

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 68/02

R.A/C.P No.

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SECTION OFFICER (Judl.)

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.
GUWAHATI.

ORDER SHEET

Original No. 68 / 2002

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicant(s) B. Das and Oho.

Respondent(s) U.O.I and Oho.

Advocate for Applicant(s) M. Chanda, M. N. D. Goswami, G. N. Chakrabarty

Advocate for Respondent(s) C. G. S. C. K. N. Choudhury, I Choudhury, B. C. Das
for Regt Nos. 2, 3, 4, 5 and 6.

Notes of the Registry

Date

ORDER OF THE TRIBUNAL

1.3.02

Heard Mr. M. Chanda, learned counsel
for the applicants.

Issue notice to show cause as to
why the application shall not be admitted.

Also, issue notice to show cause as
to why the interim order as prayed for
shall not be granted. Returnable by two
weeks.

List on 19.3.2002 for admission.

Member

Vice-Chairman

mb

19.3.02

Heard Mr. J. L. Sarkar, learned counsel
for the applicant and also Mr. A. Deb Roy,
learned Sr. C.G.S.C. for the Respondents.

The application is admitted. Call for
the Records.

Mr. J. L. Sarkar, learned counsel for
the applicants prayed for interim order

Contd/-

C. N.

Vide

Date 1-2-2002

Registry

79350919

Excess money deposited
for Rs 5/- vide R/No 597
did 4/3/02. Notice
noted and sent to
me for filing the
husband's No 1706
by Regt. A.D. Das
4/3/02

D/No 7456/50

Did 8/3/02

(1) Service report
are still awaited.

18.3.02

18.3.2002

An Addition ~~to~~ statement
submitted by the applicant.

[Signature]

Order dtd 19/3/02 Communicated
to the Petitioner's Counsel.

[Signature]
22/3/02

No written statement
has been filed.

[Signature]
22.4.02.

No written statement
has been filed.

[Signature]
3.5.02.

3.5.2002

W/S submitted
by the Respondents.

[Signature]

19.3.02

directing the Respondents to
allow the applicants to continue
in service. He also submitted
that the purported order of
termination is patently unlawful
and therefore the same requires
to be set aside.

Considering the facts of
the case, I am of the view that
the matter requires to be decided
on merits instead of passing any
interim order at this stage. It is
made clear that any appointment
shall be subject to the outcome
of this application.

Mr. A. Deb Roy, learned Sr.
C.G.S.C. accepts notice on behalf
of the Respondents. Respondents
are directed to submit its writ-
ten statement three weeks from
today.

List on 23.4.2002 for
order.

[Signature]
Vice-Chairman

mb

23.4.2002

Mr. Indraneel Choudhury, learned
counsel stated that he has entered
appearance on behalf of the respondent
Nos. 2 to 6. He also stated that the
respondents are filing written
statement and prayed that this case may
also be listed for hearing along with
the like cases which are already fixed
fixed for hearing on 6.5.2002. List the
case on 6.5.2002 accordingly.

[Signature]
Vice-Chairman

3

O.A. No. 68/2002

Notes of the Registry	Date	Order of the Tribunal
	6.5.02	Adjourned on the prayer of learned counsel for the parties. List on 27/5/2002 for hearing.
23.5.2002 Rejoinder submitted by the applicant in reply to the D/s.	mb	<p>Member <i>[Signature]</i> Vice-Chairman <i>[Signature]</i></p> <p>27.5. There is no direction from the Bench. The case is adjourned to 20.6.02.</p>
	20.6.02	Mr. I. Choudhury, learned counsel appearing on behalf of the respondents prays for some time to obtain necessary instructions. Mr. M. Chanda, learned counsel for the applicants submits that he has filed a Misc. Petition praying for direction from this Bench not to fill up the post against the interview conducted by the respondents as the applicants may be prejudiced. Mr. I. Choudhury, learned counsel for the respondents stated that the case may be posted for hearing. In the meantime, the post shall not be filled up till 26.6.2002.
19.6.2002 Additional rejoinder submitted by the applicant in reply to D/s.		<p>List on 26.6.2002 for hearing.</p> <p>Member <i>[Signature]</i> Vice-Chairman <i>[Signature]</i></p>

4

26.6.2002

List the case again on 17.7.02 to enable the respondents to obtain necessary instruction in the matter.

W. Shari
Member

[Signature]
Vice-Chairman

bb

17.7.02

List the matter on 5.8.2002 alongwith O.A. No.62/2002 for hearing.

W. Shari
Member

[Signature]
Vice-Chairman

mb

5/8

Heard Mr. Z. H. Sarkar, learned Counsel for the applicant & Mr. A. N. Chaudhary, learned Counsel for the respondent. Hearing concluded. Judgment reserved.

MS
A. N. Chaudhary
5/8

19.8.02

Judgment delivered in open Court, kept in separate sheets. The application is allowed in terms of the order. With cost of Rs. 1000/- to be paid to the applicant.

W. Shari
Member

[Signature]
Vice-Chairman

mb

Judgment Communicated
2/9/02

b

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.62 of 2002

Original Application No.68 of 2002

Original Application No.2 of 2002

Original Application No.69 of 2002

Original Application No.70 of 2002

And

Original Application No.151 of 2002

Date of decision: This the 19th day of August 2002

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

The Hon'ble Mr K.K. Sharma, Administrative Member

O.A.No.62/2002

1. Smt Usham Kamila Devi

2. Md. Abdul Kalam Shah

3. Sri Thokchom Basanta Singh

All are working as Computer in the
Office of the Directorate of Census Operations,
Manipur, Imphal.Applicants

By Advocates Mr B.K. Sharma, Mr S. Sarma,
Mr U.K. Nair and Ms U. Das.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Home Affairs,
New Delhi.

2. The Registrar General of India,
New Delhi.

3. The Director of Census Operations,
Manipur, Imphal.

4. The Assistant Director of Census Operations,
Manipur, Imphal.Respondents

By Advocates Mr A. Deb Roy, Sr. C.G.S.C.,
Mr K.N. Choudhury, Mr I Chowdhury and Mr B.C. Das.

O.A.No.68/2002

1. Shri Bimalananda Das,
S/o Shri Amalananda Das,
Resident of Village Mirza,
P.S.- Palashbari, Kamrup, Assam.

2. Shri Nagen Rabha,
S/o Shri Bipin Rabha,
Village- Shar Khari, P.O.- Loharaghat,
P.S. Palashbari, Kamrup, Assam.

3. Shri Arjun Baruah,
S/o Shri Arjun Baruah,
P.O.& Village- Arikuchi,
Nalbari, Assam.Applicants

By Advocates Mr M. Chanda, Mrs N.D. Goswami
and Mr G.N. Chakraborty.

- 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 Operations, New Delhi.
 3. Shri J.K. Banthia, Registrar General of Census Operations, New Delhi.
 4. The Director Census Operations, Assam, G.S. Road, Guwahati.
 5. The Deputy Director of Census Operations, Assam, G.S. Road, Guwahati.
 6. Shri N.C. Sen, Deputy Director of Census Operations, Assam, G.S. Road, Guwahati. Respondents
- By Advocates Mr A. Deb Roy, Sr. C.G.S.C.,
Mr K.N. Choudhury, Mr I. Chowdhury and Mr B.C. Das.

O.A.No.2/2002

Shri Bikul Chandra Hazarika,
S/o Late Bhanashyam Hazarika,
P.S. Kampur, District- Nagaon, Assam. Applicant
By Advocates Mr M. Pathak and Mr D. Barua.

- versus -

1. The Union of India, through the Secretary to the Government of India, Ministry of Home Affairs, New Delhi.
 2. The Registrar of Census Operations, New Delhi.
 3. The Director of Census Operations, Assam, G.S. Road, Guwahati.
 4. The State of Assam, represented through the Secretary to the Government of Assam, Personnel (B), Dispur, Guwahati. Respondents
- By Advocates Mr A. Deb Roy, Sr. C.G.S.C.,
Mr K.N. Choudhury, Mr I. Chowdhury and Mr B.C. Das.

O.A.No.69/2002

Shri Tara Charan Kalita,
S/o Shri Samudra Kalita,
Resident of Village No.1 Jiakur,
P.O.-Kukurmara, District- Kamrup, Assam.
By Advocates Mr M. Chanda, Mrs N.D. Goswami and
Mr G.N. Chakraborty.

- 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 Operations, New Delhi.
 3. Shri J.K. Banthia, Registrar General of Census Operations, New Delhi.
 4. The Director of Census Operations, Assam, G.S. Road, Guwahati.
 5. The Deputy Director of Census Operations, Assam, G.S. Road, Guwahati.
 6. Shri N.C. Sen, Deputy Director of Census Operations, Assam, G.S. Road, Guwahati. Respondents
- By Advocates Mr A. Deb Roy, Sr. C.G.S.C.,
Mr K.N. Choudhury, Mr I. Chowdhury and Mr B.C. Das.

O.A.No.70/2002

1. Smt Ratna Bhattacharjee
2. Shri Karuna Ram Das

Working as Computer/Assistant Compiler
respectively in the Office of the
Director of Census Operations,
Assam, Guwahati (since terminated).Applicants

By Advocates Mr M. Pathak and Mr D. Barua.

~~Consist~~ - 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 India,
New Delhi.
3. The Director of Census Operations,
Assam,
G.S. Road, Guwahati.
4. The Deputy Director of Census Operations,
Assam,
G.S. Road, Guwahati.
5. The Assistant Director of Census Operations,
Assam, Guwahati.Respondents

By Advocates Mr A. Deb Roy, Sr. C.G.S.C.,
Mr K.N. Choudhury, Mr I. Chowdhury and Mr B.C. Das.

O.A.No.151/2002

Shri Indrajit Das,
S/o Late Jitendra Lal Das,
C/o Miss Chandana Das,
Bishnupur, Guwahati.Applicant

By Advocates Mr M. Chanda, Mrs N.D. Goswami
and Mr G.N. Chakraborty.

~~direct~~ - 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 Operations,
New Delhi.
3. The Director of Census Operations,
Assam,
G.S. Road, Guwahati.
4. The Deputy Director of Census Operations,
Assam, G.S. Road, Guwahati.
5. Shri N.C. Sen,
Deputy Director of Census Operations,
Assam, G.S. Road, Guwahati.
6. The Assistant Director of Census Operations,
Assam, Office of the Director of Census Operations,
Assam, G.S. Road, Guwahati.Respondents

By Advocates Mr A. Deb Roy, Sr. C.G.S.C.,
Mr K.N. Choudhury, Mr I. Chowdhury and Mr B.C. Das.

O R D E R

CHOWDHURY. J. (V.C.)

All these applications were taken up together for consideration, since it involves commonality both in facts and law as well.

2. The basic issue pertains to absorption of retrenched Census employees of 1991. All the applicants were engaged during the Census Operations and they were retrenched when the Census Operation was over.

3. The three applicants in O.A.No.62 of 2002 are working as Computer in the Office of the Director of Census Operations, Manipur. The three applicants knocked the door of this Tribunal for their absorption under the respondents on commencement of 2001 Census. They preferred three separate applications before this Tribunal which were registered and numbered as O.A.No.89 of 2000, O.A.No.363 of 1999 and O.A.No.51 of 2000. It was pleaded that those O.A.s were disposed of by this Tribunal with the direction on the respondents for appointment of the applicants against available vacancies. The respondents submitted Review Applications and sought for review of the Judgment and Order of the Tribunal. By order dated 11.1.2001 all the Review Applications were dismissed. The respondents thereafter preferred Writ Petitions before the High Court assailing the order of the Tribunal. By a common Judgment and Order dated 7.6.2001 the High Court dismissed all the seven Writ Petitions. The full text of the operative part of the Judgment and Order dated

7.6.2001.....

7.6.2001 is reproduced below:

"While dismissing the writ petitions, we hereby direct the petitioners to carry out the directions given by the CAT within two weeks. However, we, as a matter of abundant caution, make it clear that the petitioners would offer the vacancies to the retrenched employees according to their length of service. A person with longer length of service in a particular category would be offered the job first and then the other retrenched employees in that order. After exhausting the retrenched employees, if there are still more vacancies available, those may be filled by any other method provided under the Rules. These directions would be applicable to all the retrenched employees irrespective of whether or not they were applicants before the CAT."

4. By order dated 30.7.2001 the three applicants in O.A.No.62/2002 were re-engaged as Compiler, they being the seniormost retrenched employees of 1991 Census, subject to the following conditions:

"1) Their re-engagement will not bestow upon them any right for regularisation in the posts in which they are appointed and in any other posts and their services shall be terminated at any time without assigning any reason thereof;

2) As the posts are created to attend to the additional work of Census of India 2001 and likely to be discontinued on or before 20.2.2002 their services shall stand terminated on the discontinuation/abolition of the temporary posts created for Census of India 2001 and the Govt. shall have no liability thereafter.

3) The re-engagement is given strictly as per seniority as per the directions of the Hon'ble High Court in the aforesaid order against the available vacancies."

Being aggrieved by the action of the respondents for engaging them for limited period instead of regularising them, the applicants moved this Tribunal assailing the legitimacy of the action of the respondents.

5. In O.A.No.68 of 2002 the three applicants were engaged by the respondents in connection with the 1991 Census work. They continued to work in the department and their services were terminated in December 1993. They assailed the order of termination before the Tribunal in O.A.No.269 of 1993. The Tribunal by Judgment and Order dated

5.6.1998.....

5.6.1998 disposed of said O.A. directing the respondents to act as per law enunciated by the Apex Court in Union of India Vs. Dinesh Chandra Saxena, reported in 1995 (29) ATC 585. The applicants made representation before the authority. Failing to get appropriate remedy all the applicants including applicant Nos.1 and 2 again moved the Tribunal by filing O.A.No.161 of 1999. By Judgment and Order dated 16.2.2000 the Tribunal directed the respondents to absorb the applicants in vacancies that would occur for census operations of 2001. Similarly, the applicant No.3 also preferred O.A.No.76 of 2000 before the Tribunal, which was also disposed of on 25.2.2000 in similar fashion. The respondents, however, took steps for appointing persons by transfer on deputation to fill up the posts available for census of India 2001. At that stage, the three applicants alongwith one Harish Chandra Rabha moved the Tribunal assailing the methodology of recruitment for filling up vacancies of the 2001 Census overlooking their case for absorption. The matter was finally disposed of by Judgment and Order dated 6.2.2002 in O.A.No.142 of 2000. The Tribunal held that the case was squarely covered by the decision of the Tribunal finally merged in the decision rendered by the Gauhati High Court in WP(C) Nos.2531/2001, 2532/2001, 2533/2001, 2534/2001, 2535/2001, 2536/2001 and 2537/2001 on 7.6.2001. By the impugned order dated 28.2.2002 the applicants' services were discontinued with effect from the afternoon of 28.2.2002. Hence the three applicants moved the O.A.No.68/2002 assailing the legitimacy of the order dated 28.2.2002.

6. The other four applications namely, O.A.No.2/2002, O.A.No.69/2002, O.A.No.70/2002 and O.A.No.151/2002 are also factually similar. Therefore, further discussions on these cases are not made.

7. The respondents contested the case and submitted their written statements. In the written statements the respondents pleaded that as per the order of the Tribunal, the applicants were ordered to be appointed against Census related posts and they were appointed against Census posts only and their services were terminated as soon as the Census Operation was over.

8. We have heard the learned counsel for the parties at length. After the decision rendered by the High Court in WP(C) Nos.2531, 2532, 2533, 2534, 2535, 2536 and 2537 of 2001 vide Judgment and Order dated 7.6.2001, the matter stood concluded. All the decisions rendered by the Central Administrative Tribunal got merged in the decision of the High Court. The High Court upheld the decision of the Central Administrative Tribunal and concurred with the reasoning adopted by the Tribunal. The matter did not end there. The High Court further directed the respondents to offer vacancies to the retrenchees according to length of service. The person with longer length of service in a particular category was to be offered job first than other retrenchees. After exhausting the retrenchees, if more vacancies came to surface, the authorities were directed to fill up the posts by other methodology provided by the Recruitment Rules. The High Court clarified that order and stated that the Judgment and Order of the High Court dated 7.6.2001 would be applicable

to.....

to all the retrenchees irrespective of whether or not they were applicants before the Tribunal. Retrenchees mean persons who were retrenched in 1991 Census. The Tribunal, more particularly the High Court also referred to the decision rendered by the Supreme Court in Government of Tamil Nadu and another Vs. G. Mohamed Ammenudeen and others, reported in (1997) 7 SCC 499. As per the letter and spirit of this decision, the retrenchees were to be absorbed in terms of the direction issued by the High Court in conformity with the principles laid down in Md. Ammenudeen (Supra). In Dinesh Chandra Saxena (Supra), on the fact situation the Supreme Court was not inclined to issue a direction for framing any scheme for regularisation of those persons, more so since they were engaged on contract basis for a limited period on a fixed pay. Nevertheless, the Supreme Court directed the Directorate of Census Operations, Uttar Pradesh to consider the retrenched employees for direct recruitment in regular posts in the Directorate of Census Operations, Uttar Pradesh in the manner indicated in the judgment. Thereafter the Supreme Court had the occasion to deal with the matter in G. Mohamed Ammenudeen and others (Supra) in Civil Appeal No.810 of 1998. The Supreme Court passed an interim order on 11.3.1999 directing respondent authority to frame a scheme to absorb the respondents (in C.A.810/1998) and other employees who were retrenched and who were similarly placed. The Supreme Court in the aforesaid order noted the peculiarity of service of the Census employees who were engaged for a limited duration and thereafter they were retrenched on completion of the project, thereby losing both the employment and their position in the queue in the employment exchange. The respondent authority

was.....

was accordingly directed to work out a scheme for their absorption. The record of the proceedings of the Supreme Court dated 11.3.1999 in C.A.No.810/1998 was reported in 2001 (9) SCC 750. Sequel to the order of the Supreme Court, the State of Tamil Nadu prepared a scheme and submitted before the Supreme Court. The Government O.M. No.144 dated 11.8.1999 was brought to the notice of the Supreme Court, which reads as follows:

i) Retrenched employees of the Census Organisation in Tamil Nadu with not less than six months' service were placed in priority (iii) list under Group III for employment assistance through employment exchanges.

ii) A period of three years was ordered to be excluded in computing their age for appointment through the Tamil Nadu Public Service Commission and the employment exchanges, provided they had rendered temporary service of at least six months in the Census Organisation of this State.

iii) The rule of reservation was to be followed in making the appointment of retrenched census employees."

The matter was finally disposed of by the Supreme Court by Judgment and Order dated 28.9.1999 ((1999) 7 SCC 499). The Supreme Court, on consideration of all the materials on record found that clauses (i) and (ii) of aforementioned O.M. would cause hardship and would not be workable and accordingly directed the State Government to delete these two conditions and ordered that all that may be insisted upon was that retrenched employees of Census Department could be placed in Group IV and the condition relating to the exclusion of three years from their age was to be deleted. The matter again came up before the Supreme Court in Contempt Petition (C) No.103 of 2000 etc. (in CA No.810/1998) in N. Palani Vs. Thiru A.P. Muthuswami and another, reported in (2001) 9 SCC 748. The Supreme Court as per order of the Supreme Court issued

Notification.....

Notification to the following effect vide GOMs No.144,
P&AR dated 11.8.1999:

"(a) All the retrenched employees of Census Organisation shall be placed in priority (iii) list under Group IV for employment assistance through employment exchanges for sponsoring against the vacancies arising in State Government, local bodies and public undertakings.

(b) The retrenched employees of Census Organization shall be shall be exempted from the age-limit prescribed in the relevant Service Rules governing the posts in which they are to be appointed. This concesssion shall apply only to the retrenched employees of 1991 Census."

The Supreme Court found that clause (a) was not justified, by asking that ex-employees were to be sponsored again by employment exchanges and that condition would not be in conformity with the order of the Supreme Court. The Supreme Court accordingly directed that the proper course would be to consider their cases as retrenched employees in a separate category and work out a scheme to fit them against appropriate posts. It may be mentioned that all the aforesaid cases relate to appointment made by the State Governments for the purpose of assisting and conducting the census and in that context the Supreme Court directed the State Government.

9. Admittedly, the applicants in these applications were engaged by the respondents alone. The directions were issued for absorption of the retrenched employees. We find no justification for giving any narrow, constricted, rabid and abtruse restrictions to the judgment of the court. The respondents sought to mean as if the directions were confined for vacancies of Census Operation of 2001. Whatever misgivings could have been there was cleared by the decision of the High Court in WP(C) Nos.2531, 2532, 2533, 2534, 2535, 2536 and 2537 of 2001. The High Court referred to the decision of G. Mohamed Amenudeen and others (Supra) and directed to offer vacancies to retrenchees.....

retrenchees according to their length of service and only after exhausting retrenchees if there were still vacancies available those could be filled as per the Recruitment Rules. Appointment by Recruitment Rules itself means regular appointment and not appointment by way of stop-gap arrangement. The contention of the respondents that the claim of the applicants was to be confined to the Census posts alone and therefore, the judgment was not meant to be used for regular absorption, in our view is an ultra-technical attitude. In this connection it would be appropriate to recall the observation of Bose, J. in State of U.P. Vs. Mohd. Nooh, reported in 1958 SCR 595 (613 and 614), where he observed :

".....Justice should, in my opinion be administered in our courts in a common sense liberal way and be broad-based on human values rather than on narrow and restricted considerations hedged round with hair-splitting technicalities....."

10. The High Court direction was not confined only to the applicant, but to all retrenched employees irrespective of whether they were applicants before the Tribunal or not. The order was made for absorption of the Census retrenched employees in the light of the judgment rendered by the Apex Court in Mohamed Ammenudeen (Supra).

11. As stated earlier the decision of the Tribunal was subject to judicial review under Article 226. The respondents went for such judicial review before the High Court and judgment was rendered by the High Court at the instance of the respondents. The Judgment and Order rendered by the Tribunal was merged with the decision of the High Court, alone and is subsisting and operative and therefore, capable of enforcement. The Constitution Bench in Collector of Customs, Calcutta Vs. East India Commercial Co. Ltd, reported in (1963) 2 SCR 563 (568)

made.....

made the following observation:

" The question therefore turns on whether the order of the original authority becomes merged in the order of the appellate authority even where the appellate authority merely dismisses the appeal without any modification, of the order of the original authority. It is obvious that when an appeal is made, the appellate authority can do one of the three things, namely, (i) it may reverse the order under appeal, (ii) it may modify that order, and (iii) it may merely dismiss the appeal and thus confirm the order without any modification. It is not disputed that in the first two cases where the order of the original authority is either reversed or modified it is the order of the appellate authority which is the operative order and if the High Court has no jurisdiction to issue a writ to the appellate authority it cannot issue a writ to the original authority. The question therefore is whether there is any difference between these two cases and the third case where the appellate authority dismisses the appeal and thus confirms the order of the original authority. It seems to us that on principle it is difficult to draw a distinction between the first two kinds of orders passed by the appellate authority and the third kind of order passed by it. In all these three cases after the appellate authority has disposed of the appeal, the operative order is the order of the appellate authority whether it has reversed the original order of modified it or confirmed it. In law, the appellate order as an appellate order of reversal or modification."

The Supreme Court interpreted the aforesaid case in the light of Sections 96, 100 and 115 of the Civil Procedure Code, 1908. The Doctrine of Merger is applicable in the case of a decision rendered by a Tribunal resolved by the decision of the superior court. Powers of adjudication, ordinarily vested in courts are now being exercised under the law by Tribunals and other constituted authority. In S.S. Rathore Vs. State of M.P., reported in (1989) 4 SCC 582, it was, in fact held that there was no justification for bringing any distinction between Courts and Tribunals with regard to the principle of merger.

12. In view of the clear pronouncement by the Tribunal and subsequently upheld by the High Court we asked Mr K.N. Choudhury, learned counsel for the respondents as to whether the matter could be resolved by the authority. Mr K.N. Choudhury in course of hearing placed before us a communication sent by Deputy Registrar General of India, vide Memo dated 15.7.2002. The full text of the communication is reproduced below:

"I am directed to refer to your letter No.DCO(E)175/2000/5782 dated 5.7.2002 and to say that the following concessions are already available to those employees who were temporarily engaged purely on ad-hoc and temporary basis against the short term posts created in connection with the Census and whose services were terminated after abolishing the temporary posts.

1. As per the judgement of the Hon'ble Supreme Court of India, dated 24.02.1995 in Civil Appeal No.73169 of 1991 Union of India & Ors. Versus Dinesh Kumar Saxena & Ors. the retrenched Census employees are entitled to be considered along with general candidates for appointments in any regular vacancies if such employees are otherwise qualified and eligible for the posts. For this purpose the length of temporary service of such employees in the Census department shall be considered for relaxing the age for such appointment.
2. In terms of the order dated 7th June, 2001 passed by the Hon'ble High Court, Guwahati in Writ petition No.2531/2001 to 2537/2001, the retrenched Census employees are entitled to be temporarily re-engaged against the vacant temporary posts created in connection with Census, 2001 in the order of their seniority i.e. a person with longer length of service in a particular category would be offered the job first and then the other retrenchees in that order.

It is also submitted that the applicants to the aforementioned OAs can not be regularized against the regular vacancies in view of the following as per the advice from Deptt. of Personnel & Training:-

1. Recruitment to the regular posts is made in accordance with the Recruitment Rules which are framed under Article 309 of the Constitution of India. The recruitment rules for regular appointment can not be dispensed.....

dispensed with for regularising the persons engaged for short-term work. Any relaxation would have far-reaching adverse implications in several Ministries/Departments under the Government and in other parts of the country.

2. Appointment to the regular posts is made through the prescribed channels viz. Staff Selection Commission. Further, presently recruitment to the regular vacant posts can not be done without obtaining clearance from the Screening Committee of the concerned Ministry. Besides this, the other formalities in the direct recruitment procedure are also to be complied with viz. following the post-based roster, etc.
3. Government policy is to right-size manpower. It would not be proper to provide regular jobs without work.
4. Regularization of the short-term employees bypassing the recruitment rules and Staff Selection Commission, etc. would be violation of Art. 16 of the Constitution.

In view of the above circumstances, it will not be possible to appoint directly the applicants of the above mentioned O.A.s in regular vacancies. You may accordingly apprise the position to the Hon'ble Tribunal through the concerned Govt. counsel."

13. It seems the authority decided to re-write the judgment of the Tribunal merged with the decision of the High Court. In our view the respondents acted in a most illegal fashion in attempting to sit over the judgment of the Tribunal that merged with the judgment of the High Court. The respondents acted contumaciously in its bid to circumvent the judicial decisions. Seemingly, the respondents acted to stonewall a judicial decision obdurately contrary to the scheme of the Constitution and the spirit of the Rule of Law. The administration is not to sit in an appeal against a judicial order nor should it attempt to amend or revise a judicial decision. The functional utility of the Constitutional edifice is needed to be ensured and not to be downgraded. The High court order in clear terms observed that only after exhausting the.....

the retrenchees, if there are still more vacancies available, those may be filled by any other method provided under the Rules. Rules mean Recruitment Rules. A judicial decision given by a competent court was not meant to be flouted in this fashion.

14. A Government and for that matter the public officials under the Indian Constitution are not above Law. A Government is not the Government of men, but of law. The maxim "The King can do no wrong" is anathema to the Constitutional Scheme. There is equality before the Law and equal protection of laws. The Government and the public authorities are subject to jurisdiction of Courts and Tribunals. They are not immune from the ordinary legal process.

15. The Indian Parliament enacted the Administrative Tribunals Act, 1985 to provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State. The decision of the Tribunal is final and binding subject to judicial review by the higher constitutional courts. To permit the Executive to review or to reverse such decision would amount to interference with the exercise of judicial function. It would amount to subjecting the decision of the Tribunal and Court to the scrutiny of the Executive which does not countenance with the scheme of independence of the judiciary and rule of law. The Executive is to obey the judicial decision. The Judgments and Orders of the Tribunal in these cases were upheld by the High Court and the same attained finality.

16. When the High Court had passed an order which attained finality, question of obtaining clearance from the Screening Committee of the concerned Ministry or dispensation and/or approbation from the concerned Ministry do not arise.

17.— The plea raised by the respondents to avert the decision of the court is incompatible and anthithetic to rule of law. The plea of administrative expediency will not provide lee way on the authority to bye pass the decision of the competent court. Needless to state that those who rouse the hornet's nest should not complain of being stung as was observed by O. Chinnappa Reddy J. in B. Prabhakar Rao and Ors. Vs. State of Andhra Pradesh and Others 1985 (Supp) SCC 432. In this context it would be apt to recall the statement of Lord Denning M.R. in Bradbury Vs. London Borough of Enfield (1967) 3 All England Report 434:

"It has been suggested by the chief education officer that, if an injunction is granted, chaos will supervene. All the arrangements have been made for the next term, the teachers appointed to the new comprehensive shcools, the pupils allotted their places and so forth. It would be next to impossible, he says, to reverse all the arrangements without complete chaos and damage to teachers, pupils and public. I must say this : if a local authority does not fulfil the requirements of the law, this Court will see that it does fulfil them. It will not listen readily to suggestions of "chaos". The department of education and the council are subject to the rule of law and must comply with it, just like be obeyed; but I do not think that chaos will result. The evidence convinces me that the "chaos" is much overstated.... I see no reason why the position should not be restored, so that the eight schools retain their previous character until the statutory requirements are fulfilled. I can well see that there may be a considerable upset for a number of people, but think it far more important to uphold the rule of law....."

18. If the authority acts incongruously in disregarding the direction of the court law is not debilitated and the court will not be unnerved in compelling the authority to abide by the law upholding the rule of law is no less important.

19. For all the reasons stated above we set aside the orders dated 28.2.2002 passed by the respondents in the above O.A.s and direct the concerned authority to take appropriate measure to absorb the applicants including the other retrenched employees as per the direction of the High Court expeditiously and preferably within four months from the date of receipt of the order.

20. The applications are accordingly allowed. The respondents are ordered to pay cost of Rs.1000/- (Rupees one thousand only) each to the applicants.

Sd/VICE CHAIRMAN
Sd/ MEMBER (Adm)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

Title of the Case : O.A. No. 68 / 2002
Sri Bimalananda Das & Ors. : Applicants
-Versus-
Union of India & Ors. : Respondents

I N D E X

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3.	1	Judgment and Order dated 6.2.2002	14-17
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Date : 1.3.2002

Filed by

Syritshash

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

O.A. No. 68 /2002

BETWEEN

1. Shri Bimalananda Das
Son of Sri Amalananda Das
Resident of village Mirza,
P.S. Palashbari
District- Kamrup, Assam.
2. Shri Nagen Rabha,
Son of Sri Bipin Rabha
Village Shar Khari
P.O. Loharaghat
P.S. Palasbari
Dist- Kamrup
3. Sri Arjun Baruah,
Son of Sri Arjun Baruah,
P.O. Vill Arikuchi
District- Nalbari
Assam

.....Applicants

-AND-

Sri Bimalananda Das

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 Filed by Sri Bimalananda Das
 Through - Syed Hashim
 Advocate 13.02

4.6.93 to 31.12.93
 6 months
 1998 OA Disposed

1. Union of India
Through the Secretary to the
Government of India, Ministry
of Home Affairs,
New Delhi.
2. Registrar General of Census Operations,
2/A, Man Singh Road,
New Delhi.
Sri J.K.Banthia.
3. Registrar General of Census Operations,
2/A, Man Singh Road,
New Delhi.
4. Director of Census Operations,
Assam, G.S.Road,
Guwahati.
5. Deputy Director of Census Operations,
Assam, G.S.Road,
Guwahati.
6. Sri N.C.Sen,
Deputy Director of Census Operations,
Assam, G.S.Road,
Guwahati.

■... Respondents

DETAILS OF APPLICATION

1. Particulars of orders against which this application is made.
This application is made against the impugned order of termination of the applicants from service issued by the Deputy Director of Census Operation vide letter dated 28.2.2002, in total violation of Judgment and Order dated 6.2.2002 passed in O.A. No. 142/2000 and praying for direction upon the respondents to absorb the

Sri Binodananda Das

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applicants in service on regular basis in terms of the direction passed in O.A. 142 of 2000 and also for a further direction to the respondents to allow the applicant to continue in service till the process of regular absorption is completed.

2. Jurisdiction

The application declare that this application is within the jurisdiction of the Hon'ble Tribunal.

3. Limitation

The application further declare that this application is filed within the prescribed period of limitation as per Administrative Tribunals Act, 1985.

4. Facts of the Case

4.1 That the applicants are citizens of India and as such they are entitled to all the rights and privileges as guaranteed under the Constitution.

4.2 The applicants pray for permission to move this application jointly in a single application under Section 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules 1985 as the reliefs sought for in this application by the applicant are common, therefore they pray for granting leave to approach the Hon'ble Tribunal by a common application.

4.3 That the fact of the case traces back to the year 1993 when the applicants along with others were appointed to various posts under the disposal of the Respondents No.3. The applicant No.1. Bimalananda Das (Graduate in Arts) was appointed as Lower Division Clerk (For short LDC) w.e.f. 3.6.1993, the applicant No.2, Nagen Chandra Rabha (a graduate in Arts) was appointed to the post of Computer (Compiler/data entry) w.e.f. 3.6.93 and the applicant No. 3 Shri Arjun Baruah (a graduate in Arts) was appointed to the post

Sri Bimalananda Das

of Computer. It is stated herein that these appointments were made on temporary and adhoc basis in connection with 1991 Census work.

4.4 That the applicant having been so appointed, continued to work in the department under the disposal of Respondent No.3. But on 21.2.1993, the then Respondent No. 3 issued a letter whereby the services of the applicants stood terminated w.e.f. 31.12.93. The applicant thereupon along with others challenged the said order dated 21.12.93 in O.A No. 269/93 before this Hon'ble Tribunal. The Hon'ble Tribunal after a threadbare consideration of the matter disposed of the Original Application vide order dated 5.6.98 holding that there was no reason to interfere with the order dated 21.12.93 and the same could not be quashed therefore following the judgment of the Hon'ble Supreme Court in Union of India Vs. Dinesh Kumar Saxena, reported in (1995) 2 ATC 585. The Tribunal however held that the respondents No.3 would take action to appoint the applicant in any regular vacancy which might arise in near future if the applicant were otherwise qualified and eligible for those posts and in that event the applicants might individually approach respondents No.3.

4.5 That the applicants beg to state that thereafter they approached the respondents repeatedly for their absorption against the available existing vacancies in terms of the judgment and order dated 5.6.1998. However, finding no favourable response from the respondents all the three applicants approached the Hon'ble Tribunal again through O.A. No. 161 of 1999 and 76 of 2000 respectively praying for a further direction to the respondents to absorb them against the regular vacancies. The Original Application No. 161/99 was disposed of on 16.2.2000 and the O.A. No. 76/2000 was disposed of on 25.2.2000 on 25.2.2000 by this Hon'ble Tribunal. In both the cases the Hon'ble Tribunal following the judgment of the Apex Court in the case of Government of Tamilnadu and Another Vs. G. Md. Ammenuddin and Ors. Reported in 1999(7) SCC 499 directed the respondents to absorb the applicants

Sri Anandakrishnan Dn

in vacancies which will be occurred for Census Operation of 2000 in suitable posts for which the applicants are entitled to absorb following the judgment of the Apex Court. The Applicants immediately thereafter on receipt of the judgment and order dated 16.2.2000 and 25.2.2000 referred to above submitted representations enclosing copies of the judgment and orders to the competent authority for immediate implementation of the same. It is stated that the application is hurriedly drafted and the applicants could not produce the copy of the representations which along with the judgment and orders dated 16.2.2000 and 25.2.2000. However, the applicants undertake to submit the copy of the same is required before the Hon'ble Tribunal. It is stated that in the said representations of the applicants they prayed for their absorption in terms of the judgment and orders mentioned above and the applicants were under the legitimate expectation that their cases would be considered favourably against the existing vacancies which have occurred during the year for 2002 Census in terms of the direction passed by the Apex Court as well as by this Hon'ble Tribunal.

- 4.6 That most surprisingly the respondents particularly the then Shri M.R.Das, Director, Census Operation Assam, Guwahati issued the impugned circular bearing letter No. DCO (E) 50/99/2172 dated 23/24.2.2000 wherein he was proposed to fill up all the posts on deputation basis which occurred in connection with 2001 Census with a male fide intention to avoid the implementation of the direction passed by this Hon'ble Tribunal in O.A. No. 161/2000. In other words it can rightly be said that in depriving the legitimate claim of the applicants for appointment to the said posts, Sri M.R.Das, Director Census Operation, Assam, Guwahati issued the impugned circular dated 23/24.2.2000 with a proposal to fill up all the posts particularly the post of Computer, Lower Division Clerk, Assistant Compiler, Peon, Proof Reader which were sanctioned specifically in connection with 2001 Census. In such compelling circumstances, the applicants against approached this

Sri Bimalananda Das

Hon'ble Tribunal through Original application No. 142/2000 (Sri Bimalananda Das & Ors.) challenging the impugned circular dated 23/24/2/2000 and also prayed for a direction for regularisation of services of the applicants against the available existing vacancies. The said Original Application No. 142/2001 was duly contested by the respondents and on hearing both the parties the Hon'ble Tribunal was pleased to dispose of the Original Application with the direction to offer the vacancies to the retrenched employees according to their length of service in a particular category and after exhausting the retrenched employees if there are still more vacancies are available then those may be filled up as provided under the rules.

Copy of the judgment and order dated 6.2.2002 passed in O.A. 142/2000 is annexed as **Annexure-1**.

- 4.7 That it is stated that following an interim order dated 8.5.2000 passed in O.A. 142/2000 the applicants were adjusted against the vacancies of Assistant compiler/ Computer. However, it was alleged in the appointment order that the appointment is made in connection with 2001 Census Operations. It is relevant to mention here that the post of Assistant Compiler is a permanent sanctioned post in the establishment of Director, Census Operations, Assam. Moreover, there were in as much as 9 sanctioned posts of Computer also available in the establishment of Director, Census Operations, Assam which would be evident from the letter bearing No BCO(E)45 /75/ PT.I/4484 dated 9th April, 2001, therefore there was no difficulty on the part of the respondents to accommodate the applicants against those regular vacancies in terms of the judgment and order dated 6.2.2002. It is relevant to mention here that during the pendency of the O.A. 142/2000 the services of the applicants were terminated on the alleged ground of discontinuation of sanction. However, by virtue of an interim order passed in Misc. Petition, the applicants were allowed to continue in service. However after disposal of the Original

Sri Bimalananda Das

Application No. 142/2000 on 6.2.2002 the applicants expected there services would be regularised against the permanent vacancies available with the respondents.

Copy of the letter dated 9.4.2001 showing the quarterly vacancy position as on 31.3.2001 is annexed as Annexure 2.

4. That most surprisingly, the respondents vide impugned order issued under letter Nos. DCO(E)50/99/Pt.I/2033, DCO(E)50/99/Pt.I/2019, DCO(E)50/99/Pt.I/2026, dated 28.2.2002 terminating the service of the applicants with effect from 1.3.2001 on the alleged ground of discontinuation of sanction of the posts. It is further stated in the aforesaid impugned orders that the case for further continuation in service of the applicant in terms of order 6.2.2002 passed in O.A. No. 142/2000 has been considered but due to discontinuation of sanction of higher posts and consequent reversion of the incumbents to the post the applicants could not be accommodated and therefore their services have been discontinued with effect from the afternoon of 28.2.2002. This decision of the respondents is highly arbitrary and the same has been passed without application of mind and also without looking into the direction passed by the Hon'ble Tribunal in O.A. 142/2000 on 6.2.2002. It is quite clear from the judgment and order dated 6.3.2002 that the direction was given by this Hon'ble Tribunal to the respondents to regularise the services of the applicants in the existing suitable regular vacancies. As such the direction of the Hon'ble Tribunal is misunderstood and the same appears to have been wrongly implemented by the respondents. The cases of the present applicants has no bearing with the discontinuation of sanction of temporary posts created for the purpose of 2001 census. As such the termination of the services of the applicants from service on the pretext that sanction has been discontinued for 2001 census is contrary to the order/direction contained in the judgment and order of the Hon'ble Tribunal dated 6.2.2002. As such the impugned orders dated 28.2.2002 are liable to be set aside and quashed.

Sri Bimalakrishna Sen

Copy of the impugned orders dated 28.2.2002 are annexed as **Annexure-3 series.**

4.9 That it is stated that the present respondents have filled up certain temporary posts of Computer, Assistant Compler, L.D.C., etc. on deputation basis from State Fed which were alleged to have been created/sanctioned for 2001 census and which were circulated vide circular No. DC0(E)50/99/2172 dated 23/24.2.2000, but the services of those deputationists has been allowed to continue till date and no order of repatriation has been passed on the plea of discontinuation of sanction. As such the action of the respondents are highly arbitrary, unfair and illegal and the impugned orders of termination are liable to set aside and quashed.

4.10 That it is stated that a similar case is pending before this Hon'ble Tribunal which is registered O.A. 62 of 2002 (Smt. U. Kamila & Ors. Vs. U.O.I. & Ors.). In the said case the Hon'ble Tribunal was pleased to protect the right of the similarly situated applicants who apprehended termination from service by passing an appropriate interim order on 26.2.2002. In the instant case the applicants are similarly situated therefore Hon'ble Tribunal be pleased to protect the valuable right and interest of the applicants by way of granting an interim order staying the operation of the impugned order dated 28.2.2002.

A copy of the order of the Hon'ble Tribunal referred to above is annexed as **Annexure-4.**

4.11 That your applicants beg to state that in terms of the circular dated 14.2.2001 issued by the Registrar General India, the applicants are also entitled to be absorbed on regular basis against the long term vacancies.

A copy of circular dated 14.2.2001 is annexed as **Annexure-5.**

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

Sri Bimalachand Dr.

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5. Grounds for relief(s) with legal provisions.

- 5.1 For that the impugned order of termination has been issued in total violation of the Hon'ble Tribunal Order dated 6.2.2002 passed in O.A. No.142/2000.
- 5.2 For that the cases of the applicants has not been considered by the respondents for regularisation of services in spite of the direction passed by the Hon'ble Tribunal in its judgment and order dated 6.2.2002 in O.A. No. 142/2000.
- 5.3 For that discontinuation of sanction for 2001 census has no relevancy in the instant case of the applicants,, after the judgment and order dated 6.2.2002 referred to above.
- 5.4 For that the applicants have acquired a valuable right to regular appointment on priority basis under the respondents against the existing vacancies in terms of the judgment and order of the Hon'ble Tribunal referred to above.
- 5.5 For that permanent suitable vacancies of Assistant compiler, Computer (now redesignated as Compiler) Data Entry Operator, L.D.C. etc. are lying vacant in the regular establishment in the office of the Director, Census Operations, Assam, which would be evident from letter dated 9th April, 2001. As such the applicants are entitled to be absorbed in their service.
- 5.6 For that, the respondents particularly respondent No.5, Deputy Director, acted arbitrarily and illegally in not considering the case of the applicants for regularisation in services in spite of the direction contained in the judgment and order of the Hon'ble Tribunal on 6.2.2002 in O.A. No. 142 of 2002.

Sri Bimalachandra Dn.

- 5.7 For that the applicants could easily be accommodated against the available regular vacant posts and there is no reasonable impediment on the part of the respondents in doing so.
- 5.8 For that the impugned order dated 28.2.2002 have been alleged to have passed after consideration of the cases of the applicants in terms of the order dated 6.2.2002 is not correct and the impugned order has been issued in a very claver manner to avoid the implementation of the order dated 6.2.2002 passed in O.A. No. 142/2000.
- 5.9 For that the applicants are entitled to be absorbed on regular basis in terms of circular dated 14.2.2001 against the long term vacancies issued by the Registrar General of India, New Delhi.
- 5.10 For that other similarly situated employees recruited on deputation basis from the Department Sted fed absolutely for 2001 census operations, Assam has been retained in service even after expiry of sanction, as such the action of the respondents terminating the services of the applicant in spite of the direction of the Hon'ble Tribunal for regularisation of their services passed in O.A. No. 142/2000 dated 6.2.2002 is violative of article 14 of the constitution.

6. Details of Remedies Exhausted

The applicants stated that they have no other alternative and other efficacious remedy than to prefer this application before the Hon'ble Tribunal.

7. Matter no previously filed or pending with any other Court/Tribunal.

The applicant further declare that they have earlier filed O.A.s Nos. 269/93 161/99, 16/2000 and 142/2000 and all the O.A.s were disposed of with a direction to consider the claim of the applicants on priority basis but their cases have not been

Sri Bimalamunda Sen.

considered. They further declare that no writ petition or suit regarding the matter in respect of which this application has been made is pending before any Court or Tribunal.

8. Reliefs sought for :

Under the facts and circumstances of the Case, the applicants pray for the following reliefs :

8.1 That the impugned order of termination from service issued under Nos. circular issued under letter Nos. DCO(E)50/99/Pt.I/2033, DCO(E)50/99/Pt.I/2019, DCO(E)50/99/Pt.I/2026, dated 28.2.2002 (Annexure-3 series) be set aside and quashed.

8.2 That the respondents be directed to regularise or absorb the applicants in service against the existing long terms/permanent available permanent vacancies of Computer, Lower Division Clerk, Assistant Compiler, Data Entry Operator, Proof Reader etc. in terms of the judgment and order dated 6.2.2002 passed in O.A. Nos. 142/2000.

8.3 That the respondents be directed to allow the applicants to continue in service till the process of regular absorption is completed.

8.4 Costs of the Application.

8.5 Any other relief or reliefs to which the applicants are entitled under the facts and circumstances of the case as deemed fit and proper by the Hon'ble Tribunal.

9. Interim Relief prayed for :

9.1 That the Hon'ble Tribunal be pleased to stay the operation of the impugned orders issued under Nos. DCO(E)50/99/Pt.I/2033, DCO(E)50/99/Pt.I/2019,

Sri Bimalakrishna Dn.

DCO(E)50/99/Pt.I/2026, dated 28.2.2002 (Annexure 3 series) be stayed till disposal of this application and further be pleased to direct the respondents to allow the applicants to continue in service till disposal of this application.

9.2 Any other reliefs to which the applicants are entitled to under the facts and circumstances stated in paragraph 4 of this application.

10.

This application has been filed through advocate.

11. Particulars of the I.P.O.

I.P.O. No. : 76 55 0919

Date of Issue : 12.2002

Issued from : G.P.O., Guwahati.

Payable at : G.P.O., Guwahati.

12. List of enclosures : As stated on the Index.

Sri Ramakrishna Das

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

I, Shri Bimalananda Das, Son of Sri Amlananda Das, aged about 34 years, resident of village Mirza, P.O Mirza, P.S. Palashbari, District Kamrup, Assam one of the applicants in the instant application duly authorized by the other applicants to verify the statements made in this application and to sign this verification. Accordingly I declare that the statements made in paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to My legal advice which I believe to be true. I have not suppressed any material fact.

And I sign this verification on this the 1st..... day of March, 2002.

Sri Bimalananda Das.

Signature

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 142 of 2000.

Date of Order : This the 6th Day February, 2002.

The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr K.K. Sharma, Administrative Member.

1. Shri Bimalananda Das
 2. Shri Harish Chandra Rabha (since expired)
 3. Shri Nagen Rabha and
 4. Shri Arjun Baruah
- . . . Applicants.

By Advocate S/Sri J.L. Sarkar and M. Chanda.

- Versus -

1. Union of India
through the Secretary to the
Government of India,
Ministry of Home Affairs,
New Delhi.
 2. Registrar General of Census Operations,
2/A, Man Singh Road,
New Delhi.
 3. Director of Census Operations,
Assam, G.S. Road,
Guwahati.
 4. Shri M.R. Das,
Director of Census Operations,
Assam, G.S. Road,
Guwahati.
- . . . Respondents.

By Sri A. Deb Roy, Sr.C.G.S.C.

ORDER

CHOWDHURY J.(V.C)

In this application the applicant amongst others assailed the Circular bearing No.DCO(E)50/99/2172 dated 23/24.2.2000 (Annexure-3). In addition they also sought for a direction upon the respondents to appoint the four applicants in the existing available vacancies of Computer, Lower Division Clerk, Assistant Compiler, Proof Reader etc. in terms of the judgment and order dated 5.6.98 and 25.2.2000 in O.A.Nos. 151/99 and 76/2000 respectively.

contd..2

Certified to be true copy
Signed
Advocate

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Further the applicants also prayed for quashing the impugned letter No. DCO(E)/285/93/Pt.III dated 21.2.2001 and letter No. DCO(E)/285/93/Pt.III/2497-98 dated 21.2.2001 issued by the Director of Census Operation, Assam.

2. The 4 applicants who were engaged by the respondents in 1993, the applicant No.1 as LDC, applicant No.2, 3 and 4 as Computer(Compiler/data entry). The applicant No.2 Sri Harish Chandra Rabha who died during the pendency of the proceeding. Appointment of these persons were made on ad hoc basis in connection with 1991 Census work. It was pointed out that they continued to work in the department and their services were terminated in December 1993. The applicants assailed the order of termination before this Tribunal by filing O.A.269/93. The said application was disposed of by the Tribunal on 5.6.98 directing the respondents to act in accordance with the decision rendered by the Supreme Court in Union of India vs. Dinesh Chandra Saxena, 1995 (29) ATC 585. The applicant made representation before the authority. Failing to get appropriate remedy the applicants again moved the Tribunal by filing O.A.161/99. By order dated 16.2.2000 the Tribunal directed the respondents to absorb the applicants in vacancies that would occur for census operations of 2000 in suitable posts for which the applicants were entitled. In another similar application filed by one of the applicant Sri Arjun Baruah, O.A.76/2000 which was also disposed of on 25.2.2000 in the similar manner. In the meantime the respondents authority took some measure for appointing persons by transfer on deputation to fill up the posts available for census of India 2001. At that stage the applicants moved this Tribunal assailing

contd..3

the methodology of recruitment for filling up the vacancies of 2000-2001 census by overlooking the applicants absorption for such posts by way of this application. At that stage an interim order was passed by the Tribunal for considering the case of the applicants adjustment/absorption in the census operation. The said order was not an interim order for continuance of the applicants in service after the census work was over. In this application in substance the applicants sought for direction for absorption in the light of the earlier direction.

3. The respondents authority seriously contested the case and submitted its written statement. The respondents also submitted an additional written statement in the Tribunal today opposing the claim of regular appointment of these applicants. According to the respondents these applicants were engaged purely on ad hoc measure in compliance with the direction of the Tribunal. They were engaged to fill up the vacancy of 2001 census and therefore these applicants do not have any right to continue beyond 28.2.2000.

4. We have given our anxious consideration to the matter. In our view this matter is also squarely covered by the decision of the Tribunal finally merged in the decision rendered by the Gauhati High Court in WP(C) Nos. 2531/2001, 2532/2001, 2533/2001, 2534/2001, 2535/2001, 2536/2001 and 2537/2001 on 7.6.2001. The High Court in the aforesaid judgment clarified the orders of the Tribunal and directed the authorities to offer the vacancies to the retrenchees according to their length of service. A person with longer length of service in a particular category would be offered the job first and then the other retrenchees in that order. After exhausting the retrenchees, if there

are still more vacancies available, those may be filled by any other method provided under the rules.

5. In view of the aforesaid direction we dispose of this application directing the respondents to consider the case of these applicants also in the light of the decision rendered by the Gauhati High Court in the aforementioned writ petitions.

The application stands disposed of. There shall, however, be no order as to costs.

Sd/VICE CHAIRMAN

Sd/MEMBER (Admin)



सत्यमेव जयते

No. DCO(E) 45/75/pc.I/4484

भारत सरकार

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

फोन } Director : 547396 (o)
Phone } 302121 (R)
Off. supd. : 526954
Fax : 0361-647398

दिनांक गुवाहाटी

Dated Guwahati 9th April/2001.

To

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

Subj. Quarterly return of staff position
as on 31.3.2001.

Sir,

I have the honour to send herewith the quarterly return ending 31.3.2001 on staff strength in the enclosed proforma in respect of this directorate for favour of your necessary action.

Encls : As above.

Yours faithfully

Baruah
9/4/2001

(DR. S. K. BARUAH)
ASSTT. DIRECTOR OF CENSUS OPERATIONS
ASSAM : GUWAHATI.

Certified to be true copy
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Adv.

Annexure - 2

Quarterly return of staff of the office of the Director or Census Operations, Assam
for the quarter ending 31-3-2021

Sl. No.	Name of post	Scale of pay	Sanction post			
			Pmt.	Temp.	Filled	Vacant
1	2	3	4	5	6	7
1. D.C.O. Assam				1	1	-
2. Jt. D.C.O.	10600-15200/-			2	-	2
3. Dy. Director	10600-13500/-	1	1	2	-	
4. Asstt. Director	9000-13500/-	4	1	1	1	1
5. Asstt. Director (Hindi)	8000-13500/-		1	1	1	-
6. Office Subar	5500-9000/-			2	2	-
7. Confidential Asstt.	5500-9000/-			1	1	-
8. Assistant	5000-8000/-	1	4	5	-	
9. U.D.C.	4000-6000/-	3	3	5	1	
10. L.D.C.	3050-4590/-	5		5		
11. Sr. Hindi Translator	5500-9000/-	1		-	-	1
12. Sr. Stenographer	5000-8000/-		1	1	-	
13. Asstt. Director (EDP)	8000-13500/-		1	-	-	1
15			18	27	6	

Quarterly return of staff of the office of the Director of Census Operations, Assam
for the quarter ending 31-3-2001

Sl. No.	Name of post	Scale of pay	Sanction post			
			Pmt.	Temp.	Filled	Vacant
1	2	3	4	5	6	7
14	Geostat. Operator	3050 - 4590/-	1	-	1	-
15	Duffrey	2610 - 3540/-	3	1	4	-
16	Peon	2550 - 3200/-	8	-	8	-
17	Chaukidar	2550 - 3200/-	1	5	6	-
18	Investigator	5500 - 9000/-	1	9	8	2
19	Sr. Supervisor	5500 - 9000/-	-	2	2	-
20	Jr. Supervisor	5000 - 8000/-	-	6	6	-
21	DEO (B)	4500 - 7000/-	-	45	32	13
22	D.E.O (A)	4000 - 6000/-	-	14	13	1
23	Research Officer	8000 - 13500/-	-	1	1	-
24	Sr. Geographer	6500 - 10500/-	-	1	1	-
25	Cartographer	5500 - 9000/-	1	-	1	-
26	Sr. Drawing Asstt.	6500 - 10,500/-	-	1	1	-
			30	103	111	22

Quarterly return of staff of the office of the Director of Census Operations, Assam
for the quarter ending 31-3-2001

Sl. No.	Name of post	Scale of pay	Sanction post			
			Pmt.	Temp.	Filled	Vacant
1	2	3	4	5	6	7
27	Sr. Tech. Asst.	5000 - 8000/-		1	-	1
28	Ptg. Inspector	5000 - 9000/-		1	1	-
29	Sr. Draftman	5500 - 9000/-		4	3	1
30	Draftman	5000 - 8000/-	1	2	1	2
31	Statistical Asst.	4500 - 7000/-	9	8	15	2
(32)	Computer	4000 - 6000/-	20	17	28	(9)
33	Proof Reader	4500 - 7000/-	1	-	-	1
(34)	Asst. Computer	3050 - 4590/-	19	-	13	(6)
35	Hand press Machine operator	3050 - 4590/-	1	-	1	-
36	Londwe	2550 - 3200/-		4	4	-
37	Staff Car Driver	3050 - 4590/-	1	-	1	-
38	Sweeper	2550 - 3200/-	1	-	1	-
			83	196	179	44

44

Quarterly return of staff of the office of the Director of Census Operations, Assam
for the quarter ending 31-3-2001

Sl. No.	Name of post	Scale of pay	Sanctioned post			
			Pmt.	Temp.	Filled	Vacant
1	2	3	4	5	6	7
	For Regional Census Office 2001 Census					
1	D.O.C.O.		2	-		2
2	Asstt. Director	18000-13500/-	1			1
3	Investigator	5500-9000/-	3			3
4	Jr. Stenographer	4500-7500/-	3			3
5	Peon	2550-3200/-	3			3
	Total		10			10

10 - 23 -

Annexure - 2

Quarterly return of staff of the office or the Director or Census Operations, Ass.
for the quarter ending _____

Sl. No.	Name of post	Scale of pay	Sanction post			
			Pmt.	Temp.	Filled	Vacant
1	2	3	4	5	6	7
39	Hindi Typist	3050 - 4590/-	1	-	-	1
CANTEN						
40	Coupon clerk	3050 - 4590/-	1	-	1	-
41	Cook	3050 - 4590/-	1	-	1	-
42	Tea Maker	2610 - 4000/-	1	-	1	-
43	Benzene	2610 - 4000/-	1	-	1	-
44	Wash Boy	2550 - 3200/-	1	-	1	-
Total			83	146	184	45

P. T. O

No.DCO(E)50/99/Pt.I/2033
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, ASSAM
G.S. ROAD, ULUBARI, GUWAHATI - 781 001

Dated Guwahati, the 28th Feb., 02.

ORDER

In compliance with the Hon'ble Tribunal's order dated 8.5.2000 in OA No.142/2000, Shri Bimalananda Das was appointed as Assistant Compiler in the office of the DCO., Assam, Guwahati against a resultant vacancy caused due to promotion of an incumbent against the purely temporary post created in the higher grade for Census of India, 2001 upto 28.2.2001. His services was discontinued w.e.f. 1.3.2001 following discontinuation of sanction of the above higher post. However, Shri Bimalananda Das has since been continuing in this Directorate as per stay order granted by the Hon'ble Tribunal in MP No.67/01 dated 27.2.01.

As per further direction from the Hon'ble Tribunal in OA No.142/2000 dated 6.2.2002 to consider the case of Shri Bimalananda Das in the light of the direction given by the Hon'ble High Court in Writ petitions No.WP© 2531/01 to 2537/01, the undersigned considered his case for further continuation of his service but could not accommodate him in the post due to discontinuation of sanction of higher post and consequent reversion of the incumbents to the post.

Hence, the services of Shri Bimalananda Das, Asstt. Compiler stands discontinued w.e.f. the afternoon of 28.2.2002.

(N.C. SEN)

Deputy Director of Census Operations,
Assam, Guwahati.

Dated 28.2.2002

Memo No.DCO(E)50/99/Pt.I/2034-39

Copy to:

1. The Registrar General, India
2/A, Mansingh Road
New Delhi - 110011 - for favour of information.
2. The Pay & Accounts officer (Census),
A.G.C.W & M Building
I.P. Estate, New Delhi - 110002.

3. The DDCO/ADCO.
4. The Office Supdt. (Estt. & Accts.)
5. Shri Bimalananda Das, Asstt. Compiler.

6. Notice Board.

(N.C. SEN)

Deputy Director of Census Operations,
Assam, Guwahati.

Certified to be true copy
Sujitkesh
Advocate

No.DCO/(E)/50/99/Pl.I/ 2079
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, ASSAM,
G.S. ROAD, ULUBARI, GUWAHATI - 781 007.

Dated Guwahati, the 28th Feb., 02.

ORDER

In compliance with the Hon'ble Tribunal's order dated 8.5.2000 in OA No.142/2000 Shri Nagen Rabha was appointed as Computer (now designated as Compiler) in the office of the DCO., Assam, Guwahati against the temporary posts created for Census of India 2001 upto 28.2.2001. His services was discontinued w.e.f. 1.3.2001 following discontinuation of sanction of some posts of Computer. However, Shri Nagen Rabha is continuing in this Directorate as per stay order granted by the Hon'ble Tribunal in MP No.67/01 dated 27.2.2001.

As per further direction from the Honourable Central Administrative Tribunal in OA No.142/2000 dated 6.2.2002 to consider the case of Shri Nagen Rabha in the light of the direction given by the Hon'ble Gauhati High Court in writ petitions No.WP©2531/01 to WP©2537/01, the undersigned considered his case for further continuation in the service but could not accommodate him in the post due to discontinuation of sanction for some more posts of Computer vide ORGI's letter No.11020/1/99-Ad.II dated 18.2.2002.

Hence, services of Shri Nagen Rabha as Computer stands discontinued with the discontinuation of the sanction of the post w.e.f. the afternoon of 28.2.2002.

(N.C. SEN)

Deputy Director of Census Operations,
Assam, Guwahati.

Dated 28.2.2002.

Memo No.DCO(E)50/99/Pl.I / 2020-25-
Copy to:

1. The Registrar General, India
2/A, Mansingh Road
New Delhi-110011
2. The Pay & Accounts Officer(Census)
A.G.C.W & M Building
New Delhi - 110002.
3. The DDCO (DDO).
4. The Office Supdt. (A/C & Estt.).
- ✓ 5. Shri Nagen Rabha, Computer.
6. Notice Board.

(N.C. SEN)

Deputy Director of Census Operations,
Assam, Guwahati.

No.DCO/(E)/50/99/Pt.I/2026
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, ASSAM,
G.S. ROAD, ULUBARI, GUWAHATI - 781 007.

Dated Guwahati, the 28th Feb., 02.

ORDER

In compliance with the Hon'ble Tribunal's order dated 8.5.2000 in OA No.142/2000 Shri Arjun Baruah was appointed as Computer (now designated as Compiler) in the office of the DCO., Assam, Guwahati against the temporary posts created for Census of India 2001 upto 28.2.2001. His services was discontinued w.e.f. 1.3.2001 following discontinuation of sanction of some posts of Computer. However, Shri Arjun Baruah is continuing in this Directorate as per stay order granted by the Hon'ble Tribunal in MP No.67/01 dated 27.2.2001.


As per further direction from the Honourable Central Administrative Tribunal in OA No.142/2000 dated 6.2.2002 to consider the case of Shri Arjun Baruah in the light of the direction given by the Hon'ble Gauhati High Court in writ petitions No.WP@2531/01 to WP@2537/01, the undersigned considered his case for further continuation in the service but could not accommodate him in the post due to discontinuation of sanction for some more posts of Computer vide ORGI's letter No.11020/1/99-Ad.II dated 18.2.2002.

Hence, services of Shri Arjun Baruah as Computer stands discontinued with the discontinuation of the sanction of the post w.e.f. the afternoon of 28.2.2002.

(N.C. SEN)
Deputy Director of Census Operations,
Assam, Guwahati.
Dated 28.2.2002.

Memo No.DCO(E)50/99/Pt.I/2027-32
Copy to:

1. The Registrar General, India
2/A, Mansingh Road
New Delhi-110011
2. The Pay & Accounts Officer(Census)
A.G.C.W & M Building
New Delhi - 110002.
3. The DDCO (DDO).
4. The Office Supdt. (A/C & Estt.).
5. Shri Arjun Baruah, Computer.
6. Notice Board


(N.C. SEN) 28/2/02
Deputy Director of Census Operations,
Assam, Guwahati.

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.
GUWAHATI.

ORDER SHEET

Original No. 62/2002
Misc. Petition No.
Contempt Petition No.
Review Application No.

Applicant(s) Smt. Usham Karriela Devi & 2 oars

Respondent(s) Govt & oars

Advocate for Applicant(s) Mr. B.K. Sharma, S. Sarma,
U.K. Naik & Miss U. Das.

Advocate for Respondent(s) C.A.S.

Notes of the Registry

Date

ORDER OF THE TRIBUNAL

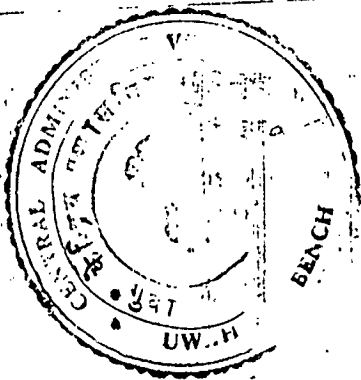
26.2.02

Heard Mr. B.K.Sharma, learned Sr. counsel for the applicants.

The application is admitted. Call for the records.

Issue notice to show cause as to why the interim order as prayed for shall not be granted. Returnable by two weeks. In the meantime, Respondents are directed not to oust the applicants from services till the returnable date.

List on 15.3.2002 for order.



Certified to be true Copy
प्रमाणित प्रतिलिपि

Warrant
28/2/02

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Admn)

Certified to be true copy
Sybil Hash
Advocate

-28- 12

By Fax/Speed Post

Annexure - 5

ANNEXURE - 5

"REGGENLIND"

Sl.No. 12011/4/2000-Ad.IV

भारत सरकार
GOVERNMENT OF INDIA

गृह मंत्रालय
MINISTRY OF HOME AFFAIRS/GRH MANTRALAYA

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

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.

Director

18/2/2000

Yours faithfully,

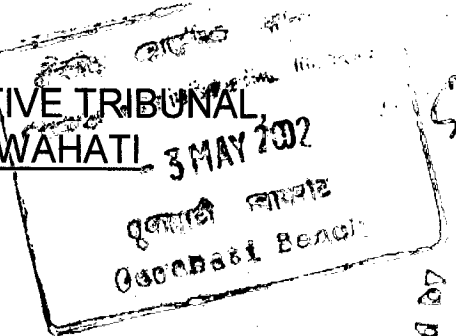
(M. R. Singh)

Under Secretary to the Govt. of India

Certified to be true copy
Signature
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

OA No. 68/2002



Shri Bimalananda Das & Others -----Petitioner

- Vs -

Union of India & Others ----- Respondents

IN THE MATTER OF

Written statement submitted by the Respondents.

Preliminary objection:

The O.A. is hit by principle of promissory estoppels. Once the applicants have accepted job in terms of orders dt. 03.10.2000, they are estopped from challenging the same. The order No. DCO(E)285/93/Pt.II/10956 dated 03.10.2000 is annexed as Annexure-R/1.

Preliminary Submissions :

- 1) Census is conducted in the country after every ten years under the Census Act of 1948 under the directions of the Registrar General & Census Commissioner of India. For the purpose of conducting Census, Directorates have been established in each State/Union.

territory with permanent staff to carry out the normal function of these directorates. During the preparatory stage of every census, the volume of work increases to a great extent for which some additional posts are sanctioned for a very temporary period to cope with the additional work generated during the period of census. After the peak period is over, the sanctions for these posts are discontinued and the services of temporary staff are disengaged. This practice is being continued since 1971 census. Therefore, the process of engagement, re-engagement and disengagement of additional manpower for census operations is not new thing in the census organization, rather it is a regular and inescapable phenomenon in each census since 1971. It is submitted that it is not appropriate to draw parallel between the Census Directorates and other organisations either State Govt. or Central Govt. considering the nature and volume of work being performed.

2) As per directions of the Hon'ble Tribunal in its judgments dated 16.2.2000 and 25.2.2000 passed in O.A. 161/99 and 76/2000, the petitioners were to be absorbed only against the temporary posts created for Census Operation – 2001. Subsequently, the applicants filed an O.A. No. 142/2000 jointly seeking appointment in the then existing vacancies in terms of the judgments of the Hon'ble Tribunal in OAs No. 161/99 and 76/2000. In the interim order of Hon'ble Tribunal dated 8.5.2000 passed in this OA No.142/2000, the Hon'ble Tribunal directed as follows: -

“ ...In view of this I am of the opinion that while the concerned authorities may go ahead in calling the prospective candidates on deputation as per Annexure-3 circular dated 23.24.2.2000, they shall also consider and adjust the present 4 applicants as directed vide order dated 16.2.2000 and 25.2.2000. The benefits of these order would be restricted only to the present 4 applicants who are agitating their cases. It is made clear that this direction shall not apply to other similarly situated persons who have not agitated their rights before the Tribunal. It is further ordered that adjustment/absorption of the applicants in pursuance of the order passed today will not confer any right on the applicants to further continue their services after the census operation is over unless their claims are considered on merits as highlighted in the O.A. List on 29.5.2000 for further order.”

A copy of the judgement of Hon'ble Tribunal dated 8.5.2000 in OA No. 142/2000 is annexed as Annexure-R/2.

The applicants were re-engaged w.e.f. 3.10.2000 as per the above said order of the Hon'ble tribunal against purely temporary posts created for census 2001. As observed by the Hon'ble Tribunal in the above said re-engagement order, it was specifically mentioned that these appointments have been made against the purely temporary posts sanctioned for Census of India-2001 and their appointment shall not bestow upon them any right for future continuation in their service after census operation 2001 is over.

- 3) When the order of the Hon'ble Tribunal was to absorb the petitioners against Census Operation posts and they were engaged against census posts only as directed by the Hon'ble Tribunal, their services are bound to be terminated along with abolition of census posts. In view of the law laid down by the Hon'ble Supreme Court in Union of India & Ors. - Vs - Harish Balkrishan Mahajan, 1997(1) P. 50 (SCSLJ), Jawaharlal Nehru Krishi Vishwa Vidyalaya, Jabalpur, M.P. -Vs - Bal Kishan Soni & Ors. 1997(2) P. 175 (SCSLJ) and Committee of Management, Arya Nagar Inter College, Arya Nagar, Kanpur through its Manager & Anr. - Vs - Sree Kumar Tiwary & Anr. 1997(2) P. 178 (SCSLJ), the applicants can not be regularized and once the post is abolished, the applicants can not be continued.
- 4) The O.A. 142/2000 has now been finally disposed of by the Hon'ble Tribunal vide order dated 06.02.2002 directing as under:

“.. In our view this mater is also squarely covered by the decision of the Tribunal finally merged in the decision rendered by the Gauhati High Court in WP(C) Nos. 2531/2001, 2532/2001, 2533/2001 2534/2001, 2535/2001, 2536/2001 and 2537/2001 on 7.6.2001. The High Court in the aforesaid judgement clarified the orders of the Tribunal and directed the authorities to offer the vacancies to the retrenchees according to their length of service. A person with longer length of service in a particular category would be offered the job first and the other retrenchees in that order.”

After exhausting the retrenchees, if there are still more vacancies available, these may be filled by any other method provided under the rules. In view of the aforesaid direction we dispose of this application directing the respondents to consider the case of these applicants also in the light of the decision rendered by the Gauhati High Court in the aforementioned Writ Petitions..."

It is submitted that the cited order dated 7.6.2001 passed by the Hon'ble High Court is in respect of the census posts only and accordingly the order dated 6.2.2002 passed by the Hon'ble Tribunal finally disposing of OA No. 142/2000 is also in respect of the census posts. The applicants therefore can not seek any relief on the strength of these orders in respect of the regular posts as sought in the OA.

5) The applicants are seeking absorption against regular posts. It is submitted that there are no regular vacancies of Computer/Compiler or L.D.C. to absorb the petitioners. Further the appointment to regular post of Computer (now Compiler) is made through 100% promotion failing which by deputation and failing both by direct recruitment in accordance with the recruitment rules framed under article 309 of the Constitution of India. In case of appointment to the post of Computer, direct recruitment shall be resorted to only after exhausting first two modes i.e. promotion and deputation in accordance with the provisions contained in the recruitment rules. In case of post of LDC, appointment is made by direct recruitment

through Staff Selection Commission. The applicants can not be appointed against these posts avoiding selection through Staff Selection Commission. The applicants cannot be regularized/ appointed against regular posts through back door in deviation of the recruitment rules framed under article 309 of the constitution. However, in view of the order of the Hon'ble Tribunal as and when occasion will arise to report any vacancy to SSC for direct recruitment, the department will write to Staff Selection Commission to act as per law laid down in the case of G. Ameenuddin by Hon'ble Supreme Court as also as per the order of this Hon'ble Tribunal. The respondents crave the leave of this Hon'ble Tribunal to refer to the decision of Hon'ble Apex Court in 1992 SCC(L&C) P. 805 1996 (2) SCSLT P. 316 State of Haryana & others V/s Piara Singh & others 1992 (4) Supreme Court Cases 118.

6) That it is respectfully submitted that in the DOPT's instructions dated 23rd July, 2001, it is clearly provided that no appointment can be made on ad-hoc basis by direct recruitment from open market. It is also pertinent to submit here that in aforementioned letter, it is further provided that if in an exceptional case (e.g. in the case of operational organization), it is inescapable to resort to ad-hoc appointment by direct recruitment, prior concurrence of DOPT (Establishment "D" Section) may be obtained by giving full and complete justification for the same. It is submitted that in the present case, under the compelling circumstance and under the threat of contempt, the petitioner was given ad-hoc job by the Directorate of Census Operations, Assam, without prior concurrence of DOPT.,

therefore the appointment of the petitioner was contrary to rules and instructions on subject and is irregular. In view of the law laid down by the Hon'ble Supreme Court of India in the case of Ashwani Kumar & Ors. – Vs - State of Bihar & Ors. (page 281), the initial appointment of the petitioner being contrary to law, there is no question of their regularization. The relevant portion of the judgement is extracted below:

"As we have seen earlier when the initial appointment by Dr. Mallick so far as these daily wagers were concerned were illegal there was no question of regularizing such employees and no right accrued to them as they were not confirmed on available regular vacancies under the scheme. It passes one's comprehension as to how against 2500 sanctioned vacancies confirmation could have been given to 6000 employees. The whole exercise remained in the realm of an unauthorized adventure. Nothing could come out of nothing. Ex nihilo nihil fit. Zero multiplied by zero remained zero. Consequently no sustenance can be drawn by the appellants from these confirmation orders issued to them by Dr. Mallick on the basis of the directions issued by the concerned authorities at the relevant time. It would amount to regularization of back door entries which were vitiated from the very inception. It is not possible to agree with the contention of learned counsel for appellants that the vacancies of the scheme had nothing to do with regular posts. Whether they are posts or vacancies they must be backed up

by budgetary provisions so as to be included within the permissible infrastructure of the scheme. Any posting which is dehors the budgetary grant and on a non-existing vacancy would be outside the sanctioned scheme and would remain totally unauthorized. No right would accrue to the incumbent of such an imaginary or shadow vacancy."

Parawise Reply :

1. That with regard to the statement made in para 1 of the OA, the Respondents beg to state that in compliance with the Hon'ble Tribunal's order dated 8.5.2000 in OA No.142/2000, out of the four applicants, the three applicants were appointed against purely temporary posts of Computor (now Compiler) sanctioned for 2001 Census and one applicant was appointed in a temporary resultant vacancy of Asstt. Compiler occurred temporarily due to promotion of incumbent to the higher post sanctioned for 2001 Census. Eleven temporary posts of Compiler were sanctioned w.e.f. 1.2.2000 to 28.2.2001 and only 8(eight) posts of Compiler were extended for a further period of one year upto 28.2.2002. On discontinuation of three posts of Compiler w.e.f. 28.2.2001 as a result of review of the work load of 2001 census, the services of applicants were terminated w.e.f. 28.2.2001.

The applicants then filed an MP No. 67/01 before the Hon'ble Tribunal and the Hon'ble Tribunal granted stay vide order dated 27.2.01 and hence they were continuing in their services on the

strength of stay order till 28.2.2002. The Hon'ble Tribunal, however, disposed of the OA No.142/2000 dated 6.2.2002 with a direction to the respondents to consider the case of these applicants also in the light of the decision rendered by the Gauhati High Court in the WP(C) No.2531/01 to No.2537/01 dated 7.6.01, which was in respect of the census posts and not the regular posts. The workload of 2001 Census is being reviewed from time to time from the progress reports. The Govt. of India, O/O the Registrar General, India, on further review, abolished 6(six) posts of Compiler in DCO, Assam on completion of 2001 Census work on expiry of the term of sanction on 28.2.2002.

The respondents have considered the directions of the Hon'ble Tribunal in its order dated 6.2.2002 in OA No.142/2000, but could not continue the three applicants re-engaged in the post of Compiler due to abolition of census posts in which they were accommodated. As regards Shri Bimalananda Das, who was appointed against the post of Asstt. Compiler fallen vacant temporarily, could not be accommodated in the post as he cannot continue in the post as per the direction of the Hon'ble Tribunal read with Hon'ble Gauhati High courts order dated 7.6.2001 as he never served in the post of Asstt. Compiler during 1991 Census.

2. That with regard to the statement made in para 2 to 4.2 of the OA, the respondents beg to offer no comments.

3. That with regard to the statement made in para 4.3 & 4.4 of the OA, the respondents beg to state that the following applicants were appointed on adhoc basis against the purely temporary posts sanctioned for 1991 Census after getting exemption from the SSC for filling such short-term vacancies.

Sl. No	Name	Post in which appointed		Date of termination
		From	To	
1.	Shri Bimalananda Das	L.D.C. 4.6.93	31.12.93	31.12.93
2.	Shri Nagen Rabha	Computer 4.6.93	31.12.93	31.12.93
3.	Shri Arjun Baruah	Computer 4.6.93	31.12.93	31.12.93

Recruitment to the regular posts in Group 'C' is done through Staff Selection Commission (SSC) only. Regular appointment to the post cannot be done by the respondent without sponsorship from SSC.

On discontinuation of the sanction of these temporary posts created in connection with 1991 Census, the services of the applicant were terminated w.e.f. 31.12.93. The applicants alongwith others however filed an OA No.269/93 before the Hon'ble Tribunal and the Hon'ble Tribunal disposed of the OA No.269/93 on 5.6.98 directing

the respondents to act in accordance with the decision of the Hon'ble Supreme Court in UOI & Ors. VS-Dinesh Kr. Sexena in (1995) 29 ATC 585. In this case the direction of the Hon'ble Supreme Court was to consider the retrenched Census employees "for appointments in any regular vacancies which may arise in the DCO and which can be filled by direct recruitment, if such employees are otherwise qualified and eligible for these posts". The Hon'ble Supreme Court further directed that "the appellants and/or the SSC may also consider giving weightage to the previous service rendered by such employees in the Census Department and their past service record in the Census department for the purpose of this selection to the regular posts. The Hon'ble Court also observed that "the retrenched Census employees will, however, have a right to be considered only if they fulfil all other norms laid down in connection with the posts in question under the Recruitment rules and/or in other departmental regulations/circulars in that behalf." It is submitted that as and when regular vacancies will be available, the applicants shall also be considered alongwith other candidates through the Staff Selection Commission as per law laid down by Hon'ble Supreme Court in the case of Govt. of Tamil Nadu Vs. G. Ammenuddin and others.

A copy of the order of Tribunal dated 5.6.98 in OA No. 269/93 is annexed as Annexure-R/3.

4. That with regard to the statement made in para 4.5 of the OA, the respondents beg to state that the applicants were informed about the factual position after considering their representation dated 25.6.98

vide this office letter No. DCO(E) 34/98/9780 dated 21.9.98 annexed as Annexure-R/4. But the applicants did not respond to any advertisement made by SSC for filling up regular vacancies for DCO, Assam, It is also relevant to state here that during the year 2000, the Government sanctioned a few temporary posts to attend to the additional work of 2001 census to this Directorate w.e.f. 1.2.2000 to 28.2.2001 with a direction to fill up the posts either by promotion or by deputation only. It was specifically instructed that direct recruitment from open market is not to be made in any case for these temporary census posts. The above facts have also been brought to the notice of the Hon'ble Tribunal by filing a Review Application No.5/2000 and 13/2000 on the judgement and order passed in OA No.161/99 dated 16.2.2000 and OA No.76/2000 dated 16.2.2000 and 25.2.2000 respectively. As per direction of the Hon'ble Tribunal passed in O.A. 161/99 and 76/2000, the petitioners were to be absorbed only against the temporary posts created for Census Operation - 2001. Subsequently, the applicants filed a O.A. No. 142/2000 jointly seeking appointment in the then existing vacancies in terms of the judgements of the Hon'ble Tribunal in OAs No. 161/99 and 76/2000. In the interim order dated 8.5.2000 passed in this OA No.142/2000, the Hon'ble Tribunal directed as follows:

“ ...In view of this I am of the opinion that while the concerned authorities may go ahead in calling the prospective candidates on deputation as per Annexxure-3 circular dated 23-24.2.2000, they shall also consider and adjust the present 4 applicants as directed vide order dated 16.2.2000 and

25.2.2000. The benefits of these order would be restricted only to the present 4 applicants who are agitating their cases. It is made clear that this direction shall not apply to other similarly situated persons who have not agitated their rights before the Tribunal. It is further ordered that adjustment/absorption of the applicants in pursuance of the order passed today will not confer any right on the applicants to further continue their services after the census operation is over unless their claims are considered on merits as highlighted in the O.A. List on 29.5.2000 for further order."

The applicants were re-engaged as per the abovesaid order of the Hon'ble tribunal against purely temporary posts created for census 2001. As observed by the Hon'ble Tribunal in the abovesaid order, it was specifically mentioned in their appointment letters that their appointment shall not bestow upon them any right for future continuation in their service after census operation 2001 is over.

5. That with regard to the statement made in para 4.6 of the OA, the respondents beg to strongly deny that the circular dated 23/24.2.2000 issued by the then Director of Census Operations, Assam inviting applications for filling up the census posts by deputation was with a malafide intention. It is submitted that the orders in O.As. No. 161/99 and 76/2000 were passed by the Hon'ble tribunal on 16.2.2000 and 25.2.2000, whereas the circular dated 23/24.2.2000 was issued by the Director of Census Operations, Assam under instructions from Govt. contained in O/O the Registrar

General, India letter No.12011/4/2000-Ad.IV dated 14.2.2000 annexed as Annexue-R/5 that the census posts would be filled up by deputation/promotion only. In this connection, it may be mentioned that the Hon'ble High Court, Gauhati in its judgement dated 30.3.2000 in the Misc Case No.323/2000 (CR No.2924/98), allowed the respondents to fill up the temporary posts by deputation basis. The abovesaid judgement of the Hon'ble High Court dated 30.3.2000 is annexed as Annexure-R/6. Moreover, the Hon'ble Tribunal also in its interim order dated 8.5.2000 in OA No.142/2000 was pleased not to interfere in filling up the census posts by deputation. The directions in the aforesaid order is reproduced below:

“...I have considered the rival arguments. In my opinion staying the operation of Annexure 3 (order) dated 23/24/2.2000 will result in complete stoppage of census work and therefore the prayer of learned counsel for the applicants in this respect cannot be granted....”

It is submitted that the cited order dated 7.6.2001 passed by the Hon'ble High Court is in respect of the census posts only and accordingly the order dated 6.2.2002 passed by the Hon'ble Tribunal finally disposing of OA No. 142/2000 is also in respect of the census posts. The applicants, therefore, can not seek any relief on the strength of these orders in respect of the regular posts as sought for in the present OA.

6. That with regard to the statement made in para 4.7 of the OA, the respondents beg to state that the applicants were appointed against the purely temporary posts of Computer created for 2001 Census and resultant vacancy of Asstt. Compiler caused due to promotion of incumbents to the higher grade of Computer created for 2001 Census in compliance with the Hon'ble Tribunal's order in O.A No142/2000 on 8.5.2000. It is a fact that the Post of Asstt. Compiler is a permanent post, but the post fell vacant temporarily due to temporary promotion of some regular Asstt. Compilers to the posts of Computers. Regular appointment to the post can be done only against a regular vacancy and that too through the designated recruiting agency, i.e. Staff Selection Commission. Besides that there were eight post of Computer available in the directorate during the period from 1.03.2001 to 28.02.2002 against which two applicants were appointed in compliance with the aforesaid judgement of the Honble Tribunal. Sanction of six posts out of eight has been discontinued w.e.f. 01.03.2002. Consequently the services of these applicants were discontinued due to reason stated above. There are no permanent vacancies in this Directorate except a post of Asstt. Compiler which is reserved for OBC (backlog) and the requisition for which is pending with the Staff Selection Commission due to non receipt of Clearance certificate from the MHA. The letter from the SSC asking for the clearance certificate is enclosed as Annexure-R/7. The letter dated 09.04.2001 being referred to in this paragraph has no relevance now, as it is too old and does not tally with the incumbency position obtaining as on date.

The respondents also beg to state that the services of the two applicants holding the post of Computer (Compilers) were discontinued with discontinuation of census post of Computer. Their services could not be regularized as there was no vacancy and the post of Computer is a promotional post. Regularisation cannot take place in a promotional post. Moreover, the Hon'ble Tribunal in the order dated 8/5/2000 directed the respondent to consider these applicants against 2001 Census post only. The Hon'ble tribunal has also ordered that the "adjustment/absorption of the applicant in pursuance of this order passed to-day will not confer any right on the applicants to further continue their services after the Census Operation is over unless their claims are considered on merits"

Copy of the Recruitment Rules for the post of Computer and Asstt. Compiler along with the direction from the Govt. of India' vide letter dt.14/2/2000 for filling up the vacancies are annexed as Annexure-R/8, Annexue-R/9 and Annexure-R/5.

It is submitted that Hon'ble Tribunal passed order dated 6.2.2002 in OA No. 142/2000 and after due consideration, the services of the applicants were terminated w.e.f. 1.3.2002. Therefore, it is not correct to say that their services were terminated during the pendency of OA No. 142/2000. Two statements (Statement-I and Statement-II) indicating incumbency position as on 1.3.2002 in regular and census posts are enclosed as Annexure-R/10 and Annexure-R/11.

7. That with regard to the statement made in 4.8 of the OA, the respondents beg to state that the termination orders of the applicants were passed after the discontinuation of sanction of 2001 Census posts. In the interim order dated 8.5.2000 passed in the OA No. 142/2000, the Hon'ble Tribunal directed as follows:

“ ... It is made clear that this direction shall not apply to other similarly situated persons who have not agitated their rights before the Tribunal. It is further ordered that adjustment/absorption of the applicants in pursuance of the order passed today will not confer any right on the applicants to further continue their services after the census operation is over...”

The applicants were, therefore, re-engaged as per the abovesaid order of the Hon'ble Tribunal against purely temporary posts created for census 2001. As observed by the Hon'ble Tribunal in the abovesaid order, it was specifically mentioned that their appointment shall not bestow upon them any right for future continuation in their service after census operation 2001 is over. It is also submitted that the cited order dated 7.6.2001 passed by the Hon'ble High Court is in respect of the census posts only and accordingly the order dated 6.2.2002 passed by the Hon'ble Tribunal finally disposing of OA No. 142/2000 is also in respect of the census posts. The applicants therefore can not seek any relief on the strength of these orders in respect of the regular posts.

8. That with regard to the statement made in para 4.9 of the OA, the respondent beg to state that most of the deputationists are against the resultant vacancies in the post of Computer, etc. Only two deputationists are continuing against the census posts of Compiler, but they are senior to the applicants by way of the period of continuing to these posts. Therefore the action in continuing these deputationists is not arbitrary and illegal.

9. That with regard to the statement made in para 4.10 of the OA, the respondents beg to offer no comments as the facts of the OA No. 62/2002 are not applicable in this case. However, it is submitted that in view of the facts narrated in this written statement, the applicants donot reserve relief as prayed for.

10. That with regard to the statement made in para 4.11 of the OA, the respondent beg to state that the applicants have misinterpreted the direction of Government contained in circular dt.14/2/2000 issued by the ORGI, New Delhi. The referred term of the circular applies to the promotees from regular Staff against 2001 Census posts. Therefore, the applicants are not at all entitled for absorption on regular basis against the long term vacancies.

11. That with regard to the statement made in para 4.12 of the OA, the respondents beg to say that the application is misconceived and unjustified and that it is a fit case to be dismissed at the admission stage itself on the following grounds .

X^o

(i) The termination order with regard to the applicants was issued after the abolition of 2001 Census posts.

(ii) There is no regular vacancy against core side and therefore the applicants cannot be considered for retention.

(iii) That the applicants cannot be considered for any other category of post as per the Hon'ble High Court's order.

(iv) That the applicants are not even qualified for other categories of posts.

(v) That the applicants cannot be considered for appointment against any direct recruit quota without the sponsorship from the Staff Selection Commission.

12. That with regard to the averments made in paras 5.1 to 5.3, the respondents beg to state that the averments made in these paras are misconceived and baseless as the order dated 6.2.2002 in OA No.142/2000 directs to re-engage the ex-census employees against the temporary posts created in connection with census 2001 only and not against the regular posts or to regularize them against the regular posts. The order dated 6.2.2002 also does not direct the respondents to continue the census posts. The answering respondents respectfully beg to state herein that, neither the Hon'ble Gauhati High Court nor this Hon'ble Tribunal has directed them at any point of time to regularize the services of the applicants against the permanent

vacancies in core posts. But it further stated herein that the applicants cannot be regularized against such permanent vacancies, if any, in core posts, by giving a complete go-by to the relevant Recruitment Rules. This established position of law has also been reiterated time and again by the Hon'ble Supreme Court in a catena of decisions.

13. That with regard to the statement made paras 5.4 and 5.5 of the OA, respondents beg to state that the averments made in these paras are misconceived and baseless as the order dated 6.2.2002 in OA No.142/2000 passed by the Hon'ble Tribunal does not create any right in favour of applicants to be regularized. It is submitted that there is no vacancy in the Directorate in the post of category applicable to the applicants i.e. L.D.C/Compiler against which the applicants could be considered for further continuation. It is also submitted that appointment against the regular posts is to be done in accordance with the recruitment rules framed under the article 309 of the Constitution of India.

14. That with regard to the statement made paras 5.6 and 5.7 of the OA, respondents beg to state that the averments made in these paras are misconceived and baseless as the order dated 6.2.2002 in OA No.142/2000 directs to re-engage the ex-census employees against the temporary posts created in connection with census 2001 only and not against the regular posts or to regularize them against the regular posts.

15. That with regard to the statement made paras 5.8 and 5.9 of the OA, respondents beg to state that the averments made in these paras are misconceived and baseless as termination orders dated 28.2.2002 have been issued as the concerned census posts have been discontinued by Govt. due to reduction of workload of census 2001 and there is no such post available for continuing the applicants beyond 28.2.2002. It is submitted that the order dated 6.2.2002 in OA No.142/2000 directs to re-engage the ex-census employees in the order of their seniority against the temporary posts created in connection with census 2001 only and not against the regular posts or to regularize them against the regular posts.

16. That with regard to the statement made in para 5.10 of the OA, respondents beg to state that the averment made in this para is misconceived and baseless as the employees taken on deputation are either senior to the applicants in the order of their seniority with reference to their period of current service in the census posts or are continuing in the resultant vacancies in the regular posts. It is also submitted that the termination order dated 28.2.2002 has been issued as the concerned census posts have been discontinued by Govt. due to reduction of workload of census 2001 and there are no such posts available for continuing the applicants beyond 28.2.2002. It is submitted that the contention of the applicants that the order dated 6.2.2002 in OA No.142/2000 directs to regularize them is totally wrong.

17. The OA is premature and is hit by Section 20 of AT Act, 1985.

18. With regards to para 7 of OA, the respondents beg to offer no comments.

19. The content of paras 8 and 9 are misconceived and devoid of merit and hence deserve to be dismissed. The applicants are not entitled to any interim relief. The Hon'ble Tribunal may be pleased to reject the O.A. as well the payer for interim relief.

20. It is submitted that Para 10 to 12 need no reply.

VERIFICATION

I, Shri N.C. Sen presently working as Dy. Director of Census Operations, Assam duly authorized and competent to sign this verification, do hereby solemnly affirm and state that the statements, made on para 9, 10 & 16 are true to my knowledge and belief and those made on para 1 to 8 being matter of records, are true to the best my information derived from the office records and rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign the verification this 30th day of April 2002.

Nripendra Chandra Sen
Deponent



Annexure — R-1

No.DCO (E) 285/93/Pt. II/10,956

भारत सरकार
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

फोन,
Phone,

Director: 547396 (O)
382121 (R)
Off. Supdt: 526954
Fax: 0361-547396

दिनांक गुवाहाटी

Dated Guwahati 3/10/2000.

ORDER

In compliance with the Hon'ble Tribunal, Guwahati Bench's order dt. 8/5/2000 in O.A. No.142/2000, the following persons are hereby appointed on a purely temporary basis in the o/e the Director of Census operations, Assam, Guwahati against the posts shown against each of them with effect from the date they take charge of the post for a period upto 28.02.2001 or until further order which ever is earlier.

SL. No.	Name of the Persons	Name of post appointed	Scale of Pay of the post
1.	Shri Bimalananda Das	Asstt. compiler	Rs. 3050-75-3950-80-4590/- per month.
2.	Harish Ch. Rabha	Computer	Rs. 4000-100-6000/- P.M.
3.	Nagen Ch. Rabha	Computer	- do -
4.	Arjun Baruah	Computer	- do -

The above appointments have been made against the purely temporary posts sanctioned for Census of India 2001.

This appointment shall not bestow upon the above persons any right for future continuation in the service after Census Operation 2001 is over.

The above appointments shall automatically stand terminated on the expiry of the above period even if no separate order for termination order is issued.

(A. MEDHI)

ASSTT. DIRECTOR OF CENSUS OPERATIONS
ASSAM : GUWAHATI-7.

dt. 3/10/2000.

Memo.No.DCO (E) 285/93/Pt. II/10,957-963

Copy to :-

1. The R.G.I., 2/A Mansingh Road, New Delhi - 110011.
2. The Pay & Accounts Officer (Census), AGCW & M Building, New Delhi-2.
3. The DDCO / ADCO's,
4. Estt. Branch,
5. Accounts Branch,
6. File No.DCO (E) 21/78/Pt. II/
7. Person concerned.

(A. MEDHI)

ASSTT. DIRECTOR OF CENSUS OPERATIONS
ASSAM : GUWAHATI-7.

Annexure K-2

(24) X5

(135)

The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO. 142/2000

OF 1993

Applicant(s) *Ramon Lendu Das and others.*

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

Advocate for Applicant(s) *M. M. Chandra*
M. N. D. GOWDAR

Advocate for Respondent(s) *C. G. S.*



8.5.2000

Present : Hon'ble Mr A.K. Mishra, Judicial Member.

Mr J.L. Sarkar, learned counsel for the applicants and Mr A. Deb Roy, learned Sr.C.G.S.C for the respondents present.

This case was listed on 31.5.2000 and has ^{been} taken on board ^{today} on the oral submission of the learned counsel for the applicants. Learned counsel for the applicants submits that in this case the respondents have issued Annexure-3 order ignoring the benefit granted to the applicants vide order dated 25.2.2000 for absorption. He further submits that the order dated 25.2.2000 in favour of the applicant Sri Arjun Barua and the order dated 16.2.2000 ~~is~~ passed in O.A.161/99 in favour of other 3 applicants. But the respondents are adopting another mode of recruitment for filling up the vacancies for the census operation 2000-01 ^{by} ignoring the direction of absorbing the applicants for such posts. In view of this the operation

contd..

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es of the Registry	Date	Order of the Tribunal
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8.5.2000

of order of respondents, Annexure-3 dated 23/24.2.2000 be stayed. Learned counsel for the respondents submits that there is no intention to disregard the order passed by the Tribunal. However, a different scheme has been formulated by the Central Government so that after the census operation is over the persons who are proposed to be taken on deputation ^{can} be sent back to the department. Moreover, there is a ban on direct recruitment and hence the question of absorption at the moment cannot be taken in hand by the respondents and therefore the scheme, as formulated by the Central Government relating to filling the posts to carry on the census operation should not be stayed.

I have considered the rival arguments. In my opinion staying the operation of Annexure-3 order dated 23/24.2.2000 will result ⁱⁿ complete stoppage of census work and therefore the prayer of learned counsel for the applicants in this respect cannot be granted. But at the same time the order dated 16.2.2000 and 25.2.2000 passed in two different O.As also cannot lost sight of, in which there were clear directions to the respondents authorities to absorb the applicants on the suitable vacancies in the census operation of 2000-01. In view of this I am of the opinion that while the concerned authorities may go ahead in calling the prospective candidates on deputation as per Annexure-3 circular dated 23/24.2.2000 they shall also consider and adjust the present 4 applicants as directed vide order dated 16.2.2000 and 25.2.2000. The benefits of these orders would be restricted only to the present 4 applicants who are agitating their cases.

contd..



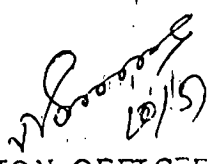
Notes of the Registry	Date	Order of the Tribunal
	8.5.2000	<p>It is made clear that this direction shall not apply to other similarly situated persons who have not agitated their rights before the Tribunal. It is further ordered that adjustment/abandonment of the applicants in pursuance of the order passed today will not confer any right on the applicants to further continue their services after the cent operation is over unless their claims are considered on merits as required in the O.A.</p> <p>List on 29.5.2000 for further order</p>

Sd/MEMBER(J)

Memo. No. 137 Date 15/5/2000

Copy for information and necessary action to:

1. Mr. A. Deb Roy, Sn.C.G.S.C, Central Administrative Tribunal, Guwahati Bench, Guwahati-5.
2. Mr. M. Chanda, Advocate for the applicant, Central Administrative Tribunal, Guwahati Bench, Guwahati-5.


10/5/2000
SECTION OFFICER(J)

Annexure - R-3

25 27

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 269 of 1993.

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 B.Malakar

- 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</u>
1.	Shri Santanu Goswami,	Computer	13.3.1991
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

<u>Sl. No.</u>	<u>Name</u>	<u>Designation</u>	<u>Date of appointment</u> <u>er</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 mention 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

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 1991 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, ⁱⁿ 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.2/5/89-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

82 (31)
(21)

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-RS(Aa- 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) AIR 618/1996 SCC(LAS) 645

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1993

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

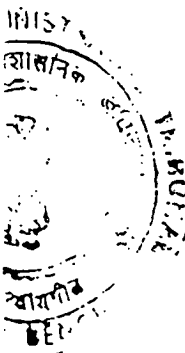
"It is seen that the project in which the respondents were engaged had come to an end and that, therefore, they have necessarily been terminated for want of work. The Court cannot give any direction to re-engage them in any other work or appoint them against existing vacancies. Otherwise, the judicial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



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, Parash, 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



34

-8-
23-
(18)

as services will have to be governed by service rules 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 MTC 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."

Other directions such as relaxation of age were also issued. We have no doubt that Respondent No.3 will take action in the line 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.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMIN)



TRUE COPY

प्रतिलिपि

[Signature]
18/6/98

Section Officer
आनुमान अधिकारी (प्रशासनिक शाखा)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अदिवरण
Guwahati Bench, Guwahati-6
गुवाहाटी बेंच, गुवाहाटी-6

[Signature]
17/6

भारत सरकार
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 21st September/98

To

Shri/Smti

Harish Ch Rabha & 6 others

Sub:- O.A.No.269/93 filed before the Central Administrative Tribunal, Guwahati Bench by Shri Santanu Goswami and 20 others -Vs- Union of India and Others.

Ref:- Your representation dt.

With reference to your representation dt. addressed to the Registrar General, India, New Delhi regarding appointment to the vacant post in this directorate, I am directed to refer to the order of judgement of Hon'ble Tribunal, Guwahati Bench in O.A.No.269/93 dt. 5.6.98 directing the Respondent No.3 to consider the applications as per the Supreme Court's judgement in Union of India -Vs- Dinesh Kr. Saxena & Others in Civil Appeal No.731-69 of 1994. The hon'ble Supreme Court in its verdict dt. 24.2.95 in the aforesaid Civil Appeal observed that it cannot direct the framing of any scheme for the regularisation of the retrenched census employees in the census department since there was not enough work of a permanent nature to keep such extra employees busy throughout. In terms of this verdict the retrenched census employees are to be considered for appointment in any regular vacancies which may arise in the directorate and which can be filled by direct recruitment, if such employees are otherwise qualified and eligible for such posts. For this purpose the length of temporary service rendered by such employees in this directorate before their retrenchment shall be considered for relaxing the age limit, if any for such appointment. The Supreme Court observed that the retrenched employees will have a right to be considered only if they fulfil the other terms laid down in connection with the posts under the recruitment rules/or in other Departmental regulations/circulars in that behalf.

.....2/-

You are therefore advised to apply against any vacancy suiting your qualifications etc. as and when vacancies are notified by this directorate.

This disposes of all your representations including the one dt.



(W. C. SEN) 22/9/88
DEPUTY DIRECTOR OF CENSUS OPERATIONS
ASSAM : GUWAHATI.

- ① Shri Harish Ch Rabha
- ② " Nagen Rabha
- ③ " Jayanta Das
- ④ " Bimalamanda Das
- ⑤ " Karuna Das
- ⑥ Smt. Anima Hazarika
- ⑦ " Ratna Bhattacharya

सर्वोच्च न्यायालय
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, 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 Govts of India and State Govt. offices etc.

Director

18/2/2000

Yours faithfully,

(M. R. Singh)

Under Secretary to the Govt. of India

Annexure → A-6
IN THE GUAHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM, MANIPUR, TRIPURA, MIZORAM & ARUNACHAL PRADESH)

MISC CASE NO. 323/2000 IN CIVIL RULE NO. 2924 OF 1998

MD. ABDUL HUSSAIN & ORS.

UNION OF INDIA & ORS.

- Vs. -

Petitioners

Respondents

P E T I T I O N
THE HON'BLE MR JUSTICE NC JAIN
&
THE HON'BLE MR JUSTICE D BISWAS

For the Petitioners : Mr AS Choudhury, Mr R Majumdar, Mr I Hussain & Mr S Seal, Advs.
For the Respondents : CGSC.
Date of Order : 30.03.2000.

O R D E R

This is an application for staying the circular dated 23.2.2000 which has been annexed with Misc. Case as Annexure-4. other words, the writ petitioners are wanting this court to pass an order to the effect that they should be considered for recruitment as Draftsman in the department of Census. After going through the averments made in the application and the annexures filed along with the application, and after hearing the learned counsel Mr. D Sur, CGSC and Mr AH Saikia, we are of the considered view that the application does not merit acceptance. The circular contemplates the filling up of some posts as shown in Annexure-1 by suitable officials from Central/State Govt. department for appointment by transfer or deputation and that to on ad hoc basis up to 2001. If the Director of Census Operation is wanting some persons on deputation, this court can surely not compel the Director to consider the case of the petitioners for ad hoc appointment. The case of the petitioners is neither covered by the direction issued by the Tribunal in the order impugned in the main writ petition or by any judicial pronouncement.

Finding no merit in the application the same is dismissed.

Sd/- D BISWAS,
Judge.

Sd/- NC JAIN,
Judge.

Memo No.

7265-65

/RM Dated

24/4/2000

Copy forwarded for favour of information & necessary action to:-

1. The Secretary, Govt. of India, Ministry of Home, New Delhi.
2. The Registrar General of India, Census Operation, 2/A, Man Singh Road, New Delhi-11.
3. The Director of Census Operation, Assam, Ulubari, Ghy-7.
4. The Assistant Director of Census Operation Assam, Ulubari, Ghy-7.
5. The Central Administrative Tribunal, Guwahati Bench, Bhangaarh, Ghy

By Order,

Assistant Registrar (U).



Annexure-R-#

BY SPEED POST.

भारत सरकार

कर्मचारी चयन आयोग

क्षेत्रीय कार्यालय (उ. पु. क्ष.)

रुक्मीनि नगर

ए. अ. असम सचिवालय

गुवाहाटी - 781 006

दूरभाष : 224779,

फैक्स : 0361-224779

तारपता : स्ट्यासलकम,

TELEPHONE : 224779

FAX NO. 0361-224779

TELEGRAPHIC ADDRESS : STASELCOM

F.No.SSCG.A-12024/Requisition/99-Rectt./

GOVERNMENT OF INDIA

STAFF SELECTION COMMISSION

REGIONAL OFFICE (NER)

RUKMINI NAGAR, P.O. ASSAM SACHIVALAYA

GUWAHATI - 781 006

Phone : 224779

Fax : (0361) 224779

Date : 29.11.2001.

To,

Shri S.K. Baruah,
Assistant Director of
Census Operations,
Assam G.S. Road,
Ulubari, Guwahati-781007.

Sub:-

Recruitment of Assistant Complier in the O/O the
DCO, Assam, Guwahati.

Sir,

With reference to this office letter of even
number dated 02.07.2001 on the subject cited above, I am to
say that you have not given the information that the vacancies
have been cleared by concerned Screening Committee vide their
letter No.1/13/2001-P&P-I dated 21.06.2001 received from SSC,
Headquarters, New Delhi, alongwith a copy of Deptt. of Perso-
nnel & Training O.M. No.2/8/2001 PIC dated 16.05.2001 on the
above subject.(Copy enclosed).

The information may kindly be sent to us immediately
to take necessary action at this end.

Enclo:As above.

Yours faithfully,

(S. BHATTACHARJEE)
Regional Director(NER).

10248
4/12/01

19.11.01



भारत सरकार

कर्मचारी चयन आयोग

कार्मिक तथा प्रशिक्षण विभाग

कार्मिक, लोक शिकायत तथा पेंशन विभाग

ब्लॉक सं० 12

केन्द्रीय कार्यालय परिसर, लोधी रोड

To

तार पता : स्टायसलकॉम, नई दिल्ली

Telegraphic Address : STASELCOM, NEW DELHI

सं०

P.No.1/13/2001-P&P-I

नं०

GOVERNMENT OF INDIA

STAFF SELECTION COMMISSION

DEPARTMENT OF PERSONNEL & TRAINING

MINISTRY OF PERSONNEL, PUBLIC RELATIONS

& PENSIONS

Block No. 12

KENDRIYA KARYALAY PARISAR

LODI ROAD

नई दिल्ली

21/6/2001

New Delhi-110003

Regional Director/Deputy Director,
Staff Selection Commission,
New Delhi/Mumbai/Chennai/Allahabad/
Guwahati/Kolkata/Bangalore/
Raipur/Chandigarh

Subject:- Optimisation of direct recruitment to civilian posts- Deptt. of Personnel & Training O.M - Action on.

Sir/Madam,

I am directed to enclose a copy of the Deptt. of Personnel & Training O.M. No.2/8/2001-PIC dated 16.5.2001 on the subject cited above with the request that it may please be ensured that the requisitions received by the Regional/Sub-Regional offices now-onward are invariably accompanied by a certificate that the vacancies mentioned therein have been cleared by the concerned Screening Committee and that suitable personnel are not available with the Surplus Call of the Deptt. of Personnel & Training. The contents of the OM may please be scrupulously followed. All urgent measures may please be adopted in this regard under intimation to the Hqs.

Yours faithfully,

B. Chatterji

(B.CHATTERJI)

UNDER SECRETARY (P&P-I)

End: As Above.

Copy, alongwith enclosure forwarded to:-

1. Deputy Secretary (Cont.), New Delhi.
2. Deputy Director (EDP), New Delhi.

a2 (41)

Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 16, May, 2001.

OFFICE MEMORANDUM

Subject: Optimisation of direct recruitment to civilian posts.

2. The Finance Minister while presenting the Budget for 2001-2002 has stated that "all requirements of recruitment will be scrutinised to ensure that fresh recruitment is limited to 1 per cent of total civilian staff strength. As about 3 per cent of staff retire every year, this will reduce the manpower by 2 per cent per annum achieving a reduction of 10 per cent in five years as announced by the Prime Minister".

3. 1.2 The Expenditure Reforms Commission had also considered the issue and had recommended that each Ministry/Department may formulate Annual Direct Recruitment Plans through the mechanism of Screening Committees.

2.1 All Ministries/Departments are accordingly requested to prepare Annual Direct Recruitment Plans covering the requirements of all cadres, whether managed by that Ministry/Department itself, or managed by the Department of Personnel & Training, etc. The task of preparing the Annual Recruitment Plan will be undertaken in each Ministry/Department by a Screening Committee headed by the Secretary of that Ministry/Department with the Financial Adviser as a Member and JS(Admn.) of the Department as Member Secretary. The Committee would also have one senior representative each of the Department of Personnel & Training and the Department of Expenditure. While the Annual Recruitment Plans for vacancies in Groups 'B', 'C' and 'D' could be cleared by this Committee itself, in the case of Group 'A' Services, the Annual Recruitment Plan would be cleared by a Committee headed by Cabinet Secretary with Secretary of the Department concerned, Secretary(DOPT) and Secretary(Expenditure) as Members.

Contd./-----

(P&PI)
469/P&P-I/2001
24/5/01

2.2. While preparing the Annual Recruitment Plans, the concerned Screening Committees would ensure that direct recruitment does not in any case exceed 1% of the total sanctioned strength of the Department. Since about 3% of staff retire every year, this would translate into only 1/3rd of the direct recruitment vacancies occurring in each year being filled up. Accordingly, direct recruitment would be limited to 1/3rd of the direct recruitment vacancies arising in the year subject to a further ceiling that this does not exceed 1% of the total sanctioned strength of the Department. While examining the vacancies to be filled up, the functional needs of the organisation would be critically examined so that there is flexibility in filling up vacancies in various cadres depending upon their relative functional need. To amplify, in case an organisation needs certain posts to be filled up for safety/security/operational considerations, a corresponding reduction in direct recruitment in other cadres of the organisation may be done with a view to restricting the overall direct recruitment to one-third of vacancies meant for direct recruitment subject to the condition that the total vacancies proposed for filling up should be within the 1% ceiling. The remaining vacancies meant for direct recruitment which are not cleared by the Screening Committees will not be filled up by promotion or otherwise and these posts will stand abolished.

2.3. While the Annual Recruitment Plan would have to be prepared immediately for vacancies anticipated in 2001-02, the issue of filling up of direct recruitment vacancies existing on the date of issue of these orders, which are less than one year old and for which recruitment action has not yet been finalised, may also be critically reviewed by Ministries/Departments and placed before the Screening Committees for action as at para 2.2 above.

2.4. The vacancies finally cleared by the Screening Committees will be filled up duly applying the rules for reservation, handicapped, compassionate quotas thereon. Further, administrative Ministries/Departments/Units would obtain beforehand a No Objection Certificate from the Surplus Cell of the Department of Personnel & Training/Director General, Employment and Training that suitable personnel are not available for appointment against the posts meant for direct recruitment and only

Contd./----

94 (43)

accept any indents for Direct Recruitment. Recruiting agencies have been cleared by the concerned Screening Committee and that suitable personnel are not available with the Surplus Cell.

3. The other modes of recruitment (including that of 'promotion') prescribed in the Recruitment Rules/Service Rules would, however, continue to be adhered to as per the provisions of the notified Recruitment Rules/Service Rules.

4. The provisions of this Office Memorandum would be applicable to all Central Government Ministries/Departments/organisations including Ministry of Railways, Department of Posts, Department of Telecom, autonomous bodies - wholly or partly financed by the Government, statutory corporations/bodies, civilians in Defence and non-combatant posts in Para Military Forces.

5. All Ministries/Departments are requested to circulate the orders to their attached and subordinate offices, autonomous bodies, etc. under their administrative control. Secretaries of administrative Ministries/Departments may ensure that action based on these orders is taken immediately.

6. Hindi version will follow.

Harinder Singh
(Harinder Singh)
Joint Secretary to the Govt. of India

To,

1. All Ministries/Departments to the Government of India (as per standard distribution list)
2. Chairman, RRB, SSC, UPSC and C&AG.
3. All Financial Advisers (By name)

Handwritten: Annexure → R-8

Handwritten: 95 (44)

To be Published in the Gazette of India Part-II Section-3 Sub-Section(i)

Government of India
Ministry of Home Affairs
Office of the Registrar General, India

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12/11

New Delhi, the 22.12, 2000.

Notification

G.S.R..... In exercise of the powers conferred by the proviso to article, 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Compiler in the office of the Registrar General, India, the Language Division of the office of the Registrar General, India as well as all the offices of the Directors of Census Operations in the States and the Union territories namely :-

1. **Short title and commencement.**-- (1) These rules may be called the office of the Registrar General, India and the Offices of the Directors of Census Operations in States and Union territories (Compiler) Recruitment Rules, 2000.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. **Application.**-- These rules shall apply to the posts of Senior Compiler in the Office of the Registrar General, India, the Language Division of the said Office of the Registrar General, India located at Calcutta, and each of the Offices of the Directors of Census Operations in the States and Union territories.
3. **Number of posts, classification and scale of pay.**-- The number of the said post, its classification and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the Schedule aforesaid.
4. **Method of recruitment, age limit, educational qualifications etc.**-- The method of recruitment, age limit, educational qualifications and other matters relating to the said post shall be as specified in columns 5 to 14 of the said Schedule.
5. **Disqualification.**-- No person.-
(a) who has entered into or contracted a marriage with a person, having a spouse living, or
(b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said post:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

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Director of Census Operations

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- 216
6. **Power to relax--** Where the Central Government is of opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.
 7. **Saving--** Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the candidates belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

98 (45)

Schedule

Name of post	Number of post	Classification	Scale of pay	Whether selection cum-seniority/selection by merit
(1)	(2)	(3)	(4)	(5)
Compiler	775 (2000) Subject to variation dependent on workload.	General Central Service Group 'C' Non-Gazetted, Non - Ministerial.	Rs. 4000-100-6000	Selection-cum-seniority

Whether benefit of added years of service admissible under rule 30 of the Central Civil Service (Pension) Rules, 1972.	Age limit for direct recruits	Educational and Other Qualifications required for direct recruits
(6)	(7)	(8)
No	Between 18 and 25 years. (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Central Government). Note : The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates except for other than those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of J&K State, Lahaul & Spiti district and Pangi Sub Division of Chamba district of Himachal Pradesh, Andaman & Nicobar Islands or Lakshadweep.	Essential : Degree with Economics or Statistics or Mathematics as a subject from any recognised University.

* Upto 25 years (Relaxable for Govt servants upto 5 years in accordance with the instructions or orders issued by the Central Govt.)

* As per Amendment vide R.G.'s letter no. 16011/21/2000 - Ad. II dt. 9.7.01.

99

Whether age and educational qualifications prescribed for direct recruits will apply in the case of Promotes	Period of probation, if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/absorption and percentage of the post to be filled by various methods	In case of recruitment by Promotion/deputation/absorption, grades from which promotion/deputation/absorption to be made.
(9)	(10)	(11)	(12)
No	Two years for direct recruits.	100% by promotion failing which by deputation and failing both by direct recruitment (Short term vacancies will be filled by promotion or deputation only.)	<p>Promotion: Assistant Compiler in the respective offices with 8 years regular service in the grade of Rs. 3050-75-4590.</p> <p>Deputation/Absorption: Officials of the Central Government/State Government holding analogous posts or with 8 years' regular service in posts in the pay scale of Rs. 3050-4590 or equivalent. Preference will be given to those possessing qualifications prescribed in Col. 8. (Period of deputation shall ordinarily not exceed 3 years). The maximum age limit for appointment by deputation should not exceed 56 years as on the closing date of receipt of applications.</p>

99 (46)

If a departmental Promotion Committee exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
(13)	(14)
<p><u>Group 'C' Departmental Promotion Committee (for the office of the Registrar General, India) :</u></p> <ol style="list-style-type: none"> 1. Deputy Director(Admn.)/Under Secretary(Admn.) - Chairman 2. Assistant Director (Admn.) - Member 3. A Group 'A' officer of another Central Government office preferably belonging to the Scheduled Castes/Scheduled Tribes - Member <p><u>Group 'C' Departmental Promotion Committee (for the Language Division at Calcutta) :</u></p> <ol style="list-style-type: none"> 1. Deputy Registrar General (Language) or Assistant Registrar General (Language) - Chairman. 2. Assistant Registrar General (Language) or Linguist or Research Officer (Languages) or Assistant Director of Census Operation (Technical) - Member. 3. A Group 'A' officer of another Central Government Office preferably belonging to the Scheduled Castes/the Scheduled Tribes - Member. <p><u>Group 'C' Departmental Promotion Committee (for the respective census Directors of Census Operations in States/Union territories) :</u></p> <ol style="list-style-type: none"> 1. Deputy Director/Assistant Director of Census Operations (Technical) - Chairman 2. Assistant Director of Census Operations (T) or Assistant Director of Census Operations - Member 3. A Group 'A' officer of another Central Government office, preferably belonging to the Scheduled Castes/Scheduled Tribes - Member 	Not applicable

To,

The Manager,
Government of India Press,
Mayapuri (Ring Road),
New Delhi.

Jayanthi
22/12/21

(J.K. Banthia)
Registrar General, India
F. No. A-16011/21/2000-Ad.II

Copy To :-

1. All Directors of Census Operations.
2. Ministry of Law (RRs Section) with the reference to their U.O. No. 2782/2000 dt. 23.11.2000.
3. All Divisions Heads.
4. US(Ad.IV)/DD(Ad.II)/DD(HQrs.)/Accounts Officer.
5. P.S. to RGI/ P.S. to JRG(I)
6. Secretary General, All India Census Employees Association, Bhubaneswar.
7. Order file.
8. Printing Section will the request to obtained 50 copies of Gazette from the Govt. Press after the publication.

Govt. of India
Ministry of Home Affairs
Office of the Registrar General, India

New Delhi, 3/5/2000

Notification

Handwritten: a/c (E) R/R for file, NCC, 18/5/2000, 2/5/2000
G.S.R.....In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of the Recruitment Rules 1984 in so far as they relate to the post of Assistant Compiler except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment to the said posts of Assistant compiler in the offices of the Registrar General, India as well as all the offices of the Directors of Census Operations in the States and the Union Territories viz:-

1. **Short title and commencement-** (1) These rules may be called the office of the Registrar General, India and the offices of the Directors of Census Operations in States and Union Territories (Assistant Compiler) Recruitment Rules, 2000.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. **Application-** These rules shall apply to the post of Assistant Compiler in the office of the Registrar General, India and the offices of the Directors of Census Operations in the States and Union Territories.

3. **Number of posts, classification and scale of pay-** The number of said posts, its classification, and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the Schedule annexed to these rules.

4. **Method of recruitment, age limit, educational qualifications etc.-** The method of recruitment, age limit, educational qualifications and other matters relating to the said posts shall be as specified in columns 5 to 14 of the Schedule aforesaid:

Provided that the appointing authority concerned may, if it considers necessary or expedient so to do, and subject to such conditions as it may specify in this behalf, having regard to the circumstances of the case and for reasons to be recorded in writing, order any vacancy in the said posts in any of the offices to which these rules apply and in relation to which he is the appointing authority to be filled by the absorption of a person holding the same post in any of the other offices to which these rules apply, provided that the person to be absorbed has made a request in writing for such absorption.

Provided further that the person so absorbed shall be placed below all persons already appointed on regular basis to the grade to which he is appointed on such absorption.

5. **Disqualification-** No person,-

- (a) who has entered into or contract a marriage with a person having a spouse living, or
 - (b) who, having a spouse living, has entered into or contracted a marriage with any persons,
- shall be eligible for appointment to the said post:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

6. **Power to relax-** Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by Order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

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7. **Saving-** Nothing in these rules shall affect reservations, relaxation of age limit, and other concession required to be provided for the candidates belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

Name of post	Number of post	Classification	Scale of pay	Whether selection-cum-seniority/Selection-by-ment
1	2	3	4	5
Assistant Compiler	468 (2000)	General Central Service Group 'C' Non-Gazetted, Non-Ministerial.	Rs. 3050-75-4590	Selection-cum-seniority
	Subject to variation dependent on workload			

Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational and other Qualifications required for direct recruits
6	7	8
No	<p>27 years. (Relaxable upto 35 years for Govt. servants in accordance with the instructions of orders issued by the Central Government).</p> <p>Note: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India except for the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladhak Division of Jammu & Kashmir, Lahul & Spiti District and Pangi sub-division of Chamba district of Himachal Pradesh, Andaman & Nicobar Islands or Lakshadweep).</p> <p>In respect of posts, the appointments to which are made through the Employment Exchanges, the crucial date for determining the age limit shall, in each case, be the crucial date indicated in the notification issued by the Employment Exchanges.</p>	<p>Essential :</p> <ol style="list-style-type: none"> 1) Matriculates or equivalent. 2) Minimum speed of 30 words per minute in type writing in English or 25 words per minute in typewriting in Hindi. <p>Desirable : ✓ Computer proficiency with 'O' level certificate recognised by Deptt. Of Electronics in Govt. of India.</p>

Whether age and educational qualifications prescribed for direct recruits will apply in the case of Promotees	Period of probation, if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/ Absorption and percentage of the post to be filled by various methods	In case of recruitment by Promotion/Deputation/Absorption, grades from which promotion/deputation/absorption to be made
9	10	11	12
Age: No Qualifications : - yes	2 years	<p>(i) 85 % by direct recruitment failing which by deputation/absorption.</p> <p>(ii) 15% by promotion failing which by deputation/absorption.</p> <p>(Short terms vacancies</p>	<p>Promotion : 15% of the vacancies in each of the offices shall be reserved for being filled up by Group 'D' employees borne on the regular establishment of the respective offices, subject to the following conditions :-</p> <p>(a) The maximum age limit for consideration would be 45 years (50 years for the Scheduled Castes, the Scheduled Tribes) and</p>

		will be filled by promotion or deputation only)	<p>(b) At least 8 year's service in a Group 'D' post in the pay scale of Rs. 2550-3200 or 6 years in the pay scale of Rs. 2610-3540 or 4 years in the pay scale of Rs. 2650-4000 would be essential. The maximum number of recruits by this method would be limited to 15% of the vacancies occurring in a year in the respective offices, and unfilled vacancies would not be carried forward.</p> <p>Deputation: Officials of the Central Government/State Government holding analogous posts or with at least 6 years regular service in posts carrying pay scale of Rs. 2610-3540 or with at least 8 years regular service in posts carrying pay scale of Rs. 2550-3200 and having qualifications and typing proficiency as per standard prescribed in col. 8. Computer proficiency is desirable.</p>
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If a departmental Promotion Committee exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
13	14
<p>Group 'C' Departmental Promotion Committee (for the office of the Registrar General, India) :</p> <ol style="list-style-type: none"> 1. Deputy Director(Admn.)/Under Secretary(Admn.) - Chairman 2. Assistant Director (Admn.) - Member 3. A Group 'A' officer of another Central Government office preferably belonging to the Scheduled Castes/Scheduled Tribes - Member <p>Group 'C' Departmental Promotion Committee (for the Language Division at Calcutta) :</p> <ol style="list-style-type: none"> 1. Deputy Registrar General (Language) or Assistant Registrar General (Language) - Chairman. 2. Assistant Registrar General (Language) or Linguist or Research Officer (Languages) or Assistant Director of Census Operation (Technical), - Member. 3. A Group 'A' officer of another Central Government Office preferably belonging to the Scheduled Castes/the Scheduled Tribes - Member. <p>Group 'C' Departmental Promotion Committee (for the respective census Directors of Census Operations in States/Union territories) :</p> <ol style="list-style-type: none"> 1. Deputy Director/Assistant Director of Census Operations (Technical) - Chairman 2. Assistant Director of Census Operations (T) or Assistant Director of Census Operations - Member 3. A Group 'A' officer of another Central Government office, preferably belonging to the Scheduled Castes/Scheduled Tribes - Member 	Not applicable

F. No. A-12032/5/98-Ad.II

To

The Manager,
Government of India Press,
Mava Puri, Ring Road,
New Delhi

Jayant Kumar
(J. K. Banthia)
Registrar General, India

Copy To :-

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1. All Directors of Census Operations.
2. Ministry of Law (RRs Section) with the reference to their U.O. No. 337/2000 dt. 16.2.2000.
3. US(Ad.IV)/DD(Ad.II)/DD(HQrs.)/Accounts Officer.
4. P.S. to RGI / P.S. to JRG(I)/P.S. to Consultant.
5. Hindi Cell for Hindi Version.
6. Secretary General, All India Census Employees Association, Bhubaneswar.
7. Order file.
8. Printing Section will the request to obtained 50 copies of Gazette from the Govt. Press after the publication.

STATEMENT - I

Name of the DCO: ASSAM, Guwahati
 CORE POSTS
Incumbency position as on 1.3.2002

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
1.	Joint Director (10000-15200)	1	1	-	The post was filled up and transferred to DCO, Nagaland alongwith the incumbent.
2.	Deputy Director Of Census Operations (10000-15200)	3	3	-	1. Sri N.C. Sen 2. Sri B.L. Sarmah 3. Sri S.S. Hiramath
3.	Assistant Director Of Census Operations (T) (8000-13500)	3	-	3	1. 2. To be filled up by ORGI. 3.
4.	Statistical Investigator Gr. I (6500-10500)	4	4	-	All the four posts sanctioned/earmarked for the Directorate consequent to restructuring of Statistical cadre w.e.f. 29.9.2000. The posts have been filled up by promoting the following incumbents: - 1. Sri B.M. Talukdar 2. Sri P. Kalita

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
					3. Sri G.K. Dutta 4. Sri A.C. Borgohain
5.	Statistical Investigator Gr. II (5500-9000)	4	4	-	4 posts sanctioned and earmarked for Directorate as a result of restructuring of Statistical cadre. The following incumbents are occupying the 4 posts: - 1. Sri R. Dihingia 2. Sri J.N. Bordoloi 3. Sri P.K. Borah 4. Sri B. Saikia.
6.	Statistical Investigator Gr. III (5000-8000)	10	9	1	Originally, 10 posts were filled up by appointing the following incumbents through various modes contained in Recruitment Rules. The permanent holders of these posts are: - 1. Sri T.D. Sinha 2. Sri K.C. Patwary 3. Sri B.N. Sharma 4. Sri B.K. Bhattacharjee 5. Sri R.C. Hazarika 6. Sri D.N. Barman

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
					<p>7. Sri Ramani Barman 8. Sri Bipul Kumar Baruah 9. Sri R.P. Neog 10. Sri B.K. Pawe</p> <p>1 resultant vacancy has occurred due to temporary / adhoc promotion of the senior-most SI Gr. III (Sri T.D. Sinha) to a temporary and short term post created for Census-2001.</p>
7.	Sr. Compiler (4500-7000)	7	7	-	<p>As a result of restructuring of Statistical Cadre, 7 posts of Sr. Compiler have been sanctioned / earmarked for the Directorate. The posts are held permanently by the following incumbents:-</p> <p>1. Sri K.K. Bhattacharjee 2. Sri B.C. Kakoty 3. Sri N.C. Barman 4. Sri H.N. Kalita 5. Sri C. Chakraborty 6. Sri D. Hazarika 7. Sri D.B. Baruah</p>

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
					<p>Out of 7 regular incumbents in the grade of Sr. Compiler on core side, the following have been promoted temporarily and on adhoc basis against 5 posts of SI Gr. III created for main Census Operations – 2001: -</p> <ol style="list-style-type: none"> 1. Sri K.K. Bhattacharjee 2. Sri B.C. Kakoty 3. Sri N.C. Barman 4. Sri H.N. Kalita 5. Sri C. Chakraborty <p>Next senior and eligible incumbents in the grade of Sr. Compiler have been promoted against 2 posts SA (SI Gr. III) temporarily created for Data Centre in the Directorate: -</p> <ol style="list-style-type: none"> 1. Sri D. Hazarika 2. Sri D.B. Baruah <p>Thus all the 7 permanent and regular incumbents in the grade of Sr. Compiler have been promoted on adhoc basis against 5</p>

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
					<p>Posts of SI Gr. III and 2 posts of SI Gr. III created for Census – 2001 operations and Data Centre.</p> <p>7 resultant vacancies in the grade of Sr. Compiler, due to adhoc promotion of 7 regular incumbents against the temporary posts of SI Gr. III (Census Operations) and SI Gr. III (Data Centre) have been filled up by promoting the following 7 incumbents on adhoc basis in the grade of Compiler on core side: -</p> <ol style="list-style-type: none"> 1. Sri B.K. Barman 2. Sri Prakash Baruah 3. Smt. P. Bhattacharjee 4. Sri C.N. Ojha 5. Sri K.C. Baishya 6. Sri A.K. Baruah 7. Sri T.C. Goswami <p>Thus, there is no vacancy in the grade of Sr. Compiler on core side.</p>

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
8.	Compiler (4000-6000)	19	19	-	<p>Originally all the 19 posts are occupied on regular basis with the following incumbents: -</p> <ol style="list-style-type: none"> 1. Sri B.K. Barman 2. Sri Prakash Baruah 3. Smt. P. Bhattacharjee 4. Sri C.N. Ojha 5. Sri K.C. Baishya 6. Sri A.K. Baruah 7. Sri T.C. Goswami 8. Sri Arun Hazarika 9. Sri L.C. Borah 10. Sri M. Konwar 11. Sri P.K. Sharma 12. Sri B.C. Das 13. Sri A.C. Deka 14. Smt. Khana Das 15. Smt. P. Chaudhury 16. Sri Lohit Das 17. Sri Bukul Chutia 18. Sri D.R. Bora 19. Sri D.R. Baishya

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
					<p>Seven seniormost Compilers named below on core side have been promoted temporarily against 7 (seven) resultant vacancies of Sr. Compiler also on core side as explained at Sl. No. 7 above: -</p> <ol style="list-style-type: none"> 1. Sri B.K. Barman 2. Sri Prakash Baruah 3. Smt. P. Bhattacharjee 4. Sri C.N. Ojha 5. Sri K.C. Baishya 6. Sri A.K. Baruah 7. Sri T.C. Goswami <p>After adhoc promotion of the above-persons against the resultant vacancies in the posts of Sr. Compiler on core side, the following regular incumbents are holding 12 permanent posts in the grade of Compiler: -</p> <ol style="list-style-type: none"> 1. Sri Arun Hazarika 2. Sri L.C. Borah 3. Sri M. Konwar 4. Sri P.K. Sharma 5. Sri B.C. Das

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
					<p>6. Sri A.C. Deka 7. Smt. Khana Das 8. Smt. P. Chaudhury 9. Sri Lohit Das 10. Sri Bukul Chutia 11. Sri D.R. Bora 12. Sri D.R. Baishya</p> <p>6 out of 7 (seven) resultant vacancies occurring in the grade of Compiler have been filled up by temporary and adhoc promotion of 6 eligible regular Asst. Compilers on core side. They are as indicated below: -</p> <p>1. Sri L.K. Nath 2. Sri R. Kt. Deka 3. Sri M.N. Sharma 4. Sri Niranjana Das 5. Sri S. Swargiary 6. Sri A. Hazoary</p> <p>Remaining one resultant vacancy has been filled up by appointing the following person by deputation: -</p>

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
					1. Sri Keshab Goswami Thus, all the 19 posts in the grade of Compiler on core side now stand filled up as on 1.3.2002.
9.	Asst. Compiler (3050-4590)	19	16	3	Out of 19 sanctioned posts, 18 are filled up and occupied permanently by the following incumbents: - 1. Sri L.K. Nath 2. Sri R. Kt. Deka 3. Sri M.N. Sharma 4. Sri Nirenjan Das 5. Sri S. Swargiary 6. Sri A. Hazoary 7. Smt. Dipti Sharma 8. Sri B. Baishya 9. Md. S.N. Haque 10. Sri A. Barthakur 11. Sri Parag Das 12. Sri Balen Kalita 13. Sri K. Boro 14. Sri A. Chakraborty 15. Sri N. Boro

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
					<p>16. Smt. D. Doley</p> <p>17. Sri Nabajyoti Sharma</p> <p>18. Sri K. Tumang</p> <p>One regular post is vacant, which is reserved for OBC for which recommendation of SSC is awaited.</p> <p>From among 18 permanent and regular Asst. Compilers mentioned above, the following 6 (six) eligible Asst. Compilers have been promoted temporarily against 6 out of 7 resultant vacancies in the grade of Compiler: -</p> <ol style="list-style-type: none"> 1. Sri L.K. Nath 2. Sri R. Kt. Deka 3. Sri M.N. Sharma 4. Sri Niranjan Das 5. Sri S. Swargiary 6. Sri A. Hazoary <p>Since no more Asst. Compilers are eligible, one remaining resultant vacancy in the grade of Compiler has been filled up by deputation.</p>

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
					<p>The following incumbents are presently occupying on permanent basis 12 posts of Asst. Compiler: -</p> <ol style="list-style-type: none"> 1. Smt. Dipti Sharma 2. Sri B. Baishya 3. Md. S.N. Haque 4. Sri A. Barthakur 5. Sri Parag Das 6. Sri Balen Kalita 7. Sri K. Boro 8. Sri A. Chakraborty 9. Sri N. Boro 10. Smt. D. Doley 11. Sri Nabajyoti Sharma 12. Sri K. Tumang <p>Out of 7 vacancies, 4 have been filled up by deputation and the names of deputationists are indicated below: -</p> <ol style="list-style-type: none"> 1. Smt. Seema Kumari 2. Sri Ameo Kumar Das 3. Smt. D. Lahkar 4. Sri B. Das

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
					<p>Thus, they are now 3 vacancies in the grade of Asst. Compiler. 2 are resultant vacancies and 1 vacancy is permanent one reserved for OBC for which the recommendation of SSC is awaited.</p> <p>It may be noted that when all the posts created for 2001 census are abolished and the officiating officials are reverted back to their original posts in which they hold permanent lien, there will remain one regular vacancy only which is reserved for OBC to filled up through SSC.</p>
10.	Sr. Geographer (6500-10500)	1	1	-	Filled up permanently by appointing Sri Kailash Das.
11.	Cartographer (5500-9000)	1	1	-	Filled up by appointing Sr. A. Sharma on deputation basis.
12.	Sr. Draftsman (5500-9000)	2	2	-	<p>Originally 2 permanent posts are filled up on permanent basis and incumbents are: -</p> <p>1. Smt. S.K. Chetia 2. Smt. Minu Kalita</p>

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
					<p>Smt. S.K. Chetia has been temporarily promoted against one temporary post of Sr. Drawing Assistant for Census-2001. Smt. Minu Kalita is permanently holding one permanent post of Sr. Draftsman.</p> <p>1 resultant vacancy which occurred due to temporarily promotion of Smt. S.K. Chetia to census post of Sr. Drawing Assistant has been filled up by temporary / adhoc promotion of Smt. R. Mazumdar (permanent Draftsman).</p> <p>Smt. Biju Mahanta, seniormost permanent Draftsman has been temporarily promoted against one temporary post of Sr. Draftsman created for Census – 2001.</p>
13.	Draftsman (5000-8000)	3	1	2	<p>3 permanent posts of Draftsman are originally filled up with the following incumbents: -</p> <ol style="list-style-type: none"> 1. Smt. Biju Mahanta 2. Smt. R. Mazumdar 3. Smt. Mamani Kalita

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
					<p>Smt. Biju Mahanta has been temporarily promoted against a temporary census post of Sr. Draftsman.</p> <p>Smt. R. Mazumdar has been promoted on adhoc basis against the resultant vacancy in the grade of Sr. Draftsman caused on account of temporary promotion of Smt. S.K. Chetia, permanent Sr. Draftsman against a temporary census post of Sr. Drawing Assistant.</p> <p>Smt. Mamani Kalita is holding one permanent post of Draftsman at present.</p> <p>There thus remain 2 resultant vacancies in the regular grade of Draftsman. If the census posts are abolished and the above incumbents who hold permanent lien are reverted to their substantive posts, there will be no vacancy in the grade of Draftsman on core side.</p>

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
14.	Proof Reader (4500-7000)	1	1	-	Permanent holder of the post is Sri S.N. Rabha. He has been promoted on temporary basis against a temporary census post of Printing Inspector. The resultant vacancy has been filled up by deputation (Smt. Cinema Medhi).
15.	HPMO (3050-4590)	1	1	-	Sri B. Kt. Hazarika is holding the post on deputation. He is likely to be absorbed permanently.
16.	Office Superintendent (5500-9000)	2	2	-	Filled up on permanent basis: - 1. Sri A.C. Gayan 2. Sri N.N. Pathak.
17.	Sr. Stenographer (5000-8000)	1	1	-	The post is permanently held by Sri K.N. Gogoi. He has been promoted against a census post of Confidential Assistant. The resultant vacancy is filled up by appointing Smt. R. Gupta by promotion on temporary basis. If the temporary post of Confidential Asst. is subsequently abolished, the present incumbent in the post of Sr. Stenographer,

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
					Smt. R.Gupta, will have no post to occupy. She may have to be adjusted against any vacancy in future even in the lower grade of UDC.
18.	Sr. Hindi Translator (5500-9000)	1	-	1	The post is permanently held by Sri M.S. Chouhan. He has been temporarily promoted against a temporary post of Assistant Director (OL) sanctioned for Census – 2001. The post is lying vacant.
19.	Assistant (5000-8000)	3	3	-	Filled up on permanent basis: - 1. Sr. R.M. Borah 2. Sri B.K. Chaudhury 3. Sri B.N. Borah
20.	UDC (4000-6000)	4	3	1	4 posts permanently held by: - 1. Smt. S. Deb Purkayatha 2. Sri L.D. Joshi 3. Sri D. Das 4. Sri B. Seal

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
					<p>Smt. S. Deb Purakayatha and Sri L.D. Joshi have been promoted temporarily against 2 posts of Census – 2001.</p> <p>Sri D. Das and Sri B. Seal are holding 2 permanent posts of UDC at present.</p> <p>As against 2 resultant vacancies, one has been filled up by giving temporary promotion to one LDC (Sri Nabin Das). No other LDC is eligible and hence one resultant vacancy exists. The post of UDC is a promotional post.</p>
21.	LDC (3050-4590)	5	5	-	<p>The following are permanent holders of 4 posts: -</p> <ol style="list-style-type: none"> 1. Sri Nabin Das 2. Sri S. Rabha 3. Sri B.C. Gogoi 4. Smt. K. Deka <p>The seniormost person Sri Nabin Das has been allowed to officiate against a resultant vacancy in the grade of UDC.</p>

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant posts	Remarks/Present status of recruitment.
1	2	3	4	5	6
					Two vacant posts of LDC stand filled up by appointing on deputation basis the following persons:- 1.Sri M. Wari 2.Md. T. Ahmed
22.	Gestetner Operator (3050-4590)	1	1	-	Filled up permanently Shri Ramashis Rai
23.	Daftry (2610-3540)	3	3	-	Permanently filled up. Incumbents are :- 1.Sri B.K. Hazarika Holding the post of HPMO on deputation. 2.Sri U.C. Hazarika 3.Sri S. Haloi
24.	Peon (2550-3200)	8	8	-	Filled up permanently and holders of the posts are:-

No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
					1.Sri B. Haloi 2.Sri S. Bharali 3.Sri R. Bejbaruah 4.Sri P. Medhi 5.Sri Atul Baruah 6.Sri H. K. Chamua 7.Smt.B. Maya Chetry 8.Sri R. Hazang 9.Sri Bhusan Deka Sri B. Haloi has been promoted on adhoc basis against a temporary post of Daftry created for Census -2001. Sri S. Bharali has been temporarily promoted against the deputation vacancy. The resultant vacancy has been filled up by appointing Sri S. Deka on casual basis for a short period.
25.	Chowkidar (2550-3200)	6	6	-	1.Md. Sofik Ali 2.Sri Bipul Saikia 3.Sri Dharani Deka 4.Sri Girish Deka 5.Sri Sunanda Das 6.Sri Rup Kumar Das

Sl. No.	Name of the Post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
26.	Staff Car Driver (3050-4590)	1	1	-	Sri B.B. Rabha
27.	Sweeper (2550-3200)	1	1	-	Sri. Uma Das
<u>CANTEEN</u>					
28.	Coupon Clerk (3050-4590)	1	1	-	Sri Deben Das
29.	Cook (3050-4590)	1	1	-	Sri Hiteswar Hazarika
30.	Tea Maker (2610-4000)	1	1	-	Sri Dipak Medhi
31.	Bearer (2610-4000)	1	1	-	Sri Prasanna Das
32.	Wash Boy (2550-3200)	1	1	-	Sri Hasher Ali

S No.	Name of Post	No. of Sanctioned posts (As per SIU)	No. of Posts filled up	Vacant Posts	Remarks/Present status of recruitment.
1	2	3	4	5	6
DDE System					
33.	Sr. Supervisor (5500-9000)	3	3	-	1.Sri Kumud Kalita 2.Sri S.Mukherjee 3.Sri B.Barpujari
34	Jr. Supervisor (5000-8000)	9	9	-	<p>1. Sri M.J. Tamuly 2. Sri Dilip Kr. Das 3. Sri Jayanta Ghosh 4.Sri Nayan Borah 5.Sri M.Rajkhowa 6. Sri A.Talukdar 7. Smt. R.Sharma 8. Smt. P.Medhi 9. Sri Ratul Das 10.Sri Biren Das</p> <p>9 (nine) permanent posts of Jr. Supervisor stand filled up with the following incumbents: Shri M.J. Tamuly, Sr. most Jr. Supervisor has been promoted temporarily on adhoc basis as Sr. Supervisor against 2001 Census posts. The resultant vacancy has been filled up by promoting on adhoc basis Sri Biren</p>

						Das, DEO-B. Thus at present all posts are filled up.
35	DEO Gr. 'B' (4500- 7000)	45	38	7	1.Sri Biren Das 2.Sri Samarjit Das 3.Sri S.Dutta 4.Sri D.Bordoloi 5.Md. A.Motin 6.Sri D.K.Baruah 7.Sri H.Boro 8.Sri M.Roy 9.Sri S.M. Bora 10.SriM. Basumatary 11.Sri Nimai Roy 12.Sri B. Phukan 13.Smt. Deepa Baruah 14.Sri Ajit Kalita 15.Sri S. Mudai 16.Smt. M. Devi 17.Sri T.N. Baruah 18.Sri Nitul Dutta 19.Sri D. Chakraborty 20.Sri Bipul Kalita	<p>Out of 45 sanctioned posts 39 have been filled up on permanent basis with the following incumbents:</p> <p>Sri Biren Das, Sr. most DEO-B has been promoted temporarily on adhoc basis as Jr. Supervisor against the post vacated by Shri M. J. Tamuly, Jr. Supervisor and Shri Das will be reverted back to his original post i.e. DEO-B on reversion of Sri Tamuly. Thus there are 39 DEO-Grade-B holding the posts permanently. Although there are seven vacancies in the post of DEO-B, six vacancies are regular and one is resultant.</p>

Sl. No.	Name of the post	No. of sanctioned posts (As per SIU)	No. of posts filled up	Vacant posts	Remarks/present status of recruitment
1	2	3	4	5	6
					21. Sri U. Talukdar 22. Sri B. Thakur 23. Sri N. Hazarika 24. Smt. M.M. Chetia 25. Sri A. Rabha 26. Smt. B. Sonowal 27. Sri P. Borkakoti 28. Sri Kishor Deka 29. Sri B. Naidu 30. Sri Nanju Englang 31. Sri S. Morang 32. Sri R. Bhuyan 33. Sri M.N. Sharma 34. Sri P. Haloi 35. Sri Jiten Nath 36. Sri U. Saikia 37. Md. Z. Hussain 38. Sri Dipak Baruah 39. Sri Pradeep Das 40. Vacant 41. Vacant 42. Vacant 43. Vacant 44. Vacant 45. Vacant
36.	Loader (2550-3200)	4	4	-	1. Sri Kameshwar Deka 2. Sri Sadananda Sharma 3. Sri H. Talukdar 4. Sri Tapeswar Deka
	Total	181	163	18	

N.B.

I. Data Entry Operator, Grade 'B' is a highly technical post for which following qualifications are required.

1. Graduate with Science, Mathematics, Commerce, Economics and Statistics as a subject.
2. One year Certificate of proficiency in Computer from a recognised Govt. institution preferably 'O' Level Certificate recognised by Department of Electronics in Govt. of India.
3. A speed not less than 8000 key depression per hour for data entry work.
4. Should qualify in the Personal Computer skills test.

The vacancies of DEO, Grade 'B' have been circulated for filling up on deputation basis.

II. There are some temporary resultant vacancies on core side due to temporary promotion of the incumbents against temporary census posts. After expiry of sanction period and on abolition of census posts, the incumbents who have been promoted will be reverted to their original posts on core side in which they permanent lien.

V/annexure → R-11

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STATEMENT - II

Name of the DCO: ASSAM, Guwahati

CENSUS POSTS

Status of the posts sanctioned for Census Operation - 2001 as on 1.3.2002

Sl. No.	Name of the Post	No. of sanctioned posts	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
1.	Joint Director Of Census Operations (10000-15200)	1	-	1	To be filled up by ORGI.
2.	Assistant Director Of Census Operations (G) (8000-15200)	1	-	1	To be filled up by ORGI.
3.	Research Officer (Map) (8000-15200)	1	1	-	The post has been filled up by transferring Sri K.C.S. Bhagabati from DCO, Bihar.
4.	Statistical Investigator Gr. II (5500-9000)	1	1	-	The permanent and regular incumbent Sri T.D. Sinha has been promoted against this temporary / short term post of SI Gr. II extended w.e.f. 31.1.2003.

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Sl. No.	Name of the Post	No. of sanctioned posts	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
5.	Assistant (5000-8000)	2	2	-	The following regular incumbents in the grade of UDC on core side have been promoted on adhoc basis :- 1. Smt. S.D. Purkayastha 2. Sri L.D. Joshi
6.	Confidential Assistant (5500-9000)	1	1	-	The following incumbent holding permanently the post in the permanent post of Sr. Stenographer on core side has been promoted :- 1. Sri K.N. Gogoi
7.	Sr. Drawing Assistant (6500-10500)	1	1	-	Filled up by temporary and adhoc promotion of Smt. S.K. Chetia, permanent Sr. Dratsman from core side.
8.	Sr. Technical Assistant (Printing) (5500-9000)	-	-	-	The post has been abolished w.e.f. 1.3.2002.

Sl. No.	Name of the Post	No. of sanctioned posts	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
9.	Sr. Draftsman (5500-9000)	1	1	-	The post has been filled up by promoting on temporary basis of Smt. Biju Mahanta (permanent Draftsman)
10.	Printing Inspector (5000-8000)	1	1	-	Sri S.N. Rabha has been promoted on temporary basis from the post of Proof Reader (regular incumbent).
11.	Statistical Investigator Gr. III (5000-8000)	5	5	-	The posts have been filled up by promoting on adhoc basis. The following regular incumbents from the grade of Sr. Compiler on core side: - 1. Sri K.K. Bhattacharjee 2. Sri B.C. Kakoty 3. Sri N.C. Barman 4. Sri H.N. Kalita 5. Sri C. Chakraborty
12.	Compiler (4000-6000)	2	2	-	Out of 8 posts originally sanctioned for Census - 2001, 6 posts have been abolished, and 2 posts have been extended w.e.f. 1.3.2002 upto 31.1.2003. These two posts have been filled up by deputation temporarily. Two deputationists are: -

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Sl. No.	Name of the Post	No. of sanctioned posts	No. of posts filled up	Vacant Posts	Remarks/Présent status of recruitment
1	2	3	4	5	6
					1. Sri Rupram Baruah 2. Sri N. Talukdar
13.	UDC (4000-6000)	2	2	-	Filled up by deputation: - 1. Smt. Caroline S. Dhar 2. Sri Gopal Deka
14.	Daftary (2610-3540)	1	1	-	Sri B. Holoi Temporarily promoted from the post of Peon (regular incumbent).
15.	Assistant Director (OL)	1	1	-	Sri M.S. Chauhan Temporarily promoted from the post of Sr. Hindi Translator (regular incumbent).
16.	Hindi Typist (3050-4590)	-	-	-	1 post sanctioned for Census - 2001 has been abolished.
17.	Assistant Director (Data Centre)	1	-	1	To be filled up ORGI.

Sl. No.	Name of the Post	No. of sanctioned posts	No. of posts filled up	Vacant Posts	Remarks/Present status of recruitment
1	2	3	4	5	6
18.	Statistical Assistant (SI Gr. III) (5000-8000) (Data Centre)	2	2	-	The posts have been filled up by promoting the following 2 regular incumbents temporarily from the grade of Sr. Compiler on core side: - 1. Sri D. Hazarika 2. Sri D.B. Baruah.
19.	Senior Supervisor (5500-9000) (Data Centre)	1	1	-	1. Sri M.J. Tamuli
	TOTAL	25	22	3	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. 68/2002

IN THE MATTER OF:

Sri Bimalananda Das & Ors.

Vs

Union of India & Others

AND

IN THE MATTER OF:

An additional statement submitted by the
applicants.

The above named applicants-

Most Respectfully beg to stated as under :

1. That your applicants approached this Hon'ble Tribunal through O.A. No. 68/2002, being aggrieved by the impugned order dated 28.2.2002 (Annexure-3 series to the O.A. 68/2002) whereby the services of the applicants have been discontinued with effect from 28.2.2002 on the pretext of discontinuation of sanction of post with effect from 1.3.2001 as because it is alleged that the post Assistant compiler fall vacant due to promotion of an incumbent against the purely temporary post created in the higher grade pf Computer for census of India 2001 up to 28.2.2001.

It is also alleged in the impugned order dated 28.2.2002 that the applicant no.1 was working by virtue of a stay order granted by the Hon'ble Tribunal in M.P. No. 67/2001 dated 27.2.2001.

It is respectfully submitted that the alleged ground of discontinuation of services of the applicant is totally false and misleading which would be evident from the following facts :

- i. That the post of Assistant Compiler has never been sanctioned by the office of the Registrar general of India in any of the order bearing letter No. A.11020/I/99-Ad.II dated

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Filed by the
applicant through
advocate Sri
G. N. Chakravarty
on 18.3.2002

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1.2.2000 and also the order bearing letter No.Ref. No. A11020/1/99-Ad.II dated 28.2.2001. Therefore, it appears that the post of Assistant Compiler is a regular post was available in the Establishment of Director of Census Operation, Assam which would further be evident from the quarterly return staff position of the office of the Director of census Operation, Assam for the quarter ending 31.3.2001 i.e. Annexure-2 of O.A. 68/2002 i.e. letter dated 9th April, 2001 issued by the Director of Census Operation.

Copy of sanctioned order dated 1.2.2000 and 28.2.2001 are annexed as **Annexure-A** series.

- ii. So far the post of Assistant compiler holding by the applicant no.1 is concerned it is humbly stated that the said post has been filled up on regular basis by the Director of Census Operation with effect from 1st March, 2002, by appointing Smti Debjani Doley who was working on deputation basis in the office of the Director, Census Operation, Assam. Therefore, Hon'ble Tribunal be pleased to direct the respondents to produce the relevant records including the regular order of appointment of Smti Debjani Doley.

It is relevant to mention here that the respondents always submitted by filing affidavit that there is no vacant post of Assistant compiler are available in the office of the Director of census Operation that was the stand maintained by the respondents in O.A. 142/2000 (Sri Bimalananda Das & Ors). As such it is clear from the regular appointment order of Smti Debjani Doley which is passed on 1.3.2002 that the stand of the respondents regarding vacancy position is false and misleading.

- iii. It is further submitted that apart from the vacancy of assistant Compiler which is filled up by the respondents appointing Smti Debjani Doley, deputationist on regular

basis, another 5 posts of Assistant Compiler also available with the respondents which would be evident from the Annexure-2 to the O.A. 68/2002.

- iv. It is further submitted that another regular post of Assistant Compiler has been filled up temporarily with effect from 1.3.2002 by offering an appointment to Sri Nabajit Sarma who is working as regular peon in the establishment of Census Operation. It is pertinent to mention here that when the order of termination/discontinuation from service has been passed on the alleged ground of discontinuation of sanction, but surprisingly the available post of Assistant Compiler has been filled up on the next day of termination of service by appointing deputationist as well as by appointing a regular Group 'D' Peon to the post of Assistant Compiler temporarily, in order to make an eye wash that there is no vacancy of Assistant Compiler available with the establishment of Director of Census Operation, Assam.
- v. That it is stated that sl. No. 2-11 of the seniority list of Assistant Compiler as on 1.7.2001 has been temporarily promoted to the post of Computer now redesignated as Compiler created for the 2001 census. It is relevant to mention here that although in all the impugned order (Annexure-3 series) it is stated by the Director of Census Operation, Assam that sanction for the post for computer has been discontinued but it is categorically submitted that the following incumbent who are promoted to the post of computer namely;
1. Sri B.Chutia
 2. Sri D.R.Bora
 3. Sri D.R.Baishya
 4. Sri L.K.Nath,
 5. Sri R.Deka
 6. Sri M.N. Sarmah

7. Sri N.Das
8. Sri S. Swargiary
9. Sri A. Hazawary
10. Smti D.Sarmah

All the above 10 (ten) employees are still working in the higher post of Computer after the order of termination of the services of the present applicants. Thereby it is quite clear that the respondents acted arbitrarily so far question of continuation of services of the present applicants are concerned, when other similarly situated regular employees of the same establishment who are promoted temporarily to the post of computer are still being allowed to continue against the 2001 census posts. The Hon'ble tribunal be pleased to direct the respondents to produce the order, if any regarding reversion of the employees named above who are working in the higher post of computer for 2001 census.

A copy of the seniority list of Assistant Compiler as on 1.7.2001 is annexed as **Annexure -B.**

2. That your applicants further beg to state that it would be evident from the letter dated 9.4.2001 Annexure- to the O.A) that as many as 73 posts of Data Entry Operator, 9 post of Computer, 6 post of Assistant Compiler, 2 post of Draftsman, 2 post of L.D.C. (now filled up by deputationists) are lying vacant in the establishment of Director of Census Operation, Assam. Many of the above posts has now sought to be filled up on deputation basis. Very recently a circular has been issued to fill up the post of Data Entry Operator on deputation basis in order to avoid implementation of the judgment and order dated 6.2.2002 in O.A. No. 142/2000. Hon'ble Tribunal therefore be pleased to direct the respondents to produce the relevant records as well as the records pertaining to the post filled up by deputationist.

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It is categorically submitted that the vacancies available with the respondents but the respondents are suppressing the actual vacancy position and now efforts are still going on to fill up the remaining vacancies on deputation basis.

3. That it is stated that all the deputationists who are presently working in the office of the Director of census Operation against 2001 census vacancies are still being allowed to continue against those vacancies but since the applicants have been adjusted/appointed following the direction of this Hon'ble Court, therefore the services of the applicants has been terminated to avoid the implementation of the Hon'ble Tribunal order dated 6.2.2002 passed in O.A. No.142/2000.

It is categorically submitted that the deputationist who were appointed in pursuance of the circular dated 23/24.2.2000 are still working against the vacancies of 2001 census namely, Sri Amieo Kr. Das appointed vide order dated 1.5.2001 as Assistant Compiler and Sri Rupam Baruah appointed as Computer vide order dated 1.5.2001 still in service with the respondents.

It is further stated that the following persons also working on deputation basis against the 2001 vacancies from other organisation are still continuing in the office of the Director of Census Operation.

1. Sri Nripendra Nath Talukdar (compiler) coming from State fed.
2. Mrs. Diponjuli Lahar (A/C) coming from State fed
3. Sri Kesav Ghswami (Compiler) coming from State fed
4. Sri Bhupen Das, (A/C) coming from State fed
5. Sri Amiya Kumar Das, (A/C) coming from State fed
6. Sri Rupam Ram Baruah (Compiler), coming from State fed
7. Sri Gopal Deka, U.D.C., coming from State fed
8. Mrs. Chenima Medhi Proof Reader, coming from State fed
9. Miss Koralin, U.D.C., coming from State fed

10. Sima Kumari Chouhan, (A/C) from Secretariat
11. Md. Taijuddin Ahmed, (L.C.C.) from N.E.C., Shillong.
12. Sri Mohendra Wari, (L.D.C.) from Arunchal Census, Shillong.
13. Mrs. Devajani Doley (A/C) from Arunachal Census.
14. Sri Arunjiyoti Sharma (Cartographer)

Copies of the order dated 1.5.2001 are annexed **Annexure C** series. A circular dt $\frac{23}{24}$.2.2000 is enclosed as annexure D for's-

4. That this additional statements are made by the applicants in support of their contention raised in the Original Application.

In the facts and circumstances stated above the Hon'ble Tribunal be pleased to pass in interim order to allow the applicants to continue in the available vacancies and also be pleased to direct the respondent to absorb the applicant on regular basis in the light of the direction passed in O.A. No. 142/2000.

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

I, Sri Bimala Nanda Das, s/o Sri Paramananda Das, resident of village Mirza , P.O. Mirza , P.S. Palashbari, district Kamrup, Assam, one of the applicants in O.A.68/2002 do hereby verify and declare that the statements in paragraphs 1 to 2 made in the Additional Affidavit are true to my knowledge and I have not suppressed any material fact. And I have also been authorised to sign this verification on behalf of the other applicants.

And I sign this verification on this the day of March, 2002, at Guwahati.

Sri Bimalamonda Das.

Signature

तार : "जनगणना"
Telegram : "REGGLNLIND"

सं०/No. A.11020/1/99-Ad.II

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 1.2.2000
New Delhi, the

To

The Pay & Accounts Officer (Census),
Ministry of Home Affairs,
AGCW&M Building,
New Delhi.

SUB: Census of India - 2001 - Creation of temporary posts
in the headquarters of the Directorates of Census
Operations.

Sir,

In pursuance to this office order No. A-11020/1/99-Ad.II dated 19.1.2000, I am directed to convey the sanction of the President of India to the creation of the under-mentioned temporary posts for the Directorate of Census Operations, Assam with effect from 1.2.2000 for a period upto 28.2.2001 or till further orders whichever is earlier in connection with the Census of India - 2001 Census work :-

Sl.No.	Name of the post	Scale of pay	No. of posts created
1	2	3	4
1.	Jt. Director of Census Operations	Rs.10,000-15,200	1
2.	Asstt. Director of Census Operations (G)	Rs. 8,000-13,500	1
3.	Research Officer	-do-	1
4.	Investigator	Rs. 5,500-9,000	2
	Accountant	Rs. 5,500-9,000	2

Contd...

6.	Confidential Asstt.	-do-	1
7.	Sr. Drawing Assistant	-do-	1
8.	Sr. Technical Asstt. (Ptg.)	-do-	1
9.	Sr. Artist	Rs. 5,000-8,000	1
10.	Sr. Draftsman	-do-	1
11.	Printing Inspector	-do-	1
12.	Statistical Asstt.	Rs. 4,500-7,000	5
13.	Computer	Rs. 4,000-6,000	11
14.✓	UDC	Rs. 4,000-6,000	2
15.	Daftry	Rs. 2,610-3,540	1
Total :			32

2. Dearness and other allowances shall be admissible as per the rules and regulations issued by the Government of India from time to time.

3. The expenditure involved is non-plan and is debitable to the Major Head 3454-Census, Surveys & Statistics; 01-Census; 800.02 - Abstration and Compilation; 800.02.00.01-Salaries for the years 1999-2000 and 2000-2001.

Yours faithfully,

B.P. Jain
(B.P. JAIN)
DEPUTY DIRECTOR

No. A.11020/1/99-Ad.II

New Delhi, the

Copy forwarded to :-

1. Director of Census Operations, Assam.
2. JRG(I).
3. Consultant.
4. US(Ad.II)/DD(Ad.III)/US(Ad.IV).
5. Accounts Officer, RG's Office.
6. PS to RGI.
7. Order file.

B.P. Jain
(B.P. JAIN)
DEPUTY DIRECTOR



Office of the Registrar General, India
(Government of India, Ministry of Home Affairs)
2/A, Mansingh Road, New Delhi-110011.

Ref. No.:A.11020/1/99-Ad.II

Date: 28.02.01

To

The Pay & Accounts Officer (Census)
Ministry of Home Affairs
AGCW&M Building
New Delhi.

Subject : Census of India – 2001 – Creation of temporary posts in the headquarters of the Directorate of Census Operations.

Sir,

In pursuance to this office Order No.A-11020/1/99-Ad.II dated 19.1.2000 and in continuation of Order of even no. dated 1.2.2000 on the above subject, I am directed to convey sanction of the President to continuation of the under-mentioned temporary posts for the Directorate of Census Operations, Assam for a further period of one year with effect from 1.3.2001 :-

S.No.	Name of the post	Scale of pay	No. of posts
1	2	3	4
1.	Jt. Director of Census Operations	Rs.10,000-15,200	1
2.	Asstt. Director of Census Operations(G)	Rs.8,000-13,500	1
3.	Research Officer	Rs.8,000-13,500	1
4.	Statistical Investigator Gr.II	Rs.5,500-9,000	2
5.	Accountant	Rs.5,500-9,000	2
6.	Confidential Assistant	Rs.5,500-9000	1
7.	Sr. Drawing Assistant	Rs.5,500-9000	1
8.	Sr. Technical Assistant (Printing)	Rs.5,500-9,000	1
9.	@Senior Artist	Rs.5,000-8,000	1
10.	@Senior Draftsman	Rs.5,000-8,000	1
11.	Printing Inspector	Rs.5,000-8,000	1

Director of Census Operations
2007
5/3/2001

Assam : Guwahati
Assam : Guwahati

Attested
Jyoti
Advocate


12.	Statistical Investigator Gr.III	Rs.5,000-8,000	5
13.	Compiler	Rs.4,000-6,000	8
14.	UDC	Rs.4,000-6,000	2
15.	Daftary	Rs.2,610-3,540	1
		Total	29

@The posts of Senior Artist, Artist and Senior Draughtsman has been merged as Senior Draughtsman vide this Office Order no. 22/1/1997-Ad.II dated 4.4.2000.

1. The expenditure involved is non-plan and is debitable to the Major Head 3454- Census, Surveys & Statistics; 01-Census; 800.02 - Abstraction and Compilation; 800.02.00.01-Salaries for the years 1999-2000, 2000-2001 and 2001-2002.

2. This issue with the concurrence of IFD (Home) vide U.O. No. 229/FA(H) 2000 dated 12.1.2000.

Yours faithfully,

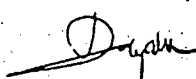

(D. S. Saini)
Under Secretary

No.A.11020/1/99-Ad.II

New Delhi, the 28.02.2001

Copy forwarded to :-

1. Director of Census Operations, Assam
2. JRG(I)
3. Consultant
4. US(Ad.II)/DD(Ad.III)/US(Ad.IV)
5. Accounts Officer, RGI's Office.
6. PS to RGI
7. Order file.


(D. S. Saini)
Under Secretary

Amrappa - B

Final Seniority list in the grade of Compiler in the DCO, Assam as on 1/7/2001.

Sl. No.	Name of the Employee	Whether SC/ST	Date of birth	Date of entry into Govt. service	Post held at present	Date of regular appointment to the post of Compiler in the DCO, Assam.	Educational qualification	R K M A B K
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	Shri H. N. Kalita,		1.5.43	20.5.68	Computer (now rede signated as Compiler	16.1.78	Matriculation	Presently holding the post of Stat. Inv. Grade-III.
2.	" C. Chakraborty,		1.1.50	6.1.69	"	18.10.79	B.A.	-do-
3.	" D. Hazarika,		1.1.47	22.4.69	"	18.10.79	B.A.	"
4.	" D. B. Baruah,		1.1.50	22.4.69	"	12.12.79	B.A.	"
5.	" B. K. Barman,		28.2.50	22.4.69	"	12.12.79	B.A.	"
6.	" P. Baruah,		1.1.48	16.9.70	"	30.7.80	B.Sc. L.L.B.	"
7.	Smtl P. Bhattacharjee,		1.1.49	14.9.70	"	30.7.80	B.Sc.	"
8.	Shri C. N. Ojah,		1.8.49	14.9.70	"	30.7.80	B.A.	"
9.	" K. C. Baisya,		1.3.48	14.9.70	"	30.7.80	B.A.	"
10.	" A. K. Basu,		3.9.50	14.9.70	"	1.9.83	HSIC	"
11.	" T. C. Goswami,		1.4.49	14.9.70	"	24.6.88	P.U.	"
12.	" A. Hazarika,		23.3.49	14.9.70	"	30.4.90	HSIC	"
13.	" L. C. Borah,		1.11.49	14.9.70	"	30.4.90	B.A.	"
14.	" M. Konwar,		1.8.48	14.9.70	"	30.4.90	HSIC	"
15.	" P. K. Sarma,		1.6.51	11.5.71	"	30.4.90	B.A.	"
16.	" B. C. Das,		1.3.51	6.6.70	"	30.4.90	B.A.	"
17.	" A. C. Deka,		1.1.55	4.6.79	"	30.4.90	B.A.	"
18.	Smtl K. Das,		1.7.54	19.6.79	"	9.5.97	B.Sc.	"
19.	Smtl P. Sonowal (Choudhury)	S.T.	1.1.55	22.6.79	"	26.10.98	HSIC	"

*Disputed
for
Borah*

(N.C.B. SEN) 15/8/01
 Deputy Director of Census Operations
 Assam, Disputed

13
5
Annexure - C - (Serial)
147
No.DCO(E)123/2001/1

GOVERNMENT OF ASSAM
Ministry of Home Affairs
Public Relations : Assam : Guwahati
Office of Census Operations
Assam Guwahati

O R D E R

1/5/2001.

Shri Ameo Kr. Das in the o/o the Assam State co-operative Marketing Consumers Federation Ltd (Statfed), Bhangagarh, Guwahati is hereby appointed as Assistant Compiler by transfer on deputation basis in the o/o the Director of Census Operations, Assam, Guwahati in the scale of pay Rs. 3050-75-3950-80-4590/- p.m. plus other allowances as admissible as per Central Govt. Rules initially w.e. 27.4.2001 to 28.2.2002 against the resultant vacancies caused due to promotion of incumbents against the post sanctioned for 2001 Census. The pay of the incumbent will be regulated as per Ministry of Personnels' O.M. No.2/12/87/Estt/pt.II dt. 29.4.1988 read with this office letter No. DCO(E)50/99/8084 dt. 25.4.2001.

Baruah
(DR. S. K. BARUAH)
ASSTT. DIRECTOR OF CENSUS OPERATIONS
ASSAM ::::: GUWAHATI.

Memo No.DCO(E)123/2001/8161-65

dt. 1/5/2001.

Copy to :-

1. The Pay & Accounts Officer (CENSUS), New Delhi-2.
2. The Managing Director, Statfed H.O., Guwahati with reference to his letter No. GA/A/265/pt.I/86-87/681 dt. 26.4.2001. He is requested to send the LPC & Service Book to this office immediately.
3. Service Book.
4. Accounts Branch.
5. Shri Ameo Kumar Das, Asstt. Compiler.

Baruah
(DR. S. K. BARUAH)
ASSTT. DIRECTOR OF CENSUS OPERATIONS
ASSAM ::::: GUWAHATI.

*Placed
for
Adm. file*
HERE

ASSAM
GOVT.
MINISTRY OF PERSONNELS
GUWAHATI

ORDER

1/5/2001.

Shri Rup Ram Baruah in the o/o the Assam State Co-operative Marketing Consumers Federation Ltd. (Statefed), Bhangagarh, Guwahati is hereby appointed as Computer by transfer on deputation basis in the o/o the Director of Census Operations, Assam, Guwahati. in the scale of pay Rs. 4000-100-6000/- p.m. plus other allowances as admissible as per Central Govt. Rules initially for a period from 27.4.2001 to 28.2.2002 against the purely temporary posts sanctioned for 2001 Census.

The pay of the incumbent will be regulated as per Ministry of Personnels O.M. No.2/12/87/Eatt/pt.II. dt. 29.4.1988 read with the conditions embodied in this office letter No. DCO(E)50/99/8084 dt. 25.4.2001.

(DR. S. K. BARUAH)
ASSTT. DIRECTOR OF CENSUS OPERATIONS
ASSAM :::::::::: GUWAHATI.

Memo No. DCO(E)120/2001/ 8/ 92-96

dt. 1/5/2001.

Copy to :-

1. The Pay & Accounts Officer (Census), New Delhi-2.
2. The Managing Director Statefed H.O., Guwahati with reference to his letter No. GA/A/266/pt.I/86-87/681 dt. 26.4.2001. He is requested to send LPC & Service Book in respect of Shri Baruah to this office immediately.
3. Service Book.
4. Accounts Branch.
5. Rup Ram Baruah, Computer.

(DR. S. K. BARUAH)
ASSTT. DIRECTOR OF CENSUS OPERATIONS
ASSAM :::::::::: GUWAHATI.

NO.DCO(E)50/99/2172

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS/GRIHA MANTRALAYA

OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, ASSAM

G. S. ROAD, ULUBARI, GUWAHATI-781007

FAX-0361-547396

L.C.O. 547396

Post. 569040

Phone, Office

526954

Dated Guwahati

the 23rd Feb. 2000

C I R C U L A R

It is proposed to fill up some posts as shown in ANNEXURE-I by suitable officials from Central/State Government Departments for appointment by transfer on deputation on ad-hoc basis to the posts in the O/o the Director of Census Operations, Assam, Guwahati. The pay of the officials selected for these posts will be regulated in accordance with the Ministry of Personnel's O.M. No.2/12/87-Estt./Pt.II dated 29.4.88.

2. Officials who volunteer for these posts will not be permitted to withdraw their names later.

3. As these posts are required to be filled up by ad-hoc deputation for 2001 census (time bound work), it is requested that names of suitable officials who are willing and eligible and who can be spared immediately may be recommended. The C.R. dossiers for last five years of the recommended officers along with their application as per Annexure-II and vigilance clearance certificate may be forwarded to this Directorate latest by 31.3.2000. Incomplete applications or received after the closing date will not be entertained.

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

DIRECTOR OF CENSUS OPERATIONS

GUWAHATI.

Memo No.DCO(E)50/99/2172-2172

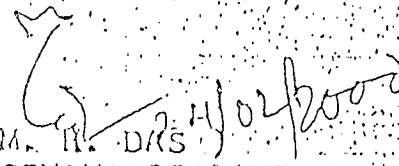
Date : 23/2/2000

Copy to :

- 1) The Registrar General, India, 2/A Mansingh Road, New Delhi-110011 with reference to his letter No. 12011/4/2000-Ad.IV dt. 14.2.2000.
- 2) All DCO's State/UTs and Deputy Registrar General(L) Calcutta.
- 3) The Deputy Director (Advertising), Directorate of Advertising and visual publicity, PTI Building, Sansad Marg, New Delhi-11 for publication in the Employment News.
- 4) The Circulation-cum-Advertising Manager, Employment News, East Block-IV, R. K. Puram, New Delhi.

Received
Per
Director

- 5) All Head of offices, Central Govt.
- 6) All Heads of State Govt. offices to the Govt. of Assam
- 7) The Secretary (GAD), Dispur, Guwahati.
- 8) The Secretary to the Govt. of Assam (SAD), Dispur.
- 9) The Commissioners of Divisions Govt. of Assam.
- 10) All Deputy Commissioners.
- 11) All Sub-Divisional Officers (Civil).
- 12) Notice Board.


(M. H. DKS)

DIRECTOR OF CENSUS OPERATIONS : ASSAM
GUWAHATI

-10-1721-25-
ANNEXURE-I

Name of the post and
pay scale

Eligibility condition

Upper Division Clerk
Rs. 4000-100-6000/- p.m.

- (1) Officials Central/State Govt. holding analogous posts in the pay scale of Rs. 1200-2040/- (pre-revised) or with at least 8 years regular service in the LDC/Typist posts carrying pay scales of Rs. 950-1500/- (pre-revised) and possessing the following qualifications.

- (11) Degree of a recognised University or equivalent.

Draftsman ✓
Rs. 4500-125-7000/- p.m.

Officials from Central/State survey offices.

- (1) Matriculation or equivalent.

- (11) Diploma in commercial or Fine Art or Draftsmanship from a recognised institution with some knowledge in drawing maps, charts and book covers.

Desirable

At least one year experience as draftsman cum Artist.

Proof Reader
Rs. 4000-100-6000/- p.m.

Officials of Central/State Govts. holding analogous post or at least 5 (five) years regular service in posts carrying pay scale of Rs. 950-1500/- (pre-revised) and possessing the following qualifications.

- (1) Degree of a recognised University or equivalent.

- (11) Two years experience of Proof Reading and technical marking.

Computer

Rs. 4000-100-6000/- p.m.

Officials of the Central Govt./
State Govt. holding analogous posts
or with 8 years regular service in
the posts in the scale of Rs. 3050-75-
3950-80-4590/- or equivalent and
possessing the following educational
qualification.

Essential : Degree with Economics
or statistics or Mathematics as a
subject from any recognised univer-
sity.

Desirable : Possessing experience
of field survey & Tabulation of
Statistical data.

Lower Division Clerk

Rs. 3050-75-3950-80-4590/- p.m.

Officials of the Central/State Govt.
holding analogous posts and having
the following educational and other
qualifications.

(i) Matriculation or equivalent.

(ii) Minimum speed of 30 words per
minute in typewriting (in
English).

Sr. Technical Asstt. (Ptg.)

Rs. 5500-175-9000/- p.m.

Officers of the Central/State Govt.

(i) holding analogous post or with
at least three years regular
service in posts carrying pay
scale of Rs. 1400-2300/- (pre-
revised) and

(ii) having five years experience
in printing work, proof reading
and technical marking.

Sr. Stenographer

Rs. 5000-150-8000/- p.m.

Officials of the Central Govt./
State Government

(a) (i) holding analogous post on
regular basis.

(ii) With five years regular
service in the grade of
Rs. 1200-2040/- (pre-revised).

(b) Possessing a speed of 100 words
per minute in Stenography
(English/Hindi).

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19 27-37-

- 3 -

Asstt. Compiler

Rs. 3050-75-3950-80-4590/- p.m.

Officials of the Central/State Govt.

- (1) Matriculation or equivalent-
- (11) Minimum speed of 30 words per minute in Type writing (English) or proficiency in operating calculating machines.

or
Experience in coding and punching in an office or firm having mechanical tabulation equipment.

Peon

Rs. 2550-55-2660-60-3200/- p.m.

Officials of the Central/State Govt.

Middle school standard pass from a recognised school.

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ANNEXURE - III

1. Name of applicant :
2. Date of Birth :
3. Post held on regular basis :
4. Date of regular appointment to the post :
5. Present post held (whether ad-hoc/regular with date of appointment) :
6. Scale of pay :
7. Present pay :
8. Whether SC/ST :
9. Educational qualifications :
10. Brief Service Particulars :

Period		Post held in regular basis	Scale of pay	Nature of work
From	To			
1	2	3	4	5

Signature of applicant

Certificate to be given by the Head of office of the applicant.

1. It is certified that the particulars furnished by the official are correct.

2. It is certified that no disciplinary case is pending or contemplated against applicant and he/she is clear from vigilance angle.

Head of office

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.68/2002

IN THE MATTER OF:

Sri Bimalananda Das & Ors.

Vs

Union of India & Others

AND

IN THE MATTER OF:

Rejoinder submitted by the applicants in
reply to the written statement submitted
by the respondents.

The above named applicants

Most Respectfully beg to state as under:

1. That your applicants duly received the copy of the written statement and carefully gone through the same and understood the contents thereof. The applicants categorically deny the preliminary objections and submissions made in the written statement and further beg to state that there was a specific direction in the judgment and order dated 6.2.2002 passed in O.A. 142/2000 by the Hon'ble Tribunal for absorption of the applicants against the regular available existing vacancies, as such the preliminary objection of the respondents that the Original Application is hit by promissory estoppels is not maintainable. Moreover, contention of the respondents made in the preliminary submissions are also contrary to the various orders, decisions of the respondent -Union of India so far similarly circumstanced retrenched employees are concerned and also contrary to the orders, judgments and decisions of the Hon'ble Tribunal, High Courts and Apex Court.

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Filed by the applicant
through Sri G. N.
Chakravarty Advocate
N 23-5-02

It is most humbly and respectfully submitted that the present respondent-Union of India in all earlier occasions when the similar statutory recruitment rules were available so far Group C Census Employees are concerned, even then the Director of Personnel & Training (in short D.O.P.T.) granted permission and agreed for regularisation of the ad hoc census employees in relaxation of the recruitment rules. It is further submitted that this Hon'ble Tribunal in O.A. 142/2000 passed a specific direction for regular absorption of the applicants in the available existing vacancies as such the contention of the respondents that direction passed in O.A. 142/2000 only for temporary vacancies of 2001 is a wrong interpretation of the judgment dated 6.2.2002. In the circumstances respondent Union of India is required to act in terms of the judgment dated 6.2.2002 and are duty bound to appoint the applicants in the suitable posts as per direction contained in the judgment referred to above.

PARAWISE REPLY OF THE WRITTEN STATEMENT.

1. That your applicants categorically deny the contention of paragraphs 1,2,4,5 and 6 of the written statement and further beg to state that a mere reading of the judgment and order dated 6.2.2002 would make it clear that this Hon'ble Tribunal passed a categorical direction for regular absorption of the applicants in the existing vacancies in the light of the direction contained in the order dated 7.6.2001 passed in W.P(c) No. 2531-2537 of 2001. As such, contention of the respondents that the applicants are liable to be absorbed only against short term vacancies of 2001 census is contrary to the order of the Hon'ble Tribunal dated 6.2.2002.

It is further submitted that as per their own document Annexure 9,10 wherein a categorical admission made by the respondents particularly Deputy Director of Census Operation that

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there are vacancies of Assistant compiler LDC, Computer (Compiler) and UDC. It is further admitted by the respondents in their written statement showing in page no. 60 that altogether there are 12 permanent post of Assistant Compiler and there are 7 temporary posts, out of which 4 have been filled up by deputation and three vacancies in the grade of Assistant Compiler are still available. Out of which two are resultant vacancies and one is permanent vacancy reserved for OBC for which the recommendation of Staff Selection Commission is awaited. Therefore it is quite clear from their own statement that at least one regular post of Assistant Compiler belonging to OBC category is available, as such respondents have no difficulty to absorb the applicant number one against the permanent post, who belong to OBC category in terms of the judgment and order dated 6.2.2002. Moreover there are two other temporary posts are still available against which other two applicants could have been accommodated by the respondents. But the respondents in violation of the order dated 6.2.2002 passed the impugned order of termination in respect of the present applicants. It also appears that two posts of draftsman in the pay scale of 5000-8000 are still available with the establishment of the respondents but those posts have not been filled up till date. Moreover Smti Biju Mahanta and Smti R. Mazumdar have already promoted to the cadre of Senior Draftsman as per the statement of the respondents. As such two posts of Draftsman are available with the respondents. So far post of UDC are concerned it is stated by the respondents that there was four sanctioned post of UDC and three posts were filled up and at present one post is vacant. Similarly one Sri Nalini Das, LDC has already been promoted against one of the resultant vacancy of UDC. As such one post of LDC is lying vacant under the respondents. Furthermore the respondents very recently issued an advertisement inviting applications for filling up of few posts of Data Entry Operator Grade B in the scale of Rs. 4500-7000 in the Employment News dated 6-12 April 2002 on deputation basis. In the said advertisement it

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on representation

is stated that initially appointment will be for a period of one year or till such time the post are filled up by direct recruitment subject to approval from the screening committee whichever is earlier. Therefore it is quite clear that a few post of Data Entry Operator are lying vacant in the establishment of the respondents. It is also submitted by the respondents that out of 45 sanctioned post 39 posts have been filled up on permanent basis, as such there are 6 vacancies are available with the respondents for consideration for appointment to the post of Data Entry Operator. Therefore respondents should consider the appointment of the applicants to the cadre of Assistant compiler, Computer, LDC, UDC and also to the cadre of Data Entry Operator in terms of the judgment and order dated 6.2.2002 passed in O.A. No. 42 241/2000. But surprisingly the respondents without considering the case of the applicant for regular absorption issued impugned order of termination in total violation of the judgment and order referred to above. It is quite clear from their documents submitted to the written statement that posts were available with them but issued the order of termination on the pretext that the direction of the Hon'ble Tribunal was passed only for consideration of absorption of the applicants against the temporary post of 2001 Census. It is stated that question of appearing for interview for the applicants before the Staff Selection does not arise at this stage as the applicants were duly selected and appointed through the Selection Committee after the names were duly sponsored by the local Employment Exchange following a valid requisition submitted by the respondents before the Employment Exchange. As such, the applicants cannot be subjected to appear before the Staff Selection Commission for regularisation. It is submitted that following the direction passed by this Hon'ble Tribunal in the judgment and order dated 31.8.199 passed in O.A. No. 284/97 a large number of Census employees who were initially recruited through Employment Exchange for 1991 Census along with the applicants and prior to the

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recruitment of the applicants have already been regularised without the approval of the Staff Selection commission. In this connection the applicants beg to refer the order of appointment issued under Office Order No. DCO(E)24/97/7570 dated 27.6.2000 whereby three persons were appointed on regular basis to the cadre of Assistant Compiler. It is further submitted that many of the Assistant Compilers recruited during the year 1991 Census after discontinuation of the post of Assistant Compiler they were appointed as Data Entry Operator on ad hoc basis and thereafter they have been regularised. As such contention of the respondents that applicants cannot be appointed to the post of Data Entry Operator is contrary to their own decision which would be evident from the Office Order bearing No. DCO (E)205/92/Pt. II/67 79 dated 3.12.1996.

It would further be evident from the letter bearing No. DCO (E)7/78/Vol.IX Dated 20.10.1997 the Director of Census Operation, Assam strongly recommended for regular absorption of ad hoc LDC, Assistant Compiler appointed during 1991 Census to the Registrar General India, New Delhi although they could not qualify in the Staff Selection Commission examination. Those ad hoc employees had been recommended for regular absorption and ultimately they were regularised in the cadre of LDC, Assistant Compiler which is further evident from the letter dated 27.6.2000. As such contention of the respondents that applicants cannot be regularised in violation of the recruitment rule is contrary to their own decision and as such they cannot deny the benefit of regular absorption to the applicants against the available existing vacant post of Assistant Compiler, LDC, Data Entry Operator.

Copy of the judgment and order dated 31.8.1999 passed in O.A. No. 284/97, letters dated 31.12.1996, 20.10.1997, 27.6.2000 and Employment News dated 4-12 April, 2002 are annexed as Annexure -A, B, C, D & E respectively.

2. That your applicants deny the statements made in paragraphs 7,8, 9,10,11,12,12,14,15,16 & 17 and further begs to state that deputationists who are working as computer in fact junior to the applicants have been retained in service while services of the applicants have been terminated duly on the ground that applicants were appointed following the Court order. It is further submitted that the respondents have deliberately misinterpreted the judgment and order dated 6.2.2000 only to deny the benefit of regular absorption, it is specifically observed by the Hon'ble Tribunal that the retrenched employee should be first absorbed in the existing vacancies and only thereafter the remaining post should be filled up as per rule. As such, contention of the respondents that the available posts should be filled up through Staff selection commission is contrary to the order dated 6.2.2000 passed by this Hon'ble Tribunal.

In the facts and circumstances stated above, the application deserves to be allowed with costs.

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VERIFICATION

I, Sri Bimala Nanda Das, s/o Sri Paramananda Das, resident of village Mirza , P.O. Mirza , P.S. Palashbari, district Kamrup, Assam, one of the applicants in O.A.68/2002 do hereby verify and declare that the statements in paragraphs 1 to 2. made in the rejoinder are true to my knowledge and I have not suppressed any material fact. And I have also been authorised to sign this verification on behalf of the other applicants.

And I sign this verification on this the 1..... day of May, 2002, at Guwahati.

Sri Bimala Nanda Das,

Signature

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI Bench.

Date of Order : This the 31st day of August, 1999.

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

Shri G.A. Saingly, Administrative Member.

Original Application No. 284 of 1997.

Shri Aban Mohan Chakrabarti & 2 others. . . . Applicants.

- Versus -

Union of India & Ors. . . . Respondents.

Original Application No. 285 of 1997.

Shri Balen Kalita & another . . . Applicants.

- Versus -

Union of India & Ors. . . . Respondents.

Original Application No. 286 of 1997.

Shri Bipul Chandra Gogoi & another. . . . Applicants.

- Versus -

Union of India & Ors. . . . Respondents.

Advocate for all the applicants : S/Shri B.K. Sharma & S. Sarma.

Advocate for all the respondents : Shri A. Deb Roy, Sr.C.G.S.C.

ORDERG.A. SAINGLY, ADM. MEMBER.

These three Original Applications are disposed of by this common order for convenience. The brief facts in each O.A. are as follows:

O.A. 284/97 : The three applicants were appointed as Assistant Compiler in the office of the Director of Census Operation, Assam, Guwahati in the scale of pay of Rs. 950-1500/- p.m. in December 1990. In their appointment letters it was indicated that the posts were purely temporary for 1991 census work and would be abolished on completion of the work and the incumbents will be retrenched and the appointments are ad hoc in nature and were likely to

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continue upto 31.12.1993 only. The appointment could also be terminated before 31.12.1993 by giving one month's notice by either side or one month's emoluments in lieu thereof. The applicants were however continued in service. Efforts were made to absorb them in service and in the year 1993 they were directed to appear in the special qualifying examination conducted by the Staff Selection Commission during that year.

The applicants could not qualify in the examination. Then later on the applicants came to know that their services were being terminated with effect from 31.12.1997 which was purportedly in pursuance of letter No. 1/2/97-RO(P) dated 1.12.1997, Annexure-5 and letter No. 12011/11/97-WIV dated 3.12.1997, Annexure-6.

O.A.No.285/97 : The applicants were initially appointed as Lower Division Clerk in 1991 in the office of the Director of Census Operation, Assam, Guwahati. According to the respondents the services of the applicants were terminated with effect from 31.12.1992 on completion of the particular 1991 census work. However, they were offered alternative employment in a Grade of Assistant Compiler on ad hoc basis with effect from June 1993 and they are continuing in the posts till date. In their appointment letters it was indicated that the posts were purely temporary for 1991 census work and would be abolished on completion of the work and the incumbents will be retrenched and the appointments are ad hoc in nature and were likely to continue upto 31.12.1993 only. The appointments could also be terminated before 31.12.1993 by giving one month's notice by either side or one month's emoluments in lieu thereof. In December 1993 they were directed to appear in a special qualifying examination conducted by Staff Selection Commission. However, the applicants could not qualify in the examination. Then later on the applicants

ccntd... 3

came to know that their services were being terminated with effect from 31.12.1997 which was purportedly in pursuance of letter No. 1/2/97RG(P) dated 1.12.1997, Annexure-6 and letter No. 12011/17/97-AdIV dated 3.12.1997, Annexure-7.

O.A.No. 286/97 : The applicants are Lower Division Clerk in the office of the Director of Census Operation, Assam, Guwahati. They were appointed in April 1991. In their appointment letters it was indicated that the posts were purely temporary and would be abolished on completion of the 1991 census work and they will be retrenched. In 1993 they were required to appear in a special qualifying examination conducted by the Staff Selection Commission. However, they could not qualify in the examination. Then later on the applicants came to know that their services were being terminated with effect from 31.12.1997 which was purportedly in pursuance of letter No. 1/2/97-RG(P) dated 1.12.1997, Annexure-4 and letter No. 12011/17/97-AdIV dated 3.12.1997, Annexure-5.

2. The contention of the applicants is that they were sponsored by the Employment Exchange and were appointed after being selected. They cannot be terminated in the manner sought to be done by the respondents. According to them they were not also required to appear in the qualifying test for regularisation of their services and their failure in that qualifying test in 1993 cannot be a ground for termination of their services.

3. We have heard counsel of both sides. It appears that upto December 1997 the respondents were open to consider regularisation of the services of the applicants. However, in the letter dated 3.12.1997 they had decided that the proposal for regularisation of the services of the applicants who could not pass the special qualifying examination conducted by the Staff Selection Commission during 1993 cannot be agreed.

to and further necessary action should follow. Without prejudice to the contention whether the applicants are to be subjected to the special qualifying examination, it is noticed that reasonable opportunity was not given to the applicants to prepare and appear in the said examination. Some of the applicants have stated that they were informed only on 21.12.1993 about the examination to be held on 26.12.1993. In such situation the failure of the applicants in the qualifying examination cannot be a ground to justify rejection of the proposal for regularisation of their services. We are of the view that it is fair and reasonable for the respondents to consider afresh the issue of regularisation of the services of the applicants. This should be completed within six months from the date of receipt of this order and till such final order is issued the services of the applicants shall not be disturbed.

The applications are disposed of. No order as to costs.

Sd/- VICE CHAIRMAN
Sd/- MEMBER (ALMVI)

Certified to be true copy
20/12/1993

1993/12/20

1993/12/20
1993/12/20
1993/12/20

125
No.DCO(E)205/92/Pt.II/5797
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

Annexure - 'B'

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OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, ASSAM : GUWAHATI-7

DATED GUWAHATI THE 31ST DECEMBER/96.

OFFICE ORDER

The following candidates are hereby appointed to the post of Data Entry Operators (Grade A) in the scale of pay of Rs.1150.-25-1500/- p.m. on a purely temporary and on adhoc basis with effect from 1.1.97 (F.N.)

1. Shri Rana Jit Bhuyan
2. " Mono Ranjan Sarma
3. " Purnananda Haloi
4. " Jiton Ch. Nath (OBC)
5. " Utpal Sankha (MOBC)
6. Md. Zakir Hussain
7. Shri Dipak Baruah
8. " Pradip Kr. Das (SC)
9. " Porag Das

Their ad-hoc appointment will not bestow upon them any right to claim for regularisation to the post if in future and their services may be terminated at any time without assigning any reason thereof.

(A. PYTHUM)
JOINT DIRECTOR OF CENSUS OPERATIONS
ASSAM : GUWAHATI
Date: 31.12.96

MEMO NO.DCO(E)205/92/Pt.II/5797 - 808

Copy to:

1. The Pay & Accounts Officer (Census), New Delhi-2.
2. Asstt. Director of Census Operations (DDO), Assam
3. Office Superintendent
4. All Sr. Supervisors
5. All Investigators
6. Accounts Branch
7. Establishment Branch
8. Persons concerned.

(N.C. SEN) 31/12/96
ASSTT. DIRECTOR OF CENSUS OPERATIONS
ASSAM : GUWAHATI.

No.DCO(E)7/78/Vol.IX/
भारत सरकार
GOVERNMENT OF INDIA

फोन, कार्यालय 31954
Phone, Office

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 20th Oct/97

To

The Registrar General, India,
2/A, Mansingh Road,
NEW DELHI-110011.

Sub:- Regularisation of ad hoc Lower Division
Clerks/Asstt.Compilers appointed during 1991
Census - Regarding.

Sir,

I am to state that during the 1991 Census quite a good number of persons sponsored by the Employment Exchanges were appointed to the posts of Lower Division Clerk and Assistant Compiler on purely temporary and ad hoc basis during the 1991 Census after proper screening. Though no post of Assistant Compiler was created in 1991, appointments were made against vacancies caused by promotion to the posts of Computer/Statistical Assistant/ Investigator created purely for the 1991 Census. In regard to the posts of Lower Division Clerk, a few were created purely for 1991 Census while there were also vacancies caused by promotion to the posts of U.D.C./Assistant created purely for the 1991 Census. When sanction of those posts created purely for the 1991 Census was discontinued from 01.01.94, there was a mass termination of services in both Group-C and D posts. But the services of those ad hoc LDCs/Asstt.Compilers who could be accommodated in the core posts were left untouched and are continuing till date on ad hoc basis because the results of the special examination conducted by the SSC in 1993, in which all of them had appeared, was not yet out and that the office required their service to complete editing and coding of the Individual Slips of West Bengal, compilation of C-10 table and by name of individual SC/ST.

But when the results of the Special Examination conducted by the SSC was declared sometime in the last part of 1994 or early part of 1995, none of them was successful. Their service could not be terminated firstly because they were still editing and coding the Individual Slips of West Bengal and secondly because the Honourable CAT had while vacating the Stay Order in O.A. No.269/93 ordered that appointment to any future vacancy be only from among the 17 (seventeen) applicants in the above O.A.. It was, therefore, more beneficial to the office not to terminate the services of those ad hoc LDCs/ACs because of their long experience than to appoint inexperienced LDCs/ACs from among those 17(seventeen) applicants. Those ad hoc LDCs/ACs had done yeoman's service to this office and have become indispensable assets of this office. Despite their show of excellent discipline and high standard of efficiency; a sense of insecurity in service is lurking in their mind, which do at times effects their efficiency.

P:T:O:

Whereas those ad hoc employees appointed during the 1981 census were given three chances to appear in the special examinations conducted by the SSC during 1983 to 1986, the ad hoc employees appointed during the 1991 Census were given only one chance, which is quite unfair. Those employees who were appointed on ad hoc basis during the 1981 Census but failed to qualify in the special examinations conducted by the SSC were, with the approval of the Department of Personnel and Training as communicated vide your letter No.18/18/90-Ad.IV dt. 12.3.1991, regularised during 1991.

It is, therefore, requested that the Department of Personnel and Training may kindly be requested to permit us, as a special case, to regularise our 2(two) ad hoc Lower Division Clerks and 5(five) Assistant Compilers.

Yours faithfully,


(A. PYRTUI)

JOINT DIRECTOR OF CENSUS OPERATIONS
ASSAM / GUWAHATI.

*Spare Copy
for the Leader
Staff - Secy*

NO.DCO(E)24/97/7570

Phone, Director: 547396 (D)
382121 (R)
Off. Supdt: 526954
Fax: 0361-547396

भारत सरकार
GOVERNMENT OF INDIA
गृह विभाग

MINISTRY OF HOME AFFAIRS/URIA MANIRALAYA

कार्यालय मानव संसाधन विभाग

OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, ASSAM

वि. एच. रोड, गुवाहाटी-781007

G. H. ROAD, ULUBARI, GUWAHATI-781007

दिनांक गुवाहाटी

Dated Guwahati

the 27th June/2000

OFFICER ORDER

In compliance with the Hon'ble Central Administrative Tribunal, Guwahati Bench judgement passed in OA No.284/97 and in pursuance of R.G.I.'s letter No.13014/4/98 Ad.IV dt.21.6.2000, the following Asstt. Compiler's are hereby appointed temporarily on regular basis in the scale of pay of Rs.3050-75-3950-80-4590/- p.m. with effect from the date of issue of this order.

Sl.No.NameDesignation

1.
✓ 2.
3.

Md. Shah Nawaz Haque
Shri Aboni Borthakur
" Parag Das

Asstt. Compiler
"
"

The adhoc service already rendered by them will not be counted for promotion, seniority etc.

(A. MEDHI)
ASSTT. DIRECTOR OF CENSUS OPERATIONS
ASSAM : GUWAHATI.

Memo No.DCO(E)24/97/7571-478 Date : 27.6.2000

- Copy to :
1. The Registrar General, India, 2A, Mansingh Road, New Delhi-11 with reference to this letter No. 13014/4/98 Ad.IV dt.21.6.2000.
 2. The Pay & Accounts Officer (census) New Delhi-2
 3. The Registrar, Central Administrative Tribunal Guwahati bench, Guwahati.
 4. The Estt. branch.
 5. The Accounts branch.
 6. Personal file/service Book of person concerned
 7. Person concerned.

(A. MEDHI) 29.06.2000
ASSTT. DIRECTOR OF CENSUS OPERATIONS
ASSAM : GUWAHATI.

INDIAN COUNCIL OF FORESTRY RESEARCH & EDUCATION (ICFRE), DEHRADUN

Adv. No. 1/2002-ICFRE

The ICFRE, an Autonomous body under Ministry of Environment & Forests, Govt. of India, invited application from amongst the eligible officers under Central/State/Public Sector Undertakings/Autonomous bodies/Statutory organisations for filling up the following post by transfer on deputation in ICFRE (Hqr.) and Institutes under it:-

Category A-1
Name of Post: Financial Advisor and Chief Accounts Officer
Pay Scale: Rs. 14,300-400-18,300/- p.m. plus usual allowances
Place of Posting: ICFRE (Hqr.), Dehradun
Eligibility: 1. An Indian Audit & Accounts service officer having 10 years experience with respect of year of allotment.

OR
 2. An officer of Sub-ordinate Accounts service under Govt. of India having 16 years of experience including atleast 7 years in the grade of Rs. 10000-328-18200 with respect to year of allotment.

OR
 3. Fellow of Institute of Cost/Chartered Accountant of India or equivalent degree with 12 years experience in audit and accounts and budget in Govt./Semi Govt./Autonomous organisations. The experience shall be counted after obtaining the prescribed degree.

Category A-2
Name of Post: Finance Officer
Pay Scale: Rs. 7450-225-11,500/- p.m.
Place of Posting: One post of Finance Officer each at AFRI, Jodhpur and IWST, Bangalore.
Eligibility: Officers holding post of Asstt. Accounts officer with 5 years experience or equivalent in the Indian Audit and Accounts Department, Railway Deptt., Defence Accounts, Govt./Autonomous bodies/undertakings.

Category A-3
Name of Post: Forest Range Officers
Pay Scale: Rs. 6500-200-10,500/- p.m.
Place of Posting: (i) FRI, Dehradun - 2 Posts
 (ii) AFRI, Jodhpur - 1 Post
 (iii) IFGTB, Coimbatore - 2 Posts
 (iv) IWST, Bangalore - 1 Post
 (v) RFRI, Jorhat - 2 Posts
 (vi) TFRI, Jabalpur - 1 Post
 (vii) IFR, Ranchi - 3 Posts
 (viii) CFR & HRD, Chhindwara - 2 Posts
 (ix) HFRI, Shimla - 2 Posts
Eligibility: (x) person holding the post of Forest Range Officer with 3 years experience or Dy. Ranger with 5 years experience in the State Forest Departments.

GENERAL INSTRUCTIONS:

- Applications with complete bio-data of the candidate should be submitted to the Secretary, Indian Council of Forestry Research & Education, P.O. New Forest, Dehradun together with a Demand Draft of Rs 100/- drawn in favour of Secretary, ICFRE on or before 16.06.2002. Applications received without signature of the applicant or which are not accompanied by the prescribed fee shall be summarily rejected.
- The Council will in no case be responsible for non-receipt of applications or any delay in receipt thereof on any account whatsoever. No applications received after the prescribed last date will be entertained under any circumstances and all the late applications will be summarily rejected.
- For in-service candidates, the application should be routed through proper channel. The concerned Department/Organisation should enclose Vigilance Clearance report and photocopies of ACRs gradings of the officer for the last five years from 1997 onwards while forwarding the applications of the candidates. However, an advance copy can be submitted alongwith Demand Draft.
- The deputation period would initially be for a period of three years or till superannuation whichever is earlier as per rules.
- The Council reserves the right to relax the qualifications/experience in case of exceptionally qualified and meritorious candidates.
- The Council reserves the right not to fill up any of the vacancy advertised if the circumstances so warrant.

EN 1/94

Are you Diploma Holder?

Convert Your Diploma Into Degree In 2½ yrs.

ADMISSION NOTICE

Enhance your necessity for the future by enrolling in the 2½ yrs. Engineering Degree Course at par with B.E/B.Tech recognised by Ministry of Human Resources, Govt. of India for the purpose of recruitment for superior posts and higher studies. Convert your Engineering Diploma Into Engineering Degree in following.

DEGREE COURSE:	Seats	QUALIFICATION
COMPUTER ENGG.	- 25	Diploma in Computer/Electronics Engg. Exams. Authority -IETE, New Delhi
ELECTRONICS & TELECOMM. ENGINEERING	- 20	Diploma in Mech./Auto/Elect./Civil Engg. Exams. Authority -IIMC, Mumbai
MECHANICAL ENGINEERING	- 30	

or Admission send Rs. 250/- for Prospective & Admission form before 25.4.2002 by DD/MO to:

INDIAN INSTITUTE OF ENGINEERING STUDIES
 Chhatrapati
 Bhandarkar Complex (Near Vikram Park), Mumbai-400 007
 LUCHIANA (PUNJAB)
 PH: 011-453807, 308562, 460226, 314626

*COURSES ARE AVAILABLE BY CORRESPONDENCE/PART TIME ALSO

EN 1/74

RAILWAY RECRUITMENT BOARD MUMBAI

Divisional Office Compound, Mumbai Central, Mumbai-400 005

WRITTEN TEST RESULT OF: Technician - III (Engg. wing)/(T&C wing) (EL)(Mech.Dept)
 GRADE: Rs. 3050-4590(RSNIP) Category No. 02 E.N.NO.1/2001
 DATE OF ISSUE OF RESULT: 18/03/2002.

On the basis of written test held on 24/02/2002 for the above post, the following candidates have been provisionally qualified for being called for verification of their original certificates in support of their qualification, age, community & verification of their original admit card, photograph, signature, handwriting etc.

The roll numbers are arranged in ascending order.

0200167 0200307 0200338 0200447 0200617 0200724 0200726
 0200806 0200968 0201247 0201446 0201495 0201621 0201634
 0201641 0201678 0201760 0201809 0202192 0202241 0202301
 0202455 0202712 0202763 0202764 0202784 0203033 0203245
 0204485 0205281 0205474 0205511 0205625 0205886 0206156
 0206238 0206538 0206727 0206819 0206941 0207402 **TOTAL 41**

The candidates are directed to report for the above said verification on 30/04/2002 at 10.00 hrs. in RRB office, Mumbai Central. They are also being individually intimated.

The candidates are required to bring all their original mark sheets and certificates of S.S.C and ITI Act Apprenticeship in the Diesel Mech/Electrical trade. The candidates belonging to SC/ST and OBC should bring their original caste Certificate in prescribed format. In case of OBC candidates the Caste Certificates should be current and not more than one year old and should have clause of non-creamy layer. Candidates should also bring their original call letter of written examination along with the call letter of verification. Any candidate coming for the verification without complete documents will be returned back.

While every care has been taken in preparing the result, the Railway Recruitment Board reserves the right to rectify errors and omissions, if any.

CHAIRMAN

EN 1/30

FACULTY OF BUSINESS STUDIES

ALLAHABAD AGRICULTURAL INSTITUTE - DEEMED UNIVERSITY
 ALLAHABAD - 211007 (U.P.) INDIA Ph. 0532-695020, 697221 [Ext. 1910]
 Fax: 0532-695639 E-mail: registrar@auu.org WebSite: www.aau.org

ADMISSION ANNOUNCEMENT- 2002

POST GRADUATE PROGRAMMES :- (1) M.B.A - 4 Sems. (2) Master of Agri-business Mgt. (MABM) - 4 Semesters

UNDER GRADUATE PROGRAMME :- BBA (Hons) - 8 Semesters

FACULTY OF HUMANITIES, SOCIAL SCIENCES AND EDUCATION

POST GRADUATE PROGRAMMES :- (1) M.Sc. Anthropology - 4 Sems. (2) Master of Library & Information Science (M.L.I. Sc.) - 2 Semesters.

UNDER GRADUATE PROGRAMME :- Bachelor of Library & Information Science (B.L.I.Sc.) - 2 Semesters

FACULTY HEALTH AND MEDICAL SCIENCES

POST GRADUATE PROGRAMMES :- (1) Master of Public Health Branch - I (Prog. Design & Management) (MPH) - 4 Sems (2) Master of Public Health Branch - II (Reprod. Health) (MPH) - 4 Sems (3) Master of Public Health Branch - III (Training and Ext.) (MPH) - 4 Sems (4) Master of Public Health Branch - IV (Health Sys. Mgt) (MPH) - 4 Semesters

UNDER GRADUATE PROGRAMMES :- (1) B.Sc. Medical Lab Technology (B.Sc. M.L.T.) - 8 Sems (2) B.Sc. Health Science - 8 Sems (3) B. Pharm - 8 Sems

FACULTY OF SCIENCE

POST GRADUATE PROGRAMMES :- (1) M.Sc. Biochemistry - 4 Sems. (2) M.Sc. Biotech - 4 Sems (3) M.Sc. Microbiology - 4 Sems. (4) M.Sc. Mathematics - 4 Semesters

UNDER GRADUATE PROGRAMMES :- (1) B. Tech. Biotech (Genetic Engineering) - 8 Sems. (2) B. Tech. Biotech (Biochemical Technology) - 8 Sems. (3) B. Tech. Biotech (Industrial Microbiology) - 8 Sems (4) B.Sc. (Hons) Microbiology - 8 Sems (5) B.Sc. (Hons) Biochemistry - 8 Sems (6) B.Sc. (Hons) Physics - 8 Sems (7) B.Sc. (Hons) Mathematics - 8 Semesters

B.Ed. programme most likely to be started by July 2002 (subject to the approval of NCIE). Look for advertisements in April - May 2002

Application Forms and Prospectus are available at the University counter on payment of Rs 250/- or by post through bank draft of Rs 300/- in favour of Registrar, Allahabad Agricultural Institute - Deemed University, payable at SBI, AAI Branch (Code: 2506) Last date of receiving completed forms without late fee: 20th May 2002 All India Entrance Test will be held on 15th June 2002

Adv. No.: Adm.R.2002-2 Dr. Sarvjeet Herbert (Registrar)

EN 1/10

NATIONAL INSTITUTE OF NUTRITION

(INDIAN COUNCIL OF MEDICAL RESEARCH)
 NATIONAL NUTRITION MONITORING BUREAU A PUNJ
 JAMA OSMANIA PO JAMIA HUDA ABAD - 500 007

NNMB/INTER/A.P/2001-02/

Dated: 22-03-2002

EMPLOYMENT NOTICE

Applications are invited from the eligible candidates for the following posts for a duration of 1 year 6 months on contract basis:-

Sl. No.	Designation / Consolidated Pay	No. of posts
1.	ASST. RESEARCH OFFICER Essential Qualifications: M.Sc. 1st Div. In Life Sciences/Antropology and Proficiency in Telugu Desirable: Experience in carrying out Continually based surveys Consolidated pay @ Rs. 9,295/- p.m.	1 (UR)
2.	RESEARCH ASSISTANT Essential Qualifications: M.Sc. In Sociology/ Foods & Nutrition and Proficiency in Telugu Consolidated pay @ Rs. 6,435/- p.m.	3 (SC)

Candidates must be willing to carry out extensive tours in rural areas of Andhra Pradesh in collection of data. Eligible candidates may send their Bio-data with copies of Certificates before 21st April, 2002 addressed to Administrative Officer, National Nutrition Monitoring Bureau, of National Institute of Nutrition, Jamia Osmania, Hyderabad-7. Age should be below 28 years and relaxation in case of SC/ST/OBC candidates as per Rules

ADMINISTRATIVE OFFICER

EN 1/103

DCO/(E)206/92/PL/11/13
 Government of India

Ministry of Home Affairs

Office of the Director

Census Operations, Assam

G.S. Road, Ulubari

Guwahati - 781007

It is proposed to fill up low posts of Entry Operator, Grade 'B' in the pay of Rs. 4500-125-7000/- P.M. in the Data Centre of the Directorate of Census Operations, Assam, G.S. Road, Ulubari, Guwahati - 7 by appointing suitable officials of Central/State Govt. by transfer on deputation basis. The initial appointment will be for a period of one year or till such time the posts are filled by direct recruitment subject to the approval from the Screening Committee whichever is earlier. The eligibility conditions are indicated below:-

Name & classification of post: Data Entry Operator, Grade 'B'.
 General Central Service - Group - C - Non Gazetted - Non Ministerial.
 Scale of Pay: Rs. 4500-125-7000/- P.M.

Eligibility Conditions:

(a) Central/State Government Employees

holding analogous posts or with 5 (five) years regular service in the pay scale of Rs. 4000-100-6000/- P.M. or equivalent.

(b) Possessing the qualifications and experience prescribed for direct recruits.

(i) Degree of a recognised University or equivalent.

(ii) One year certificate of proficiency in Computer from a recognised Govt. Institution preferably 'O' level certificate recognised by Deptt. of Electronics in Govt. of India.

(iii) A speed not less than 8000 key depressions per hour for data entry work.

(iv) should qualify in the personal Computer skills test.

Note: Preference will be given to those who possess Degree in Science, Mathematics, Commerce, Statistics, Economics.

The pay of the official selected for the post will be regulated in accordance with the provisions contained in the Department of Personnel & Training O.M. No. 2/12/87-Estt. (Pay I) dated 29.4.88 as amended from time to time. The period of deputation including the period of deputation in another post held immediately preceding the same or other Organisation. The post shall ordinarily not exceed 3 years.

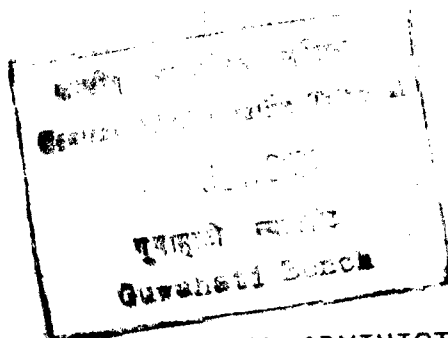
Applications of suitable officials eligible, willing and who can be recommended may be forwarded to the Director in the proforma as per Annexure within six weeks from the date of publication of advertisement alongwith their CR Dossiers for 5 (five) years and vigilance certificate. The applications received after the prescribed date or without CR Dossiers/Vigilance Clearance will not be entertained.

Director of Census Operations

- Name: Assam
- Date of Birth: Assam
- Educational & other Qualifications: Assam
- Date of Entry into Govt. Service: Assam
- Designation of the post: Assam
- Date from which the post is held on regular basis: Assam
- Whether permanent/Temporary: Assam
- Whether SC/ST: Assam
- Scale of pay of the present post: Assam
- Present pay: Assam
- Details of experience: Assam
- Period: From To: Assam
- Scale of pay: Assam
- Nature of work done in detail: Assam
- Date: Assam
- Signature of the applicant: Assam
- Certificate to be given by the Head of Office of the Applicant: Assam
- It is certified that the post is vacant: Assam
- It is certified that no disciplinary proceedings are either pending or contemplated against the applicant and he/she is not from the vigilance angle: Assam

Head of Office

davp 3104(127)2001 EN 1/59



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.68/2002

IN THE MATTER OF:

Sri Bimalananda Das & Ors.

Vs

Union of India & Others

AND

IN THE MATTER OF:

Additional Rejoinder submitted by the
applicants in reply to the written
statement submitted by the respondents.

The above named applicant-

Most Respectfully beg to state as under:

1. That it is stated that after the pronouncement of the judgment and order dated 6.2.2002 passed in O.A. 142/2000 the respondents in total violation of the aforesaid judgment made an advertisement dated 6-12 April, 2002 whereby it is proposed to be filled few post of Data Entry Operator Grade B in the scale of Rs. Rs. 4500-125-7000 p.m. in the Data Centre of the Directorate of the Census Operation, Assam, Guwahati by way of transfer on deputation basis. It is stated in the said advertisement that the initial appointment will be for a period of one year, or till such time the posts are filled by direct recruitment subject to approval of the Screening Committee whichever is earlier. Educational qualification has been prescribed for the post of Data Entry Operator is degree of a recognised University or equivalent and one year certificate of proficiency in computer from a recognised Institution. It is needless to mention here that the applicant nos. 2 and 3 and other retrenched employees of Directorate of

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Filed by the applicant
through Sri G. S.
Chakravarty - Advocate

1/12

census operation having requisite qualification for the post of Date Entry Operator.

It appears from the advertisement that the posts are regular in nature but even then in order to avoid the implementation of the judgment and order dated 6.2.2002 passed in O.A. No. 142/2000 the Directorate decided to filled up these vacant post of Data Entry Operators by way of transfer on deputation basis when the eligible retrenched employees like the applicant nos. 2 and 3 are available before the respondents. The decision to fill up the aforesaid vacancies by way of transfer on deputation basis has been taken to deprive the present applicants. Therefore, interference of the Hon'ble Tribunal at this stage is warranted in the fact and circumstances of the case and a further direction be pleased to make upon the respondents to fill up the vacancies of Data Entry operators on regular basis from among the eligible surplus retrenched employees.

A copy of the advertisement dated 6-12 April, 2002 is annexed as **Annexure-E**.

2. That it is stated that the present applicants came from a reliable source that interview in pursuance of the advertisement referred to above has already been conducted by the Directorate of Census Operation and it is apprehended that appointment will be made against the post of Data Entry Operator very shortly from among the candidates appeared in the interview as stated above. Therefore Hon'ble Tribunal be pleased to restrain the respondents to further proceed with the process of recruitment of Date Entry Operator and further be pleased to direct the respondents to appoint the eligible retrenched applicants to the post of Date Entry Operators and further be pleased to pass any other order or orders as deemed fit and proper.

In the facts and circumstances stated above, the application is deserves to be allowed with costs.

VERIFICATION

I, Sri Bimala Nanda Das, s/o Sri Paramananda Das, resident of village Mirza , P.O. Mirza , P.S. Palashbari, district Kamrup, Assam, one of the applicant in O.A.68/2002 do hereby verify and declare that the statements in paragraphs 1 and 2 made in the additional rejoinder are true to my knowledge and I have not suppressed any material fact. And I have also been authorised to sign this verification on behalf of the other applicant.

And I sign this verification on this the 19th day of June, 2002, at Guwahati.

Sri Paramananda Das.

4

Annexure - E

INDIAN COUNCIL OF FORESTRY RESEARCH & EDUCATION (ICFRE), DEHRADUN

Advt. No. 1/2002-ICFRE

The ICFRE, an autonomous body under Ministry of Environment & Forests, Govt. of India, invited application from amongst the eligible officers under Central/ State/ Public Sector Undertakings/ Autonomous bodies/ Statutory organisations for filling up the following post by transfer on deputation in ICFRE (Hr.) and Institutes under it:-

Category A-1
Name of Posts Financial Advisor and Chief Accounts Officer
Pay Scale Rs. 14,300-400-18,300/- p.m. plus usual allowances Admissible under rules.
Place of Posting ICFRE (Hr.), Dehradun
Eligibility: 1. An Indian Audit & Accounts service officer having 10 years experience with respect of year of allotment.

OR

2. An officer of Sub-ordinate Accounts service under Govt. of India having 16 years of experience including atleast 7 years in the grade of Rs. 10000-325-15200 with respect to year of allotment.

OR

3. Fellow of Institute of Cost/ Chartered Accountant of India or equivalent degree with 12 years experience in audit and accounts and budget in Govt./ Semi Govt./ Autonomous organisations. The experience shall be counted after obtaining the prescribed degree.

Category A-2
Name of Post Finance Officer
Pay Scale Rs. 7450-225-11,500/- p.m.
Place of Posting One post of Finance Officer each at AFRI, Jodhpur and IWST, Bangalore.
Eligibility Officers holding post of Asstt. Accounts officer with 5 years experience or equivalent in the Indian Audit and Accounts Department, Railway Deptt., Defence Accounts, Govt./Autonomous bodies/ undertakings.

Category A-3
Name of Post Forest Range Officers
Pay Scale Rs. 6500-200-10,500/- p.m.
Place of Posting (i) FRI, Dehradun - 2 Posts
(ii) AFRI, Jodhpur - 1 Post
(iii) IFGTB, Coimbatore - 2 Posts
(iv) IWST, Bangalore - 1 Post
(v) RFR, Jorhat - 2 Posts
(vi) TFR, Jabalpur - 1 Post
(vii) IFR, Ranchi - 3 Posts
(viii) CFR & HRD, Chhindwara - 2 Posts
(ix) HFR, Shimla - 2 Posts
Eligibility Person holding the post of Forest Range Officer with 3 years experience or Dy. Ranger with 5 years experience in the State Forest Departments.

GENERAL INSTRUCTIONS:
(1) Applications with complete bio-data of the candidate should be submitted to the Secretary, Indian Council of Forestry Research & Education, P.O. New Forest, Dehradun together with a Demand Draft of Rs 100/- drawn in favour of Secretary, ICFRE on or before 16.06.2002. Applications received without signature of the applicant or which are not accompanied by the prescribed fee shall be summarily rejected.
(2) The Council will in no case be responsible for non-receipt of applications or any delay in receipt thereof on any account whatsoever. No applications received after the prescribed last date will be entertained under any circumstances and all the late applications will be summarily rejected.
(3) For in-service candidates, the application should be routed through proper channel. The concerned Department/ Organisation should enclose Vigilance Clearance report and photocopies of ACRs gradings of the officer for the last five years from 1997 onwards while forwarding the applications of the candidates. However, an advance copy can be submitted alongwith Demand Draft.
(4) The deputation period would initially be for a period of three years or till superannuation whichever is earlier as per rules.
(5) The Council reserves the right to relax the qualifications/experience in case of exceptionally qualified and meritorious candidates.
(6) The Council reserves the right not to fill up any of the vacancy advertised if the circumstances so warrant.

RAILWAY RECRUITMENT BOARD MUMBAI

Divisional Office Compound, Mumbai Central, Mumbai-400 008.
WRITTEN TEST RESULT OF: Technician - III (Engg. wing)/(T&C wing) (EL)(Mech. Dept)
GRADE: Rs. 3050-4590 (RSRP) Category No. 02 E.N. NO. 1/2001
DATE OF ISSUE OF RESULT: 18/03/2002.

On the basis of written test held on 24/02/2002 for the above post, the following candidates have been provisionally qualified for being called for verification of their original certificates in support of their qualification, age, community & verification of their original admit card, photograph, signature, handwriting etc.

The roll numbers are arranged in ascending order.

0200167 0200307 0200338 0200447 0200617 0200724 0200726
0200805 0200968 0201247 0201446 0201495 0201621 0201634
0201641 0201678 0201760 0201809 0202192 0202241 0202301
0202455 0202712 0202763 0202764 0202784 0203033 0203245
0204485 0205281 0205474 0205511 0205625 0205886 0206156
0206236 0206538 0206727 0206819 0206941 0207402 **Total: 41**

The candidates are directed to report for the above said verification on 30/04/2002 at 10.00 hrs. in RRB office, Mumbai Central. They are also being individually intimated.

The candidates are required to bring all their original mark sheets and certificates of S.S.C and ITI Act Apprenticeship in the Diesel Mech/Electrical trade. The candidates belonging to SC/ST and OBC should bring their original caste Certificate in prescribed format. In case of OBC candidates the Caste Certificate should be current and not more than one year old and should have clause of non-creamy layer. Candidates should also bring their original call letter of written examination along with the call letter of verification. Any candidate coming for the verification without complete documents will be returned back.

While every care has been taken in preparing the result, the Railway Recruitment Board reserves the right to rectify errors and omissions, if any.

CHAIRMAN

EN 1/38

FACULTY OF BUSINESS STUDIES ALLAHABAD AGRICULTURAL INSTITUTE, DEEMED UNIVERSITY

ALLAHABAD - 211007 (U.P.), INDIA. Ph: 0532-695020, 697221 Fax: 0532-695639. E-mail: registrar@aadu.org. WebSite: www.aadu.org

ADMISSION ANNOUNCEMENT-2002

POST GRADUATE PROGRAMMES :- (1) M.B.A - 4 Sems. (2) Master of Agri-Business Mgt (MABM) - 4 Semesters
UNDER GRADUATE PROGRAMME :- BBA (Hons) - 8 Semesters

FACULTY OF HUMANITIES, SOCIAL SCIENCES AND EDUCATION

POST GRADUATE PROGRAMMES :- (1) M.Sc. Anthropology - 4 Sems. (2) Master of Library & Information Science (M.L.I.Sc) - 2 Semesters
UNDER GRADUATE PROGRAMME :- Bachelor of Library & Information Science (B.L.I.Sc) - 2 Semesters

FACULTY HEALTH AND MEDICAL SCIENCES

POST GRADUATE PROGRAMMES :- (1) Master of Public Health Branch - I (Prog. Design & Management) (MPH) - 4 Sems (2) Master of Public Health Branch - II (Reprod. Health) (MPH) - 4 Sems (3) Master of Public Health Branch - III (Training and Ext.) (MPH) - 4 Sems. (4) Master of Public Health Branch - IV (Health Sys. Mgt) (MPH) - 4 Semesters
UNDER GRADUATE PROGRAMMES :- (1) B.Sc. Medical Lab. Technology (B.Sc. M.L.T.) - 8 Sems (2) B.Sc. Health Science - 8 Sems (3) B. Pharm - 8 Sems.

FACULTY OF SCIENCE

POST GRADUATE PROGRAMMES :- (1) M.Sc. Biochemistry - 4 Sems. (2) M.Sc. Biotech. - 4 Sems. (3) M.Sc. Microbiology - 4 Sems. (4) M.Sc. Mathematics - 4 Semesters
UNDER GRADUATE PROGRAMMES :- (1) B.Tech. Biotech. (Genetic Engineering) - 8 Sems. (2) B.Tech. Biotech. (Biochemical Technology) - 8 Sems. (3) B.Tech. Biotech. (Industrial Microbiology) - 8 Sems (4) B.Sc. (Hons) Microbiology - 8 Sems (5) B.Sc. (Hons) Biochemistry - 8 Sems (6) B.Sc. (Hons) Physics - 8 Sems. (7) B.Sc. (Hons) Mathematics - 8 Semesters

B Ed programme most likely to be started by July 2002 (subject to the approval of NCTE) - look for advertisements in April - May 2002

Application Forms and Prospectus are available at the University counter on payment of Rs 250/- or by post through bank draft of Rs 300/- in favour of Registrar, Allahabad Agricultural Institute - Deemed University, payable at SBI, AAI Branch (Code - 2506). Last date of receiving completed forms without late fee: 20th May 2002 All India Entrance Test will be held on 15th June 2002.

Adv. No. : Adm.R.2002-2 Dr. Sarvjeet Herbert (Registrar)

Are you Diploma Holder ! Convert Your Diploma into Degree in 2½ yrs.

ADMISSION NOTICE

Enhance your necessity for the future by enrolling in the 2½ yrs. Engineering Degree Course at par with B.E/B.Tech recognised by Ministry of Human Resources, Govt. of India for the purpose of recruitment for superior posts and higher studies. Convert your Engineering Diploma into Engineering Degree in following.

DEGREE COURSE	SEATS	QUALIFICATION
• COMPUTER ENGG.	25	Diploma in Computer/Electronics Engg. Exams. Authority - IETE, New Delhi
• ELECTRONICS & TELECOMM. ENGINEERING	20	
• MECHANICAL ENGINEERING	30	Diploma in Mech./Auto/Elect./Civil Engg. Exams. Authority - IIME, Mumbai

For Admission send Rs. 250/- for Prospectus & Admission form before 25.4.2002 by DD/MO to:

INDIAN INSTITUTE OF ENGINEERING STUDIES
Career House
Bindra Complex (Near Tikona Park), Model Town, LUDHIANA (Punjab)
Ph: 0161-453807, 308562, 460226, 314628

*COURSES ARE AVAILABLE BY CORRESPONDENCE/PART TIME ALSO

EN 1/74.

NATIONAL INSTITUTE OF NUTRITION

(INDIAN COUNCIL OF MEDICAL RESEARCH)
NATIONAL NUTRITION MONITORING BUREAU A.P.UNIT
Jamal Osmania PO, Tamaka, Hyderabad - 500 007

NNMB/INTERA.P/2001-02/ Dated: 22-03-2002

EMPLOYMENT NOTICE

Applications are invited from the eligible candidates for the following posts for a duration of 1 year 6 months on contract basis:

Sl. No.	Designation / Consolidated Pay	No. of posts
1.	ASST. RESEARCH OFFICER Essential Qualifications: M.Sc., 1st Div. In Life Sciences/Antropology and Proficiency in Telugu Desirable : Experience in carrying out Community based surveys Consolidated pay @ Rs. 9,295/- p.m.	1 (UR)
2.	RESEARCH ASSISTANT Essential Qualifications: M.Sc. in Sociology/ Foods & Nutrition and Proficiency in Telugu Consolidated pay @ Rs. 6,435/- p.m.	1 (SC)

Candidates must be willing to carry out extensive tours in rural areas of Andhra Pradesh in collection of data. Eligible candidates may send their Bio-data with copies of Certificates before 21st April, 2002 addressed to Administrative Officer, National Nutrition Monitoring Bureau, at National Institute of Nutrition, Jamal Osmania, Hyderabad-7. Age should be below 28 years and relaxation in case of SC/ST/OBC candidates as per Rules

Sd/- ADMINISTRATIVE OFFICER

EN 1/103

No. DCO(E)205/92/PL.IV/1799 Government of India

Ministry of Home Affairs

Office of the Director of Census Operations, Assam

G.S. Road, Ulubari Guwahati - 781007

It is proposed to fill up few posts of Data Entry Operator, Grade 'B' in the scale of pay of Rs. 4500-125-7000/- P.M. in the Data Centre of the Directorate of Census Operations, Assam, G.S. Road, Ulubari, Guwahati - 7 by appointing suitable officials of Central/ State Govt. by transfer on deputation basis. The initial appointment will be for a period of one year or till such time the posts are filled by direct recruitment subject to the approval from the Screening Committee whichever is earlier. The eligibility conditions are indicated below:

Name & classification of post: Data Entry Operator, Grade 'B'.
General Central Service - Group - C - Non Gazetted - Non Ministerial.
Scale of Pay: Rs. 4500-125-7000/- P.M.

Eligibility Conditions:
(a) Central/State Government Employees

holding analogous posts or with 5(five) years regular service in the pay scale of Rs: 4000-100-6000/- P.M. or equivalent.

(b) Possessing the qualifications and experience prescribed for direct recruits.

(i) Degree of a recognised University or equivalent.

(ii) One year certificate of proficiency in Computer from a recognised Govt. Institution preferably 'O' level certificate recognised by Deptt. of Electronics in Govt. of India.

(iii) A speed not less than 8000 key depressions per hour for data entry work.

(iv) should qualify in the personal Computer skills test.

Note: Preference will be given to those who possess Degree with Science, Mathematics, Commerce, Statistics, Economics.

The pay of the official selected for the post will be regulated in accordance with the provisions contained in the Department of Personnel & Training's O.M. No. 2/12/87-Estt.(Pay II) dated 29.4.88 as amended from time to time. The period of deputation including the period of deputation in another ex-code post held immediately preceding in the same or other Organisation/Department shall ordinarily not exceed 3(three) years.

Applications of suitable officials who are eligible, willing and who can be spared may be forwarded to the undersigned in the proforma as per Annexure-I within six weeks from the date of publication of advertisement alongwith their CR Dossiers for the last 5(five) years and vigilance clearance certificate. The applications received after the prescribed date or without CR Dossiers/Vigilance Clearance will not be entertained.

Director of Census Operations

Assam, Guwahati.

1. Name : Annexure-I

2. Date of Birth :

3. Educational & other Qualifications :

4. Date of Entry into Govt. Service :

5. Designation of the post at present :

6. Date from which the present post is held on regular basis :

7. Whether permanent/temporary :

8. Whether SC/ST :

9. Scale of pay of the present post :

10. Present pay :

11. Details of experience

1. Post held

2. Period: From To

3. Scale of pay

4. Nature of work done in details

Date : Signature of the applicant

Certificate to be given by the Head of Office of the Applicant

1. It is certified that the particulars furnished by the official are correct.

2. It is certified that no disciplinary case is either pending or contemplated against the applicant and he/she is clear from the vigilance angle.

Head of Office

davp 3104(127)2001

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