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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH;CUTTACK.

ORIGINAL APPLICATION NO.277 OF 1998

Cuttack, this the 12th day of October, 1999

Sri Siries Kumar Mahanta Applicant
Vrs.

Union of India and another Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? Yes,
2. Whether it be circulated to all the Benches of
the Central Administrative Tribunal or not? No .

(G.NARASIMHAM)
MEMBER(JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
12.10.99

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CUTTACK BENCH;CUTTACK.

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CORAM;

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER (JUDL.)

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Sri Siries Kumar Mahanta
aged about 31 years, son of
Chintamani Mahanta, Ex-Compiler
in the office of Regional Deputy Director
of Census Operation, Keonjhar Region,
At/PO/District-Keonjhar, permanent
resident of At-Banabir, PO-Bhanarpur,
District-Keonjhar Applicant

Vrs.

1. Union of India, represented through
its Secretary to Government of India,
Ministry of Home Affairs,
New Delhi.
2. Director of Census. At/PO-Saheed Nagar,
Bhubaneswar, District-Khurda Respondents

Advocates for applicant - M/s D.P.Dhalsamant
G.S.Nantar
T.K.Mahanta

Advocate for respondents-Mr.U.B.Mohapatra,
ACGSC.

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ORDER

SOMNATH SOM, VICE-CHAIRMAN

In this Application under Section 19 of Administrative
Tribunals Act, 1985, the petitioner has prayed for a direction
to the respondents to restore the service of the applicant
on regular basis.

2. The applicant's case is that on being sponsored
by the Employment Exchange, he appeared at an interview
duly
and was/selected for the post of Compiler in the office

of Deputy Director, Census Regional Tabulation Office, Keonjhar, in order dated 16.4.1991. The applicant's letter of appointment dated 24.4.1991 at Annexure-3 indicates that he was appointed on contract basis as Compiler with effect from 22.4.1991 for a period of one year or until further orders whichever is earlier on a consolidated salary of Rs.900/-. The applicant joined the ^{Regional} Tabulation Office and in order dated 27.2.1992 his services were terminated with effect from 29.2.1992 on expiry of the contract period. The applicant has stated that in view of his good work he was allowed to continue for a further period of four months and his services were finally terminated with effect from 30.6.1992 vide discharge-cum-conduct certificate at Annexure-5. The applicant filed a representation (Annexure-6) praying for adjustment in any other post but without any result. The applicant has stated that the law is well settled that the employees should not be employed on hiring and firing basis and on that ground he has come up with the prayer referred to earlier.

3. The respondents in their counter have not disputed the averment of the applicant about his engagement on contractual basis for a period from 22.4.1991 to 29.2.1992 with consolidated salary of Rs.900/-. They have also stated that the applicant's service was terminated with effect from 29.2.1992 afternoon on expiry of the contract period, but he was allowed to continue for four more months due to continuance of the post. It is stated that a number of similar cases were filed by retrenched contractual workers of the census organisation in this Bench of the Tribunal as well as in other Benches.

Those cases have been dismissed and therefore this case also is without any merit. The contractual employees have no right for regularisation. The respondents have denied the averment of the applicant that a contract worker on consolidated salary has equality of status with regular employees. It is stated that no assurance was given to the applicant that his services would be regularised. It is further stated that after the decennial census operation of 1991 sorting and tabulation of collected data were done in the Regional Office before the records were sent to the Directorate's office for further processing. The sorting and tabulation works are done during stipulated period and for this work a huge number of additional hands are engaged for limited period on contract basis. After this work is over the Regional Offices are wound up and the persons engaged on contract basis are retrenched. It is also stated that regular vacancies in the Directorate are filled up following the Recruitment Rules and the retrenched contract employees cannot be regularised against those posts. On the above grounds, the respondents have opposed the prayer of the applicant.

4. We have heard Shri D.P.Dhalsamant, the learned counsel for the petitioner and Shri U.B.Mohapatra, the learned Additional Standing Counsel for the respondents and have also perused the records.

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5. From the pleadings of the parties it is clear that the applicant was engaged as a contractual worker for a period of one year on consolidated salary. After expiry of the first period of one year he was continued for another four months because of continuation of the work. After the work of tabulation was over there was no need

to engage the applicant and therefore his engagement was terminated. It is stated by the respondents that Regional Offices were also abolished after the tabulation work was over. In view of this, the claim of the applicant for a direction to the respondents to continue to engage the applicant is held to be without any merit and is rejected.

6. The learned counsel for the petitioner has relied on the decision of the Hon'ble Supreme Court in the case of Government of Tamil Nadu and another v. G.Mohamed Ameenuddin and others, AIR 1999 SC 2202. In this case the Hon'ble Supreme Court have taken note of the fact that once in a decade census operation is carried out and persons who have registered themselves in the Employment Exchange get jobs in the Census Department and when the project is over their employments come to an end and they are retrenched thereby losing both the employment and their position in the queue in the Employment Exchange. Taking note of this fact the Hon'ble Supreme Court have directed that in these circumstances it would be appropriate for the Government of Tamil Nadu, the appellant before them, to work out a scheme to absorb these employees in appropriate employments. Their Lordships have also observed that while drawing up the scheme the Government may also bear in mind whether these employees can be recruited in the local authorities, quasi-governmental organisations or Government companies. In this judgment their Lordships of the Hon'ble Supreme Court have further ordered that the matter should be called after eight weeks. Presumably after eight weeks the scheme prepared by the Government

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of Tamil Nadu would be placed before the Hon'ble Supreme Court for their Lordships' consideration. It is submitted by the learned counsel for the petitioner that the Tribunal should give a direction that if and when such a scheme is framed and comes into existence, the applicant should get the benefit of such a scheme. We note from the above judgment of the Hon'ble Supreme Court that the above direction of their Lordships has been given to the Government of Tamil Nadu. In case a similar scheme is prepared by the Respondents before us for absorption of retrenched contractual employees engaged by the Census Organisation and the applicant's case is covered under such a scheme, naturally the applicant will be entitled to get the benefit of such scheme.

7. In the result, therefore, we hold that the application is without any merit and the same is rejected but, under the circumstances, without any order as to costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

12.10.99