

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH
XXXXXX NEW DELHIO.A. No. 111
XXXXXX

1991

DATE OF DECISION 8.4.1991

Shri M.M.Saiyad & Ors.

Petitioner

Mr.Y.H.Vyas

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr.P.M.Raval

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M.Singh

: Administrative Member

The Hon'ble Mr. R.C.Bhatt

: Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *N*
3. Whether their Lordships wish to see the fair copy of the Judgement? *N*
4. Whether it needs to be circulated to other Benches of the Tribunal? *N*

1. Shri M.M.Saiyad,
1352/1, Imam Bapuni Society,
Last Lane, Morkasvad, Mirzapur,
Ahmedabad.
2. Shri Rameshbhai K.Parmar,
Brahminagar, Near Shital
Chhaya Society, Odhav,
Ahmedabad.
3. Shri Mahendrabhai Lallubhia
Shimali, 67/1, Prerna Society,
Rakhial Road, Ahmedabad.
4. Shri Pravinchandra A.Waghela,
Tinu Park, Shahibaug Tolnaka,
Camp Road, Shahibaug East,
Ahmedabad.
5. Shri Suryakant B.Parmar,
Hebatpur, P.O. Thaltej Road,
Taluka Dascroi, Dist. Ahmedabad.
6. Shri Desai Liladhar Babubhai
46, Nagori's Chowk,
Opp. Police Station, Gomtipur,
Ahmedabad.
7. Shri Babubhai Ramjibhai Chavda,
1 2425/2, Mahesaniavas, Near
Rangila Police Chowky, Shahpur,
Ahmedabad.
8. Shri Mahboobkhan E.Pathan,
34, Jaihind Society, Near
Dani Limda Char Rasta, Dani
Limda, Ahmedabad.
9. Shrimati Chhayaben C.Desai,
Madvini Police, 1051/2,
Lallubhai's Pole, Ahmedabad.
10. Shri Sondanva Valjibhai Rajabhai,
18/422, Parixitlanagar, Municipal
Block-B, Behrampura, Ahmedabad.
11. Shri Mahesh V.Pandya,
33, Dhanlaxmi Society,
Opp. Satyanagayan Temple,
Ghatlodia, Ahmedabad.
12. Shri Noel Fedrick Christian,
6, Sion Park Society,
Behind Jaybharat Kabadi Market,
Ahmedabad.

: Applicants

(Advocate: Mr.Y.H.Vyas)

Versus

1. Union of India
through:
The Secretary,
Ministry of Home Affairs,
Directorate of Census Operation,
New Delhi.

(3)

2. The Director of Census Operations,
Gujarat Region, Kherawala Building,
Opp. V.S.Hospital, Ellisbridge,
Ahmedabad.

3. The Deputy Director of Census
Operations, Above Central Bank of
India, Near Manekbhaug Hall,
Bhuderpura Branch, Ambawadi. : Respondents
(Advocate: Mr.P.M.Raval)

O R A L O R D E R

O.A./111/1991

Date: 8.4.1991

Per: Hon'ble Mr. M.M.Singh : Administrative Member

1. In this original application the relief sought by 12 applicants who are not government servants at present is for direction that decision of the respondents of not taking them in the employment of the respondents as Coder be declared bad, illegal and arbitrary, that the respondents be directed to appoint the applicants as ~~A~~ Coders on regular and permanent basis and a declaration that the policy of the respondents of appointing only the persons above the age of 35 years who have worked earlier as Coders with the respondents in connection with the work of census operations undertaken in past is bad, illegal, void and violation of Article 14th of the Constitution of India.

2. The learned counsel for the applicants is not seeking enforcement of any rule or ~~modification~~ ^{notification} the breach of which might have given right to any grievance seeking reliefs above.

3. The learned counsel for the applicants relies on Supreme Court's order at page of Annexure A-3 by which the Supreme Court directed ^{that} the petitioners No.2 to 15 who had earlier experience of census work in previous Census Operation should be afforded an opportunity to work on a temporary basis in the corresponding assignments for the current Census Operation, and that when so appointed the

M. M. J.

the appointment shall be on a temporary basis and without prejudice to the contentions of the respondents in the appeals. It is further stipulated in this order that the appointments shall be strictly subject to the terms on which Government proposes to recruit Coders and Checkers for the current Census Operation.

4. Considering the tenability of reliefs on the basis of this order of the Supreme Court, the second relief at 8(b) seeking appointment on a regular and permanent basis ^{is liable to be rejected} ⁱⁿ related forthwith. The order of the Supreme Court does not contemplate any such appointment. The first relief at 8(a) has to be rejected because the Supreme Court has not in any manner abridged the authorities competent ^{to recruit} ⁱⁿ Coders and Checkers for the current Census Operations. With regard to 8(c), ^{has} ⁱⁿ not copy of any policy or rule which is sought to be declared as void has been annexed, there is no question of declaring any such policy void ab initio.

5. Besides, the order of Supreme Court has been given with regard to such petitioners before the Supreme Court whose services were terminated on the ground that the establishment of the regional office at Gujarat has ⁱⁿ bound ^u which is not the case of the applicant herein.

6. In view of the above, we find that the application has no merits for further consideration and is hereby rejected.

Nevil
(R.C.Bhatt)
Judicial Member

H. M. Se.
(M.M.Singh)
Administrative Member