

Original Application No.387/ 2005

This the 15<sup>th</sup> day of September, 2005

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

HON'BLE SHRI S.P. ARYA MEMBER (A)

1. Madan Mohan Pathak, aged about 44 years, son of Sri paras Nath Pathak, resident of Village Anwa Urf Asmghat, Post Swatganj, Gorakhpur.
2. Dwijendra Prasad aged about 45 years, son of Sri Shanker Tripathi, and resident of Vill. Hainsar, Post Tighra, Vaya Pipiganj, Gorakhpur.
3. Janardan Chaube, aged about 45 years, son of Shri Ram Sumer Chaubey, r/o vill. Sekhi Post Gopalpur, Vaya Anandnagar, Maharajanj.
4. Rameshwar Tripathi, aged about 46 years, s/o Sri Vidya Tewari, R/o Vill. Ramughat, Post Thawaipar, Gorakhpur.
5. Satya Narain, aged about 54 Years, s/o Sri Vishwanathr/o Vill. Raipur, Post Pipiganj, Gorakhpur.
6. Netram Singh aged about 47 years s/o Sri Kaushlesh Singh r/o Vill. & Post Sonaura, Dugurg, Gorakhpur.

Applicants.

By Advocate: Sri Virendra Prashad.

Versus

1. Government of India, Ministry of Home Affairs, New Delhi.
2. Director of Census Operations, U.P., Administrative Section, Lekhraj Market-III, Indra Nagar, Lucknow.

Respondents

By Advocate: Shri Deepak Shukla for Shri Prashant Kumar.

**ORDER(ORAL)**

**By Hon'ble Shri Shanker Raju, Member (J)**

Applicants on the strength of having worked in Census Department in 1991 and 1999 had approached this Court in O.A. No.114/2003 against a notification by the respondents for appointment on contract basis Data Entry Operator Grade B. O.A. was rendered in-fructuous by canceling the notification by the respondents by an order dated 27.3.2003.

2. Learned counsel states that in Govt. of Tamil Nadu Vs. G. Mohamed Ammenudeen and others 1999 LAB I.C.3570, it has been held by the Apex Court that in case of retrenched employees of the Census Organization in Tamil Nadu, the impediment of 3 years service would not be applicable and the scheme to absorb the retrenched employees should be undertaken.

(2)

3. Learned counsel has drawn our attention to respondent's letter dated 1.6.92 where concessions provided to the retrenched employees for absorption in regular Govt. jobs. In the wake of above what has been challenged before us is an order passed by the respondents on 20.1.2003 where a proposal has been mooted to immediately provide 30 DDE operators on contract basis. As such we cannot hold that respondents are taken up direct recruitment ignoring the claim of the applicants.

4. Be that as it may, the directions of the apex court are binding and as per notification issued by the respondents applicants being retrenched employee have a right to be considered for absorption against regular posts.

5. In the result, O.A. stands disposed of with a direction to the respondents to comply in true letter and spirit the decision of the Apex Court while considering the claim of the applicants for absorption. No costs.



**(S.P. ARYA)**  
**MEMBER (A)**



**(SHANKER RAJU)**  
**MEMBER (J)**

HLS/-