

Central Administrative Tribunal Lucknow Bench Lucknow

ORIGINAL APPLICATION No. 369/2008

This the 31st day of August, 2009.

Hon'ble Ms. Sadhna Srivastava, Member (J)

Hon'ble Dr. A. K. Mishra, Member (A)

1. Dharma Raj son of Shyam Lal resident of Village and Post Basara Tehsil Fatehpur District Barabanki.
2. Kunwar Pal son of Teeka Ram resident of Mohibullapur Lucknow.
3. Ram Pal son of Sri Gaya Prasad R/o Village Churai Khera Post Raipur (Beniganj) Hardoi.
4. Madho Prasad Son jof Pancham Lal resident of Village Pirthipur Post Atariya Sitapur.
5. Baij Nath son of Sri Ganga resident o Pirthipur Post Ataria District Sitapur.
6. Shyam Sundar Lal son of Sri Putti Lal resident of Naya Gaon H/o Sulemabad. Post Badhai Deeh District Barabanki.
Ram Prakash Singh son of Ram Bahadur Sing resident of Village and Post Terhawa District Barabanki.
8. Beche Lal son of Late Chhotta Village Ahirawan Post Berua Distt. Hardoi.
9. Ram DarasS/ok Late Phagu Lal resident of G/1/4 Paper Mill Colony Nishatgan, Lucknow.
10. Ram Gopal Chaurasiya aged about 48 years R/ojk Rajajipuram Lucknow.
11. Vinod Kumar Sharma aged about 47 yrs. R/o Gomti Nagar Lucknow.
12. Bhola Nath aged about 47 years R/o Rajajipuram, Lucknow.
13. Ravindra Kant S/o Vikram Rawat R/o Nishatgan, Lko.
14. Sita Ram Dixit R/o Krishna Nagar, Lko.
15. Yogendra Singh S/o Shiv Balak singh R/o Daliganj, Lucknow.

.....Applicants.

By Advocate Sri Pradeep Raj

Versus

1. Union of India through Secretary Ministry of Home Affairs Government of India New Delhi.
2. Registrar General of India/Commissioner Census 2-A Man Singh Road New Delhi.
3. Director Census of U.P. Lekhraj Dollar Building Indira Nagar, Lucknow.
4. Staff Selection Commission through Secretary New Delhi.

.....Respondents.

By Advocate Sri S. K. Tiwari

Alongwith

Original Application No. 220/2008

1. Savita Dixit, aged about 48 years, wife of Shri Prakash Chandra Dixit, R/o D-6/8, P.W.D. Colony, Rajendra Nagar, Lucknow.
2. Nagendra Kumar Verma, aged about years, son of 56/42, Tilpurwa Hussaingan, Lucknow.
3. Kusum Vajpai, aged about 49 years, Wife of Shri Om Prakash Vajpai, Resident of 363 A/12, Moti Nagar, Lucknow.
4. Umesh Chandra, aged about 49 years, Son of Shri Shatrohan Prasad, Resident of Village Karaundi Khurd, Post Galhamau, District Barabanki.
5. Ram Gopal Rastogi, aged about 50 years, sj son of Shir Shiv Narain, Resident of Satrikh, District Barabanki.
6. Praveen Singh, aged about 50 years, son of Shri Tara Chandra Singh, Resident of 132, Babuganj, Faizabad Road, Lucknow.
7. Uma Shanker Shukla, aged about 49 years, son of Tej Narain Shukla, Resident of 1/434, Vikas Nagar, Lucknow.
8. Lakshman Prasad Singh, aged about 52 years, son of Late Rajeshwar Lal Singh, resident of Basheer Building 417/11, Pandareeba, Charbagh, Lucknow.
9. Madhu Singh, aged about 48 years, D/o Shri Nathu Singh Rana Resident of 11 Shahnazaf Road, Hazratganj, Lucknow.
10. Shri Rama Pal, aged about 47 years, j Wife of Shri Chote Lal Pal, resident of House No. 87/42, Risaldar Park, Lucknow.
11. Ashok Mishra, aged about 51 years, son of Shri Shyama Charan Mishra, R/o 51/22, Shivgarh Compound, Hewett Road, Lucknow.
12. Anita Kesarwani, aged about 46 years, D/o Shri Harish Kesarwani, Resident of 215/316/342, Bashiratganj, Subhash Marg, Lucknow.
13. Raghuvar Dutt, aged about 49 years, son of Late Basudev, Resident of illage Baniya Diggi Bhadgaon, Post Upradi, District Almora, Uttranchal.
14. Satish Chandra Srivastava , aged about 50k years, son of Late Ayodhya Prasad, M.N. 269/19, Birhana, Lucknow
15. Chandra Bhan Singh, aged about 51 years, son of Sri Deo Raj Singh, Resident of C/ Shri Ram Prasad Yadav, Shivani Vihar, Kalyanpur, Ring Road, Lucknw.
16. Saroj Kumar , aged about 52 years, son of Mohan Lal, Resident of Village Bhawani Khera, Post Mohari Khurd, District Lucknow.
17. Krishna Kumar Kanaujia, aged about 51 years, son of Late Shiv Pal Kanaujia, Resident of 110/2, Babuganj (Nirala Nagar), Lucknow.
18. Avadh Behari Ram, aged about 49 years, son of Late Shiv Nath Ram, Resident of 291, Sadar Bazar, Luckniow.
19. Hari Shanker Kashyap, aged about 54 years, son of late Devi Deen Kashyap, Residentj of C/o Shri Ram Shandker, SS -11/1264, Sector-D LDA Colony, Kanpur Road Lucknow.

20. Smt. Pushp Lata Chaturvedi, aged about 48 years, Wife of Prem Tripathi, Resident of 114, Chandralok Colony, Aliganj, Lucknow.

.....Applicants.

By Advocate Ms. Pushpila Bisht.

Versus

1. Union of India through Secretary Ministry of Home Affairs Government of India New Delhi.
2. Registrar General of India/Commissioner Census 2-A Man Singh Road New Delhi.
3. Director Census of U.P. Lekhraj Dollar Building Indira Nagar, Lucknow.

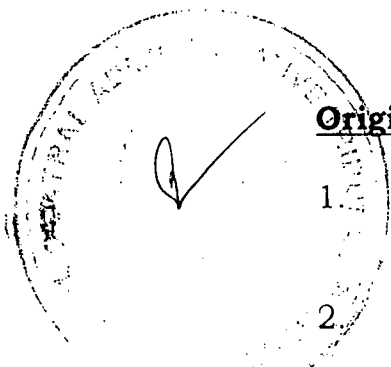
.....Respondents.

By Advocate Sri Y. Kesharwani.

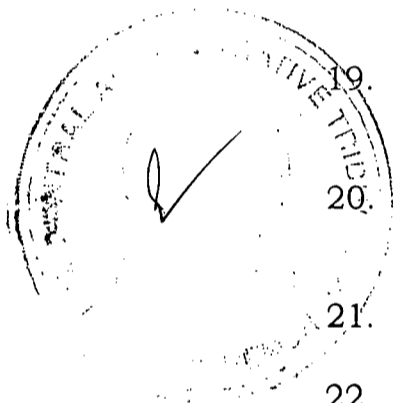
Alongwith

Original Application No. 216/2008

1. Tej Kumar Shukla, aged about 49 years, sons of Sri Ram Lakhan Shukla, resident of Village Persola Post Uddoli, District Barabanki.
2. Rama Shanker, aged about 49 years, s/o Sri Suchit, R/o Village Tharuadih, Post Hata, District Kushi Nagar.
3. Ram Nawaz Gupta, aged about 48 years, son of Sri Anuradh Prasad, resident of Village Puraiamethia, Post Uddoli, District Barabanki.
4. Shri Ram Prasad Vishwakarma, aged about 53 years, son of Sri Jas Prasad, resident of Village Khuthana, Post Khajni, District Gorakhpur.
5. Ram Brich Maurya, aged about 56 years son of Sri Kahado, resident fo Village Manvela, Post Jungia Bazar, Gorakhpur.
6. Dasrah Yadav, aged about 52 years, s/o Sri Sarjoo Prasad, R/o Village Bhagwanpur, Post Chori Chura, District, Gorakhpur.
7. Ram Bachn Prasad, aged about 51 years, s/o Sri Jeeva Lal, resident of village, Bhaghwat Nagar, Post Lok Vidya Peeth Nagar, District Maharajganj.
8. Ram Naresh, aged about 51 years, son of Sri Dev Narain, resident of Village Bans Gaon Beyalis Patti, Post Bans Gaon, disgtrict Gorakhpur.
9. Keshav Prasad Yadav, aged about 49 years son of Sri Ram Pyarey, r/o village Bindaur, Post Arrauli, District Kushinagar.
10. Ram Chandra, aged about 49 years, s/o Sri Shyam Bali R/o Village and Post Bansaon, Purab Tola, district Gorakhpr.
11. Sharda Prasad Bengali, aged about 51 years, son of Sri Bengali, resident of village Benijot Kharhera, Post Chori-Chaura, District Gorakhpur.



12. Anwar Ali, aged about 52 years, S/o Sri Gul Mohammad, R/o Village Chakjalal, Post Pipraich, Distt. Gorakhpur.
13. Sarwan Kumar, aged about 48 years, s/o Sri Ram Jeet Singh, S/o village Madhopur Post Luhasi, Distt. Gorakhpur.
14. Rajendra Yadav, aged about 49 years s/o Sri Bhagirath, r/o village Shankarpur Thakurpur No. 1, Post Parmeshwarpur, Distt. Gorakhpur.
15. Ram Karan, aged about 52 years, s/o Sri Nand Lal Yadav, R/o Matakapur, Post Sahjanwa Distt. Gorakhpur.
16. Udai Raj Prasad, aged about 52 years, son of Sri Bengali Prasad, resident of Village Barau Post Kanapar, District Gorakhpur.
17. Virendra Kumar, aged about 48 years, son of Sri Raj Bali Prasad, resident of village Dhamur post Narkataha, District Gorakhpur.
18. Teju Prasad, aged about 52 years, son of Sri Ram Dularey Prasad, resident of Village Kotha, Post Jagatvila, District Gorakhpur.
19. F Aslam aged about 53 yers, son of Sri M. Aslam Khan, resident of Village Bhitni, Post Dohariya Bazar, District Gorakhpur.
20. Sri Bhagwat, aged abut 50 years, s/ Sri Paras Nath, R/o Village Sirpatha Mali Tola, Post Sirpatahah Disttt. Gorakhpur.
21. Ram Rishi aged about 52 years, s/o Sri Chkhuri, r/o Village Talihi, post Simara Maharaj, Disttt. Maharajganj.
22. Arjun Prasad, aged about 52 years, s/o Sri Kalpu, R/o Village Panditpur, Post Khajuria Distt. Gorakhpur.
23. Rudh Narain, aged about 51 years s/o, Sri Ram Khelawan r/o Village Pipratulhi, Post Nipanai, Distt. Maharajanj.
24. Ram Asrey, aged about 52 years, son of Sri Mithai Lal R/o Village Durgapur, Post Balapur, District Gorakhpur.
25. Keshav Prasad, aged about 52 years son of Sri Ishwar Charan Shukla, resident of Village Soharwalia, Post Purandarpur, Distt. Kaharajganj.
26. Ram Surat, aged about 53 yeas, s/o Sri Ram Kewal, r/o village Rudarpur, Post Khajani, Distt. Gorakhpur.
27. Prem Chand, aged about 53 years, s/o Sri Pardesi, r/oj Village arilapar, Post Piprauli, District Gorakhur.
28. Om Prakash Gaur, aged about 47 years, S/o Sri Ram Bilas, R/o Village Pachauri, Distt. Gorakhpur.
29. Gauri Shankar, aged about 50 years, s/o Sri Chaittoo, r/o Village Arilapar, Post Piprauli, Distt. Gorakhpur.
30. Ram Nain, aged about 50 years s/o Sri Banarasi, R/o Village Bhalendari, Post Bhagwanpur, Distt. Gorakhpur.
31. Ram Nachhatra, aged about 52 years, S/o Sri Ram Roop, R/o village & Post Brahmapur, Distt. Gorkhpur.
32. Ram Sajan, aged about 54 years, s/o Sri Paltoo, R/o Village and Post Bilandpur, District Gorakhpur.
33. Sri R.D. Prasad, aged about 52 years s/o Sri Karmau, R/o village Malhanpur, Post Piprauli, District Gorakhpur.
34. Raj Kishore, aged about 52 years, s/o Sri Badri, R/o village Madhia Bujur, Post Jagdishpur, Distt. Gorakhpur.



35. ShivNath Prasad, aged about 49 years, son of Sri Bal Karan Prasad, resident of Village Srsopar, Post Bhusawal Bans Gaon, Distt. Gorakhpur.
36. Ram Brisk, aged about 48 years, s/o Sri Bachan, R/o Village Baijnathpur, Post Balapur, Distt. Gorakhpur.
37. Shiv Nath Singh, aged about 52 years son of Sri Komal Singh R/o Village Durgapur, k Balapur, Distt. Gorakhpur.
38. Devendra Kumar Tripathi, aged about 51 years, son of Sri Bageshwari Prasad, resident of Village Chrauli, Post Chhapia, District Gorakhpur.
39. Sudhir Kumar Srivastava, aged about 48 years, s/o Sri Dinesh, R/o Vinay Khand, 2/869, Jaipuria Chaura, Gomti Nagar, Lucknow.
40. Avadh Kishore Singh, aged abot 52 years, son of Sri Paras Nath singh, resident of Village and Post Office Rajdhani, District Gorakhpur.
41. Ram Karan Prasad aged about 50 years s/o Sri K. Prasad, resident of Village Ram Nagar Surat, P.O. Maheta, District Gorakhpur.
42. Sabid ali Khan, aged about 48 years son of Sri Peer Mohammad, R/o Village Mahdeva Bastila, P.O. Kamaria Bujarg, Distt. Maharajganj.
43. Ram Gati Prasad, aged about 54 years, s/o Sri Ram Bali, r/o village Gigna, P.O. Sahjanava, Distt. Gorakhpur.
44. G. Prasad, aged about 49 years, s/o Sri Kanihya Lal, r/o Village Tikariya Jungle, District Gorakhpur.
45. Darbari Prasad Gupta, aged about 57 years, son of Sri Khun Khun Prasad, resident of Village Garhwa, Post Office Pipraich, Distt. Gorakhpur.
46. Ram Kesh Yadav, aged about 48 years, s/o Sri Hari Ram Yadav, r/o Village Ram Nagar, Suras, Psot Office Mahata, District Gorakhpur.
47. Hira Prasad, aged about 50 years, s/o Sri Chauth R/o Village Kuanchap, P.O. Kamseen Khurd, Distt. Maharajganj.
48. Hari Ram, aged about 55 years, s/o Sri Kanahi, r/o village Bargadhahi, Tilak Chara, P.O. Machhli Gaon, Gorakhpur.
49. Sant Raj Prasad Maurya, aged about 50 years, k s/o Sri shiv Dial Prasad, R/o Village paniyara Tola Dhusawa, District Maharajaan.
50. Somai Prasad, aged about 49 years, s/o Sri Shiv Baran, R/o Village Talih, P.O. Simara Maharaj, District Maharajganj.
51. Hari Narain S/o Tirath Resident of Rampur Nawka Tola, P.O. Kauria District Gorakhpur.

.....Applicants.

By Advocate Sri Anoop Pratap Singh for B. Godiyal

Versus

1. Union of India and Ors. through Secretary, Government of India, Ministry of Home Affairs, New Delhi.
2. Director of Operations, U.P. Administrative Section, Lekhraj Market-II Indira Nagar, Lucknow.

.....Respondents.

By Advocate Sri K.K. Shukla.

Alongwith

Original Application No. 218/2008

1. Mohd. Yamin aged about 54 years son of Late Sri Mohd. Yaseen R/o 541 D.S. Colony Sector C Jankipuram, Sabauli, Aliganj, Lucknow.
2. Mujaffaruddin Ahmad aged about 51 years son of Late Sri I.A. Siddiqui R/o 6/551, Vikas Nagar, Lucknow.
3. Rajendra Kumar Verma aged about 50 years son of Sri B.M.L. Verma R/o 5/410, Vikas Nagar, Lucknow.
4. Smt. Sandhya Majumdar aged about 56 years wife of Sri K.s. Majumdar R/o Keshav Bhaduri Marg, Model House, Lucknow.
5. Smt. Vijay Srivastava aged about 50 dyears wife of Sri K.C.Srivastava R/o H.N. 188/69 Hata Durga Prasad, Masakganj Lucknow.
6. Haseen Bano aged about 52 years wife of Late Sri Azgar R/o Hata Kamal Jamal Nehru Cross, Lucknow.

.....Applicants.

By Advocate Sri A. Pandey/Sri A. Verma

Versus

1. Union of India through Secretary Ministry of Home Affairs Government of India New Delhi.
2. Registrar General of India/Commissioner Census 2-A Man Singh Road New Delhi.
3. Director Census of U.P. Lekhraj Dollar Building Indira Nagar, Lucknow.

..... Respondents.

By Advocate Sri Deepak Shukla.

Alongwith

Original Application No. 217of 2008

1. Dinesh Kumar Saxena aged about 52 years son of Sri R.D. Saxena R/o Murau Tola, Alam Nagar Lucknow.
2. Chotaku Prasad aged about 50 years son of Late Sri Dannai R/o 555 ka/14, Kanausi Swami Vivekanand Inter College, Manak Nagar, Lucknow.
3. Ravi Prakash Chaurasia aged about 50 years son of Late Sri J.N. Chaurasia R/o 570/987 Gopal Puri V.I.P. Road Alambagh Lucknow.

.....Applicants.

By Advocate S/Sri A. Pandey and A. Verma.

Versus

1. Union of India Through, the Secretary Ministry of Home Affairs, Government of India, New Delhi.
2. Registrar General of India/ Commissioner of Census, 2-A man Singh Road, New Delhi.
3. Director, Census, U.P. Lekhraj Dollar Building, Indira Nagar, Lucknow.
4. Staff Selection Commission, through its Secretary, Block-12 CGO Complex, Lodhi Road, New Delhi.

.....Respondents.

By Advocate Sri S.K. Singh

Alongwith

Diary No. 1571 of 2008

1. Madan Mohan Pathak, aged about 52 years, son of Sri Paras Nath Pathak, Resident of Village Amwa Urf Amghat, Post Rawatgnj, Gorakhpur.
2. Dwijendra Prasad aged about 49 years, son of Sri Shakner Tripathi, resident of Vill. Nainsar, Post Tighra, Vaya Pipiganj, Gorakhpur.
3. Janardan Chaubey, aged about 40 years, son of Sri Ram Sumer Chaubey R/o Vill. Sekhi Post Gopalpur, Viya Anandnagar, Maharajganj.
4. Rameshwar Tripathi, aged about 50 years, S/o Sri Vidya Tewari, R/o Village Ramughat, Post Thawaipar, Gorakhpur.
5. Satya Narain, aged about 56 years s/o Sri Vishwanath r/o Village Raipur, Post Pipiganj, Gorakhpur.
6. Netram Singh aged about 49 years s/o Sri Kauleshar Singh r/o Vill & Post Sonaura, (Bururg) Gorakhpur.

.....Applicants.

By Advocate Sri Virendra Pathak

Versus

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

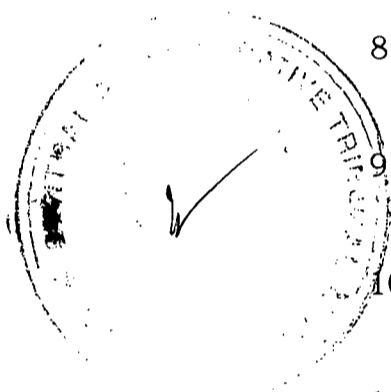
Respondents.

By Advocate Sri K.K. Shukla for Dr. N. Shukla

Alongwith

Original Application No. 219 of 2008

1. Prem Shakaar Misra son of Sri Parmatma Nand Misra resident of House No. 554/468, Chhota Barha Alambagh, Lucknow.
2. Suresh Chandra Dixit, aged about 47 years, son of late Sri Ram Awadh Dixit, resident of 27, Hasariya Gomti nagar, Lucknow.
3. Shree Prakash Verma, son of late D.R. Verma, resident of 554/4, 37/4 Ga/10m Gali No. 2 Pawan Puri Alambagh, Lucknow.
4. Karuna Shankar son of Sri Sati Prasad resident of 538/11/589, Adarsh Puram Triveni Nagar II (Ahibaranpur) Sitapur Road, Lucknow.
5. Ram Bahadur son of late Buddu Lal, resident of Nai Basti Amausi Road, Sarojini Nagar, Lucknow.
6. Kashi Nath Misra son of late Mata Prasad Misra resident of 554.176, Chhota Barha Alambagh, Lucknow.
7. Laxmi Narain Kashyap son of late Jag Mohan Kashyap resident of 31, Kailash Kunj, Faizabad Road, Indir Nagar, Lucknow.
8. Santosh Kumar Singh son of late Mahendra Bhan Singh resident of Sector II/869, Indira Nagar Lucknow.
9. Om Prakash Tripathi son of late Sobaran Lal Tripathi resident of House No. E-3/763, Sector H, Kursi Road, Jankipuram Lucknow.
10. Shyama Charan son of late Sobaran Lal Tripathi resident of House No. 3/763, Sector H, Kursi Road, Jankipuram Lucknow.
11. Ram Prakash Singh son of Sri Shiv Pal Singh resident of E/3/763, Sector H Kursi Road Jankipuram. Lucknow.
12. Deen Dayal Chug son of late Tejkan Das Chug resident of 172/232 Laiya Wali Gali Near Naaz Cinema Lucknow.
13. Dharma Nand Misra son of Shree Krishna Misra resident of House No. E-3/763, Sector H, Kursi Road, Jankipuram Lucknow.
14. Suresh Chandra Tripathi son of Sri Tara Pati Tripathi resident of village Jaswal Arwalia Post Bakhira District Sant Kabir Nagar.
15. Ram Kishre son of late Ganga Deen resident of 3/672, Jankipuram Extension Sitapur Road, Lucknow.
16. Smt. Mirmala Devi wife of Shiv Sahai Sharma resident of House No. 565/106, Pooran Nagar Post Sinagar Nagaar Alambagh Lucknow.
17. Pramod Kumar Misra son of Sri Kaushal Kishore Misra resident of Village Atrauli Post Mohanlalganj, Lucknow.
18. Veena Kumari Gaur wife of Sri Ramawatar Gaur resident of E3062 Rajajipuram, Lucknow.
19. Mani Swaroop Awasthi son of late Shankar Sahai Awasthi resident of E-3062 Rajajipuram, Lucknow.
20. Ram Bharose son of late Nanhu Ram, Village Shahpur Raza post Singhamau Itaunja district Lucknow.



21. Hari Nath Singh son of Sri Kamla Singh residento fo E3062 Rajajipuram, Lucknow.
22. Udai Narain Singh son of Sri Vishwanath Singh resident of E3062 Rajajipuram, Lucknow.
23. Gurdeen r/o E3062 Rajajipuram, Lucknow.

.....Applicants.

(By Advocate Sri Pradeep Raje

Versus

1. Union of India Through, the Secretary Ministry of Home Affairs, Government of India, New Delhi.
2. Registrar General of India/ Commissioner of Census, 2-A man Singh Road, New Delhi.
3. Director, Census, U.P. Lekhraj Dollar Building Indira Nagar, Lucknow.
4. Staff Selection Commission, through its Secretary, Block-12 CGO Complex, Lodhi Road, New Delhi.

Respondents.

By Advocate Sri K.K. Shukla

Alongwith

Original Application No. 298/2008

1. Vijai Shanker Shukla aged about 52 years son of Late Gya Shanker Shukla, resident of Hussianganj, Lucknow.
2. Deen Dayal Mishra aged about 56 years son of Late Ram Narian Mishra, resident of 105/174 Ka, Phool Bagh, Lucknow.

.....Applicants.

(By Advocate Sri Sumit Kumar

Versus

1. Union of India Through, the Secretary Ministry of Home Affairs, Government of India, New Delhi.
2. Registrar General of India/ Commissioner of Census, 2-A man Singh Road, New Delhi.
3. Director, Census, U.P. Lekhraj Dollar Building Indira Nagar, Lucknow.

Respondents.

By Advocate Sri Atul Dixit

Alongwith

Original Application No. 419 of 2008

1. Jawahar Lal aged about 48 years son of Shri swami Nath Chaudhary, r/o Village Rampur, Post Shivpati Nagar, District Siddharthnagar.
2. Sheo Ram Sahni aged about 49 years, son of Shri Sahbir, r/o Village Kanduwa, Post Urkab Bazar (Sugdi) Distt. Siddharthnagar.
3. Ram Charan aged about 53 years son of Jaggan Prasad, r/o Village Rampur Post Shivpatinagar, Disstt. Siddharthnagar.
4. Ram Naresh aged about 48 years s/o Ayodhya Prasad r/o Village Rampur Khan, Tehsi Nawgarh Distt. Basti.
5. Nursingh Pal. Aged about 50 years, E-Block, Rajajipuram, Lucknow.
6. Daya Krishna, aged about 52 years, son of Sri Ram Vilas, vill. & Post Maseet, Ditt. Hardoi.

.....Applicants.

By Advocate Sri Pradeep Raje

Versus

1. Union of India Through, the Secretary Ministry of Home Affairs, Government of India, New Delhi.
2. Registrar General of India/ Commissioner of Census, 2-A man Singh Road, New Delhi.
3. Director, Census, U.P. Lekhraj Dollar Building Indira Nagar, Lucknow.
4. Staff Selection Commission, through its Secretary, Block-12 CGO Complex, Lodhi Road, New Delhi.

.....Respondents.

By Advocate Sri Vishal Choudhary

ORDER

By Dr. A.K. Mishra, Member-A

Since the subject matters of all the applications are more or less similar, it was agreed by all the counsel present for the applicants and the respondents that a common order passed in O.A. no. 361 of 2008 would govern all the cases.

2. The applicants have prayed for setting aside the selection process which commenced with the publication of the impugned advertisement dated 15-21.3.2008 for recruitment to the vacant posts of Assistant Investigator Gr. III in the pay scale of Rs. 5000-8000/- and Compiler in the pay scale of Rs. 4000-6000/-. They have also prayed for a direction to the respondent authority to consider the appointment of the applicants on regular basis on the vacant posts of Compiler in compliance

with the direction dated 26.2.1993 of this Tribunal and judgment dated 24.2.1995 of Hon'ble Supreme Court.

3. The brief facts of the case are as follows:

The applicants were engaged on contract basis at the time of census operations of 1981 to cope with the additional work load necessitated for completion of periodic census work. They were discharging the responsibilities of Tabulators, Checkers, Supervisors and Coders. The regular employees performing these duties were re-designated as Assistant Compiler in 1991. The applicants have been agitating from time to time for permanent absorption against Group 'C' posts on the ground that census work although, quinquennial in nature, is taken up almost continuously having regard to pre-and post-census operations. The earlier O.A. no. 385 of 1991 Dinesh Kumar Saxena and others was the lead case which went upto the Hon'ble Supreme Court. It was finally decided by the Apex Court in the judgment and order dated 24.2.1995 in Civil Appeal no. 741-69 of 1994 enunciating the principles for considering the cases of appointment of the applicants by the respondent-authorities.

4. Since a finality has been reached with this decision of the Apex Court, let us examine whether the prayer of the applicant can be allowed in terms of the aforesaid judgment of Hon'ble Supreme Court. The operating part of the judgment is extracted below:

"The facts of the present case are closer to those of Sandeep Kumar and Others etc. V. State of Uttar Pradesh and Others etc. (supra) than the other cases cited earlier. Here also the respondents have been temporarily employed to handle work which is of a limited duration. It is not possible, therefore, to direct the framing of any scheme for their being regularized in the Census Department since there is not enough work of a permanent nature to keep these extra employees busy throughout. We also do not see how these employees, who have been engaged on a contract basis for a limited and fixed duration and on a fixed pay can be directed to be absorbed in any other department of the Government. Ends of justice will be met

if the Directorate of Census Operations, U.P. is directed to consider those respondents, who have worked temporarily in connection with 1981 and/or 1991 census operations, and who have been subsequently retrenched for appointments in any regular vacancies which may arise in the Directorate of Census Operations and which can be filled by direct recruitment, if such employees are otherwise qualified and eligible for these posts. For this purpose the length of temporary service of such employees in the Directorate of Census Operations should be considered for relaxing the age bar, if any, for such appointment. Suitable rules may be made and conditions laid down in this connection by the appellants. The appellants and/or the Staff Selection Commission may also consider giving weightage to the previous service rendered by such employees in the Census Department and their past service record in the Census Department for the purpose of their selection to the regular posts. It is directed accordingly. The appellants have, in their written submissions, pointed out that as of now, 117 posts are vacant to which direct recruits can be appointed. They have also submitted that out of these posts, there were 88 vacant posts of Data Entry Operator, Gr. B, which had been advertised for being filled up only from amongst the retrenched of 1981, 1984 and 1991. As per recruitment rules, only those retrenched were eligible to apply who were graduates and had a speed of 8000 key depressions per hour of data entry. Although, approximately 800 retrenched applied, only 476 appeared in the test conducted by the NIC of the Lucknow Unit and only two applicants qualified. Out of these, only one could be appointed, since the other person was over age even after allowing for age relaxation. Whatever may be the difficulties in giving regular appointment to such retrenched employees in the past, the appellants, namely, the Union of India and the Directorate of Census Operations, U.P. are directed to consider these retrenched employees for direct recruitment to regular posts in the Directorate of Census Operations, U.P. in the manner hereinabove stated. The



retrenched employees will, however, have a right to be considered only if they fulfill all other norms laid down in connection with the post in question, under the recruitment rules and/or in other departmental regulations/circulars in that behalf."

5. It is clear that the Hon'ble Supreme Court refrained from issuing any direction for formulating a scheme to regularize the applicants in the Census department, nor did it ask for their absorption in other departments. But, the respondent-authorities were directed to consider the case for appointment of such retrenched employees as would meet the eligibility norms for any direct recruitment posts by giving weightage to their experience in census work and special relaxation in respect of age-bar to the extent of their past service in the Census organization.

6. On the basis of recommendations of Vth Central Pay Commission, the field cadre of Census organization was restructured by the government vide notification dated 29.9.2000. The subordinate cadre was restructured in the following manner:

Posts in Statistical cadre before Vth CPC	Posts after implementation of Vth CPC's recommendations w.e.f. 29.9.2000
Investigator No. of Posts-133 Pay Scale Rs. 5500-9000	Statistical Investigator Gr.I Present No. of Posts-142 Pay scale :Rs. 6500-10500 Statistical Investigator Gr.II No. of posts-169 Pay scale Rs. 5500-9000/-
Statistical Assistant No. of Posts-707 Pay scale: Rs. 4500-7000/-	Statistical Assistant Gr.III. No. of Posts-707 Pay scale: Rs. 5000-8000/-
Computer No. of posts-1061 Pay Scale: Rs. 4000-6000	Senior Compiler No. of Posts-308 Pay Scale: Rs. 4500-7000 Compiler No. of posts-775 Pay Scale : Rs. 4000-6000
Assistant Compiler No. of Posts-458 Pay Scale: Rs. 3050-4590	Assistant Compiler No. of posts-274 Pay Scale Rs. 3050-4590

7. The new Recruitment Rules were notified on 5.7.2006, which brought about the following changes:

- (a) Post of Compiler, which was earlier filled on selection-cum-seniority basis, was made into a selection post.
- (b) The vacant posts could be filled up by direct recruitment in case sufficient numbers of candidates were not available on promotion.

8. Since the preparatory work for census operation 2011 has already started, the respondent-organization got the approval of the Cabinet of the Central Government for creation of posts and initiated recruitment action. At the time of hearing, it was admitted by the learned counsel for the applicants in all the cases that none of the applicants, before us, applied for the posts of Compiler, as advertised, because they did not fulfill the educational qualification norms specified. It was submitted that the applicants were qualified to hold the post of Assistant Compiler, but no advertisement for recruitment to the vacant posts of Assistant Compiler has been made. It is their contention that some of the vacant posts of Assistant Compiler have been converted into the post of Compiler, while restructuring the subordinate cadre; therefore, their hope of appointment against the vacancies on the post of Assistant Compiler has, to that extent, diminished.

9. The respondents have denied the allegations that the vacant posts of Assistant Compiler have been merged with the post of Compiler at the time of restructuring of the cadre. According to them, there has not been any change in the post of Assistant Compiler; on the other hand, it is the post of Computer, which has been restructured into two categories : (i) Compiler in the pay scale of Rs. 4000-6000/-; (ii) Senior Compiler in the pay scale of Rs. 4500-7000/-. Therefore, the contention of the applicant that the process of restructuring has whittled down the prospects of Assistant Compiler is not correct.

10. Be that as it may, the fact remains that according to their own admission, the applicants do not satisfy the eligibility conditions for appointment on the advertised post of Compiler. We examined the impugned advertisement notice. It clearly stipulates that the age relaxation (of three years + the period of service in census work) and weightage for past service would be

given to the retrenched employees, who were engaged during 1981, 1991 and 2001 census operations. It supports the case of the respondents that the directions of the Hon'ble Supreme Court were kept in view while advertising for recruitment to the vacant posts. Since none of the applicants applied for the vacant posts, there was no question of considering them as per the directions of Hon'ble Supreme Court. It was further stated that the examination had been conducted, selection process completed and successful candidates have already been appointed. As a result, according to the learned counsel for the respondents, the present applications have become infructuous.

11. At the time of hearing, the learned counsel for the applicants urged that the respondents should be directed to take expeditious steps for recruiting candidates on the vacant posts of Assistant Compiler. The applicants who have been agitating the matter for years together and have pursued a series of litigation, would have some hope for appointment only if the vacancies for Assistant Compiler, for which they satisfy eligibility condition, are notified. The learned counsel for the respondents replied that the action in this regard would be taken depending upon the assessment of the authorities about the actual requirement.

12. Since no prayer has been made about considering the applicants on the posts of Assistant Compiler, there is no justification for us to give any direction in the matter. However, liberty is given to the applicants to represent their case for consideration in terms of the judgment of Hon'ble Supreme Court as and when the posts for which they satisfy the eligibility conditions, are notified for recruitment.

13. With the aforesaid observations, all the O.As are dismissed. A copy of this order be placed in each of the connected files.

Sd -
(Dr. A.K. Mishra)

Sd -
(Ms. Sadhna Srivastava)

Member-A

Member-J

(i) Date of Order
(ii) Date of Preparation
(iii) Date of Receipt

Certified Copy

31-8-09
31-9-09
03-9-09