

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.186/96.Dt. of Decision: 17-08-98.

1. ~~.....~~
2. K. Mahender
3. M. Yevan

.. Applicants.

Vs

1. The Director,
Census Operations,
A.P., 6-3-653, Pooner House,
Somajiguda, Hyderabad-482.
2. The Registrar-General of India,
(rep. by Union of India,
2-A, Man Singh Road,
New Delhi-11.

.. Respondents.

Counsel for the applicants : Mr.C.Suryanarayana

Counsel for the respondents : Mr.K.Bhaskara Rao, ADal.CGSC.

CORAM:-

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

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

R



-2-

ORDER

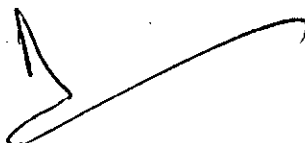
ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN :MEMBER (ADMN.))

Heard Mr.C.Suryanarayana, learned counsel for the applicants and Mr.K.Bhaskara Rao, learned counsel for the respondents.

2. There are 3 applicants in this OA. The first two applicants while working as UDC on adhoc basis were appointed to the post of UDC in the scale of pay of Rs.1200-2040/- by promotion and on regular basis/in a temporary capacity in the respondent organisation at Hyderabad from 9-9-92 vide order No.A.32016/5/90-Estt. dated 9-9-92 (Annexure-12 to the OA). The third applicant was also similarly promoted vide order No.A.32016/5/90-Estt. dated 12-10-92 (Annexure-13 to the OA). All the three applicants were reverted by the impugned order No.A.32016/5/90-Estt. dated 31-12-93 (Annexure-13 to the OA). The representation of Mr.K.Mahender second applicant in this OA was disposed of by order No.32016/5/90-Estt. dated 31-3-94 (Annexure-18 to the OA) that the 3 temporary posts of UDC (1981 Census posts) have ceased to be in existence after 31-12-93 and hence he was reverted.

3. This OA is filed to set aside the impugned orders No.A.32016/5/90-Estt. dt. 31-12-93 and orders of even No. 12-1-94 and No.A-32016/5/90-Estt. dt. 31-3-94 (Annexure-14, 15 and 18 to the OA) in the light of the R-2s letter No.2/5/89-RG(A&II)(Vol.II) dated 27-11-95 (Annexure-19 to the OA) whereby the president has sanctioned the continuation of these posts of the 1015 temporary posts created in connection with the 1981 census, which are occupied, for the period upto 31st Dec., 1995 and for a consequential direction that the applicants are continuing as UDC from the date of their reversion and back wages for that period they are shown as reverted.

R



64

-3-

4. The main contention of the applicants in this OA is that the UDC posts under the respondents Organisation at Hyderabad numbering ~~xx~~ three is still continuing, and hence the question of reverting them does not arise. The local office addressed a letter to their Head Office at New Delhi by letter No.A.11011/1/93-Estt. Dated 12-1-94 (Annexure-15 to the OA) asking for clarification whether the 3 posts of UDC transferred to the Hyderabad office are in existence beyond 31-12-93. The applicants also submit that the posts reported to have been sanctioned by the order No.2/5/89-RG (Ad.II) (Vol.II) dated 27-11-95 (Annexure-19 to the OA) beyond ^{is} 31-12-93 without any break. Hence, the applicants are entitled to be continued as UDC even beyond 31-12-93 without reversion.

5. A reply has been filed in this OA. The only point to be considered in this OA is whether ~~that~~ ^{the} 3 posts of UDC are available for continuing the applicants as UDC even beyond ^{learned counsel for the} 31-12-93. The ~~applicants~~ ^{learned counsel for the} produced a bunch of letters showing the sanctioned strength, working strength and permanent strength of the Director of Census Operation, A.P., Hyderabad right from 1979 onwards. Based on that he submits that the posts are still continuing. But to our satisfaction he could not produce number of sanctioned posts working strength etc., after 31-12-93. The availability of the posts earlier to 31-12-93 is of no consequence. The UDC Posts must be available after 31-12-93 to accommodate the applicants as UDC. Unless such a record is shown it is very difficult to grant any relief to the applicants herein.

6. The learned counsel for the respondents submitted that the 3 temporary posts of UDC transferred to the Office of the Director of Census Operation, A.P., vide letter No.27/1/90-RG(Ad-II) dated 11-1-91 were created in connection with the 1981 census work and were abolished subsequently along with all other 1981 census posts w.e.f.,

Handwritten signature

Handwritten signature

31-12-93. Therefore, the question of continuation of these posts beyond 31-12-93 does not arise. The learned counsel for the respondents submit that this is in reply to the letter dated 12-1-94. The learned counsel for the applicants submits that the reference mentioned in the letter No.27/4/96-Ad.IV dated 10-4-96 is entirely different and it ⁱⁿ no way indicates that the letter dated 10-4-96 is reply to R-1's letter dated 12-1-94 of the respondent organisation at Hyderabad. Hence, this letter dated 10-4-96 is not an answer to the letter dated 12-1-94 and he emphasises that three posts of UDCs are still continuing. Hence, against these posts the applicants should be promoted and is shown as continuing beyond 31-12-93.

68

7. The whole issue involves in regard to the proper availability of UDCs in the office of the Director of Census Operation- A.P., Hyderabad. There is no need to presume any material to arrive at the total sanctioned strength. The total sanctioned strength of UDC posts temporary, permanent and work charged posts are available on the basis of the sanctioned strength documents available with the respondent office. Hence, they should examine the availability of the posts as on 1-1-94 and see the number of UDC posts available on that date of permanent, temporary and work charged. If it is a temporary or work charged posts then the respondents should examine whether these posts are to be filled or not on the basis of the work load. If they come to the conclusion that posts are available and there is need to fill up these posts due to work load then the applicants should be given the promotion from 1-1-94 till the posts are available or till their promotion is ^{given} ~~done~~ against the permanent UDC posts. In order to assist the respondent organisation all the three applicants should submit a detailed representation on the basis of the material available with them to R-1 in this

R

2

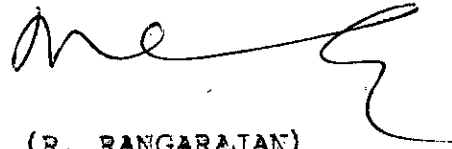
connection. If such a representation is received, R-1 should examine the issue ~~geneve~~ as observed above and reply the applicants suitably on the basis of the documents in regard to the availability of posts. Time for compliance is two months from the date of receipt of a copy of the representation from the applicants herein.

8. With the above direction, the OA is disposed of.

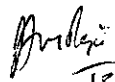
No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

17.8.98


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 17th August, 1998.
(Dictated in the Open Court)


DR 15.8.98

spr

...6..

Copy to:

1. The Director, Census Operations, A.P.,
6-3-653, Pioneer House,
Somajiguda, Hyderabad.
2. The Registrar General of India, 2-A,
Mansingh Road, New Delhi.
3. One copy to Mr. C. Suryanarayana, Advocate, CAT, Hyderabad.
4. One copy to Mr. K. Bhaskara Rao, Addl. CGSC, CAT, Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

YLKR

27/8/98 (5)

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN 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: 17/8/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in

C.A.NO. 186/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

