



O.A.No.38 of 1994

R.K.Mallia and others

... Applicants

Vs.

Union of India & Others

... Respondents

For the applicants ... Mr.S.C.Samantray, Advocate

For the Respondents ... Mr.Ashok Mishra, Senior
Standing Counsel(Central)

O.A.No.39 of 1994

A.C.Kundu and others

... Applicants

Vs.

Union of India and others

... Respondents

For the Applicants ... Mr.S.C.Samantray, Advocate

For the Respondents ... Mr.K.C.Mohanty, Government
Advocate for the State and
Mr.Ashok Mishra, Senior St.
Counsel(Central).

O.A.No.79 of 1994

C.K.Mardraj and others

... Applicants

Vs.

Union of India & Others

... Respondents

For the applicant ... Mr.S.C.Samantray, Advocate

For the Respondents ... Mr.Ashok Mishra, Senior Standing
Counsel(Central).

O.A.No.95 of 1994

B.N.Samantray and others

... Applicants

Vs.

Union of India & Others

.. Respondents

For the applicants ... M/s Deepak Misra, A.DEO,
B.S.Tripathy, P.Panda,
D.K.Sahu, Advocates.For the Respondents ... Mr.Ashok Misra, Senior Standing
Counsel(Central).

O.A.No.96 of 1994

Gangadhar Sahoo and others

... Applicants

Vs.

Union of India & Others

... Respondents

For the applicants .. as in O.A.No.95 of 1994

For the respondents ... Mr.Ashook Misra, Senior Standing
Counsel(Central)



O.A.No.97 of 1994 R.C.Samal and others ... Applicants

Versus

Union of India & Others ... Respondents

For the applicants ... M/s. Deepak Misra, A.Deo,
B.S.Tripathy, P.Panda,
D.K.Sahu, Advocates.

For the Respondents ... Mr. Ashok Mishra, Senior
Standing Counsel(Central).

O.A.No.104 of 1994 S.K.Rout and others ... Applicants

Versus

Union of India and others ... Respondents

For the Applicants ... M/s. L.Mohapatra, M.R.Mohanty-2,
B.K.Nayak, Advocates.

For the Respondents ... Mr. Ashok Mishra, Senior Standing
Counsel(Central).

O.A.No.60 of 1994 D.N.Singh and others ... Applicants

Versus

Union of India and others ... Respondents

For the Applicants ... M/s- Ashok Mohanty, P.R.Dash,
Advocates.

For the Respondents ... Mr. Ashok Misra, Senior Standing
Counsel(Central).

O.A.No.101 of 1994 D.K.Mohapatra and others ... Applicants

Versus

Union of India & Others ... Respondents

For the Applicants ... M/s.S.D.Das, B.N.Udgata,
S.K.Samantray, Advocates

For the Respondents ... M/s.Ashok Mishra, B.Pal,
O.N.Ghosh, Senior Standing
Counsel.



O.A.No.108 of 1994 P.C.Mohanty and others ... Applicants

Versus

Union of India & Others ... Respondents

For the Applicants ... Mr.B.C.Samantray, Advocate

For the Respondents ... M/s. Ashok Misra, B.Pal, O.N.Ghosh
Senior Standing Counsel.

O.A.No.213 of 1994 B.N.Barik ... Applicant

Versus

Union of India and others ... Respondents

For the Applicant ... Mr/s.G.R.Verma, P.K.Panda,
Advocates

For the Respondents ... M/s. Ashok Mishra, B. Pal,
O.N.Ghosh, Senior Standing
Counsel (Central) and Rlys.

O.A.No.231 of 1994 M.P.Mahalik ... M/s Deepak Mishra, R.N.Naik,
A.Deo, B.S.Tripathy,
P.Panda, Advocates.

Versus

Union of India & Others ... M/s. Ashok Mishra, B. Pal
O.N. Ghosh, Senior
Standing Counsel

O.A.No.233 of 1994 A.B.Ray ... Applicant

Versus

Union of India & Others ... Respondents

For the Applicant ... M/s.A.S.Naidu, A.K.Rath,
P.K.Mohapatra, P.K.M^uhanty,
P.K.Rath, S.P.Choudhury, D.R.Ray,
Advocates.

For the Respondents ... M/s. Ashok Mishra, B. Pal,
O.N.Ghosh, Senior St.
Counsel (Central) and Rly.s.

DATE OF DECISION: MAY 5, 1994

CORAM:

THE HONOURABLE MR.K.P. ACHARYA, VICE CHAIRMAN

&

THE HONOURABLE MR. H.RAJENDRA PRASAD, MEMBER (A.MN)

JUDGMENT

K. P. ACHARYA, V.C.

We have heard all these cases one after the other. Since common questions of fact and law are involved in these cases, it is directed that this common order will govern all these cases mentioned above.

2. All the above mentioned cases arise out of grievances of different petitioners who were serving in the Census Department at Bhubaneswar in different capacities. All of them have been retrenched and therefore, prayer is made on behalf of all the petitioners in all these cases for issuing directions to consider the cases of the petitioners for being appointed against 32 posts of data entry operators and some other posts. All these cases except O.A. No.144 of 1994 came up today for hearing and O.A. No.144 of 1994 was placed for admission and hearing. Mr. Ashok Mishra, Senior standing Counsel (Central) prayed for an adjournment to enable him to file counter in some cases. We did not like to get the matter linger^{ed} because it would not be in the interest of other parties. Therefore, we propose to finally dispose of all the cases mentioned above with certain directions enumerated below.

2. We would direct that all the petitioners, in all the above mentioned cases shall file their applications for considering their cases for appointment to the posts of data entry operator and for any other post/posts if



available and if any other retrenched candidate who is not an applicant before us applies for such posts within 25th May, 1994 then his /her case should also be considered. We hope and trust as directed earlier, the seniority list of all retrenched candidates must have been prepared and it is further directed that the interview must take place between 15th June, to 28th June, 1994 and each and every applicant should be noticed by Regd. Post calling upon the applicants to appear on a particular date to be fixed by the authorities for interview. If there is any age bar of those retrenched candidates, it is hereby relaxed.

3. Another grievance was raised before us that during the period of service rendered by the petitioners in all these cases, ^{they} have not received certain financial benefits accruing in their favour in regard to medical reimbursement, bonus and other allowances etc. We give no specific direction in this regard but we would say that if the petitioners are entitled to any such financial benefits according to the contract, then the concerned authority should examine the matter and grant such emoluments in favour of the petitioners in all these cases, according to their entitlement under the rules. We hope and trust the financial benefits, on this account (if the petitioners are entitled to) should be paid to them within 45 days from the date of receipt of a copy of the judgment.



4. In some of these applications, prayer of the petitioners is to direct the Railway Authorities and some other Central Government authorities to adjust the petitioners against the Post/posts lying vacant under such authorities if those petitioners do not turn out successful in the interview to be conducted by the Director, Census. We pass no orders on this prayer but we keep this matter open giving liberty to the petitioners who would like to approach this Bench in future if occasion arises.

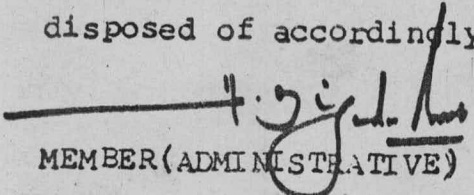
5. In all these matters, we have heard Mr. Ashok Mohanty learned Counsel appearing for some of the petitioners, Mr. B.S.Tripathy learned counsel appearing for some of the petitioners, Mr. S.C.Samantray learned counsel appearing for some of the petitioners, Mr.L. Mohapatra learned Counsel appearing for some of the petitioners, Mr.B.N.Udgata learned counsel appearing for some of the petitioners, Mr. A.S.Naidu learned counsel appearing for some of the petitioners. We have also heard Mr. Ashok Mishra learned Senior Standing Counsel (Central) Mr.U.B.Mohapatra learned Additional Standing Counsel, learned Government Advocate, Mr. K.C.Mohanty and Mr.B.Pal learned Senior Standing Counsel (Rly.s) appearing for some of the Opposite Parties in some cases and after hearing all the counsel mentioned above, this order is passed.

VN

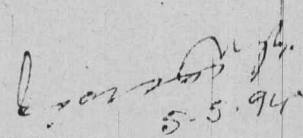


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6. Thus, all the above mentioned cases are disposed of accordingly. No costs.



MEMBER (ADMINISTRATIVE)

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5.5.94
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench/Cuttack/H. Mohanty
May 5, 1994.

TRUE COPY

B. Sat 

Section Officer,
Central Administrative Tribunal,
Cuttack Bench, Cuttack.