

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. 800/1997

Present : Hon'ble Mr. Justice R.N. Ray, Vice-Chairman.

Hon'ble Mr. B.P. Singh, Administrative Member.

Sri Subrata Mukherjee and 4 others.

- Versus -

1. Union of India represented by the Secretary to the Govt. of India, Ministry of Home Affairs, North Block, New Delhi-1.
2. The Registrar General and Census Commissioner, Govt. of India, Ministry of Home Affairs, North Block, New Delhi-1.
3. The Chief Electoral Officer, West Bengal, Writers' Buildings, Calcutta-700 001.
4. The District Employment Exchange Officer, District Employment Exchange, P.O. Barasat, District North-24 Parganas.
5. The Municipal Census Officer, Census Charge of Habra Municipality, P.O. Habra, District North 24 Parganas.
6. The Electoral Registration Officer, and Sadar Sub-Divisional Magistrate, Barasat, District North 24-Parganas.

...Respondents.

For the applicant : Mr. R. K. Mukherjee, counsel.

For the respondents : Mr. M.S. Banerjee, counsel.

Heard on 03.04.2001

Order on 03.04.2001.

O R D E R

R.N. Ray, VC

Five petitioners who claimed to have got casual works during 1991 census under the Habra Municipality Censor Circle, have filed this application seeking their absorption and regularisation either under the

State Govt. or Central Govt. It be noted that the respondent Nos. 1 and 2 have filed reply on behalf of the Central Govt. whereas the respondent Nos. 3, 4, 5 & 6 i.e. on behalf of the State Govt. have not filed any reply although initially they were represented by their counsels. The applicants' contention that in response to a circular dated 20.6.96 issued by the Chief Electoral Officer, West Bengal they have submitted their application in prescribed format.

2. The Id. counsel Mr. Banerjee appearing for the Central Govt. has submitted that the applicants were engaged by the State Govt. and, therefore, they cannot claim any relief against the Central Govt. However, it is contended by the applicants that the Census operation though conducted by the State Govt. but they were under the overall supervision of the Registrar General of Census Operation which is the authority under the Central Govt. and, therefore, Central Govt. cannot avoid its responsibilities.

3. Our attention has been drawn to a decision of the Hon'ble Supreme Court reported in JT 1999(7) SC 483 (Govt. of Tamil Nadu and Others Vs. G. Mohd. Aminuddin and others.) wherein it was directed by the Hon'ble Apex Court that the ex. retrenched census employee should be absorbed in terms of the scheme prepared on the basis of the decision of the Hon'ble Supreme Court given earlier.

4. Our attention has also been drawn to a decision of the Jabalpur Bench of this Tribunal in O.A. 135/2000 (Shyam Patel Vs. Union of India) dated 15.5.2000.

5. After considering the matter we dispose of this O.A. by giving a direction to the respondents both Central and State Govts. that they should consider sympathetically the applicants' case and if there is scope for absorption/appointment even temporary taking into consideration of experience and other academic qualifications, they should provide the applicants with such appointment. In the event anybody found age-barred and if there is scope for relaxation of age, the appropriate authority should consider for relaxation of age. With this observation and in

the light of the decision of the Jabalpur Bench of this Tribunal and the Hon'ble Apex Court's decision as referred to above, the O.A. stands disposed of. It be noted that none appears for the State of W.B.

B.P. Singh
(B.P. Singh)
Member (A)

R.N. Ray
(R.N. Ray)
Vice-Chairman.