



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 17.12.2025
Pronounced on: 28.01.2026

+ **W.P.(C) 16769/2004 & CM APPL. 5649/2011**
UOI & ORS.

.....Petitioners

Through: Mr. Vivek Goyal, SPC with
Mr. Gokul Sharma and
Mr. Aryan Aggarwal, Advs. for
UOI

versus

KANHAIYA SINGH & ANR.

.....Respondents

Through: Mr. G. Natarajan and Mr.
Akshay, Advs. with
respondents in person.

+ **W.P.(C) 1541/2012**
KANHAIYA SINGH

.....Petitioner

Through: Mr. G. Natarajan and Mr.
Akshay, Advs. with petitioner
in person.

versus

THE SECRETARY, MINISTRY OF MINES & ORS

.....Respondents

Through: Ms. Nidhi Raman, CGSC with
Mr. Akash Mishra and Mr.
Arnav Mittal, Advs. for UOI

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

NAVIN CHAWLA, J.

1. W.P.(C) 16769/2004 has been filed, challenging the Order dated 02.09.2003 passed by the learned Central Administrative Tribunal,



Principal Bench, New Delhi (hereinafter referred to as, the ‘Tribunal’) in O.A. 2892/2002, titled ***Kanhaiya Singh & Anr. v. Union of India & Ors.***, whereby learned Tribunal disposed of the said O.A., observing as under:

“7. It is clear from the observations that the Engineering Cadre in GSI has also been treated by the FCPC as one of the major departments in which the Engineering workforce is engaged and the recommendation in para 50.45 clearly states that the recommendation to grant functional JAG for Executive Engineers is not confined to only organised Group A Engineering Services but it is made to be given to all Engineering cadres in the Government. In this background of the matter, we have absolutely no hesitation in holding that respondents have totally misread the recommendation of FCPC which has resulted in their conclusion to reject the claim of the applicants. During the course of arguments, counsel for the applicants has also brought to our notice that Engineers similarly placed with All India Radio and Doordarshan under the Ministry of Information and Broadcasting, who are also classified in the category of GSC Group A, have been granted non-functional Junior Administrative Grade. Counsel for the respondents, when queried as to why the Engineers in GSI be discriminated, has no answer. Thus we find that the impugned order has been passed on the basis of an artificial and arbitrary classification, which has no basis.

8. We accordingly quash the order and direct the respondents to consider the case of the applicants for the conferment of JAG non-functional as recommended by FCPC at par with their counterparts in the cadre of Engineers in All India Radio and Doordarshan who are similarly placed. This exercise should be completed within a period of three months



from the date of receipt of a copy of this order.”

2. W.P.(C) 1541/2012 has been filed, challenging the Order dated 23.12.2011 passed by the learned Tribunal in O.A. 3919/2010, titled ***Shri Kanhaiya Singh v. Union of India***, whereby the learned Tribunal dismissed the said O.A., observing as under:

“6. The respondents have clearly mentioned that the Mechanical Engineering Service in the Geological Survey of India is not an ‘Organised’ Group ‘A’ Services. The applicant belongs to the said Mechanical Engineering Service of GSI and cannot claim to have been the member of the “Organised” Group ‘A’ Services. As per the extant guidelines and decision of the Government of India, the NFU is admissible only for the officers of “Organised” Group ‘A’ Services. The applicant has not given any proof to show that his service belongs to one of the “Organised” Group ‘A’ Services of Government of India. On the other hand, the respondents have demonstrated that the applicant belongs to the Mechanical Engineering Service of GSI, which is, as per the extant Recruitment Rules is not “Organised” Group ‘A’ Service. Further, the respondents have indicated in their counter affidavit that the Recruitment Rules to declare the Mechanical Engineering Service of GSI as one of the “Organised” Group ‘A’ Services is under consideration of the Government. As and when the Government accepts the proposal and declares the said service to be “Organised”, the NFU would be admissible to the Mechanical Engineers of the GSI and that too only prospectively. No decision has been taken by the Competent Authority on the said proposal. Now, that the applicant has retired from service, he would not be entitled to get the benefits of the Government Office Memorandum dated 24.04.2009 to grant him a Non-Functional Upgradation under Pay Band-



4. As such, no consequential benefits would also accrue to the applicant.”

3. The issue in W.P.(C) 16769/2004 pertains to the grant of the higher pay scale of Rs.1200-16500 in the Non-Functional Junior Administrative Grade ('NFJAG'), while the issue in W.P.(C) 1541/2012 pertains to the grant of Non-Functional Upgradation ('NFU'). As the petitions involve common questions of law for consideration, it is deemed appropriate to adjudicate upon them together by way of this common Judgment. For the sake of convenience, reference will be made to the applicants in the two O.As. as the 'petitioners', and to the respondents in the two O.As. as the 'respondents'.

BRIEF FACTS:

4. The brief facts giving rise to the present petitions are that the petitioners were appointed in March 1981 as Mechanical Engineer (Junior) in the Geological Survey of India ('GSI'), under the administrative control of the Ministry of Mines, through the Combined Engineering Services Examination conducted by the Union Public Service Commission ('UPSC'). They joined in the then Pay Scale of Rs. 700-1300 (now Pay Band-3 with Grade Pay of Rs. 5400) and were subsequently promoted to the post of Mechanical Engineers (Senior) in Pay Band-3 with Grade Pay of Rs. 6,600.

5. The 5th Central Pay Commission ('CPC'), while considering the case of revision of the pay scales of the Engineering Services, recommended that the Non-Functional Selection Grade of Rs. 4500-



5700 should be converted into a single Functional Scale of Superintending Engineers, and the Scale of Rs. 3700-5000 should instead be made the NFJAG for Executive Engineers. The promotion to the said scale of Rs. 4500-5700 was on the completion of 13 years of service in Group 'A'. It was also clarified that although these recommendations were made in the context of the Central Public Works Department ('CPWD'), its dispensation would be available to all Engineering cadres in the Government. These recommendations were implemented and extended to all Organized Group 'A' Engineering Services *vide* O.Ms. dated 06.06.2000 and 20.12.2000, issued by the Department of Personnel and Training (DoP&T).

6. Relying on these recommendations of the 5th CPC, the petitioners sought grant of NFJAG and made several representations to the Ministry of Mines. However, their representations did not succeed. Aggrieved thereby, they filed O.A. No. 141/1999 before the learned Central Administrative Tribunal, Jaipur Bench, praying for grant of NFJAG scale of Rs.12000-16500. The said O.A. was disposed of with the direction to the respondents to consider the petitioners' representations.

7. The petitioners, thereafter, preferred representations dated 10.09.2001 and 12.09.2001 seeking grant of NFJAG. However, the said representations were again rejected by the respondents *vide* a Speaking Order dated 02.05.2002, on the ground that the recommendations of the 5th CPC were applicable only to the Organized Group 'A' Engineering Services, and the petitioners belonged to the General Central Service Group 'A'.



8. Aggrieved thereby, the petitioners filed O.A. 2892/2002 before the learned Tribunal, seeking grant of NFJAG scale of Rs.12000-16500.

9. It is the case of the petitioners that though the recommendations of the 5th CPC have been made in the context of the CPWD Engineers, its benefits were dispensed to all Engineering Cadres in the Government and were not confined only to Organized Group 'A' Engineering Services. Further the petitioners, like their counterparts in CPWD, were recruited through the Combined Engineering Services Examination conducted by the UPSC and therefore, they were equally eligible for the grant of NFJAG, as per the recommendations of the 5th CPC.

10. The learned Tribunal, *vide* its Impugned Order dated 02.09.2003, disposed of the said O.A. with the above-quoted observations and directed the respondents to consider the petitioners' case for conferment of NFJAG at par with their counterparts.

11. It is the case of the respondents that, in compliance with the said order dated 02.09.2003, the case of the petitioners was considered in consultation with the Department of Expenditure, DoP&T and Ministry of Law & Justice, however, it was found that it was not possible to confer NFJAG upon the petitioners. Accordingly, *vide* order dated 23.12.2003, the representations of the petitioners were again rejected. The respondents found the petitioners ineligible for the conferment of NFJAG on the grounds as under:

“(i) The recommendation of the Fifth Central Pay Commission regarding extension of the



non-functional JAG is applicable only to Organized Group 'A' Engineering Service as prescribed in Department of Personnel & Training's Office Memorandum NO.22/1/2000-CRD dated 6th June, 2000.

(ii) The Engineers of the AIR and Doordarshan belong to an organized Group 'A' Engineering Service. Viz Indian Broadcasting Engineering Service (as per the list of 49 organized services indicated in para 8.53 read with Annexure 8.1. of Fourth Central Pay Commission's report) whereas the applicants do not belong to any such organized service.

(iii) The Geological Survey of India is inter alia, being catered by the major discipline of Geology (having a strength of 1720 of Group 'A' Officer) which is treated as isolated cadre (Unorganised service) even though they come through the Geologists Examination conducted by the UPSC. The Geologists are being granted Non-functional Selection Grade as in the case of applicant's disciplines at Direct level after entering into 14th year of group 'A' service in accordance with the provision contained in the Department of Personnel & Training Office Memorandum No.19/1/86-PP dated the 14th August, 1987. When the major discipline are not considered as organized service in the Geological Survey of India, it would be anomalous to consider a small support service having total strength of 34 Group 'A' officers, as organized service. Further, grant of Non-functional JAG to Mechanical Engineers in accordance with the provisions of the aforesaid Department of Personnel & Training O.A. dated 6.6.2000 will lead to discrimination vis-a-vis other disciplines like Geology, Geophysics and Geochemistry etc.

(iv) In case any group of Engineers have been granted Non functional JAG in violation of the provisions of aforesaid O.M. dated 6.6.2000 any other group of Engineers cannot seek relief under equity clause and that the equality clause enshrined under Article 14 of the



Constitution of India can not be invoked where its foundation is based on illegality. This is in line with the decisions of the Hon'ble Supreme Court report JT 2000(5) SC 389 (State of Bihar Vs. Kameshwar Prasad Singh): 1997 (3) SCC 3212 (State of Haryana & Ors. Vs. Ram Kumar Mann) : 2003 (5) SCC 437 (UOI & Ors. Vs. International Trading Company) wherein the Apex Court has considered the concept of negative equality in detail.”

12. Aggrieved thereby, the petitioners filed a Contempt Petition, being C.P. 96/2004 in O.A. 2892/2002, before the learned Tribunal, contending non-compliance of its order dated 02.09.2003.

13. *Vide* order dated 24.05.2004, the learned Tribunal found the action of the respondents of rejecting the petitioners' representations *vide* the above order dated 23.12.2003, to be deliberate disobedience and hence, it was held to be 'clearly contemptuous'. It was also observed that, since the respondents did not challenge the order of the learned Tribunal before a higher forum, it had attained finality. Accordingly, three weeks' time was granted to the respondents to comply with the directions made in the said order of the learned Tribunal.

14. Consequently, the respondents extended the recommendations of the 5th CPC to the petitioners, subject to the final decision in the Writ Petition, being W.P.(C) 16769/2004, which was filed by the respondents in the meantime.

15. The Contempt Petition was, accordingly, disposed of *vide* order dated 20.06.2004. However, the NFJAG benefit in the scale of Rs.12000-16500 was extended to the petitioners, with effect from



24.10.2000, and not with effect from 01.01.1996. In view of this, this Court, *vide interim* order dated 12.12.2006 in W.P.(C) 16769/2004, directed the respondents to grant the benefit of NFJAG to the petitioners with effect from 01.01.1996, subject to the final outcome of the petition.

16. Consequently, in compliance with the said Order, the petitioners were granted the benefits of NFJAG with effect from 01.01.1996, *vide* order dated 12.04.2007. The Special Leave Petition, being S.L.P(C) no. 12030/2007, was filed by the respondents before the Supreme Court against the said *interim* Order dated 12.12.2006, and the same was also dismissed *vide* Order dated 08.02.2010.

17. During the pendency of this petition and after his superannuation on 31.08.2007, the petitioner no. 1, relying on the DoP&T O.Ms. dated 24.04.2009, 21.05.2009, and 25.09.2009, filed O.A. 3919/2010 before the learned Tribunal, seeking re-fixation of his pay by grant of NFU in the Pay Band-4 and Grade Pay of Rs.8,000 with effect from 01.07.2006, and Grade Pay of Rs.10,000 with effect from 26.10.2009.

18. It is the case of the petitioner no.1 that the 6th CPC recommended grant of NFU to Organized Group 'A' Service Officers and that such recommendations are applicable to the Group 'A' Engineering Cadres working in GSI. However, the learned Tribunal dismissed his O.A. *vide* the Impugned Order dated 23.11.2011, with the above quoted observations.

19. Aggrieved thereby, the petitioner no. 1 filed W.P.(C) 1541/2012, seeking re-fixation of his pay by grant of NFU.



SUBMISSIONS ON BEHALF OF THE PETITIONERS:

20. The learned counsel for the petitioners submits that the Engineers in All India Radio and Doordarshan, under the Ministry of Information and Broadcasting, belong to an Organized Group 'A' Service and the petitioners are similarly placed. Therefore, the learned Tribunal had rightly drawn similarity between the petitioners' cadre and the Engineers of All India Radio and Doordarshan, and directed the respondents to consider the case of petitioners at par with their counterparts.

21. The learned counsel for the petitioners submits that the 5th CPC, in paragraph 50.45, recommends the pay scale of Rs.4500-5700/- for Superintending Engineers and NFJAG to Executive Engineers, in the context of CPWD engineers, however, it covers all Engineering Cadres in the Government. Further, the grant of NFJAG is not confined to Organized Group 'A' Services, but is extended to all Engineering Cadres. The said paragraph reads as under:

"50.45 We would, however, like to make an exception only in the case of Superintending Engineers. It is a fact that the Second CPC had already established a parity between Superintending engineers and Conservators of Forests by granting them both the scale of Rs. 1300-1800. This parity was cemented further by the Third CPC, which observed that "For the post of Conservators of forests we recommend the scale which we have recommended for the Superintending Engineer grade of the Central Class I Engineering Service VIZ. Rs.1800-2000." For the selection grade of Conservators of Forest, the same Commission stated that "a selection grade of



Rs.2000-2250 should be introduced for the Conservator of Forests, on the same principles as recommended for the Selection Grade in the Central Class I Engineering Service." Between the Third and Fourth CPCs, there was an up-gradation of the first grade for CFs to Rs.1800-2000. Subsequently, the Fourth CPC merged the scales of Rs. 1800-2000 and the Selection Grade of Rs.2000-2250 and gave CFs the single functional scale of Rs.4500-5700. The same treatment in spirit was unfortunately not accorded to the SEs who were given a JAG of Rs.3700- 5000 and an NFSG of Rs.4500-5700. Taking into account the significant role of engineering services in the nation-building process and the fact that the promotion prospects in engineering cadres are rather bleak, we recommend that the NFSG of Rs.4500-5700 should be converted into a single functional scale for Superintending Engineers and the scale of Rs.3700-5000 should instead be the non-functional JAG for Exe. Engineers. However, in order to avoid too fast a rate of promotion in certain cadres to this grade, it is further recommended that promotions to the scale of Rs.4500-5700 would be permitted only on completion of 13 years of service in Group 'A'. Although the above recommendation is being made in the context of CPWD engineers, it is clarified that this dispensation will be available to all Engineering cadres in the Government."

22. The learned counsel, relying on the Department of Personnel and Administrative Reforms O.M. dated 31.07.1982, submits that the Guidelines for Introduction of Non-Functional Selection Grades for Group 'A' Services shall be applicable to all Organized Group 'A' Services. Annexure-A of the said Guidelines provides a list of Central Civil Services Group 'A' which includes GSI under the Ministry of



Steel & Mines as Group 'A' Service. In this regard, he also makes reference to the Central Civil Services (Revised Pay) Rules, 1997, notified under Article 309 of the Constitution of India, to submit that the upgraded pay scales were applicable to all Engineering Cadres in the Government with effect from 01.01.1996. The learned counsel further submits that the provisions of the Central Civil Services (Revised Pay) Rules, 1997 were notified under Article 309 of the Constitution, therefore, they are of a statutory nature and cannot be modified or restricted by an O.M. of the DoP&T.

23. The learned counsel places reliance on the O.M. dated 02.08.1989 issued by the DoP&T, to submit that in terms of the DoP&T O.M. dated 14.08.1987, the Non-Functional Selection Grade was admissible to officers of Organized Group 'A' Service, however, the benefit was extended to all seven scientific and technical streams of GSI as they have all the characteristics of an Organized Service.

24. He submits that the above position has been recognized by the GSI in various documents and mere delay in framing the Rules would not take away the status of the Mechanical Engineering Service in the GSI as an Organized Group 'A' Service. In support of his arguments, the learned counsel places reliance on the judgments of the Supreme Court in *Union of India & Ors. v. Sri Harananda & Ors.*, (2019) 14 SCC 126, *State of Mizoram & Anr. v. Mizoram Engineering Service Association & Anr.*, (2004) 6 SCC 218, and *Union of India & Ors. v. Sudipta Lahiri*, 2024 SCC Online SC 5718; of this Court in *G.J. Singh & Ors. v. Union of India & Ors.*, 2015:DHC:7281-DB, and *Dr. Subodh Jha & Ors. v Union of India & Ors.*, 2025:DHC4960-DB;



and of the Karnataka High Court in *Union of India & Ors. v. M.N. Ramachandra Rao*, 2014 SCC OnLine Kar 4054.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

25. The learned counsel for the respondents submits that the Impugned Order dated 02.09.2003 passed by the learned Tribunal, is bad in law, and therefore, is liable to be set aside. He submits that the matter of fitment of officers in a particular group should be left to the discretion and expertise of Special Commissions and the same is undertaken by specialised agencies after detailed examination of the nature of the posts and duties. Therefore, it should not be decided by Courts and Tribunals.

26. The learned counsel submits that the learned Tribunal has wrongly equated the petitioners with the engineers of the AIR and Doordarshan, and held them to be Organized Group 'A' Services Engineers. He submits that the learned Tribunal has also erred in deciding upon the applicability of different pay scales to different employees of the Government. While the engineers of AIR and Doordarshan belong to Organized Group 'A' Engineering Services, the petitioners belong to the General Central Service Group 'A'. He submits that the equality clause under Article 14 of the Constitution of India would apply only if the persons are similarly placed, and not when there exists a valid classification based on reasonable differentia. Therefore, in the present case, the petitioners have been erroneously granted the benefits of Organized Group 'A' Services.



27. He further submits that the learned Tribunal has failed to appreciate the Speaking Order dated 23.12.2003, passed by the respondents, whereby the representations of the petitioners were duly considered and rejected with reasons recorded in support thereof.

28. On the issue of re-fixation of pay of petitioner no. 1 by grant of NFU, the learned counsel for the respondents reiterates that the petitioner did not belong to the Organized Group 'A' Service, so as to be entitled to NFU in terms of the DoP&T O.M. dated 24.04.2009. He submits that the petitioner fell within the Mechanical Stream, which in fact, belonged to the General Central Service Category. In support thereof, he placed reliance on DoP&T O.M. dated 19/20.11.2009 which provides the attributes of Organized Group 'A' Central Services. He submits that the petitioner's service does not qualify as Organized Group 'A' Services in terms of the said O.M., as it fails to meet the requirements set out in clauses (iv) to (vi) thereof. The said clauses are reproduced as under:

“(iv) All the vacancies above JTS and upto SAG level in such services are filled up by promotion from the next lower grade;

(v) While a service may comprise one or more distinct cadre(s), all such cadres should be governed by composite Service Rules facilitating horizontal and vertical movement of officers of a particular cadre at least upto SAG level. The cadre posts of an Organized Service expressly belong to that service. The posts not belonging to any service are classified as General Central Service and, therefore, an Organised Group 'A' Service cannot have posts/grades classified as General Central Service; and



(vi) Such a service consists of two distinct components, namely Regular Duty Posts and Reserves. The Reserves are generally of four types, viz (i) Probationary Reserves, (ii) Leave Reserve, (iii) Training Reserve and (iv) Deputation Reserve. The various types of reserves are usually created and accounted for in the Junior Time Scale.”

29. He further makes reference to the Ministry of Mines’ Note for the Cabinet dated 04.10.2011 on Restructuring of the GSI, proposed to declare the Engineering Stream of the GSI as an Organized Service, after suitable restructuring. He also makes reference to the Ministry of Mines Notification dated 17.05.2013, declaring the Engineering stream of GSI as a Central Organized Service with effect from the date of the said Notification. The said Notification provides as under:

“3. Constitution of the Geological Survey of India Engineering Service Group 'A' In Geological Survey of India.- (1) On and from the commencement of these rules the Engineering stream of GSI is hereby constituted as Geological Survey of India Engineering Service Group 'A' in Geological Survey of India as a Central Organised Service.”

30. The learned counsel submits that a Central Group Service cannot become Organised Group ‘A’ Service unless the Cadre Controlling Authority consciously constitutes it. In view of this, the Engineering Services of GSI became an Organized Service only with effect from the issuance of the Ministry of Mines’ Notification dated 17.05.2013. Since the demand for grant of NFU from a date when the service itself was not an Organized Service is not tenable in law,



therefore, the prayer of the petitioner no. 1 seeking grant of NFU from a back date is not tenable.

ANALYSIS AND CONCLUSION

31. From the above narration of facts and the submissions made by the learned counsels for the parties, the common question that needs to be answered in the present petitions is whether the Mechanical Engineering Branch of the GSI is an Organized Group 'A' Central Service, thereby entitling the petitioners to the benefit of the NFJAG, in terms of the recommendations of the 5th CPC, and the NFU, in terms of the recommendations of the 6th CPC.

32. Before we answer the above issue, we would again take note of the fact that the petitioners succeeded in their claim for the NFJAG before the learned Tribunal, and the said order has also been implemented by the respondents, subject to the orders to be passed in W.P.(C) 16769/2004. The petitioners have, however, failed in their claim for the grant of the NFU before the learned Tribunal, resulting in the filing of W.P.(C) 1541/2012.

33. As regards the core question of whether the Mechanical Engineering Branch in the GSI is an Organized Group 'A' Central Service, we would start by taking note of the O.M. dated 31.07.1982, by which the Department of Personnel and Administrative Reforms, while laying down the guidelines for introduction of Non-Functional Selection Grade in Group 'A' Central Services, gave a list of Organized Group 'A' Central Services, which *inter alia*, included the GSI under the Ministry of Steel and Mines (Department of Mines) at



Serial No. 23 of the Annexure-A thereof. We would further take note of the O.M. dated 16.07.1990, issued by the DoP&T, which again gave a list of services/cadres to which Non-Functional Selection Grade is applicable. In Annexure-A thereto, GSI under the Department of Mines is reflected as a Group 'A' Service to which the recommendations of the 4th CPC regarding selection grade would apply.

34. Much reliance has been placed by the respondents on the O.M. dated 19/20.11.2009 of the DoP&T to state that out of the six attributes of Organized Group 'A' Services mentioned by the DoP&T in the said O.M., at least three attributes appearing at serial nos. (iv) and (vi) thereof, are not met by the Engineering Cadre of the GSI. However, that is not of much support to the respondents as paragraph 2 thereof specifically states that what has been stated therein are certain basic attributes of an Organized Group 'A' Service, and that an Organized Group 'A' Service is one which is constituted consciously as such by the Cadre-Controlling Authorities through an established procedure. Taking note of the same, the Supreme Court in ***Sri Harananda*** (supra) held as under:

“23.5 So far as the submission made on behalf of the appellants that CAPFs are not an Organized Group A Services as they do not satisfy two attributes out of six attributes is concerned, it is required to be noted that the OM dated 19-11-2009 specifically notes that there may be certain "minor deviations" from the attributes listed therein and also to the extent wherein it states that even if the listed criteria are fulfilled, the same would not automatically confer the status of an



Organized Group A Service. Thus, as rightly observed by the High Court in the impugned judgment and order, fulfilling/compliance of the attributes shall not be given too weightage while deciding on the status of CAPFs.”

35. The above submission of the respondents, therefore, does not hold much water, especially in light of the consistent stand that the GSI is an Organized Group ‘A’ Central Service.

36. We must herein also take note of the fact that by an O.M. dated 15.05.1990, the DoP&T had also clarified that while the technical streams of the GSI, which would include the Mechanical Engineering Cadre, is a Group ‘A’ Service, the Financial and Administrative Streams are not so, and, therefore, they cannot be treated as an Organized Group ‘A’ Service. Further, by an O.M. dated 02.08.1989 issued by the DoP&T, it had again been stated that the benefit of the NFU had been extended to all seven Scientific and Technical Streams of the GSI, as they all have the characteristics of an organized service, which criterion is not fulfilled by the Administrative and Financial Streams of the GSI. Therefore, consistently there had been no dispute that the Mechanical Engineering stream of the GSI is an Organized Group ‘A’ Central Service.

37. In fact, the above has also been the consistent view of the learned Tribunal as also of different Courts. In **M.N. Ramachandra Rao** (supra), the Bangalore Bench of the learned Tribunal, by its order dated 19.03.2012, had found the contention of the respondent that the post of Director, GSI, is not an Organized Group ‘A’ Service, to be “very strange”. It had placed reliance, *inter alia*, on the O.M. dated



31.07.1982, which we have referred to hereinabove. The said decision was partly approved by the Karnataka High Court *vide* its judgment in ***M.N. Ramachandra Rao*** (supra), and we quote from the same as under:

“10. Since all the points are interlinked with one another, we will deal with the points together as hereunder. The learned Additional Solicitor General is not disputing that Official Memorandum vide Annexure-A1 is dated 31-7-1982. On a perusal of Annexure-A1 and schedule thereto, the post of the respondent is found at SI No 23, which is characterized as organized group. When the Union of India has recognized the post held by the respondent as organized group in the year 1982, it cannot now go back from its own official memorandum. Therefore, we are of the view that the tribunal is justified in holding that the post held by the respondent would also carry 30% of the duty post

11. The contention of the learned Additional Solicitor General that though the official memorandum was issued in the year 1982, the same has not been given effect to and that there was no demand by the respondent, cannot be a ground to hold the post held by the respondent a nonorganized group category. When we hold that the post held by the respondent is an organized group, as on the date of issue of Annexure-A1 in the year 1982, 15% of the duty post was reserved for the benefit of the post held by the respondent. It is also not in dispute that subsequently, 15% has been enhanced to 30%. The said amendment would always enure to the benefit of the respondent. Therefore, we do not find any fault with the order of the tribunal in directing the petitioners herein to consider the case of the respondent on merit to extend 30% duty post for the post held by the respondent.”



38. The Special Leave Petition against the said judgment of the Karnataka High Court, that is, SLP (C) 16461/2014, was dismissed by the Supreme Court *vide* its order dated 17.10.2014.

39. Relying on the above Order, the High Court of Meghalaya in ***Union of India & Ors. v. Dr. Umesh Kumar Mishra***, 2022 SCC OnLine Megh 56, observed as under:

“5. It is submitted on behalf of the respondent herein that the view taken by the Tribunal is supported by a Karnataka High Court judgment rendered on April 21, 2014 in WP No. 45591 of 2012 (Union of India vs. M.N. Ramachandra Rao). The respondent also asserts that the relevant judgment in MN. Ramachandra Rao has been left undisturbed by the Supreme Court following a petition for special leave to appeal against the order of April 21, 2014 passed by the Karnataka High Court. The respondent submits that there can now be no denial of the dues of the respondent in terms of such order of the Karnataka High Court.

“6. Accordingly, and since adequate reasons have been given in the relevant order passed by the Central Administrative Tribunal, no interference is called for. However, it is made clear that the relief the respondent herein will be entitled to will be confined to the legal position as indicated in the Karnataka judgment, and not beyond.”

40. In ***Sudipa Lahiri*** (supra), the High Court of Meghalaya had again disposed of a petition based on the above order of the Bangalore Bench of the learned Tribunal and the judgment of the Karnataka High Court. The Supreme Court dismissed Special Leave Petition, being SLP (C) 20026/2022, in challenge thereto, by observing as under:

“3. We have further perused the order dated



14th March, 2022 and we find that the present matter was disposed of in the same terms as in the order dated 14th March 2022. There was no occasion or, justification for the Union of India to have challenged the said order by way of this Special Leave Petition.

4. The present petitions are sheer abuse of the process of law. The petitioners are cautioned not to file such frivolous petitions in future.”

41. The Supreme Court, in fact, imposed costs on the respondents for continuing to re-agitate the same stale issues in different proceedings.

42. Therefore, we fail to appreciate how the respondents still maintain that the Mechanical Engineering Cadre of the GSI is not an Organized Group ‘A’ service.

43. The learned counsel for the respondents has further submitted that the Recruitment Rules (in short, ‘RRs’) for the Mechanical Engineering Cadre were notified by the Ministry of Mines only on 17.05.2013 and, *inter alia*, provide that the Engineering cadre will be an Organized Group ‘A’ Service. He submits that the said RRs are effective only from the date of the notification, therefore, the Mechanical Engineering Cadre of the GSI was not an Organized Group ‘A’ Service prior to the notification.

44. We are not impressed with the above submission.

45. As noted hereinabove, since 1982, it had been recognised that GSI is an Organized Group ‘A’ Service. The only exception sought to be carved out from the same was in respect of the Administrative and Financial Cadres of GSI. A recognition of this fact by way of the RRs dated 17.05.2013, therefore, would not mean that the Mechanical



Engineering Cadre will become an Organized Group 'A' Service only from that date. In fact, we would also take note of the RRs titled 'Geological Survey of India (Group A and Group B posts) (Second Amendment) Rules, 1984', which provide that the posts of Director (Mechanical Engineering), Mechanical Engineer (Senior), and Mechanical Engineer (Junior) are General Central Service Group 'A' Gazetted posts.

46. In this regard, we may also make a reference to the judgment of the Supreme Court in ***Mizoram Engineering Service Association*** (supra), wherein the Supreme Court rejected a similar plea by observing as under:

"6. Great stress was laid on the fact that Engineering Service in the State was not an organised service and therefore, it did not have categorisation by way of entrance-level and senior-level posts and for that reason the higher scale of Rs 5900-6700 which was admissible for senior-level posts could not be given in the Engineering Service. The main reason for dubbing Engineering Service as an unorganised service in the State is absence of recruitment rules for the service. Who is responsible for not framing the recruitment rules? Are the members of the Engineering Service responsible for it? The answer is clearly "No". For failure of the State Government to frame recruitment rules and bring Engineering Service within the framework of organised service, the engineers cannot be made to suffer. Apart from the reason of absence of recruitment rules for the Engineering Service, we see hardly any difference in organised and unorganised service so far as government service is concerned. In government service such a distinction does not appear to have any



relevance. Civil service is not trade unionism. We fail to appreciate what is sought to be conveyed by use of the words "organised service" and "unorganised service". Nothing has been pointed out in this behalf. The argument is wholly misconceived."

47. For the above reasons, and following the judgment of the Karnataka High Court, as approved by the Supreme Court in **M.N. Ramachandra Rao** (supra), and the other judgments referred by us herein above, we hold that the Mechanical Engineering Cadre of the respondent is an Organised Group 'A' Service and that the petitioners were entitled to the NFJAG as also the NFU benefits under the 5th and the 6th CPC, respectively.

48. The Order dated 02.09.2003 of the learned Tribunal is, therefore, approved, and the W.P.(C) No. 16769/2004 is hereby dismissed. At the same time, the Impugned Order dated 23.12.2011 of the learned Tribunal is hereby set aside, and the W.P.(C) No. 1541/2012 is allowed.

49. The petitioner no. 1 is held entitled to grant of the NFU in terms of the O.M. dated 24.04.2009 read with the O.M. dated 25.09.2007 of the DoP&T. The consequential benefits of the same shall be released by the respondents to the petitioner within a period of eight weeks from today, along with interest at the rate of 6% per annum.

50. We find that, in spite of the Order dated 22.04.2024 passed by the Supreme Court, imposing costs on the respondents for re-agitating issues which already stood settled, the same arguments were reiterated before us with full vehemence. We, therefore, impose costs on the



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respondents of Rs.25,000/-, to be paid to each of the petitioners within a period of eight weeks from today.

51. The petitions, along with the pending application, are disposed of in the above terms.

NAVIN CHAWLA, J.

MADHU JAIN, J.

JANUARY 28, 2026/rv/Yg