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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

O.A. No.588 of 2010

R.K.Baliarsingh & Ors. .... Applicants

Versus

Union of India & Ors. ... Respondents

1. Order dated: 08-10-2010

C O R A M

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

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Seven Applicants who are working Jr & Sr. Supervisor in the Office of the Directorate of Census Operation, Janpath, Unit-9, Bhoinagar, Bhubaneswar-22, have joined together in this OA filed under section 19 of the A.T. Act, 1985, challenging the Office Order under Annexure-A/1 dated 27/09/2010 directing them to perform the shift duties other than the duties discharged by them prior to the order under Annexure-A/1. It is the contention of the Learned Counsel for the Applicants that the Director of Census Operation, Orissa, Bhubaneswar/Respondent No.2 has no jurisdiction, authority and competence to change the working hours fixed by the Government of India, in particular, even without the approval Respondent No.1. Further contention of the Learned Counsel for the Applicants is that pre scanning and scanning work is executed through out India by the Agency where the applicants have hardly anything to do at this point of time and that the applicants have been asked to discharge their duties even on national/Gazetted holidays which is not permissible. Learned Counsel for the Applicants, in other word, branded the order under

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Annexure-A/1 to be an out come of monopoly and malicious action of the Director of Census, Bhubaneswar/Respondent No.1. Next contention of the Applicants is that the impugned order under Annexure-A/1 dated 27/09/2010 was not only without complying with the order under Annexure-R/1 dated 18/01/2010 but also contrary to the letter dated 05.10.2010 of the Registrar General, India, Ministry of Home Affairs Government of India, New Delhi issued on the subject of round the clock (24 X 7) operation at DCC/SSC copy of which is produced by Learned Counsel for the Applicant today in court. Accordingly, Learned Counsel appearing for the Applicants insisted on quashing the impugned order under Annexure-A/1.

2. Enclosing thereto copies of various orders/letters issued in regard to completion of the census work, Respondents in their reply filed in this case opposing the prayer for interim relief prayed by the Applicants and praying for vacation of the interim order granted by this Tribunal on dated 30-09-2010 have inter alia stated that census of India is conducted once in every ten years. It is a kind of emergency and time bound work and must be completed within the stipulated time period. Therefore, emergency measure is taken up for a limited period only. Further, boxes containing forms and schedules are kept all over the office and a slight mishap may destroy the valuable Government documents and the valuable data will be lost before scanning. The scanning

work has been sub contracted to the HCL Info system but still certain degree of supervision is required as ultimately the Respondents are responsible to the nation. Census of India is a time bound national task. Extra effort from all corners is required for timely completion of the work. During non census period the work load is not much in the office particularly in the data centre. In terms of the provisos made in clause 3(1) and (2) of CCS (Conduct) Rules, every govt. servant shall maintain devotion to duty at all time. The emergency measure of rotation of staff has been taken up only for 15 days which includes two Saturdays and Sundays and not holidays. By stating so, Respondents have prayed for vacation of the interim order granted by this Tribunal which has been continuing till date.

3. A rejoinder has also been filed by the Applicants more or less reiterating the stand taken in the OA.


4. While giving consideration to the interim relief prayed for by the applicant in this OA/ further continuance of the interim order granted by this Tribunal, as agreed to by Learned Counsel for both sides, I have also heard on the merit of the matter. At the out set it was submitted by Mr. Kanungo, Learned Counsel for the Applicants that time limit of the office for the employees to discharge their duties has been fixed by the Government of India. The competent authority in the instant case Respondent No. 2 is competent to issue instruction for discharging the duties shift-wise



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in the emergency situation. But in the case in hand, before such situation arose the Respondent No.2 issued order under Annexure-A/1 asking the applicants to discharge the shift duties odd hourly, in other words his contention is that the order under Annexure-A/1 is contrary to the order under Annexure-R/1 & the order copy of which is filed today in court dated 05/10/2010. Hence it was submitted by him that the Applicants have no objection to perform their shift duties provided the same is issued in compliance of the aforesaid orders under Annexure-R/1 dated 5.10.2010 of the Respondent No.1. On the other hand Mr. Barik, Learned ASC submitted that the order under Annexure-A/1 is in compliance of the order under Annexure-R/1 and the employees deployed with the work will be granted the benefits enumerated in the letter dated 05/10/2010 of the Registrar General, India, New Delhi. It was also submitted by Mr. Barik, Learned ASC that the Respondents have no objection for examining the necessity of deploying the employees in the Cell as provided in order under Annexure-R/1.

5. Be that as it may, I may record that deployment of the applicants was in public interest for a temporary period in public interest/administrative exigency to finish the time bound census work. In a number of cases it has been held by different Courts that public interest is the paramount consideration than personal interest. Authorities are the best judge to decide who should be



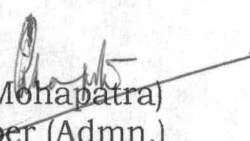


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deployed at what point of time for completion of the time bound census work and this Tribunal lacks jurisdiction to dictate or interfere in such matters. For the reasons stated above, I am not inclined to interfere in the impugned order under Annexure-A/1. As such so far as the prayer of the applicant to quash the order under Annexure-A/1 is dismissed and accordingly stay order granted by this Tribunal on dated 30-09-2010 stands vacated.

6. Last but not the least, I may observe that while deploying Applicants to the Computer cell, the Respondent No.2 shall do so in accordance with the norms fixed in letter dated 18/01/2010 (Annexure-R/1) and in letter dated 05/10/2010.

7. In the result, with the observations made above, this OA stands disposed of by leaving the parties to bear their own costs.

  
(C.R. Mohapatra)  
Member (Admn.)