

भारत सरकार
विज्ञान और प्रौद्योगिकी मंत्रालय
विज्ञान और प्रौद्योगिकी विभाग
टेक्नोलॉजी भवन, महरौली मार्ग
नई दिल्ली-110 016

GOVERNMENT OF INDIA
MINISTRY OF SCIENCE AND TECHNOLOGY
DEPARTMENT OF SCIENCE AND TECHNOLOGY
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No.SM/22/01/2012

Dated, the 10th January, 2013

ORDER

Subject: Elections to the Office Bearers of Association of Officer Surveyors of Survey of India(Sol) – Claims of rival Associations.

Shri Kulwant Singh, Officer Surveyor, Survey of India has, vide letter No.01/GBA/2011-13 dated 10.7.2012 represented that the General Body Meeting of Group 'B' (Gazetted) Officers' Association was held on 07.07.2012 and that the Executive Committee has been elected/nominated for the term 2011-13. He had also made a representation on 30.10.2012 requesting that he and others may be recognized as *bona fide* Office Bearers of the above Association.

2. S/Shri B. Patro and Manbar Singh have, in their letter No.7/GBA/2012-14 dated 30.07.2012 submitted that they were declared elected as General Secretary and President respectively, along with other Office Bearers to the Executive Committee of Group 'B' Officers' Association in the Annual General Body meeting held on 30.07.2012, for term 2012-14.

3. The Survey of India, who were asked to give their comments on the rival contentions of the above two different groups, has submitted detailed report in the matter vide letter No.J-10621/612-Group 'B' dated 06.11.2012.

4. Sh. Kulwant Singh alongwith 3 other erstwhile office bearers suo moto met JS(Admn.), DST on 10.12.2012. Subsequently, the matter was also discussed briefly on 12.12.2012, with Dy. SG(HR), Surveyor General's Office(SGO), Dehradun.

5. It is the contention of Shri Kulwant Singh that the action of Surveyor General of India in nominating Election Officers for conducting the elections is in violation of the DoP&T OM dated 28.07.1994 by which the Govt. is prohibited from associating with the election process. It is also their contention that S/Shri B. Patro and Manbar Singh were not members of the Association on the date of their purported elections to the Executive Committee and hence not eligible to stand for election as office bearer of the Association.

6. The Survey of India has in its report mentioned that Shri Kulwant Singh and other Executive Members ceased to be the members of the Executive Committee on 01.12.2011 as elections to the Association were not held within three months time after expiry of their term. However, it is seen that though not in accordance with the provisions of approved Constitution/Bye-laws, the Association did notify the process before the expiry of 3 months period as is evident from their No.1/Election Officer/2011-13 dated 14.10.2011. However, as per letter No. 14588/612-Gp.'B' dated 03.11.2011 of SGO, they were asked to keep in abeyance the process of election.

7. The Survey of India has raised doubts about the genuineness of the elections purported to be held by Shri Kulwant Singh pointing out that the same have been held without Election Officer and without the knowledge of the members of the Association. They have sought recognition for the Executive Committee led by S/Shri B. Patro and Manbar Singh. Shri B. Patro and Manbar Singh have also challenged the elections purported to be held by Shri Kulwant Singh on the ground that notified dates for the elections were changed and the election Officers appointed for the election by Shri Kulwant Singh, resigned and it is not known as to where the actual elections were held.

8. On going through the detailed representations submitted by both the parties (representations of rival associations) and also the detailed comments of the Survey of India, supported by relevant material, the position emerges as under:

- (i) There is no Association approved by the Government in name of Group 'B' (Gazetted) Officers' Association.
- (ii) Shri Kulwant Singh went ahead with the amended Constitution/Bye-laws though the amendment to the Constitution/Bye-laws did not have approval of the Government.
- (iii) Shri Kulwant Singh has declared the formation of the Executive Body Committee by conducting suo-moto elections under the banner of non-approved body i.e. Group 'B'(Gazetted) Officers' Association.
- (iv) Shri Kulwant Singh has conducted elections by changing station, designations and number of the posts in violation of the prevailing approved Constitution/Bye-laws.
- (v) It has been stated that in many offices, the members could not participate in the elections held by Shri Kulwant Singh because there was no circulation of information about venue, date and time of casting of votes and there was no Election Officer.
- (vi) Shri Kulwant Singh has violated Rules 6(d), 6(e), 6(f) and 6(g) of CCS(Recognition of Service Associations) Rules, 1993.

9. As regards, elections conducted in pursuance to Notification dated 14.06.2012 issued by the Surveyor General's Office(SGO), under which S/Shri B. Patro and Manbar Singh have been elected as General Secretary and President respectively, along with other office bearers, it is seen that the contention of rival association that S/Shri B. Patro and Manbar Singh were not members of the

Association on the date of purported elections to Executive Committee, and hence not eligible to stand for elections as office bearers of Association, is found to be supported by records and hence correct. The election process was notified on 14.06.2012, last date for filing nomination was 26.06.2012 and the election was held on 12.7.2012. Hence any official who wishes to stand for election to any post of office bearer should fulfill the basic condition of being a 'Member' of the Association viz. he should have paid his up-to-date subscription. However, perusal of the records show that S/Shri B. Patro and Manbar Singh and some other officer bearers did not fulfill this condition. On going through the records produced by the Survey of India, it seen that by a letter dated 26.06.2012 from Shri Harish Prakash Bhatt addressed to E&AO, SGO, Dehradun by which he deposited Cheque No.21067110 dated 26.06.2012 for Rs.1100/- (apparently from his personal account) as subscription in respect of S/Shri Manbar Singh, Harish Prakash Bhatt, Mohan Ram and B. Patro for 3 years i.e. 2009-10, 2010-11 and 2011-12. However, this cheque is purported to have been deposited in Group 'B' Officers Association's Account No.306802010316662 on 17.08.2012 i.e. after the date of elections (alongwith an other cheque of Rs.500/-). This amount of Rs.1600/- is seen credited in the bank account on 18.08.2012 only. Further, it is not clear as to whether this cheque was deposited in the bank by E&AO to whom it was handed over on 26.06.2012. Hence, this cannot be treated as deposit of subscription to the account of association till the date of election. Thus, on this crucial date, these officers viz. S/Shri B. Patro and Manbar Singh and 2 others had not paid their subscription for last 3 years, hence were not eligible members of the Association and consequently not eligible to contest the elections for any office bearer's post. Hence, on this ground alone, the entire election process undertaken in pursuance of the Surveyor General's Office Notification dated 14.06.2012 resulting in election of S/Shri B. Patro and Manbar Singh as General Secretary and President respectively, and other office bearers, suffer from serious infirmities and needs to be declared as *null and void ab initio*.

10. The Rule 7 of the CCS(RSA) Rules, 1993 provides that verification of Membership shall be done by the "Check-off System" in pay rolls. The DoPT has vide OM dated 31.01.1994 reiterated instructions for 'Check-off System' as a means to verify the membership of the Association on the basis of deduction of subscription from the pay-rolls. Rule 5 (g) of CCS(RSA) Rules, 1993 provides that the Executive of the Service Association is to be appointed from amongst the members only. The SGO, in compliance of Rule 7 read with DoP&T OM dated 31.01.1994, ought to have ensured that the verification of membership of the Association has been done by "Chek-off System" in payrolls by collecting the requisite information from all of its field establishments. However, the SGO went ahead with elections without taking into account actual membership aspect. Further, the DoP&T OM dated 28.07.1994 provides that Government Department should not in any manner associate with the election process.

11. In view of the above, the elections to the Group 'B' Officers' Association suffer from serious infirmities for violation of Rule 5 (g) of CCS (Recognition of Service Associations) Rules, 1993 for the reason that S/Shri Manbar Singh, Harish Prakash Bhatt and B. Patro who were declared to be the Office Bearers/Executive Committee member of the Group 'B' Officers' Association for the term 2012-14, were not members of Association at the time of elections.

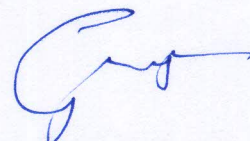
12. In view of aforesaid, both the elections viz. the one conducted by Sh. Kulwant Singh, Officer Surveyor and his associates to Group 'B' (Gazetted) Officers' Association and the other one conducted under the aegis of Surveyor General's Office to the Group 'B' Officers' Association resulting in election of S/Shri B. Patro and Manbar Singh as General Secretary and President and other officer bearers, are declared *null and void ab initio*, due to serious infirmities pointed above. Accordingly, the Surveyor General's Office, Dehradun is advised as under:-

- (i) The SGO may, obtain requests/proposals from the Association(s) of Officer Surveyors who want to be recognized, including the two rival associations, along with requisite documents in accordance with DoP&T OM No.2/10/80-JCA dated 31.01.1994 and submit to this Department a self-contained proposal with its recommendations for recognition of the Association(s) along with the proposed amendments to the Memorandum/Constitution/Bye-laws, Membership etc., after duly considering the various recommendations/resolutions passed by the erstwhile Association or any other parallel Association or any such other suggestions received by Sol.
- (ii) To strictly ensure compliance of DoP&T instructions on the subject and in particular, O.M. dated 31.01.1994 and the Rule '7' of CCS (RSA) Rules, 1993 with regard to "Check-off system" for deduction of subscription and verification of membership of the Association.
- (iii) To advise all concerned that the fresh elections to the Association(s) should be in accordance with the approved Constitution/Bye-laws and the DoP&T instructions issued from time to time, in particular the instructions contained in O.M. dated 28.07.1994 and clarifications furnished by DoP&T vide letter No.2/4/2012 dated 06.08.2012.
- (iv) However, the Association having become defunct, the SGO may, without directly getting associated with the election process, depute some official(s) to function as observer(s) with a view to ensuring free, fair and impartial elections in accordance with provisions of CCS (RSA) Rules, 1993, approved Constitution/Bye-laws and other instructions issued by DoP&T and this Department, from time to time.
- (v) The process at Sl. No. (i) and (ii) above should be completed within a maximum of 45 days and proposal sent to this Department for approval. Thereafter, the fresh election process may be undertaken within 30 days of grant of approval by this Department. While sending proposal(s) under para (i) above, the Surveyor General will obtain suggestions/proposals from both the rival associations and from any other quarter and send the same along with his comments/recommendations on each of the issue/suggestions raised by them in their proposals.

- (vi) Till fresh elections are conducted in accordance with above orders and a duly elected body is notified, no official/erstwhile office bearer from any of the rival associations will take any action or correspond with any authority purporting to be on behalf of such association.

13. Accordingly, all the references in the matter referred to/as listed in the Annexure stand disposed off.

This issues with the approval of Secretary, DST.

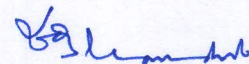


(G. Vijayaraghvan)
Deputy Secretary to the Govt. of India
Tele: 011-26524894

SURVEYOR GENERAL OF INDIA,
Dehra Dun

Copy, through SGO, to:

1. Sh. Kulwant Singh and Sh. A.K. Bhatnagar, Officer Surveyors.
2. S/Shri B. Patro and Manbar Singh, Officer Surveyors.



(Anil Bhandula)
Under Secretary to the Government of India
Ph:011-26590516

Representations of Shri Kulwant Singh, Officer Surveyor

1. No.1/Election Officer/2011-13 dated 14.10.2011
2. No.2/Election Officer/2011-13 dated 02.11.2011
3. No.03/Group'B'/2009-11 dated 25.10.2011
4. No.28/GBA/2009-11 dated 29.05.2012
5. No.205/GBA/2009-11 dated 14.10.2012
6. No.250/GBA/2009-11 dated 25.03.2012
7. No.268/GBA/2009-11 dated 10.05.2012
8. No.281/GBA/2009-11 dated 29.05.2012
9. No.284/GBA/2009-11 dated 06.06.2012
10. No.289/GBA/2009-11 dated 18.06.2012
11. No.290/GBA/2009-11 dated 18.06.2012
12. No.294/GBA/2009-11 dated 20.06.2012
13. No.3/Election Officer/2011-13 dated 25.05.2012
14. No.5/Election Officer/2011-13 dated 07.06.2012
15. No.6/Election Officer/2011-13 dated 19.06.2012
16. No.01/GBA/2011-13 dated 10.07.2012
17. No.02/GBA/2011-13 dated 13.07.2012
18. No.05/GBA/2011-13 dated 19.07.2012
19. No.06/GBA/2011-13 dated 21.07.2012
20. No.07/GBA/2011-13 dated 27.07.2012
21. No.09/GBA/2011-13 dated 29.08.2012
22. No.10/GBA/2011-13 dated 29.08.2012
23. No.11/GBA/2011-13 dated 07.09.2012
24. No.12/GBA/2011-13 dated 21.09.2012
25. No.14/GBA/2011-13 dated 22.11.2012
26. No. __/GBA/2011-13 dated 30.10.2012
27. No.15/GBA/2011-13 dated 30.10.2012
28. No.15/GBA/2011-13 dated 23.11.2012
29. No.18/GBA/2011-13 dated 27.11.2012
30. No.21/GBA/2011-13 dated 19.12.2012

Representations of S/Sh. Manbar Singh and B. Patro

1. No.2/GBA/2012-14 dated 25.07.2012
2. No.3/PGBA/2012-14 dated 20.07.2012
3. No.4/PGBA/2012-14 dated 20.07.2012
4. No.7/GBA/2012-14 dated 30.07.2012
5. No.8/GBA/2012-14 dated 30.07.2012
6. No.12/GBA/2012-14 dated 31.07.2012
7. No.29/GBA/2012-14 dated 10.09.2012
8. No.32-A/GBA/2012-14 dated 20.09.2012

References from Surveyor General's Office, Dehradun

1. No.J-3803/2158-Recognition dated 02.05.2012
2. No.J-7332/2158-Recognition/Group'B' Officers dated 07.08.2012
3. No.E1-2798/1466-Officers dated 03.05.2012
4. No.3712/Elections(Group'B') dated 14.06.2012
5. No.3850/Elections(Group'B') dated 21.06.2012
6. No.4018/Elections(Group'B') dated 29.06.2012
7. No.SPS-08/612-Group'B' dated 19.07.2012
8. No.SPS-10/612-Group'B' dated 20.07.2012
9. No.14588/612-Group'B' Officers dated 03.11.2011
10. No.J-15027/612-Group'B' Officers dated 05.12.2011
11. No.J-4972/612-Group'B' Officers dated 01.06.2012
12. No.J-5707/612-Group'B' Officers dated 21.06.2012
13. No.J-6697/612-Group'B' Officers dated 20.07.2012
14. No.J-10621/612-Group'B' Officers dated 06.11.2012
15. No.J-10622/612-Group'B' Officers dated 06.11.2012
16. No.J-10623/612-Group'B' Officers dated 06.11.2012
17. No.J-10624/612-Group'B' Officers dated 06.11.2012
18. No.J-11719/612-Group'B' Officers dated 14.12.2012