

**FACTS REGARDING REVISION OF SENIORITY LISTS OF OFFICER SURVEYORS ON THE BASIS OF RECALCULATION OF VACANCIES FROM 1994 ONWARDS.**

The Group 'B' (Gazetted) Officers Association is insisting for a long time to revise the Seniority Lists of Officer Surveyor on the basis of re-calculation of vacancies from 1994 onwards. In this regard, the facts are as under:-

1. As per the "Survey of India Officer Surveyor Recruitment Rules, 1983", 75% promotion quota of Officer Surveyor is to be filled by DPC and 25% of the promotion quota is to be filled by LDCE. As aforesaid Recruitment Rules speaks of percentage of the vacancies to be filled, accordingly, the 75% and 25% quota of DPC and LDCE respectively used to be calculated by distributing the vacancies occurring in a year in the prescribed ratio. This method was continued till 1996.
2. However, with the introduction of Post Based Roster in the year 1997 vide DoP&T's OM No. 36012/2/2/96-Estt.(Res.) dated 02-07-1997, the above vacancy base method was changed to Post Based Roster. Accordingly, the Recruitment Rules OF 1983 were revised and new Recruitment Rules called "The Survey of India Officer Surveyor Recruitment Rules, 2000" came into existence.
3. As the revised Recruitment Rules of 2000 speaks of percentage of the posts to be filled, accordingly, since 1997, the quota of vacancies for both the streams started to be calculated as per the Post Based Roster i.e. the total sanctioned strength of 474 of Officer Surveyor was divided in the ratio of 75% and 25% (3:1) to DPC and LDCE respectively. Thus, the quota for DPC was fixed at 356 and that of LDCE was fixed at 118 and the vacancies occurring in the DPC quota was filled by the DPC method and the vacancy occurring in the LDCE quota by LDCE method.
4. The above method of calculation of vacancies of two streams continued till the year 2008. In the year, 2009, the method of calculation of quotas of vacancies of the two streams was again changed to vacancy based in the manner explained in para 1 above due to the directions of the Hon'ble CAT, Cuttack Bench, Cuttack vide order dated 23-03-2001 passed in OA No. 388/1997 filed by Shri D K Padhi and directions of Hon'ble CAT, Chandigarh Bench, Chandigarh vide order dated 30-07-2008 passed in OA No. 400-CH-2006 filed by Shri Chandrakant.
5. Though the method of distribution of vacancies occurring in a year was accepted as per the directions of the Hon'ble CAT order dated 30-07-2008 in the case of Shri Chandrakant but the order of Hon'ble CAT was challenged in the Hon'ble High Court of Punjab and Haryana on the grounds that the applicant had not completed 5 years of service in the year 1997 from which he was claiming his seniority. The Hon'ble High Court has granted stay on implementation of the impugned order vide order dated 23-12-2009. The Legal advice of Department of Legal Affairs was sought in the matter of issue of revision of Seniority List on the basis of recalculation of vacancies from 1994 onwards. The DST has intimated vide letter No. SM/22/02/2019 dated 19-03-2019 that Department of Legal Affairs has refused to give any advice as the matter is sub-judice with the suggestion to expedite the sub-judice matter to avoid any contradictory situation.
6. To summarize, the method of calculation of vacancies adopted by Survey of India over the years is as under:-

| <b>Period</b> | <b>Method adopted for determining the quota of DPC and LDCE</b>                                                                          | <b>Reasons/Remarks</b>                                                                                |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| 1983 to 1997  | Quota of vacancies calculated by distribution of the vacancies occurring in a year in the prescribed ratio as per the Recruitment Rules. | The Recruitment Rules of 1983 were applicable at that time which speaks of distribution of vacancies. |

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|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| From 1997 to 2008 | Posts in the two streams were calculated on the basis of Post Based Roster in the prescribed ratio as per Recruitment Rules.                  | Due to introduction of Post Based Roster in the year 1997 vide DoP&T's OM No. 36012/2/2/96-Estt.(Res.) dated 02-07-1997<br><br>New Recruitment Rules came into effect from the year 2000. |
| From 2009 onwards | Percentage of vacancies calculated by distribution of the vacancies occurring in a year in the prescribed ratio as per the Recruitment Rules. | Due to observations of two Benches of Hon'ble CAT in the cases of Shri D K Padhi and Shri Chandrakant though the RRs of 2000 are still existing which speaks of distribution of posts.    |

7. In the above context, a meeting was held on 25-07-2019 in DST. In the meeting JS (Estt.) directed that a Self Contained Note is to be sent do DoP&T for seeking advice/directions regarding method of calculation of vacancies for DPC and LDCE in the grade of Office Surveyor.

8. It is also pertinent to mention here that the DPCs pertaining to promotion of Officer Surveyor to Superintending Surveyor are being conducted on the basis of Seniority List issued vide letter No. E1-18287/707 ated 26-07-2010 in compliance of Hon'ble CAT, Guwahati Bench Guwahati order dated 01-02-2010 passed in OA No. 16/2007 filed by Shri P B Das. This Seniority List has been uploaded on the website of Survey of India.

9. As per the directions of JS (Estt.) as stated in para 7 above, a draft Self Contained Note has been sent to DST vide this office letter No. E1-4633/707 dated 02-08-2019. Further, necessary action in the matter will be taken as per the advice of DOP&T and directions of DST.



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