

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

OA. NO.1327/97

Between :

Date of Order:14-10-1997

D.Satyanarayana Rao

.. Applicant.

And

1. The Registrar General of Census Operations,
Govt. of India, Ministry of Home Affairs,
2/A, Mansingh Road, New Delhi.
2. The Director of Census Operations,
A.P. Posnett Bhavan, Boggulakunta, Hyderabad.
3. The Deputy Director, Directorate of Census
Operations, A.P. Postnett Bhavan, Boggulakuta,
Hyderabad.

.. Respondents.

For the Applicant : Mr. M. Rama Rao, Advocate.

For the Respondents : Mr. N.R. Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE MR. R. RANGA RAJAN : MEMBER (ADMN.)

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

The Tribunal made the following order:-

Mr. M. Rama Rao, for the applicant and Mr. K.Bhaskara Rao,
for the respondents.

Though notice was issued on 7.10.1997 reply is not filed.

Admit. The interim order dated 7.10.1997 is extended
until further orders.

List for final hearing on 4.11.1997.


Deputy Registrar (A)

22

OA. NO.1327/97

1. The Registrar General of Census Operations,
Govt. of India, Ministry of Home Affairs,
2/A, Mansingh Road, New Delhi.
2. The Director of Census Operations, A.P. Posnett Bhavan,
Boggulakunta, Hyderabad.
3. The Deputy Director, Directorate of Census Operations,
A.P. Postnett Bhavan, Boggulakunta, Hyderabad.
4. One copy to Mr. M. Rama Rao, Advocate, CAT., Hyd.
5. One copy to Mr. N.R. Devaraj, Sr.CGSC. CAT., Hyd.
6. One copy duplicate.

srr

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 14-10-97

ORDER/JUDGMENT

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

in

O.A.NO. 1327/97

Admitted and Interim Directions
Issued.

~~Allowed~~

~~Disposed of with Directions~~

~~Dismissed~~

~~Dismissed as withdrawn~~

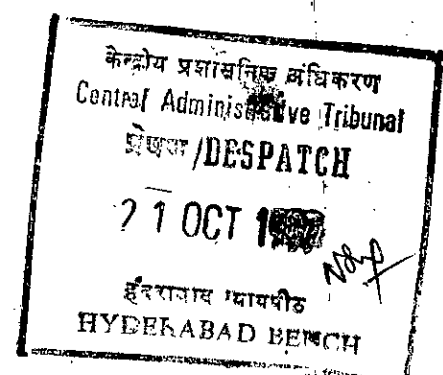
~~Dismissed for Default~~

~~Ordered/Rejected~~

~~No order as to costs.~~

YLKR

LI Court



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: HYDERABAD BENCH
AT HYDERABAD

O.A.No.1327 OF 1997

BETWEEN:

D. Satyanarayana Rao

...

APPLICANT

AND

The Director,
Census Operations,
Ministry of Home Affairs,
Posnett Bhavan, Tilak Road,
Hyderabad and others.

...

RESPONDENTS

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS

I, P. Lalitha, W/o Sri S.S. Murthy, aged 56 years, occupation Government Service resident of Hyderabad do hereby solemnly affirm and state as follows:

I am the Assistant Director working in the Office of the respondent No.2 and as such I am fully acquainted with all facts of the case. I am ~~am~~ filing this Reply Statement on behalf of all the Respondents as I have been authorised to do so. The material averments in the O.A. are denied save those that are specifically admitted hereunder. The applicant is put to strict proof of all such averments except those that are specifically admitted hereunder,

The respondents submit the para-wise comments of the case as follow:

Para (1), (2), (3), (4) and (5): No comments.

In reply to para 6 of the O.A. the respondents submit this reply as follows:

It is submitted that consequent on the abolition of the 1991 Census posts of Investigators in the DCO, Andhra Pradesh four junior most Investigators namely, Sri K. Adinarayana,

Shyams
अनुसन्धान अधिकारी
Research Officer
जनगणना कार्य निदेशालय
Directorate of Census Operations
आन्ध्र प्रदेश, हैदराबाद
Andhra Pradesh, Hyderabad.

P. Lalitha
सहायक निदेशक जनगणना कार्य
Asst. Director of Census Operations
आंध्र प्रदेश, हैदराबाद.
Andhra Pradesh, Hyderabad.

Sri B. Anjaiah, Sri T.B. Ramachander (SC) and Sri G.K. Yadagiri (SC) were reverted with effect from 28.2.1994 to the next lower grade i.e. Statistical Assistant by applying the principle of reverse order of seniority in accordance with the government instructions relating to reversions. The said reversion order was challenged by Sri T.B. Ramchander (SC) and Sri G.K. Yadagiri (SC) in O.A.No.1071/95 on the file of this Hon'ble Tribunal. The said O.A. was disposed of on 1.1.1997 directing that the above mentioned reversions may be reviewed by operating the reservation roster in the reverse order instead of applying the principle of reverse order of seniority. Accordingly, the matter was reviewed and it was found that by applying the roster in reverse order Sri D. Satyanarayana Rao (applicant herein), Sri G.K. Yadagiri, Sri B. Anjaiah and Sri K. Adinarayana occupying the last four points in the reservation roster as on 28.2.1994 were to be reverted in terms of the directions of this Hon'ble Tribunal. Accordingly, instead of Sri T.B. Ramchander (SC), the applicant herein was reverted with effect from 28.2.1994. There was no change in the status of reversion of the other three persons namely Sri G.K. Yadagiri, Sri B. Anjaiah and Sri K. Adinarayana. However, during the year 1995-96 one vacancy had arisen in the grade of Investigator in the office of the DCO, Andhra Pradesh to be filled by promotion. This being a single vacancy was filled by an unreserved candidate. On the basis of the D.P.C. recommendations, the senior most eligible Statistical Assistant in the office of DCO, Andhra Pradesh namely Sri B. Anjaiah had been promoted to the grade of Investigator. However, after the implementation of the order dated 1.1.1997 in O.A.No.1071/95 due to the reversion of the applicant herein w.e.f. 28.2.1994 instead of Sri T.B. Ramchander, it has become necessary to review the

Shyam
अनुसन्धान अधिकारी
Research Officer
जनगणना कार्य निदेशालय
Directorate of Census Operations
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Andhra Pradesh, Hyderabad


P. Calik
सहायक निदेशक जनगणना कार्य ... 3.
Asst. Director of Census Operations
आन्ध्र प्रदेश, हैदराबाद.
Andhra Pradesh, Hyderabad.


promotion in the grade of Investigator against the 1995-96 vacancy because the applicant herein was senior to Sri B. Anjaiah in the grade of Statistical Assistant. The Review D.P.C. has recommended the applicant herein for the 1995-96 vacancy in the place of Sri B. Anjaiah. In view of this the promotion of Sri B. Anjaiah w.e.f. 16.10.1996 has been cancelled. (R.G.'s order No.13014/23/97-Ad.IV, dated 17.12.1997 copy enclosed). It was also discovered that the vacancy of 1995-96 was a backlog vacancy falling under the quota of direct recruitment in the grade of Investigator. Accordingly, this vacancy has been kept for direct recruitment and no promotions have been made. At present there is no vacancy in the grade of Investigator in the office of DCO, Andhra Pradesh which can be considered for recruitment by promotion the two vacancies available in the grade are meant for direct recruitment as per the vacancy roster.

As per the vacancy roster there is a backlog of two vacancies to be filled by direct recruitment. Accordingly, both the existing vacancies are to be filled by direct recruitment. Therefore, the claim of the applicant that the vacant post should be given to him is against the recruitment rules and cannot be accepted.

In reply to the grounds taken by the applicant, the Respondents submit as follows:-

- a) The applicant has been reverted to the post of Statistical Assistant in compliance with order dated 1.1.1997 in O.A.No.1071/95. Though it is correct that the applicants position in the roster falls on point No.27 and that of Sri G.K. Yadagiri at point No.28, the above two individuals cannot be promoted against the two vacant posts as the said vacancies are ear-marked for direct recruitment under 25% quota provided in Recruitment Rules.


अनुसन्धान अधिकारी
Research Officer
जनगणना कार्य निदेशालय
Directorate of Census Operations
आन्ध्र प्रदेश, हैदराबाद
Andhra Pradesh, Hyderabad.


सहायक निदेशक जनगणना कार्य 4.
Asst. Director of Census Operations
आन्ध्र प्रदेश, हैदराबाद.
Andhra Pradesh, Hyderabad.

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b) The averments made by the applicant to the extent that he was not the party in O.A.No.1071/95 is true. However, the directions given by this Hon'ble Tribunal could be complied only by reverting the applicant and promoting Sri T.B. Ramchander w.e.f. 28.2.1994. In the circumstances stated above an order was issued in which the applicant was reverted and Sri T.B. Ramchander was promoted to the post of Investigator w.e.f. 28.2.1994. As already submitted in above paras the applicant could not be adjusted against one of the two vacancies because they are ear-marked for direct recruitment quota as provided under recruitment rules.

For the reasons stated above, the applicant has not made out any case either on fact or on law and there is no merit in the O.A. It is, therefore, prayed that this Hon'ble Court may be pleased to dismiss the O.A. with costs and pass such further and other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Solemnly and sincerely affirmed
this 20th day of Jan, 1998 and
she signed her name in my presence.

DEPONENT.

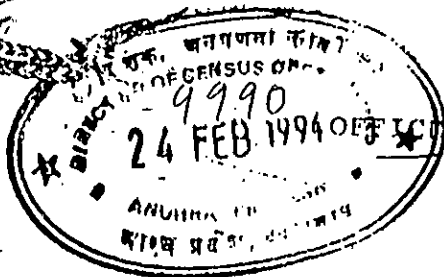
सहायक निदेशक जनगणना कार्य
Asst. Director of Census Operations
आंध्र प्रदेश, हैदराबाद.
Andhra Pradesh, Hyderabad.

BEFORE ME

अनुसन्धान अधिकारी
Research Officer
जनगणना कार्य निदेशालय
Directorate of Census Operations
आंध्र प्रदेश, हैदराबाद
Andhra Pradesh, Hyderabad.

1	2	3
5.	D.N. Barman	Assam
6.	A.C. Borgohain	-do-
7.	K.P. Verma	Bihar
8.	B.N. Choudhary (SC)	-do-
9.	Ramadhayan Paswan (SC)	-do-
10.	Jagannath Prasad	-do-
11.	Sita Ram Pandey	-do-
12.	Hari Charan Sinha	-do-
13.	K.L. Patel	-do-
14.	R.P. Prajapati	Gujarat
15.	B.K. Zala	-do-
16.	V.K. Babbar	-do-
17.	B.S. Nagaraj	Haryana
18.	M.S. Nagaraj	Karnataka
19.	L. Ramachandra	-do-
20.	N. Sasikumar	-do-
21.	K. Srojinii	Kerala
22.	Vimla Agarwal	-do-
23.	O.P. Akhepuriya	Madhya Pradesh
24.	K.R. Patel	-do-
25.	M.N. Wanjari (SC)	-do-
26.	S.K. Mahane	-do-
27.	M.S. Pawar	Maharashtra
28.	N.B. Bhor	-do-
29.	L.R. Bansode	-do-
30.	U.P. Gangurde	-do-
31.	K. Mohapatra	-do-
32.	D. Sethi	Orissa
33.	Malkiat Singh	-do-
34.	J.P. Kateja	Punjab
35.	R.S. Sharma	Rajasthan
36.	S.C. Sharma	-do-
37.	K. Jegannivasan	-do-
38.	S. Sugna Bai	Tamil Nadu
39.	P. Venugopalan	-do-
40.	M.R.V. Rvishna Rao (SC)	-do-
41.	Jai Chander Prakash (SC)	-do-
42.	Suresh Chander (SC)	Uttar Pradesh
43.	Anand Singh Negi	-do-
44.	Mohd. Ahmed	-do-
45.	Chander Pal Gupta	-do-
46.	S.C. Tripathi	-do-
47.	S.C. Sharma	-do-
48.	Ravi Shankar	-do-
49.	Raffik-ud--din	-do-
50.	Satyananda Das	-do-
51.	Deb Das Pall	West Bengal
52.	Gouri Shankar Das	-do-
53.	A. Chatterjee	-do-

R.K. Bhatia
(R.K. BHATIA)
DEPUTY DIRECTOR



No.11/1/94-Ad.IV
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE REGISTRAR GENERAL, INDIA

Speed Post-38
Immediate

2/A, Mansingh Road,
New Delhi-110011.

Dated :

22 FEB 1994

O R D E R

The officials listed below who are at present officiating against the posts of Investigator are reverted to their parent posts of Statistical Assistant with effect from the afternoon of 28th February, 1994. The reversion order will become effective from this date even if an officer is on leave or absent from duty.

2. These promotions were made against 52 posts of Investigator which had been created to supervise and manage the Editing and Coding Cells opened for 1991 Census; the sanction for which, from the Government, had been available only till February, 28, 1994; The Coding and Editing Cells would be closed on 28th February, 1994; and any residuary work, if left, would be managed by the regular/core post.

3. The above reversions have been made strictly in reverse order in view of the instructions/clarification of the Department of Personnel & Training vide their ID.No.43Q48/4/92-Estt.(SCT) dated 19.10.1992.

4. Any vacancy available from 01.03.1994 onwards would be filled in when so required and considered necessary by the competent authority, and as per the Recruitment Rules and reservation roster.

Sl.No.	Name of the Officials	Name of the D.C.O. where working
1	2	3
<u>Shri/Smt.</u>		
1.	G.K. Yadagiri	Andhra Pradesh
2.	T.B. Ramachander	-do-
3.	K. Adinarayana	-do-
4.	B. Anjaiah	-do-

Cont....

No.11/1/94-Ad.IV

Copy to :-

1. Director of Census Operations, Andhra Pradesh, Hyderabad/Assam, Guwahati/Bihar, Patna/Gujarat, Ahmedabad/Haryana, Chandigarh/Karnataka, Bangalore/Kerala, Trivandrum/Madhya Pradesh, Bhopal/Maharashtra, Bombay/Orissa, Bhubaneswar/Punjab, Chandigarh/Rajasthan, Jaipur/Tamil Nadu, Madras/Uttar Pradesh, Lucknow/West Bengal, Calcutta.
2. Pay & Accounts Officer (Census), AGCW&M Building, New Delhi.
3. Record-Assistant, RG's Office.
4. Order file.

R.K. Bhatia

(R.K. BHATIA)
DEPUTY DIRECTOR

O/o the Director of Census Operations, A.P., Hyderabad.

No.A.12/76/89-Estt.

Dated 24.2.1994.

Copy communicated to the officials concerned.

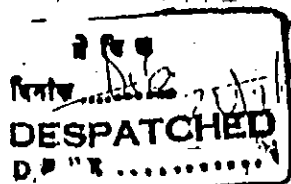
O/c

24/2/94
(K.K. SARMA)
Assistant Director.

To

The officials concerned.

Copy to Admn.I/II/III Sections/S.R. Entry Clerk.



ORDER

(Per Honourable Mr. Justice B.C. Saxena: Acting C.)

Heard the learned counsel for the applicant and we have been also taken through the pleadings on record.

A very short question rises in the case. The applicant belongs to the schedule case, who has been ordered to be reverted along with others to the post of Statistical Assistant from the post of Investigator. The plea taken by the applicant is that, while passing orders of reversion, the reverse order of seniority cannot be the criteria, but it could be the reverse order of the roster-points that would be a valid criteria.

In the counter affidavit the respondents have clearly averred that the orders for reversion have been passed on the basis of the reverse order of seniority. They have also pleaded that the reverse order of roster-point cannot be the criteria. The stand of the respondents cannot be sustained in the light of Supreme Court Decision in the Government of Andhra Pradesh and others Vs Balamusaliah and others reported in (1995) 1 SSC 184). In paragraph 8 of judgement in the case, their Lordships made the following observations:

"The Principle and policy behind the reservation would be adequately met and would receive constitutional approval, if, while retrenching the employees, the roster followed while making appointments is adhered to. To elucidate, if the roster is operated backwards (which we shall call recycled) and if the employees to be retrenched &

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

OA No. 1071/1995

date of decision: 1-1-1997.

Between:

TB Ramachandrar and GK Yadagiri

.. Applicants

and

1. The Union of India, rep. by its
Secretary to Govt., Ministry of Home Affairs,
New Delhi.
2. The Union of India,
rep. by its Secretary to Govt., Department
of Personnel and Training, Central
Secretariat, New Delhi.
3. The Registrar General of India, Govt. of India,
Ministry of Home Affairs, 2/A, Pan Singh Road,
New Delhi.
4. The Director of Census Operations,
AP, Khairatabad, Hyderabad.

Counsel for the applicant : Mr. N. Rama Mohan Rao

Counsel for the Respondents: Mr. MR-Devaraj

ORDER:

THE HONIBLE JUSTICE MR. B.C. Sakeena, Acting Chairman
The Hon'ble Justice Mr. N. Rajendra Prasad, Member (Admin.)

contd..2.

completed within a period of 2 months. We also provide that in the event of the reverse order of roster point being adopted, if the applicants do not fall for reversion then the respondents shall treat the applicants to have continued as Investigators. The applicants shall also be entitled for all consequential benefits.

Order is not quashed. Since we have only given a direction with regard to the principles to be followed by the respondents we have not been dissuaded for doing so by the absence of such persons who are likely to be affected if the principle laid down is followed by the respondents.

[Handwritten signature]
8/1/79

RECORDED
CASE NUMBER 94 1091/79
Filed at 11/11
Date of Judgment 1-1-79
Copy Made Ready on 10-1-79
<i>[Signature]</i> Section Officer (I)

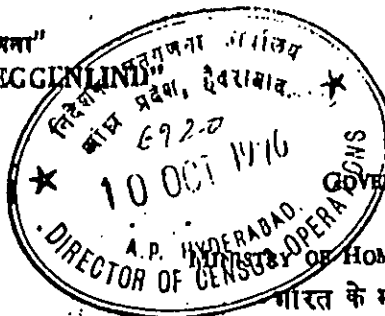
HL

as per normal principle be on a non-reserved point, a reserved category candidate would not be retrenched, even if as per general rule of "last in, first out" he would have been required to be retrenched. To state it differently, a reserved category candidate would be retrenched only when on the recycled path the reserved point is reached. This mode of following roster would adequately protect the reserved category candidate inasmuch as their percentage in the service or cadre would remain as it came to be when appointments were made. "

The pleadings of the parties do not enable us to reach a conclusion that, if the reverse order of roster point were to be adopted while passing the impugned order of reversion, the applicants would not stand reverted. In the circumstances we are of the view that the only appropriate order that can be passed is to indicate that the principles followed by the respondents on the other hand show that by so passing the order of reversion on the basis of reverse order of seniority, is clearly illegal and unsustainable. We, therefore, leave it to the authorities to reconsider in the light of the orders of the Supreme Court in the case of Government of A.P. Vs. Balamusaliah and others (supra) and pass fresh speaking order indicating the roster points which were reached when the applicants' promotion came to be made and the roster-point would be reached if the reverse order of roster-point is criteria for passing the order of reversion.

In view of what has been stated we do not quash the order of reversion. It will stand. It would be subject to exercise, ^{required to be} undertaken as per the observations made herein above. We further direct that the exercise shall be

Telegram: "REGGENTLINE"



सं/No. 11/1/96-Ad.IV

भारत सरकार
GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

भारत के महा रजिस्ट्रार का कार्यालय
OFFICE OF THE REGISTRAR GENERAL, INDIA

S.P. No. 8669

9/10/96

नई दिल्ली, दिनांक: 2/A, Mansingh Road,
New Delhi, the 9th October, 1996ORDER

On the recommendation of the Departmental Promotion Committee, the Registrar General, India is pleased to appoint the following Statistical Assistant in the Office of the Director of Census Operations, Andhra Pradesh as Investigator in the pay scale of -Rs.1640-60-2600-EB-75-2900--by--promotion in the same office in a temporary capacity with effect from 16.10.96 or the date of his taking charge of the post, whichever is later and until further orders:

1. Shri B. Anjaiah
2. He will be on probation for a period of two years.
3. He should exercise his option for pay fixation under FR 22 (a) (1) within one month from the date of promotion.

(K. VIVEKANAND)
DEPUTY DIRECTOR

New Delhi, the

No.11/1/96-Ad.IV
Copy to:

1. The Director of Census Operations, Andhra Pradesh, Hyderabad (with one spare copy for the individual concerned).
2. Pay & Accounts Officer (Census), MHA, AGCW&M Building New Delhi.
3. Records Assistant, RG's Office.
4. Order file.

(K. VIVEKANAND)
DEPUTY DIRECTOR

Recd
JA
10/10/96
Patwa/
CB Anjaiah

14
Officials Viz. Shri G.K. Yadagiri (SC), Shri B. Anjaiah and Sh.K. Adinarayana occupying the roster points No. 28, 29, 30 which are covered by the discontinuance of the posts.

5. Accordingly, consequent upon the abolition of four posts of Investigator in the office of the DCO, Andhra Pradesh w.e.f. 28.2.94 the following four officials shall stand reverted w.e.f. 28.2.94.

- 1) Shri D. Satyanarayana Rao.
- 2) Shri G. K. Yadagiri (SC).
- 3) Shri B. Anjaiah.
- 4) Shri K. Adinarayana.

6. Shri T. B. Ramachander who had been reverted from the grade of Investigator earlier vide O.M. No. 11/1/94-Ad.IV dated 22.02.1994 is repromoted w.e.f. 28.2.94. However, he will be eligible for arrears of pay and allowances due to repromotion for the period 28.2.94 upto the date of his assumption of charge of the post of Investigator now, as he did not work as Investigator during this period.

7. In the case of Shri D. Satyanarayana Rao, no recovery of excess pay due to this reversion will be made from his salary for the period from 28.2.94 till the date Shri T.B. Ramachander assumes charge of the post of Investigator. The services rendered by him in the grade of Investigator during the above period shall be treated as ad-hoc service which shall not be counted for the purpose of seniority or eligibility for promotion to the next higher grade.

8. This order is issued subject to the final outcome of the SLP(C) No.12052/97 filed in the Supreme Court by the Union of India Vs. T.B. Ramachander & others.

Sd/-
(V. BAKSHI)
DEPUTY DIRECTOR

27/45/95-Ad.IV

No. _____ New Delhi, the _____
Copy to: _____

1. DCO, Andhra Pradesh, Hyderabad (with 4 spare copies for the individuals).
2. Records Assistant.
3. Order File.
4. File No.11/2/90- AdIV

(V. BAKSHI)
DEPUTY DIRECTOR

18 A ✓
V
43
Telegram : "EUGENLIND"

सं/No. 27/45/95-AdIV

भारत सरकार
GOVERNMENT OF INDIA

गृह मंत्रालय
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
भारत के गृह रजिस्ट्रार का कार्यालय
OFFICE OF THE REGISTRAR GENERAL, INDIA

नई दिल्ली, दिनांक 2/A, Mansingh Road,
New Delhi, India 19th Sept., 1997

ORDER

In this office order No. 11/1/94-Ad. IV dated 22.02.1994 a number of Investigators were reverted to their parent posts of Statistical Assistants w.e.f. 28.02.1994 due to the discontinuance of the posts. The reversion was done in the reverse order of their seniority as per the DOP&T's instructions in force.

2. The Central Administrative Tribunal, Hyderabad Bench by order dated 1.1.1997 in O.A. No. 1071/95-T.B. Ramachander and G.K. Yadagiri Vs. Union of India & others has held that the passing of the order on the basis of reverse order of seniority is illegal and unsustainable and has, therefore, directed to reconsider the reversions of the applicants in the grade of Investigator in the office of the DCO, Andhra Pradesh in the light of the orders of the Supreme Court in Government of Andhra Pradesh Vs. Balamusalaiah & others and pass a fresh speaking order indicating the roster points which were reached when the applicants' promotion came to be made and the roster-points which would be reached if the reverse order of roster-point is the criteria for passing the order of reversion.

3. At the time of the promotion of the applicants to the grade of Investigator on 20.11.90, the roster points No. 17 to 30 were reached and the applicants namely Shri T.B. Ramachander and Shri G.K. Yadagiri were considered for promotion against the roster points No. 22 and 28 respectively. Four posts in the grade of Investigator in the office of the DCO, Andhra Pradesh were abolished with effect from 28.2.94 due to discontinuation of the posts created for the 1991 census and the reduction in the cadre due to the abolition of the above posts affect roster points 30 to 27 (including roster point No. 28 reserved for SC) by applying the principle of reverse order of the roster.

4. By applying the principle of reverse order of the roster, Shri D. Satyanarayana Rao at roster point No. 27 shall be reverted to the grade of Statistical Assistant w.e.f. 28.2.1994 instead of Shri T.B. Ramachander as the roster point No. 22 against which the latter was considered is not affected. However, the reversion will stand in respect of the other three

...2/-

In the C.A.T
Hyd Bench

OA. 1327/97

Reply Statement



Filed by:-
N. R. Dewani
and

may be filed
24/6/98

13014/23/97-Ad. IV

17.12.97

2/A Mansingh Road,

ORDER

Pursuant to the order dated 1.1.97 of the CAT, Hyderabad Bench in O.A. No.1071/95 directing that the reversion of 4 Investigators consequent on the abolition of 4 posts created for the 1991 Census work in the DCO, Andhra Pradesh be made by applying the reverse order of reservation roster instead of reverse order of seniority, 4 Investigators including M/s D. Satyanarayana Rao and B. Anjaiah were reverted to the posts of Statistical Assistant w.e.f. 28.2.94 vide this office order No.27/45/95-Ad. IV dated 19.9.97. However, Shri B. Anjaiah had been promoted as Investigator w.e.f. 16.10.96 based on the recommendation of the D.P.C. held on 3.9.96. Since Shri D. Satyanarayana Rao is senior to Shri B. Anjaiah in the grade of Statistical Assistant in the office of DCO, Andhra Pradesh, the recommendation of the DPC held on 3.9.96 regarding promotion to the post of Investigator in respect of Sh. B. Anjaiah, S.A. has subsequently been reviewed in the Review DPC held on 20.11.97 by including the name of Sh. D. Satyanarayana Rao, S.A. above Sh. B. Anjaiah, S.A. in the zone of consideration for the vacancy of 1995-96 in the grade of Investigator.

On the basis of the recommendation of the above Review DPC Sh. D. Satyanarayana Rao, S.A. will take the place of Sh. B. Anjaiah against the vacancy of Investigator in DCO, Andhra Pradesh arising in 1995-96 and earlier filled by Sh. B. Anjaiah w.e.f. 16.10.96.

However this order will not have any effect on the actual status of Sh. D. Satyanarayana Rao or Sh. B. Anjaiah since they were already reverted as S.A.s w.e.f. 28.2.94 onwards as per this office order No.27/45/95-Ad. IV dated 19.9.97.

This order will be subject to the final outcome of the SLP(C) No.12052/97 filed in the Supreme Court by the Union of India Vs T.B. Ramachander and Others, and C.A. No.1323/97 filed by Sh. B. Anjaiah in CAT, Hyderabad Bench and O.A. No.1327/97 filed by Sh. D. Satyanarayana Rao in CAT, Hyderabad.

(V. BAKSHI)
DEPUTY DIRECTOR

Copy to:-

1. DCO, Andhra Pradesh, Hyderabad (with two spare copies for the concerned officials).
2. PS to R.G.I.
3. DD (B),
4. Order file.

(W)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

MA.477/98 in OA.No.1327/97

Between:

Dated:26.8.98.

1. The Registrar General of Census Operations, Government of India, Ministry of Home Affairs, 2/A, Mansing Road, New Delhi.
2. The Director of Census Operations, A.P., Ponnatt Bhavan, Boggulakunta, Hyderabad.
3. The Deputy Director, Directorate of Census Operations, A.P., Ponnatt Bhavan, Boggulakunta, Hyderabad.

.. Applicants.

And

1. D.Satyanarayana Rao

.. Respondent.

Counsel for the Applicants

Mr.N.R.Devaraj

Counsel for the Respondent

Mr. M.Rama Rao

COGRAM:

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

THE HON'BLE MR. S.S.JAI PARAMESWAR : MEMBER (J)

* * *

~~XXXXXXXXXXXX~~

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Sri W.Satyanarayana for Sri N.R.Devaraj, for the respondents in the MA.

2. Interim order in the OA was passed on 7.10.1997 which was in force till 16.10.97. As the reply was not filed, the OA was admitted and the interim order was extended until further orders. When the OA came up for hearing on 4.11.97, respondents requested time to file reply upto 23.12.97 but the reply was filed only on 24.6.98. The respondents in the OA are fully responsible for the delay in filing reply. Hence we see no urgency in vacating interim order when the respondents themselves do not feel to file reply in time. Hence we do not see any reason to vacate the interim order now. MA is dismissed. No costs.


Deputy Registrar

Copy to:-

1. The Registrar General of Census Operations, Min. of Home Affairs, 2/A, Mansing Road, New Delhi.
2. The Director of Census Operations, A.P., Ponnatt Bhavan, Boggulakunta, Hyderabad.
3. The Deputy Director, Directorate of Census Operations, A.P., Ponnatt Bhavan, Boggulakunta, Hyderabad.
4. One copy to Mr.N.R.Devaraj, Sr.CGSC., CAT., Hyd.
5. One copy to Mr. M.Rama Rao, Advocate, CAT., Hyd.
6. One duplicate copy.

srr

6

II COURT

TYPED BY
COMPILED 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:

26/8/98

~~ORDER/JUDGMENT~~

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

477/98

in

C.A. NO.

1327/92

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

MA IS
DISMISSED

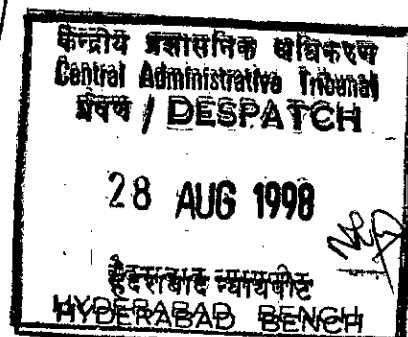
DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR



17

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: ADDITIONAL BENCH:
AT HYDERABAD

O.A.No.1327 of 1997

Between:

D. Satyanarayana Rao, S/o. late D. Gopala-
krishnaiah, aged about: 51 years, Occ:
Investigator, O/o. Director of Census
Operations, A.P., Kendriya Sadan, Sultan
Bazar, Hyderabad.

.. Applicant

and

1. The Registrar General of Census Operations,
Govt. of India, Ministry of Home Affairs,
2/A, Mansing Road, New Delhi.
2. The Director of Census Operations, AP,
Posnett Bhavan, Boggulakunta, Hyderabad.
3. The Deputy Director, Directorate of Census,
Operations, AP, Posnett Bhavan, Boggulakunta,
Hyderabad.

.. Respondents

- - -

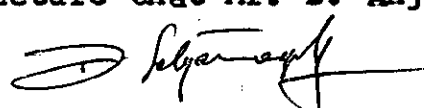
REJOINDER FILED ON BEHALF OF THE APPLICANT

I, D. Satyanarayana Rao, S/o. D. Gopala Krishnaiah
(late), aged about 51 years, R/o. Dilsukh Nagar, Hyderabad,
do hereby solemnly affirm and sincerely state on oath as
follows:-

1. I am the applicant herein and hence well acquainted
with the facts of the case state hereunder.

2. I have read the reply statement filed on behalf of
the respondents and I deny all those averments except those
which are specifically admitted herein and which are contrary
to the main O.A. and the respondents are put to strict proof
of their averments.

3. The contention of the respondents that pursuant to
the directions in O.A.No.1071 of 1995 a review of roaster was
undertaken in the reverse order instead of applying principle
of reverse order of seniority and by following the same, the
applicant was reverted in terms of the said judgement. It is
pertinent to state at this juncture that Mr. B. Anjaiah and



Contd..2.

N. S. Reddy
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48

Mr. K. Adinarayana who are forward caste were juniors in seniority as well as in respect of roaster points to the ^{me} applicant are being continued. However, Mr. K. Adinarayana, who is also junior to Mr. Anjaiah was promoted as Investigator vide Order dt.12th August, 1998 issued by the Joint Director on regular basis i.e., after passing of reversion orders to the applicant. As long as juniors are continuing, reversion of applicant does not arise and that too with retrospective effect i.e., from 28.02.1994. Such orders are illegal and untenable in the eye of law.

4. The applicant was selected in a regular DPC along with eleven others through proceedings dt.21-11-1990 at serial number 8 in the said proceedings. Mr. Anjaiah is at serial number 9 and Mr. T.B. Ramchander is at serial no.10, who took voluntary retirement through proceedings dt.13.01.1998 on health grounds. The said Ramchander, who is occupying roaster point no.29 was now given to Mr. K. Adinarayana who belongs to O.C. category.

5. Presently, there are five clear vacancies available out of which, two vacancies arisen consequent on the retirement ~~of~~ on superannuation namely 1) Smt. T. Susheeladevi; and 2) Smt. K. Saroja and another vacancy arisen by voluntary retirement of Mr. T. B. Ramchander as already mentioned above and in addition to the above said vacancies two more vacancies are existing as against the agreed strength of 17. Thus, there are number of vacancies available and reversion of the applicant consequent on revising the judgement in O.A.No.1071 of 1995 does not arise.

6. The contention of the respondents that as per the vacancy roaster, two backlog vacancies are to be filled by direct recruitment is incorrect. There is no notification published inviting applications for filling-up the posts of Investigators by direct recruitment from 21.11.1990. It is

[Signature]

Contd..3.

*Not Ready
Attas Kar*

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also pertinent to state that Mr. K. Adinarayana, Statistical Assistant, is promoted as Investigator by the Department. Hence, the contention that two vacancies of 1995-96 are meant for direct recruitment is false and misleading the Hon'ble Tribunal. The applicant was promoted on 21.11.1990 through regular DPC against a substantive vacancy. Now, it is well settled law that the filling of the posts after a selection by the DPC shall be done only for substantive vacancies. I was ^{regularly} ~~temporarily~~ appointed on 21.11.1990. Any vacancy which is continued for more than three years shall be treated as permanent vacancy and as stated above, my appointment was for regular post as it has been filled-up after a selection by the DPC on regular basis.

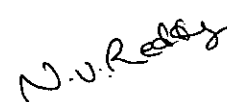
7. It is also pertinent to state that the Department has issued up-dated seniority list of Statistical Assistants as on 1.05.1998, in which the applicant stood at No.1 and Mr. B. Anjaiah at serial No.2 and Mr. K. Adinarayana and Mr. G.K. Yadagiri at serial Nos.3 and 4. At any rate, the reversion of the applicant while continuing his juniors in the seniority list as well as in respect of roster points, the reversion of the applicant cannot be resorted to. Hence, in view of the subsequent developments and events of promoting his juniors, the applicant should also be continued as Investigator and I may be given seniority from the date of my original promotion as an Investigator.

In the said circumstances, the O.A. may be allowed as prayed for.


Deponent

Sworn and signed on this
the 24th day of August, 1998.

Before me,


Advocate, Hyderabad.

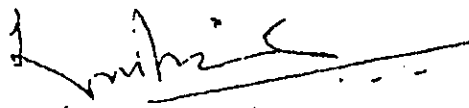
A-1 (58)

No.A.38014/2/97-Estt.
Government of India
Ministry of Home Affairs
Office of the Director of Census Operations
Andhra Pradesh:Hyderabad

Dated 22.7.1997.

O R D E R

Smt T. Suseela Devi, Investigator working in the office of the Director of Census Operations, Andhra Pradesh, Hyderabad is due to retire from service on 30.4.1998 A.M. on attaining the age of superannuation in accordance with the provisions contained under F.R.56 and as per her date of birth as recorded in the service book of the official concerned.


(RAM SINGH)

Deputy Director

To

✓ Smt T. Suseela Devi, Investigator.
She is requested to submit her pension papers in form 5 (in triplicate) on or before 30.9.1997 to take further action.

Copy to the Registrar General, India, New Delhi.
Copy to the Pay & Accounts Officer (Census), New Delhi.
Copy to Admn.I/II/III sections/S.R. Entry clerk.
Copy to Notice Board/S.R./S.C..

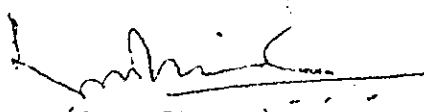
A-15
X-50

No.A.30014/1/97-Estt.
Government of India
Ministry of Home Affairs
Office of the Director of Census Operations
Andhra Pradesh, Hyderabad

Dated: 22.7.1997.

O R D E R

Smt K. Saroja, Investigator working in the office of the Director of Census Operations, Andhra Pradesh, Hyderabad is due to retire from service on 31.3.1998 A.M. on attaining the age of superannuation in accordance with the provisions contained under F.R.56 and as per her date of birth as recorded in the service book of the official concerned.


(RAM SINGH)
Deputy Director

To

Smt K. Saroja, Investigator,
She is requested to submit her pension papers in form No.5 (in triplicate) on or before 31.8.1997 to take further action.

Copy to the Registrar General, India, New Delhi.
Copy to the Pay & Accounts Officer (Census), New Delhi.
Copy to Admn.I/II/III sections/S.R.Entry clerk.
Copy to the Notice Board/S.F/S.C.

भारत सरकार
GOVERNMENT OF INDIA

मुख्य मंत्रालय
MINISTRY OF HOME AFFAIRS/ORTH MAHARAJA.

भारत के महा रजिस्ट्रार का कार्यालय
OFFICE OF THE REGISTRAR GENERAL, INDIA

नई दिल्ली, (दिनांक) 17.12.97
New Delhi, (Date) 2/A Mansingh Road,

ORDER

Pursuant to the order dated 1.1.97 of the CAT, Hyderabad Bench in O.A. No.1071/95 directing that the reversion of 4 Investigators consequent on the abolition of 4 posts created for the 1991 Census work in the DCO, Andhra Pradesh be made by applying the reverse order of reservation roster instead of reverse order of seniority, 4 Investigators including M/s D. Satyanarayana Rao and B. Anjaiah were reverted to the posts of Statistical Assistant w.e.f. 28.2.94 vide this office order No.27/45/95-Ad. IV dated 19.9.97. However, Shri B. Anjaiah had been promoted as Investigator w.e.f. 16.10.96 based on the recommendation of the D.P.C. held on 3.9.96. Since Shri D. Satyanarayana Rao is senior to Shri B. Anjaiah in the grade of Statistical Assistant in the office of DCO, Andhra Pradesh, the recommendation of the DPC held on 3.9.96 regarding promotion to the post of Investigator in respect of Sh. B. Anjaiah, S.A. has subsequently been reviewed in the Review DPC held on 20.11.97 by including the name of Sh. D. Satyanarayana Rao, S.A. above Sh. B. Anjaiah, S.A. in the zone of consideration for the vacancy of 1995-96 in the grade of Investigator.

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However this order will not have any effect on the actual status of Sh. D. Satyanarayana Rao or Sh. B. Anjaiah since they were already reverted as S.A.s w.e.f. 28.2.94 onwards as per this office order No.27/45/95-Ad. IV dated 19.9.97.

This order will be subject to the final outcome of the SLP(C) No.12052/97 filed in the Supreme Court by the Union of India Vs T.B. Ramachander and Others, and C.A. No.1323/97 filed by Sh. B. Anjaiah in CAT, Hyderabad Bench and O.A. No.1327/97 filed by Sh. D. Satyanarayana Rao in CAT, Hyderabad.

(Signature)
(V. BAKSHI) 17.12.97
DEPUTY DIRECTOR

Copy to:-

1. DCO, Andhra Pradesh, Hyderabad (with two spare copies for the concerned officials).
2. PS to R.G.I.
3. DD (B).
4. Order file.

No.38011/1/98-Ad.IV

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS/GOVT. MAINTENANCE

OFFICE OF THE REGISTRAR GENERAL, INDIA

2/A Mansingh Road,
New Delhi, 110

13.1.98

ORDER

In pursuance of his notice dated 26.12.97 seeking voluntary retirement w.e.f. 1.4.98 FN, Sh. T.B. Ramchander, Investigator, DCO, Andhra Pradesh will voluntarily retire from Government service with effect from 1.4.98 (F.N.).

(V. BAKSHI)
DEPUTY DIRECTOR

Endst. No.38011/1/98-Ad.IV dated 9.1.98

Copy to:

1. Sh. T.B. Ramchander, Investigator DCO, Andhra Pradesh Hyderabad through DCO, Andhra Pradesh, Hyderabad.
2. DCO, Andhra Pradesh, Hyderabad. Sh. T.B. Ramchnader may be relieved in the Forenoon of 1.4.98.

(V. BAKSHI)
DEPUTY DIRECTOR

A-14
-6- (SA)

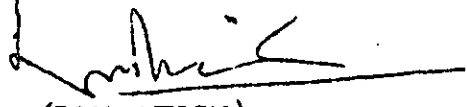
No.A.23011/1/98-Estt.(SA)
Government of India
Ministry of Home Affairs
Office of the Director of Census Operations
Andhra Pradesh: Hyderabad.

Dated 27.5.1998.

ORDER

Updated seniority list of officials in the grade of Statistical Assistant working in the office of the Director of Census Operations, Andhra Pradesh, Hyderabad as on 1.5.1998 is communicated to all concerned vide Annexure to this order.

Errors and omissions if any in the updated list may be brought to the notice of the Administration within one week from the date of issue of this order for rectification. No representation will be entertained after the stipulated period.


(RAM SINGH)
JOINT DIRECTOR.

To

The individuals concerned.

Copy to Notice Board.

Copy to the Registrar General, India, New Delhi.

Copy to S.F./S.C.

lk*

ANNEXURE TO ORDER NO.A.23031/1/50-Estt.(SA), Dt.27.5.1998.

UPDATED SENIORITY LIST OF STATISTICAL ASSISTANTS IN THE OFFICE OF THE
DIRECTOR OF CENSUS OPERATIONS, ANDHRA PRADESH, HYDRABAD AS ON 1.5.1998.

S1. No.	Name and date of birth	Educational Qualifications	Date of entry into Govt. service	Date of regular appointment to the grade	Whether SC or ST	Remarks
1	2	3	4	5	6	7
1.	Sri D. Satyanarayana Rao 15.7.1946	Matric	2.4.1968 AN	6.3.1980	No	Reverted from the regular post of Investigator w.e.f. 28.2.1994 A.N. and continuing as Investigators as per the interim orders of the Hon'ble C.A.T., Hyd. Bench in O.A.No. 1323 and 1327 of 97.
2.	Sri F. Anjaiah 17.7.1947	B.A.	3.7.1968	6.3.1980	No	
3.	Sri K. Adinarayana 4.10.1946	B.A., B.Sc.	4.8.1970	6.3.1980	No	
4.	Sri G.K. Yadagiri 2.3.1946	B.Com.	1.5.1970	6.3.1980	SC	
5.	Sri D. Viteswara Rao 5.10.1948	M.A. (Sociology) LL.M.	4.11.1969	6.3.1980	ST	
6.	Smt. K. Smita Lakshmi 11.11.1949	HSLC (MP)	4.12.1968	21.5.1981	No	

1	2	3	4	5	6	7
19.	Sri M. Narsinga Rao 1.8.1946	B.Sc., LL.B.	28.4.1970	12.9.1983	No	
20.	Sri N.V. Sastry 1.8.1946	B.A.	28.4.1970 AN	12.9.1983	No	
21.	Sri Ramchander 12.6.1947	P.U.C.	1.5.1970 AN	12.9.1983	No	
22.	Smt. Ismath Pasha 5.11.1950	E.U.C.	20.4.1970	12.9.1983	No	
23.	Smt. Sarwar Begum 10.8.1946	HSC (MF)	29.4.1970	12.9.1983	No	
24.	Sri Mirza Hussain Ali Khan 14.2.1946	B.A., LL.B.	1.5.1970	12.9.1983	No	
25.	Sri T.K. Satyanarayana Singh 10.1.1948	HSLC MP	2.5.1970	12.9.1983	No	
26.	Sri Khamolal 5.1.1948	E.Com.	1.5.1970 AN	12.9.1983	No	
27.	Sri K.Y. Sadanandam 3.6.1949	B.A.	30.4.1970 AN	12.9.1983	SC	
28.	Sri K. Devender Rao 16.6.1944	H.S.C.	29.4.1970 AN	12.9.1983	SC	
29.	Sri J. Rajagopal Rao 20.6.1942	B.A.	2.5.1970	12.9.1983	SC	
30.	Kum. K. Anusuya 14.4.1941	H.S.C.	1.5.1970	12.9.1983	SC	
31.	Sri M.U. Eshker Rao 16.8.1944	M.A. (Sociology)	30.4.1970 AN	12.9.1983	SC	
32.	Sri M. Sathaiah 12.6.1948	B.A.	19.5.1970 AN	12.9.1983	No	

1	2	3	4	5	6	7
33.	Sri P. Sanyasi Naidu 1.7.1948	B.Com.	28.4.1970 AN	12.9.1983	No	
34.	Sri P. Narsinga Rao 10.1.1947	H.S.C.	30.4.1970 AN	12.9.1983	No	
35.	Sri K. Narsinga Rao 13.7.1949	HSLC MP	26.9.1972	12.9.1983	ST	
36.	Sri A.V. Ramana Rao 12.2.1947	B.Com.	30.5.1970	16.4.1984	No	
37.	Sri D.A. Sarma 4.11.1946	SSLC	29.4.1970 AN	16.4.1984	No	
38.	Sri Md. Mumtazuddin Ahmed 10.6.1947	B.Com.	30.4.1970 AN	16.4.1984	No	
39.	Sri L. Sudershan Rao 1.2.1947	H.S.C.	29.4.1970	16.4.1984	No	
40.	Smt. J. Sitamaha Lakshmi 6.4.1948	B.A.	28.4.1970 AN	16.4.1984	No	
41.	Sri S. Pitchanna 1.7.1946	B.Sc.	18.6.1970	16.4.1984	SC	On deputation to D.R.D.A., Cuddapah.
42.	Sri Y. Gopalakrishna Murthy 7.5.1948	B.A.	19.6.1970	22.8.1990	No	
43.	Sri M. Makatlal 8.6.1953	B.A.	12.9.1983	22.8.1990	ST	
44.	Sri V. Manthasayana Rao 9.11.1946	B.A.	17.6.1970	14.10.1991	No	
45.	Sri A. Seshalaiah 21.7.1946	B.Sc.	20.6.1970	14.10.1991	No	

1	2	3	4	5	6	7
46.	Sri A. Venkateswara Rao 1.7.1949	M.A. (Sociology)	28.5.1971	14.10.1991	No	
47.	Sri S. Habeebuddin. 31.10.1940	P.U.C.	4.1.1971	14.10.1991	No	
48.	Sri S.A. Qaiyum 15.8.1947	M.A. (Urdu)	8.9.1978	14.10.1991	No	
49.	Sri K. Venkaiah 3.7.1954	M.A., LL.B.	10.7.1979	14.10.1991	Sc.	

(RAM SINGH)
JOINT DIRECTOR.

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Telex: "REGGOLNIND"

No. 14/21/96-Ad.II
GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
OFFICE OF THE REGISTRAR GENERAL, INDIA

2/A, Mansingh Road,
New Delhi, the 12th August 1998

ORDER

On the recommendation of the Departmental promotion Committee, the Registrar General, India is pleased to appoint by promotion the under-mentioned Statistical Assistants working in different offices to the post of Investigator (Group 'B' Non-Gazetted) in the pay scale of Rs. 5500-175-9000, on a regular basis in a temporary capacity, in the same office with effect from 17.8.98 or from the date they take over charge of the post whichever is later and until further orders:

ORGL

1. Smt. Tripta Pasricha
2. Sh. Vinay Prasad
3. Sh. S.C. Saxena
4. Smt. Kanta Kumari Malhotra

DCO, Andhra Pradesh

K. Adinarayana

DCO, Manipur

Sh. R.K. Dorendrajit Singh

DCO, Assam

D.N. Burman

DCO, Kerala

Shri Babu Phillip

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL

CA 1327 / 1997



Rejoinder filed on behalf
of the Applicant

Recd
26/8/98
R. N. R. Durg

Filed By

M. Rama Rao

Counsel for Applicant

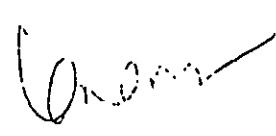
26/8/98
26/8/98

-14- Adm. 60

DCO, Tamil Nadu

H. Thangavelu

The above officials will be on probation for a period of two years.


(K. VIVEKANAND)
DEPUTY DIRECTOR

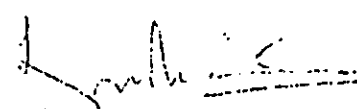
1. DCO, Andhra Pradesh, Assam, Manipur, Kerala, Tamil Nadu alongwith one spare copy for each concerned official (Speed post).
2. Individual concerned in the Head Quarter Office of R.G.I.
3. P.S. to R.G.I.
4. DD(V)/DD(SP)/S.O. Ad. IV Section.
5. Office order folder.
6. Cash Branch (with one spare copy)/Accounts officer, RG's office.
7. Record Assistant.

O/o the Director of Census
Operations, A.P., Hyderabad.
Admn. Section,

NO.A.12/76/89-Eatt.

Dt. 17.8.1968.

Copy communicated to Sri K. Adinayana, S.A.
for information and necessary action.


(RAM SINGH)
JOINT DIRECTOR.

To
The individual concerned.

Copy to Accounts Section/S.R. Entry Clerk.

COUNSEL FOR THE APPLICANTS: Mr.P.NAVEEN RAO in OA 1323/97
Mr.M.RAMA RAO in OA 1327/97

COUNSEL FOR THE RESPONDENTS: Mr.B.NARASIMHA SARMA in both
the OAs.

CORAM:

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

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

JUDGMENT

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

Heard Mr.Phaniraj for Mr.P.Naveen Rao, learned counsel for the applicant in OA 1323/97, Mr.Suryanarayana Sastry for Mr.M.Rama Rao, learned counsel for the applicant in OA 1327/97 and Mr.Narasimha Sarma, learned standing counsel for the respondents in both the OAs.

2. The contentions raised in both the OAs are same so also the relief asked for. Hence both the OAs are disposed of by a common order.

3. The applicants in OA Nos. 1323/97 and 1327/97 challenge the order dated 19.9.97 (Annexure-IX at page 20 to the OA No.1323/97) whereby they stand reverted with effect from 28.2.94.

4. The facts of this case are as follows:-

The applicants in both the OAs were initially appointed as Assistant Compilers in 1968. Later, they were

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDRABAD

ORIGINAL APPLICATION NO.1323 of 1997
and
ORIGINAL APPLICATION NO.1327 of 1997

DATE OF ORDER: 22nd JANUARY, 1999

BETWEEN:

O.A.NO.1323/97

B.ANJAIAH

.. APPLICANT

and

1. Union of India rep. by its
Secretary to Government,
Ministry of Home Affairs,
New Delhi,
2. Union of India rep. by its
Secretary to Government,
Dept. of Personnel & Training,
Central Secretariat,
New Delhi,
3. The Registrar General and Census,
Commissioner of India, Ministry of Home
Affairs, Govt. of India,
2/A, Mousingh Road,
New Delhi 110 011,
4. The Director of Census Operations,
A.P, Govt. of India,
Posnett Bhavan, Ram Koti,
Hyderabad.



.. RESPONDENTS

O.A.NO.1327/97

D.SATYANARAYANA RAO

.. APPLICANT

and

1. The Registrar General of Census Operations,
Govt. of India, Ministry of Home Affairs,
2/A, Mansing Road, New Delhi,
2. The Director of Census Operations A.P,
Posnett Bhavan, Boggulakunta,
Hyderabad,
3. The Deputy Director,
Directorate of Census Operations,
A.P, Posnett Bhavan, Boggulakunta,
Hyderabad.

.. RESPONDENTS

B

A

1. Shri B.Anjaiah,
2. Shri K.Adinarayana Rao,
3. Shri T.B.Ramachander (SC).
4. Shri G.K.Yadagiri (SC).

7. S/Shri T.B.Ramachander and G.K.Yadagiri, both belong to SC community filed OA No.1071/95 on the file of this Bench challenging their reversions. This Tribunal in the above said OA directed the respondents to make reversions by applying "reverse order of reservation roster point instead of reverse order of seniority". Accordingly, in place of Shri T.B.Ramachander (SC), Shri D.Satyanarayana Rao (the applicant in OA 1327/97) was reverted with effect from 28.2.94 by the impugned Office Order dated 19.9.97. Shri B.Anjaiah who was junior to Shri D.Satyanarayana Rao had been promoted as Investigator with effect from 19.10.96, but his promotion was cancelled by the impugned order dated 19.9.97 and he continued to be reverted to the grade of Statistical Assistant with effect from 28.2.94 since Shri D.Satyanarayana Rao was senior to him. Even Shri D.Satyanarayana Rao, the applicant in OA 1327/97, could not be promoted as the vacancy occupied by Shri B. Anjaiah was a back-log vacancy earmarked for DR quota. As the vacancy in the grade of Investigator under promotion quota was not available, both Shri D.Satyanarayana Rao and Shri B.Anjaiah, the applicants in OA 1327/97 and 1323/97 respectively remained reverted to the post of Statistical Assistants with effect from 28.2.94. The applicants in both the OAs namely Shri D.Satyanarayana Rao and B.Anjaiah challenged the above reversion order on the file of this

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promoted as Computers in 1970 and further promoted as Statistical Assistants in September, 1980. They were promoted as Investigators in November, 1990. Their probation was declared and they were confirmed as Investigators. On 28.2.94, the applicants in both the OAs were reverted as Statistical Assistants on account of abolition of the posts of Investigator. Both of them were again promoted as Investigators on regular basis consequent upon the recommendations of the DPC by an order dated 15.10.96 and they are continuing till date in the said post. By the impugned order dated 19.9.97 it was sought to ~~not~~ revert them as Statistical Assistants once again. Hence they approached this Tribunal for setting aside the impugned order No.27/45/95-Ad.IV, dated 19.9.97 issued by R-3 with all consequential benefits.

5. An interim order dated 7.10.97 was passed in both the OAs whereby the impugned order shall not be operated until 16.10.97. Further, the said interim order dated 7.10.97 was extended until further orders by the second interim order dated 14.10.97.

6. From the details given in both the OAs and the reply filed by the respondents, it is seen that at the time of abolition of the temporarily created 1991 Census posts of Investigators in DCO, Andhra Pradesh, 4 investigators were reverted to the post of Statistical Assistant on 28.2.94 by applying "reverse order of seniority". The employees reverted in the ^{reverse} order of seniority are as follows:-


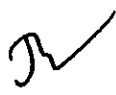
Pr

D

quota and the applicants in both these OAs were promoted against the direct recruitment quota. Hence it was sought to revert them as Statistical Assistants from the post of Investigator by the impugned order dated 19.9.97. But they are continuing in that post with effect from the respective dates of their earlier promotion i.e, 28.2.1994 and 19.10.1996 in view of the stay order granted by this Tribunal.

9. It is clearly stated in the reply that promotion to the post of Investigator is to the extent of 75% by promotion and 25% by direct recruitment. If there are no posts for continuing the applicants against the promotion quota, then it cannot be said that reversion order issued by the order dated 19.9.97 is irregular. However, they may be treated as being continued on adhoc basis against the direct recruitment quota and they have to give room for direct recruits as and when the direct recruits join as the applicants in both the OAs are occupying the quota earmarked for the direct recruits. Hence the reversion of both the applicants by the impugned order dated 19.9.97 cannot be challenged as they are not occupying the posts earmarked against the promotional quota in the post of Investigator from the lower grade of Statistical Assistant. Hence the applicants have no ground to challenge the impugned reversion order dated 19.9.97.

10. It was brought to our notice that one of their juniors had already been promoted as Investigator from the post of Statistical Assistant. Hence the applicants claim that they should also be deemed to have been promoted and



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Tribunal by filing these two OAs. The Tribunal by the interim order granted the stay of operation of the reversion order of these two officials. In view of the stay granted by this Tribunal to the impugned reversion order dated 19.9.97, the applicants in both the OAs namely S/Shri D.Satyanarayana Rao and B.Anjaiah are continued as Investigators with effect from 28.2.94 and 19.10.96 respectively.

8. The promotion order issued to the applicants in both the OAs were to be cancelled in view of the direction in OA 1071/95 dated 1.1.97 as the reversion should take place in the reverse order on reservation roster point and not in the reverse order of seniority. Even though Shri T.B.Ramachander (SC) and G.K.Yadagiri (SC) were juniors to the applicants, they were promoted against the roster point which were higher than the roster point against which the applicants were promoted. Though both the applicants mildly allege irregularity in the maintenance of roster points in the roster register, the same cannot be given much credence as the respondents had clearly indicated the roster points against which the SC employees and the applicants herein were promoted. That statement has not been controverted by the applicants by filing a rejoinder. The statement of promotion against the roster points as brought out by the respondents does not appear to be incorrect. Hence the reversion of both the applicants by the order dated 28.2.94 has to be upheld as the direction in OA 1031/95 had become final. Moreover, by the impugned order dated 19.9.97, both the applicants had to be reverted as there were no vacancies existed against the promotion

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the year 1998-99 against the promotional quota and if they are found suitable, they should be regularly promoted against those vacancies in accordance with law. If they could not be accommodated against the vacancies in the promotional quota available in the year 1998-99 or they are not found fit for promotion by the regular DPC, then they may have to be reverted. A decision in this connection should be taken within a period of two months from the date of receipt of a copy of this order. Till such time a decision is taken, the interim orders dated 7.10.97 and 14.10.97 ~~will~~ ^{shall} be continued. In case the applicants are promoted in pursuance of the above direction, then their seniority will be reckoned from the date when their juniors were promoted if the juniors are also accommodated in the promotional quota vacancies of 1998-99. If the juniors are reverted, then the seniority of the applicants will be from the date of their actual assumption of charge on promotion in the promotional quota vacancies of 1998-99.

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

प्रमाणित प्रति
CERTIFIED TRUE COPY

क्या संख्या
CASE NO. 1323/97 P 1327/97
दिनांक
22-1-99
25-1-99

Joint Court Officer
Joint Secretary
Central Administrative Tribunal
HYDRABAD BENCH.

hence the interim order staying their reversion has to be treated as final order.

11. When we enquired about the above submission, the learned standing counsel for the respondents submitted that the juniors to the applicants were promoted to the post of Investigator against the promotional quota of vacancies of 1998-99 as per their seniority in the grade of Statistical Assistants subject to the outcome in this OA and hence those promotees junior to the applicants do not get any right to be continued if the applicants are to be promoted and there are no promotional quota vacancies available to continue their juniors. As the applicants in both the OAs had already been continuing as Investigators in view of the interim order of this Tribunal in these OAs, their case for regular promotion is required to be reviewed if the interim stay granted by this Tribunal is vacated or the OAs filed by the applicants are finally disposed of.

12. As stated earlier, the impugned reversion order dated 19.9.97 cannot be questioned. However, when the interim stay is current and the OAs are pending, there is no reason to promote their juniors as Investigator. The respondents should have waited till the OAs are disposed of before promoting their juniors. But for unknown reasons, the respondents had promoted their juniors to the post of Investigator against the promotion quota in the vacancy that had arisen for the year 1998-99. In view of the above, a direction has to be given to consider the cases of the applicants in both the OAs also for promotion to the post of Investigator in the vacancies that had occurred in



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
U/R 8(3) & CAT(P) Rule 1987,
AT HYDERABAD

M.A. No. 477 of 1998

in

O.A. No. 1327 OF 1997

Between :

1. The Registrar General of
Census Operations,
Government of India,
Ministry of Home Affairs,
2/A, Mansing Road, New Delhi.
2. The Director of Census Operations,
A.P., Posnett Bhavan,
Boggulakunta, Hyderabad.
3. The Deputy Director,
Directorate of Census Operations,
A.P., Posnett Bhavan,
Boggulakunta, Hyderabad.

.. Applicants/
Respondents

A N D

D. Satyanarayana Rao

.. Respondent/
Applicant

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Tribunal may be pleased to vacate the interim direction passed on 7.10.97 in O.A.No.1327/97 may ~~be vacated~~ and pass such order or orders as this Hon'ble Tribunal may deem fit and proper.


COUNSEL FOR THE APPLICANTS.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD.

M.A.No. 477 of 1998

. IN

O.A.No. 1327 of 1997

Between:

The Director of Census Operations,
A.P., Ministry of Home Affairs,
Hyderabad and another.

.. Applicants
Respondents

AND

D. Satyanarayana Rao

.. Respondent
Applicant

A F F I D A V I T

I, P. Lalitha, W/o Sri S.S. Murthy aged 56 years

Occupation: Government service Resident of Hyderabad do hereby
solemnly affirm and state as follows:

That I am working as Assistant Director of Census
Operations in the Office of the 1st applicant herein and as such
I am well acquainted with the facts of the case. I am filing this
affidavit on behalf of all the applicants herein as I have been
authorised to do so.

That the Respondent herein has filed the above O.A.
challenging the order of reversion from the post of Investigator
to the post of S.A. issued by the Registrar General, India i.e.,
2nd applicant herein vide Order No.27/45/95-Ad.IV, dated 19.9.1997
on the plea that he cannot be reverted from the post of Investigator
as a result of implementation of order dated 1.1.1997 of this
Hon'ble Bench in O.A.No.1071 of 1995 filed by Sri T.B. Ramchander
and another Vs. Union of India and other as he was promoted to
the said grade on regular basis long back.

Shyam

अनुसन्धान अधिकारी
Research Officer
जनगणना कार्य निदेशालय
Directorate of Census Operations
आन्ध्र प्रदेश, हैदराबाद
Andhra Pradesh, Hyderabad.

P. Lalitha

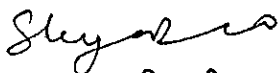
सहायक निदेशक जनगणना कार्य
Asst. Director of Census Operations
आंध्र प्रदेश, हैदराबाद.
Andhra Pradesh, Hyderabad.


...2.

The Hon'ble Tribunal by an order dated 7.10.1997 in the above O.A. stayed the operation of the impugned order dated 19.9.1997 until 16.10.1997. However, while admitting the O.A. on 14.10.1997, this Hon'ble Tribunal further extended the interim order dated 7.10.1997 until further orders. On the basis of the interim order in the above matter, the Respondent herein is continuing as Investigator though he is not eligible for the same as a result of the Judgement of this Hon'ble Tribunal in O.A.No.1071/95.

The applicants herein have already filed reply statement in the main O.A. on 21.1.1998 explaining the reasons for reverting the respondent herein from the post of Investigator and praying the Hon'ble Bench to dismiss the main O.A. for the reasons stated therein. The applicants' ~~grave~~ ~~have~~ ~~of~~ this Hon'ble Tribunal to ~~peruse~~ the Counter Affidavit as part of this affidavit.

In pursuance to the order dated 1.1.1997 of this Hon'ble Tribunal in O.A.No.1071/95, the matter was reviewed and it was found that by applying the roster in reverse order Sri D. Satyanarayana Rao (the respondent herein), Sri G.K. Yadagiri, Sri B. Anjaiah and Sri K. Adinarayana occupying the last four points in the reservation roster as on 28.2.1994 were reverted in terms of the Central Administrative Tribunal Order. At present there is no vacancy available in the grade of Investigator in the Office of the 1st applicant herein, which can be filled up by promotion. Therefore, the claim of the applicant that the vacant post should be given to him is against the Recruitment Rule and cannot be accepted. It is therefore expedient and necessary that the interim order dated 7.10.1997 which was further extended vide order dated 14.10.1997 be vacated.


अनुसन्धान अधिकारी
Research Officer
जनगणना कार्य निदेशालय
Directorate of Census Operations
आन्ध्र प्रदेश, हैदराबाद
Andhra Pradesh, Hyderabad.


सहायक निदेशक जनगणना कार्य
Asst. Director of Census Operations
आन्ध्र प्रदेश, हैदराबाद.
Andhra Pradesh, Hyderabad.

To vacate interim order

1) Rule provision to be
mentioned

2) In the C.A.T
Hyd. Bench

File

Met 1/98

Oct. 13/97

Vacate Stay Petition

Recd copy
by

23/6/98

(A.M. Ramesh Babu) Judicial
Rev. Sec. & 24/6/98



N.R. DEVARAJ
Advocate &
Standing Counsel for Railways
8, Lalithanagar,
Jamai Osmania,
HYDERABAD-500 044

may be filed
26/6/98

It is, therefore, prayed that the Hon'ble Tribunal may be pleased to vacate the interim order passed in the above O.A. in the interest of justice.

P. Lalit

DEPONENT

सहायक निदेशक जनगणना कार्य
Asst. Director of Census Operations
आंध्र प्रदेश, है.रावाद.
Andhra Pradesh, Hyderabad.

Solemnly and sincerely affirmed
this 27th day of March, 1998
and she signed her name in my
presence.

BEFORE ME

Shyamsunder

अध्यक्ष अधिकारी

Research Officer

जनगणना कार्य निदेशालय

Directorate of Census Operations

आंध्र प्रदेश, हैदराबाद

Andhra Pradesh, Hyderabad.

MA 477/98 in OA 1327/97

13.8.98

Heard Sri A. the request
of Sri N.R. Devaraj, list
it on 21.8.98

HBSSP
M(S)

HRRN
M(A)

21.8.98

A. the request of counsel
for the respondents, list it
on 25.8.98. No further
adjournment will be
granted.

HBSSP
M(S)

HRRN
M(A)

26-8-98

Heard Sri W. Satyanarayana for Sri
N.R. Devaraj, for the respondents in the MA.

2. Interim order in the OA passed on
7-10-97 which was in force till 16-10-97.

As the reply was not filed, the OA was
admitted and the interim order was exten-
ded until further orders. When the OA

came up for hearing on 4-11-97, respon-
dents requested time to file reply upto
23-12-97 but the reply was filed only on

24-6-98. The respondents in the OA are
fully responsible for the delay in filing

reply. Hence we see no urgency in vacat-
ing interim order when the respondents

themselves do not feel to file reply in
time. Hence we do not see any reason to

vacate the interim order now. MA is
dismissed. No costs.

HBSSP
M(J)

HRRN
M(A)

नव/CRIMINAL

साधारण/GENERAL बेंच केस/BENCH CASE
CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD

M.A.No. 477 of 1998

IN

O.A.No. 1327 of 1997

Vacate interim order.

Mr. [Signature]
COUNSEL FOR THE APPLICANTS.
AND

Mr. N.R. Devaraj
Sr. ADDL. STANDING COUNSEL FOR C.G. Rly.

Mr. M. Rama Rao