

ORDER NO.21 DATED 04-02-2002.

Both the applicants namely Ajit Kishore Nanda, Son of Janardan Nanda, Village-Junagarh, PO/PS:Junagarh, District-Kalahandi and Hemanta Kumar Das, Son of Achutananda Das of Village-Kosalapada, PO/PS:Bhabanipatna, District-Kalahandi were temporarily engaged for a period of one year from 01-07-1991 to 30-06-1992 to help in the 1991 Census Operation for sorting and Tabulating of Census Data under the Regional Deputy Director of Census Operations in Koraput Region of Orissa. They were paid a consolidated remuneration at the rate of Rs.900/- per month during the said period of one year.

2. In December, 1992, the Registrar General of India, incharge of Census in the Ministry of Home Affairs, wrote letters to the Director General of Employment and Training of Labour Ministry of Government of India ; Director(Staff) Railway Board, New Delhi and to the Chairman of the Staff Selection Commission, New Delhi to show preferential treatment in favour of retrenched staffs of Census Organisation. Some of the retrenched staffs of 1991 Census Operations approached this Tribunal in a series of cases i.e. OA No.144/1994 and other cases which were disposed of by this Tribunal in a common judgment on 5-5-1994 with the following directions:

\*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. Accordingly selection for regular recruitment was taken and, as disclosed in the counter, some of the retrenched persons were given regular engagement in Census Organisation.

4. As it appears, applicants took no step for seeking employment with preference of experience in Census Organisation and after a lapse of eight years, have filed the present Original Application raising the grievances for not having been provided any employment.

5. While keeping open the question of limitation/delay involved in the present case, another Division Bench of this Tribunal on 1.5.2000 recorded the submissions of the counsel for the petitioners and issued interim directions to the following extent;

\*It is submitted by learned counsel for the petitioners that in view of Census Operation undertaken by the Department for 2001, a large number of persons are going to be appointed and the case of applicants should also be considered at the time of selection/appointment to such posts. In consideration of the above, the prayer for interim relief is disposed of

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with a direction to Departmental Authorities, particularly Res.4 that in case for the Census Operations, 2001 respondents take up the appointments to newly sanctioned posts, and in case the petitioners apply for any of such posts, their cases should also be considered as retrenched employees in their turn provided they apply for the posts<sup>a</sup>.

6. It is not known as to whether the present applicants applied for engagement in the Census Operations, 2001 or as to whether they have been engaged or not. The Counsel for the Applicants have choosen to remain absent repeatedly for last four dates i.e. on 3-9-2001, 7-11-2001, 4-1-2002 and on 31-1-2002. On 31-1-2002 we perused the Original Application and the counter filed by the Department with the aid and assistance of Learned Additional Standing Counsel Mr.U.B. Mohapatra.

7. The applicants having approached this Tribunal in the present Original Application after lapse of eight years, this case is grossly barred by limitation and hence the same is dismissed on the ground of delay and laches.

8. In the result, the Original Application is accordingly dismissed but there shall be no order as to costs.

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
4.2.2002

*Manoranjan Mohanty*  
04.02.2002  
(MANORANJAN MOHANTY)  
MEMBER(JUDICIAL)

KNM/GM.

Free copies of final  
order dt. 4.2.02 issued  
to counsel for both sides.

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*SP*  
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