

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : AT HYDERABAD

AT HYDERABAD

O.A.No.1133/93

Date of Order: 13.11.96

BETWEEN:

1. N.Ashok
2. V.Tirupathi Reddy
3. T.Rajaiah
4. Md.Khasim
5. M.Bharathamma
6. Mirza Kareemullahh
7. K.Shekuntala
8. R.Satyanarayana
9. B.Anil Kumar
10. K.Ravindrababu
11. Mohd. Afzaluddin
12. Mohd.Sirajuddin

.. Applicants.

AND

1. The Regional Dy.Director of Census, Operations, Warangal Region, Nakkalagutta, Warangal.
2. Govt. of India, Ministry of Home Affairs, Rep. by its Secretary,
3. The Govt. of A.P. (GAD), Rep. by Chief Secretary, Secretariat, Hyderabad.

.. Respondents.

Counsel for the Applicants

.. Mr.K.Vinay Kumar

Counsel for the Respondents

.. Mr.N.R.Devraj
Mr. J. V. K. Murthy

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

None for the applicant. Heard Mr.N.R.Devraj, learned standing counsel for the respondents (R1&2), none for R-3.

2. The applicants in this OA were all retrenched Compiler^s Checkers in Census Department, A.P.Region who had worked during ^{of Census operations} the period 1991-92.

3. This OA is filed praying for a direction to the respondents to frame a scheme for the employment of the applicants or absorption or adjustment in any of the government department or public undertakings, Societies in view of their service ^{during} in ^{Census operations} the department.

4. A reply has been filed on behalf of R1 and 2. The sum and substance of the reply as submitted by the learned standing counsel Mr.N.R.Devraj is that the government will prepare a scheme against the vacancies that will arise in future in the Census department and consider the case of the applicants in accordance with the rules. However the respondents are not obliged to appoint the retrenched Ex-Census employees as the work involved is of intermitant nature and they were paid consolidated pay for the period they worked in the Census department. Hence they cannot have any claim for regularly absorbing them in the department.

5. The learned standing counsel further submitted that the direction given in a similar case of Census department of the U.P.Government reported in 1995 (3) SCC 401 (Union of India and others V.Dinesh Kumar Saxena) may be followed in this case. In the reported case the applicants therein were also retrenched employees of the Census department of the U.P.State. The Apex Court had directed in that case to form a scheme for absorption of those retrenched employees against the vacancies in that department and giving priority over others from open market. The relevant portion of the judgement is reported below:-

Dr

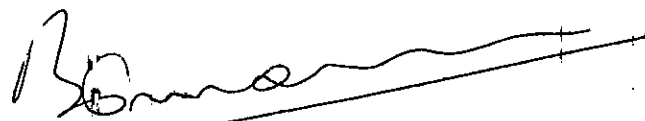
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"Ends of justice will be met if the Directorate of Census Operations, U.P. is directed to consider those respondents, who have worked temporarily in connection with 1981 and/ or 1991 census operations and who have been subsequently retrenched, for 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".

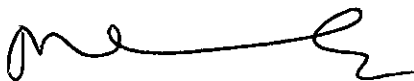
7. We also feel that the same direction will apply in this case also so far in absorbing them in vacancies that arise in the Census Department of Andhra Pradesh.

8. In the result, we follow the direction given by the Apex Court in the reported case and direct the concerned respondents in the Census Department to adhere to the direction as given by the Apex Court and take further action on that basis.

9. The OA is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)

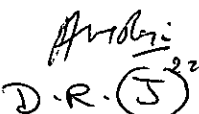
13.11.96


(R. RANGARAJAN)
Member (Admn.)

Dated: 13th November, 1996

(Dictated in Open Court)

sd


D.R. (J) 22/11/96

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TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 13/11/96

ORDER/JUDGEMENT

R.A./C.P/M.A.No.

O.A.NO. 1133/83ⁱⁿ

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

No spare copy

II COURT

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