

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BRANCH

Dated : this the ^{31st}~~21st~~, day of August, 1995

Hon'ble Mr. Justice B.C. Saksena, V.C.

Hon'ble Mr. S. Das Gupta, A.M.

I. Original Application No.1849/92.

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1. Shiv Shanker Singh,
son of Sri V.N. Singh resident of
Village Pure Post Thathara District-Varanasi.

..... Applicant

By Sri N.L. Srivastava

Versus

1. Union of India,
through its Secretary,
Ministry of Home, New Delhi.
2. Director of Census Department,
Ministry of Home, Lucknow.
3. Dy.Director of Census Work,
Varanasi Region Office,
Ministry of Home 5-8/144-39,
Indra Nagar Khasuri District Varanasi.

..... Respondents

Shri Amit Sthalekar

A N D

Original Application No.356/93.

II.

1. Smt.Mamta Gupta
W/o Sri Maithili Saran Gupta
R/o 252, Gopal Ganj,
Orai (Jalaun).
2. Kailash Chandra Arya
S/o Sri Sharman Lal Arya
R/o M.O. Rath Sikandar Pur
District-Hamirpur.

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3. Pramod Kumar Gupta
S/o Sri Ganga Prasad Gupta,
460 Bomhi Road
Gopal Ganj, Orai (Jalaun)
 4. Km.Sarita Khare
D/o Sri Shyam Manohar Khare,
Ram Nagar Jhansi Road
Orai (Jalaun)
 5. Km. Shashi Gupta
D/o Ram Bihari Gupta,
146 Ram Nagar, Behind Degree College,
Orai (Jalaun)
 6. Manoj Mohan Srivastava
S/o Sri Uma Charan Srivastava
C/o Sri Raj Kishore Nigam
Distt-Hamirpur.
 7. Bhan Singh
S/o Mathura Prasad
R/o 120 Sadanpur
Orai (Jalaun)
 8. Akhilesh Chandra Srivastava
S/o Sri Hari Ram Srivastava
R/o 440, Ram Nagar
Orai (Jalaun)
 9. Vinai Kumar Srivastava
S/o Sri Pramod Kumar Srivastava,
R/o 34, Mahavirpura,
Orai (Jalaun)
 10. Anil Kumar Misra
S/o Sri Darogi Lal Misra
R/o 343 Naya Ram Nagar
Orai (Jalaun)
- Applicants

By Sri P. Khanna

Versus

Wb

1. The Union of India through
the Secretary, Ministry of Home Affairs,
New Delhi.
2. The Registrar General and
Census Commissioner, Government
of India, Ministry of Home Affairs,
2-A, Man Singh Road,
New Delhi
3. The Director, Census Department,
U.P. 5-Park Road, Lucknow
4. The Regional Tabulation Officer/
Deputy Director, Census Operations,
U.P. Orai at Jaulan

. Respondents

By Sri Amit Sthalekar

A N D

III. Original Application No. 430/93

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1. Shiv Prasad Srivastava s/o Sri Shiv Ratan Lal
Sinha r/o Katra Noniapura, District Banda.
2. Anil Kumar Nigam s/o Sri Devi Lal Nigam,
r/o Chhibawan Post Khurhand Railway Station,
Banda
3. Bhagwan Prasad Nigam s/o Badri Prasad Nigam,
r/o Chhibawan Post Khurhand, District Banda.
4. Om Prakash Nigam s/o Sri Ram Autar Nigam,
r/o Jail Road, Swaraj Colony, District Banda.

..... Applicants

By Sri Krishna Mohan

Versus

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1. Union of India through Secretary,
Ministry of Home Affairs, New Delhi
2. The Registrar, General & Census Commissioner,
Government of India, Ministry of Home
Affairs, 2-A, Man Singh Road, New Delhi.
3. The Director, Census Operation, U.P.,
6, Park Road, Lucknow.
4. The Regional Tabulation Officer/Deputy
Director, Census Operation, Jhansi Region,
Orai.

..... Respondents

By Sri Amit Sthalekar

A N D

IV. Original Application No.503/93.

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1. Pankaj Asthana,
S/o Sri J.P. Asthana,
R/o D-48/219, Misir Pokhara,
Varanasi
2. Vinod Kumar S/o Sri Ram Kuber,
R/o Village Barwa Post Katona,
District Varanasi
3. Miss Punita Singh
D/o Late Sri Vijai Pratap Singh
R/o Rajshri Shishu Bihar,
U.P. College, Varanasi
4. Shiv Pujan Singh,
S/o Megh Narain Singh,
R/o Village Jinodpur Post²Manour,
District-Mirzapur
5. Sita Ram Sonkar, s/o Sri Mewalal Sonkar,
R/o S.1/62, Chuppapur,
Central Jail Gilat Bazar,
District Varanasi
6. Alok Asthana,
S/o Sri Tara Prasad Asthana,
R/o D-53/97, A-5, Parvatipur Colony,
Varanasi
7. Satya Prakash Singh
S/o Sri Shiv Kumar Singh,
R/o C.K. 65/381, Bari Piyari,
Varanasi

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8. Ajai Kumar Srivastava,
S/o Sri Krishna Kumar Lal Srivastava,
R/o T-1K, Guard Running Room Colony,
Varanasi Cantt (N.R.)
9. Virendra Kumar
S/o Sri Thakur Prasad Srivastava,
R/ C.K. 65/437-B,
Bari Piyari, Varanasi
10. Sarfaraj Shah
S/o Late Sri Sayeed Shah,
R/o 1-Ekta Nagar Colony,
Varanasi
11. Sanjeev Kumar Kannaujia
S/o Sri Man Mohan al,
R/o S-10/7-B, Maqbool Alam Road,
Varanasi
12. Rajesh Kumar Srivastava,
S/o Sri Ram Murat Lal Srivastava,
R.No.T/21-C, Purani Loko Colony,
N.E.Railway, Varanasi.
13. Kamlesh Kumar Mishra
S/o Sri Madhusudan Mishra,
R/o K-3/24, Gayghat,
Varanasi
14. Rajdev,
S/o Sri Ram Nath Ram,
R/o Village and Post Kuari Kala,
Zaria, Varanasi.
15. Hemant Kumar Jiswal,
S/o Sri Ram Nihor Rai,
R/o M. No.S-24/6-9-A-1 Kh.
Taktakpur, Varanasi.
16. Ram Bali Ram
S/o Sri Mata Ram,
Village Parsipur,
Post, Rameshwar,
Varanasi
17. Mangla Prasad,
S/o Sri Mata Prasad,
R/o S-5/155, Lakshmanpur,
Varanasi
18. Smt. Mira Dubey
W/o Late Sri Om Prakash Dubey,
R/o S-8/211-K-I,
Sudharkar Road, Khajoori,
Varanasi
19. Raj Kumar Sonker,
S/o Late Sri Horilal,
R/o S-2/624-1 Sikrola,
Varanasi

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20. Satish Kumar,
S/o Sri Satya Narain
R/o 2/638, Sikrola,
Varanasi Cantt.
21. Sunil Kumar Singh,
S/o Sri Chandra Shekhar Singh,
R/o S/26/8, Meerapur Basahi,
Shivpur, Varanasi.
22. Rajesh Kumar Verma,
S/o Sri Girdhari Lal Shastri,
R/o D-64/126B, Madhopura,
Sigra, Varanasi.
23. Sanjai Kumar Srivastava
S/o Sri Munind Kumar Srivastava,
R/o 185/G,N.E. Railway Officers Colony,
Lahapatara, Varanasi.
24. Kishori Ram
S/o Sri Sita Ram
R/o Village Basani,
Post Office Jansoki Ki Madai,
District Varanasi.
25. Ram Krishna Pathak,
S/o Sri Bm Prakash Pathak,
R/o Village Narayanpur,
Post Office-Shivpur,
District-Varanasi.
26. Bhuneshwar Ram
B/o Sri Vijai Mal Ram,
R/o Village Navali,
Post Office.Torawa,
District-Varanasi.
27. Muni Shanker Dubey,
S/o Sri Raj Kishore Dubey,
R/o Village Bariya Tiwari,
P.O. Gaura Jai Nagar,
District-Deoria.
28. Sri Satya Prakash Dixit,
S/o Sri Triveni Dixit,
R/o J-6-75-A, Jaitpura,
Varanasi
29. Smt. Suman Lata,
D/o Satyanarain,
R/o SA 8/33, Sheopur,
Varanasi.
30. Sri Gorakh Nath Singh
S/o Sri Amresh Singh
R/o Village and Post Paari Kalan,
Varanasi.
31. Sujeet Kumar Srivastava,
S/o Sri Durga Prasad,
B-12/10, Gauri Ganj,
Bhelupur, Varanasi.

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32. Arvind Kumar Srivastava son of Bhrigu Nath Lal, Resident of 183, Ashok Vihar-I, Panch Koshi Road, Varanasi.
33. Ravinder Kumar, son of Sri Gajran Ram R/o C-9/20, Nabibpura, Chetganj, Varanasi.
34. Gaya Prasad, Son of Sri Ram Deo Ram, Village Ahiraula, Post-Poor, District-Ballia.
35. Mohd. Rashid, son of Sri Jainul Abidin R/o Chakia Bazar, Post-Chakia, District Varanasi
36. Prabhat Kumar Srivastava S/o Sri Udai Shanker Lal Srivastava, Resident of C-6, 144 Bag Bariyar Singh, Chetganj, Varanasi.
37. Ashok Kumar son of Sri Gulab Das Vishwakarma, R/o CK-63/98-A, Chhoti Piyari, Varanasi.
38. Mrs. Alpna Srivastava W/o Sri A.K. Sinha, R/o D-7, LIC Colony, Bholapur, Varanasi
39. Ramesh Kumar Sharma son of Shri Hari Prasad Sharma R/o B-20/34, Bhelupur, Varanasi.
40. Mohd. Soaib son of Shri Shah Mohd. Resident of Chaikia, P.O. Chakia, Varanasi.
41. Dinesh Kumar Srivastava son of Late Sri Harihar Lal Srivastava resident of Tilanga P.O. Gopiganj, District Varanasi.

..... Applicants

By Sri P. Khanna

Versus

1. Union of India through the Secretary Ministry of Home Affairs, New Delhi
2. The Registrar, General and Census Commissioner, Government of India, Ministry of Home Affairs, 2-A, Man Singh Road, New Delhi
3. The Director Census Operations, G.P., 6 Park Road, Lucknow
4. Regional Deputy Director of Census Operation, Varanasi

..... Respondents

By Sri Amit Sthalekar

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V. Original Application No. 542/93

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Lalmani Yadav son of Late Sri Jhingun Yadav
presently posted as Compiler/Coder in the
office Regional Tabulation Officer, Census
Department, Allahabad.

. Applicant

Versus

1. The Union of India through
the Secretary, Ministry of Home
Affairs, New Delhi.
2. The Registrar General and Census
Commissioner, Government of India,
Ministry of Home Affairs, 2-A, Man Singh
Road, New Delhi.
3. The Director Census Operations,
U.P., 6, Park Road,
Lucknow.
4. The Regional Tabulation Officer/
Deputy Director Census Operations,
U.P. Allahabad

. Respondents

By Sri Amit Sthalekar

A N D

VI. Original Application No. 692/93.

....

1. Vineet Kumar S/o Jagannath, resident
of Mohalla Aliganj Keuti Chauraha,
District Banda.
2. Suresh Kumar Nigam son of Brij Bihari
Lal Nigam, Resident of Village Palahari,
Post Guresh District-Banda.

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3. Pradeep Kumar Srivastava, son of
Jagdish Narayan Srivastava, Resident of
Madhiya Naka, Banda

. Applicants

Versus

1. The Union of India through the Secretary
Home Department Central Secretariate,
New Delhi.
2. Director Census Operations Uttar Pradesh
25, Nawalkishore Marg, Lucknow.
3. The Regional Deputy Director of Census
Operations, Jhansi Region, Jhansi.
4. Deputy Director Census Operation,
U.P., 27 Mahabir Pura Orai, Jalaun.

. Respondents

By Sri Amit Sthalekar

A N D

VII. Original Application No.913/93.

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1. Gokul Prasad
S/o Sri Amarju
R/o 1609, Jhansi Road, Ram Nagar,
Orai.
2. Brijendra Kumar Pandey
S/o Late Sri Suraj Prakash
Village and Post Karara,
District Hamirpur.
3. Ashok Kumar Saxena
S/o Sri Kirpa Dayal Saxena,
R/o 93, Matapura Orai.
4. Smt. Ram Kali Saxena,
W/o Swatendra Kumar Saxena,
R/o 93, Matapura, Orai.

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5. Sanjaya Pathak,
S/o Kailash Pathak,
R/o Pathapura, Orai.
6. Daya Shanker Misra,
S/o Gorey Lal
R/o Ram Nagar behind
Ram Lila Bhawan, Hamirpur.
7. Chandra Mohan
S/o Sri Swami Din Verma,
R/o King Road, Hamirpur.
8. Manish Kumar Srivastava,
S/o Late Sri V.K. Srivastava,
R/o 34, Mahabirpura, near Babu Ram Dubey,
Orai.
9. Prabhat Kumar Tewari,
S/o Sri Nawal Kishore Tewari,
R/o Near Anand Hospital,
Hamirpur, U.P.,
Hamirpur.
10. Pramod Kumar Suri
S/o Sri Krishna Lal Suri
R/o 13/4, Mahahirpura,
Orai.
11. Ikram Ullah Khan
S/o Sri Ashalam Mllahkhan
R/o 48, Shyam Nagar,
Orai.
12. Brij Narain Dwivedi,
S/o Sri Braj Raj Kishore Dwivedi,
R/o Village and Post Office Artara,
Mohalla Kot, District-Hamirpur.

..... Applicants

By Sri M.M.L. Srivastava

Versus

1. Union of India through the
Secretary, Ministry of Home Affairs,
New Delhi.

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2. The Registrar General and
Census Commissioner,
Government of India,
Ministry of Home Affairs,
2-A, Man Singh Road, New Delhi.
3. The Director, Census Operations, U.P.,
5, Park Road, Lucknow.
4. Regional Deputy Director of Census,
Operations, Jhansi Region, Orai.

. Respondents

By Sri Amit Sthalekar

A N D

VIII. Original Application No.1061/93.

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1. Akshaibat Pandey son of
Sri S.K. Pandey
R/o 305, New Mehdauri,
Teliyarganj, Allahabad.
2. Ram Shankar Rai son of
Sri J.B. Rai,
R/o 139F/12F, Rasulabad
Allahabad.
3. Triloki Nath Pandey Son of
Sri S.S. Pandey,
R/o 82-B/6-E, Rasulabad,
Allahabad.
4. Vimal Chandra Pandey son of
Sri B.N. Pandey,
R/o 118, Dal Mill, Rasulabad,
Allahabad.
5. Anirudha Upadhyay son of
Sri B.D. Upadhyay
R/o 58-H/1G, Govindpur, Allahabad.
6. Ashutosh Kumar Shukla son of
Sri J.P. Shukla,
R/o 8E/6A/Shivkoti Ganga Road
Teliyarganj, Allahabad.

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7. Shri Kant Upadhya son of
Sri B.P. Upadhya
R/p 20, MIG Mehdauri, Allahabad.
 8. Ranjeet Singh son of
Sri Karedeen Singh
R/o 174/13A/1, New Mehaduri,
Allahabad.
 9. Chandia Bhuchan Singh son of
Sri C.M. Singh,
R/o 174/8/3, New Mehadauri
Allahabad.
 10. Raghu Nath Singh son of
Sri S.S. Singh,
R/o 139F/12, Rasoolabad,
Allahabad.
 11. Shive Pujan Singh son of
Sri R.K. Singh,
R/o Koripur, P.O. Barampur.
Distt-Allahabad.
 12. Ved Prakash Pandey son of
Sri R.R. Pandey,
R/o Vill-Chandpur Biguliya
P.O. Karaundi
Distt-Allahabad.
- Applicants

By Sri R.D. Singh & Sri A.K. Pandey

Versus

1. The Union of India through the Secretary of
Home Affairs, New Delhi.
2. Registrar General and Census Commissioner
Govt. of India, Ministry of Home Affairs,
2-A, Man Singh Road, New Delhi.
3. Director, Census Operations U.P.,
6, Park Road, Lucknow.

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4. Deputy Director, Regional Tabulation
Office, Allahabad.

. Respondents

By Sri Amit Sthalekar

O R D E R

By Hon'ble Mr. S.Das Gupta, A.M.

Since a common question of law and facts is involved in the aforesaid petitions, these are being decided by this common judgement.

2. These O.As. were filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the relief of a direction to the respondents to regularise the services of the applicants from the date they have completed ^{the} ~~the~~ year of service and also to prepare a suitable scheme for the said purpose of absorption of the applicants.

3. The applicants were appointed on different dates in 1991 in the Directorate of Census Operation in connection with the census of 1991. Their services came to an end on 31.12.1992. The applicants' case is that as they have completed more than 240 days in one calendar year, therefore, they were entitled to one month's notice under Section 25-F of the Industrial Disputes Act. It is also stated that since the census work has ~~not~~ yet been completed in the department, there was no justification for terminating the services

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of the applicants with effect from 31.12.1992. They further stated that work is still continuing and the posts are still available, therefore, the applicants have been illegally deprived of the benefit of their continuous service and the action of the respondents is violative of Article 14 and 16 of the Constitution.

4. It has been further averred that in the cases of ~~Daily Rated~~ ~~Casual~~ Employees under Post and Telegraph Department Vs. Union of India and Others, respondents were directed to prepare a scheme on a rational basis for absorbing as far as possible the casual labourers who have been continuously working for more than one year in the Post and Telegraph Department. It is also stated that the said judgement of the Supreme Court was followed in the case of Income Tax Department Staff Welfare Association Vs. Union of India and Others. The applicants have, therefore, prayed that a similar policy be formulated by the respondents and the services of the applicants be regularised.

5. It appears from the record that the Lucknow Bench of the Tribunal in O.A. No.385/91 directed the respondents to frame a scheme within three months for regularisation of 900 employees appointed for 1981 census. Similar direction was given in O.A. No.491/91 for framing a scheme for absorption of daily~~r~~ated employees of the census department. Similar directions were given by

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several other Benches. It appears that the Union of India had filed SLP in the Supreme Court challenging the decisions. The Supreme Court has since decided this SLP and a copy of the order passed by the Supreme Court has been annexed by the respondents to the affidavit which has been filed. The operative portion of the said order dated 24.2.1995 reads as follows :-

"ENDS OF JUSTICE will be met if the Directorate of Census Operations, U.P. is directed to consider those respondents who have worked temporarily in connection with 1981 and/or 1991 census operations and who have been subsequently retrenched for appointments in any regular vacancies, which may arise in the Directorate of Census Operations and which can be filled by direct recruitment, if such employees are otherwise qualified and eligible for these posts. For this purpose the length of temporary service of such employees in the Directorate of Census Operations should be considered for relaxing the age bar, if any, for such appointments. Suitable rules may be made and conditions laid down in this connection by the appellants. The appellants and/or the Staff Selection Commission may also consider giving weightage to the previous service rendered

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by such employees in the Census Department and their past service record in the Census Department for the purpose of their selection to the regular post. It is directed accordingly. The appellants have, in their written submission, pointed out that as of now, 117 posts are vacant to which direct recruit can be appointed. They have also submitted that out of these posts, there were 88 vacant posts of data entry operator, Grade 8, which had been advertised for being filled up only from amongst the retrenched of 1981, 1984 and 1991. As per Recruitment Rules, only those retrenched were eligible to apply were graduate and had a speed of 8000 key depressions per hour of data entry. Although approximately 800 retrenched applied, only 476 appeared in the test conducted by the LIC of the Lucknow Unit and only 2 applicants qualified. Out of these, only one could be appointed, since the other person was overage, even after allowing for age relaxation. Whatever, may be the difficulties in giving regular appointment to such retrenched employees in the past, the appellants, namely the Union of India and the Directorate of Census Operation, U.P., are directed to consider these retrenched employees for direct a recruitment to regular posts in the Directorate of Census Operations, U.P., in the manner hereinabove stated. The retrenched employees, will, however, have

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a right to be considered only if they fulfil all other norms laid down in connection with the posts in question under the recruitment rule and/or in other departmental regulations/circulars in that behalf."

6. Since the facts in the applications before us and the cases in which the directions were given by the Lucknow Bench of the Tribunal and other Benches on which SLP was filed and since decided by the Supreme Court by the order dated 24.2.1995 are the same, the controversy is settled. We, therefore, dispose of these applications with a direction to the respondents to consider the cases of the applicants in accordance with the directions given by the Supreme Court by order dated 24.2.1995. The applications are disposed of accordingly leaving the parties to bear their own costs.

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A.M.

V.C.