

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

R.A. 5/2000 order dated 19-1-2003 **INDEX**
Withdrawal Date - 17/11/2000

O.A/T.A No. 76/2000.....
R.A/C.P No. 5/2000.....
E.P/M.A No.....

1. Orders Sheet. O.A. 76/2000.....Pg. 1.....to 3.....
2. Judgment/Order dtd. 25/02/2000.....Pg. No separate order disposed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A. 76/2000.....Pg. 1.....to 21.....
5. E.P/M.P. NIL.....Pg.....to.....
6. R.A/C.P. 05/2000.....Pg. 1.....to 11.....
7. W.S. NIL.....Pg.....to.....
8. Rejoinder.....NIL.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 76/2000 OF 199

Applicant(s) Sri Arjun Baruah.

Respondent(s) Union of India and ors.

Advocate for Applicant(s) Mr. M. Chandra,
Mrs. N.D. Goswami

Advocate for Respondent(s) Mr. G. N. Chakrabarty.
C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>24.2.2000</p> <p>mk.</p> <p>25.2.00</p> <p>492889</p> <p>23.2.2000</p> <p>33/2/2000</p> <p>Registered 3 copies</p> <p>filed</p> <p>Bar</p>	<p>24.2.2000</p> <p>mk.</p> <p>25.2.00</p>	<p>There is no representation. Passed over till tomorrow.</p> <p>Member</p> <p>Vice-Chairman</p> <p>Heard Mrs.N.D. Goswami, learned counsel for the applicant and Mr.B.C. Pathak, learned Addl.C.G.S.C.</p> <p>The learned counsel for the parties submit that the case may be disposed of at the admission stage itself.</p> <p>The facts for the purpose of this case are :</p> <p>The applicant is a retrenched Census employee in the office of the Director, Census Operations, Assam, Guwahati. He was applicant in O.A. No.269/93 and by order dated 5.6.1998 the said application was disposed of indicating to the respondents to act in accordance with the decision of the</p>

contd.....

Notes of the Registry	Date	Order of the Tribunal
	<p><u>contd</u></p>	<p>Hon'ble Supreme Court in Union of India - vs - Dinesh Kumar Saxena, reported in (1995) 29 ATC 585, when occasion for making appointment would arise in near future. The applicant approached the respondents, but no appointment had been made. However, he was directed to apply against any suitable vacancy that may occur in future. According to the applicant there are vacancies, but no appointment has been given to him.</p> <p>Mrs. Goswami submits that the case of the applicant is squarely covered by the decision of the Tribunal dated 20.1.2000 in O.A. No.415 of 1999, O.I. Singh - vs- Union of India and others. In this order it was held :</p> <p>"..... It is agreed by the counsel for the parties that as per the decision of the Apex Court in Government of Tamilnadu and another Vs. G.Md.Ammendden and others (1999) 7 SCC 499, the applicant is entitled to get the appointment when the new vacancy will arise. As per the said decision the learned counsel for the parties submit that the applicant may be absorbed in the vacancy that will occur for Census of 2000, in a suitable post which he is entitled to following the judgment of the Apex Court..."</p> <p>In view of the above, following our decision in the aforesaid case we dispose of this application with direction to the respondents to absorb the applicant in vacancies that will occur for Census Operations of 2000 in suitable post for which the applicant is entitled to following the judgment of the Apex Court referred to above. The respondents shall make the appointment immediately within a reasonable time after occurrence of the vacancies, not later than two months from the</p> <p style="text-align: right;">date of</p>

27

Notes of the Registry

Date

Order of the Tribunal

25.2.00
contd

date of receipt of this order.

The application is disposed
of. No order as to costs.

Member


Vice-Chairman
mk
1/3/2000

8.3.2000

Copy of the order
Dtd. 25.2.2000 has been
sent to the D/Sec for
issuing the order to the
parties.
Hf

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Notes of the Registry	Date	Order of the Tribunal
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6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An Application under Section 19 of the Administrative
Tribunals Act, 1985).

Title of the Case : O.A. No. 76/2000
Sri Arjun Baruah : Applicant
-vs-
Union of India & Ors : Respondents

I N D E X

Sl.No.	Annexure	Particulars	Page No.
1	-	Application	1-189
2	-	Verification	10
3	1	Judgement & Order dated 5.6.1998	11-219
4	2	Representation dt. 14.7.98	
5	3	Letter dated 27.7.98	20
6	4	Advertisement dt. 12-18 June, 1999	23-21

Date : 23.2.2000

Filed by

N.D. Goswami

Advocate

Sri Arjun Baruah

X

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An Application under Section 19 of the Administrative
Tribunals Act, 1985).

O.A. No. 76/2000.

BETWEEN

Sri Arjun Baruha
Son of late Atuha Baruah
Village- Arikuchi
P.O. - Arikuchi
District-Nalbari
Assam

..... Applicant

-Versus-

1. The Union of India
Through the Secretary to the Government
of India, Ministry of Home Affairs,
New Delhi.
2. The Registrar General of Census Operation,
2/A, Man Singh Road,
New Delhi.
3. Director of Census Operations,
Assam, G.S. Road,
Guwahati.

..... Respondents

Contd.....

Sri Arjun Baruah

DETAILS OF APPLICATION

1. Particulars of order against which this application is made.

This application is made praying for a direction to the respondents to appoint the applicant to the existing vacant post of Computer/LDC/Assistant Compiler in pursuance to the Judgment and Order dated 5.6.1998 passed in O.A. No. 269 of 1993 and also the advertisement/Notification issued through Staff Selection Commission for filling up of two posts of Assistant Compiler published in the 'Employment News' dated 12-18 June, 1999.

2. Jurisdiction

The applicant declares that the subject matter of the instant application is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation

The applicant further declares that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

4.1 That the applicant is a citizen of India and as such entitled to all the rights and privileges guaranteed under the Constitution of India. The applicant is a graduate.

4.2. That the fact of the case traces back to the year 1993 when the applicant alongwith others were

Contd...

appointed to various posts under the disposal of the Respondent No.3 The applicant was appointed to the post of Computer with effect from 3.6.1993. It is stated herein that these appointments in respect to the applicants was made on temporary and adhoc basis in connection with 1991 Census work.

4.3 That the applicant having been so appointed, continued to work in the department under the disposal of Respondent No.3. But on 21.12.1993, the then Respondent No.3 issued a letter whereby the services of the applicant stood terminated with effect from 31.12.1993. The applicant thereupon, alongwith others, challenged the said order dated 21.12.1993 in O.A. No. 269/1993 before this Hon'ble Tribunal. The Hon'ble Tribunal after a threadbare consideration of the matter disposed of the Original Application vide order dated 5.6.1998 following the judgement of the Hon'ble Supreme Court in Union of India Vs. Dinesh Kumar Sarma, reported in (1995)2 ATC 585, holding that there was no reason to interfere with the order dated 21.12.1993 and the same could not be quashed therefore. The Tribunal however held that the respondent No.3 would take action to appoint the applicant in any regular vacancy which might arise in near future, if the applicant was otherwise qualified and eligible for those posts and in that event the applicant might individually approach respondent No.3.

A copy of the aforesaid judgement and order dated 5.6.1998 passed in O.A. No. 269/93 is annexed hereto and marked as Annexure-1.

Dr Arjun Baruah

4.4 That thereafter the applicant preferred a representation to the respondent No.2 on 14.7.1998 praying for appointment in the light of the order of this Hon'ble Tribunal dated 5.6.1998, to the posts of Computer, Data Entry Operator and Lower Division Clerk which are presently lying vacant under the disposal of Respondent No.3 In this connection it is pertinent to mention here that at present 10 (ten) posts of Data Entry Operator/Assistant Compiler and 2 (two) posts of Lower Division Clerk are lying vacant under the disposal of Respondent No.3 ~~7~~ and against such posts the applicants were working prior to their retrenchment. The applicant states that his case can be considered in the light of the order dated 5.6.98 passed by this Hon'ble Tribunal and ~~they~~ ^{he} can suitably be accommodated against those posts. It is stated that he is eligible candidate having requisite qualification for the post. Moreover, he is having past experience of working these posts.

4.5 That the applicant begs to state that after preferring the aforesaid representation dated 14.7.1998 he was eagerly awaiting a favourable order from the respondents considering his appointment. But to his shock and surprise, the respondent No.3 issued a letter on 27.7.98 arbitrarily rejecting his representation dated 14.7.1998. The applicant states that the letter of rejection as a stereotype one and devoid of any reason. It is stated that the applicant has a right to appointment under the respondents on priority basis. But he has been denied the same on an arbitrary exercise of power of the

Contd....

Bir Arjun Baruah

respondents. The action of the respondents is without jurisdiction and illegal.

A copy of the aforesaid ~~letter dated 14.7.98~~ and letter dated 27.7.98 are annexed hereto and the same are marked as Annexures- 2 & 3 respectively.

4.6 That the applicant states that the respondent No.3 while rejecting their representation, however, advised them to apply for appointment as and when vacancies are notified. It is stated that the respondent No.3 has totally ignored the spirit of the order of this Hon'ble Tribunal and consequently failed to shoulder his responsibility. It is further stated that by the impugned letter dated 21.9.98 the respondent No.3 actually asked the applicants to compete with the other candidates as and when vacancies are notified for appointment thereby denying their right to appointment on priority basis. Such action on the part of the respondents, are highly discriminatory and contrary to the settled principles of law.

4.7 That the applicant/ begs to state that he has come to know from reliable source that the respondents have sent a requisition to the Staff Selection Commission for filling up the existing vacant posts of Assistant Compiler, Data Entry Operator/Computer and L.D.C. as mentioned above which is evident from Employment News dated 12-18 June, 1999 whereby an advertisement is made for filling up of two posts of Assistant Compiler without considering the case of the applicant. As such there is a reasonable apprehension that the respondents

Sri Arjun Baruah

are going to fill up the vacancies by recruiting persons from field without resorting to recruitment from amongst the retrenched candidates i.e. the applicant. In this connection it is pertinent to mention here that as per the direction of Hon'ble Supreme Court as well as this Hon'ble Tribunal the ~~authorities~~ authorities are to firstly required to recruit the retrenched employees like the applicant to fill up the vacant posts. But the respondents are resorting to recruitment from the open field through Staff Selection Commission in total violation of the order of this Hon'ble Tribunal dated 5.6.1998 passed in O.A. No 269 of 1993. The action of the respondents are therefore illegal and arbitrary.

Copy of the Advertisement dated 12-18 June, 1999 published in the 'Employment News' for the two posts of Assistant Compiler is annexed hereto and the same is marked as Annexure-3.

4.8 That your applicant begs to state that the issue involves in the instant case is squarely covered by the judgement and order ~~xxxxx~~ passed in O.A. No. 161/99 (B. Das & Ors. Vs. Union of India & Ors), therefore the applicant prays for similar relief.

4.9 That this application is made bona fide and for the cause of justice.

5. Grounds for Relief with legal provisions :

5.1 For that the applicant has acquired a valuable right for regular appointment on priority basis under the respondents against existing vacancies.

Sri Arjun Naruah

- 5.2 For that the applicant is experienced and having the qualification required for the posts presently lying vacant under the respondents.
- 5.3 For that the respondents have acted arbitrarily and illegally in rejecting the claim of the applicant and their action is in frustration of the spirit of this Hon'ble Tribunal's order dated 5.6.98 passed in O.A. No. 269 of 1993.
- 5.4 For that the applicants can easily be accommodated against the vacant posts and there is not reasonable impediment on the part of the respondents in doing so.
- 5.5 For that the action of the respondents in rejecting the claim of the applicants is illegal and without jurisdiction.
6. Details of remedies exhausted.

The applicant declares that he has no other alternative or efficacious remedy except by way of filing this application before the Hon'ble Tribunal.

7. Matters not previously filed or pending with any other court.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in ~~xxx~~ respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

Sri Arjun Baruah

8. Reliefs sought for

Under the facts and circumstances of the case, the applicant prays for the following reliefs :

- 8.1 That the respondents be directed to consider for appointment of the applicant in the existing vacant post of Computer/Assistant Compiler/Data Entry Operator/Lower Division Clerk lying under the disposal of Respondent No.3
- 8.2 That the applicant be declared entitled to appointment against the existing vacant post of Computer/Assistant Compiler/Data Entry Operator/Lower Division Clerk under the disposal of Respondent No.3
- 8.3 Any other relief or reliefs to which the applicant is entitled to under the facts and circumstances of the case.
- 8.4 Costs of the application.

The aforesaid reliefs are prayed on the grounds narrated in paragraph 5 of this application.

9. Interim Reliefs prayed for :-

Under the facts and circumstances narrated above, the applicant prays for the following interim reliefs :

- 9.1 That the respondents be restrained from recruiting candidates from open field for filling up the existing vacant posts through Staff Selection Commission, till disposal of this application.

Sri Arjun Baruah

- 9.2 That the respondents be directed to consider appointment of the present applicant against the existing vacant post with immediate effect.
- 9.3 Any other relief or reliefs to which the applicant is entitled to under the facts and circumstances of the case.

The abovementioned interim reliefs are prayed on the grounds narrated in para 5 of this application.

10.

This application is filed through advocate.

11. Particulars of the I.P.O.

- i. I.P.O. No. : 06 49 2889
- ii. Date of Issue : 23.2.2020
- iii. Issued from :
- iv. Payable at :

12. List of enclosures

As stated in the Index.

.... Verification

Sri Arjun Baruah

V E R I F I C A T I O N

I, Sri Arjun Baruah, son of late Atuha Baruah, aged about 32 years, resident of village Arikuchi, P.P. Arikuchi, District Nalbari, Assam do hereby verify that the statements made above in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and belief and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts.

And I sign this verification on this the 23rd day of February, 2000.

Sri Arjun Baruah
Signature

Original Application No. 269 of 1998.

Date of Order : This the 5th Day of June, 1998.

Justice Shri D.N.Baruah, Vice-Chairman.

Shri G.L.Sanglyine, Administrative Member.

Shri Santanu Goswami and 20 others. . . . Applicants.

By Advocate Shri D.Malakkar

- Versus -

1. Union of India
represented by Secretary,
Ministry of Home Affairs,
New Delhi.
2. The Registrar General of Census Operations,
New Delhi.
3. The Director,
Census Operations, Assam,
Guwahati. . . . Respondents.

By Advocate S/Shri S.Ali, Sr.C.G.S.C and
G.Sarma, Addl.C.G.S.C.

ORDER

G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

Twenty one applicants who were employees under the Director of Census Operation, Assam had submitted this Original Application. They were allowed vide order dated 30.12.1993 to join in this single application. The names of the applicants, their designations and dates of appointments are indicated herein below :-

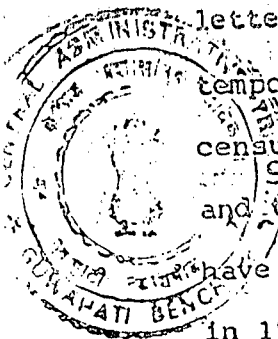
<u>Sl.No.</u>	<u>Name</u>	<u>Designation</u>	<u>Date of appointment letter</u>
1.	Shri Santanu Goswami,	Computer	12.3.1991
2.	Shri Indrajit Das	"	1.4.1991
3.	Shri Ranjan Goswami	"	3.6.1993
4.	Shri Tara Charan Kalita	"	3.6.1993
5.	Shri Bikul Hazarika	"	3.6.1993
6.	Shri Arjun Baruah	"	3.6.1993
7.	Shri Nagen Rabha	"	3.6.1993

IV

<u>Sl.No.</u>	<u>Name</u>	<u>Designation</u>	<u>Date of appointment letter</u>
8.	Shri Jibon Malakar,	Computer	3.6.1993
9.	" Hara Kanta Das	"	14.7.1993
10.	Md. Khalekur Zaman,	"	23.7.1993
11.	Shri Harish Ch. Rabha	"	23.7.1993
12.	Smt. Ratna Bhattacharjee,	"	10.9.1993
13.	" Archana Barman	"	10.9.1993
14.	Shri Karuna Das	"	10.11.1993
15.	Smt. Geeta Devi	"	10.11.1993
16.	Shri Jiten Kr. Deka, Asstt. Compiler		10.11.1993
17.	" Bimalananda Das, Lower Division Clerk		3.6.1993
18.	Smt. Anima Hazarika	"	10.11.1993
19.	Shri Sailen Doley	"	10.11.1993
20.	" Jayanta Das	Peon	22.3.1991
21.	" Ajit Kr. Das	Farash	7.9.1990.

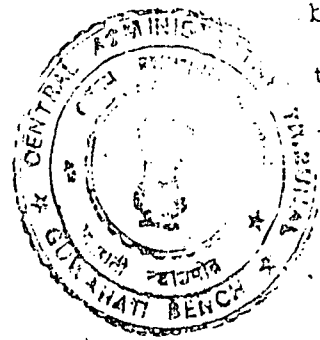
Except in the case of appointment of the Peon and the Farash mentioned above whose case will be mentioned separately all appointments were made on purely temporary and adhoc basis.

In respect of those appointed prior to 1993 the appointment letters specifically mentioned that the post was purely temporary created specifically in connection with the 1991 census work and would be abolished on completion of the work and the incumbent will be retrenched and the Government would have no liability thereafter. In respect of those appointed in 1993, the appointment letters stipulate in addition to the above that the appointment is adhoc in nature and likely to continue upto 31.12.1993 only or may be terminated before that date or the extended period, as the case may be by giving one month's notice from either side or one month's emoluments in lieu thereof. Shri Jayanta Das, Peon was appointed temporarily against the post which was purely temporary created specifically in connection with the 1991 census work and would be abolished on completion of the work and the incumbent will be retrenched and the Government would have no liability



13

were temporary and were sanctioned upto 28-2-1991 according to the order. No post of Assistant Compiler was sanctioned. This is also evident from the letter dated 20-10-1997 submitted by Mr. Malakar. Appointment to Assistant Compiler was according to the letter dated 20-10-1997 made against the consequential vacancies caused by promotion to the post of Computer/Statistical Assistant/ Investigator created purely for the 1991 census. The applicants were appointed in the posts of Computer, Assistant Compiler, Lower Division Clerks, Peon and Karash. On 30-11-1993 the Government of India, Ministry of Home Affairs communicated its decision that all the posts created in connection with the 1991 census were at present sanctioned upto 31-12-1993 only. Further, that the posts will stand abolished on that date and no further extension of the posts was necessary. Thereafter the impugned order dated 21-12-1993 was issued terminating the services of the applicants in this O.A. among others. In the O.A. presently before us it is clear from the letters of appointment of the applicants including that of Bimalananda Das, LDC, that the posts were created for the 1991 Census Operations only. According to the letter No. 2/4/90-RG(Ad- II) dated 30-11-1993 produced by Mr. Ali sanction to the posts was available upto 31-12-1993 only and there was no renewal of the sanction after that date. In the circumstances it is clear that according to the respondents there was no work concerning the posts after that date or that there was no necessity to retain the temporary posts for carrying out the pending works if any. It may be mentioned here that in State of Himachal Pradesh Vs. Suresh Kumar Verma & another reported in 1996(1) ATJ 618/1996 SCC(L&S) 645



services of Daily Wages employees were terminated on ground of absence of work. The Hon'ble Supreme Court upheld the termination of service thus:

"It is seen that the project in which the respondents were engaged had come to an end and that, therefore, they have necessarily been terminated for want of work. The Court cannot give any direction to re-engage them in any other work or appoint them against existing vacancies. Otherwise, the judicial process would become other mode of recruitment de hors the rules."

Mr. Malakar submitted that the 1991 census work was not completed as on 31-12-1993 and, in fact, some persons were retained beyond that date. He based his submission on the letter No. DCO(E) 7/78/Vol. IX dated 20-10-1997 written by the Joint Director of Census Operation, Assam to the Registrar General, India. This letter however, is of no help to the applicants. There are different posts performing different tasks in census operations. The work contemplated must necessarily relate to the work concerning the particular posts. The letter dated 20.10.1997 on which Mr. Malakar relied on is concerning the ad hoc Lower Division Clerks/Assistant Compiler who could be accommodated in the core posts. It has not been shown by the applicants that they are also such ad hoc employees who could be accommodated likewise. Even if they are of the same type, the principle of last-come-first-go may apply and the applicants have not shown whether those persons mentioned by Mr. Malakar whose names have not been disclosed were senior or junior to them. The decision making authority of the respondents is competent to make decision regarding requirement of work in their organisation. It is apparent from the fact that sanctions were extended upto 31-12-1993 that after making assessment of the

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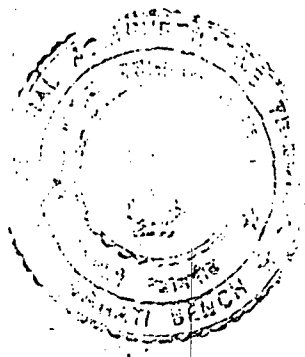


15

thereafter. Shri Ajit Kr. Das, Farash, was appointed temporarily in the office of the Director of Census Operation, Assam, Guwahati. The appointment was purely temporary and was liable to be terminated at any time without notice and assigning any reason thereof. His appointment letter does not refer to the Census Operation of 1981 or that it was an ad hoc appointment. On the basis of their appointment letters the applicants joined their respective posts. On 21-12-1993 the respondent No.3, the Director of Census Operation, Assam, Guwahati issued the impugned order dated 21-12-1993 to the effect that the services of the applicants stood terminated with effect from 31-12-1993 on the ground that the sanction of these posts expired on 31-12-1993. Hence this Original Application.(O.A. for short).

2. In this O.A. the applicants have prayed that the impugned order No.DCO(E)97/80/Vol.I dated 21-12-1993 terminating their services be quashed. Mr.S.Ali, learned Sr.C.G.S.C., has opposed the prayer of the applicants and supported the action of the respondents. According to Mr.Ali, the applicants have no reason to be aggrieved with the impugned order. They were appointed for a specific period on ad hoc basis with a specific purpose. They have no right to continue in the posts indefinitely. In support of this contention reliance was placed on the decision of the Hon'ble Supreme Court, Director, Institute of Management Development, U.P. , Versus - Pushpa Srivastava (Smt) reported in (1992) 21 ATC 377. Mr.S.Ali further submits that the terms of their appointments are clearly written in the respective appointment letters and the

contd/-



applicants had consciously accepted those terms and joined the services in spite of those explicit terms. The posts against which the applicants were appointed were sanctioned upto 31-12-1993 and there was no sanction for continuance of the posts thereafter. He also submits that there was no necessity to continue the posts after that date because as far as the works relating to the posts occupied by the applicants are concerned, the work was completed. Mr. B. Malakar, the learned counsel for the applicants, has disputed the contention of Mr. Ali. According to Mr. Malakar census is a continuing process and therefore, there is no question of completion of its work. In fact, records would show that the works were still continuing after 31-12-1993. Moreover, the respondents have practised discrimination in terminating the services of the applicants while retaining those of other employees who were similarly appointed as the applicants.

3. We have heard learned counsel of both sides. The Directorate of Census Operation, Assam is under the Ministry of Home Affairs, Government of India and has its permanent employees. However, in order to carry out census operations relating to a particular census temporary posts were created. According to the records produced by Mr. Ali 15 post of Computers, 3 posts of Lower Division Clerks, 2 posts of Peons and 1 post of Farash were created and sanctioned vide order No. 2/5/29-RG(Ad II) dated 6-4-1990, the competent authority in connection with the 1991 census for the Directorate of Census Operations, Assam in so far as this O.A. is concerned. All the posts

contd/-



17

requirement of work again the order dated 30-11-1993 mentioned above was issued which is applicable all over the country. In the circumstances we are of the view that the competent authority of the respondents had not arbitrarily discontinued the sanction of the posts. In the facts and circumstances we do not find any reason to interfere with the decision of the respondent No.2, the Registrar General, India to discontinue sanction to the temporary posts specially created for the 1991 Census Operation. Consequently, we find no merit in the prayer of the applicants that the impugned order is to be quashed. Their prayer cannot therefore be allowed.

4. Our findings above will not however be applicable in this particular case to Ajit Kumar Das, Farash, Applicant No.19, in-as-much as the terms of his appointment are different from those of the other applicants. According to his appointment letter dated 7-9-1990, Annexure-18 (name shown therein is Sri Ajit Chandra Das son of Sri Madan Chandra Das of Borjhar, Kamrup and it has not been disputed that he is not the same as Ajit Kumar Das, applicant No.19) he was not appointed for the 1991 census. No material was placed before us by the respondents to show that he was actually appointed against a post specially created for the 1991 census. According to the appointment letter he was appointed as temporary employee. It is true that there is a stipulation in the order dated 7.9.1990 that his appointment could be terminated at any time without notice and assigning any reason thereof and he had accepted the terms of appointment. But, since he was not particularly appointed for the 1991 census, once he joined the service

contd/-



and the law relevant thereto. The respondents could not have terminated his service on the ground that sanction had expired as had been done in this case. Further it may be mentioned here that the name of applicant No.19, Ajit Kumar Das, does not appear against Sl."22.Farash" in the office note dated 1-12-1993 produced by the respondents before us. In the facts and circumstances the impugned order dated 21-12-1993 in-so-far as it relates to serial No.27 Ajit Kumar Das, Farash, mentioned therein is not sustainable in law and accordingly it is hereby set aside to that extent. The respondents are directed to reinstate the applicant No.19, Shri Ajit Kumar Das, Farash and treat him as in continuous service from 1-1-1994 with all service benefits including monetary.

5. The remaining 20 applicants had worked with the respondents for sometime before 31-12-1993 and some of them had worked since 1991. Though they are not successful in this application on merit yet we take note of the submission of Mr. Malakar that they can be accommodated in other vacancies available under the Control of Respondent No.3. In this regard we may refer to the decision of the Hon'ble Supreme Court in Union of India Vs. Dinesh Kumar Saxena, reported in (1995) 29 ATC 585 in which it was held among others as follows: -

"Ends of justice will be met if the Directorate of Census Operations, U.P. is directed to consider those respondents, who have worked temporarily in connection with 1981 and/or 1991 census operations and who have been subsequently retrenched, for appointments in any regular vacancies which may arise in the Directorate of Census Operations and which can be filled by direct recruitment, if such employees are otherwise qualified and eligible for these posts."

contd/-



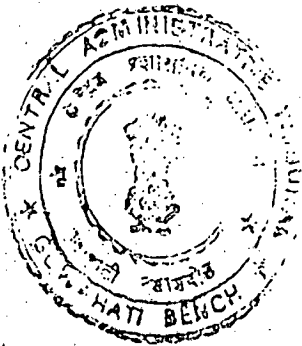
21/19

-9-

Other directions such as relaxation of age were also issued. We have no doubt that Respondent No.3 will take action in the lines indicated in the aforesaid judgment if occasion for making appointment arises in near future. The applicants may individually approach him, if they desire, in this regard.

6. The application is disposed of. No order as to costs.

S/- VICE CHAIRMAN
S/- MEMBER (ADMIN)



Certified to be true Copy

प्रमाणित प्रतिलिपि

[Signature]
9/6/98
Section Officer (J)

माननीय अधिकारी (अतिरिक्त)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक उपाय
Guwahati Bench, Guwahati-8
महानदी - स.प.वी.ठ. ७८१००५

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Recd. 2/10

34/98/4892
No.DCO(E) कार्यालयफोन, कार्यालय 33547396
Phone, Office

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GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS/GRIHA MANTRALAYA

कार्यालय असम जनगणना निदेशक

OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, ASSAM

जि. एस. रोड, उलुबारी, गुवाहाटी-781007

G. S. ROAD, ULUBARI, GUWAHATI-781007

दिनांक गुवाहाटी

Dated Guwahati the 27th July/98

To

Shri Arjun Baruah,
C/o. Anil Bezbaruah,
Santipur Hill Side (West),
P.O. Bharalumukh, Guwahati-781009.

Sub:-O.A.No.269/93 filed before the Hon'ble Central
Administrative Tribunal, Guwahati Bench by Shri
Arjun Baruah, a retrenched census employee of
1991 Census.

Sir,

I am to refer to the order of judgement by the Hon'ble Central Administrative Tribunal, Guwahati Bench in O.A.No.269/93 on 5.6.98 directing the Respondent No.3 to consider your appointment to any vacant post that may arise in future and to say that there is no regular vacancy in the grade of L.D.C., Asstt. Compiler and Computer at present. In case any vacancy in the grade of L.D.C. and Asstt. Compiler arises in future the same will be filled up through Staff Selection Commission (S.S.C.) as any appointment to these posts on regular basis should be made through the S.S.C. It is likely that some vacancies in the grade of Asstt. Compiler may arise in future which will be filled up through S.S.C. You are, therefore, asked to keep in touch with the Employment News wherein the vacancies are notified by the S.S.C. inviting applications from the open market. Whenever such vacancies are notified you may apply with all your bio-data to the S.S.C. Necessary age relaxation in terms of the Hon'ble Tribunal's directive shall be considered. This disposes of your representation dated 14.7.98.



(N. C. SEN) 27/7/98

DEPUTY DIRECTOR OF CENSUS OPERATIONS
ASSAM : GUWAHATI.

CENTRAL EMPLOYMENT EXCHANGE

Govt. of India
Directorate General of Employment & Training
(Mo Labour)
14/11, Jangpoh House, Shahjahan Road
New Delhi 110011

As per revised procedure w.e.f. 1st Sept. 91, applications received in Employment Exchanges against advertisement of Central Employment Exchange are to be forwarded to the respective employers directly by the Employment Exchanges under intimation to Central Employment Exchange.

"Advertisement No. 23/99"

Applications are invited for the following posts upto 28.6.99 in the prescribed format given at the end of the advertisement.

- Applications are to be submitted only to the local nearest Employment Exchanges. Applications should not be submitted to the Central Employment Exchange.
- Departmental candidates belonging to the same Min./Department fulfilling the same qualifications, exp. etc. as laid down for the posts may apply direct to the employer and need not send their applications through local employment exchanges.
- Applications of candidates other than those covered under S.No. 2 above and the States of Arunachal Pradesh & Sikkim will not be considered unless they are registered with the Employment Exchanges and their applications are routed through the channel of Employment Exchanges.
- Applications submitted directly to the employer (other than the candidates residing in the States of Arunachal Pradesh & Sikkim) without the channel of Employment Exchanges will not be considered.
- Separate applications are required for each post quoting advertisement No. and S.No. of the posts.
- Upper age limit relaxable for SC/ST, OBC, Ex-Servicemen, Physically Handicapped and Govt. Servants as per rules.
- Incomplete applications received in violation of the instructions shall be rejected. No correspondence whatsoever shall be entertained in this regard.

8. Only those SC/ST candidates who are not employed anywhere will be paid TA for attending the interview, if admissible under the rules.

(115/99) : THE ADMIRAL SUPERINTENDENT, NAVAL DOCKYARD, MUMBAI-400023.

1. Six Master Grade-II - SC-2, & UR-4: (Women are not eligible).

2. Twenty-Eight Mate - SC-4, ST-2, & UR-22, (Women are not eligible).

Pay : Rs. 4500-7000/- Age : Not exceeding 40 yrs. as on 03.5.99

Essential qualifications : Certificate of Master 2nd Class ISV. At least 2 yrs. experience of independently handling of a craft of 20 horse power.

Place of work : Naval Dockyard, Mumbai (116/99) : SHRI S.Z.H. ZAIDI, SUPDT. GOVT. OF INDIA, MINISTRY OF LABOUR, VOCATIONAL REHABILITATION CENTRE FOR HANDICAPPED, I.T.I. CAMPUS, PUSA, NEW DELHI-110012.

3. One Vocational Instructor (Commercial) - SC: Pay : Rs. 5000-8000/- Age : 30 yrs.

Essential qualifications : I. Graduate of a recognised University.

II. Diploma OR certificate in Commercial OR Sect. Practice.

Desirable : I. Speed of 40 wpm in typing and 80 wpm in Shorthand.

Place of work : New Delhi with AISL (117/99) : SHRI V.S. RAO, DY. DIRECTOR (ADMN), PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA) DOORDARSHAN KENDRA, P.B. Marg, WORLI, MUMBAI-400025.

4. One Make-up Assistant - UR :

Pay : Rs. 5000-8000/- Age : 18 to 25 years.

Essential Qualifications : 1. Matriculation or equivalent.

2. Diploma or Certificate from a recognised Institute with specialisation in Make-up. OR

3. Three years practical experience of Make-up in stage, film/TV.

Place of work : Mumbai with AISL.

(118-119/99) : DR. P.R. KUMAR, DIRECTOR, NATIONAL RESEARCH CENTRE ON RAPESEED MUSTARD SEWAR, ICAR, BHARATPUR (RAJ.)-321303.

5. One Technical Asstt. - T-II-3(Field/Farm) - SC Pay : Rs. 4500-7000/- Age : 35 yrs. as on closing date for receipt of application. There will be no age limit for the employer of ICAR.

Essential qualifications : i) Three years Diploma/Bachelor's Degree in Agriculture Science.

ii) 5 years experience of working in the relevant field i.e. field management in reputed Agriculture Farm for Diploma holders.

Note : In fields where the duration of diploma courses available in the country is only two years the minimum qualification will be two years diploma instead of three years diploma.

6. One Technical Asstt. T-II-3 (Photographer) - ST : Pay : Rs. 4500-7000/- Age : 35 yrs. as on closing date of receipt of application.

Essential qualifications : 1. Diploma in Photography with atleast 3 years experience in high class Photography including feature, news and colour photography with theoretical and practical knowledge of Dark Room work.

Desirable : i) Bachelor's Degree in Photography.

ii) Experience of write ups on photographic feature.

iii) Experience in VIDEO FILMING.

Place of work : For posts at S.No. 5&6 is NRCRM, Sawai, Bharatpur (Rajasthan).

ABBREVIATIONS USED

SC : Scheduled Castes

ST : Scheduled Tribes

UR : Unreserved

OBC : Other Backward Classes

AISL : All India Service Liability

FORMAT OF APPLICATION FORM

1. Advertisement No. :

- Serial Number of the post
- Post applied for
- Name of the Employer
- Registration Number
- N.C.O. No.
- Name (Mr/Mrs/Miss) in Block letters
- Father's Name
- Address (in full)
- Nationality
- Whether SC/ST/OBC
- Whether Ex-servicemen (Yes/No)
- Whether Physically handicapped (Yes/No)
- Whether belongs to any priority category
- Date of birth (Christian Era)
- Language known
- Academic/Technical/Professional qualifications (starting from Matriculation or equivalent examination(s), passed (b) Division and 'Age of marks (c) Board/University (d) Year of passing (e) Subject taken.
- Experience (e) Name of the employer (b) Designation of post (c) Pay scale (d) Nature of duties (e) Period of Employment from to (f) Last pay drawn
- Are you prepared to be posted anywhere in India (Yes/No)
- Any additional information regarding (i) Qualification (ii) Training, (iii) Experience (iv) Research (v) Publications.

20. Extra curricular activities
I solemnly declare that the statement made by me in this form are correct to the best of my knowledge and belief.

Dated : _____

Place : _____

EN 11/2

davp 4870 (9) 99

RECRUITMENT NOTIFICATION

Office of the Director, Central Cattle Breeding Farm, P.O.-Sunabeda, Dt.-Koraput (Orissa).

Applications are invited from the candidates fulfilling the following conditions for appointment to the temporary post of Stenographer-grade 'D' at C.C.B.F., Sunabeda-2, Dt.-Koraput (Orissa).

1. Name of the post : Stenographer Grade 'D'

2. Group of the post : 'C', non-gazetted, non-ministerial

3. No. of Post : One, on regular basis against a temporary post sanctioned on year to year basis which is likely to continue indefinitely.

4. Category : Scheduled Tribe

5. Qualification : Essential : (a) Matriculation or its equivalent (b) Must possess a speed of 80 words per minute in Shorthand in English to be transcribed on a typewriter within the time prescribed on the typewriter for the purpose.

6. Age : 18 years above and below 25 years. Age relaxation to Reserved Category and Departmental candidates will be allowed as per rules in force.

7. Scale of Pay : Rs. 4000-100-6000/- plus usual allowances as admissible to Central Govt. Employees posted at CCBF, Sunabeda, from time to time.

8. Place of work : At C.C.B.F., Semiluguda, P.O.-Sunabeda-2, Koraput (Orissa) with the liability to serve any where in India.

9. Probable date by which the vacancy will be filled : Immediately

10. Date, time & place of interview test : Date & Time will be communicated to eligible applicants separately. Those qualified in the written test to be conducted at CCBF, Sunabeda, Koraput (Orissa) will be called for interview.

11. Detailed Bio-data along with photocopy of the required educational/technical qualifications certificates from the recognised institution duly attested should reach the office of the Director, CCBF, Sunabeda P.O.-Sunabeda-2, Koraput (Orissa) latest by 30.6.99. The original Certificates should be produced for verification at the time of interview/test.

12. 'No Objection Certificate' from the employer, in case the applicant is employed presently fulfilling the above

requisites, should be attached along with the application form.

13. Format of Application as under:

a) Name of the candidate (in block letters)

b) Father's & Mother's Name

c) Date of Birth (as per SSC/Matriculation Certificate)

d) Address
i) Permanent
ii) For correspondence

e) Nationality
f) Educational Qualification
g) Experience if any

Date : _____
Signature of candidate
Place : _____

MJP ROHLIKHAND UNIVERSITY, Bareilly

VACANCIES

(Advt. Notification : 2/99)

Applications for the following posts are invited on prescribed forms available from the Registrar, MJP Rohlikhand University, Bareilly-243006 (U.P.) by sending crossed Postal Order/Bank Draft for Rs. 100/- (One hundred only), to SC/ST/OBC Rs. 40/- (Forty only) payable to the Finance Officer, MJP Rohlikhand University, Bareilly along with self addressed envelope of 9"x9" size with postal stamp of Rs. 20/-.

The applicants who have applied in response to our earlier advertisement need not apply. However, they may send additional information about their academic achievements, if any. Last date for receipt of application form is 30.06.1999.

S.N.	Course	Reader	Lecturer
1.	Applied & Regional Economics	01(SC)	02(SC/OBC)
2.	Ancient History & Culture		02(OBC/SC)
3.	Legal Studies	02(SC/OBC)	01(SC)

Note : Qualifications - NET qualified and according to UGC & University Norms.

4. Librarian - 01(16400-22400)

Librarian : Master's Degree in Library Science with atleast 55% marks or equivalent grade with a consistently good academic record. Ph.D. Degree in any discipline of Library Science with published work of library. Minimum 10 years experience of work/research in a University Library. Age : 30-45 years.

5. Dy. Librarian - 01(12000-18300)

Dy. Librarian : Master's Degree in Library Science with atleast 55% marks or equivalent grade with a consistently good academic record. Ph.D. Degree in any discipline of Library Science with published work. Minimum 5 years experience as Asstt. Librarian in University, PG College. Age : 30-45 years.

6. Asstt. Librarian - 02(ISC, IUR)(8000-13500)

Asstt. Librarian : M.Lib. with atleast 55% marks or equivalent grade with a consistently good academic record. Minimum 3 years experience. NET qualified will be preferred. Training in the use of Computer in library is desirable. Age : 25-35 years.

REGISTRAR

EN 11/49

EN 11/46

Administrative Commandant Station Headquarters Bhopal (MP)

Reference advertisement for recruitment for the post of Conservancy Safaiwala (19 posts) published in Employment News on 29 May 99

2. The date of receipt of applications extended upto 25 June 99.

EN 11/22

GOVERNMENT OF NATIONAL CAPITAL OF DELHI

DIRECTORATE OF FAMILY WELFARE, MALKAGANJ, DELHI

PUBLIC NOTICE

Applications on plain paper along with bio-data and copies of certificates regarding qualifications and experience are invited for the following posts to be filled up on contract basis under RCH on year to year basis, initially for one year.

1. Consultant (Maternal Health)—one.

Qualifications M.D. (Obst. & Gynae.) or Diploma in Obst. & Gynae.

(a) For retired persons: Senior faculty member in deptt. of Obst. & Gynae. in a medical college or senior specialist in Obst. & Gynae. in a hospital.

(b) For others: At least 3 years experience as a faculty member in the deptt. of Obst. & Gynae. in a medical college or specialist in Obst. & Gynae. in a hospital.

(c) Pay for retired persons: Rs. 8000-12000 per month, fixed, consolidated. For others: Rs. 14,000-18,000 per month, fixed, consolidated.

Consultant (Child Health)—one.

Qualifications - M.B.B.S.

(a) For retired persons: 3 years experience at programme management level at national/state/district level in field of MCH/Vaccination or child health monitoring & evaluation of the programme.

(b) For others: 3 years experience at programme management level in a MCHO or 2 years experience in a district/sub district hospital and experience in monitoring and evaluation of programme related to child health.

(c) Pay for retired persons: Rs. 8000-12,000 per month, fixed, consolidated. For others: Rs. 14,000-18,000 per month, fixed, consolidated.

Laboratory technician (5).

Qualifications: Science graduate/preferably Microbiology or Biochemistry - Medical Lab. Technician course from a recognised institution.

- Candidates with age more than 35 years will be given preference. - Maximum age is 60 years.

Pay: Rs. 4000/- per month + DA at prevalent rates.

ANM (70)

Qualifications - ANM/Female Health Worker course from a recognised institution.

Preference will be given to candidates with more than 35 years of age. - Maximum age: 60 years minimum age: 20 years.

Pay: Rs. 4000/- per month + DA at prevalent rates.

(Dr. Santosh Chadha)

Director, Family Welfare

EN 11/3

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Staff Selection Commission

ADDENDUM

With reference to the Advertisement No. 1/99-NER, dated 24th-30th April, 1999 published in the Employment News, it is to inform that, two posts of Assistant Comptroller (OBC-1; UR-1) are lying vacant in the Directorate of Census Operations, Guwahati. All other conditions will remain same as mentioned in the Advt. 1/99-NER, in the Category NER-4, except the upper age limit belonging to the OBC Candidates is 28 years. Initial posting of the posts is Guwahati, Assam. Candidates may send their applications directly to the Regional Director, Staff Selection Commission, Guwahati within 15 days after the publication of the Addendum. This extension of receipt of Application is applicable only for the above mentioned two posts.

EN 11/53

davp 3101(7)99