

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 347/92
~~XXXXXX~~ and 360/92 1992

DATE OF DECISION 28.5.92

E.K.Babu & 3 others (in O.A.360/92)

Vincent K.Varghese & Others Applicant (s)
(in O.A.347/92)

Mr. M. Ramachandran Advocate for the Applicant (s)

Versus

Union of India, rep. by Secretary
Ministry of Home Affairs and Respondent (s)
others (in both cases)

Shri N.N.Sugunapalan, SC & C Advocate for the Respondent (s)
(in both cases)

CORAM :

The Hon'ble Mr. S.P.Mukerji, Vice Chairman

The Hon'ble Mr. N.Dharmaan, Judicial Member

JUDGEMENT

(Hon'ble Sh.N.Dharmaan, Judicial Member)

These cases are heard together on the basis of the consent. The question involved for consideration is also same. The applicants were originally engaged as Tabulators for the census work under the respondents for the 1991 census on contract basis. Their services were terminated even before the completion of the census works. They have challenged the termination. In the meantime decision was taken to extend the period of work upto 30.6.92 and engage willing persons for a further period of work upto 30.6.92 on executing fresh agreements. Accordingly the applicants expressed their willingness. But they were not engaged for work even though they are seniors in the list already prepared by the respondents for engaging as Tabulators.

Under that circumstances the applicants had to be put forward their claim for getting continued engagement upto 30.6.92 and filed this application under Section 19 of the Administrative Tribunals Act, 1985.

2. When these cases came up for final disposal after hearing the arguments of the learned counsel on both sides, we asked the learned Sr. Central Government Standing Counsel to ascertain the possibility of engaging the applicants also along with others in the available vacancies at the appropriate places where they had originally worked. He wanted some time to contact the concerned officer for getting instructions. Today when the cases came up again for further arguments the learned Sr.C.G.S.C. very fairly submitted that the applicants can be engaged in the appropriate vacancies provided the applicants approach the second respondent, who is the competent authority to issue posting orders considering the vacancies. The learned counsel for the applicants is also agreeable for a disposal of the applications accepting the submission of the learned Senior Central Govt. Standing Counsel.

3. Accordingly we are satisfied that this application can be disposed of. Hence we direct the applicants to approach the Director (Second Respondent) for getting their posting in the available vacancies. The applicants shall approach the Director as early as possible at any rate within a period of one week from today. If they approach the second respondent with request for posting, as agreed to by the learned SCGSC, the Director (Second respondent) shall issue orders taking into consideration the vacancies without any delay. He may also consider

the posting of the applicants to the extent possible in the places where they had originally worked if vacancies are available in such places so that inconvenience to the applicants can be avoided.

4. The applications are disposed of with the above directions. We also make it clear that since this order has been passed on the basis of consent of parties, it shall not be quoted as a precedent.

5. The applications are disposed of as above. There will be no order as to Costs.

N. D. Harmadan
(N. DHARMADAN) 28.5.92
JUDICIAL MEMBER

S. P. Mukerji
(S. P. MUKERJI) 28.5.92
VICE CHAIRMAN

28.5.92

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CERTIFIED TRUE COPY

Date

Deputy Registrar