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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL  
BENCH AT ALLAHABAD.

.....

Dated: 21.08.1995

Hon'ble Mr. T.L. Verma, Member(J)  
Hon'ble Mr. S Dayal, Member(A)

O.A. No.131 Of 1993

1. Sri Kare Din Tripathi, S/o Sri Hari Prasad Tripathi, R/o Vill. Charwa Basera, P.O.Khaptiha Distt. Allahabad.
2. Sri Rama Kant Misra, S/o Sri Sheo Adhin Misra, R/o Pandeypur, P.O. Bamaila, Distt. Allahabad.
3. Sri Tileshwar Nath Tripathi, S/o Sri Ram Deo Tripathi, R/o Village Khojapur (Basuna) P.O. Bahadurgarh (Phulpur) Distt. Allahabad.
4. Smt. Jyotsna Misra, W/o Sri Surendra Prasad Misra R/o Vill. & P.O. Sukulpur, Distt. Allahabad.
5. Sri Surendra Prasad Misra, S/o Sri Ram Raksha Misra, R/o Vill \* P.O. Sukulpur, Distt. Allahabad.
6. Sri Om Prakash Pandey, S/o Sri Sangam Lal Pandey, R/o Vill. Mahori, P.O. Mahori Kharin, Distt. Allahabad.
7. Sri Shiv Surnam Misra, S/o Sri Aditya Narain Misra, R/o Vill. Kotari, P.O. Hetapatt, Distt. Allahabad.
8. Sri Updesh Kumar, S/o Sri Dina Nath, R/o 2 Fakireganj, Old Katra, Distt. Allahabad.
9. Sri Shyam Krishna Yadav, S/o Sri Amrit Lal Yadav, R/o 1082 Malviya Nagar, Allahabad.
10. Pramod Kumar Srivastava, S/o Sri Man Mohan Lal Srivastava, R/o 97A/3, Civil Lines Fatehpur.

11. Sri Shyam Sundar Tiwari, S/o late Guru Prasad Tiwari, Behind of Usuf Club 81, Civil Lines, Fatehpur.
12. Sarvesh Chandra Shukla, S/o Sri Hari Krishna Shukla, R/o 125 Jandoon, Fatehpur.
13. Sri Shyam Bhusan Pandey, S/o Sri Raj Nath Pandey, R/o 14 Tej Bahadur Sapru Road, Allahabad.
14. Smt. Laxmi Pandey, W/o Sri Gurudayal Pandey, R/o House No. 669 Old Katra, Allahabad. ... .. APPLICANTS.

VERSUS

1. The Union of India through The Secretary Ministry of Home Affairs, New Delhi.
2. The Registrar General and Census Commissioner, Govt. 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. Allahabad. ... .. RESPONDENTS.  
(By Advocate Sri A. Sthaleker)

IN FRONT OF WITH

O.A. No. 355 of 1993

1. Sri Faujdar Singh, S/o Sri Rama Shanker Singh R/o Vill. Dedopur Khurd, P.O. Chaubeypur, Distt. Varanasi.
2. Sri Suresh Kumar Singh, S/o Sri Ram Nath Singh Vill. Suruaapatty, P.O. Fatehgarh Distt. Jaunpur.
3. Sri Ram Lochan S/o Sri Ram Adhar, R/o Vill. Jhitampur P.O. Mughalsarai, Distt. Varanasi.
4. Sri Sukhdev Ram R/o H.N. 754/B New Central Colony Mughalsarai, Distt. Varanasi.

5. Sri Shiv Kumar Gupta, S/o Sri Hari Das Gupta, R/o Vill and P.O. Trilochan Mahadev, Baraganj, Distt. Varanasi.
6. Sri Kapil Deo Mishra, S/o Sri Ram Bhushan Misra, R/o Vill. Chirozpur, P.O. Eatshganj, Distt. Janpur.
7. Sri Vijay Kumar, S/o Sri Vishwa Nath Prasad, R/o Vill. Barhua, P.O. Chadupur, Distt. Varanasi.
8. Sri Amar Nath, S/o Sri Banshu Ram H.No. 407/H Loco Colony, Mughalsarai, Distt. Varanasi.
9. Sri Kanchan Ram, S/o Sri Rajju Ram R/o Vill. Vishunpur, P.O. Fehti Malipur, Distt. Mau.
10. Sri Ashok Kumar Bharti, S/o Sri Murlidhar, R/o Vill. Naseeruddinpur, p.o. Basalatpur, Distt. Jaunpur.
11. Smt. Bimala Devi W/o Sri Hira Lal Sonia, R/o 347 Mainpur, P.O. Sadar, Distt. Jaunpur.
12. Sri Ram Asrey S/o Sri Mangroo Ram R/o Vill. Gathana, P.O. Narauli, Distt. Jaunpur.
13. Mrs. Sunita Devi, D/o Sri Deonandan Ram, R/o Vill. & P.O. Hasimpur, Distt. Jaunpur.
14. Smt. Asha Devi Sharma, W/o Sri Sheo Ram Sharma, R/o Moh. Sheikhpur Near Jail, P.O. Kutchery, Janpur.
15. Smt. Saroj M, aurya, W/o Sri Ashok Kumar Maurya, R/o Village Izeri, P.O. Sai Jalalpur, Distt. Jaunpur.
16. Fateh Mohammad S/o Sri Abdul Subhan, R/o Vill. Bhagapatti, P.O. Muftiganj, Distt. Jaunpur.

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17. Mohammad Halim, S/o Sri Mohammad Anwar, R/o Mohalla Rizvi Khan, P.O. Sadar, Jaunpur.
18. Mohammad Firoz Khan S/o Sri Mohammad Usman Gani, R/o Mohalla Rizvi Khan, P.O. Sadar, Jaunpur.
19. Mohd. Nasir Raja, S/o Sri Abid Raja, R/o Mohalla Makhadoom Shaeen, P.O. Sadar Distt. Jaunpur.
20. Sri Uma Shanker Yadav, S/o Sri Lalita Prasad Yadav, R/o Vill Poora Andheri, P.O. Ranipur, Distt. Jaunpur.
21. Km. Manju Singh D/o Sri Jai Shanker Singh, R/o Mohalla Tatatala, P.O. Sadar, Distt. Jaunpur.
22. Shobha Nath Prajapati, S/o late Sri Bhaggal Ram Prajapati, R/o Mohalla Purani Bazar, P.O. Sadar Distt. Jaunpur.
23. Sri Shabhajeet Prajapath, S/o Sri Bhulai Ram Prajapati R/o Vill. Dudauli, P.O. Guljarganj, Jaunpur.
24. Ram Pyare Lal, S/o Sri Raja Ram Yadav, R/o Vill. Chakapithana, P.O. Amaramuftiganj, Jaunpur.
25. Smt. Malti Devi, W/o Sri Anand Prakash Srivastava, R/o Mohalla Tarapur, P.O. Kutchehry, Jaunpur.
26. Smt. Bimla Devi Srivastava, W/o Sri Jagannath Verma, R/o Hussainbad, P.O. Kutchehry, Jaunpur.
27. Smt. Sudha Srivastava, W/o Sri Santosh Kumar Srivastava, R/o Hussainbad, P.O. Kutchehry, Jaunpur.
28. Jai Gopal Srivastava, S/o Sri Indra Nath Srivastava, R/o Vill. Kanawa, P.O. Bujurga, Jaunpur.

29. Pursottam Ram S/o Sri Munnar,  
R/o Vill. Salarpur, P.O. Vijuraga  
Jaunpur.
30. Jhalla Prasad, S/o Sri Mew Lal, R/  
Vill. Sunderpur, P.O. Etai,  
Jaunpur.
31. Sant Lal, S/o Sri Moti Lal  
R/o Vill. Newada, r La  
P.O. Daodi; Dfstt. Jaunpur.
32. Indu Raj Srivastava, S/o Sri Akchhabar  
Lal, R/o Vill. Magaini, P.O. Sarvat Sani  
Jaunpur.
33. Mahendra Kumar Patel, S/o Sri Sukh  
Raj Patel R/o Vill. Hussainpur,  
P.O. Etai, Jaunpur.
34. Baij Nath Yadav, S/o Sri Sita Ram  
R/o Vill. Salarpur, P.O. Bujurga,  
Distt. Jaunpur.
35. Bansh Raj, S/o Sri Ram Khelawan,  
R/o Vill. R.D.O. Eatai,  
Jaunpur.
36. Indra Sen, S/o Sri Munner,  
R/o Vill. Banebara, P.O. Etai,  
Jaunpur.
37. Lakshmi Shanker, S/o Sri Ram Dular,  
R/o Vill. Chanai Dhekaha, P.O. Kutupur,  
Jaunpur.
38. Bans Raj Patel, S/o Sri Budhi Ram  
R/o Vill. Har Sinhpur, P.O.  
Etai, Jaunpur.
39. Paras Nath, S/o Sri Ram Kewal,  
R/o Vill. Bindraban, P.O. Biaruni,  
Jaunpur.
40. Ram Bali, S/o Sri Jokhan Ram,  
R/o Vill. Bindraban, P.O. Birauni,  
Jaunpur.

41. Gorakh Nath, S/o Sri Salig Ram,  
R/o Vill. Karmaipur, P.O. Dabathua,  
Varanasi. ... .. APPLICANTS:

( By Advocate Sri Piyush Khanna)

VERSUS

1. Union of India through the Secretary,  
Ministry of Home Affairs,  
New Delhi.
2. The Registrar General and Census  
Commissioner, Govt. 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. Regional Dy. Director of Census  
Operation Jaunpur. ... .. RESPONDENTS.

( By Advocate Sri A. Sthaleker)

A N D

O.A. No. 1102 Of 1993  
Sunil Kumar Sharma, Son of Sri  
Hari Babu Sharma, R/o Village,  
Bangra Distt. Jhansi. ... .. APPLICANT.

(By Advocate Sri Sudamaji Shandilya &  
Sri Vivek Shandilya)

VERSUS

1. Union of India, through Ministry  
Of Home Affairs,  
New Delhi.
2. Director of Census Operations,U.P.  
6 Park Road, Lucknow.
3. Regional Dy. Director Census Operation  
Regional Tabulation Office Jhansi,  
Region Orai. ... .. RESPONDENTS.

(By Advocate Sri A. Sthaleker)

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A N D

O.A. No.1257 Of 1993

Mansoor Ahmad Khan ,S/o Sri Manjoor  
Ahmad Khan,R/o Ramnagar,  
Varanasi. . . . . APPLICANT.

(By Advocate Sri M.M. Saha)

VERSUS

1. Union of India through the Secretary  
Ministry of Home Affairs,  
New Delhi.
2. The Registrar General and Census  
Commissioner, Govt. 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 Tebulation Officer/Dy.  
Director Census Operation, Jhansi,  
Region Orai. . . . . RESPONDENTS.

(By Advocate Sri A. Sthaleker)

A N D

O.A. No.1927 of 1993

Smt. Indu Singh wife of Shri Rajiv  
Ratan Singh, D/o Shri Tahasildar Singh  
R/o Distt. Jaunpur. . . . . APPLICANT.

(By Advocate Sri Upendra Singh)

VERSUS

1. The Union of India, through the Secretary  
Ministry of Home Affairs,  
New Delhi.
2. The Registrar General and Census  
Commissioner, Govt. 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 Assistant Director, Census Operations,  
Regional Tabulation Office,  
Jaunpur. ... .. RESPONDENTS.

( By Advocate Sri A. Sthaleker )

Ø R D E R

( By Hon. Mr. T. L. Verma, Member(J) )

Since ~~an~~ all the above cases, common and identical question of law and facts is involved, ~~they~~ <sup>yes</sup> are being disposed of by this common judgment.

2. These Original Applications have been 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 one 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 the year 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 calender 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 of the applicants with effect from 31.12.1992 .They further stated that the work is still continuing and the posts are still available, therefore, the applicants have been illegally deprived of the benefits of their continuous service and the

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action of the respondents is violative of Articles 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 judgment of the Supreme Court was followed in the case of Income Tax Department Staff Welfare Association Vs. Union of India. 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 of 1991 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 rated employees of the census department. Similar directions were given by several other Benches. It appears that the Union of India had filed S.L.P.in the Supreme Court challenging these decisions .The Supreme Court has since decided this S.L.P. and a copy of the order passed by the Supreme Court has been annexed 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 Operation, 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 weightage to the previous service rendered 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 B, which had been advertised for being filled up only from amongst the retrenched of 1981, 1984 and 1991.

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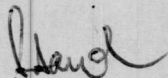
As per Recruitment Rules, only those retrenched were eligible to apply, who were graduate and had a speed of 8000 key depressions per hour of data entry. Although approximately 88 retrenched applied, only 476 appeared in the test conducted by the L.I.C. of the Lucknow Unit and only 2 applicants qualified. 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 recruitment to regular posts in the Directorate of Census Operations, U.P. in the manner hereinabove stated. The retrenched employees, will, however, have 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 S.L.P. 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

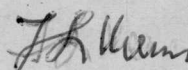
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consider the case of the applicants in accordance with the directions given by the Supreme Court by order dated 24.2.1995. The applications are disposed of accordingly leaving the parties to bear their own costs.



MEMBER(A)



MEMBER(J)

(N.U.)