines issued under letter dated 6.11.2000 It is relevant to mention here that a mere perusal of fixation office order dated 13.11.2000, it would be evident that the fixation has been made arbitrarily computing initially 9 years minimum period for placement from the post carrying scale of pay of Rs. 975-1500 and Rs.1200-2040 (Pre revised of Rs. 260-430, Rs. 330-560 and thereafter it appears that 1 month 14 days further date of initial appointment ~~is suspended~~ the applicant is placed to the scale of Rs. 425-700 (Revised 1400-2300), showing the scale of the applicant fixed at Rs. 1440 as on 1.7.88, as such this fixation made in respect of the applicant Sri S.A. Rahman does not fall within any of the clause of paragraph 2 of O.M. dated 19.10.94 therefore the fixation made in respect of Shri S.A. Rahman is in total violation of order dated 17.7.97 passed in O.A. No. 52/96. It is further categorically stated that the fixation of Sri S.A. Rahman has not been made in terms of O.M. dated 19.10.94 as directed by the Hon'ble Tribunal.

In terms of the Court order all the applicants are liable to be placed striaghtway inthe scale of Rs. 425-700 (1400-2300) after a minimum period of combined service in the grade of Draughtsman Grade III and II as per judgement of Hon'ble Tribunal and also in terms of Surveyor General order dated 16.10.2000 and 20.10.2000. It is further stated that as per their amendment order shown at page 54 of the Affidavit and as per order dated 24.11.2000 the fixation shown in respect of applicant No.1 as on 1.1.88 has been brought down to Rs.1260/- from Rs.1290/- although similarly it is further stated that in respect of Sri T.R.Sharma applicant No.1 fixation of higher revised pay scalw shown in office order No. 43/37-G-10 dated 14.11.2000 inthe said

and also in violation of Ministry of Science and Technology order dated 16.10.2000 and 20.10.2000 whereby it was directed to fix up the pay in the revised scale of Rs.425-700 (Revised 1400-2300) after 5 years of combined service in the grade of Draughtman II and III but the said orders are also violated.

Fixation in respect of some of the applicants in terms of the Hon'ble Tribunal's order are shown at Annexure-6 for kind perusal of the Hon'ble Tribunal. The respondent shall arrive at the above fixation of pay if the fixation is carried out in terms of order dated 17.7.97 of O.A. 52/96 and also in terms of O.M. dated 19.10.94, Ministry of Science and Technology letter dated 16.10.2000 and 20.10.2000 are followed for the purpose of fixation in that even the same will bound to give altogether a different result of fixation in respect of all other applicants in the manner referred in the table annexed to Annexure-6.

But the mode of fixation shown in the affidavit in violation of the Tribunal's order resulted huge monetary loss and recovery of the same from the applicants of O.A. 52/96 as a result of arbitrary decision of respondents for reopening the past fixation and also adjusting the difference of basic pay of each applicants by way of adjustment as personal pay, whereas there is no scope for adjustment of pay ~~existing~~ by way of personal pay if the order of the Hon'ble Tribunal is followed in the letter and spirit.

Moreover, fixation cannot be made both in terms of order dated 25.5.2000 and order dated 20.10.2000 and 6.11.2000 as stated in the fixation order dated 13.11.2000

by the respondents/alleged contemners, as because contents of the order dated 20.10.2000 and 25.5.2000 and 6.11.2000 are contradictory with each other. Therefore the fixation shown to have been made in terms of Hon'ble Tribunal's order dated 17.7.97 are totally false, misleading. Therefore the Hon'ble Tribunal be pleased to initiate a contempt proceedings against the alleged contemners and further be pleased to impose punishments for submission of deliberate, false, and misleading statements before the Hon'ble Tribunal in the name of implementation of the Judgement and order of the Hon'ble Tribunal dated 17.7.97 passed in C.A. No. 52 of 1996.

AFFIDAVIT.

I, Sri Tulsi Ram Sharma, son of late Hari Prasad Sharma, aged about 50 years working as a Draftsman Grade II in the office of the Director, Survey of India, North Eastern Circle, Shillong do hereby solemnly affirm and say as follows :

- 1) That I am one of the petitioners in the C.P.No.3/2000 and as such conversant with the facts and circumstances of the case.
- 2) That the statements made in paragraphs N/1 in the accompanying affidavit in opposition are true to my knowledge and those made in paragraphs 1 & 2 are true to my information derived from the records of the case and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this affidavit on this the 24th day of January, 2001.

Identified by
Nera Devi Ecosini
Advocate

Tulsi Ram Sharma
Signature

Solemnly affirmed and declared before
me by the deponent - who is identified
by Mrs. N.D. Ecosini on 24th day of
Jan 2001

Bankerally
Advocate
Central Administrator
Tribunal
General & B. and

37-26
Transliterated copySURVEY OF INDIA
S.G.'s Office
Post Box No. 37
Dehradun 248001

To

Dated, 25.05.2000

The Director
North Eastern Circle
Survey of India,
Shillong.

Sub : CONTEMPT PETITION-LODGED OF SHRI T.R.SHARMA & OTHERS IN
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH, GHY.

Ref : Your Letter No.C-2817/17-Y(TR Sharma) dtd, 24-04-
2000 & Letter No.178/17-Y(T.R. Sharma) dtd, 25-04-
2000.

As per the decision of Gauhati High Court's
Verdict No.473/1997 the order contained in the O.M. No.
13(1)-IC/91 dated 19.10.1994 of Ministry of Finance will
be applicable to only those 76 D/Man working in Survey of
India from 13.5.1982 NOTIONALLY & PRACTICALLY from
01.11.1983, who were complaint of this dispute. On
fulfilment of the conditions contained in the OM dated
19.10.1994, the following pay scale will be granted to
those D/Man on completion of service period as shown
against them :-

Pay scale Rs. 260-430 to Rs. 330-560 A min. 7 yrs. of
service period.

Pay scale Rs. 330-560 to Rs.425-700 A min. 5 years of
service period.

Pay scale Rs.425-700 to Rs.550-750 A min. 4 yrs. of
service period.

The period of allowing higher pay scale in this deptt.
as per C.O. 439 (ADM) is as follows :-

From TTTB(D/Man) to D/Man GD.IV 2 yrs.

From D/Man GD. IV to D/Man Gd III 3 yrs.

From D/Man GD. III to D/Man GD II 2 yrs.

Therefore, the D/Man of this deptt. reach to the pay
scale of Rs.425-700 from the pay scale of Rs.260-430 after a
period of 7 years, wheas as per the O.M. dtd 19.10.1994 of the
Min. of Finance, this period should be minimum of 12 years.

Therefore, in order to implement the decisions of
Gauhati High Court, a statement should be prepared in r/o those
76 D/Man, who have reached in the pay scale of Rs.425-700 from
the pay scale of Rs. 260-430 in a period fo^r 12 years. As per
this statement, after calculating their due pay and allowances,
they should be given, whicher is more/less of the pay and
allowances.

In this context, an undertaking may also be taken from
each complainant that 'the conditions contained in the OM
No.13(1)-1-C/91 dtd., 19.10.94 of the Min. of Finance is
acceptable/considerable to them. As per these orders, if they
have received surplus pay & allowances, then they will refund
the same.

Sd/-
(JASWANT RAI)
Deputy Surveyor General
for Surveyor General of India
Dehradun 746191
Pin 248001

राजनीति विभाग
विज्ञान और प्रौद्योगिकी विभाग
भारतीय विज्ञानी बोर्ड
दिल्ली भवन, नई मालवाली रोड, दिल्ली-110016

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

MT/Telex : SCIENCETECH
Telephone : (011) 6567374/6962819
Telex : 73381, 73312, 73280
Fax : 6861570, 6862118

No. SM/04/010/2000

Dated : 16 October, 2000.

To

The Surveyor General of India,
Survey of India,
Delhi Dun - 213001.

(Attention: Shri Jaswant Rai, Deputy Surveyor General)

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

Sir,

I am directed to refer to your letter No.E2-5736/1196-B(T.R. Sharma) dated 28.9.2000 on the subject mentioned above. The problems being faced in implementation of the Tribunal's directions has been considered in the Department and SOI is requested to implement the directions of the Tribunal by taking the service already rendered in the grade of Rs. 330-480 (Grade-III) and keep them in the scale of pay of Rs. 425-600 (Grade-II) till completion of five years. After completion of five years service in the two Grade combined, Grade-III and Grade-II in the pay scale of Rs. 330-480 and Rs. 425-600, they may be placed in the scale of pay of Rs. 425-700. By applying this the eligibility conditions of five years prescribed for placing them in the scale of pay of Rs. 425-700 would be met. After 1.1.1996, the applicants would be placed in the scale of pay of Rs. 5090-8000 instead of Rs. 4500-7000. SOI is requested to take immediate necessary action and intimate the Department the action taken in the matter.

Yours faithfully,

S. P. Nair
16.10.2000
(K.P. Nair)
Officer on Special Duty

See p 30 2

WS

Annexure-3
Annexure-4
Survey of India
Surveyor General's Office
Post Box No. 37, Dehra Dun
Dated 20 Oct, 2000.

To

C-
10/10/00
The Director,
North Eastern Circle,
Survey of India,
Shillong.

SUBJ: IMPLEMENTATION OF DIRECTIONS OF CAT, GUWAHATI BENCH IN
C.A. NO.52 OF 1996 - SHRI TULSI RAM SHARMA AND OTHERS
V/S UNION OF INDIA.

Ref: This Office letter No. E2-5562/1196-B (T.R. Sharma) dated
20-09-2000 and No. E2-5986/1196-B (TRS) dated 6-10-2000.

The problems faced in implementation of the Tribunal's directions has been considered further in the Department and you are requested to implement the directions of the Tribunal by taking the service already rendered in the grade of Rs. 390-480 (Grade-III) and keep them in the scale of pay of Rs. 425-600 (Grade-II) till completion of five years. After completion of five years service in the two Grade Combined, Grade-III and Grade-II in the pay scale of Rs. 390-480 and Rs. 425-600, they may be placed in the scale of pay of Rs. 425-700. By applying this the eligibility conditions of five years prescribed for placing them in the scale of pay of Rs. 425-700 would be met. After 01-01-96, the applicants would be placed in the scale of pay of Rs. 5000-8000 instead of Rs. 4500-7000. You are requested to take immediate necessary action and intimate the action taken in the matter.

J RAI
(JASWANT RAI)

DEPUTY SURVEYOR GENERAL,
for SURVEYOR GENERAL OF INDIA.
(Tel. No. : 746191).

Copy to:

1. Addl S.O., E2, Calcutta for information and necessary action.
2. DNC, Dehra Dun with reference to their letter No. C-4004/17-A-5(C) dated 04-10-2000 for necessary action.
3. Incharge, Legal Cell, SOG.

MOST IMMEDIATE

No. C- 546 / 17-Y-9 (TRS)

Dated, the 20th Oct, 2000

Forwarded to DEC, DSSEC, DWC, DNC, D. Survey(Air) and
Os.C.Nos.9 Party, 12 & 13-D.Os. for information and immediate
necessary action.

7/10/00
(R.K. BAHL) Lt. Col.
SUPERINTENDING SURVEYOR,
O.C. NO.12 D.O. (NEC).

29/4/2000
29 Annexure 4

COURT CASE/POST IMMEDIATE

*BY SPEED POST/FAX/COURIER SERVICE

No. E2-6463/1196-B (TRB)

SURVEY OF INDIA
SURVEYOR GENERAL'S OFFICE
POST BOX NO. 37, DEHRADUN

DATED: 6 Nov., 2000.

SURVEYS DEHRADUN

07/11/2000 09:58 8091-135-744064

To

The Addl. Surveyor General,
Eastern Zone, Calcutta.✓ The Director,
North Eastern Circles, Shillong.SUB: IMPLEMENTATION OF DIRECTIONS OF CAT. GUWAHATI BENCH IN
O.A.NO.52 OF 1996 - SHRI T.R.SARMA AND OTHERS V/S
UNION OF INDIA.

Ministry of Science & Technology (Department of Science & Technology) New Delhi issued orders for implementation of Court Order vide letter No. SK/04/010/2000 dated 9-01-2000. Various issues have raised from time to time regarding the time of implementation of Hon'ble Court order. Now the Ministry has approved the Implementation Plan as detailed in the statement in respect of 76 petitioners is enclosed for immediate necessary action after verifying the facts from service record to implement the CAT's Guwahati Bench Judgement in O.A.No.52 of 1996.

The difference of higher pay drawn will be treated as personal pay and to be adjusted in future increment.

The benefit of this revision of scales of pay will be given with effect from 13-05-1982 nationally and virtually from 01-11-1983 in view of Ministry of Finance O.M. No. 13(1)-1C-91 dated 19-10-1994.

The petitioners who have been transferred out from your Directorate after filing the court case, the concerned Directors may be intimated by sending the enclosed annexure for their immediate necessary action.

You are requested to take the action within 10 days and intimate the same to this office.

Encl: As above.

(JASRANT RAI)
DEPUTY SURVEYOR GENERAL,
(or SURVEYOR GENERAL OF INDIA)
(Tel. No.: 746191).

Attn: *[Signature]*
Attn: *[Signature]*

Implementation of Directions of GAT Gauhati Work

30

| Grant Received/ Payable as per the existing scheme & mode of payment | Proposed payment series | | | | | | | | | |
|--|-------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 2712 LALITA DEO | 860-920 | 320-420 | 400-500 | 400-500 | 400-500 | 400-500 | 330-660 | 425-700 | 550-750 | 550-750 |
| 2713 KAMAL SINGH SOLAM | 975-1540 | 1000-1000 | 1000-1000 | 1000-1000 | 1000-1000 | 1000-1000 | 1000-1000 | 1400-2300 | 1600-2600 | 1600-2600 |
| 2714 KAMAN SINGH NEGI | 380-790 | 400-600 | 400-600 | 400-600 | 400-600 | 400-600 | 5000-8000 | 5000-8000 | 5500-9000 | 5500-9000 |
| 2715 KALI THAPA | 107-1978 | — | 11-181 | 11-181 | 11-181 | 11-181 | 10-1183 | 10-1183 | 10-1183 | 10-1183 |
| 2716 DEBORHUT | 12-04-1979 | — | 11-181 | 11-181 | 11-181 | 11-181 | 10-1183 | 10-1183 | 10-1183 | 10-1183 |
| 2717 LYNGDOH | 12-04-1979 | — | 11-181 | 11-181 | 11-181 | 11-181 | 10-1183 | 10-1183 | 10-1183 | 10-1183 |
| 2718 R. BAIYA | 14-12-1979 | 01-01-1979 | 01-01-1979 | 01-01-1979 | 01-01-1979 | 01-01-1979 | 01-01-1979 | 01-01-1979 | 01-01-1979 | 01-01-1979 |
| 2719 C. ROY | 14-12-1979 | 01-01-1979 | 01-01-1979 | 01-01-1979 | 01-01-1979 | 01-01-1979 | 01-01-1979 | 01-01-1979 | 01-01-1979 | 01-01-1979 |
| 2720 S. DEEPTI RAKHAN | 16-05-1977 | — | 01-07-1979 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 |
| 2721 GOLZOMA MARY SCHISTEN | 101-06-1977 | — | 01-10-1979 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 |
| 2722 KERSWADATTI DAS | 105-05-1977 | — | 01-07-1979 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 |
| 2723 LUDYA ADHIKAR | 115-05-1977 | — | 01-07-1979 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 |
| 2724 MENVORA MAJAW | 16-07-1977 | — | 01-10-1979 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 |
| 2725 SIR C. BORGGBR | 101-05-1977 | — | 01-01-1979 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 |
| 2726 M. UMA ONG | 131-03-1977 | — | 01-01-1979 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 |
| 2727 SHAROOL MANNAN | 101-01-1979 | — | 01-01-1979 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 | 01-01-1983 |
| 2728 LYNGDOH | 10-01-1979 | — | 01-07-1981 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 |
| 2729 TULSI RAM SHARMA | 10-01-1979 | — | 01-07-1981 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 |
| 2730 KRISHNA BANDUP GIRUK | 17-04-1979 | — | 01-07-1981 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 |
| 2731 D. PRADHAN | 01-04-1974 | — | 01-07-1981 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 |
| 2732 B. SENGHUTU LARTANG | 17-04-1979 | — | 01-07-1981 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 |
| 2733 DOURGESE PRAKYASTHA | 11-01-1979 | — | 01-07-1981 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 |
| 2734 TOMIBI SAGHA | 17-04-1979 | — | 01-07-1981 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 |
| 2735 SHANTHA GOSHI | 17-04-1979 | — | 01-07-1981 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 |
| 2736 RITAL IN AROMA | 17-04-1979 | — | 01-07-1981 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 |
| 2737 PONDRA SOKHLE | 17-04-1979 | — | 01-07-1981 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 |
| 2738 JURFINA KHARUJI | 17-04-1979 | — | 01-07-1981 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 |
| 2739 S. BORDONOR SINGH LARTANG | 17-04-1979 | — | 01-07-1981 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 |
| 2740 S. C. SAEDKAR | 16-04-1979 | — | 01-01-1981 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2741 A. SWEP | 03-12-1979 | — | 01-07-1981 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2742 M. DLENZOM | 12-04-1979 | — | 01-07-1981 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2743 K. MAJAW | 12-04-1979 | — | 01-07-1981 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2744 RYNGKU | 12-04-1979 | — | 01-07-1981 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2745 MAWHEW | 12-04-1979 | — | 01-07-1981 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2746 KOKARSTANG | 12-04-1979 | — | 01-07-1981 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2747 SOSHSHUTOM DAS | 12-04-1979 | — | 01-07-1981 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2748 SOSIMA KHARZUKI | 12-04-1979 | — | 01-07-1981 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2749 SOTREKHA LEKH | 12-04-1979 | — | 01-07-1981 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2750 S. K. KONDAI | 12-04-1979 | — | 01-10-1975 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 |
| 2751 B. S. C. DAS | 101-08-1977 | — | 01-10-1975 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 |
| 2752 STOMITA DASS GUPTA | 101-10-1952 | — | 01-10-1975 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 | 01-01-1987 |
| 2753 T. P. KHAPEL | 101-10-1952 | — | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2754 LALOO | 16-11-1952 | — | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2755 KUSHA | 16-11-1952 | — | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2756 STILAKAZI LII | 16-11-1952 | — | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2757 MAJAW | 16-11-1952 | — | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2758 MANOZA DAS | 01-10-1952 | — | 01-10-1958 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2759 MANOZA BIATTACHARJEE | 01-10-1952 | — | 01-10-1958 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2760 S. SAXMAN | 01-10-1952 | — | 01-10-1958 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |
| 2761 J. P. RYME | 01-01-1982 | — | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 | 01-01-1985 |

Continue on page 2

Annexure - 8

Access Tax
S. 100

५४

Pinne ~~use~~ - 8

FIXATION AS PER ORDER DATED 20.10.2000

| EXISTING | | | AS PER ORDER DATED 20.10.2000 | | |
|----------|---------------------|-----------------------------|---|--|------|
| Sl. No. | Name | Date of Gr. II (425-600) | Date 425-700 1400-2300 5000-8000 | Grade III and Gr. II combined 5 years) | |
| 1 | Shri T.R.Sharma | 1.1.84 | 1.1.86 | 1.1.1989 | -do- |
| 2 | Shri D. Purkayastha | 1.1.85 | 1.1.87 | 1.1.90 | -do- |
| 3 | Shri S.K.Dey | 1.1.89 | 1.1.91 | 1.1.94 | -do- |
| 4 | Sri S.A.Rahman | 1.1.83 | 1.1.85 | 1.1.88 | -do- |

FIXATION AS PER ORDER DATED 6.11.2000.

Grant of Grades/Pay scales as per the existing scheme
of Trade Test in the Department

Proposed placement of scales

| Name | Date of appointment | 260-430 975-1540 3200-4900 | 330-480 1200-1800 4000-6000 | 425-600 1350-200 4500-7000 | 330-560 1200-2040 4000-6000 | 425-700 1400-2300 5000-8000 | D/Man Gr. III | D/Man Gr. II |
|------|------------------------|----------------------------------|-----------------------------------|----------------------------------|-----------------------------------|-----------------------------------|---------------|--------------|
| | Date of classification | | | | | | | |
| | | D/Man Gr. IV | D/Man Gr. III | D/Man Gr. II | | | | |
| 1 | Shri T. Sharma | 1.1.79 | 1.1.81 | 1.1.84 | 1.1.86 | 1.1.88 | 1.1.90 | |
| 2 | Shri D.Purkayastha | 12.4.79 | 1.7.81 | 1.1.85 | 1.1.87 | 1.7.88 | 1.7.90 | |
| 3 | Shri S.K.Dey | 1.12.83 | 1.1.86 | 1.1.89 | 1.1.91 | 1.1.93 | 1.1.95 | |
| 4. | Shri S.A.Rahaman | 16.5.77 | 1.7.79 | 1.1.83 | 1.1.85 | 1.7.86 | 1.7.88 | |

Fixation of pay of the following original applicants prepared by the applicants for perusal of Hon'ble Tribunal

MENT OF GRADES/PAY SCALES AS PER
EXISTING SCHEME OF TRADE TEST IN
THE DEPARTMENT

Fixation of pay scale in view
of Order dtd. 16.10.2000 and
20.10.2000 and also in terms of judgment &
order dtd. 17.7.97 passed in O.A.52/96

| Name and Designation | Date of appointment to D/Man | Promotion to D/Man | On completion of 5 years | Pay fixed for D/Man | Pay should be fixed as on 1.11.2000. |
|--|------------------------------|--------------------|--------------------------|---------------------|--------------------------------------|
| | Date | Pay | Date | Pay | pay |
| 1. Shri T.R.Sharma Draftsman Grd.II | 1.1.79 | 1.1.84 | 330/- | 1.1.86 | 1380 |
| 2. Shri S.D.Choudhury D/Man Grd.II | 27.5.87 | 1.1.89 | 1200/- | 1.1.95 | 1350 |
| 3. Smt Jaya Adhikary D/Man Grd.II | 16.5.77 | 1.1.83 | 330/- | 1.1.86 | |
| 4. Sri M.A.Swer D/Man Grd.II | 3.12.79 | 1.1.85 | 1200/- | 1.1.87 | 1350 |
| 5. Sri S.A.Rahman D/Man Grd. | 16.5.77 | 1.1.83 | 330/- | 1.1.85 | 425 |

From: N. R. Goswami
Advocate.

20

To: Mr. B. C. Pathak
Advocate

Sub: A affidavit in opposition
in C.P. No. 3/2002
OA No. 52/96

Sir,

Enclosed please find herewith
a copy of the affidavit in
opposition.

Kindly confirm by
the receipt of the same

Yours truly
N. R. Goswami

Received copy
B.C.P.
24/11/2022
A.P.