

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

Contempt APPLICATION NO. 23/2000 OF 199
dt. 30/2000

Applicant(s) *Md. Hasim Khan.*

Respondent(s) *Sri P. Mishra Don.*

Advocate for Applicant(s) *Mr. B.K. Sana*
Mr. S. Jana

Advocate for Respondent(s) *Mr. U.K. Goswami*
Mr. A. Deb Roy, L.C.C.

Notes of the Registry

Date

Order of the Tribunal

The learned Applicant Advocate has on filed this Contempt petition with a prayer for for non-compliance of order dt. 16.2.2000 passed by this Hon'ble Tribunal.

Seen before Hon'ble Court for further orders.

Section Officer.

21.9.00

pg

22.9.2000

nkm

Present: The Hon'ble Mr. Justice D.N. Choudhury, Vice-Chairman.

On the prayer of Mr. U.K. Goswami, learned counsel for the petitioner the case is adjourned to 22.9.00 for order.

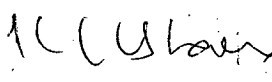

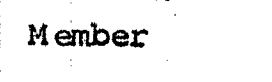
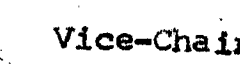
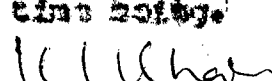


[Signature]
Vice-Chairman

Let this matter be listed for orders on 26.9.00.

[Signature]
Vice-Chairman

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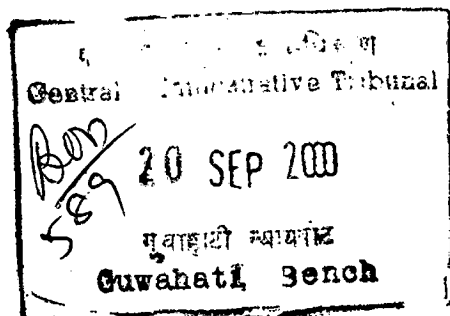
Notes of the Registry	Date	Order of the Tribunal
<p>4/10/00 Notice released and sent to D/S for cross the respondent No 1 to 3 vide D/No 2115 to 2117 dt 6/10/00.</p> <p>4/10/00</p> <p>Notice duly served on respondent No 1 in CP. No. 23/2000.</p> <p>31/10/00.</p> <p>8-12-2000</p> <p>"Vakalatnama" has been filed on behalf of respondent No. 3.</p> <p>No. Reply has been filed.</p> <p>23/11/2000</p> <p>No. Reply has been filed.</p> <p>23/12/2001</p>	<p>26.9.00</p> <p>9.11.00</p> <p>6.12.00</p> <p>18.01.01</p> <p>15.2.01</p>	<p>Heard Mr. B.K. Sharma learned Sr. counsel for the petitioner.</p> <p>Issue notice to show cause as to why a contempt proceeding shall not be drawn up against the alleged contemnors. Returnable by 9.11.2000.</p> <p>List on 9.11.2000 for show cause and further order.</p> <p>Vice-Chairman</p> <p>Heard Mr S. Sarma, learned counsel for the petitioner. Mr A. Deb Roy, learned & counsel for the alleged contemnors prays for four weeks time to file objection. Prayer allowed.</p> <p>List on 6.12.2000 for order.</p> <p>Vice-Chairman</p> <p>List it after six weeks to enable the respondents to file reply.</p> <p>List on 18.1.2001 for reply and for further orders.</p> <p>Vice-Chairman</p> <p>Neither any submission nor any instructions. No return so far submitted. List on 1.2.01 for orders.</p> <p>Member</p> <p>Vice-Chairman</p> <p>Adjourned to 16.2.2001.</p>

Notes of the Registry	Date	Order of the Tribunal
<p><u>16.3.2001</u></p> <p>Copy of order dt. 16.2.01 issued to the Comdars through Speedpost vide No. 975 dt. 16.3.2001. Office copy kept in CP 25/2000.</p> <p>Bon</p>	16.2.01	<p>No reply so far has been filed by the alleged contemnners. Mr. A. Deb Roy, Sr. C.G.S.C as well as Mr. B.C. Pathak Addl. C.G.S.C. prays for further time to file written statement. We are not satisfied with this. Let the respondent No. 3 appear in person and explain the matter. List on 26.3.01 for orders.</p> <p>Member  Vice-Chairman </p>
	26.3.01	<p>Shri Kh. Dinamani Singh respondent No. 3 is present in the Court and filed the reply. No reply so far filed on behalf of respondents No. 1 & 2. List on 9.4.01 for orders. The respondent's presence kept on records and his personal presence is exempted for the time being.</p> <p>Member  Vice-Chairman </p>
	20.3.01	<p>Shri Kh. Dinamani Singh respondent No. 3 is present in the Court and filed the reply. No reply so far filed on behalf of respondent No. 1 & 2. List on 9.4.01 for orders. The presence of respondent No. 3 is recorded and his personal presence is exempted for the time being.</p> <p>Member  Vice-Chairman </p>
	9.4.2001	<p>Reply has been filed on behalf of respondent No. 3. Respondent Nos. 1 and 2 may file written statement, if they are so advised. List it for orders on 10.5.01.</p> <p>Vice-Chairman </p>

4

C.P. 23/2001 (on 50/2000)

Notes of the Registry	Date	Order of the Tribunal
<p>4.4.2001</p> <p>show cause has been filed by the Respondent No 3</p>	11.5.01	<p>List on 14.5.01 for orders.</p> <p>Member <i>J.C. Ushay</i> Vice-Chairman <i>[Signature]</i></p> <p>lm</p>
<p><i>[Signature]</i></p>	14.5.01	<p>The Contempt Petitions are directed for alleged violation of the order of the Tribunal passed in respective number of O.A. involved in the Contempt Petition which has now been stated that the judgment and order of the O.A.. The subject matter of the writ Petition before the High Court and the order of this Tribunal are also assisted by the High Court. In that view of the matter the Contempt Proceedings stand dismissed.</p> <p>Member <i>[Signature]</i> Vice-Chairman <i>[Signature]</i></p> <p>lm</p>
<p>22.5.2001</p> <p>Copy of the order has been sent to the Dfpr for issuing the fine to the L/Advocate for the parties.</p> <p>W.S.</p>	14.5.01	<p>This C.P. has been filed for alleged violation of the order of the Tribunal dated 16-2-00 passed in O.A.No. 50/2000. It has now been stated that the judgment and order of Tribunal dated 16-2-00 is the subject matter of a Writ Petition before the High Court and the High Court has stayed the order of the Tribunal. Since the matter is under examination by the High Court question of proceeding with contempt petition does not arise. Accordingly the C.P. stands dismissed.</p> <p>Member <i>J.C. Ushay</i> Vice-Chairman <i>[Signature]</i></p> <p>lm</p>



Filed by:

The Petitioner

through

Ujjal Kr. Goswami
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

(CIVIL CONTEMPT JURISDICTION)

Contempt petition No. 23 /2000
OA NO 50/2000.

IN THE MATTER OF :

An application under Section 17 of
the Administrative Tribunals Act
1985 read with Rule 24 of the CAT
(Procedure) Rules 1987.

- AND -

IN THE MATTER OF :

Willful and deliberate violation of
the orders dated 16.2.2000 passed in
OA No. 50/2000 (Md. Hasim Khan - Vs
- Union of India & Ors.)

- AND -

IN THE MATTER OF :

Md. Hasim Khan, Kshetri Bengoon,
Imphal Manipur.

...Petitioner

- Vs -

1. Smt Prayesh Mishra

2

Secretary to the Government of

India, Ministry of Home, New Delhi.

2. J. K. Banthia, I.A.S.

The Registrar General of India, 2/A
Manshing Road, New Delhi-110011.

3. Shri Kh. Dinamani Singh, Director
of Census, Manipur, Imphal.

Contemners/Respondents

The humble petition on behalf of the abovenamed
Petitioner.

MOST RESPECTFULLY SHEWETH

1. That the Petitioner is a retrenched Census employee. He was engaged during 1991 Census as Fero Printer Machine Operator. He was also engaged as Draftsman. He is qualified to hold the post of Asstt. Compiler, Computer and other such Group C post.

2. That the Petitioner being a retrenched census employee, he is entitled to get preference in the matter of appointment as per the circulars of the Government of India and also as per the decisions given by the Supreme Court of India in respect of retrenched Census employees. In spite of such a position when the Petitioner was not appointed against available and suitable vacancies, he had to approach this Hon'ble Tribunal by filing OA No. 50/2000. In view of the settled legal position the OA was disposed of by Judgment & Order dated 16.2.2000 by which direction was

issued for appointment of the Petitioner immediately within a reasonable time after occurrence of the vacancies, not later than two months from the date of receipt of the order.

A copy of the said order dated 16.2.2000 is annexed hereto as Annexure-1.

3. That inspite of receipt of the copy of the said order by all the Respondents and inspite of there being vacancies the Respondents had not taken any action so far towards appointment of the Petitioner. Be it state here that apart from the regular vacancies, under the disposal of the Respondent No. 3, there are also vacancies created for 2001 Census and the Petitioner can very well be accommodated against any one of such group 'C' vacancies. The fact that there are existing vacancies is amply born out from letters dated 21.6.2000 and 5.9.2000 wherein it is clearly indicated that there are vacancies. Be it further stated here that even after the order of the Hon'ble Tribunal persons have been promoted to various group 'C' posts and to that effect office order dated 22.8.2000 has been issued promoting persons from LDC to UDC ; computers to statistical assistants and assistant compilers to computers. All such promotions have been made temporarily against resultant vacancies of the temporary posts sanctioned for census of India, 2001.

Copies of the letters dated 21.6.2000 and 5.9.2000 are annexed as Annexure-2 and 3

respectively.

4. That from the above it is crystal clear that the Respondents have completely disregarded and disobeyance the orders of the Hon'ble Tribunal for which they are liable for Contempt of Court Proceedings. In spite of the orders of this Hon'ble Tribunal for appointment of the Petitioner either against regular vacancy or against census vacancies, many vacancies of both the categories have been filled up by promotion and some more vacancies are sought to be filled up on deputation. This is out and out a case of contempt. The period of two months fix by the Hon'ble Tribunal has long elapsed, but yet, the Respondents have not implemented the orders of this Hon'ble Tribunal and instead the vacancies are being filled up by other methods without first appointing the Petitioners.

5. That the Petitioner states that as already stated above there are vacancies in group C cadre such as Asstt. Compiler, Computer, LDC, FPMO, Draftsman, Hindi Typist, Statistical Assistants. etc. at the disposal of the Respondent No. 3. The said vacancies are long term vacancies as well as the vacancies created for 2001 census. The Petitioner can very well be accommodate against any one of those vacancies. - however, the Respondents turning a deaf ear to the representations of the writ Petitioner and defying the orders of this Hon'ble Tribunal have resorted to other mode of appointment so as to frustrate the claim of the Petitioner. This is a clear case of Contempt of this

Hon'ble Tribunal for willful and deliberate violation of the orders of the Hon'ble Tribunal.

6. That the Petitioner states that Rule 24 of the CAT (Procedure) Rules 1987 empowers of the Hon'ble Tribunal to pass appropriate order towards implementation of the orders of the Hon'ble Tribunal and to secure ends of justice. The Petitioner apart from invoking the Contempt jurisdiction of the Hon'ble Tribunal has also invoked its power under Rule 24 of the said Rules for appropriate relief.

7. That this application has been filed bonafide and to secure the ends of justice.

In the premises aforesaid it is most respectfully prayed that the Hon'ble Tribunal may be pleased to issue Notice calling upon the Respondents to show cause as to why Contempt of Court Proceedings should not be drawn up against each and every one of them for willful and deliberate violation of the order dated 16.2.2000 passed in OA No. 50/2000 and as to why appropriate orders/direction shall not be issued towards compliance of the order dated 16.2.2000 passed in OA No. 50/2000 and upon hearing the parties on the cause/causes that may be shown and on perusal of records be pleased to punish

the contemners and further be pleased to pass appropriate order towards implementation of the said order dated 16.2.2000 and/or be pleased to pass such further order/orders as the Hon'ble Tribunal may deem fit and proper.

And for this, your Petitioner as in duty bound, shall ever pray.

Affidavit.....

A F F I D A V I T

I, Md. Hasim Khan, aged about 31 years, son of Abutalip Khan, resident of Top Khongnamg Makhong, Imphal, Manipur, do hereby solemnly affirm and state as follows :

1. That I am the Petitioner in the accompanying application. I am fully conversant with the facts and circumstances of the case.

2. That the statements made in this affidavit and in the accompanying application in paragraphs 1, 4, 5 & 6 are true to my knowledge ; those made in paragraphs 2, 3 being matters of records are true to my information which I verily believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this the 18th day of September, 2000.

Identified by me :

U.K. Goswami

Advocate

Hasim Khan
Deponent

Solemnly affirmed and declared before me by the Deponent who is identified by Sri U.K. Goswami on this 18th day of September 2000.

Hasim Khan
Advocate

DRAFT CHARGE

The contemnners/Respondent are guilty of Contempt of the Hon'ble Tribunal for willful and deliberate violation of the order dated 16.2.2000 passed in OA No. 50/2000 and accordingly they are liable for Contempt of Court Proceedings and appropriate punishment.

FORM NO. 4
(See Rule 42)

In The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO. 50/2000 OF 199

Applicant(s) *Mr. Hason Khan*

Respondent(s) *Union of India and ors.*

Advocate for Applicant(s) *Mr. B. K. Sharma*
Mr. S. Sharma

Advocate for Respondent(s) *Mr. U. K. Nair*
C. G. S.

16.2.00

The learned counsel for the parties submit that this case may be disposed of at the admission stage itself.

The facts are:

The applicant is a retrenched Census employee in the office of the Director of Census Operations,

*Attested
by
Advocate*

Notes of the Registry	Date	Order of the Tribunal
	16.2.2000	<p data-bbox="619 260 1294 494">Manipur/He prays for appointment in a post against the existing vacancies and the vacancies that may occur in connection with census operation of 2000.</p> <p data-bbox="635 526 1310 938">Heard Mr B.K. Sharma, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. Mr Sharma submits that this case is squarely covered by the decision of the Tribunal dated 20.1.2000 in O.A.No.415 of 1999, O.I. SinghA-vs-Union of India and others. In this order it was held:</p> <p data-bbox="759 978 1337 1505">".....It is agreed by the counsel for the parties that as per the decision of the Apex Court in Government of Tamil nadu 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 data-bbox="735 1505 1422 2056">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 a 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</p>

Attest
and

- 11 -

5

O.A.No.50/2000

Date	Order of the Tribunal
16.2.2000	<p>the vacancies, not later than two months from the date of receipt of this order.</p> <p>The application is disposed of. No order as to costs.</p>

Sd/-VICE CHAIRMAN

Sd/-MEMBER(ADM)

*Attested
So
mt*

page A

-12-

Vacancy report
Director
10
ANNEXURE - 2

A.32012/3/2000-Estt

Yumnam Leikai
21.6.2000

To

The Deputy Director Ad.IV
O/o the Registrar General of India
Kotah House Annex, 2/A, Mansingh Road,
NEW DELHI - 110011.

Subject:- Constitution of DPC in the office of the Director
of Census Operations, Manipur.

Sir,

I have the honour to refer to this office order No.A.32012/3/2000-Estt. dated 27.4.2000 and copy endorsed to the Office of the Registrar General, India and to say that the Departmental Promotion Committee(DPC) in respect of the group C & D posts has been constituted with the Director as Chairman (Copy of the Order is enclosed for reference).

Further, I am to state that this office has been sanctioned a number of 2001-Census posts in different grades w.e.f.1.2.2000. At present one post of Deputy Director is lying vacant since Nov.'99 and request has been made to fill up the post in this connection, however till now the post has not yet been filled up. This office has no alternative but to constitute the D.P.C. to enable this office to take up necessary action in filling up the posts created in connection with 2001-Census as well as the long term vacant posts in time. Hence this office has constituted the D.P.C. under Office Order dated 27.4.2000 referred above with the Director of this office as Chairman.

I am, therefore, to request you kindly to convey the sanction of the Registrar General, India to the approval of the D.P.C. constituted in this Directorate and communicate the same to this office at an early date.

Yours faithfully,

Encl.: As above.

(KH. DYNAMANI SINGH)
DIRECTOR
TELEFAX NO. 0385 220215

COPY

NO.A.12021/5/98-Apptt

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS
MANIPUR

VACANCY NOTICE
Imphal, 5/9/2000

It is proposed to fill up some posts as detailed in the Annexure-I by transfer on deputation basis in the office of the Director of Census Operations, Manipur, Imphal against the short term vacancies created for 2001 Census from amongst suitable officers/ or officials of the Central/State/UTs Government Departments fulfilling the eligibility condition as indicated against the posts.

The pay of the selected officials will be regulated in accordance with the instruction contained in the Department of Personnel and Training OM No. 2/12/87-Estt(Pt.II) dated 29.4.98 as amended from time to time.

Period of deputation will be initially upto 28.2.2001 which may be extended for further period.

Application of the officials who are suitable and willing and eligible for appointment by transfer on deputation basis may be forwarded in the enclosed prescribed proforma at Annexure - II along with their ACR Dossiers for preceeding 5 years and Vigilance Clearance Certificate to this office within 6 weeks from the date of publication of advertisement in the Employment News.

Those officials who volunteer for these posts will not be permitted to withdraw their names later on.

SD/-

(KH. DINAMANISINGH)
DIRECTOR

TELEFAX 0385-220215

No.A.12021/5/98-Apptt/

Imphal, 5.9.2000

Copy to:- 1) Registrar Gistral General, India,
Kotah House Annexe, 2/A, Mansingh Road,
NEW DELHI - 110011 with reference to their letter
No.12011/4/2000-Ad.IV dated 14.2.2000.

- 2) All DCOs in the State/UTs.
- 3) Deputy Director(Advertisement) DAYP, P.T.I. Building
Parliament Street, New Delhi - 110022 (with 3 copies)
for publication in Employment News.
- 4) The Chief Secretary, Govt. of Manipur.
- 5) All Central/State offices located in Manipur.

Sd/-

DIRECTOR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :::: GUWAHATI BENCH
GUWAHATI.

IN RE:

C.P.No. 23/2000 (In O.A. 50/2000)

MD. HASIM KHAN

- VERSUS -

SHRI DINAMANI SINGH AND ORS

- A N D -

IN RE :

SHOW CAUSE FILED BY THE
RESPONDENT NO.3 SHRI KH.
DINAMANI SINGH, DIRECTOR OF
CENSUS, MANIPUR, IN THE SHAPE
OF AFFIDAVIT.

I, SHRI KH. DINAMANI SINGH, Director of Census, Manipur, Imphal,
do hereby solemnly affirm and state as follows :

1. That I am the Director of Census, Manipur, Imphal and I have been impleaded party Respondent No.3 in the instant C.P. along with two others. I have received a copy of the aforesaid C.P. from the Registry of the Hon'ble CAT, Guwahati Bench, Guwahati, gone through the same and understand the contents thereof. As such I am competent to swear this Affidavit and file in the Hon'ble Tribunal as directed.
2. That before traversing to the parawise reply to the C.P. this deponent respectfully submits that he has great respect and high regard to the Hon'ble Tribunal and he has no such record of being disobedience and disrespectful to the Judgement and Order record passed by the Hon'ble Tribunal in any manner at any point of time being a member of public service. However, in the instant case the deponent has become handicap in view of the policy decision taken by the Govt. of India which was circulated vide No.12011/4/2000-Ad.IV dated 12.02.2000 issued under the hand of Under Secretary to the Govt. of India, Ministry of Home Affairs and also No.12011/3/2000-Ad.IV issued under the hand of Joint Registrar General of India and subsequent communications to the effect.
3. That this deponent does not admit any of the facts, allegations, statements, averments made in the aforesaid C.P. save and except these have been specifically admitted hereunder in this Affidavit. Further the statements which are not borne on records have been categorically denied.

4. That as regards the contents of paragraph 1 of the C.P. this deponent does not make any comments since these are matter of records.

5. That as regards the contents of paragraph 2 of the C.P. this deponent admits truthness of the events to a certain extent as a matter of records. However, he denies the allegation that the Respondents have not acted upon the judgement and orders passed by the Hon'ble Tribunal dated 16/2/2K in O.A. No. 50/2000. and respectfully states that till the pronouncement of judgement and order dated 16/2/2K in respect of the aforesaid O.A. the policy of Govt. of India in respect of appointment of employees against the sanctioned vacancies for the purpose of census works for the given period was different. Accordingly on receipt of the aforesaid judgement and order the matter was taken up with the appropriate authority in the Ministry of Home Affairs, since no posts were sanctioned for the census works 2001 till such time. Whereby some clarifications were issued by the Hon'ble Tribunal with a direction to implement the judgement and order dated passed in O.A. No. 50/2K within two months from the date of receipt of the aforesaid order dated 16/2/2000 .

It is pertinent to mention here that by the time policy of Govt. of India in respect of appointment of employees for the census has been changed and all Directors of Census Operations have been intimated vide letter No.12011/4/2000-Ad.IV dated 14.02.2000 and No.12011/3/2000-Ad.IV dated 14.02.2000 which were received in the Office of the Director of Census, Manipur, Imphal after the passing of the aforesaid orders for which the same could not be placed before the Hon'ble Tribunal at the time of passing the aforesaid orders.

Photostat true copies of the aforesaid letters dated 14-02-2000 are annexed herewith and marked as ANNEXURE-R¹ & R² respectively hereof.

Thus the aforesaid orders came into being which jeopardises the policy decision of Govt. of India. Under this backdrop finding no way out the Respondents have filed a Review Application to review the Judgement and order dated 16/2/2K passed in O.A. No. 50/2K which has been duly registered and numbered as R.A. No. 6/2000.

6. That as regards the contents of paragraph 3 of the C.P. this deponent respectfully states that in view of the aforesaid policy decision of the Govt. of India the posts sanctioned for census of India 2001 and the resultant vacancies caused in group C & D categories due to promotion to the higher grades are to be filled up only by promotion or on deputation basis in accordance with the provisions of Recruitment Rules. In the circumstances the Census Directorate including the Directorate of Census Operations, Manipur were further strictly directed that direct recruitment from open market should not be made in any case for the above posts. In this respect the Govt. of India in addition to the aforesaid letters dated 14-02-2000 have issued letter No.12011/4/2000-Ad.IV(Pt) dated 25.9.2000.

A photostat true copy of the aforesaid letter dated 25.9.2000 is annexed herewith and marked as ANNEXURE - R³ hereof.

All the Directorates of Census Operation have been made known that recruitment of posts as optioned for Census of India 2001 and circulars inviting deputations were done in pursuance of the instructions issued by the Govt. of India time to time in accordance with the changed policy.

7. That as regards the contents of paragraph 4 of the C.P. this deponent respectfully states that under the present policy of the Govt. of India the short term vacancies sanctioned for 2001 census and vacancies caused by promotions are mandatorily be filled up either by promotion or by transfer on deputation basis and several instructions for wide publicity inviting applications for appointment on deputation basis have been issued by the Govt. of India. To wit the letter No.12011/2/2000-Ad.IV dated 16.5.2000 may be referred to here.

21

A photostat true copy of the aforesaid letter dated 16.5.2000 is annexed herewith and marked as ANNEXURE R⁴ hereof.

As stated earlier, the promotions given to the regular census employees in respect of the posts created for Census of India, 2001 were in compliance to the Govt. of India's instructions. Likewise, circular issued by this Directorate inviting deputations to the subsequent vacancies were also in accordance with the instructions issued by the Govt. of India. Be it further stated that no direct recruitment from the open market has been made in case for the census of India 2001 temporary post or for any regular vacancies since the order dated 16/2/2000 passed by the Hon'ble Tribunal.

8. That as regards the contents of paragraph 5 of the C.P. this deponent respectfully states that the categories in the grade of Group 'C' posts lying vacant at the disposal of the Directorate of Census Operations, Manipur are the resultant vacancies arising out of promotions given to 2001 Census posts created upto 28.02.2001. As per changed policy these posts are mandatorily required to be filled up by way of transfer on deputation as stated in the foregoing paragraphs.

Perhaps it will be not out of place to mention here that the Govt. of India have taken the aforesaid new policy decision with a view to -

- i) avoid further complications at the time of termination of census employees as had been experienced in the past which also resulted in multiplication of litigations creating serious administrative inconvenience, and
- ii) minimise economic burden in the public exchequer.

9. That as regards the contents of paragraph 6 of the C.P. this deponent does not make any comments.

10. That as regards the contents of paragraph 7 of the C.P. this deponent respectfully states that promotions given to the regular census employees against the temporary posts created for the census of India, 2001 for a period upto 28.02.2001 and circulars inviting

contd..5/-

deputation for subsequent vacancies arising out of the above promotion were in accordance with the Govt. of India changed policy. As such it may respectfully be submitted that this deponent, for that matter, the Respondents have not violated the Judgement and order dated 16/2/2000 passed in O.A.No 50/2000 in any manner. Nor there is any inaction on the part of the Respondents in respect of compliance of the aforesaid judgement and orders, however, it is the policy of Govt. of India which has placed embargo in fresh employment from the open market for the Census of India 2001 which is beyond the control of the Respondents.

11. That the statements made in paragraphs of this Affidavit are true to the best of my knowledge and belief and these have been made in 2, 3, 5, 6, 7, 8, 10 paragraphs are true to the best of my information which have been derived from the records and the rests are humble submission before the Hon'ble Tribunal. AND I sign this Affidavit this the 19th day of February 2001.

J. Dinaman Singh
DEPONENT

Identified by

[Signature] 19/3
Advocate.

The deponent here has solemnly affirmed and declared before me who has been identified by Shri *A. S. Singh* this the 19th day of March, 2001

ADVOCATE

Telegani : "REGGENLIND"

No. 12011/4/2000-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

ANNEXURE-R

R. NO. 217
23/2/2000

नई दिल्ली, दिनांक 2/A, Mansingh Road,
New Delhi, the 14.02.2000

To,

All DCOs,

Subject : Filling up the post sanctioned for Census of India-2001.

Sir,

I am directed to say that a number of posts have been sanctioned for Census of India-2001. These posts are required to be filled in as early as possible. As you are aware all the Group 'C' posts sanctioned for the above Census and the vacancies caused in Group 'C' and 'D' categories due to promotion in higher grades are to be filled by DCOs and the posts coming under Group 'A' and 'B' are to be filled by this office. You are requested to ensure that the posts available for Census of India - 2001 in Group 'C' and 'D' are filled in only either by promotion or on deputation basis in accordance with the provisions of Recruitment Rules. Direct recruitment from open market is not to be made in any case for the above posts. A suggested model 'order' for promotions against above mentioned posts is enclosed, which may be used with suitable need based modifications.

If some of the officials appointed against Census of India - 2001 posts have to be regularised later, on availability of long-term vacancies due to retirement etc, separate orders for their regularisation must be issued.

So far as Group 'B' posts are concerned you are requested to send by 25th February'2000 the A.C.R. dossiers for last 5 years, vigilance clearance and seniority list of the feeder grades of each category of Group 'B' posts to enable us to process the cases for their promotions. Where eligible persons are not available for promotion against Group 'B' posts, action to fill up the post on deputation may be initiated by the directorate. Action taken in this regard be communicated to ORGI.

All posts, to be filled in by deputation may be advertised in leading newspapers and Employment News, through DAVP, in addition to circular to Govt. of India and State Govt. offices etc.

Yours faithfully,

M. R. Singh

(M. R. Singh)

OFFICE ORDER

The following (Name of lower post) in the Directorate of Census Operations, _____ are promoted to the post of (Name of higher post) on regular basis in temporary capacity with effect from the date they take charge of the post until 28.02.2001 or till further orders whichever is earlier :

1. (Name of officials being promoted)
2. _____
3. _____
4. _____

The above promotion has been made against the purely temporary posts sanctioned for Census of India - 2001/ resultant vacancies caused by promotions against posts sanctioned for Census of India - 2001, and this promotion will continue only upto their sanctioned period. The above promotion order shall not bestow upon the afore mentioned officials any claim for regular promotion against long term vacancies or core posts.

The above officials shall automatically stand reverted as (Name of lower post) on the expiry of the above referred date(s) even if no separate order for reversion is issued.

तार : "जनमणना"
Telegram : "REGGENLIND"

ANNEXURE - R2

सं०/No. 12011/3/2000-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

2/A Mansingh Road

नई दिल्ली, दिनांक
New Delhi, the

14.2.2000

To

All DCOs

Subject: Ad hoc appointments.

Madam/Sir,

I am directed to refer to our letter of even number dated 20.1.2000 and subsequent discussions in DCOs Conference during February 3-5, 2000 on the above subject and clarify that ad hoc appointments from open market are totally banned. Any violation of this instruction will be viewed seriously.

DCOs are requested to ensure that no ad hoc appointments are made from open market against any long term or short term vacancy due to any reason whatsoever. Detailed guidelines for filling up of posts sanctioned for Census of India, 2001 are being sent separately. You are requested to acknowledge the receipt of this letter.

Yours faithfully,

(JAYASHREE GUPTA)

Joint Registrar General, India



R.No. 105 3/10/2000

ANNEXURE - R³

भारत के महारजिस्ट्रार का कार्यालय
भारत सरकार, गृह मंत्रालय, 2ए मानसिंह रोड, नई दिल्ली 110 011
OFFICE OF THE REGISTRAR GENERAL, INDIA
(Government of India, Ministry of Home Affairs)
2A MANSINGH ROAD, NEW DELHI 110 011

No.12011/4/2000-Ad.IV)(Pt.)

Ref. No.:

September 25, 2000.
Date:

To,

All the DCOs.

Subject:- Filling up of the posts sanctioned for Census of India 2001.

Sir/Madam,

p. 12
I am directed to refer to this Office letter of even number dated 14.2.2000 where in DCOs were advised that Group 'C' and 'D' posts sanctioned for Census of India 2001 or resultant vacancies caused in group 'C' and 'D' due to promotion should be filled up only by promotion or deputation. But instances have come to the notice of this Office that some DCOs are trying to fill up above mentioned vacancies by direct recruitment or on daily wages. Such actions by DCOs are highly irregular and have been viewed by the Registrar General, India very seriously.

2. All DCOs are requested to confirm that no recruitment has been made by them in violation of above mentioned guidelines. Their reply should reach the undersigned by 6th October, 2000,

Yours faithfully,

(Jayachree Gupta)

Jt. Registrar General, India.

3/10

ANNEXURE-R4

सं. : "जलपाना"

Telegram : "REGGULIND"

सं/No. 12011/2/2000-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

R.M. 46
22/5/2000

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नई दिल्ली, दिनांक/A, Mansingh Road,
New Delhi, the 16.05.2000

To,

All DCOs,

Subject : Filling up of the posts on deputation basis-reg.

Sir/Madam,

It is observed that many Directorates are not following instructions and procedures laid down for sending proposals for filling up the posts on deputation basis. It is reiterated that wide publicity may be given while inviting applications for appointment on deputation basis. A minimum time of 6 weeks from the date of publication in Employment News may be given for receipt of applications and adequate efforts may be made to obtain CR dossiers and vigilance clearance of outside candidates.

Proposals sent to us should be complete in all respects and should include details as indicated in our letter No. 35018/4/2000-Ad.IV dt. 16.02.2000. This would facilitate timely disposal of cases.

Yours faithfully,

(M. R. Singh)

Under Secretary to the Govt. of India

14
22/5/2000
22/5/2000