

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.

D.A. No. 167 of 1996

Date of decision : 1.6.2004

Renu Rani Sharma, W/o Shri Satendra Kumar, resident of
Morcha Road (Saloon Dukan) Begampur, Patna City, Patna - 9

.... Applicant

By Advocate : Shri A.K. Sinha

Vs.

1. The Union of India through the Registrar General of India, 2/A, Mansing Road, Kotha House Annexe New Delhi - 11.
2. The Deputy Director, Office of the Registrar General of India, 2/A, Mansing Road, Kotha House Annexe, New Delhi - 11.
3. The Director of Census Operations, Bihar Jawala Bhawan, Boring Road, Patna.
4. The Joint Director of Census Operations, Bihar Jwala Bhawan, Boring Road, Patna.
5. The Deputy Director of Census Operations (Admn.) Bihar Jawala Bhawan, Boring Road, Patna.

... Respondents.

By Advocate : Shri V.M.K.Sinha, Sr.Standing Counsel

C O R A M

Hon'ble Smt. Shyama Dogra, Member (J)

Hon'ble Shri Mantreshwar Jha, Member (A)

O R D E R

By Shyama Dogra, M(J):- While preferring this Original application, the applicant has sought relief for directions to the respondents to appoint the applicant on the post of Assistant Compiler and consequently her absorption and regularisation on the said post. At the very outset, it is submitted by the learned counsel for the applicant that she is similarly situated person as of one

Pawan Kumar and others who had also preferred OA 23 of 95 which has been decided by this Court on 29.7.2003, while giving certain directions to the respondents to examine the case of these applicants in the light of Clause (JT) of Annexures A/12 to A/14 and A/20 of the said OA, and the decision passed by this Tribunal in OA 562 of 1992.

2. After perusal of the relevant records in the present case, it is found that OA 562 of 1992 (Annexure A/9) had been filed by 14 applicants including the present applicant, and Annexure -7 is the same annexure which has been taken note of in OA 23 of 1995, wherein the said Annexures were shown as Annexures 12 and 13. Most of the applicants of OA 23 of 1995 including the present applicant are also found to have been appointed by the same order vide Annexure A/1 series.

3. Even after perusal of Annexure -1 series and Annexure -2, it is found that the applicant is one of these candidates who had been appointed on ad hoc basis to the post of LDC in the year 1991 along with other persons including said Pawan Kumar who has preferred OA 23 of 1995, a copy thereof has also been placed on record. Hence it is found that the facts ~~and~~ of the present case are similar to the facts of OA 23 of 1995, decided on 29.7.2003.

4. In the x written statement also the stand being taken by the respondents is similar to the stand as taken in earlier OA 23 of 1995.

5. In view of this, we are of the considered opinion that the present OA can be disposed of on the similar lines as earlier OA 23 of 1995 has been decided



by this Court, while giving some directions as has been given in that case, which are as under;

- (i) The respondents are directed to examine the case of the applicant in the light of Clause (T) of Annexure -7 dated 17.5.1992, Annexure -8 dated 7.12.1992 and office memorandum dated 19.5.1992 and the decision passed by the Tribunal in earlier OA 562 of 1992 and in the light of paras 16 and 18 of the decision of Hon'ble Gauhati High Court as discussed in OA 23 of 1995.
- (ii) After examining the matter of the applicant as directed hereinabove, to consider her absorption/appointment against the vacant post of Assistant Compiler because of the fact that the applicant has become over-age with the passage of time and she has also her best/seniority position in the employment exchange, and inspite of necessary guidelines for absorptions of such retrenched employees, the applicant has not been absorbed till date.
- (iii) The entire exercise in this regard be done within the period of four months from the date of receipt/production of a copy of this order.

6. With these observations and directions as above, this OA stands disposed of with no order as to costs.

/CBS/

(MANTRESHWAR SHARMA) M(A)

(SHYAMA DOGRA) M(J)
1.6.04