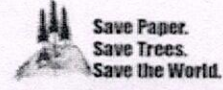


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No. J- 1408 / 612 – Group 'B' Officer Association

Dated: 11 -08-2020.

To

The General Secretary
Group 'B' Gazetted Officers Association
C/O Director, Eastern UP GDC
Survey Of India
5, Vibhuti Khand, Gomati Nagar,
Lucknow-226010.

Sub: Compliance of DST's guidelines and Publication of seniority list of Officer Surveyors.

Ref:- (i) DST's Letter No. SM/04/035/98 dated 07-07-1998.
(ii) DST's Letter No. SM/04/037 dated 24-05-2001.
(iii) Your emails dated 27-05-2020 and 15th June, 2020.

Your attention is invited to the mails cited under ref.(iii) on the subject mentioned as above in which you have requested to follow the guidelines issued by DST vide their letters cited under ref.(i) and (ii), to recalculate the vacancies of Officer Surveyors from 1994 onwards and to publish the seniority lists accordingly. In this regard it is intimated that the approval issued by DST vide their letter under ref.(i) was to implement the order of Hon'ble CAT, Cuttack Bench Cuttack dated 04-05-1998 passed in OA No. 221/1996 filed by Shri B. Mahapatra which has been implemented. It is informed that the above order was not for revision of seniority lists.

It is further intimated that the approval issued by DST vide their letter under ref.(ii) was to implement the order of Hon'ble CAT, Cuttack Bench Cuttack dated 23-03-2001 passed in OA No. 388/97 filed by Shri D.K Padhi. The prayer of the applicant was that the posts created in the cadre review in 1996 should be filled by DPC only. However the Hon'ble CAT directed that these posts should be filled on vacancy based calculation in the prescribed ratio. Accordingly the posts created in cadre review were filled as per the vacancy based calculation from 2001 onwards.

However, when the same vacancy based calculation for determining the quota of DPC and LDCE was applied after 2001, the Surveyors Association vide their letter No. 392/GSSA/2000-02 dated 07-11-2001, objected to this and pointed out that " As per DoP&T's OM No. AB-14017/2/97-Estt.(RR) dated 25-05-1998 the post based roster has

been implemented instead of vacancy based roster to determine the quota of vacancies of two streams (in the instant case LDCE and DPC) and determining the representations of SC, ST and OBC” . Accordingly the post based roster was implemented from 1997 to 2007, as per the said OM dated 25-05-1998.

However, vide DoP&T OM No. AB-14017/2/97-Estt.(RR)/Pt. dated 19-1-2007, it was stipulated that the Post Based Roster is applicable only for determining representations of SC, ST and OBC and not for determining the quota of vacancies of two streams. It was also mentioned in the OM that **past cases would not be re opened**. This fact has also been confirmed by DoP&T and has been conveyed by DST vide their letter No. F.No, SM/22/02/2019 dated 11-11-2019 wherein it is mentioned that vacancy based calculation will be relevant before 1997 and again 2007 onwards, which is being followed in the Department. Thus as per the DoP&T's Order's the quota of two streams was determined on Post Based roster from 1997 till 2007.

It is intimated that the LDCE for the year 1994, 1995 & 1996 was held in the year 1997 whose result was declared in the year 2001. The LDCE for the year 1997 was held in the year 2001 whose result was declared in the year 2002. The LDCE for the year 1998 to 2002 was not held due to non-availability of vacancies. The LDCE for 15 (UR-11, SC-01,ST-03) vacancies of the year 2003 was held in the year 2004. As per the result of LDCE-2003, merit list of 31 candidates was drawn and 13 (UR-11, SC-01, ST-01) candidates were promoted to the post of Officer Surveyor. 02 ST vacancies could not be filled up due to non availability of suitable ST candidates.

Meanwhile more vacancies in the grade of Officer Surveyor occurred during the year 2005 due to promotion of Officer Surveyors to the grade of Superintending Surveyor which were required to be filled up by LDCE quota. Although remaining empanelled candidates of above mentioned merit did not have any right to be considered against the vacancies occurring without reappearing in next LDCE, the Competent Authority after giving consideration dispensed with next LDCE as an exceptional case and offered the remaining 18 empanelled candidates of the said panel the promotion to the post of Officer Surveyor against the vacancies for the year 2005 in which Shri Chandrakant and others were also promoted to the post of Officer Surveyor during the year 2005.

However, Shri Chandrakant and others filed an OA No. 400-CH-2006 in Hon'ble CAT, Chandigarh Bench, Chandigarh for fixing his seniority with the LDCE promotees of the year 1997 which was held in the year 2001 and its result was declared in the year 2002 as stated above. The Hon'ble CAT allowed the above OA vide order dated 30-07-2008 with the following directions:-

"In view of the above discussion this O.A. is allowed. Respondents are directed to carry out a review of the entire matter in view of the factual and legal matrix discussed above, within a period of four months from the date of receipt of copy of this order. Consequently the seniority list impugned in this case will automatically have to be revised while fixing inter se seniority of applicants vis-à-vis the private respondents and other similarly situated persons. The applicants or other persons, if found entitled to, may also be extended the consequential benefits of notional fixation of pay and allowances from 2001, but actual benefits would be admissible only from the date they started working against their respective posts, and seniority

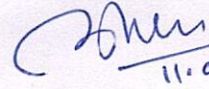
etc. is also required to be fixed. If seniority of some other person has to be disturbed, it is needless to mention that principles of natural justice have to be followed in carrying out such exercise."

Shri T M Poonja, Officer Surveyor and others, and Survey of India filed a WP in Hon'ble High Court of Punjab and Haryana, Chandigarh. The Hon'ble High Court vide order dated 23-12-2009 has given stay on the operation of the above order of Hon'ble CAT as under:-

"In the meantime, operation of the impugned order shall remain stayed."

In view of the above all vacancy calculation till date has been done as per the DoP&T's orders issued from time to time as well as order of Hon'ble High Court of Punjab and Haryana, Chandigarh, and various other Hon'ble Courts orders.

This issues with the approval of the Surveyor General of India.



11.08.2020

(Mohan Ram)
Suptdg. Surveyor
for Surveyor General of India.

- Copy to :- (i) The Secretary to the Govt. of India, Department of Science & Technology, Technology Bhavan, New Mehrauli Road, New Delhi-110016, **(Kind attention: Shri S.K. Sinha, Director, SMP)**, with a request to issue suitable direction in this regard.
(ii) General Secretary, Surveyors Association for information with respect to their email dated 03-02-2020, on the subject matter.
(iii) In-charge Departmental Website of Survey of India with a request to upload in SoI Website please.