

CENTRAL ADMINISTRATIVE TRIBUNAL

LOCKDOWN BENCH

LOCKDOWN

Original Application No; 491 of 1991.

Pradeep Pandey and Others Applicants.

VERSUS

Union of India & Others Respondents.

Shri K.N. Rizvi Counsel for Applicants.
Dr. Dinesh Chandra Counsel for Respondents.

Hon. Mr. Justice U.C. Prasad, V.C.
Hon. Mr. A. J. Jaiswal, Adm. Member.

(Hon. Mr. Justice U.C. Prasad, V.C.)

The applicants, ⁹³ in some cases are employees of the Census Department, have applied and the respondents be directed to absorb the applicants in the vacancies existing as contained in Annexure A.II and the length of their service should be considered from November, 1980 and a direction be issued directing the respondents to appoint the applicants against the regular vacancies with retrospective effect, so far as their seniority and other conditions of service are concerned.

2. The applicants who were in employees of the office of Directorate of Census Operations in various posts, in the year 1980-81 and they continued to remain in service till their service was terminated on 30.6.84. Thus the applicants are aggrieved with the termination of their service. The writ petition was allowed and the S.M.P. filed against the same was dismissed. The High Court in writ petition No. 3435 of 1984, decided on 16.7.1984 observed "....."

which qualified retrenched employees are permanently absorbed and such facilities were given to the retrenched employees of 1971 and 1981 census employees also. The State Government issued orders dated 0.11.81 extending benefit of extension of age and counting of the actual period served in the census department was given to 1981 retrenched employees in recruitments for the post of ^{Government} under the/departments and opportunity was given to the 1981 census retrenched employees to appear for the recruitment of permanent posts of Direct Data Entry of Census Directorate and all the retrenched employees of 1981 census were given chance to appear in the test for regular vacancies in the grade of Operators but 1726 employees who were working on temporary vacancies had appeared and for some of them more than two three chances were given but only 92 candidates could qualify and were thus given the post of Operators on regular basis. The posts on which the applicants were appointed, existed upto 30.6.84 and thereafter the remaining work was so small that there was no necessity for temporary staffs and the persons working temporarily were discharged. For 1991 census the Registrar General of India, after considering the exigencies of the work, decided to recruit persons on contract basis against the consolidated salary /fixed pay posts of Supervisors, Checkers, Compilers, Coders, created for 1991 census work and issued directions for carrying remaining work of census 1991 with economy, in scheduled time. This policy was in variance of the recruitment policy of 1971 and 1981. The retrenched employees could not be absorbed inspite of facilities

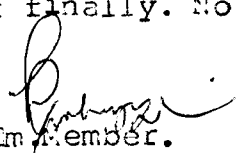
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provided by the State Government and Central Government. In pursuance of the policy for contract appointment of retrenched persons of previous census and thereafter of the retired person, various advertisements were published in daily newspapers and 1981 census retrenched employees were informed individually by post also in June, 1991, and more than 400 employees of previous census including 1981 census, joined on time pay basis on contractual appointment on terms and conditions laid down in the form of agreement.

5. The above facts indicate that in the year 1981, instead of giving appointment to the retrenched employees who have been working, new policy was evolved and appointment on contract and temporary basis were made for which some of the retrenched employees were also taken but when high court judgment was there, it was not necessary to ^{act in} variance with the same. In case the contract was only for retrenched employees in respect of whom the direction was given, leaving apart the earlier census alone, as far as possible, should have been ^{given} appointment and it is only when the census is made, more temporary hands are taken and thereafter they are retrenched. This is not all the matter, as after a few years, many persons become over age and they do not get appointment as such. It is desirable that scheme may be framed for these retrenched employees in pursuance of the

As a matter of fact we have directed for framing of scheme in respect of other employees. The scheme is to contain provisions for retrenched employees also and they may be given priority in appointment as and when the vacancies arise subject to certain condition leaving aside the higher post, in respect of those class C and D posts. Instead of taking the persons on deputation, the posts are to be given to the retrenched employees. The scheme may formulate the programme for providing these retrenched employees in every Central or State Government Department, Corporation, priority is to be given to them over new comers or subsequently appointed or retrenched persons. Those who have not been given employment they may be given priority by those who are in statutory bodies or corporation, can be given option either to stay where they are or to accept the post wherever vacancies against which they can be appointed arise. Let a scheme be framed within a period of three months and thereafter the appointment be regulated but it is made clear that the directions given in the judgment of High Court referred to above shall be followed faithfully by the respondent. With these observations the application is disposed of finally. No order as to costs.


Adm. Member.


Vice Chairman.

Shakeel/-

Lucknow: Dated: 12th March 1993.