

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD**

O.A.No.533/1993

Ahmedabad this the 10th day of March, 2000

Hon'ble Mr. V. Ramakrishnan, Vice Chairman
Hon'ble Mr. P.C.Kannan, Judicial Member

Jani Narendrakumar. L.
Coder

In Deputy Director of Census Operation,
Gujarat, Ahmedabad.

C/o. Shri R.B. Thakar,

B-9, Gomtipur Police Station Quarters,

Opp: Patel Mills,

Gomtipur, Ahmedabad.

Applicant.

By Advocate: Mr. K.K. Shah

VERSUS

1. Director of Census Operation,
Gujarat, Ahmedabad.

2. Directorate of Census Operation,
Kerawala Building,
Opp: Vadilal Sarabhai General Hospital,
Ellisbridge, Ahmedabad.

Respondents.

By Advocate: Mrs. P. Safaya.

ORDER (Oral)

Hon'ble Mr. V. Ramakrishnan, Vice Chairman

We have heard Mr. K.K. Shah for the applicant and Mrs. P. Safaya for the respondents. We find that in OA 344/92 an identical issue was raised and it was decided by the Tribunal on 7th March, 2000. We have observed therein that census operation being seasonal, it is not possible to engage a large number of persons on a long term basis. The applicant who was engaged was informed that the post was specifically created for the census work and on completion of the specified census work, it would stand abolished and the staff disbanded. He also entered into a contract where the period of service was only for one year and he cannot now claim that he was engaged against regular post when such recruitment was clearly short term and was not done by the regular recruitment agency like Staff Selection Commission etc. There is also no merit in the reliance on the provisions of ID Act.

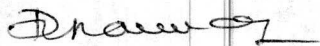
2. Mr.K.K. Shah has submitted that the Supreme Court has recently given some direction with regard to engagement of persons, who were earlier engaged in Census operations. If so the respondents shall act ~~upon~~ according to such direction of the Supreme Court.

3. In the facts and circumstances of the case and following the decision of the Tribunal in OA 263/94 and OA 344/92 we hold that the claim of the applicant for setting aside the order of termination can not be sustained but however, the applicant can apply for appointment to the Directorate of

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Census Operations against any post falling vacant if he fulfils the qualification and other conditions prescribed for appointment to such post and, if he applies, they shall consider his case in accordance with the rules governing such appointment. In case the applicant is found to be over aged a one time relaxation in age may be given to him provided he was within the age limit prescribed for appointment at the time of his initial recruitment in the Census Organisation. We further direct that if the applicant were to submit an application to the Department, the Department while making any recruitment for the post of Coder shall take into account his past experience along with similarly situated persons. The respondents shall also comply with any direction of the Supreme Court in such matters.

4. With the above direction, OA is finally disposed of with no order as to costs.



(P.C. Kannan)
Member(J)



(V. Ramakrishnan)
Vice Chairman

Vtc.