

(78)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

OA.No. 1448 of 1993

DATE OF ORDER:-12.12.96

Between:-

1. Smt. K. Aruna Bai, D/o. K. Jagmohan,
aged about 42 years.
2. Smt. A. Vijayalaxmi, D/o. A Krishna Rao,
aged about 37 years.
3. Smt. A. Uma, D/o. I.Vishnu Rao,
aged about 44 years.
4. Smt. S.Durga Kumari, D/o. S.Satyanarayana,
aged about 42 years.
5. Smt. S.Devaki Devi, D/o. S.V.L.Narasimha Rao,
aged about 32 years.
6. Smt. S.Sarada, D/o. S.N.Sastry,
aged about 35 years.
7. Smt. P. Mangamani, D/o. P. Reddaiah,
aged about 34 years.
8. Smt. C. Kanakavalli, D/o. C.Rangachary,
aged about 34 years.
9. Smt. A. Laxmi Bai, D/o. A. Durgaiah,
aged about 36 years.
10. Smt. N.Kanaka Mahalaxmi, D/o. N.Venkateswara Rao,
aged about 42 years.
11. Smt. M. Bramaramba, D/o. M.Sambaiah,
aged about 44 years.
12. Smt. P.Rajyalaxmi, D/o. P. Appa Rao,
aged about 40 years.
13. Smt. B. Savitri, D/o. B.S.N.Murthy,
aged about 47 years.
14. Smt. M. Bhagya Laxmi,
aged about 37 years.
15. Smt. A. Andalu, D/o. A. Lakshma Reddy,
aged about 35 years.
16. V. Rajyalaxmi, D/o.
aged about years.
17. Smt. V. Radhamma, D/o. Viswanatham,
aged about 34 years.
18. Sri Hussain Baig, S/o. M. Hafeez Baig,
aged about 31 years.

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19. P. Rami Reddy, S/o. P.Penta Reddy,
aged about 32 years.
20. M. Ramakrishna, S/o. M.L.Kanta Rao,
aged about 37 years.
21. D. Chenna Kesava Rao, S/o. Late D.Ananthaiah,
aged about 29 years.
22. M.K. Qutbuddin, S/o. Md.Burhanuddin,
aged about 41 years.
23. R. Palasundaram, S/o. R.Vadapalli,
aged about 43 years.
24. Moba. Ali Khan, S/o. Rahaman Ali Khan,
aged about 43 years.
25. G. Sudhakar, S/o. Chandrappa,
aged about 41 years.
26. C. Rajyalakshmi, D/o. C.Rajagopala chary,
aged about years.
27. Ch. Gopal, S/o. C.P. Aswartu,
aged about 33 years.
28. P. Sudhakar, S/o. P.M.Prabhakar,
aged about 36 years.
29. G. Somasunder, S/o. Late G.V.Sastry,
aged about 31 years.
30. Smt. P. Mary Jansi Kumari, D/o. P.Devasikhamani,
aged about 39 years.
31. K. Durgaprasad Rao, S/o. Veerabhadra Rao,
aged about 41 years.
32. K. Malleswara Rao, S/o. Tataiah,
aged about years.

.. APPLICANTS

And

1. The Registrar General & Census
Commissioner India, Ministry of Home Affairs,
Govt of India, 2A, Mansingh Road,
New Delhi - 110 001.
2. The Director of Census Operations,
A.P., Ministry of Home Affairs,
Govt. of India, Hyderabad.

... Respondents.

COUNSEL FOR THE APPLICANT: SHRI Y.SURYANARAYANA

COUNSEL FOR THE RESPONDENTS: SRI N.V.RAMANA, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, ADMINISTRATIVE MEMBER

HON'BLE SHRI B.S.JAI PARAMESHWAR, JUDICIAL MEMBER

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.P.Naveen Rao for Mr.Y.Suryanarayana, learned counsel for the applicants and Shri V.Rajeswara Rao for Shri N.V.Ramana, learned standing counsel for the respondents.

2. There are 32 applicants in this OA who ^{had}~~are~~ working ^{ed}~~ing~~ in 1981 and 1991 Census operations as Compilers, Tabulators etc. in the Andhra Pradesh Region.

3. This OA is filed praying for direction to the respondents to consider them for absorption in the existing vacancies in the category of Data Entry Operators Grade-A or any other post borne on the establishment of the respondents without insisting upon fulfilling the present age requirement and if necessary by imparting special training.

4. The main contention of the applicants in this OA is that they have put in considerable adhoc service at the time of Census operations during 1981 and 1991. Hence they are entitled for regularisation on that basis.

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5. A reply has been filed on behalf of the respondents. The sum and substance of the reply as submitted by the learned standing counsel is that the Government will prepare a scheme against the vacancies that will arise for 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 work involved is of intermittant nature and they have paid consolidated pay ^{when} ~~as~~ they worked for Census operations for 1981 and 1991 and hence they cannot claim regular absorption in the Census Department.

6. The learned standing counsel further submitted that the direction in a similar case of the Census Department of Uttar Pradesh Government reported in (1995) 3 SCC 401 (Union of India and others v. Dinesh Kumar Saxena) may be followed in this case. In that reported case, the applicants therein were also retrenched employees of the Census Department of U.P. State. The Apex Court has directed in that case to form a scheme for absorption of those retrenched employees against the vacancies in the Department and give priority over the others called from open market. The relevant paragraph of the judgement is reproduced below:-

Ends of justice will be met if the
Directorate of Census Operations, U.P.

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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~~ 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 Directorates 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 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 can be given in this case also so far in absorbing the applicants in the vacancies that arise in the Census Department of Andhra Pradesh.

8. In the result, we follow the directions given by the Apex Court in the reported case supra and direct the concerned respondents of the Census Department to adhere to the directions as given by the Apex Court and take further




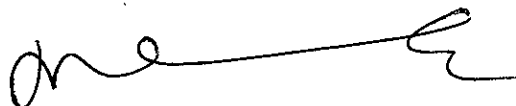
action on that basis.

9. It is brought to our notice that in view of the interim order dated 25.2.94 of this Bench in M.A.No.123/94 in OA 1522/93 (along with this OA), the applicants 2 and 8 were engaged on adhoc basis as Data Entry Operator Grade-A in the scale of pay of Rs.1150-1500 and hence it was submitted by the learned counsel for the applicants that they may be allowed to continue in that capacity till a scheme is formed and these two applicants ^{be} ~~are~~ absorbed on that basis.

10. The interim order dated 25.2.94 clearly states that those who are selected should only be engaged on adhoc basis and they should be replaced by a regular appointee. In view of the above interim order, the submission of the applicants in connection with these two applicants cannot be complied with. However, these two applicants ^{shall} ~~may~~ be allowed to continue on adhoc basis as per the order No.A.12019/1/93-Estt.(DDE), dated 18.3.94 issued in pursuance of the interim directions dated 25.2.94 till such time a regular appointee has been posted.

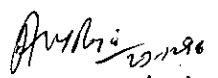
11. The OA is ordered accordingly. No order as to costs.


(B.S. JAI PARAMESHWAR)
JUDICIAL MEMBER


(R. RANGARAJAN)
ADMINISTRATIVE MEMBER

DATED: -12th-December, -1996
Dictated in the open court.

vsn


Dy. Registrar

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Copy to:-

1. The Registrar General & Census Commissioner India, Ministry of Home Affairs, Govt. of India, 2A, Mansingh road, New Delhi.
2. The Director of Census Operations, A.P. Ministry of Home Affairs, Govt. of India, Hyd.
3. One copy to Sri. Y.Suryanarayana, advocate, CAT, Hyd.
4. One copy to Sri. N.V.Ramana, Addl. GSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

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TYPED BY
COMPARED 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. JOSHI PARAMESHWAR:
M(J)

DATED: 12/12/96

ORDER/JUDGEMENT

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

O.A.No.

in
1448/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLIED

~~DISPOSED OF WITH DIRECTIONS~~
~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

II COURT

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