

30/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

show cause memorandum is yet to be submitted as these memorandum received very shortly.

Copy of the show cause memorandum dated 13.01.2015 and 15.01.2015 is enclosed herewith and marked as Annexure:- 8.

Noted - Nas

4.14 That the applicant begs to state that out of five cases registered by CBI, in one case the Special Judge, CBI, Assam had acquitted the applicant from the charges and in four cases he was convicted. The applicant preferred appeal against all four cases separately and the Hon'ble Guwahati High Court was pleased to stay the sentence in all the four cases. The bail was extended and operation of the sentence passed would remain suspended till disposal of the appeal petition. Stay was granted in Special Case No. 06/06, 07/06, 08/06 and 19/06.

Copy of the Hon'ble High Court order in Case No. 06/06, 07/06 08/06 and 19/06 are enclosed herewith and marked as Annexure:- 9, 10, 11 and 12 respectively.

4.15 That the applicant begs to state that since the sentence awarded by the Special Judge was suspended by the Hon'ble Gauhati High Court, the case are not yet completed and it is still under judicial scrutiny as such the department at this stage could not take any steps to cut 100% pension of the applicant. Further the department had already initiated departmental proceeding on the same allegation which were already completed and final order could not be issued because of stay granted by Hon'ble Delhi High Court. It is therefore not reasonable to take action under Rule 9 of CCS (Pension) Rules 1972. The department had

FROM No. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 151/2002  
Misc Petition No. \_\_\_\_\_  
Contempt Petition No. \_\_\_\_\_  
Review Application No. \_\_\_\_\_

Applicants. Indrajit Das

-Vs-

Respondant(s) H.O.I GOM

Advocate for the Applicant(s) M. Chanda, Mrs. N.D. Goswami  
Mr. G.N. Chakraborty

Advocate for the Respondant(s) CGSE

| Notes of the Registry   | Date          | Order of the Tribunal  |
|---|---------------|--|
| <u>755746.00</u><br><u>13.5.2002</u><br><u>104</u><br><u>NS</u><br><u>13/5/02</u>   | 14.5.02       | Heard Mr. M.Chanda, learned<br>counsel for the Applicant.<br><br>The application is admitted.<br>Call for the records.<br><br>List on 12.6.2002 for orders.                            |
| <u>Steps taken along with Envelope.</u><br><u>Notice prepared and sent to</u><br><u>D/S for giving the respondent</u><br><u>No. 1 to B by Regd. A.P.S.</u><br><u>16/5</u> | mb<br>12.6.02 | <u>100</u> Shary<br>Member<br><br>Vice-Chairman  |
| <u>D/No 1455 L/60</u><br><u>Dtd 17/5/02</u>   | lm<br>28.6.02 | <u>100</u> Shary<br>Member<br><br>Vice-Chairman  |
| <u>① Service report are</u><br><u>still awaited.</u><br><u>20</u><br><u>11.6.02</u>   | mb            | Written statement has been<br>filed. The case may now be listed<br>for hearing alongwith the connected<br>matters on 17.7.2002.<br><br><u>100</u> Shary<br>Member<br><br>Vice-Chairman |

(2)

19.6.2002

W/S submitted  
by the Respondents.

mb

17.7.02

List the matter on 5.8.2002  
for hearing alongwith O/A. 62/2002.

IC Usha  
Member

Vice-Chairman

mb

5/8. Heard Mr. D. H. Sankar, learned  
Counsel for the applicant  
Mr. K. Chandrasekhar, learned  
Counsel for the respondent.  
Hearing concluded.  
Judgment reserved.

No.  
A. B. Jeyaraj

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.

Judgment dtd. 19/8/02  
Communicated  
by  
3/9

IC Usha  
Member

Vice-Chairman

mb

4

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.

- 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.

- 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.

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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 or 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.....

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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.

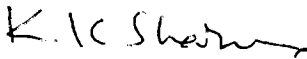
17. The plea raised by the respondents to avert the decision of the court is incompatible and antithetic to rule of law. The plea of administrative expediency will not provide lee way on the authority to by pass the decision of the competent court. Needless to state that those who rouse the hornet's 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 schools, 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.

  
( K. K. SHARMA )  
ADMINISTRATIVE MEMBER

  
( D. N. CHOWDHURY )  
VICE-CHAIRMAN

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*Filed by the applicant  
1st through 10th call for  
G.O. Call now only on 13-11-01*

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 ...../2002  
Sri Indrajit Das : Applicant  
-Versus-  
Union of India & Ors. : Respondents

I N D E X

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Date :

Filed by

Advocate

*Indrajit Das*

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**

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

O.A. No. .... /2002

BETWEEN

1. Sri Indrajit Das  
Son of Late Jitendra Lal Das  
C/o Miss Chandana Das,  
Vivekananda Path  
Bishnupur,  
Guwahati-781016

.....Applicant

-AND-

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.

*Indrajit Das*

3. Director of Census Operations,  
Assam, G.S.Road,  
Guwahati.
4. Deputy Director of Census Operations,  
Assam, G.S.Road,  
Guwahati.
5. Sri N.C.Sen,  
Deputy Director of Census Operations,  
Assam, G.S.Road,  
Guwahati.
6. Asstt. Director of Census Operations,  
Assam, Office of the Director of Census Operations,  
Assam, G.S.Road, Ulubari, Guwahati-781007

■... Respondents

#### DETAILS OF APPLICATION

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

This application is made against the impugned order No. DC0(E)50/99/Pt.I/2047 dated 28.02.02 issued by the Deputy Director of Census Operations, Assam terminating the services of the applicant with effect from 28.02.2002 in total violation of the judgment and order passed by the Hon'ble Central Administrative Tribunal, Guwahati on 06.02.2002 in O.A. No. 142/2000 and the Hon'ble High Court's judgment and order dated 07.06.2001 passed in W.P.(C) No. 2531 to 2537/01 and praying for direction upon the respondents to absorb the applicant in service on regular basis in terms of the judgment aforesaid 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.

*Indrajit Das*



## 2. Jurisdiction

The applicant declares 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 applicant is a citizen of India and as such he is entitled to all the rights and privileges as guaranteed under the Constitution.
- 4.2 That the applicant is an Arts Graduate and passed his B.A. (Econ) in 1985. Thereafter he joined on 04.04.1991 as Computer in the office of the Director of Census Operations, Assam, Guwahati on ad hoc basis in connection with the works of 1991 Census.
- 4.3 That the applicant having been appointed so, continued to work in the department under the over all control of Respondent No.2. But on 21.12.1993, the then Respondent no.2 issued a letter whereby the services of the applicant alongwith others stood terminated with effect from 31.12.1993. The applicant along with 21 other retrenched persons challenged the said order dated 21.12.1993 before this Hon'ble Tribunal vide O.A. No. 269/93. The Hon'ble Tribunal stayed the operation of the said order as an interim measure and the applicant therefore continued to serve and eventually following the vacation of the stay order, the applicant was terminated in 1994 along with others. The O.A. No. 269/93 was however finally disposed of on 5.6.1998 holding that the Respondent No.2 of that O.A. would take action to appoint the

*Indrajit Das*

applicants in any regular vacancy which might arise in near future if the applicants were otherwise qualified and eligible for those posts and in that event the applicants might individually approach the Respondent No.3 of the said O.A. (now respondent no.2 in this O.A.).

4.4 That thereafter the applicant along with others approached the respondents time and again for their absorption against the available existing vacancies in terms of the judgment and order dated 5.6.1998 but all went in vain. However, some of the batch mates of this applicant namely Shri Bimalnanda Das, Nagen Rabha, Arjun Baruah agitated the matter before the Hon'ble Central Administrative Tribunal by filing fresh O.A. Nos. 161/99, 76/2000, 142/2000, 342/2000. The Hon'ble Tribunal disposed of all the aforesaid OAs reiterating its direction to the respondents to consider for absorption of the retrenched persons against the available existing vacancies which finally merged in the judgment dated 7.6.2001 passed by the Hon'ble Gauhati High Court in W.P.(C) Nos. 2531/01 to 2537/01.

4.5 That the Hon'ble Gauhati High Court by its judgment passed on 7.6.2001 in W.P.(C) Nos. 2531/01 to 2537/01 clarified the orders of the Hon'ble CAT and laid down the law on this matter by directing the Respondents 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 other method provided under the rules. It was further directed in the said judgment that these directions would apply to all the retrenchees irrespective of whether or not they were applicants before the Central Administrative Tribunal and as such it was a judgment in rem and not a judgment in personam. Accordingly the Hon'ble Central

*Indrajit Das.*

Administrative Tribunal in its last judgment and order passed on 06.02.2002 in O.A.No. 142/2000 directed the Respondents to act according to the High Court's direction and absorb the retrenchees.

Copy of the High Courts' judgment dated 7.6.2001 and CAT's judgment dated 06.02.2002 are annexed hereto as **Annexure-I** and **II** respectively.

- 4.6 That following the Hon'ble High Courts' judgment dated 7.6.2001 the respondent no.6 issued an offer of reengagement vide No. DCO(E)126/2001/11372-377 dated 24.7.2001 in favour of the applicant appointing the applicant in the post of Computer (now re designated as Compiler) and the applicant joined his duties as Compiler on 3.8.2001. It was however mentioned in the appointment letter that the said appointment was on ad hoc basis for a period up to 28.2.2002, which was created for Census works, 2001.

Copy of appointment letter dated 24.7.2001 is annexed hereto as **Annexure-III**.

- 4.7 That having joined his duties, the applicant was sent on tour continuously from 10.9.2001 for undertaking works relating to "Sample Registration System" (SRS) which is a regular and permanent type of Survey Works taken every year and has got no connection with the Census Works of 2001 and as such the applicant was virtually engaged for a regular and permanent type of works. Similarly, vide order No. DCO/SRS/55/77/85/HYS/Pt..VI/16921 dated 20.2.02 issued by the Respondent No.3, the applicant was ordered to go on tour to Golaghat area to conduct 2nd HYS-2001 and his tour programme for the period from 23.02.02 to 04.04.02 was accordingly approved and T.A. advance was paid to him for the said tour.

*K. Rajit Das.*

Copy of order dated 20.2.2002 and copy of approved tour programme dated 22.2.2002 are annexed hereto ~~Annexure-IV~~ and V respectively.

- 4.8 That while the applicant was out in the field at Golaghat to perform the works as per the aforesaid tour programme, the Respondent No.4 is understood to have sent one messenger with one Office Order No. DCO/SRS/55/77/85 HYS/PT.VI/2/33 dated 28.2.02/01.03.02 calling back the applicant to return to Headquarter by suspending his tour programme but the said letter could not be delivered to the applicant since he was away for field works. However, on his return from tour, the applicant received the said order dated 28.2.2002/01.03.92 on 08.03.2002 from the office. Further, to his surprise, the applicant also received the impugned order No. DCO(E)50/99/Pt.I/2847 dated 28.2.2002 issued by the respondent No.5 terminating the services of the applicant with effect from 28.2.2002 afternoon as per the direction of the Respondent No.2.

Copy of the letter dated 28.2.2002/01.03.2002 and letter dated 28.2.2002 are annexed hereto as ~~Annexure VI~~ and VII respectively.

- 4.9 That the applicant begs to submit that even now there are posts of Computer, Asstt. Compiler, Data Entry Operator, Lower Division Clerk, Proof Reader etc. are lying vacant under the respondents where the applicant can be easily absorbed and those posts are permanent sanctioned post which are evident from the quarterly report bearing No. BCO(E)45/75/Pt.I/4484 dated 9.4.2001. The respondents, in a bid to avert the compliance of the orders of the Hon'ble CAT and the High court and in order to deprive the applicant of his legitimate absorption, have been making attempts to fill up the vacancies by bringing persons from outside on deputation just to show that they don't have the vacant posts and

*Indrajit Das.*

thus trying to do the mischieves indirectly what they cannot do directly in a planned and unfair manner.

Copy of the quarterly report dated 9.04.2001 is annexed hereto as **Annexure-VIII**.

4.10 That most surprisingly, the respondents vide their impugned order dated 28.2.2002 have terminated the service of the applicant on the alleged ground of discontinuation of sanction of the posts basing on the decision of the Respondent No. 2. This decision of the Respondents is highly arbitrary and the same have been passed without application of mind and also showing utter disregard to directions passed by the Hon'ble CAT in O.A. No. 142/2000 on 6.2.2002 and the judgments of the Hon'ble High Court passed on 07.06.01 in W.P(C) No. 2531/01 to 2537/01. It is clear from the directions passed by the Hon'ble CAT and the High Court that the cases of the retrenchees including the applicant have no bearing with the discontinuation of sanction of temporary posts created for the Census Works, 2001. As such the termination of the services of the applicant on the pretext that sanction has been discontinued is contrary to the order/direction passed by the Hon'ble Tribunal and the High Court. As such, the impugned order dated 28.2.2002 is liable to be set aside and quashed.

4.11 That it is stated that the respondents have filled up certain temporary posts of Computer, Assistant Compiler, L.D.C. etc. on deputation basis from STAFED which are alleged to have been created/sanctioned for 2001 Census as circulated vide circular No.DCO(E) 50/99/2172 dated 23/24.2.2002 but the services of those deputationists have 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, biased, unfair, illegal and the

*Kishor Das.*

impugned order of termination of the applicant is liable to be set aside and quashed.

- 4.12 That your applicant begs to state that in terms of the circular dated 14.2.2001 also issued by the Respondent No.2, the applicant is entitled to be absorbed on regular basis against the long term vacancies.

Copies of Circular dated 14.2.2001 is annexed hereto as  
**Annexure-IX.**

- 4.13 That your applicant most humbly submits that the respondents in spite of clear directions from the Hon'ble CAT and the High Court and in spite of availability of vacant posts, have been depriving the applicant of his legitimate absorption in an unjust, unfair and illegal manner and the applicant finding no other way, is approaching this Hon'ble Tribunal for protection of his rights and interests and its is a fit case for the Hon'ble Tribunal to interfere with and to pass appropriate directions to the respondents to absorb the applicant on regular basis.

- 4.14 That it is stated that the respondents in total violation of the judgment and order dated 6.2.2002 in O.A. 142/2000 again issued a Notification for filling up 7 posts of Data Entry Operator from open market with deliberate intention to deny benefit of the judgment dated 6.2.2002. The present applicant is fully qualified even for the post of Data Entry Operator but did not consider his case by the respondents for absorption on regular basis, rather an attempt is made to fill up the existing regular vacancies through open advertisement. It is also relevant to mention here that very recently two posts of Assistant Compiler has been filled up by the respondents in the establishment of Census Operations, Assam, Guwahati from among the deputationists and other existing available vacancies are now being occupied by the deputationists from other departments and some more vacancies are still available

*Indrajit Das*

with the Director, Census Operations, Assam, which would be evident from quarterly return of staff position of 2001. Therefore Hon'ble Tribunal be pleased to direct the respondents as an interim measure not to fill up any existing vacancies of Computer, Assistant Compiler, Lower Division Clerk, Draftsman, Proof Reader, Upper Division Clerk till disposal of this Original Application and further be pleased to direct the respondents not proceed with the Notification/Advertisement issued vide ~~Circular~~ *Employment* *News* dated 8-14 April 2002. It is stated that your applicant is qualified for regular appointment to the post of Computer, Assistant Compiler, Data Entry Operator, Lower division Clerk, Proof Reader etc.

A photocopy of ~~quarterly return of staff position~~ as well as Notification/Advertisement are annexed as Annexure-X

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

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 and the Hon'ble High Courts' order dated 7.6.2001 passed in W.P.(C) No. 2531/2001 to 2537/2001.
- 5.2 For that the case of the applicant 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 applicant, after the judgment and order dated 6.2.2002 referred to above.

*Indrajit Das.*

- 5.4 For that the applicant has 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 applicant is entitled to be absorbed in the service.
- 5.6 For that, the respondents particularly respondent No.5, Deputy Director, acted arbitrarily and illegally in not considering the case of the applicant 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.
- 5.7 For that the applicant 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 is alleged to have been passed after consideration of the case of the applicant in terms of the order dated 6.2.2002 is not correct and the impugned order has been issued in a very clever manner to avoid the implementation of the order dated 6.2.2002 passed in O.A. No. 142/2000.
- 5.9 For that the applicant is 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

*L. Chandra Das,*



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 he has 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 he was a party along with other persons only in O.A. No. 269/93 before this Hon'ble Tribunal which was disposed of on 5.6.1998 holding that the respondents would take action to appoint the applicant in any regular vacancy in near future but his case has not been considered. He further declares 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 stated above, the applicant humbly prays that your Lordships be pleased to issue notice to the respondents to show cause as to why the reliefs sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief :

*Indrajit Das*

- 8.1 That the impugned order of termination from service issued under Nos. circular issued under order No. DCO(E)50/99/Pt.I/2847, dated 28.2.2002 (Annexure-VII ) be set aside and quashed.
- 8.2 That the respondents be directed to absorb the applicant in service against any existing available permanent vacancies of Computer, Assistant Compiler, Lower Division Clerk, Data Entry Operator, Proof Reader etc. in terms of the judgment and order dated 6.2.2002 passed in O.A. No. 142/2000 by the Hon'ble CAT and judgment dated 07.06.2001 passed by the Hon'ble High Court in W.P.(C) No. 2531/01 to 2537/01.
- 8.3 That the Hon'ble Tribunal be pleased to set aside the Notification/Advertisement issued under letter No. \_\_\_\_\_ dated \_\_\_\_\_.
- 8.3 Cost of the Application.
- 8.4 Any other relief or relief to which the applicant is 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 order no. DCO(E)50/99/Pt.I/2847, dated 28.2.2002 (Annexure- ) issued under (Annexure- ) 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 That the Hon'ble Tribunal be pleased to direct the respondents not to fill up existing vacancies of Computer, Assistant Compiler,

*Adhikrit Das,*

Data Entry Operator, Lower division Clerk, Proof Reader etc. till disposal of this instant application.

9.3 That the Hon'ble Tribunal be pleased to suspend the Notification/Advertisement dated..... (Annexure- ) till disposal of this application.

9.4 Any other relief 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. :

762 574600

Date of Issue :

13/5/02

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

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

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

*Indrajit Das.*

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VERIFICATION

I, Shri Indrajit Das, Son of Late Jitendra Lal Das, aged about 36 years, resident of Vivekananda Path, Bishnupur, Guwahati, Kamrup, Assam applicant in the instant application do hereby 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 .... 13<sup>th</sup> day of <sup>May</sup> ~~April~~ 2002.

*Indrajit Das*  
Signature

HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA,  
MIZORAM AND ARUNACHAL PRADESH)

WRIT PETITION (CIVIL) NOS. 2531/2001, 2532/2001,  
2533/2001, 2534/2001, 2535/2001, 2536/2001 and  
2537 of 2001.

(1) In WP(C) No. 2531/2001 :-

1. Union of India.
2. The Registrar General of India, New Delhi.
3. The Director of Census Operations, Manipur.

.... Petitioners.

-Versus-

Oinam Indramani Singh,  
Imphal, Manipur.

.... Respondent.

(2) In WP(C) No. 2532/2001 :-

Union of India and 2 others.  
(as in WP(C) No. 2531/2001)

.... Petitioners

-Versus-

Md. Hatim Ali,  
Vill. Yairipok Bamon Leikai,  
Manipur.

.... Respondent.

(3) In WP(C) No. 2533/2001 :-

Union of India and 2 others.  
(as in WP(C) No. 2531/2001).

... Petitioners.

-Versus-

Shri K.S. Theimi,  
of vill. Hundung, Ukhrul,  
Manipur.

.... Respondent.

(4) In WP(C) No. 2534/2001 :-

Union of India and 2 others.  
(as in WP(C) No. 2531/2001)

... Petitioners

-Versus-

Md. Hasim Khan,  
of vill. Top,  
Manipur.

.... Respondent

(5) In WP(C) No. 2535/2001 :-

Union of India and 2 others  
(as in WP(C) No. 2531/2001).

.... Petitioners.

-Versus.-

*Attested  
Advocate*

*Attested  
Advocate*

Shri A. Gopal Singh,  
of vill. Top,  
Dist. Imphal, Manipur.

.... Respondent.

(6) In WP(C) No. 2536/2001 :-  
Union of India and 2 others  
(as in WP(C) No. 2531/2001).

-Versus-

.... petitioners.

Th. Basanta Singh,  
of Bishnupur, Imphal.

.... Respondent.

(7) In WP(C) No. 2537/2001 :-  
Union of India and 2 others.  
(as in WP(C) No. 2531/2001).

-Versus-

.... Petitioners

Md. Abdul Kalam Shah,  
of vill. Yairipok,  
Dist. Thoubal, Manipur.

.... Respondent.

PRESENT :

THE HON'BLE THE CHIEF JUSTICE (ACTING) MR. R.S. MONGIA

THE HON'BLE MR. JUSTICE D. BISWAS

For the petitioners

Mr. K.K. Mahanta, CGSC.

For the respondents

Mr. B.K. Sharma, Mr. U.K. Goswami,  
Mr. R.K. Bothra, Mr. B.P. Sahu,  
Advocates.

Date of Hearing and Judgment : 7th June, 2001.

JUDGMENT AND ORDER (ORAL)

S. MONGIA, C.J.(ACTING) :-

This order will dispose of WP(C) Nos. 2531/2001, 2532/2001, 2533/2001, 2534/2001, 2535/2001, 2536/2001 and 2537/2001. The impugned orders, passed in the Original Applications by the Central Administrative Tribunal, Assam (for short, the CAT) though identical, are of different dates in these cases. However, the order passed in the Review Applications is the same in all the cases. The facts are being taken from WP(C) No. 2531 of 2001.

*Attested  
for  
Advocate*

*Attested  
for  
Advocate.*

We have heard Mr. K.K. Mahanta, learned Central Govt. Standing Counsel appearing for the petitioners and Mr. B.K. Sharma, learned counsel for the respondents.

The writ petition in WP(C) No. 2531 of 2001 against the order of the Central Administrative Tribunal, Guwahati Bench (for short, the CAT), dated 20th January, 2000, passed in Original Application No. 415/99 (Annexure-B/7), as also the order passed on review filed by the respondents (petitioners before us), dated 11th January, 2001 (Annexure-B/11), by which the Review Application was dismissed.

Instead of giving the facts giving rise to the present petition, it will be apposite to reproduce the order passed by the CAT, dated 20th January, 2000, as also the order dated 11th January, 2001, passed on the Review Application.

"20.1.2000.

This is a consent order as agreed by the learned counsel for the parties. The brief facts are as follows :

The applicant was appointed Lower Division Clerk on 28.2.1991 in the Census Department for the purpose of Census Operation of 1991. After the operation was over, the applicant was retrenched. According to the applicant the census operation for the year 2000 will be taken up from January, 2000, and, therefore, some vacancies will arise. The applicant having worked for almost two years submitted Annexure-5 representation dated 28.8.1996 for appointment in a suitable post. However, the representation has not yet been disposed of. Hence the present application.

Heard Mr. S. Sarma, learned counsel for the applicant and Mr. B.S. Basumatary, learned Addl. C.G.S.C. It is agreed by the learned counsel for the parties that as per the decision of the Apex Court in Government of Tamil Nadu and another v. G. Md. Annemdden and others, reported in (1999) 7 SCC 499, the applicant is entitled to get the appointment when the new vacancy will arise. As per the said decision, the learned counsel ....

*Final*

*Attested  
for  
Advocate*

*Attested  
for  
Advocate.*

counsel for the parties submit that the applicant may be absorbed in the vacancy that will occur for Census Operation of 2000 in a suitable post which he is entitled to following the judgment of the Apex Court.

The application is accordingly disposed of."

Order dated 11.1.2001 on Review Applications :-

"All the Review Applications were taken up together for consideration since it involved similar questions of facts and law.

2. Number of applications were filed before the Tribunal by the retrenched census employees for regularisation of their services in the light of the judgment rendered by the Supreme Court in Government of Tamilnadu and another v. G. Md. Ammendden reported in (1999) 7 SCC 499. This tribunal in the light of the directions rendered by the Supreme Court allowed the applications. Now these Review applications have been filed by the Union of India referring to the communications those were sent to the learned Standing Counsel for the Union of India by the concerned authority indicating the policy decisions which were taken by the respondents. The aforementioned communications were sent by the Ministry of Home Affairs and Ministry of Finance. By the communication dated 5.8.1999 the Ministry of Finance issued certain guidelines on expenditure management and to make fiscal prudence and austerity which also mentioned about the ban on filling of vacant posts and 10% cut in posts. By the communication dated 14.2.2000 sent from the Ministry of Home Affairs were also pertaining to filling up of Group C and D posts in the Census department either by promotion or on deputation stopping ad hoc appointment from open market.

3. We have heard learned counsel for the Union of India and also the counsel appearing for the opposite party/applicants in the O.A. On perusal of the documents those referred to earlier we do not find that those materials provide any scope for review of the earlier judgment passed by this Tribunal. The materials now produced by the review petitioners does not call for review of the earlier order. The power of review is not absolute and unfettered. The power is hedged with limitations prescribed in section 114/Order XLVII Rule 1 of C.P.C. read with section 22(3)(f) of the Administrative Tribunals Act, 1985. No such ground for review is discernible in the case in hand.

4. Under the facts and circumstances these Review Applications are liable to be dismissed and thus dismissed.

There shall, however, be no order as to costs."

Attended  
Advocate.

Attended  
Advocate.



Apart from the fact that the order dated 20th January, 2000 is a consent order, we also find nothing wrong or illegal in the same. The order is in consonance with the dicta of the Apex Court laid down in Govt. of T.N. and another v. G. Mohamed Ammenu-deen and others, reported in (1999) 7 SCC 499. The objection raised by the learned counsel for the petitioners is that in the aforesaid judgment directions were given by the Apex Court that as per the scheme approved by the Apex Court the retrenchees may be absorbed in any vacancy that may be available in any Government Department, whereas in the present case, the directions of the CAT were being confined only to the Census Department. We are of the view that if the directions were being only confined to Census Department, the respondents herein (the applicants before the CAT) should have some grievance as the right of consideration was being only confined to Census Department and not to the other Departments of the State Government. Learned counsel for the respondents (applicants before the CAT) has stated that he is satisfied with the directions given by the CAT.

We have also gone through the order passed on the Review Applications. We find no infirmity in the same. We concur with the reasoning adopted by the CAT.

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 retrenchees according to their length of service. A person with longer length of service in a particular category would

*Attended  
Advocate*

*Attended  
AM*

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. These directions would  
be applicable to all the retrenchees irrespective of  
whether or not they were applicants before the CAT.

Copy of this order, attested by the  
Bench Assistant  
Court Secretary, be given to the counsel for the  
parties.

Attested  
for  
Advocate

Attested  
for  
Advocate.

## 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.

ORDERCHOWDHURY 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. 161/99 and 76/2000 respectively.

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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



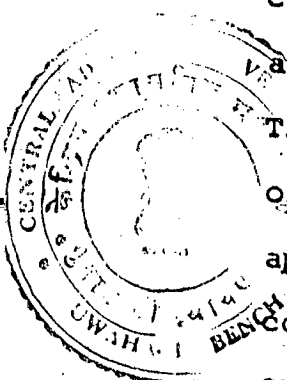
*Assailed  
for  
Admission*

44

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



Appointed  
for  
Bench

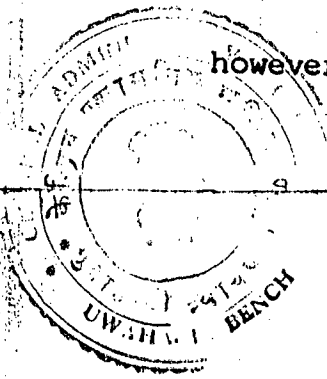
are still more vacancies available, those may be filled by any other method provided under the rules.

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 (Admn)



TRUE COPY

সত্যি

pg

*Arrested for Advocacy*

Section 107 of CrP  
গাউহাটী হাইকোর্ট  
General Administration Division  
সহকারী সচিব  
Gauhati Bench, Gauhati-6  
গাউহাটী বেন্চ, গাউহাটী-৬

*Noted 21/2/02*  
*HT 21/2/02*

ANNEXURE - III

ub

NO.DCO(E)126/2001/-  
GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS  
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS : ASSAM: GUWAHATI

Dated Guwahati the July/2001.

Offer of Reengagement

In compliance with the Honourable Central Administrative Tribunal's order of judgement in O.A.No.342/2000 dated 28.11.2000 and O.A. No.385/2000 dt.16.1.2001 read with the Honourable Guwahati High Court's judgement in W.P.@ No.978/2001, 979/2001 dt.5.3.2001 and No.2531/2001 to 2537/2001 dt.6.5.2001, Shri/Smt. *Indrajit Das* is hereby offered for reengagement in the post of Computer (now designated as Compiler) created for 2001 census in the scale of pay of Rs.4000-100-6000/- and other allowances as admissible from time to time on a purely temporary and adhoc basis upto 28.2.2002 or upto such time the sanction of post continues, whichever is earlier, under the following terms and conditions.

Terms and Conditions

1. This reengagement will not bestow upon him/her any right for regularisation in the post in which he/she is reengaged and his/her services shall be terminated at any time without assigning any reason thereof.
2. The post is created to attend to the additional work of 2001 Census and the post is likely to be discontinued or abolished on or before 28.2.2002.
3. The services of Shri/Smt. *Indrajit Das* will stand terminated on the discontinuation of the sanction of this temporary post created for 2001 Census and the Govt. will have no liability thereafter.
4. The educational qualification required for the post is a Degree with Economics, Mathematics or Statistics as a subject from any recognised University. This offer is subject to the fulfillment of educational qualification prescribed in this paragraph.
5. This order is issued with the prior approval of the Registrar General of India.

If the offer of reengagement is acceptable to him/her with above terms and conditions, he/she is directed to intimate his/her acceptance to the undersigned within 10(ten) days of the receipt of this order failing which this offer of reengagement will stand cancelled.

Formal letter of reengagement will be issued on receipt of the above acceptance.

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

MEMO NO.DCO(E)126/2001/11372 - 377

DATE: 24.7.2001

Copy for Information to:

1. The Registrar General, India, 2/A, Mansingh Road, New Delhi-110011.
  2. The Dy.Registrar, Central Administrative Tribunal, Guwahati Bench, Guwahati.
- He is requested kindly to bring this fact to the notice of the Honourable Tribunal at the earliest.

3. Shri/Smt. *Indrajit Das*, 2/A, Chandana Ray, Bishnupur Main Road.
4. The Office Superintendents, (Accounts and Establishment), *Indrajit Das*, Bishnupur Main Road.
5. Shri A. Deb Roy, Sr. Central Govt. Standing Counsel, Central Administrative Tribunal, Guwahati Bench, with a request to bring it to the notice of the Hon'ble Tribunal.
6. Concerned file.

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



फोन } Director : 547396/456630 (O)  
Phone } : 266326 (R)  
Off. supdt. : 526954  
Fax : 0361-547396

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. ए. रोड, उलुबारी, गुवाहाटी - 781007

G.S. ROAD, ULUBARI, GUWAHATI-781007

No.DCO/SRS/55/77/85/HYS/pt.VI/1672-21,

दिनांक गुवाहाटी

Dated Guwahati 20.02.2002.

O\_R\_D\_E\_R

The following officials are to proceed on tour w.e.f. 23rd February, 2002 to conduct 2nd HYS - 2001 in respect of the zones shown against their names. No request for cancellation of their names will be entertained.

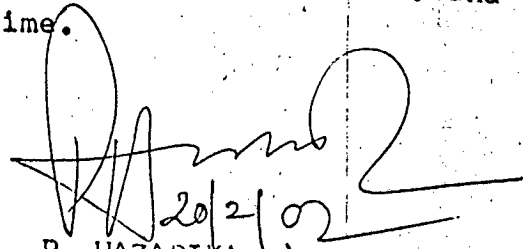
- |     |                |             |
|-----|----------------|-------------|
| 1.  | R. P. Neog     | Hailakandi  |
| 2.  | H. N. Kalita   | Kokrajhar   |
| 3.  | D. B. Barua    | Mankachar   |
| 4.  | B. Barman      | Goalpara    |
| 5.  | C. N. Ojha     | Basugaon    |
| 6.  | K. C. Baishya  | Margherita  |
| 7.  | P. K. Sarma    | Haflong     |
| 8.  | B. C. Das      | Dhubri      |
| 9.  | L. C. Das      | Mongaldoi   |
| 10. | B. Chutia      | Biswanath   |
| 11. | D. R. Borah    | Nagaon      |
| 12. | D. R. Baishya  | Barpeta     |
| 13. | R. K. Deka     | Lanka       |
| 14. | M. N. Sarma    | Nalbari     |
| 15. | A. Hajowary    | Jorhat      |
| 16. | S. N. Haque    | Dibrugarh   |
| 17. | Indrajit Das   | Golaghat    |
| 18. | N. C. Barmana  | Dabaka      |
| 19. | C. Chakraborty | Patharkandi |
| 20. | B. K. Pawe     | Dhema ji    |

*Noted  
for  
Advt. cat.*



- |     |                   |          |
|-----|-------------------|----------|
| 21. | Shri D. Hazarika  | Silchar  |
| 22. | " Khargeswar Boro | Marigaon |
| 23. | " M. Konwar       | Sibsagar |
| 24. | " Parag Das       | Tezpur   |

The above officials are directed to draw their T.T.P. and proceed on tour on scheduled date and time.

  
( P. HAZARIKA )  
DIRECTOR OF CENSUS OPERATIONS  
ASSAM ::::: GUWAHATI.

Memo No.DCO/SRS/55/77/85/HYS/pt.VI/

dt. 20.2.02.

Copy to :-

- 1- Section In-charge ( Records ) and Census Cell.

*Alister  
for  
Hazarika*

( P. HAZARIKA )  
DIRECTOR OF CENSUS OPERATIONS  
ASSAM ::::: GUWAHATI



T. T. P of Sri. Indrajit Das (Compiler) in connection with H.Y.S and half 2001 at Golaghat Jore W.E. 23.02.02

23.02.02 → Leave Guwahati arrived Borpukhankhat R-137 and halt.

24.02.02 } → Conduct H.Y.S at Borpukhankhat R-137 and halt.  
to  
01.03.02

02.03.02 } → Conduct H.Y.S at Sampatnar R-140 and halt.  
to  
05.03.02

06.03.02 } → Conduct H.Y.S. at Abhoyjan T.E R-138 and halt.  
to  
10.03.02

11.03.02 } → Conduct H.Y.S. at Dihingia R-175 and halt.  
to  
14.03.02

15.03.02 } → Conduct H.Y.S. at Rangagorah T.E. R-174 and halt.  
to  
19.03.02

20.03.02 → Leave Rangagorah T.E. R-174 and arrived Titaborhaon R-146 and halt.

21.03.02 } → Conduct H.Y.S at Titabor R-146 and halt.  
to  
26.03.02

27.03.02 } → Conduct H.Y.S at Bokarkhat U-17 and halt.  
to  
29.03.02

30.03.02 } → Conduct H.Y.S. at Jorhat U-49 and halt.  
to  
01.04.02

02.04.02 } → Conduct H.Y.S at Jorhat U-50 and halt.  
to  
03.04.02

20/04/02 → Back to H.O. necessary documents kindly be sanctioned.

Indrajit Das (Compiler).

22/02/02

Attended  
for  
signature

Appr  
wh  
app

Copy Director of T. D. P. Control  
for 11/11/2002. Accd. 11/11/2002

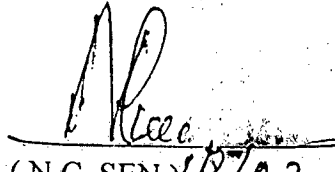
No.DCO/SRS/55/77/85HYS/Pl.VI. /2133  
GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS  
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, ASSAM  
G.S. ROAD, ULUBARI, GUWAHATI - 781 007

Dated Guwahati, the 28<sup>th</sup> Feb., 02.

OFFICE ORDER

01-03-02

Shri Indrajit Das, Compiler of this Directorate is hereby informed to suspend his tour programme with immediate effect and return to headquarter. He is also asked to handover all the records of HYS in respect of SRS units allotted to him to Shri Akhil Deka, Compiler.

  
(N.C. SEN) 1/3/02

Deputy Director of Census operations,  
Assam, Guwahati.

✓ To  
Shri Indrajit Das, Compiler  
Office of the DCO., Assam.

Copy to:  
Shri Akhil Deka, Compiler  
- with instructions to collect all the  
records from Shri Indrajit Das and  
continue the HYS work.

*Allosted  
for  
Shri Akhil*

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

No.DCO(E)50/99/Pl.I/ 2047  
 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 28<sup>th</sup> Feb., 02.

ORDER

In compliance with the Hon'ble Tribunal's order dated 28.11.2000 in OA No.342/2000 read with the Hon'ble High Court's order of judgement passed in WPC No.2531/01 to 2537/01 dated 7.6.2001 Shri Indrajit Das was re-engaged 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 28.2.2002. The posts were initially created upto 28.2.2001 and subsequently extended for a period of one year upto 28.2.2002. The sanction of the aforesaid posts have been discontinued w.e.f. the afternoon of 28.2.2002 vide office of the Registrar General, India's letter No.11020/1/99-Ad.II dated 18.2.2002.

Therefore, the services of Shri Indrajit Das, Compiler is discontinued w.e.f. the afternoon of 28.2.2002 with the discontinuation of sanction of the post.

( N.C. SEN )

Deputy Director of Census Operations,  
 Assam, Guwahati.

Memo No.DCO(E)50/99/Pl.I/2048-53  
 Copy to:

Dated 28.2.2002

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 Indrajit Das, Computer.

6. Notice Board

*attested  
 by  
 advocate*

*N.C. Sen*

( N.C. SEN )

Deputy Director of Census Operations,  
 Assam, Guwahati



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. supdt. : 526954  
 Fax : 0361-647398

दिनांक गुवाहाटी

Dated Guwahati 9th April/2001.

To

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

Sub.: 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

( DR. S. K. BARUAH )

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

Attested  
 by  
 Advocate

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 |
|         | 2                       | 3             | 4             | 5     | 6      | 7      |
| 1       | D. C. O. Assam          | -             |               | 1     | 1      | -      |
| 2       | Jt. D. C. O.            | 10600-15200/- |               | 2     | 1      | -      |
| 3       | D7 Director             | 10600-13500/- | 1             | 1     | 2      | 2      |
| 4       | Asstt Director          | 9000-12500/-  | 4             | 1     | 4      | -      |
| 5       | Asstt. Director (Hindi) | 5500-13500/-  |               | 1     | 1      | 1      |
| 6       | Office Supt.            | 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      |

Attested  
by  
Advocate

Quarterly return of staff of the office of the Director of Census Operations, Assam  
for the quarter ending 31-5-2001

| Sl. No. | Name of post       | Scale of pay  | Sanctioned post |       |        |        |
|---------|--------------------|---------------|-----------------|-------|--------|--------|
|         |                    |               | Pmt.            | Temp. | Filled | Vacant |
|         |                    |               | 4               | 5     | 6      | 7      |
| 14.     | Geostat. operator  | 3050-4590/-   | 1               | -     | 1      | -      |
| 15.     | Zuffrey.           | 2610-3540/-   | 3               | 1     | 4      | -      |
| 16.     | Peon.              | 2550-3200/-   | 8               | -     | 8      | -      |
| 17.     | Chaukidar.         | 2550-3200/-   | 1               | 5     | 6      | -      |
| 18.     | Investigative      | 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    | 22     | 13     |
| 22.     | D.F.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  | Sanctioned post |       |        |        |
|---------|-----------------------------|---------------|-----------------|-------|--------|--------|
|         |                             |               | Pmt.            | Temp. | Filled | Vacant |
|         | 2                           | 3             | 4               | 5     | 6      | 7      |
| 27      | Sr. Tech. Assst.            | 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 Assst.          | 4500 - 7000/- | 9               | 8     | 15     | 2      |
| (32)    | Compiler                    | 4000 - 6000/- | 20              | 17    | 28     | (9)    |
| 33      | Proof Reader                | 4500 - 2000/- | 1               | -     | -      | 1      |
| (34)    | Asst. Compiler              | 3050 - 4590/- | 19              | -     | 13     | (6)    |
| 35      | Hand press Machine operator | 3050 - 4590/- | 1               | -     | 1      | -      |
| 36      | Londar                      | 2550 - 3200/- |                 | 4     | 4      | -      |
| 37      | Staff Car Driver            | 3050 - 4590/- | 1               | -     | 1      | -      |
| 38      | Sweeper                     | 2550 - 3200/- | 1               | -     | 1      | -      |
|         |                             |               | 83              | 140   | 179    | 44     |

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11-35-

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 |       |        |        |
|---------|---|------------------|---------------|-------|--------|--------|
|         |   |                  | Per.          | Temp. | Filled | Vacant |
|         | 2                                       | 3                | 4             | 5     | 6      | 7      |
|         | Fore Regional Census Office 2001 Census |                  |               |       |        |        |
| 1       | D.O.C.O.                                |                  |               | 2     | -      | 2      |
| 2       | Asstt. Director                         | 118000 - 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     |

51.  
No.

Arrested by  
Sgt. [illegible]

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L3

Annexure  
By Fax/Speed Post

"REGGENLIND"

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

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS/GRH MAHARAJA  
OFFICE OF THE REGISTRAR GENERAL, INDIA

at New, Flat 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. dossier 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,

18/2

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# NATIONAL INSTITUTE OF NUTRITION

## RECRUITMENT FOR EMPLOYMENT

**HRAHMHLEUA/P/2001-071**

Dated : 22.01.2002

### EMPLOYMENT NOTICE

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

| No. | Designation / Consolidated Pay   | Ny of posts |
|-----|--|-------------|
| 1   | <b>ASSISTANT RESEARCH OFFICER</b><br>Essential Qualifications: B.Sc., M.Sc. In Life Sciences/Ambulatory and Pathology in Food<br>Desirable : Experience in carrying out Community based survey.<br>Consolidated pay @ Rs. 9,295/- p.m. | 1 (UN)      |
| 2   | <b>RESEARCH ASSISTANT</b><br>Essential Qualifications: B.Sc. in Food & Dietetics & Nutrition and English as a subject.<br>Consolidated pay @ Rs. 4,434/- p.m.  | 1 (SC)*     |

Candidates must be living in one of the states/provinces of India and Andhra Pradesh in extension of duty. Eligible candidates may send their data along copies of Certificates bearing date till 22/02/2002 before the deadline mentioned above.

National Institute of Nutrition, Hyderabad - 500 074

Candidates below 28 years old and relaxation in case of SC/ST/BC candidates as per Rules.

Sd/-  
**ADMINISTRATIVE OFFICER.**

SN/1/02

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Alles Ed  
Jas  
Advocate

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH: GUWAHATI

O.A.NO.151/02

Shri Indrajit Das

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Petitioner

-Vs-

Union of India and Others

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Respondents

IN THE MATTER OF

Written statement submitted by the Respondent.

Preliminary objection:

The O.A. is hit by principle of promissory estoppels. Once the applicant has accepted job in terms of order dated 3.8.2001, he is stopped from challenging the same.

Preliminary Submissions:

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

Filed by

18/6/02

(A. DEBROY)

Sr. C. C. S. C.

C. A. T., Guwahati Bench

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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 from 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 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 the work being performed.

- 1) Government created various temporary posts for various Directorates of Census Operations in connection with Census 2001 and also decided that these posts will be filled up by promotion or deputation only. The retrenched census employees of the census 1991 approached the Hon'ble Tribunal seeking their appointment against these temporary census posts and the Hon'ble Tribunal was pleased to order that these applicants were to be considered to be absorbed against the temporary posts created for Census Operation - 2001. In the mean time, the Hon'ble Gauhati High Court in WP(C) Nos. 2531/2001, 2532/2001, 2533/2001 2534/2001, 2535/2001, 2536/2001 and 2537/2001 passed a judgement on 7.6.2001 directing that the respondents

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would 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. A copy of the order of Hon'ble High Court dated 7.6.2001 is annexed as Annexure-R/1. In view of the aforesaid direction, the applicant was offered the post of Compiler for his reengagement by virtue of his seniority of the previous census against the post of Compiler on 24.7.2001. On his acceptance of the offer of appointment, he was issued the letter of appointment on 3.8.2001 subject to the condition that his re-engagement will not bestow upon him any right for regularization in the post in which he is re-engaged and his services shall be terminated at any time without assigning any reason thereof. It was further stipulated that the post against which he is appointed is the temporary post created for Census – 2001 and is likely to be discontinued on or before 28.2.2002. His services shall be terminated on the discontinuation / abolition of this temporary post created for 2001 census and the Govt. will have no liability thereafter. When the order of the Hon'ble High Court was to consider the petitioners to be absorbed against Census Operation posts and he was engaged against census posts only, his services is bound to be terminated alongwith abolition of census posts. In view of the law laid down by the Hon'ble Supreme in Union of India & Ors. - Vs - Harish Balkrishan Mahajan, 1997(1) P.50 (SCSLJ), Jawaharlal Nehru Krishi Vishwa

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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 applicant cannot be regularized and once the post is abolished, the applicant cannot be continued.

- 2) There are no regular vacancies of Computer/Compiler to absorb the petitioner. 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. The applicant 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 only after invoking first mode i.e. promotion and second mode i.e. deputation, 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.



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3) That it is respectfully submitted that in the DOPT's instructions dated 23<sup>rd</sup> 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*

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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 there 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 dehornes 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 O.A., the respondents beg to state that the order dated 6.2.2002 of Hon'ble Tribunal in OA No. 142/2000 is not applicable to the applicant. However, it is submitted that the applicant was re-engaged in the O/O The Director of Census Operations, Assam, Guwahati in compliance with the directions of the Hon'ble High Court delivered in WP(C)2531/01 to WP(C ) No.2537/01 dt. 7.6.2001 against a purely temporary post created for a short term in connection with 2001

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census on a purely temporary and adhoc basis available at that time upto 28.2.2002 vide office order No.DCO(E) 126/2001/11570 dated 3.8.2001.

The applicant was also informed of the following terms and conditions in his offer of appointment No.DCO(E)126/2001/11371 dated 24.7.2001.

- (a) This re-engagement will not bestow upon him any right for regularization in the post in which he is re-engaged and his services shall be terminated at any time without assigning any reason thereof.
- (b) The post is created to attend the additional work of 2001 Census and the post is likely to be discontinued or abolished on or before 28.2.2002.
- (c) The services of Shri Indrajit Das (Applicant) will stand terminated on the discontinuation of the sanction of this temporary post created for 2001 Census and the Govt. will have no liability thereafter.
- (d) The educational qualification required for the post is a degree with Economics, Mathematics or Statistics as a subject from any recognised University as per Recruitment Rules. This offer is subject to the fulfillment of educational qualification prescribed in this paragraph.

It was also informed to the applicant that if the offer of re-engagement is acceptable to him with the said terms and conditions, he is directed to intimate his acceptance to the DCO., Assam within 10 days of receipt of this order failing which the offer of re-engagement will stand cancelled. On his acceptance of the aforesaid terms and conditions, the applicant was re-engaged as Computer (now designated as Compiler) w.e.f. 3.8.2001.

On review of the work load, the sanction of the post in which the applicant was re-engaged has been discontinued with effect from the afternoon of 28.2.2002 vide ORGI's letter No.11020/1/99-Ad.II dated 18.2.2002 and the services of the applicant has been discontinued w.e.f. 28.2.2002.

The copies of letters dated 24.7.2001, 3.8.2001 and 18.2.2002 are annexed as Annexure- R/2, Annexure- R/3 and Annexure- R/4.

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2. That with regard to the statement made in para 2 to 4.1 of the OA respondents beg to offer no comments.

3. That with regard to the statement made in para 4.2 and 4.3 of the OA, the respondents beg to state that the applicant was appointed on ad-hoc basis against a purely temporary post of Computer sanctioned for 1991 Census after obtaining exemption from the Staff Selection Commission for filling up such short term vacancies. On discontinuation of the sanction of these temporary posts the services of the applicant were terminated with effect from 31.12.93. The applicant alongwith other filed an OA No.269/93 before 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 Union of India and Others Vs Dinesh Kr. Sexana reported in (1995) 29 ATC 585. In this case the direction of the Hon'ble Supreme Court is to consider the retrenched Census employees for appointments in any regular vacancies which may arise in the Census Directorate 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 appellant and/or the Staff Selection Commissioner 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 their selection to the regular posts. The Hon'ble Supreme Court also observed the "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 on that behalf". Recruitment to the posts for regular vacancies are done through Staff Selection Commission only. Regular appointment to the post cannot be done by the respondents without sponsorship from SSC.

A copy of the Hon'ble Tribunal's order dated 5.6.98 in OA No. 269/93 is annexed as Annexure – R/5.

4. That with regard to the statement made in para 4.4 of the OA, the respondent beg to state that some of the applicants of OA

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No.269/93 filed OA's No.161/99 and OA No.76/2000 seeking appointment against the vacancies of 2001 Census in this Directorate. These OA's were disposed of by the Hon'ble Tribunal in order dated 16.2.2000 and 25.2.2000 respectively directing the respondents to absorb the applicants against the Census posts. The Govt. of India created a few temporary posts for census 2001 with a direction to fill up these posts by promotion or deputation only. Accordingly respondents No. 3 initiated action to fill up the Census posts by promotion and issue circular for filling up the posts by deputation. Agrieved by this action of the respondents the applicants of the OA No.161/99 and OA No. 76/2000 filed a fresh OA No. 142/2000. In the interior order dated 8.5.2000 passed by the Hon'ble Tribunal in OA No. 142/2000, the Hon'ble Tribunal observed/directed as under.

" In my opinion, staying the operation of Annexure - 3 order dated 23/24.2.2000 (circular inviting applications for deputation for filling up Census posts) will result complete stoppage of Census works and therefore the prayer of the learned Counsel for the applicants in this respect cannot be granted. 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. 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 under their claims are considered on merits as highlighted in the OA..."

Accordingly four applicants of the OA No. 142/2000 were temporarily appointed against the temporary posts sanctioned for 2001 Census as available at that time. Similarly, the applicant of the OA No. 342/2000 dated 25.11.2000 and the applicants (2) of the OA No. 385/2000 dated 16.1.2001 were engaged against the purely temporary posts sanctioned for 2001 Census with the condition that their services will be disengaged on the discontinuation of the sanction of the

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temporary posts created for 2001 Census and the Govt. will have no liability thereafter. On discontinuation of the sanction of posts after review of workload of 2001 Census by the Govt., the applicants of the above OA's were also disengaged w.e.f. 28.2.2002.

5. That with regard to the statement made in para 4.5 of the OA, the respondent beg to state that the Hon'ble tribunal in its order dated 6.2.2002 in OA No. 142/2000 directed the respondents to consider the case of these applicants also in the light of the decision rendered by the Hon'ble High Court, Guwahati in WP© No. 2531/01 to WP© No.2537/01 dated 7.6.2001 i.e. to offer the vacancies to the retrenches according to their length of service against 2001 Census post. However, the order of the Hon'ble Tribunal dated 6.2.2002 is to consider the cases of the applicants in OA No. 142/2000 and accordingly the respondents duly considered their cases but the applicants could not be accommodated since the sanction of the post was discontinued w.e.f. 28.2.2002.
6. That with regard to the statement made in para 4.6 of the OA the respondents beg to state that in compliance with the Hon'ble High Court's order dated 7.6.2001 passed in WP© No. 2531/01 to 2537/01 the applicant was re-engaged in this Directorate w.e.f. 3.8.01 to 28.2.02. On discontinuation of sanction of the post in which the applicant was re-engaged, he was disengaged w.e.f. 28.2.2002 as per terms and conditions given in his offer of engagement dated 24.7.2001 as referred in para 1 above.
7. That with regard to the statement made in para 4.7 of the OA the respondent beg to state that the applicant was re-engaged in the post of Computer created for 2001 Census. The services of the incumbents in the post of Computer are used for the purpose of SRS tours besides the office work as and when required by the office. Since the applicant was holding the post of Computer the office has every right to utilize his duty either in official duty or in the field work as and when considered necessary. The HYS survey under SRS is a time bound work and the applicant was deputed for the survey as a few existing regular incumbents in the post either felt ill or taken leave during the period. The applicant therefore should not be allowed to justify his claim for retention.

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8. That with regard to the statement made in para 4.8 of the OA, the respondent beg to state that since the order containing discontinuation of sanction of the post of Computer was received very late in this Directorate, the order of discontinuation had to be issued on 28.2.2002 only. There was no time left to the respondent to communicate the order by post to a particular place as the applicant was moving from one unit to another for survey purpose. The respondent, therefore, had to sent a special messenger to call him back from the field to the Headquarter as the sanction of the posts was discontinued w.e.f. 28.2.2002. However, the applicant was paid all his dues in full for the period upto which he was on duty.
  9. That with regard to the statement made in para 4.9 of the OA the respondent beg to state that the applicant was engaged against the purely temporary post of Computer (now designated as Compiler) created for 2001 Census in compliance with the Hon'ble High Courts order in WP© 2531/01 to 2537/01 dated 7.6.2001. The services of the applicant engaged in the post of Computer was discontinued with the discontinuation of Census posts of Computer w.e.f. 28.2.2002. The letter dated 9.4.2001 being referred to in this paragraph has no relevance now as it is too old and does not tally with the incumbency position as on date.

Two statements (statement-I and Statement-II) indicating the incumbency position as on 1.3.2002 in regular and Census posts are enclosed as Annexure R/6 and Annexure R/7.

10. That with regard to the statement made in para 4.10 of the OA, the respondent beg to state that the applicant was re-engaged against the purely temporary post of Computer created for 2001 census for a period upto 28.2.2002. The termination order was passed on the discontinuation of sanction of 2001 Census posts. There is nothing wrong in the termination order as the condition laid down in the offer of re-engagement is as per the direction of the Hon'ble Tribunal as well as the Hon'ble High Court for 2001 Census posts and is very clear that the services of the applicant will stand terminated on the discontinuation of the sanction of the temporary posts created for 2001 Census and the Govt. will have no liability

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thereafter. The applicant cannot claim for continuation in service after the Census Operation is over. This point has been categorically stated by the Hon'ble Tribunal in the order dated 8.5.2000 in OA No. 142/2000. Since the additional work for Census Operations for this category of workers was over and since the sanction of the posts was discontinued w.e.f. 28.2.2002, there is no space to retain the applicant in service as there is no vacancy. It is also reiterated that the order of the Hon'ble Tribunal in OA No. 142/2000 dated 6.2.2000 is to consider the case of applicants for their appointment only against a Census posts and not against a regular post. Therefore, the applicant could not be accommodated as the sanction of temporary posts discontinued w.e.f. 28.2.2002 and there is no other vacancy for which the applicant is eligible.

11. That with regard to the statement made in para 4.11 of the OA the respondent beg to state that some resultant vacancies in the post of Computer were filled up by deputation from State/Central Govt. organizations including a Public Sector Undertakings like STATEFED as per this Directorate circular dated 23/24.2.2000. Most of the deputationists are against the resultant vacancies in the post of Computer, Asstt. Compiler etc. Only two deputationists are against the Census posts of Computer but they are senior to the applicant in term of continuation of service in these posts. Therefore, the action in continuing there deputationists is not arbitrary and illegal. It is also submitted that the circular dated 23/24.2.2000 issued by the Director of census Operations, Assam inviting applications for filling up of the posts by deputation is in exercise of direction issued by Government of India contained in ORGI'S letter dated 14.2.2000. The said circular dated 23/24.2.2000 has never been interfered either by the Hon'ble Tribunal or by the Hon'ble High Court.

A copy of the letter dated 14.2.2000 is annexed as Annexure R/8.

12. That with regard to the statement made in para 4.12 of the OA the respondent beg to state that the applicant has misconceived and misinterpreted the term contained in the circular dated 14.2.2000



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issued by the ORGI, New delhi. The referred term of circular applies to the promotees from the regular staff against 2001 Census posts and not for the fresh and ad-hoc appointees against 2001 Census posts.

13. That with regard to the statement made in para 4.13 of the OA, the respondent beg to state that the applicant was re-engaged against a temporary post of Computer sanctioned for 2001 Census in compliance with the Hon'ble High Court's order dated 7.6.2001 passed in WP© 2531/01 to 2537/01 for a period upto 28.2.2002 and disengaged since the sanction of these temporary posts discontinued w.e.f. 28.2.2000. The respondent beg to clarify that review of workload and continuation of these temporary Census posts is carried periodically as per requirement. The existing temporary posts created for Census – 2001 can be abolished at any time. The conditions of the re-engagement was also specifically mentioned in the applicant's re-engagement letter that the posts are created to attend to additional work of 2001 Census and will be discontinued/abolished on or before 28.2.2002 and his services will be disengaged on the discontinuation of the sanction of the temporary posts created for 2001 Census and the Govt. will have no liability thereafter. Since the applicant joined this Directorate after accepting the above terms and conditions, he cannot claim for regular appointment at this stage.
14. That with regard to the statement made in para 4.14 of the OA the respondent beg to state that this Directorate has proposed to fill up a few post of Data Entry Operator, Grade 'B' on deputation basis. The post of DEO-B is one of the technical posts which requires following qualifications: (1) Degree of a recognised University or equivalent (2) 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 (3) A speed not less than 8000 key depressions per hour for Data Entry works and other terms and conditions of the recruitment rule. Further, existing Govt. orders prohibits any direct recruitment without obtaining any clearance from the Screening Committee of the concerned Deptt. headed by the Secretary to the Govt. of India,

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Ministry of Home Affairs. Hence the vacancy in the post of DEO-B has been circulated to fill up by deputation basis till the posts are filled up on regular basis after obtaining necessary clearance from the Screening Committee of the Govt. of India. Therefore, the applicant cannot be accommodated against the said vacancies of Data Entry Operator Grade-'B'. Regarding the post of Assistant Compiler no one has been appointed from the deputationist at present as stated by the applicant. However, a regular vacancy in the post of Asstt. Compiler exists but the same is reserved for OBC. The requisition for the post has already been sent to SSC who have asked for a clearance certificate of the Screening Committee of the Govt. from this office to take action on the matter.

A copy of the recruitment rule of DEO-B and the Govt. of India's letter No. 2/8/2001 PIC dated 16.5.01 regarding the optimization of direct recruitment to civilian posts are annexed as Annexure R/9 and Annexure R/10.

15. That with regard to the statement made in para 4.15 of the OA the respondent beg to state that it is a fit case to be dismissed at the admission stage itself.
16. That with regard to the statement made in para 5.1 to 5.3 of the OA the respondent beg to state that the averment made in these paras is misconceived and baseless as the order dated 6.2.2002 in OA No. 142/2000 the Hon'ble Tribunal directs to re-engage the ex-Census employees against the temporary posts created in connection with 2001 Census only and not against the regular posts or to regularize the applicant against the regular posts. The order dated 6.2.2002 also does not direct the respondents to continue the Census post. The answering respondent further beg to state that neither the Hon'ble High Court nor the Hon'ble Tribunal has directed them at any point of time to regularize the services of the applicant against permanent vacancies in core posts. It is further stated that the applicant cannot be regularized against such permanent vacancies, if any arise in future in core posts by giving a complete go by to the relevant Recruitment Rules. This established position of law has been reiterated time and again by the Supreme Court in a catena of decisions.

17. 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 applicant i.e. Compiler against which the applicant 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.

18. That with regard to the statement made paras 5.6 and 5.7 of the OA, respondents beg to state that the averment made in these paras is 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.

19. That with regard to the statement made paras 5.8 and 5.9 of the OA, respondents beg to state that the averment made in these paras is misconceived and baseless as termination order dated 28.2.2002 has been issued as the census posts of Compiler has been discontinued by Govt. due to reduction of workload of census 2000 and there is no post of Compiler available for continuing the

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Y applicant 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 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.

20. That with regard to the statement made 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 senior to the applicants in the order of their seniority with reference to their period of current service in the census posts and hence they 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 census posts of Compiler has been discontinued by Govt. due to reduction of workload of census 2000 and there is no post of Compiler available for continuing the applicant beyond 28.2.2002. It is submitted that the contention of the applicant that the order dated 6.2.2002 in OA No.142/2000 directs to regularize them is totally wrong.

21. The respondents beg to state that the Hon'ble Guwahati High Court in its order dated 7.6.2001 in WP© No.2531/01 to WP© 2537/01 directed to prepare the seniority list of retrenched Census employees according to length of service of each category of employee and to offer them job in the

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Census posts according to seniority against 2001 Census vacancies keeping in view that order, Shri Das cannot be allowed to continue as there is no Census post available for Compiler beyond 28.2.2002. Further, for appointment to the post of Compiler against regular vacancy candidates are to be sponsored by the SSC as per Recruitment Rule/Govt. instructions. The applicant was appointed against the post of Computer during 1991 Census through Employment Exchange after grant of exemption by the Deptt. of Personnel for appointment against the short-term posts created for 1991 Census. This exemption was only applicable for Census post 1991 Census. In view of these facts, the applicant cannot be accommodated in any manner.

22. The OA is premature and hit by Section 20 of AT Act, 1985.
23. The applicant had filed earlier OA and the judgement passed in the same is carried out in letter and spirit.
24. 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 dismiss the O.A. as well the payer for interim relief on the following ground.

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## VERIFICATION

I, Shri N.C.Sen presently working as Deputy Director of Census Operations, Assam be duly authorised and competent to Sign this Verification, do hereby solemnly affirm and state that Statement made in para \_\_\_\_\_ are true to my knowledge and belief and those made in para \_\_\_\_\_ being matter of records, are true to the best of my information derived from the office records and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign the verification this \_\_\_\_ day of June, 2002.

*Nripendra Chandra Sen*

Deponent

| कॉपी आवेदन की<br>तारीख<br>Date of making copy. | स्टाम्प और फोटो की अपेक्षित<br>संख्या सूचित करने की तिथि<br>तारीख<br>Date fixed for notifying<br>the requisite number of<br>stamps and folios. | अपेक्षित स्टाम्प और फोटो<br>देने की तारीख<br>Date of delivery of the<br>requisite stamps and<br>folios. | तारीख, जबकि देने के लिए<br>प्रतिलिपि तैयार थी<br>Date on which the copy<br>was ready for delivery. | आवेदक को प्रतिलिपि देने की<br>तारीख<br>Date of making over the<br>copy to the applicant. |
|--|--|---|--|--|
| 11/1/2001                                      | 13/6/2001  | 13/6/2001   | 13/1/2001  | 13/6/2001  |

(19)  
(HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA,  
MIZORAM AND ARUNACHAL PRADESH)

ANNEXURE - R/1  
WRIT PETITION (CIVIL) NOS. 2531/2001, 2532/2001,  
2533/2001, 2534/2001, 2535/2001, 2536/2001 and  
2537 of 2001.

(1) In WP(C) No. 2531/2001 :-

1. Union of India.
2. The Registrar General of India, New Delhi.
3. The Director of Census Operations, Manipur.

.... Petitioners.

-Versus-

Oinam Indramani Singh,  
Imphal, Manipur.

.... Respondent.

(2) In WP(C) No. 2532/2001 :-

Union of India and 2 others.  
(as in WP(C) No. 2531/2001)

.... Petitioners

-Versus-

Md. Hatim Ali,  
Vill. Yairipok Bamon Leikai,  
Manipur.

.... Respondent.

(3) In WP(C) No. 2533/2001 :-

Union of India and 2 others.  
(as in WP(C) No. 2531/2001).

... Petitioners.

-Versus-

Shri K.S. Theimi,  
of vill. Hundung, Ukhrul,  
Manipur.

.... Respondent.

(4) In WP(C) No. 2534/2001 :-

Union of India and 2 others.  
(as in WP(C) No. 2531/2001)

... Petitioners

-Versus-

Md. Hasim Khan,  
of vill. Top,  
Manipur.

.... Respondent

(5) In WP(C) No. 2535/2001 :-

Union of India and 2 others.  
(as in WP(C) No. 2531/2001).

.... Petitioners.

-Versus.-

5/2/06  
13/6/06

Shri A. Gopal Singh,  
of vill. Top,  
Dist. Imphal, Manipur.

..... Respondent.

- (6) In WP(C) No. 2536/2001 :-  
Union of India and 2 others  
(as in WP(C) No. 2531/2001).

..... Petitioners.

-Versus-

Th. Basanta Singh,  
of Bishnupur, Imphal.

..... Respondent.

- (7) In WP(C) No. 2537/2001 :-  
Union of India and 2 others.  
(as in WP(C) No. 2531/2001).

..... Petitioners

-Versus-

Md. Abdul Kalam Shah,  
of vill. Yairipok,  
Dist. Thoubal, Manipur.

..... Respondent.

PRESENT :

THE HON'BLE THE CHIEF JUSTICE (ACTING) MR. R.S. MONGIA

THE HON'BLE MR. JUSTICE D. BISWAS

For the petitioners

Mr. K.K. Mahanta, CGSC.

For the respondents

Mr. B.K. Sharma, Mr. U.K. Goswami, Ka  
Mr. R.K. Bothra, Mr. B.P. Sahu,  
Advocates.

Date of Hearing and Judgment : 7th June, 2001.

JUDGMENT AND ORDER (ORAL)

R.S. MONGIA, C.J. (ACTING) :-

This order will dispose of WP(C) Nos. 2531/  
2001, 2532/2001, 2533/2001, 2534/2001, 2535/2001, 2536/2001  
and 2537/2001. The impugned orders, passed in the Original  
Applications by the Central Administrative Tribunal, Assam (if  
short, the CAT) though identical, are of different dates in  
these cases. However, the order passed in the Review  
Applications is the same in all the cases. The facts are  
being taken from WP(C) No. 2531 of 2001.



We have heard Mr. K.K. Mahanta, learned Central Govt. Standing Counsel appearing for the petitioners and Mr. B.K. Sharma, learned counsel for the respondents.

The writ petition in WP(C) No. 2531 of 2001 is against the order of the Central Administrative Tribunal, Guwahati Bench (for short, the CAT), dated 20th January, 2000, passed in Original Application No. 415/99 (Annexure-B/7), as also the order passed on review filed by the respondents (petitioners before us), dated 11th January, 2001 (Annexure-B/11), by which the Review Application was dismissed.

Instead of giving the facts giving rise to the present petition, it will be apposite to reproduce the order passed by the CAT, dated 20th January, 2000, as also the order dated 11th January, 2001, passed on the Review Application.

"20.1.2000.

This is a consent order as agreed by the learned counsel for the parties. The brief facts are as follows :

The applicant was appointed Lower Division Clerk on 28.2.1991 in the Census Department for the purpose of Census Operation of 1991. After the operation was over, the applicant was retrenched. According to the applicant the census operation for the year 2000 will be taken up from January, 2000 and, therefore, some vacancies will arise. The applicant having worked for almost two years submitted Annexure-5 representation dated 28.8.1996 for appointment in a suitable post. However, the representation has not yet been disposed of. Hence the present application.

Heard Mr. S. Sarma, learned counsel for the applicant and Mr. B.S. Basumatary, learned Addl. C.G.S.C. It is agreed by the learned counsel for the parties that as per the decision of the Apex Court in Government of Tamil Nadu and another v. G. Md. Ammendden and others, reported in (1999) 7 SCC 499, the applicant is entitled to get the appointment when the new vacancy will arise. As per the said decision, the learned

counsel ....

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counsel for the parties submit that the applicant may be absorbed in the vacancy that will occur for Census Operation of 2000 in a suitable post which he is entitled to following the judgment of the Apex Court.

The application is accordingly disposed of."

Order dated 11.1.2001 on Review Applications :-

"All the Review Applications were taken up together for consideration since it involved similar questions of facts and law.

2. Number of applications were filed before the Tribunal by the retrenched census employees for regularisation of their services in the light of the judgment rendered by the Supreme Court in Government of Tamilnadu and another v. G. Md. Ammendden reported in (1999) 7 SCC 499. This tribunal in the light of the directions rendered by the Supreme Court allowed the applications. Now these Review applications have been filed by the Union of India referring to the communications those were sent to the learned Standing Counsel for the Union of India by the concerned authority indicating the policy decisions which were taken by the respondents. The aforementioned communications were sent by the Ministry of Home Affairs and Ministry of Finance. By the communication dated 5.8.1999 the Ministry of Finance issued certain guidelines on expenditure management and to make fiscal prudence and austerity which also mentioned about the ban on filling of vacant posts and 10% cut in posts. By the communication dated 14.2.2000 sent from the Ministry of Home Affairs were also pertaining to filling up of Group C and D posts in the Census department either by promotion or on deputation stopping ad hoc appointment from open market.

3. We have heard learned counsel for the Union of India and also the counsel appearing for the opposite party/applicants in the O.A. On perusal of the documents those referred to earlier we do not find that those materials provide any scope for review of the earlier judgment passed by this Tribunal. The materials now produced by the review petitioners does not call for review of the earlier order. The power of review is not absolute and unfettered. The power is hedged with limitations prescribed in section 114/Order XLVII Rule 1 of C.P.C. read with section 22(3)(f) of the Administrative Tribunals Act, 1985. No such ground for review is discernible in the case in hand.

4. Under the facts and circumstances these Review Applications are liable to be dismissed and thus dismissed.

There shall, however, be no order as to costs."

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Apart from the fact that the order dated 20th January, 2000 is a consent order, we also find nothing wrong or illegal in the same. The order is in consonance with the dicta of the Apex Court laid down in Govt. of T.N. and another v. G. Mohamed Ammenu-deen and others, reported in (1999) 7 SCC 499. The objection raised by the learned counsel for the petitioners is that in the aforesaid judgment directions were given by the Apex Court that as per the scheme approved by the Apex Court the retrenchees may be absorbed in any vacancy that may be available in any Government Department, whereas in the present case, the directions of the CAT were being confined only to the Census Department. We are of the view that if the directions were being only confined to Census Department, the respondents herein (the applicants before the CAT) should have some grievance as the right of consideration was being only confined to Census Department and not to the other Departments of the State Government. Learned counsel for the respondents (applicants before the CAT) has stated that he is satisfied with the directions given by the CAT.

We have also gone through the order passed on the Review Applications. We find no infirmity in the same. We concur with the reasoning adopted by the CAT.

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 retrenchees according to their length of service. A person with longer length of service in a particular category would

be ....

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- 6 -

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. These directions would be applicable to all the retrenchees irrespective of whether or not they were applicants before the CAT.

Copy of this order, attested by the Bench Assistant Court Secretary, be given to the counsel for the parties.

Sd/- R S Mongia  
Chief Justice (Adm)

Sd/- D Biswas  
Judge

Certified to be true Copy  
Kishan Kishan  
Superintendent (Copying)  
GAHWATI HIGH COURT  
Authorized U/S 76 Act of 1979  
13/6/2007

HA No 10037  
Dt 11.6.07

01

10037

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ANNEXURE - R/2

21

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NO.DCO(E)126/2001/11 371  
GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS  
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS : ASSAM: GUWAHATI

Dated Guwahati the 24/July/2001.

Offer of Reengagement

In compliance with the Honourable Central Administrative Tribunal's order of judgement in O.A.No.342/2000 dated 28.11.2000 and O.A. No.385/2000 dt.16.1.2001 read with the Honourable Guwahati high Court's judgement in W.P.© No.978/2001, 979/2001 dt.5.3.2001 and No.2531/2001 to 2537/2001 dt.6.5.2001, Shri/Smt. Sudhrajit Das is hereby offered for reengagement in the post of Computer (now designated as Compiler) created for 2001 census in the scale of pay of Rs.4000-100- 6000/- and other allowances as admissible from time to time on a purely temporary and adhoc basis upto 28.2.2002 or upto such time the sanction of post continues, whichever is earlier, under the following terms and conditions.

Terms and Conditions

1. This reengagement will not bestow upon him/her any right for regularisation in the post in which he/she is reengaged and his/her services shall be terminated at any time without assigning any reason thereof.
2. The post is created to attend to the additional work of 2001 Census and the post is likely to be discontinued or abolished on or before 28.2.2002.
3. The services of Shri/Smt. Sudhrajit Das will stand terminated on the discontinuation of the sanction of this temporary post created for 2001 Census and the Govt. will have no liability thereafter.
4. The educational qualification required for the post is a Degree with Economics, Mathematics or Statistics as a subject from any recognised University. This offer is subject to the fulfillment of educational qualification prescribed in this paragraph.
5. This order is issued with the prior approval of the Registrar General of India.

If the offer of reengagement is acceptable to him/her with above terms and conditions, he/she is directed to intimate his/her acceptance to the undersigned within 10(ten) days of the receipt of this order failing which this offer of reengagement will stand cancelled.

Formal letter of reengagement will be issued on receipt of the above acceptance.

S. K. Baruah

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

MEMO NO.DCO(E)126/2001/11 372 - 377 DATE: 24.7.2001

Copy for Information to:

1. The Registrar General, India, 2/A, Mansingh Road, New Delhi-110011.
2. The Dy.Registrar, Central Administrative Tribunal, Guwahati Bench, Guwahati.  
He is requested kindly to bring this fact to the notice of the Honourable Tribunal at the earliest.
3. Shri/Smt. Sudhrajit Das - 2/A, C/o Chandra Das, Bishnupur Main Road.
4. The Office Superintendents, (Accounts and Establishment), Nelli B. Gura Panipani.
5. Shri A. Deb Roy, Sr. Central Govt. Standing Counsel, Central Administrative Tribunal, Guwahati Bench, with a request to bring it to the notice of the Hon'ble Tribunal.
6. Concerned file.

S. K. Baruah

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

dc

ANNEXURE - R/3

Under Certificate of post



फोन } Director : 547396/456630 (O)  
Phone } : 266326 (R)  
Off. supdt. : 526954  
Fax : 0361-547396

No. DCO(E)/26/2001/11570

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 2.8.01

OFFICE ORDER

In compliance of the Hon'ble Central Administrative Tribunal's order dated 28.11.2000 and dated 16.1.2001 in OA No. 342/2000 and No. 385/2000 respectively read with Hon'ble High Court's judgement in WP(C) No. 978/2001 & 979/2001 dated 5.3.2001 and WP(C) No. 2531/2001 to 2537/2001 dated 7.6.2001 Shri Indrajit Das is hereby re-engaged in the O/O the DCO., Assam, Guwahati as Computer (now designated as Compiler) against a purely temporary post created for a short term in connection with Census 2001 on purely temporary and ad-hoc basis upto 28.2.2002 or upto the date on which the sanction of the post expires, whichever is earlier, in the pay scale of Rs. 4000-100-6000/- P.M. plus other allowances as admissible from time to time.

The re-engagement will not bestow upon him any right for regularisation in post in which he is re-engaged and his services shall be terminated at any time without assigning any reason thereof.

The post is created to attend to the additional work of 2001 Census and is likely to be discontinued/abolished on or before 28.2.2002. The services of Shri Indrajit Das will be disengaged on the discontinuation of the sanction of this temporary post created for 2001 Census and the Govt. will have no liability thereafter.

Shri Indrajit Das is to join immediately.

( MR. S.K. BARUAH )  
Asstt. Director of Census Operati  
Assam, Guwahati .

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Memo No.DCO(E) 126/2001/11571-77 Dated 2.8.01

Copy to:

1. The Registrar General, India, 2/A, Mansingh Road, New Delhi-110011.
2. The Pay & Accounts Officer, A.G.C.W & M Building, New Delhi - 2.
3. The Registrar, Central Administrative Tribunal, Guwahati.
4. Shri A. Deb Roy, Sr. C.G.S.C., CAT, Guwahati.
5. The Office Supdt., Estt. and Accounts.
6. Shri Indrajit Das, C/O Miss Chandam Das, Vivekananda Path, Bishnupur, Guwahati-6.
7. File No.DCO(E)285/93/Pt/3 & No.DCO(E)285/93/Pt/12.

*Baruah*  
31/8/2001  
( IR. S.K. BARUAH )  
Asstt. Director of Census  
Operations, Assam, Guwahati.



लोकान्तरिमुख  
PEOPLE ORIENTED

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

Date: 18.02.2002

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

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, Order of even no. dated 1.2.2000 and order of even no. dated 28.2.2001 on the above subject, I am directed to convey sanction of the President to the continuation of the under mentioned temporary posts for the Directorate of Census Operations, Assam for a further period with effect from 1.3.2002 to 31.1.2003 :-

| S.No. | Name of the post | Scale of pay | No. of posts originally sanctioned | No. of posts now sanctioned w.e.f. 1.3.2002 to 31.1.2003 | No. of posts abolished from the Directorate |
|-------|------------------|--------------|------------------------------------|--|---|
| 1     | 2                | 3            | 4                                  | 5  | 6   |

निदेशक जनगणना कार्य  
Director of Census Operations  
No./Date 1097  
27/2/2002

असम, गुवाहाटी  
ASSAM GUWAHATI



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|     |   |                  |    |    |   |
|-----|---|------------------|----|----|---|
| 1.  | Jt. Director of Census Operations       | Rs.10,000-15,200 | 1  | 1  | - |
| 2.  | Asstt. Director of Census Operations(G) | Rs.8,000-13,500  | 1  | 1  | - |
| 3.  | Research Officer                        | Rs.8,000-13,500  | 1  | 1  | - |
| 4.  | Statistical Investigator Gr.II          | Rs.5,500-9,000   | 2  | 1  | 1 |
| 5.  | Assistant                               | Rs. 000-8,000    | 2  | 2  | - |
| 6.  | Confidential Assistant                  | Rs.5,500-9000    | 1  | 1  | - |
| 7.  | Sr. Drawing Assistant                   | Rs.6,500-10500   | 1  | 1  | - |
| 8.  | Sr. Technical Assistant (Printing)      | Rs.5,500-9,000   | 1  | -  | 1 |
| 9.  | Senior Draftsman                        | Rs.5,500-9,000   | 2  | 1  | 1 |
| 10. | Printing Inspector                      | Rs.5,000-8,000   | 1  | 1  | - |
| 11. | Statistical Investigator Gr.III         | Rs.5,000-8,000   | 5  | 5  | - |
| 12. | Compiler                                | Rs.4,000-6,000   | 8  | 2  | 6 |
| 13. | UDC                                     | Rs.4,000-6,000   | 2  | 2  | - |
| 14. | Daftry                                  | Rs.2,610-3,540   | 1  | 1  | - |
|     | Total                                   |                  | 29 | 20 | 9 |

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 year 2002-2003.

2. This has the concurrence of the Ministry of Finance, Department of Expenditure's I.D No. 16(31)/E.II.A/99 dated 12.1.2000 and IFD (Home)'s Diary 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,

Copy forwarded to:-

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

(D.S. SAINI)

UNDER SECRETARY

(32) ANNEXURE-1/25 (25) 90

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 appointment  
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                   |

Yours faithfully,

| <u>No.</u> | <u>Name</u>                             | <u>Designation</u> | <u>Date of appointment</u><br><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 tempo-

rarily 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

Yours faithfully,

(5)

Union of India and  
(as in WP(C) No. 2531/2001). (M. R. Singh)

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/-

Yours faithfully,

(5) In witness whereof  
Union of India  
(as in WP(C) No. 2531/2000)

Deputy Secretary

(M. R. Sharma)

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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

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- (5) In WP(C) No. 2533/2001  
Union of India and 2 others  
(as in WP(C) No. 2531/2001).

(M. R. Singh)

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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-PS(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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Yours faithfully,

(5) In re  
Union of India  
(as in WP(C) No. 20)

(M. R. Singh)

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

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

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



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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

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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."

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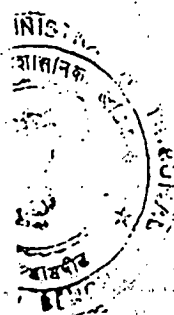
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Other directions such as relaxation of age were also issued. We have no doubt that Respondent No.3 will take action in the line indicated in the aforesaid judgment if occasion for making appointment arises in near future. The applicants may individually 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]*

Section Officer

18/6/98

माननीय अधिकारी (प्रशासनिक शाखा)  
Central Administrative Tribunal

केन्द्रीय प्रशासनिक अधिकरण  
Guwahati Bench, Guwahati-8  
गुवाहाटी बेंच, गुवाहाटी-8

*[Signature]*  
18/6

Annexure → 6

(50)

STATEMENT

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

40

| 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<br>2. Sri B.L. Sarmah<br>3. Sri S.S. Hiramath   |
| 3.      | Assistant Director Of Census Operations (T) (8000-13500) | 3                                    | -                      | 3            | 1.<br>2. To be filled up by ORGI.<br>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: -<br>1. Sri B.M. Talukdar<br>2. Sri P. Kalita |

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| 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  |
| 5       | Statistical Investigator Gr. II (5500-9000)  | 4                                    | 4                      | -            | <p>3. Sri G.K. Dutta<br/>4. Sri A.C. Borgohain<br/>4 posts sanctioned and earmarked for Directorate as a result of restructuring of Statistical cadre. The following incumbents are occupying the 4 posts:-</p> <p>1. Sri R. Dihingia<br/>2. Sri J.N. Bordoloi<br/>3. Sri P.K. Borah<br/>4. Sri B. Saikia</p>                            |
| 6       | Statistical Investigator Gr. III (5000-8000) | 10                                   | 9                      | 1            | <p>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:-</p> <p>1. Sri T.D. Sinha<br/>2. Sri K.C. Patwary<br/>3. Sri B.N. Sharma<br/>4. Sri B.K. Bhattacharjee<br/>5. Sri R.C. Hazarika<br/>6. Sri D.N. Barman</p> |

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Orders for their regularisation must be issued.

posts are concerned

(42)

| 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  |
|         |                          |                                      |                        |              | 7. Sri Ramani Barman<br>8. Sri Bipul Kumar Baruah<br>9. Sri R.P. Neog<br>10. Sri B.K. Pawe<br><br>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 Censu-2001.  |
| 7.      | Sr. Compiler (4500-7000) | 7                                    | 7                      | -            | 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: -<br><br>1. Sri K.K. Bhattacharjee<br>2. Sri B.C. Kakoty<br>3. Sri N.C. Barman<br>4. Sri H.N. Kalita<br>5. Sri C. Chakraborty<br>6. Sri D. Hazarika<br>7. Sri D.B. Baruah |

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

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| 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"> <li>1. Sri K.K. Bhattacharjee</li> <li>2. Sri B.C. Kakoty.</li> <li>3. Sri N.C. Barman</li> <li>4. Sri H.N. Kalita</li> <li>5. Sri C. Chakraborty</li> </ol> <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"> <li>1. Sri D. Hazarika</li> <li>2. Sri D.B. Baruah</li> </ol> <p>Thus all the 7 permanent and regular incumbents in the grade of Sr. Compiler have been promoted on adhoc basis against 5</p> |

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| Sl. No. | Name of the Post | No. of sanctioned posts (As per SIU) | No. of posts filled up | Vacant Posts | Remarks/Présent 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"><li>1. Sri B.K. Barman</li><li>2. Sri Prakash Baruah</li><li>3. Smt. P. Bhattacharjee</li><li>4. Sri C.N. Ojha</li><li>5. Sri K.C. Baishya</li><li>6. Sri A.K. Baruah</li><li>7. Sri T.C. Goswami</li></ol> <p>Thus, there is no vacancy in the grade of Sr. Compiler on core side.</p> |



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| 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<br>(4000-6000) | 19                                   | 19                     |              | Originally all the 19 posts are occupied on regular basis with the following incumbents: -<br><br>1. Sri B.K. Barman<br>2. Sri Prakash Baruah<br>3. Smt. P. Bhattacharjee<br>4. Sri C.N. Ojha<br>5. Sri K.C. Baishya<br>6. Sri A.K. Baruah<br>7. Sri T.C. Goswami<br>8. Sri Arun Hazarika<br>9. Sri L.C. Borah<br>10. Sri M. Konwar<br>11. Sri P.K. Sharma<br>12. Sri B.C. Das<br>13. Sri A.C. Deka<br>14. Smt. Khana Das<br>15. Smt. P. Chaudhury<br>16. Sri Lohit Das<br>17. Sri Bukul Chutia<br>18. Sri D.R. Bora<br>19. Sri D.R. Baishya |

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| 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"> <li>1. Sri B.K. Barman</li> <li>2. Sri Prakash Baruah</li> <li>3. Smt. P. Bhattacharjee</li> <li>4. Sri C.N. Ojha</li> <li>5. Sri K.C. Baishya</li> <li>6. Sri A.K. Baruah</li> <li>7. Sri T.C. Goswami</li> </ol> <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"> <li>1. Sri Arun Hazarika</li> <li>2. Sri L.C. Borah</li> <li>3. Sri M. Konwar</li> <li>4. Sri P.K. Sharma</li> <li>5. Sri B.C. Das</li> </ol> |

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| 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<br/> 7. Smt. Khana Das<br/> 8. Smt. P. Chaudhury<br/> 9. Sri Mohit Das<br/> 10. Sri Bukul Chutia<br/> 11. Sri D.R. Bora<br/> 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<br/> 2. Sri R. Kt. Deka<br/> 3. Sri M.N. Sharma<br/> 4. Sri Niranjana Das<br/> 5. Sri S. Swargiary<br/> 6. Sri A. Hazoary</p> <p>Remaining one resultant vacancy has been filled up by appointing the following person by deputation: -</p> |

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| 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<br>2. 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<br>No. of posts filled up | 3<br>Vacant Posts | Out of 19 sanctioned posts, 18 are filled up and occupied permanently by the following incumbents: -<br>1. Sri L.K. Nath<br>2. Sri R. Kt. Deka<br>3. Sri M.N. Sharma<br>4. Sri Nirenjan Das<br>5. Sri S. Swargiary<br>6. Sri A. Hazoary<br>7. Smt. Dipti Sharma<br>8. Sri B. Baishya<br>9. Md. S.N. Haque<br>10. Sri A. Barthakur<br>11. Sri Parag Das<br>12. Sri Balen Kalita<br>13. Sri K. Boro<br>14. Sri A. Chakraborty<br>15. Sri N. Boro |

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| 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<br/>17. Sri Nabajyoti Sharma<br/>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> <p>1. Sri L.K. Nath<br/>2. Sri R. Kt. Deka<br/>3. Sri M.N. Sharma<br/>4. Sri Niranjan Das<br/>5. Sri S. Swargiary<br/>6. Sri A. Hazoary</p> <p>Since no more Asst. Compilers are eligible one remaining resultant vacancy in the grade of Compiler has been filled up by deputation</p> |

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| 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"> <li>1. Smt. Dipti Sharma</li> <li>2. Sri B. Baishya</li> <li>3. Md. S.N. Haque</li> <li>4. Sri A. Barthakur</li> <li>5. Sri Parag Das</li> <li>6. Sri Balen Kalita</li> <li>7. Sri K. Boro</li> <li>8. Sri A. Chakraborty</li> <li>9. Sri N. Boro</li> <li>10. Smt. D. Doley</li> <li>11. Sri Nabajyoti Sharma</li> <li>12. Sri K. Tumang</li> </ol> <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"> <li>1. Smt. Seema Kumari</li> <li>2. Sri Ameo Kumar Das</li> <li>3. Smt. D. Lahkar</li> <li>4. Sri B. Das</li> </ol> |

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| 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.     | Sl. 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> <ol style="list-style-type: none"> <li>1. Smt. S.K. Chetia</li> <li>2. Smt. Minu Kalita</li> </ol>   |

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| 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<br>(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"> <li>1. Smt. Biju Mahanta</li> <li>2. Smt. R. Mazumdar</li> <li>3. Smt. Mamani Kalita</li> </ol>  |



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| 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> |

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| 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<br>(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.<br><br>The resultant vacancy has been filled up by deputation (Smt. Cinema Medhi).   |
| 15.     | HPMO<br>(3050-4590)                  | 1                                    | 1                      | -            | Sri B. Kt. Hazarika is holding the post on deputation. He is likely to be absorbed permanently.   |
| 16.     | Office Superintendent<br>(5500-9000) | 2                                    | 2                      | -            | Filled up on permanent basis: -<br><br>1. Sri A.C. Gayan<br>2. Sri N.N. Pathak.   |
| 17.     | Sr. Stenographer<br>(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. |

(55)

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| 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: -<br>1. Sr. R.M. Borah<br>2. Sri B.K. Chaudhury<br>3. Sri B.N. Borah   |
| 20.     | UDC (4000-6000)                  | 4                                    | 3                      | 1            | 4 posts permanently held by: -<br>1. Smt. S. Deb Purkayatha<br>2. Sri L.D. Joshi<br>3. Sri D. Das<br>4. Sri B. Seal  |

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| 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<br>(3050-4590) | 5                                    | 5                      | -            | <p>The following are permanent holders of 4 posts: -</p> <ol style="list-style-type: none"><li>1. Sri Nabin Das</li><li>2. Sri S. Rabha</li><li>3. Sri B.C. Gogoi</li><li>4. Smt. K. Deka</li></ol> <p>The seniormost person Sri Nabin Das has been allowed to officiate against a resultant vacancy in the grade of UDC.</p>   |

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| 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:-<br>1.Sri M. Wari<br>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 :-<br>1.Sri B.K. Hazarika<br>Holding the post of HPMO on deputation.<br>2.Sri U.C. Hazarika<br>3.Sri S. Haloi |
| 24.     | Peon (2550-3200)               | 8                                    | 8                      | No. of posts filled up | Filled up permanently and holders of the posts are:-  |

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| 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 B. Haloi<br>2. Sri S. Bharali<br>3. Sri R. Bejbaruah<br>4. Sri P. Medhi<br>5. Sri Atul Baruah<br>6. Sri H. K. Chamua<br>7. Smt. B. Maya Chetry<br>8. Sri R. Hazang<br>9. Sri Bhusan Deka<br>Sri B. Haloi has been promoted on adhoc basis against a temporary post of Daftry created for Census -2001.<br>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<br>(2550-3200) | 6                                    | 6                      | -            | 1. Md. Sofik Ali<br>2. Sri Bipul Saikia<br>3. Sri Dharani Deka<br>4. Sri Girish Deka<br>5. Sri Sunanda Das<br>6. Sri Rup Kumar Das   |

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| 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<br>(3050-4590) | 1                                    | 1                      | -            | Sri B.B. Rabha                        |
| 27.                   | Sweeper<br>(2550-3200)          | 1                                    | 1                      | -            | Sri Uma Das                           |
| <b><u>CANTEEN</u></b> |                                 |                                      |                        |              |                                       |
| 28.                   | Coupon Clerk<br>(3050-4590)     | 1                                    | 1                      | -            | Sri Deben Das                         |
| 29.                   | Cook<br>(3050-4590)             | 1                                    | 1                      | -            | Sri Hiteswar Hazarika                 |
| 30.                   | Tea Maker<br>(2610-4000)        | 1                                    | 1                      | -            | Sri Dipak Medhi                       |
| 31.                   | Bearer<br>(2610-4000)           | 1                                    | 1                      | -            | Sri Prasanna Das                      |
| 32.                   | Wash Boy<br>(2550-3200)         | 1                                    | 1                      | -            | Sri Hasher Ali                        |

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| Sl. 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<br>2.Sri S.Mukherjee<br>3.Sri B.Barpujari   |
| 34         | Jr. Supervisor ( 5000-8000 ) | 9                                      | 9                      |              | 1. Sri M.J. Tamuly<br>2. Sri Dilip Kr. Das<br>3. Sri Jayanta Ghosh<br>4.Sri Nayan Borah<br>5.Sri M.Rajkhowa<br>6. Sri A.Talukdar<br>7. Smt. R.Sharma<br>8. Smt. P.Medhi<br>9. Sri Ratul Das<br>10.Sri Biren Das<br>9 (nine) permanent posts of Jr. Supervisor stand filled up with the following incumbents:<br>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 |



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|    |                            |    |    |   |   |
|----|----------------------------|----|----|---|---|
|    |                            |    |    |   | Das, DEO-B. Thus at present all posts are filled up.  |
| 35 | DEO Gr. 'B'<br>(4500-7000) | 45 | 38 | 7 | <p>1. Sri Biren Das<br/> 2. Sri Samarjit Das<br/> 3. Sri S. Dutta<br/> 4. Sri D. Bordoloi<br/> 5. Md. A. Motin<br/> 6. Sri D. K. Baruah<br/> 7. Sri H. Boro<br/> 8. Sri M. Roy<br/> 9. Sri S. M. Bora<br/> 10. Sri M. Basumatary<br/> 11. Sri Nimai Roy<br/> 12. Sri B. Phukan<br/> 13. Smt. Deepa Baruah<br/> 14. Sri Ajit Kalita<br/> 15. Sri S. Mudai<br/> 16. Smt. M. Devi<br/> 17. Sri T. N. Baruah<br/> 18. Sri Nitul Dutta<br/> 19. Sri D. Chakraborty<br/> 20. Sri Bipul Kalita</p> <p>Out of 45 sanctioned posts 39 have been filled up on permanent basis with the following incumbents:<br/> 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> |

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| 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<br>22. Sri B. Thakur<br>23. Sri N. Hazarika<br>24. Smt. M.M. Chetia<br>25. Sri A. Rabha<br>26. Smt. B. Sonowal<br>27. Sri P. Borkakoti<br>28. Sri Kishor Deka<br>29. Sri B. Naidu<br>30. Sri Nanju Englang<br>31. Sri S. Morang<br>32. Sri R. Bhuyan<br>33. Sri M.N. Sharma<br>34. Sri P. Haloi<br>35. Sri Jiten Nath<br>36. Sri U. Saikia<br>37. Md. Z. Hussain<br>38. Sri Dipak Baruah<br>39. Sri Pradeep Das<br>40. Vacant<br>41. Vacant<br>42. Vacant<br>43. Vacant<br>44. Vacant<br>45. Vacant |
| 36.     | Loader<br>(2550-3200) | 4                                    | 4                      | -            | 1. Sri Kameshwar Deka<br>2. Sri Sadananda Sharma<br>3. Sri H. Talukdar<br>4. Sri Tapeswar Deka  |
|         | Total                 | 181                                  | 163                    | 18           |   |

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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 lie.

Annexure → R-7

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## STATEMENT - II

Name of the DCO: ASSAM, Guwahati  
CENSUS POSTS

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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<br>(5000-8000)                             | 2                       | 2                      | -            | The following regular incumbents in the grade of UDC on core side have been promoted on adhoc basis: -<br><br>1. Smt. S.D. Purkayastha<br>2. Sri L.D. Joshi |
| 6.      | Confidential Assistant<br>(5500-9000)                | 1                       | 1                      | -            | The following incumbent holding permanently the post in the permanent post of Sr Stenographer on core side has been promoted: -<br><br>1. Sri K.N. Gogoi    |
| 7.      | Sr. Drawing Assistant<br>(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<br>(Printing)<br>(5500-9000) | -                       | -                      | -            | The post has been abolished w.e.f. 1.3.2002   |

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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   |
| 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 -<br><br>1. Sri K.K. Bhattacharjee<br>2. Sri B.C. Kakoty<br>3. Sri N.C. Barman<br>4. Sri H.N. Kalita<br>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/Present status of recruitment  |
|---------|-------------------------------------|-------------------------|------------------------|--------------|--|
| 1       | 2                                   | 3                       | 4                      | 5            | 6  |
|         |                                     |                         |                        |              | 1. Sri Rupram Baruah<br>2. Sri N. Talukdar   |
| 13.     | UDC<br>(4000-6000)                  | 2                       | 2                      |              | Filled up by deputation: -<br>1. Smt. Caroline S. Dhar<br>2. Sri Gopal Deka                        |
| 14.     | Daftary<br>(2610-3540)              | 1                       | 1                      | -            | Sri B. Holoi<br>Temporarily promoted from the post of Peon (regular incumbent).                    |
| 15.     | Assistant Director<br>(OL)          | 1                       | 1                      | -            | Sri M.S. Chauhan<br>Temporarily promoted from the post of Sr Hindi Translator (regular incumbent). |
| 16.     | Hindi Typist<br>(3050-4590)         | -                       | -                      | -            | 1 post sanctioned for Census - 2001 has been abolished.  |
| 17.     | Assistant Director<br>(Data Centre) | 1                       | -                      | 1            | To be filled up ORGI.  |

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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  |
| 18.     | Statistical Assistant<br>(SI Gr. III)<br>(5000-8000)<br>(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. -<br><br>1. Sri D. Hazarika<br>2. Sri D.B. Baruah |
| 19.     | Senior Supervisor<br>(5500-9000)<br>(Data Centre)                     | 1                       | 1                      | -            | 1. Sri M.J. Tamuli   |
| TOTAL   |   | 25                      | 22                     | 3            |  |



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By Fax/Speed Post

"REGENSLIND"

Sl. No. 12011/4/2000-Ad.IV  
GOVERNMENT OF INDIA

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

Annexure-R/8

नई दिल्ली, पत्र 2/A, Hansingh 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 promotion against above mentioned posts is enclosed, which may be used with suitable need based modifications.

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

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

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

Yours faithfully,

(M. R. Singh)

# ANNEXURE - R/9 DATA ENTRY OPERATOR - Gr. B

TO BE PUBLISHED IN THE GAZETTE OF INDIA PART II SECTION 3 SUB-SECTION (II)

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

New Delhi, Dated the 23/11/2000

## Notification

G.S.R..... In exercise of the powers conferred by the proviso to article 309 of Constitution and in supersession of the Office of the Registrar General, India and the Offices of the Directors of Census Operations in States and Union Territories (Data Entry Operators, Grade 'B') Recruitment Rules 1996, 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 Data Entry Operator Grade 'B' in the Office of the Registrar General, India and in the Directorates of Census Operations in the States and Union Territories, namely:-

1. **Short title and commencement.**-(1) These rules may be called the Office of the Registrar General, India and Directorates of Census Operations (Data Entry Operator Grade 'B') Recruitment Rules, 2000.

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

2. **Number of posts, classification and scale of pay.**-The number of said post, 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.

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

4. **Disqualifications.**-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.

5. **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.

6. **Saving.**-Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

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SCHEDULE

| Name of the Post<br>1         | No. of Posts<br>2  | Classification<br>3  | Scale of pay<br>4 | Whether selection-cum-seniority/ selection by merit<br>5 |
|-------------------------------|--|--|-------------------|--|
| Data Entry Operator Grade 'B' | 1152 (2000)<br>Subject to variation dependent on workload. | General Central Service, Group 'C' Non-Gazetted, Non-Ministerial | Rs.4500-125-7000. | Selection-cum-seniority                                  |

| Whether benefit of added years of service are admissible under rule 30 of the Central Civil Service Pension) Rules, 1972.<br>6 | Age limits for direct recruits<br>7   | Educational and other qualifications required for direct recruits.<br>8   |
|--|---|---|
| Not applicable   | <p>Not exceeding 27 years (Relaxable for Govt. servants upto the age of 40 in the case of general candidates and 45 years in the case of candidates belonging to Scheduled Caste and Scheduled Tribes in accordance with the instructions or orders issued by the Central Government)</p> <p><u>Note 1:</u> The crucial date for determining the age-limit shall be the closing date for receipt of applications from candidates in India ( and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul Spiti District and Pangri Sub-Division of Chamba District of Himachal Pradesh, Union Territory of Andaman, Nicobar Islands or Union Territory of Lakshadweep)</p> <p><u>Note 2:</u> The crucial date for determining the age limit in the case of candidate from Employment Exchange shall be the last date upto which the Employment Exchange are asked to nominate candidates</p> | <p><u>Essential:</u></p> <p>(a) Degree of a recognised University or equivalent.</p> <p>(b) One year certificate of proficiency in Computer from a recognised Government Institution preferably O level certificate recognised by Department of Electronics in Government of India</p> <p>• A speed of not less than 8000 key depressions per hour for data entry work.</p> <p>(d) Should qualify in the Personal Computer skills test. ✓</p> <p><u>Note:1.</u> Preference will be given to those who possess Degree with Science, Mathematics, Commerce, Statistics, Economics.</p> <p><u>Note: 2.</u> Qualifications are relaxable at the discretion of the Staff Selection Commission/Competent Authority in case of candidates otherwise well qualified.</p> <p><u>Note:3.</u> The qualifications regarding experience are relaxable at the discretion of the Staff Selection Commission/Competent Authority in case of candidates belonging to the Scheduled Castes/Scheduled Tribes if, at any stage of selection the Staff Selection Commission/Competent Authority is of the opinion that sufficient number of candidates belonging to these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.</p> |

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| 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  |
| No   | 2 (Two) years for direct recruits. | By promotion failing which by direct recruitment /absorption and failing both by deputation.<br>(Short term vacancies will be filled by promotion/deputation only) | <p><b>Promotion:</b> Data Entry Operator Grade 'A' with 5 years regular service.</p> <p><b>Deputation:</b> Central/State Government Employees holding analogous posts or with 5 (five) years regular service in the pay scale of Rs. 4000-6000/- or equivalent, possessing experience of data entry work.</p> <p><b>Absorption:</b> Officers of the Central/State Government holding analogous posts and possessing qualifications prescribed for direct recruits in Column 8.</p> <p>The departmental officers in the feeder category who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation.</p> <p>Similarly deputationists shall not be eligible for consideration for appointment by promotion.</p> <p>(Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organization/department of the Central Government shall ordinarily not exceed 5 years. The maximum age limit for appointment by deputation/absorption shall not be exceeding 56 years on the closing date of receipt of applications).</p> |

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| If a Departmental Promotion Committee exists, what is its composition.  | Circumstances in which UPSC is to be consulted in making recruitment. |
|---|---|
| <b>13</b>   | <b>14</b>   |
| <b><u>I. Group 'C' Departmental Promotion Committee for Office of Registrar General, India:</u></b><br>1. Deputy director/Under Secretary (Administration.)<br>- Chairman<br>2. A group 'A' officer from EDP cadre nominated by Registrar General, India<br>- Member<br>3. A group 'A' Central Government Officer of other Ministry/Department of Government of India, preferably belonging to Scheduled Castes/Scheduled Tribes -Member  | No  |
| <b><u>II. Group 'C' Departmental Promotion Committee for Office of the Director of Census Operations:</u></b><br>1. Deputy Director of Census Operations or Assistant Director of Census Operations (Technical)<br>-Chairman<br>2. Deputy Director of Census Operations or Assistant Director of Census Operations (Technical)<br>-Member<br>3. A group 'A' Central Government Officer of other Ministry/Department of Government of India preferably belonging Scheduled Castes/Scheduled Tribes -Member |   |

(F.No. A-12032/38/99-Ad.II)

*Jayan*  
16/12  
(J.K. Banthia)  
Registrar General, India

To,

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

R-765/117-11  
28/5/2001

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1293/2001-2-3  
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No.2/8/2001-PIC  
Government of India

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

New Delhi, the 16 May, 2001.

OFFICE MEMORANDUM

Ministry of Personnel, Public Grievances & Pensions  
21 May 2001  
केंद्र. सं. 60/बजट: -Optimisation of direct recruitment to civilian posts.  
आ. सं. 2001/2-3

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".

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.

Plm  
Screening  
C.H. 10  
Secretary  
P.A.  
J.S. (Admn.)

Pl. Secretary  
to the Government of India  
2001/2-3  
2001/2-3  
2001/2-3

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AFPA/En II)  
25.5.01  
2001/2-3  
2001/2-3  
2001/2-3

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 1/3<sup>rd</sup> of the direct recruitment vacancies occurring in each year being filled up. Accordingly, direct recruitment would be limited to 1/3<sup>rd</sup> 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

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thereafter place indents for Direct Recruitment. Recruiting agencies would also not accept any indents which are not accompanied by a certificate indicating that the same has 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') proscribed 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-combatted 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)