

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE: 17.9.93

O.A. 333/93
O.A. 884/93

1. Remadevi V.K.
Thekkeyneduveliveedu
Sarkara,Chirayinkil
Thiruvananthapuram
2. Sobhana S.
3. Saraswathy K.
4. Jayakumar R.
5. Padmakumari T.
6. Samadarsini B.
7. Sasikumari K.
8. Padmavathy Amma C.

Applicants in
O.A. 333/93

vs.

1. Union of India represented by
the Secretary, Ministry of
Home Affairs, New Delhi
2. The Director of Census Operations
Thiruvananthapuram

3. The Regional Dy. Director, Respondents
Census Operations, Thiruvananthapuram in O.A. 333/93

1. Kumari Laila G.
Bharathy Mandiram
Thumpolly P.O. Alappuzha
2. K. Shanmukhan Chettiar
3. Sambaviamma K.K.
4. N.B. Lalitha Kumari
5. K.N. Subhashini Amma
6. Sujathakutty G.
7. Radhamoni P.T.

Applicants in
O.A. 884/93

vs.

1. Union of India represented
by the Secretary, Ministry of
Home Affairs, New Delhi

Respondents in
O.A. 884/93

2. The Director of Census Operations
Census Directorate, Thiruvananthapuram

Smt. Dayak Panicker

Counsel for the
applicants in both
cases

Mr. George C.P. Tharakan, SCSC

Counsel for the
respondents in both
cases

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THE HON'BLE MR. N. DHARMADAN JUDICIAL MEMBER

&

THE HON'BLE MR. R. RANGARAJAN ADMINISTRATIVE MEMBER

JUDGMENT

MR. DHARMADAN JUDICIAL MEMBER

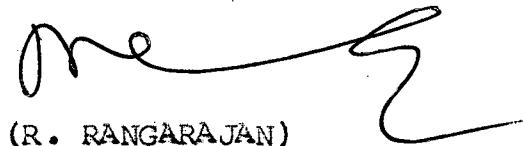
These two cases were heard together on consent of parties. The facts are also the same.

2. The applicants have been appointed as Compilers for a limited period as per the contract upto 29.9.91. They were re-engaged on 6.4.92; but again terminated on 31.12.92 based on Annexure A-4. According to applicants by Annexure A-4 order even though Census work was closed, the Government have sanctioned additional posts of Checkers, Coders for the Editing and Coding Cell under the second respondent. According to applicants, juniors of the applicants were re-engaged after Annexure A-4 order. The applicants' claim for re-engagement has not been considered. They have also challenged Annexure A-3 notice terminating their service w.e.f. 31.12.92.

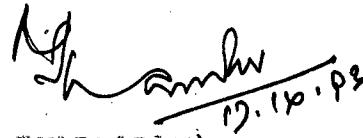
3. The respondents have filed detailed reply and contended that since the Census operation in the State has been closed and only specific work is being carried out for completing the winding up process, the Presidential sanction was issued only for that purpose; hence, there is no possibility of giving any further engagement to the applicants.

4. Admittedly, the post of Compilers were not sanctioned after 31.12.92. The Presidential order only indicates sanction of post of Investigators, Supervisors, Checkers, Coders, etc. Hence, the applicants cannot make any claim for re-appointment in the light of Annexure A-4. The respondents brought to our notice that this Tribunal left open the issue of filling up of ~~rest~~ of the posts using the discretion in the light of the Presidential sanction considering the fact that the Census works are at the stage of winding up. Under the above circumstances we are satisfied that there is no substance in the application and it is only to be rejected. Accordingly, both the applications are rejected.

5. However, we make it clear that the rights, if any, available to the applicants under Annexure A-5 are saved and this judgment is no bar for claiming such rights before the appropriate authority.
6. The application is dismissed.
7. There shall be no order as to costs.



(R. RANGARAJAN)
ADMINISTRATIVE MEMBER



12.10.93

(N. DHARMADAN)
JUDICIAL MEMBER

17.9.93

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List of Annexures

1. Annexure A-4 : Notice dated 18.12.92
2. Annexure A-2 : Order of termination dated 28.2.92
3. Annexure- A-5 : Order dated 24.11.92