

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 608/91
TxRxN.R.

199

DATE OF DECISION 14.11.91

Valsalakumari S.G. & _____ Applicant (s)
5 others.

Mr. Tomy Sebastian _____ Advocate for the Applicant (s)

Versus

Director of Census Operations Respondent (s)
and another.

Mr. C.Kochunni Nair _____ Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N.V.Krishnan, Administrative Member

The Hon'ble Mr. A.V.Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement? ✓
4. To be circulated to all Benches of the Tribunal? ✓

JUDGEMENT

N.V.Krishnan, AM

Though the learned counsel of the applicant claims that this application can be disposed of on the lines of the judgement in OA 486/91 as the issues involved in both these cases are identical, we notice that there is a basic difference between the facts of this case and that decided by OA 486/91. The earlier decision depended on the crucial document filed as Annexure-G therein which was given to every census employee in 1982 when their services were terminated. That reads as follows:

"According to the existing instructions in the National Employment Service Manual, such of the retrenched Census employees who have worked in the Census office for a duration of 6 months or less will be entitled to the original seniority of registration in the Employment Exchange provided they did not resign from service and provided they

V

report for re-registration within 15 days from the date of issue of the Discharge Certificate. Discharge Certificate will be issued at the time of termination of service from this Office.

Retrenched Census employees who have put in more than 6 month's service will be treated as Discharged Government employees (Central) and will be entitled to Priority III for submission against Central Government vacancies and these employees by virtue of this priority will be able to get alternative jobs at an early date."

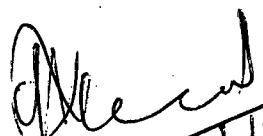
2. It is by this note that the retrenched employees of the Census Department were given priority III for submission of their candidature against central vacancies. In the above judgement we examined the implication of the grant of such priority in the light of the instructions of the respondents, particularly OM No. 14/1/74-Estt.(D) dx dated 14th July 1975 of the Department of Personnel & A.Rs.

3. In the present case the applicants have only submitted that they were retrenched after 6 months service in the 1981 Census. There is no averment that they have been informed that as retrenched personnel they are entitled to priority III classification for employment. We are not quite sure whether this is purely an omission or they have been denied this status deliberately. To us it appears that this might be an omission for, we do not see any reason why the applicants alone should have been singled out for not being given the priority status.

4. Nevertheless, we cannot close our eyes to the fact that this case is different from OA 486/91 in this crucial respect. Therefore, while we are unable to agree that the directions as in OA 486/91 should be given, we feel that, in the interest of justice, substantial reliefs should be given to the applicants to represent their case before the second respondent.

5. Accordingly, we dispose of this case by directing respondents the applicants the ~~markings~~ that in case ~~they~~ send to the second respondent, under cover of registered post/acknowledgement due, a true copy of their discharge certificate along with a copy of any other note or certificate granting them priority III status for employment like the Annexure-G in OA 486/91 within a period of two weeks from the date of receipt of this judgement, the second respondent shall consider the claims of these applicants also afresh against the vacancies which are required to be reserved for the priority category as stipulated in the OM referred to above and consider them for employment, if, otherwise they are eligible and appoint them in accordance with law.

6. The application is disposed of accordingly.


14.11.91
(A.V. Haridasan)
Judicial Member


14.11.91
(N.V. Krishnan)
Administrative Member
14.11.91