

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

HYDERABAD

gpo Dated 30.12.93

OA No. 1559/93

BETWEEN

1. K. Venugopal,
S/o Sri K. Surya Prakasa Rao,
aged about 28 years,
working as Computer,
Directorate of Census Operation,
Andhra Pradesh,
Sample Registration System (Rural)
under control of Director of
Medical And Health Sciences, Koti,
Hyderabad.
2. K.K. Visweswar Rao
S/o Sri K. Papa Rao aged about
38 years, working as
Computer, Sample Registration System (Rural)
under control of Director of
Medical And Health Sciences, Koti,
Hyderabad.
3. A.opal Reddy,
S/o Sri Ramakrishna Reddy,
aged about 28 years, working as
Computer, Directorate of Census
operation,
Sample Registration System (Rural)
under the Control of D.M & H.S.,
Koti, Hyderabad.
4. B. Satya Narayana,
S/o Sri B.S. Prakasa Rao
aged about 28 years,
working as Computer,
Directorate of Census Operation,
Sample Registration System (Rural)
Under the Control of Director of
Medical & Health Services, Koti,
Hyderabad.
5. Smt. Anita Deshmukh,
W/o Sri Damodar Maratha,
aged about 28 years,
working as Computer,
Directorate of Census Operation,
Under the Control of the Central
Tabulation Unit Section,
Somajiguda, Hyderabad.
6. M. Chandra Sekhaa,
S/o Sri M. Appa Rao,
Working as Computer,
Directorate of Census Operation,
Sample Registration System (Rural)
Under the control of D.M. & H.S.,
Koti, Hyderabad.
7. K.B. Ramakrishna Sarma,
S/o Sri KSR Sarma (Late),
aged about 28 years
working as Computer,
Directorate of Census Operation,
Sample Registration System (Rural)
Under the control of D.M. & H.S.,
Koti, Hyderabad.

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8. G. Venkateswarlu,
S/o (Late) Sri Rangaiah,
aged about 29 years,
working as Computer,
Directorate of Census Operation,
Sample Registration System (Rural),
under the control of D.M. & H.S.,
Koti, Hyderabad.
9. N. Amarender,
S/o Sri N. Vaikuntham,
aged about 28 years,
working as Computer,
Directorate of Census Operation,
Sample Quality Control System,
Somajiguda, Hyderabad.
10. Balla Reddy,
S/o Sri Tataiah, aged about 31
years, working as Computer,
Directorate of Census Operation,
Sample Registration System (Rural)
under the control of D.M. & H.S.,
Koti, Hyderabad.
11. B.V.V. Satyanarayana,
S/o Sri Satyam,
aged about 32 years,
working as computer,
Directorate of Census System (Rural),
under the control of the D.M & H.S.,
Koti, Hyderabad.
12. Smt. B. Pushpalatha,
W/o Sri Prem Rangan,
aged about 28 years,
working as Computer,
Directorate of Census Operation,
Hand Book section, Somajiguda,
Hyderabad.
13. S. Krishnamachary,
aged about 28 years,
S/o Sri S. Srinivasachary,
working as Computer,
Sample Registration System (Rural)
Directorate of Census Operation,
under the Control of D.M. & H.S.,
Koti, Hyderabad.
14. Kum. V. Sridevi,
D/o Sri S.K. Venugopal,
aged about 25 years,
working as Computer,
Directorate of Census Operation,
Sample Registration System (Urban)
Somajiguda, Hyderabad.
15. Smt. Preeta Chadda,
W/o Sri Rajpal Arora,
aged about 28 years,
working as Computer,
Directorate of Census Operation,
Handbook section,
Somajiguda, Hyderabad.

....Applicants



And

1. Union of India
Reptd. by the Secretary to Government,
Ministry of Home Affairs,
Secretariate,
New Delhi.
2. The Registrar General of India
Ministry of Home Affairs,
Government of India,
2/A, Mansingh Road,
New Delhi.
3. The Director of Census Operations,
Andhra Pradesh,
Ministry of Home Affairs,
Government of India,
Somajiguda, Hyderabad. Respondents.

Counsel for the applicants : Shri N. Rama Mohan Rao

Counsel for the Respondents : Shri N.R. Devaraj.

Sr.Case

CORAM

Hon'ble Shri Justice V. Neeladri Rao, Vice-Chairman.

Hon'ble Shri R. Rangarajan, Member (Admn.)

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Interim Order

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri N. Ram Mohan Rao, learned counsel for the applicants and Sri K. Bhaskar Rao, learned counsel for the respondents.

2. Admit.

3. It is necessary to refer to the following facts for consideration in regard to interim order pending disposal of this OA :-

All these 15 applicants were engaged on time-scale as against temporary posts of Computers created for 1991 Census. The impugned orders are issued to the applicants retrenching them with effect from 31-12-93, as the sanction for those posts is only upto 31-12-1993.

4. It is stated for the applicants that 72 posts were sanctioned with regard to Computers in the office of the Director, Census Operation, AP, Hyderabad, R-3, and as only 53 Computers are working in the said posts, still 19 regular posts are available and as such the petitioners can be permitted to work in those posts.

5. But it is stated for the respondents that only 61 regular posts of Computers are available in the office of R-3 after abolishing the posts created for 1991 Census and two posts abolished in regard to 1981 Census. It is further stated for the respondents that 55 are working in those 61 posts. But on verification it is stated that Sri B. Jaya Raju, at Serial No.25 of the list furnished is abstaining and Sri John Benny, at serial no.1 is




working in the leave vacancy in Statistical Assistant and that leave expires by the end of February, 1994. Four posts of Investigators will be abolished with effect from 28-2-1994 and so four will be reverted as Computers. Therefore there will be only two vacancies in the sanctioned posts of Computers and they are the posts sanctioned at the time of 1981 Census. The letter dated 21-12-1993 of the office of the Registrar General India is referred to state that those who are recruited towards the temporary posts sanctioned for 1991 should not be adjusted towards the vacant posts sanctioned at the time of 1981 Census. Hence it is stated that even though eight vacancies may now be available in the sanctioned posts of Computers, after 31-12-93, these applicants who were recruited towards temporary posts sanctioned for 1991 after their retrenchment.

6. It is not stated for the respondents that there will be proposals for reduction of the number of Computers for R-3 office after 31-12-1993, we feel that 21-12-93 letter might have been modification issued under the apprehension that if the computers or other employees who are recruited for the temporary posts and who will be facing retrenchment on the abolition of those posts, may claim regulations if they are going to be adjusted towards regular posts.

7. But when the sanctioned posts are there, and when the work is available, and when those who worked for more than two years are facing retrenchment, we feel that it is just and proper to give a direction to continue such number of applicants who are necessary to man the remaining out of 61 sanctioned posts after 31-12-1993 by making it clear that it will be only by way of adhoc arrangement and they have to be replaced by regular recruits if regular recruitment is



Copy to:-

1. Secretary to Government, Ministry of Home Affairs, Union of India: Secretariate, New Delhi.
2. The Registrar General of India, Ministry of Home Affairs, Government of India, 2/A, Mansingh road, New Delhi.
3. The Director of Census Operations, A.P.: Ministry of Home Affairs, Government of India, Somajiguda, Hyderabad.
4. One copy to Sri. N.Ram Mohan Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One spare copy.

Yours Ram/-

Yours

17/10/97
3:11:13

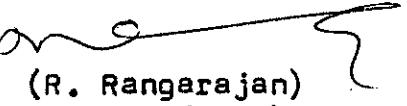
going to be held and they will not have any right of regularisation. Ofcourse, the number of vacancies from out of those sanctioned posts will become less after the end of February, 1994. Then there may be necessity to retrench ~~some~~ of those who are going to be continued after 31-12-1993 by this order.

S/shree G. Venkateswara Rao, B.VV Satyanarayana, and Balla Reddy belong to SC Community, and hence they can be continued beyond 31-12-1993 as per this interim order. It is also stated that Kum. V. Sridevi, is orthopaedically handicapped and she may also be continued beyond 31-12-93. For manning the remaining four posts from 1-1-1994, four out of the remaining applicants on the basis of their rankings have to be continued. Ofcourse, if no other factor arises after February, 1994, there may be chance for continuation of only the SC candidates, and if ~~in which~~ Kum. Sridevi is.

9. It is stated that order dated 28-12-1993 is issued for extension of the services of three SC candidates referred to and Sri N. Amerender, who is stated to be the first in the ranking till 28-2-94. The above order was evidently issued in pursuance of the extension of the services of four higher grade Estimators till 28-2-1994.

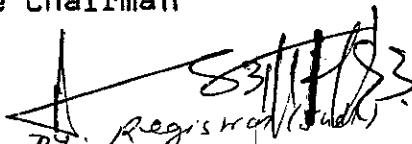
10. Anyhow, it is necessary for the R-3 to pass modified order by the end of February, 1994, by keeping in view this interim order, if it is not going to be modified before that date.

11. The above order is passed as interim order ~~until~~ until further orders. Call on 21-1-1994 for reply in the meanwhile.


(R. Rangarajan)
Member (Admn)


(V. Neeladri Rao)
Vice Chairman

Dated : December 30, 93
Dictated in the Open Court


D.Y. Registration (Sd)

sk

contd... 5/-

O.A.1559/93

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY
MEMBER(J)

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 20/12/1993

ORDER/JUDGMENT:

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

O.A.No.

1559/93

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

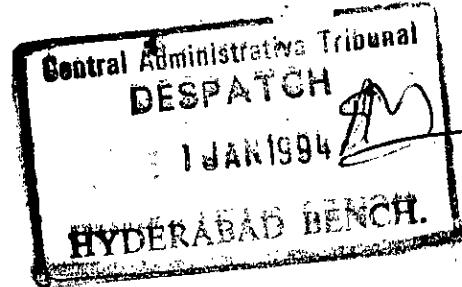
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.



pvm