

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH ALLAHABAD

Original Application No. 587 of 1993

Mahendra Kumar Tripathi & Others Applicants
Versus

Union of India & Others Respondents
Hon'ble Mr. K. Obayya, Member(Administrative)
Hon'ble Mr. A. K. Sinha, Member (Judicial)

(By Hon'ble Mr. K. Obayya, A.M.)

The above application has been filed for setting aside the order of termination 31.12.92 passed by the Regional Deputy Director of Census operations, Jhansi, region. The applicants four in number in this case, were appointed in the census department on the post of compilers during the year 1991. Vide impugned order, they have been terminated. The termination order is assailed, interalia, on the ground that the termination is bad in law and no notice was given to them prior to the termination and that their work has been found satisfactory, as such, the termination without opportunity of notice is violative of Principle of natural justice and also the provisions of Constitution.

2. During the course of the arguments, the learned counsel for the applicants brought our notice that the similar matter has been disposed of by the Tribunal in O.A. No. 1831/92 and he has prayed that the same directions as were given in these cases, may be issued in this case also.

3. We have gone through the judgement referred to above. The work in the census department is periodical. When the census operations take place, additional staff is recruited and after work is completed, the staff is disbanded.

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It is pointed out that the posts are abolished as there is no work for them on ~~continuation~~ basis. Similar matters came up before the Bench consisting of one of us (Hon'ble Mr. K. Obayya, A.M.) in O.A. No. 1831 of 1992 and other cases. The following directions were given in this case :-

"Accordingly, the respondents are directed to frame a scheme within 3 months which may contain the appointment of 900 or remaining employees and their absorption and regularisation and appointment of subsequently appointed employees who have been retrenched and their appointment in the department or elsewhere if they can be given appointment as retrenched employees, in the other departments, and those posts are not to be filled in by outsiders so long as these employees are appointed and including those who are waiting for their turn in pursuance of 1984 judgement and they will be given priority over the staff appointed in subsequent years. In case, the employees, who are still working or on the verge of retrenchment, or working under the interim orders of the court, will also be given benefit of the said scheme and their regularisation and absorption will also take place as mentioned above. If vacancies are existing or last date of working has been extended the incumbents will be allowed to continue to hold the post."

The above direction has been confined to 900 employees appointed earlier. But having considered the matter, we are of the view that the directions already given in O.A. No. 1831 of 1992 (Panna Lal & Others Vs. Union of India & Others) shall also form part of the judgement. The application is disposed of as above with no order as to costs.

Abdul Karim, Saheb
Member (J)

R. K. Obayya
Member (A)

Lucknow Dated: 17/5/1993
(RKA)