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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES,1990)

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O.A/T.A No. 195/2006

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SECTION OFFICER (Judl.)

FORM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Org.App/Misc.Petn/Cont.Petn/Rev.Appl. 195/2004

In O.A.

Name of the Applicant(s) Rana Mazumdar

Name of the Respondent(s) UOI & ors.

Advocate for the Applicant Mr M.Chanda, G.N. Chakraborty
S. Nath & S. Choudhury

Counsel for the Railway/C.G.S.C. CGSC. A.K. Chaudhury, Ms. S Das

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
The application is in form is filed/C.F. for Rs. 50/- deposited vide IPO/BD No. 20G 113114 Dated 16/8/04 Dy. Registrar	30.8.2004	Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for respondents. The application is admitted. Issue notice to the parties. Returnable within four weeks. Issue notice on the interim prayer. Meanwhile, status quo shall be maintained. List it before the next Divison Bench. I C Usha Member (A)
NO steps. 27/8/04		
Notice & order sent to D/section for issuing to resp. Nos 1 to 7, by regd. with A/D post. 6/9/04.		

mb

O.A.195/2004

Received Notice on behalf of Respondent No. 3, 6 & 7. 9/9/04

09.09.2004 Present: The Hon'ble Mr.Justice R. K. Batta, Vice-Chairman.

The Hon'ble Mr. K.V.Prahladan, Member (A).

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

Mr.A.K.Chaudhuri, learned Addl.C.G.S.C. seeks time to file reply. In view of the interim relief sought by the party we are inclined to grant only two weeks time for filing reply.

The Tribunal vide order dated 8.5.1998 in O.A.Nos.130 & 131 of 1994 had directed the respondents to give the applicants all consequential benefits. Impugned order dated 12.8.2004 prima facie appears to be contemptuous and we deem it necessary that Suo Moto contempt notice be issued to Shri M.R.Singh, Under Secretary to the Government of India to show cause as to why action for contempt of order dated 8.5.1998 in O.A.Nos.130 & 131 of 1994 should not be taken against him. Shri M.R.Singh is directed to remain present before the Tribunal and file reply on the next date.

Stand over for two weeks. List on 24.9.2004.

Order dt. 9/9/04 sent to D/Section for issuing to Mr. M.R. Singh, Resp. No-5, by regd. with A/D post. 10/9/04.

23-9-04 Service Report awaited.

Member (A) Vice-Chairman

bb

24.9.04 Present: Hon'ble Mr.Justice R.K. Batta, Vice-Chairman.
Hon'ble Mr.K.V.Prahladan, Administrative Member.

Heard Mr.M.Chanda, learned counsel for the applicant and Mr.I.Choudhury, learned counsel appearing on behalf of the Respondents.

The learned counsel for the Respondents states that the written statement has already been filed in O.A.No.194 of 2004 and the facts in this application are exactly same. Certain

contd/-

O.A. 195 of 2004

Notes of the Registry	Date	Order of the Tribunal
	24.9.04.	**Hence, written statement filed in O.A.No. 194 of 2004 be treated as written statement in this application as well. For this purpose, the learned counsel for the Respondents shall file two copies of the written statement in O.A.No.195 of 2004 on records. The Applicant may in case so desired file rejoinder, if any, with advance copy to the learned counsel for the respondents. Being transfer matter let this case be listed on 4th October, 2004.** **Member** **Vice-Chairman**
Received on behalf of respondent 29/9/04 Received Cop. 29/9/04 lm		
1) No re/s has been filed in OA 195/04 by the counsel for the respondents. 2) No rejoinder has been filed. 1/10/04 Received order dt 4/10/04 on behalf of respondents 4/10/04 Re. copy order dated 4/10/04 6/10/04	4.10.2004	Present: The Hon'ble Mr.Justice R.K.Batta Vice-Chairman. The Hon'ble Mr.K.V.Prahladan Member (A). Learned counsel Mr.Gautam Rahul appearing on behalf of respondents, seeks adjournment in the matter and prays for fixing the matter on 6.10.2004. It is not possible to take up the matter on 6.10.2004. Learned counsel for the applicant Mr.M.Chanda therefore, opposes the adjournment sought. In view of above, adjournment is granted subject however to payment of costs of Rs.500/-. Payment of costs is condition precedent ~~in~~ for granting adjournment. If the costs are not paid/deposited on or before next date respondents shall not be heard in the matter. Stand over to 8.11.2004. Member (A) Vice-Chairman
7.10.04 Rejoinder submitted by the applicant. Deposited ~~Received~~ Rs.500/- vide Receipt No.1335 from the ~~learned~~ advocate for Chandhury and Pun order dated 4.10.04. 4/11/04		bb

7.10.04
W/S submitted by the Respondents Nos. 1 to 7. and also Rejoinder submitted by the applicant. The case is ready for hearing.

8/11/04
1) Deposit Rs 500/- vide Receipt No. 1335 dated 4/11/04.
2) The case is ready for hearing as regards W/S and Rejoinder

8/11/04
Order dt 8/11/04 received on behalf of respondents.
9/11/04

8.11.04 Arguments heard. Learned counsel for the respondents is requested to place on record the copies of the Writ Petition and the documents filed alongwith the same filed by the respondents before the Hon'ble Gauhati High Court, as also the Review petition with annexures filed by learned Advocate for the respondents on or before 30.11.04. O.A.No.130/94 and 131/94 be also placed on record of this application.

List for judgment on 2.12.2004.

Member Vice-Chairman

pg

30.11.04. Mr.M.Chanda learned counsel for the applicant and Mr.I.Choudhury learned counsel for the respondents present.

The matter has already listed for for judgment on 2nd December.

Member Vice-Chairman

lm

2.12.04

22.11.04
WP. No. 3985/98 and Review Petition No. 21/04 submitted by the Respondents as records.

Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The application is disposed of in terms of the order. No order as to costs.

Member Vice-Chairman

pg

Case is ready for hearing.

17.12.04
Copy of the order has been sent to the Office for issuing the same to the applicant as well as to the Advocate for the respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original application Nos.194 and 195 of 2004.

Date of Order : This the 2nd Day of December, 2004.

The Hon'ble Mr Justice R.K.Batta, Vice-Chairman.

The Hon'ble Mr K.V.Prahladan, Administrative Member.

Smt Biju Mahanta, (O.A.No.194/2004)
Wife of Shri Satyabrata Mahanta,
Mathura Nagar, Dispur,
Guwahati-6.

Smt Renu Mazumdar (O.A.No.185/2004)
Wife of Shri Naren Chandra Mazumdar
Vill Saurav Nagar, Beltola,
Guwahati-28. ... Applicants

By Advocae Sri Manik Chanda

- Versus -

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

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

3. The Director of Census Operation,
Assam, G.S.Road,
Guwahati-781007.

4. The Under Secretary to the
Government of India,
Ministry of Home Affairs,
2/A Mansingh Road,
New Delhi.

5. Shri M.R.Singh,
Under Secretary to the Govt. of India,
Ministry of Home Affairs,
2/A Mansingh Road,
New Delhi-110 011.

6. The Dy. Director of Census Operation,
Assam, G.S.Road,
Guwahati-781007.

7. Shri B.L.Sarmah,
Dy. Director of Census Operations,
Assam, G.S.Road,
Guwahati-781007. ... Respondents

By Advocate Shri Jndraneel Chowdhury.

O R D E R

R.K.BATTA,J.(V.C)

In both these applications common questions/issues are required to be examined and the facts being identical, the applications were heard together and are being disposed of by a common order.

2. Applicant Smt Renu Mazumdar was appointed as Draftsman in May 1970 in the office of Director of Census Operation, Arunachal Pradesh, Shillong. She was thereafter transferred to the office of Director of Census Operation, Assam. The other applicant Smt Biju Mahanta was appointed as Draftsman in July 1980 in the office of Census Operation, Assam, Guwahati. They were both promoted to the post of Artist, which is the next promotional post. Smt Biju Mahanta was promoted to the post of Artist with effect from 30.4.90 and was placed on probation for two years. Smt Renu Mazumdar was promoted to the post Artist on the recommendation of Departmental Promotion Committe on 23.10.91. Both the applicants worked in the said post of Artist till 30.11.93 when they were reverted to the post of Draftsman vide letter dated 30.12.93 consequent upon discontinuation of two posts of Artist vide order dated 30.11.93. The applicants had approached this Tribunal claiming that they had been regularly promoted to the post of Artist and could not be reverted to the post of Draftsman on the ground that two posts of Artist created for 1991 census had been abolished.

3. The case of the respondents was that the post of Artist had been temporarily created for 1991 census on account of which the applicants were promoted and subsequently due to abolition of the posts on completion of 1991 census the applicants were reverted back to their substantive post of Draftsman. The Tribunal allowed both the applications and set aside order of reversion dated 30.12.93 and also directed the respondents to give applicants all consequential benefits. This order of the Tribunal was challenged before the Hon'ble Gauhati High Court in Civil Rule No.4037/98 and 3985/98. The Hon'ble High Court dismissed the appeal filed by the respondents. Since the order of the Tribunal and the Hon'ble High Court were not complied with, the applicants first filed Contempt Petition 20/2000 on 26.5.2000 for non compliance of

the said orders. On 1.6.2004 notices were issued in the C.P. to the respondents to show cause as to why contempt proceedings should not be initiated against them. The matter was subsequently listed on 25.8.04. In the meantime on 12.8.04 orders were passed by the respondents promoting the applicants to the post of Senior Draftsman and transferring them from the office of Director of Census Operation, Guwahati to the office of the Registrar General India, New Delhi. By another order dated 13.8.04 two posts of Draftsman in DCO, Assam were withdrawn. By yet another order dated 19.8.04, the applicants were relieved with effect from 19.8.04 as as to enable them to join the post of Senior Draftsman in the office of the Registrar General, New Delhi. In view of the said orders, the applicants have once again approached this Tribunal seeking directions to modify order dated 12.8.04 and to allow the applicants to continue in the promoted post of Senior Draftsman in the office of Director, Census Operation, Assam, Guwahati cancelling their transfer to New Delhi by restoring them to the post and promotion in the office of DCO, Guwahati which they were holding prior to their reversion. The applicants also seek direction that they be declared to be in continuous service in the post of Senior Draftsman from 31.12.93 with further direction to the respondents to pay consequential benefits with effect from 31.12.93 till restoration to the post of Senior Draftsman in the office of DCO, Guwahati. The applicants also pray for setting aside of order dated 13.8.04 withdrawing two posts of Draftsman and order dated 19.8.04 transferring them to the office of Registrar General, New Delhi. The applicants also seek declaration that they are legally entitled to be restored to the post of Senior Draftsman in the office of DCO, Guwahati by virtue of the earlier judgment of this Tribunal and the Hon'ble High Court.

4. The Contempt Petition had came up for hearing on 25.8.04 wherein it was pointed out that the respondents could not have given promotion to the applicants on notional basis or restriction to non payment of salary. The modified order dated 14.9.04 modifying the earlier order dated 12.8.04 was placed before us and in view of the modified order dated 14.9.04 the C.P was ordered to be closed consequent to Shri M.R.Singh, Under Secretary to the Government of India having tendered unconditional apology.

5. The issues which has been raised in these applications are :

i) In view of the order passed by this Tribunal in O.A.130/94 and 131/94 the order of the respondents dated 12.8.04 granting notional promotion and denying consequential benefits is not only illegal but contemtuous in nature.

ii) The withdrawal of posts of Draftsman from the office of the DCO, Assam is not justifiable on any ground.

iii) The applicants are entitled to be reposted and continue at the office of DCO, Assam in the capacity as Senior Draftsman which was being held by them prior to their reversion and

iv) The transfer of the applicants has been done in order to penalise the applicants the applicants with mala fide intention and motives.

6. We shall deal with the issues raised before us one by one. Insofar as the first issue is concerned the same is now only of academic interest. Initially the respondents had passed order dated 12.8.04 granting promotion to the applicants to the post of Senior Draftsman on notional basis thereby disallowing them to draw arrears of pay and allowance. The relevant portion of the order dated 12.8.04 reads as under

> "Smt R.Mazumdar and Smt. B.Mahanta will continue to hold the posts of Artist till 31.12.1995 on notional basis from the date of their initial promotions. As Smt. R.Mazumdar and Smt. B.Mahanta have not worked as Artist for the period mentioned above and also due to non-availability of vacant post of Artists, they will not be entitled to draw arrears of pay and allowances as Artist during the said period

W.e.f 1.1.96 on the basis of recommendation of the 5th Central Pay Commission, the posts of Artist, Senior Artist and Senior Draftsman were merged and redesignated as Senior Draftsman. Therefore, w.e.f. 1.1.1996 Smt. R.Mazumdar and Smt. B.Mahanta are appointed as Senior Draftsman. Similarly, their pay in the grade of Senior Draftsman will be fixed notionally and they will not be entitled to draw arrears of pay and allowances of the post of Senior Draughtsman for the period for which they did not work as Senior Draughtsman due to the fact that there were no posts available in DCO, Assam."

We have already stated that order dated 12.8.04 was modified vide order dated 14.9.04 and the modified order dated 14.9.04 reads as under :

In pursuance of the Hon'ble CAT Guwahati Bench Orders dated 9.9.2004 in O.A.Nos. 194/2004 and 195/2004 filed by Smt B.Mahanta and Smt Renu Mazumdar, para 3(i)(ii) of this Office Order No.27/96/94-Ad.IV dated 12.8.2004 are modified as under :

Para 3(i) Smt Renu Mazumdar and Smt B.Mahanta will continue to hold the post of Artist till 31.12.95 and they are allowed to draw the salary of Artist till 31.12.95. The above amount will be paid by the DCO, Assam.

(ii) W.e.f 1.1.1996, on the basis of recommendation of 5th Central Pay Commission, the post of Artist, Senior Artist and Senior Draftsman were merged and re-designated as Senior Draftsman. Therefore w.e.f. 1.1.1996 Smt R.Mazumdar and Smt. B.Mahanta are appointed as Senior Draftsman. They are also allowed to draw the pay and allowances in the grade of Senior Draftsman w.e.f. 1.1.1996 till 19.8.2004(AN)(the date on which they have been relieved from DCO, Assam to join HQ Office in Delhi). Since they have already been relieved by DCO, Assam vide their letter No.DCO(E)253/2004/46660 dated 19.8.2004(AN), they will be entitled to draw the pay and allowances in the grade of Senior Draftsman from the Hqrs, Office of R.G.I, New Delhi after the above date."

In view of the above the grievance of the applicants regarding notional promotion and payment of consequential benefits has been duly met and satisfied.

7. Coming to the second issue relating to withdrawal of the two posts of Draftsman from the office of the DCO, Assam vide order dated 13.8.04, we find that this does not have any bearing on the controversy involved in as much as withdrawal of

the 2 posts of Draftsman does not in any manner affect the applicants since the applicants are holding the post of Senior Draftsman in terms of the orders passed by this Tribunal and the Hon'ble High Court, from the time of their initial appointment and their reversion order has already been set aside. Therefore, nothing material would turn out insofar as the withdrawal of the posts of Draftsman vide order dated 13.8.04 is concerned.

8. The main controversy which is required to be dealt with relates to order dated 12.8.04 vide which the applicants were transferred from the office of the DCO, Assam, Guwahati to the office of the Registrar General, New Delhi and order dated 19.8.04 vide which the applicants were relieved and the claim of the applicants that they are entitled to be posted as Senior Draftsman at DCO, Assam, Guwahati. The relevant portion of order dated 12.8.04 reads as under :

> "Due to non-availability of posts of Senior Draftsman in DCO, Assam, Smt R.Mazumdar and Smt. B.Mahanta are hereby transferred and posted as Senior Draftsman in the Hqrs. Office of Registrar General, India, New Delhi against vacant core posts of Senior Draftsman."

The order dated 19.8.04 reads as under :

> In pursuance of the office of the Registrar General, India's Order No.27/96/94-Ad.IV dated 13.8.2004 (copy enclosed) the following Draftsman in the o/o the Director of Census Operations, Assam Guwahati are hereby released w.e.f. 19th August, 2004(AN) so as to enable them to join in the post of Senior Draftsman in the o/o the Registrar General, India, New Delhi.
>
> 1. Smti Biju Mahanta, Draftman
> 2. Smti Renu Mazumdar, Draftsman."

In this respect the contention of learned counsel for the applicants is that the applicants are entitled to be restored on the same post at the same station where the applicants were working at the time of reversion. In support of this contention reliance has been placed on Union of India vs. Kewal Krishan Mittal, 1984(2) SLR 614 and Ram Pal and Ors. vs. Union of India & Ors. (2002-2003 A.T.Full Bench Judgments

113). According to the learned counsel for the applicants the issue relating to abolition of posts of Artists which are equated to post of Senior Draftsman has already been dealt with by this Tribunal and the Hon'ble High Court and the same cannot be reopened. It is further submitted by learned counsel for the applicants that the order of transfer dated 12.8.04 and posting the applicants at Headquarter, New Delhi on the sole ground of non-availability of post is not only contrary to the orders passed by the Tribunal and the Hon'ble High Court but the same is also contemtuous in nature. According to learned counsel for the applicants the transfer is not only mala fide but it is an attempt to defeat and frustrate the orders passed by this Tribunal and the Hon'ble High Court. It was also pointed out that the manner in which the orders were served in sealed envelop also goes to substantiate mala fide on the part of the respondents.

10. Learned counsel for the respondents submitted before us that the applicants have been allowed to hold the post of Artist till 31.12.95 in the office of DCO, Guwahati and subsequent to merger of the posts of Artist with Senior Draftsman into the re-designated post of Senior Draftsman, the applicants have been appointed with effect from 1.1.96 as Senior Draftsman in the office of DCO, Guwahati till the time they were transferred from the office of DCO Guwahati, Assam to the post of Senior Draftsman in the office of the Registrar General, India, New Delhi and as such there is no merit in issue No.(iii) raised by the applicants. Learned counsel for the respondents has emphasised the portion underlined above in this respect. Therefore, according to learned counsel for the respondents it is a mere case of transfer which was necessitated on account of the fact that there are only two posts of Senior Draftsman in the office of DCO,

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Guwahati, Assam. Therefore, according to learned counsel for the ~~xxxx~~ respondents ~~that~~ the applicants had been posted against the same post held by them on reversion from the date of reversion in the year 1993 till 2004 when they were transferred to the office of Registrar General, India, New Delhi. According to learned counsel ~~for~~ the respondents the transfer being an incident of service can be questioned only on the ground of mala fide and the applicants have failed to make out any case of mala fide. In this respect ~~the~~ he has placed reliance on a number of authorities of the Apex Court and we shall refer to some of the said authorities little later.

11. The main contention of the learned counsel for the applicants is that the applicants are entitled to be posted in the same post and at the same station from where they were reverted in terms of the orders of this Tribunal and the Hon'ble High Court. In this respect reliance has been placed on Union of India vs. Kewal Krishan Mittal(supra) and our attention has been drawn to para 13 of the said judgment, wherein it is observed that a public servant upon setting aside of dismissal is to be restored to the office from which he was dismissed. In Ram Pal and Ors. vs. Union of India & Ors(supra) the directions were that the applicants were restored in the upgraded post in accordance with the ~~xx~~ order passed therein.

12. The applicants were reverted vide order dated 30.12.93 from the post of Artist to Draftsman consequent to discontinuation of two posts of Artist created in connection with 1991 Census. The applicants had approached this Tribunal in O.A. 130/94 and 131/94 against the said order of reversion and had prayed for interim relief. However, this Tribunal vide order dated 14.7.94 found that there was no justification to stay the impugned order dated 30.12.93, ~~xxxxxxxx~~ since the reversion order became effective from 31.12.93. Therefore, after the reversion order dated 30.12.93 the applicants continued in the post of Draftsman in the DCC office, Assam.

By order dated 12.8.04 and modified order dated 14.9.04 the applicants have in fact been appointed and allowed to hold the post of Artist till 31.12.95 in the office of DCO, Assam and to the post of Senior Draftsman with effect from 1.1.96 till 19.8.04 in the office of DCO, Assam itself. In view of this, there is no force in the contention of the learned counsel for the applicants that the applicants have not been posted in the same post which they were holding prior to reversion in as much as the applicants have been posted in the same post at DCO, Guwahati with effect from the date of reversion till 19.8.2004 when they were ordered to be transferred to the office of Registrar General, India, New Delhi.

13. Coming to the fourth issue which relates to the transfer of the applicants, we must say that the controversy which was settled in O.A.130/94 and 131/94 and Civil Rule Nos.4037/98 and 3985/98 before the Hon'ble High Court cannot be reopened. However, what is important is to see as to what was the controversy before the Tribunal and the Hon'ble High Court. The controversy was relating to the appointment of the applicants to the post of Artist which according to the applicants was on regular basis, but according to the respondents the said promotion was against temporary vacancy only for the purpose of 1991 Census and once the census was over the post of Artist had been discontinued and consequently the applicants were reverted back from the post of Artist to Draftsman. Thus, in nutshell, the controversy was in relation to discontinuation of two posts of Artist created to the purpose of 1991 census. This Tribunal vide judgment dated 8.5.98 came to the conclusion that in the appointment letters of the applicants it was nowhere shown that the applicants had been promoted only for the purpose of 1991 census. The learned Addl.C.G.S.C was asked to produce relevant records to show that the applicants

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were actually promoted to the post of Artist only for the purpose of 1991 census but learned Addl.C.G.S.C was not able to produce any record to that effect nor DPC record was produced. Accordingly, it was held that there was no justification to revert the applicants. It is specifically stated in the order that this conclusion was arrived at as respondents failed to produce any documents including sanction letter, record of DPC etc. It was further held that in the absence of those documents the Tribunal was inclined to hold that the applicants were promoted on regular basis and as such the applicants could not be reverted. Before, the Hon'ble High Court also no record was produced by the respondents to show that the applicants had been temporarily promoted. The Hon'ble High Court has held that no material was placed on record to indicate that the present applicants had been promoted on temporary basis. It is further pointed out that the order of promotion having not indicative of any temporary promotion, the applicants could not have been reverted to the post of Draftsman on the basis that the temporary vacancy created inthe Census department had been abolished. There cannot be any doubt that this controversy settled by the Tribunal and the Hon'ble High Court cannot be reopened. Nevertheless, the factual position of the sanctioned strength in the DCO office, Assam, which is placed before us by the respondents in the return and papers annexed thereto, as it stood in the year 2004 when the transfer of the applicants had been ordered, is that there are only two sanctioned post of Senior Draftsman against which two persons are already working. It is not disputed that the Government has the power to assess the work of establishment and sanctioned strength from time to time at each station depending upon work load and requirement. The present requirement as assessed by the Government is stated to be of only two Senior Draftsman at DCO office,

Assam. The promotion orders of the applicants having been made effective from the date of their reversion i.e. first as Artist and then Senior Draftsman from 1.1.96 would mean that there are four persons now against the two posts of Senior Draftsman. The applicants are deemed to be working against the said post from the time of their initial appointment in the year 1990 and 1991 whereas the present incumbents are working against the said post from 1996. The transfer of the applicants is, therefore, to be viewed in the light of the above position. It is now well settled that transfer is an incident of service and unless the transfer is made on malafide ground, the Courts do not interfere with such transfers.

14. The Apex Court in State of U.P. & Ors. vs. Gobardhan Lal, 2004(3) AISLJ 244, has laid down in para 6 and 7 as under :

> "It is too late in the day for any Government Servant to contend that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contra, in the law governing or conditions of service. Unless the order of transfer is shown to be an outcome of a mala fide exercise of power or violative of any statutory provision (an Act or Rule) or passed by an authority not competent to do so, an order of transfer cannot lightly be interfered with as a matter of course or routine for any or every type of grievance sought to be made. Even administrative guidelines for regulating transfers or containing transfer policies at best may afford an opportunity to the officer or servant concerned to approach their higher authorities for redress but cannot have the consequence of depriving or denying the Competent Authority to transfer a particular officer/servant to any place in public interest and as is found necessitated by exigencies of service as long as the official status is not affected adversely and there is no infraction of any career prospects such as seniority, scale of pay and secured emoluments. This court has often reiterated that the order of transfer made even in transgression of administrative guidelines cannot also be interfered with, as they do not confer any legally enforceable rights, unless, as noticed supra, shown to be xxxx vitiated by mala fides or is made in violation of any statutory provision.

A challenge to an order of transfer should normally be eschewed and should not be countenanced by the Courts or Tribunals as though they are Appellate Authorities over such orders, which could assess the niceties of the administrative needs and requirements of the situation concerned. This is for the reason that Courts or Tribunals cannot substitute their own decisions in the matter of transfer for that of Competent Authorities of the State and even allegations of mala fides when made must be such as to inspire confidence in the Court or are based on concrete materials and ought not to be entertained on the mere making of it or on consideration borne out of conjectures of surmises and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer."

15. The Apex Court in Rajendra Roy vs. Union of India and another, AIR 1993 SC 1236 has laid down as under :

"It is true that the order of transfer often causes a lot of difficulties and dislocation in the family set ups of the concerned employees but on that score the order of transfer is not liable to be struck down. Unless such order is passed mala fide or in violation of the rules of service and guidelines for transfer without any proper justification, the Court and the Tribunal should not interfere with the order of transfer. In a transferable post an order of transfer is a normal consequence and personal difficulties are matters for consideration of the department.

It may not be always possible to establish malice in fact in a straight cut manner. In an appropriate case, it is possible to draw reasonable inference of mala fide action from the pleadings and antecedent facts and circumstances. But for such inference there must be firm foundation of facts pleaded and established. Such inference cannot be drawn on the basis of insinuation and vague suggestions."

The Apex Court in Union of India and others vs. S.L.Abbas, AIR 1993 SC 2444 and N.K.Singh vs. Union of India & Ors, (1994) 6 SCC 98 has laid down that unless the order of transfer is vitiated by mala fide or is made in violation of any statutory provisions or infraction of any professed norm or principle, the court cannot interfere with the transfer.

16. The Apex Court in State of Madhya Pradesh & another vs. S.S.Kourav and others, AIR 1995 SC 1056 has laid down as under :

"The court or Tribunals are not appellate forums to decide on transfers of officers on administrative grounds. The wheels of administration should be allowed to run smoothly and the Courts or Tribunals are not expected to interdict the working of the administrative system by transferring the officers to proper places. It is for

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the administration to take appropriate decision and such decisions shall stand unless they are vitiated either by mala fides or by extraneous consideration without any factual background foundation. When, as in this case, the transfer order is issued on administrative grounds the Court cannot go into the expediency of posting an officer at a particular place."

17. Thus it is clear that transfer is an incident of service. A Government employee has no right to insist for posting at a particular post or station. Transfer essentially falls within the domain of administration and Courts cannot interfere with the same unless there is mala fide or other justification. The applicants have made averments that it appears that respondent No.4 had chalked out conspiracy by transferring the applicants to New Delhi in the name of implementation of the order of the Tribunal and the applicants are being penalised and harrassed by the respondents by posting them in New Delhi in Headquarter office. It is also alleged that the mala fide is explicit and the order of transfer is ex facie illegal. It is further alleged that the hurried and unusual mode of delivery of orders of transfer and release shows mala fide vindictiveness against the respondents in a calculated manner. In fact, these are mere allegations without any material in support. The applicants had filed contempt petition in as much as the orders were not complied with. In the exercise of compliance of the orders, the respondents were faced with a situation where there were four persons against two sanctioned posts of Senior Draftsman and in order to implement the orders of the Tribunal and the Hon'ble High Court two of the said four incumbents had to be transferred. The applicants having held the post of Artist which was subsequently equated to Senior Draftsman from 1990-91 respectively i.e. to say for a period of about 13 years at DCO, Guwahati by virtue of orders dated 12.8.04 and modified order dated 14.9.04, have been transferred from DCO Guwahati office to Registrar General, India office, New Delhi.

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The suspicion of the applicants that the orders have been passed pursuant to conspiracy and mala fide intention of the respondents cannot take the place of proof. The respondents seem to have acted under the circumstances in their anxiety to implement the orders of this Tribunal in the given circumstances referred to us by above. We therefore, do not find any reason or justification to quash the order of transfer dated 12.8.04 and their order of relieve dated 19.8.04.

18. The applicants have already been granted all consequential benefits under order of this Tribunal and the High Court, we do not find any justification to quash the order dated 13.8.04 withdrawing two posts of Draftsman from DCO, Assam Guwahati and in fact this issue strictly speaking is not connected at all with the controversy in question. The relief sought by the applicants cancelling their transfer is refused.

The applications stand disposed of in the aforesaid terms with no order as to costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)

TRUE COPY

Section Officer (J)
C.A.T. GUWAHATI BANCH
Guwahati-781005

Filed by the applicant through: Sukhendra Nath Advocate 30.11.04

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

In the matter of:

O.A. No. 195 /2004

Smti Renu Mazumdar.

... Applicant

-Vs-

The Union of India & Others.

...Respondets.

Written arguments submitted by the applicant;

By the impugned order dated 12.08.2004 the respondents sought to restore and reinstate the applicant to the promotional post of Senior Draughtsman in the Headquarter office of Register General of India, New Delhi against vacant core post of Senior Draughtsman in the head quarter office (Para 3 (iii) of the order 12.08.2004), which has been challenged in the instant Original Application.

1. That the relevant portion in para 3 (iii) of the impugned order dated 12.08.2004 is quoted below: -

> " Due to non-availability of posts of senior draughtsman in DCO, Assam, Smt. R.Mazumdar and Smt. B.Mahanta are hereby transferred and posted as senior Draughtsman in the headquarters office of Register General, India, New Delhi against vacant core posts of senior Draughtsman"

On a mere perusal of the above orders it appears that the alleged transfer and posting order has been issued for the purpose of restoration of the promotion of the applicant in the Head quarter office, New Delhi on the sole ground that " Due to non-availability of posts of Senior draughtsman in DCO, Assam" (para 3 (iii) of the order dated 12.08.2004).

Above contention of the respondents is totally contrary to the decision and findings arrived at at by the learned Tribunal as well as by the Hon'ble High Court.

The Hon'ble High Court by its judgment and order dated 27.10.2003 more specifically in paragraph 3 of the judgment held as follows.

> " The orders of promotion having not indicative of any temporary promotion, the applicants/respondents could not have been reverted to the posts of draughtsman on the basis of the fact that temporary vacancies created in the census department have been abolished.
>
> 6. For the aforesaid reasons, the appeals fail and are dismissed with costs of Rs. 1,500/ each".

Therefore it appears that the Hon'ble High Court on perusal of records/documents, by its judgments and order dated 27.10.2003 held that order of reversion of the applicant could not have been made on the ground of abolition of the post of sr. Draughtsman. Hence, the impugned order of alleged transfer and posting of the applicant in the cadre of Sr. Draughtsman at head quarter office, New Delhi on the sole ground of non-availability of post is contrary to the order of the Hon'ble Tribunal as well as Hon'ble High Court.

2. That the respondents herein relied upon the documents of the departments and contended before the Hon'ble High Court that the two posts of Artists/Sr. Draughtsman have been created temporarily only for the purpose of 1991 census, however the Hon'ble High Court on perusal of those documents recorded its finding in Para 3 of the judgment and order dated 27.10.2003 as follows:-

> " 3. It is contended by the learned counsel for the appellants, on the basis of documents produced before us that the temporary posts of artists have been created in the census department on 18.03.1991 and the promotions of applicants/respondents have been made in those vacancies only. First creation of certain posts does not necessarily mean that the promotion have been made on those posts only. Secondly, the order of promotion does not indicate that the applicants/respondents have been promoted on temporarily created posts. Thirdly the respondents Smti Biju Mahanta has been promoted on 3.5.90, whereas the temporary post of artists has been created on 18.3.1991. Thus by the streatch of imagination, it can be said the applicant Smti Biju Mahanta, who has been promoted to the posts of artists on 3.5.1990 has been promoted in a temporary capacity to the posts,

which has been subsequently created on 18.3.1991. before us also there is no materials placed on record to indicate that the applicants/ respondents have been promoted on temporary posts".

On mere perusal of the above categorical findings of the Hon'ble High Court it appears that the Hon'ble High Court also gone through the documents and thereafter specifically held that the contention of the respondents that the two posts of Artists/Sr. Draughtsman have been abolished from the Directorate of Census Operation, Assam is incorrect and hence rejected the contention of the respondents regarding abolition of posts of Sr. Draughtsman. Therefore impugned order of transfer and posting of the applicant in the Head quarter, new Delhi for restoration of her promotion to the post of Sr. Draughtsman on the alleged ground of non-availability of post is contrary to the decision and order passed by the Learned tribunal as well as by the Hon'ble High Court and on that score alone the impugned orders dated 12.08.2004 and dated 19.08.04 are liable to be set aside and quashed.

Judgment of the Hon'ble Tribunal dated 8th May, 1998 passed in O.A No. 130/94 has attained finality and the same was confirmed by the Hon'ble High Court on 27.10.03. It is further contended that the present respondents even on 27.10.2003 when the matter was finally argued before the Hon'ble High Court they could not produce any convincing document that the post of erstwhile Artist/Sr. Draughtsman have been abolished or withdrawn from the Directorate of Census Operation, Assam Circle, therefore the respondents now cannot adopt an easy course of argument that for restoration of promotion of the applicant she is now transferred and posted in the Hqr. Office, New Delhi due to non-availability of posts.

It is a settled position of law that restoration of an employee in the promotional post must be done from the office where she was working in the said promotional post but reverted illegally. It is also not the case of the respondent that during the pendency of the writ petition the post of Artist/Sr. Draughtsman which was occupied by the present applicant before her reversion was subsequently filled up by some other incumbent in the Directorate of Census Operation, Assam. Therefore the said post of Artists/Sr. Draughtsman still exists in the Directorate of Census Operation Assam. In the instant application question

of implementation of the order of the Hon'ble Tribunal dated 08.05.1998 is involved, and as a result further question of restoration to the post of Artist/Sr. Draughtsman is involved.

Order of Hon'ble Tribunal dated 08.05.1998 as well as order of Hon'ble High Court dated 27.10.2003 cannot be violated by the respondents herein by not restoring the applicant in the office of the DCO, Assam. The attempt of transferring the applicant from the office of the DCO, Assam to the Headquarter office New Delhi in the name of implementation of the order that too on the ground that post of Sr. Draughtsman are not available in DCO, Assam after the judgment and order dated 27.10.03 is itself amounts to contempt of court. Hence the impugned order dated 12.08.04 and 19.08.04 are liable to be set aside and quashed. Contention of the respondents that the applicant has been transferred due to non-availability of post of Artist/Sr. Draughtsman is contrary to the decision of the Hon'ble Tribunal as well as Hon'ble High Court.

Judgments in respect of transfer case referred by the respondents in the course of arguments are not applicable in the fact situation of the instant case of the present applicant.

That the respondents again preferred a Review Petition before the Hon'ble High Court with an attempt to justify their contention that the post of Artist/Sr. Draughtsman has been abolished and no such posts exists in the DCO, Assam but the same is also rejected by the Hon'ble High Court as learned by the applicant.

Applicant however relies on the following decisions: -

(1) 1984 (2) SLR 614. Union of India Vs. K.K. Mittal. (Relevant paras 10, 12, 13).

(2) 1999 (1) SCC 273. V.S. Charati Vs. Hussein Nhanu Jamadar (Relevant para 9).

(3) Full Bench Vol. I (2001-03) (G.S. Kalraj) Page-113 Rampal & Ors. Vs. Union of India & Ors. (Relevant Para 2 and 13).

(4) Full Bench (Vol. 2002-03) Page 200. R. Jambukheswara and Ors. Vs. Union of India & Ors. (Relevant Para 13, 14 and 15).

In the circumstances stated above, application deserves to be allowed with cost.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH AT GUWAHATI

O.A. No. 195/2004

Smti. Renu Mazumdar . . . Applicant

- Versus –

The Union of India & Ors. ... Respondents.

IN THE MATTER OF:

As per the order dated 08.11.2004 passed by this Hon'ble Tribunal directing the respondents to place on record the copies of the writ petition alongwith annexures filed by the respondents before the Hon'ble Gauhati High Court and also a copy of the review petition alongwith annexures filed before the Hon'ble Gauhati High Court in relation to the above noted Original Application, the respondents hereby places the same before this Hon'ble Tribunal.

LIST OF DOCUMENTS FILED BY THE RESPONDENTS

1. Copy of the writ petition, being C.R. No. 3985 /1998 alongwith annexures
(Annexure – A, Page – 1)

2. Copy of the affidavit fled in the above noted writ proceedings i.e., C.R. No. 3985/1998.
(Annexure – B, Page -)

3. Copy of the review petition being Review Petition No. 21/2004 alongwith annexures
(Annexure – C, Page -)

Filed by

22/11/2004

(Indraneel Chowdhury)
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O.A. No. 195 /2004

Smti. Renu Mazumdar.

-Vs.-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

23.10.1991- Applicant promoted from the post of Draftsman to the post of Artist on regular basis in temporary capacity. (Annexure-I)

31.12.1993- Applicant reverted again to the post of Draftsman on the plea of discontinuation of the post.

Applicant thereafter challenged the order of reversion before the Hon'ble CAT through O.A. No. 130/94. (Annexure-II)

08.05.1998- Judgment and order passed by the Hon'ble CAT in O.A No. 130/94 setting aside the order of reversion dated 31.12.93 and directed the respondents to give all consequential benefits to the applicant.

Thereafter the Respondents filed appeal before the Hon'ble Gauhati High Court challenging the validity of the judgment and order dated 08.05.98 of the Hon'ble CAT, under Civil Rule No.3985/98. (Annexure-III)

24.03.2000- Seniority list in the grade of Draftsman as on 01.01.2000 has been published. (Annexure-VIII).

27.10.2003- Judgment and order passed by the Hon'ble High Court in C.R. No. 3985/98 whereby the appeal was dismissed and the judgment dated 08.05.98 of the Tribunal was upheld. (Annexure-IV)

26.05.2004- Due to non-compliance of the judgment and order dated 08.05.98 of the Hon'ble Tribunal, Contempt petition filed by the applicant under C.P. No.20/04 in O.A. No. 130/94.

01.06.2004- Hon'ble Tribunal issued Notice upon the Respondents against C.P. No. 20/2004.

12.08.2004- Respondents issued order promoting the applicant to the post of Sr. Draftsman after receipt of Tribunal's notice aforesaid but acting with malafide intention and vindictive attitude, denied to pay the arrears of pay by treating the promotion on notional basis and further transferred the applicant from the office of the Director of Census Operation, Guwahati to the office of the Registrar General, New Delhi. (Annexure-V)

13.08.2004- Respondents issued another order withdrawing two posts of Draftsman from the office of the DCO, Guwahati with malafide intention and ulterior motive so as to deny the retention of the applicant at Guwahati on the plea of non availability of post at Guwahati. (Annexure-VI)

19.08.2004- Respondents issued another order releasing the applicant from the office of the DCO, Guwahati in the afternoon of 19.08.2004.

All the three orders dated 12.08.04, dated 13.08.04 and dated 19.08.04 were kept confidential and suddenly handed over to the applicant in a sealed envelope on 19.08.04

(afternoon) itself after obtaining her signature.

The entire exercise was made in a planned and concerted manner with malafide intention and vindictive attitude only in order to harass the applicant and the whole exercise is violative of the judgment and order dated 08.05.98 passed by the Hon'ble CAT in O.A. No.130/94. (Annexure-VII)

Hence this Original Application before this Hon'ble Tribunal.

P R A Y E R S

Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted 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(s):

1. That the respondents be directed to modify their order No. 27/96/94-Ad.IV dated 12.08.2004 (Annexure-V) and allow the applicant to continue in her promoted post of Artist/Sr. Draftsman in the office of the Director of Census Operations, Guwahati canceling her transfer to New Delhi and restoring her to post and promotion in the office of the DCO, Guwahati which she was holding prior to her reversion.

2. That the Hon'ble Tribunal be pleased to declare that the applicant is in continuous service in the post of Artist/Sr. Draftsman from 31.12.93 and direct the respondents to pay and other consequential benefits be paid accordingly w.e.f 31.12.93 till the actual date of

restoration to the post Artist/Sr. Draftsman in the office of DCO, Guwahati by modifying the impugned order dated 12.08.04.

3. That the order No.27/96/94-Ad.IV dated 13.08.2004 (Annexure-VI) issued by the Respondents be set aside and quashed and further the order No. DCO (E) 253/2004/4660 dated 19.08.04 (Annexure-VII) be quashed in respect of the applicant.

4. That the Hon'ble Tribunal be pleased to declare that the applicant is legally entitled to be restored to the post of Artist/Sr. Draftsman in the Office of the DCO, Assam, Guwahati in the light of the judgment and order dated 08.05.98 in O.A. No.130/94.

5. Costs of the application.

6. Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for.

During pendency of this application, the applicant prays for the following relief: -

1. That the Hon'ble Tribunal be pleased to grant an interim order staying the operation of the order dated 12.08.04 (Annexure-V) to the extent of transfer of the applicant from Guwahati to Delhi and further staying the order dated 13.08.04 (Annexure-VI) in entirety and also staying the order dated 19.08.04 (Annexure-VII) in respect of the applicant.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

Title of the case : O. A. No 195 /2004

Smti Renu Mazumdar : Applicant

- Versus -

Union of India & Others : Respondents.

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Filed by

Subrata Nath

Advocate

Date: 27.08.04

Filed by the applicant through Subrata Nath Advocate 27.5.04

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O. A. No. 195 /2004

BETWEEN

Smti Renu Mazumdar,
W/O- Shri Naren Chandra Mazumdar,
Vill- Saurav Nagar, Beltola,
Guwahati- 781 028.

...Applicant.

-AND-

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

3. The Director of Census Operation
   Assam, G.S. Road,
   Guwahati- 781 007.

4. The Under Secretary to the
   Govt. of India,
   Ministry of Home Affairs
   2/A Mansingh Road.
   New Delhi.

5. Shri M.R. Singh
   Under Secretary to the Govt. of India,
   Ministry of Home Affairs,

Renu Mazumdar

2/A Mansingh Road
New Delhi- 110 011.

6. The Dy. Director of Census Operations,
Assam, G.S. Road.
Guwahati- 781007.

7. Shri B.L. Sarmah,
Dy. Director of Census Operations,
Assam, G.S Road,
Guwahati-781007.

... Respondents.

DETAILS OF THE APPLICATION

1. **Particulars of order(s) against which this application is made.**

This application is made against the impugned orders (i) No. 27/96/94-Ad.IV dated 12.08.2004, (Annexure-V) (ii) No. 27/96/94-Ad. IV dated 13.08.2004, (Annexure-VI) and (iii) No. DCO (E) 253/2004/4660 dated 19.08.2004 (Annexure-VII) issued by the Respondents violating the directions passed by this Hon'ble Tribunal in the judgment and order dated 08.05.1998 in O.A. No. 131/1994. Under the said impugned orders the applicant has been denied the arrears of pay etc. violating the terms of the order dated 08.05.98 and the promotion of the applicant has been given effect w.e.f. 01.01.1996 only with notional benefit for the earlier period till 31.12.95 and the applicant has further been sought to be transferred from Guwahati to Delhi by even

Renu Mazumdar

withdrawing the posts from Guwahati with malafide intention and on vindictive attitude.

2. **Jurisdiction of the Tribunal**

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

3. **Limitation.**

The applicant further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. **Facts of the Case.**

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

4.2 That while working as Draftsman in the office of the Director of Census Operations, Assam, Guwahati, the applicant was promoted to the post of Artist on regular basis in a temporary capacity w.e.f. 23.10.1991 vide office order No. DCO (E) 20/78/Vol-II/10391-96 dated 23.10.1991 following the recommendation of the Departmental promotion committee.

(Copy of order dated 23.10.1991 is annexed hereto for perusal of Hon'ble Tribunal as **Annexure-I**.)

4.3 That after having served for more than 3 ½ years as Artist, the applicant was illegally reverted to the

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post of Draftsman w.e.f. 31.12.93 on the plea of discontinuation of the posts of Artist which were said to be created in connection with 1991 census. The applicant was reverted vide office order No. DCO (E)/97/80/Vol-I/10103 dated 30.12.1993 in an arbitrary manner.

(Copy of order dated 30.12.93 is annexed hereto for perusal of Hon'ble Tribunal as **Annexure-II**).

4.4 That being aggrieved due to her reversion, the applicant approached this Hon'ble Tribunal through O.A. No. 130/1994 praying for setting aside of the order of reversion dated 30.12.93 and for a direction upon the respondents to treat the applicant in continuous service in the post of Artist w.e.f. 31.12.93 with all consequential service benefits etc. The Hon'ble Tribunal vide its common judgment and order dated 08.05.1998 in O.A No. 130/94 and O.A. No. 131/94 was pleased to set aside the order of reversion dated 30.12.93 and allowed the application with the direction upon the respondents to give the applicant all consequential benefits.

(Copy of judgment and order dated 08.05.98 is annexed hereto for perusal of Hon'ble Tribunal as **Annexure-III**).

4.5 That the Respondents thereafter challenged the validity of the order dated 08.05.1998 passed by this Hon'ble Tribunal in O.A No.130/94 before the Hon'ble Gauhati High Court through appeal registered under Civil Rule No.3985 of 1998. The Hon'ble Gauhati High Court vide

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its common judgment dated 27.10.2003 in Civil Rule No. 4037/1998 and Civil Rule No.3985/1998 dismissed the appeal with costs of Rs. 1500/- each and upheld the judgment and order dated 08.05.98 passed by this Hon'ble Tribunal.

(Copy of the judgment and order dated 27.10.2003 is annexed hereto for perusal of Hon'ble Tribunal as **Annexure-IV**).

4.6 That even thereafter, the Respondents did not implement the judgment and order dated 08.05.1998 and inspite of all persuasions of the applicant, the Respondents deliberately and willfully ignored to implement the Hon'ble Tribunal's order. Eventually, the applicant alongwith the applicant of O.A No.130/94 filed a Contempt Petition before this Hon'ble Tribunal against non-compliance of the order dated 08.05.1998 which has been registered as C.P. No. 20 of 2004 in O.A. No.130/94 and 131/94 and the C.P is pending before the Hon'ble Tribunal and notice thereto have been served on the Respondents.

4.7 That the Respondents after receipt of the notices of the Hon'ble Tribunal against the Contempt Petition, have become extremely vindictive against the applicant and have now issued three nos. of impugned orders in the name of implementation of the order of the Hon'ble Tribunal, Viz; (i) Order No. 27/96/94-Ad.IV dated 12.08.2004, (ii) Order No.27/96/94-Ad.IV dated 13.08.2004 and, (iii) Order No. DCO (E) 253/2004/4660 dated 19.08.2004.

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Under the said orders, the Respondents have resorted to the following impugned actions against the applicant; -

(i) Vide order dated 12.08.04 the applicant has been treated as promoted to the post of Senior Draftsman (post of Artist held by the applicant prior to her reversion has been merged and redesignated as Sr. Draftsman) w.e.f. 01.01.96 only, with notional promotion till 31.12.95, thus denying the benefits of arrear pay etc. to the applicant which is contrary to the directions given in the order dated 08.05.98 of the Hon'ble Tribunal. Further, the applicant has been sought to be transferred from the office of the Director of Census Operations, Guwahati to the office of the Registrar General of India, New Delhi under the same order dated 12.08.04.

(ii) Vide order dated 13.08.04, the two posts of Draftsman in the office of the Director of Census operation, Assam, Guwahati have been withdrawan.

It is relevant to mention here that following the recommendation of the 5th Central Pay Commission the posts of Artist, Senior Artist and Senior Draftsman have been merged and redesignated as Senior Draftsman.

(iii) Vide order dated 19.08.04, the applicant has been released from the office of the Director of Census Operations, Guwahati w.e.f. from the same day i.e. 19.08.04.

Rema Mazumdar

In this connection it may be stated that withdrawal of the post of Draftsman as well as instant relive of the applicant on the same day on 19.08.04 has been issued, with an ulterior motive to restrain the present applicant to attending the office further at Guwahati knowing fully well that posting of the applicant in the Headquarter office at New Delhi will cause irreparable loss and injury and they may compel to take voluntary retirement and in disguise these are penalty orders for approaching the Court of Law for redressal for her grievances, it appears that they wanted justice from the Court of Law and the Hon'ble Court although granted justice but in the name of the implementations of the orders, the applicant is now penalized and harassed by the respondents by posting her at New Delhi in the Headquarter Office. It appears that Respondent No.4 has chalked out this conspiracy by transferring the applicant at New Delhi in the name of implementation of the order of Hon'ble Tribunal, impugned order of posting of the applicant at New Delhi and simultaneously withdrawal of the post of Draftsman from the office of the DCO has not been done in public interest at all. The post of Draftsman which is now withdrawn and shifted to New Delhi in fact allotted to this Director of Census Operation, Assam about 25 years back but the same was withdrawn all of a sudden in the Headquarter office, New Delhi without any public interest. The said withdrawal of post of Draftsman also not based on ISU report as such this action has been

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taken with a sole intention to restrain the applicant to attend their duties in the office of the DCO at Guwahati with malafide intention. The order of 12.08.04 which is passed by the Under Secretary to the Govt. of India, Ministry of Home Affairs, Shri M.R. Singh itself establishes that same has been passed with a malafide intention which is established beyond doubt on a mere perusal of the following lines of paragraph 2 of the impugned order dated 12.02.2004.

> "Both the Hon'ble Tribunal and Hon'ble High Court have taken a view and passed judgments on the assumption that the above named officials were promoted as Artists on regular basis although in fact the above officials were promoted against temporary Census posts created for Census, 1991."

It is quite clear from the above remarks from the Under Secretary that the Hon'ble Tribunal and Hon'ble High Court as if wrongly passed the order and judgments in the case of the applicant and therefore he has been used the word "assumption" using of such word while implementing the judgment of Hon'ble Court is amount to Contempt of Court and his mindset and intention is clearly evident from the aforesaid paragraph quoted above. It appears that Shri M.R. Singh could not accept the order of Hon'ble Tribunal as well as Hon'ble High Court and as a result he has implemented the order is such a manner victimizing the poor lady applicant who has knocked the door of justice in the Court of Law. Malafide is explicit and the order therefore ex facie illegal and the order of implementation has been passed

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in a very illegal and arbitrary manner by Shri M.R. Singh. He has also used the word "notional basis" in a very cleaver manner with an intention to avoid the direction of the Tribunal "to give the applicant all consequential benefits".

(Copy of the impugned orders dated 12.08.04, dated 13.08.04 and dated 19.08.04 are annexed hereto for perusal of Hon'ble Tribunal as **Annexure-V, VI and VII** respectively).

4.8 That it is stated that all three impugned letters as stated above were handed over to the applicant in a closed envelope on 19.08.04 at 2.45 P.M after calling the applicant in the chamber and obtaining her signature against the receipt of the envelope and the applicant came to know the contents of the orders only after opening the envelope thereafter.

It is relevant to mention here that the entire sequence of events mentioned above i.e. issuance of promotion and transfer order, withdrawal of posts of Draftsman from the office of the Director of Census Operations, Guwahati, issuance of release order instantly etc. all at a time, almost simultaneously and in a hurried manner and the unusual mode of delivery of the orders to the applicant itself smacks malafide and bears ample testimony of the vindictive actions of the Respondents against the applicant in a planned and concerted manner.

4.9 That the applicant begs to state that the Hon'ble Tribunal vide it's judgment and order dated 08.05.98

Renu Mazumdar

set aside the order of reversion dated 30.12.93 and directed the respondents to give the applicant all ''consequential benefits''. This implies that consequent upon the setting aside of the order of reversion, the order dated 30.12.93 is void-ab-initio and non-existent and the applicant is in continuous service in her post of Artist under DCO, Guwahati and as such she is entitled to her regular pay and all other benefits from 30.12.93 and onwards i.e. from the date of her illegal reversion in continuity and the question of notional promotion till 31.12.1995 or non-payment of pay and arrears for that period as mentioned in the impugned order dated 12.08.04 is irrelevant and contrary to the directions passed by this Hon'ble Tribunal in its judgment dated 08.05.98. The direction for paying consequential benefits in the said judgment means and includes the arrears of pay also from 31.12.93 and restoration of the applicant's promotion to the post of Sr. Draftsman to the same office where she was working.

Further, the setting aside of the order of reversion dated 30.12.93 by the Hon'ble Tribunal implies that the said impugned order is void-ab-initio which means that the applicant has been restored to her original post, place and position which she had been holding prior to her reversion. As such on her promotion to the post of Senior Draftsman (which is a redesignated post of Artist) following the order of the Tribunal she gets back her own post and position which

Renu Mazumdar

she had been already holding prior to reversion and that post is meant for the office of the DCO, Guwahati and in all fitness of the things she is to continue in the office of the DCO, Guwahati only. But the Respondents surprisingly hatched up another conspiracy for harassing the applicant and acting malafide and with vindictive attitude and in utter violation of the Tribunal's order has transferred the applicant from the office of the DCO, Guwahati to the office of the Registrar General, New Delhi vide its impugned order dated 12.08.04 in the pretext of implementing the order dated 08.05.98 of this Hon'ble Tribunal which is arbitrary, illegal, unfair, malafide and violative of the Tribunals order.

4.10 That in para 2 of the impugned order dated 12.08.04, the respondents maintained that-

> "Both the Hon'ble Tribunal and Hon'ble High Court have taken a view and passed judgments on the assumption that the above named officials were promoted as Artists on regular basis although in fact the above officials were promoted against temporary census posts created for Census, 1991".

It is relevant to mention here that this very contention of the respondents were adjudicated upon by the Hon'ble Tribunal and the Hon'ble High Court which was the issue in the case and both the Hon'ble Tribunal and the High Court rejected this contention of temporary posts and passed the judgments. But the Respondents instead of going as per the literal meaning of the judgments have acted on their own assumptions

Renu Mazumdar

and constructions as quoted above and have maintained their earlier view thereby implying that the orders passed by this Hon'ble Tribunal and the Hon'ble High Court were all based on wrong assumptions and such stand of the respondents itself amounts to Contempt of Court.

4.11 That the applicant most respectfully submits that the respondents vide their order date 13.08.04 have withdrawn the two posts of Draftsman from DCO, Guwahati only with the malafide intention and ulterior motive of denying the continuation of the applicant in DCO, Guwahati on the plea of non-availability of post. It is understood that these two posts have been shifted to the office of the Registrar General of India, New Delhi where the applicant will be eventually adjusted against one of that post which could be continued at DCO, Guwahati also as was done prior to her reversion. These posts were meant for DCO, Guwahati as per the staffing structure and there is no valid reason for such hasty and sudden restructuring and withdrawal/shifting of the said posts from Guwahati which by itself smacks malafide. It is pertinent to mention here that neither the proposed transfer of the applicant nor the withdrawal/shifting of the said posts from Guwahati to New Delhi has been done in the Public interest. These actions of the Respondents are malafide, arbitrary, vindictive, unfair, bad in law and violative of the principles of natural justice.

Renu Mazumdar

4.12 That the applicant begs to submit that the instant release of the applicant vide order dated 19.08.04 in a hasty manner and through subsequent unusual mode of delivery of the same to the applicant in the afternoon of 19.08.04 itself is unwarranted and clearly understandable and by such of their acts the Respondents have only made colourable exercise of power in the pretext of implementation of the judgment and order dated 08.05.98 of the Tribunal.

4.13 That the applicant further begs to submit that making a departure from the set procedure, the impugned orders dated 12.08.04 and dated 13.08.04 have been issued by the Under Secretary to the Govt. of India whereas the appointing and Disciplinary authority of the applicant is the Director of Census operations, Assam, Guwahati, and such act is also illegal and unfair.

4.14 That the applicant begs to state that her husband Shri Naren Chandra Mazumdar is a physically handicapped person who is working at AG Office at Guwahati and only on this consideration she was transferred on her own request from the office of the Director of Census Operations, Arunachal Pradesh, Shillong to the office of the Director of Census Operations, Assam, Guwahati in 1981. Her husband needs her constant help in his movements and functioning.

Further, since her husband is a central Govt. employee and working at Guwahati, the applicant is entitled to the benefit of spouse posting in the same

Renu Mazumdar

station i.e. Guwahati as per the professed policy of the Government and it is more so when her husband is a physically handicapped person.

4.15 That the applicant most respectfully begs to submit that being frustrated in their bid to revert the applicant and following the quashing/dismissal of the orders and actions of the Respondents by this Hon'ble Tribunal and the Hon'ble High Court, the Respondents are now acting desperately with vindictive attitude and have transferred the applicant in the pretext of promotion even by shifting the posts in a planned and concerted manner only with the intention of inflicting harassments upon the applicant since she approached the Hon'ble Tribunal and her right has been protected by this Hon'ble Tribunal.

4.16 That the applicant begs to submit that she is a Schedule caste employee and as such is her transfer to a far off place like Delhi is contrary to the professed policy and guidelines of the Government. Further, she is in the verge of retirement.

4.17 That the applicant begs to state that the seniority in the cadre of Draftsman in the respondents department is maintained Directorate wise and promotion from the post of Draftsman to the post of Artist/Sr. Draftsman is also made Directorate wise. Therefore transfer of the applicant in the instant case from the Directorate of Census, Assam to the office of the RGI, New Delhi is a departure from the normal practice and set convention.

Renu Mazumder

It is further submitted that when a Draftsman is promoted to the post of Sr. Draftsman although it assumes a higher responsibility but there is no specific allocation of works rather nature of works and duties are same. Therefore there is no justification of transferring the applicant with a sole intention to harass her for approaching the Hon'ble Courts. It would be further be evident from the order bearing Memo No. DCO (E) 171/74/Pt.1/3754 dated 24.03.2000 wherein seniority list in the grade of Draftsman has been published as on 01.01.2000 wherein the name of the present applicant is also figured in Sl. No.2. Therefore it is quite clear that the seniority of Draftsman are always being maintained respective Directorate wise and the promotion of the applicant to the post of Artist now redesignated as Sr. Draftsman was granted to the applicant against a vacant post under the Directorate of Census Operation, Assam and therefore the applicant had accepted the said promotional post which was meant for Directorate of Assam and by stress of imagination it could be said post of Artist is meant for Headquarter office, New Delhi.

(Copy of the order dated 24.03.2000 is enclosed hereto for perusal of Hon'ble Tribunal as **Annexure-VIII**.)

4.18 That it is the settled position of law that setting aside of the order of reversion leads to the logical consequences that the reverted official is restored to

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the original position and is entitled to the pay and all other benefits for the entire period from the date of reversion till the date of restoration to the original position i.e. to the position held prior to reversion. As such the word ''consequential benefits'' as directed in the order dated 08.05.04 of the Hon'ble Tribunal in the instant case means and includes all benefits including the arrear pay. It is settled under law that if the order of termination is made null and void by a court, the Government will follow the declaration and pay to the servant his arrears of salary and restore him to the office from which he was terminated/or reverted. The same analogy and ratio is applicable in the instant case also, and the applicant has to be posted and restored in the office of the DCO, Assam, Guwahati where she was working prior to her reversion.

4.19 That the impugned order of transfer will put the applicant into extreme distressing condition financially, mentally and physically at this fag end of her service tenure. As such finding no other alternative, the applicant has been approaching this Hon'ble Tribunal for protection of her rights and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant, directing the respondents to allow her to continue in the office of the DCO, Guwahati and to grant her all other benefits for the period from 30.12.1993 and onwards as per directions given in the

Renu Mazumdar

judgment and order dated 08.05.98 of this Hon'ble Tribunal in O.A. No. 130/94.

4.20 That this application is made bonafide and for the cause of justice.

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

5.1 For that, the order of reversion dated 30.12.93 issued by the Respondents has been quashed and set aside and the respondents have been directed to give all consequential benefits to the applicant vide judgment and order dated 08.05.98 in O.A No. 130/94, passed by this Hon'ble Tribunal.

5.2 For that, the Respondents challenged the validity of the order dated 08.05.98 of the Hon'ble Tribunal before the Hon'ble Gauhati High Court which was also dismissed by the Hon'ble High Court vide its judgment and order dated 27.10.2003 in Civil Rule No. 3985/1998, thereby upholding the judgment and order dated 08.05.98 of this Hon'ble Tribunal.

5.3 For that, consequent upon the quashing of the order of reversion dated 30.12.2003 as aforesaid, the said order is deemed to be treated as void-ab-initio and non-existent.

5.4 For that, the applicant is entitled to be restored to her original position and deemed to be in continuous service in her provisions post of Artist/Sr. Draughtsman from 30.12.93 and onward and is entitled to

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all consequential benefits in terms of the judgment and order dated 08.05.98 of this Hon'ble Tribunal.

5.5 For that, the transfer of the applicant in the pretext of promotion from the office of the DCO, Guwahati to the office of the Registrar General, New Delhi and denial of arrear pay with the wrong contention of notional promotion is malafide, arbitrary, illegal and vindictive.

5.6 For that, the shifting of two posts of Draftsman from Guwahati is unwarranted, malafide and with ulterior motive.

5.7 For that the transfer of the applicant from Guwahati and shifting of the two posts of Draftsman from DCO, Guwahati have not been done in the interest of public service.

5.8 For that the husband of the applicant is also a central Govt. employee and posted at Guwahati and as such the applicant is entitled to the benefit of spouse posting in the same station as per the professed policy of the Government.

5.9 For that the husband of the applicant is a physically handicapped person who needs constant care and attendance. Only on this consideration she was transferred in 1981 from the DCO, Shillong to DCO, Guwahati.

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5.10 For that the applicant is a SC candidate and as such her transfer to far-off place is against law.

5.11 For that "Consequential benefit" means and includes all benefits including the arrear pay and restoration in the same place.

6. **Details of remedies exhausted.**

That the applicant states that she has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application.

7. **Matters not previously filed or pending with any other Court.**

The applicant further declares that she had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. **Relief(s) sought for:**

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted 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(s):

Renu Mazumdar

8.1 That the respondents be directed to modify their order No. 27/96/94-Ad.IV dated 12.08.2004 (Annexure-V) and allow the applicant to continue in her promoted post of Artist/Sr. Draftsman in the office of the Director of Census Operations, Guwahati canceling her transfer to New Delhi and restoring her to post and promotion in the office of the DCO, Guwahati which she was holding prior to her reversion.

8.2 That the Hon'ble Tribunal be pleased to declare that the applicant is in continuous service in the post of Artist/Sr. Draftsman from 31.12.93 and direct the respondents to pay and other consequential benefits be paid accordingly w.e.f 31.12.93 till the actual date of restoration to the post Artist/Sr. Draftsman in the office of DCO, Guwahati by modifying the impugned order dated 12.08.04.

8.3 That the order No.27/96/94-Ad.IV dated 13.08.2004 (Annexure-VI) issued by the Respondents be set aside and quashed and further the order No. DCO (E) 253/2004/4660 dated 19.08.04 (Annexure-VII) be quashed in respect of the applicant.

8.4 That the Hon'ble Tribunal be pleased to declare that the applicant is legally entitled to be restored to the post of Artist/Sr. Draftsman in the Office of the DCO, Assam, Guwahati in the light of the judgment and order dated 08.05.98 in O.A. No.130/94.

8.5 Costs of the application.

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8.6 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. **Interim order prayed for**

During pendency of this application, the applicant prays for the following relief: -

9.1 That the Hon'ble Tribunal be pleased to grant an interim order staying the operation of the order dated 12.08.04 (Annexure-V) to the extent of transfer of the applicant from Guwahati to Delhi and further staying the order dated 13.08.04 (Annexure-VI) in entirety and also staying the order dated 19.08.04 (Annexure-VII) in respect of the applicant.

10. .....

This application is filed through Advocates.

11. **Particulars of the I.P.O.**

i) I. P. O. No. : 20G 113114 .
ii) Date of Issue : 16.8.04.
iii) Issued from : G.P.O. Guwahati .
iv) Payable at : G P O . Guwahati .

12. **List of enclosures.**

As given in the index.

Renu Mazumdar

VERIFICATION

I, Smti. Renu Mazumdar, W/o Shri Naren Chandra Mazumdar, aged about 56 years, resident of Vill Saurav Nagar, Beltola, Guwahati- 781028, do hereby verify 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 and I have not suppressed any material fact.

And I sign this verification on this the 27th day of August, 2004.

Renu Mazumdar

ANNEXURE-I

~~ANNEXURE-I~~

~~-14-~~

NO.DCO(R)80/78/Vol.II/

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
DIRECTOR OF CENSUS OPERATIONS : ASSAM
GUWAHATI

Date 23/10/91

OFFICE ORDER

On the recommendation of the Departmental Promotion Committee of the office of the Director of Census Operations, Assam, Smti Renu Mazumder, draftsman in the Office of the Director of Census Operations, Assam, Guwahati is hereby appointed temporarily on promotion to the post of Artist with effect from 23.10.91 on regular basis in the scale of pay of Rs.1400-40-1800-EB-50-2300/- p.m. plus other allowances as admissible under the central govt. rules as amended from time to time.

She will be on probation for two years.

Hindi version follows.

Sd/- (J.C. BHUYAN)
deputy director of Census Operations
Assam : Guwahati.

Memo No.DCO(E)80/78/Vol.II/10391-96 Date 23/10/91.

Copy for information and necessary action to :

1. The Pay & Account Officer(Census) New Delhi-2
2. The Assistant Director of Census Operations,(DLO)
3. The Office Superintendent
4. The Jr. Account Officer,
5. Smti Renu Mazumder
6. The personal file.

Sd/- (J.C. BHUYAN)
DEPUTY DIRECTOR OF CENSUS OPERATIONS
ASSAM :: GUWAHATI

...

Xerox Copy
Advocate
27.08.04

No.DCO(E)97/80/Vol.I/ 10103

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS : ASSAM
G.S.ROAD : ULUBARI : GUWAHATI-781007.

ANNEXURE-II

53

DATED GUWAHATI The 30TH DECEMBER/93.

OFFICE ORDER

Consequent upon discontinuation of 2(two) posts of Artist created in connection with 1991 Census vide Registrar General's letter No.2/4/90-RG(Ad.II) dt. 30.11.93 the following Artists stand reverted to the post of Draughtsman with effect from 31.12.93 (A.N.)

1. Smti. Biju Mahanta
2. " Renu Mazumdar

They will continue to be attached to the respective section as per earlier orders.

T. SAHAPATI
DIRECTOR OF CENSUS OPERATIONS:ASSAM
GUWAHATI.

MEMO NO.DCO(E)97/80/Vol.I/ 10104-116. Date:30.12.93

Copy to:

1. The Registrar General, India, New Delhi-11.
2. The Pay & Accounts Officer (Census), New Delhi-2.
3. The Drawing & Disbursing Officer, O/o.D.C.O., Assam.
4. All Dy.Directors of Census Operations, Assam.
5. All Asstt.Director of Census Operations.
6. Research Officer, Map.
7. Office Superintendent.
8. Jr. Accounts Officer.
9. Asstt. Section.
10. Persons concerned (smti.)

(N.C. SEN 30/12/93
ASSTT.DIRECTOR OF CENSUS OPERATIONS:ASSAM
GUWAHATI.

True copy
Sarma
Advocate
29.05.94

ANNEXURE-III

54

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Applications No. 130 of 1994

&

No. 131 of 1994.

Date of Order : This the 9th Day of May, 1995.

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

Shri G.L.Sanglyine, Administrative Member.

Smt. Renu Mazumder (O.A.130/94)

Smt. Biju Mahanta (O.A.131/94) . . . Applicants

By Advocate S/Shri J.L.Sarkar & M.Chanda.

- Versus -

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

2. The Registrar General of India,
2/A Mansingh Road,
New Delhi-11.

3. The Director of Census Operations,
Assam, G.S.Road, Ulubari,
Guwahati-7.

By Advocate Shri A.K.Choudhury, Addl.C.G.S.C.
(In both the applications)

O R D E R

BARUAH J.(V.C)

Both the applications involve common questions of law and similar facts. The applicants were originally working as Draftsman in the office of the Director of Census Operations, Assam, Guwahati. The applicant in O.A.130/94 was appointed in the month of May, 1970 as Draftsman in the office of the Census Operation, Arunachal Pradesh, Shillong. She was thereafter transferred to the office of the Director of Census Operation, Assam. Similarly the other applicant Smt. Biju Mahanta, applicant in O.A.131/94 was appointed as Draftsman

contd.. 2

True Copy
Advocate
27.08.04

in July 1980 in the office of the Census Operation, Assam, Guwahati. Their next promotional post is Artist. Smt Mazumdar was promoted on the recommendation of the Departmental Promotion Committee (DPC for short) to the post of Artist with effect from 23.10.1991 on regular basis in the scale of pay of Rs.1400-2300/-p.m by order dated 23.10.1991. The other applicant Smt Biju Mahanta was promoted to the post of Artist with effect from 30.4.1990 on regular basis. In the order of promotion Smt. Mazumder, applicant in O.A.130/94 it was specifically mentioned that the applicant would be for a probation for two years. However, such condition was not there at the time of promotion to the other applicant Smt B.Mahanta. Smt Mahanta was also promoted on the basis of the recommendation of the DPC on regular basis. Thereafter both the applicants had been working as such till 30.11.1993. By order dated 30.12.1993 both the applicants were reverted to their original post of Draftsman consequent upon the discontinuation of the two posts of Artist created in connection with 1991 census vide Registrar General's letter No. 2/4/90-RG(Ad.II) dated 30.11.1993. Being aggrieved both the applicants had submitted representations. However, the said representations were not disposed of but they were reverted to the post of Draftsmen. As the respondents failed to dispose of the representations both the applicants have approached this Tribunal by filing the aforesaid Original Applications.

2. In due course the respondents have entered appearance and filed written statements. We have heard Mr J.L.Sarkar, learned counsel appearing on behalf of the applicants and Mr A.K.Choudhury, learned Addl.C.G.S.C for the respondents. Mr Sarkar submits that the order of reversion was illegal, arbitrary and contrary to the provisions of law. Besides,

contd..3

being unreasonable. However, Mr Choudhury tries to justify the action of the respondents by submitting that the applicants were promoted to the post of Artist just to eke out the difficulties that was faced while the 1991 census was on. Mr Choudhury further submits that these two applicants were promoted only for the purpose of 1991 census, the moment the 1991 census operation came to an end they had been reverted to the original post. There is nothing wrong and no interference of the Tribunal is called for.

3. On the rival contentions of the parties it is to be seen whether the applicants were promoted to the post of Artist just for the purpose of completing the 1991 census. From Annexure-1 order dated 23.1.1991 in respect of Smt. R.Mazumder it appears that she was promoted on the basis of the DPC recommendation and appointment was made temporarily with effect from 23.10.1991 in the scale of pay of Rs.1400-2300/- on regular basis. Similar appointment letter was also issued to the other applicant Smt. B.Mahanta. In these two appointment letters nowhere it was shown that they had been promoted only for the purpose of 1991 census. We requested the learned Addl.C.G.S.C Mr Choudhury to produce the relevant records to show that these two applicants were actually promoted to the post of Artist only for the purpose of 1991 census. We also requested the learned Addl.C.G.S.C to produce the DPC proceeding to enable us to ascertain whether these promotions had been made for the purpose of 1991 census. But Mr Choudhury has not been able to produce any record. We wanted to see on what purpose DPC was held. Nothing has been shown and this Tribunal has been kept completely in darkness as to why DPC was held and for what purpose. In view of the above it is not possible for this Tribunal to ascertain and come to a conclusion that the present applicants were promoted only for the purpose of 1991 census. The expression of regular

contd...4

basis is contrary to the same. As the appointment letters do not indicate that the promotions had been made only for the purpose of 1991 census, it is difficult for us to hold and accept that the appointments were made only for the purpose of 1991 census. In view of the above we are constrained to hold that there is nothing to show that the applicants were prpmoted only for the purpose of 1991 census. Therefore, we are unable to accept the submission of the respondents. On the other hand we hold that these two applicants were promoted after holding two different DPCs on regular basis and there was therefore no justification to revert the present applicants to the original post. We have come to this conclusion, as the respondents failed to produce any document including the sanction letter, report of the DPC. The respondents have not made any endeavour to show that even in the DPC was constituted for the purpose of promoting the applicants against 1991 census work. In the absence of any such document we are inclined to hold that they were promoted on regular basis and therefore the applicants cannot be reverted. The sanction letters produced by the respondents do not indicate anything that those were for the present applicants. Accordingly, we set aside the order of reversion dated 30.12.1993 and direct the respondents to give the applicants all consequential benefits.

The applications are allowed. No order as to costs.

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

TRUE COPY
प्रतिलिपि

18/6/96

Section Officer (J)
आनुभाग अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati-5
गुवाहाटी न्यायपीठ, गुवाहाटी-5

18/6

Date of application for the copy.	Date fixed for notifying the requisite number of stamps and folios.	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.
3/11/03	3/11/03	3/11/03	6/11/03	6/11/03.

ANNEXURE-IV

IN THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA, MIZORAM AND ARUNACHAL PRADESH)

Civil Rule No.4037 of 1998

1. Union of India,
   represented by the Secretary,
   Ministry of Home Affairs,
   New Delhi.
2. The Registrar General of India,
   2/A Man Singh Road,
   New Delhi-11.
3. The Director of Census Operation,
   Assam, GS Road, Guwahati-5.

..Petitioners

-Versus-

Smti Biju Mahanta,
Wife of Shri Satyabrata Mahanta,
Mathura Nagar, Dispur, Guwahati-6.

.. Respondent

Civil Rule No.3985 of 1998

1. Union of India,
   represented by the Secretary,
   Ministry of Home Affairs,
   New Delhi.
2. The Registrar General of India,
   2/A Man Singh Road,
   New Delhi-11.
3. The Director of Census Operation,
   Assam, GS Road, Guwahati-5.

..Petitioners

-Versus-

Smti Renu Mazumdar,
Wife of Sri Naresh Chandra Mazumdar,
Village Saurov Nagar, Beltola,
Guwahati.

.. Respondent

BEFORE

THE HON'BLE THE CHIEF JUSTICE MR P NAOLEKAR,
THE HON'BLE MR JUSTICE I.A.ANSARI

For the petitioners: Mr C Choudhury,
CGSC

For the Respondents: Mr JL Sarkar,
Mr M Chanda, Advocate

True copy
Advocate.
27.05.04

Date of hearing & judgment: 27th October, 2003

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JUDGMENT & ORDER

These appeals have been filed by the Union of India challenging the order dated 8th May, 1998 passed by the Central Administrative Tribunal, in Original Application Nos.130 and 131 of 1994. By the order passed by this Court, these appeals have been heard together.

2. Smti Renu Mazumdar the applicant in OA No.130/94 was appointed in the year 1970 as Draftsman in the office of the Director of Censes Operation, Arunachal Pradesh, Shillong. She was transferred to Directorate of Censes Operation, Assam. Smti Biju Mahanta, the applicant in OA No. 131/94 was appointed as Draftsman in July 1980 in the Office of the Censes Operation, Assam, Guwahati. Admittedly, the next promotional post of Draftsman in the Censes Department is Artist. Smti Renu Mazumdar was promoted on the recommendation of a regular Departmental Promotion Committee on the post of Artist on 23.10.91 on regular basis in scale of pay of Rs.1400-2300/-. Smti Biju Mahanta was also promoted to the post of Artist with effect from 30th April '90 on regular basis. Both the applicants (respondents herein) were continuously working in the post of Artist till 30.11.1993 when they have been reverted to the post of Draftsman consequent upon the discontinuation of the two posts of Artists created in connection with the 1991 Censes by the Registrar General vide letter dated 30.11.1993. Being aggrieved by the order of reversion, both the applicants preferred applications before the Central Administrative Tribunal at Guwahati. The Central Administrative Tribunal has accepted the contentions raised by the applicants (respondents herein) that they have been regularly promoted to the posts of Artists and could not have been demoted to the post of Draftsman on the basis of the fact that these two posts of Artists have been crated for 1991 Census have been abolished. It is the case of the respondent, Union of India, that promotion has been given to these applicants on temporarily posts created for completion of 1991 Census and, therefore, on abolition of those posts, they have been

reverted to the original substantive posts. The Tribunal has found that the order of promotion issued in favour of the Respondents herein does not mention that they have been promoted on temporary posts created in the Department of Artist for completion of 1991 Census. The promotion by holding a regular Departmental Promotion Committee, itself, indicates that the promotion has been made on regular posts and not on temporary vacancies by creating the posts of Artists. The Tribunal has also given opportunity to the learned counsel appearing for the Union of India to produce records before it to show that the applicants/ respondents herein were promoted to the temporary vacancies and not on regular posts. The Tribunal has noticed that in spite of several opportunities being given to the counsel for the Union of India, no record has been produced to show that the applicants (respondents herein) have been temporarily promoted on temporary posts. Considering all these factors, the Tribunal was of the view that the applicants (respondents herein) have been regularly promoted on the posts of Artists and they could not have been reverted to the posts from which they have been promoted, on the basis that the temporary vacancies created for 1991 Censes have been abolished.

3. It is contended by the learned counsel for the appellants, on the basis of documents produced before us that the temporary posts of Artists have been created in the Census Department on 18.3.1991 and the promotions of applicants/respondents have been made in those vacancies only. First, creation of certain posts does not necessarily mean that the promotion have been made on those posts only. Secondly, the order of promotion does not indicate that the applicants/respondents have been promoted on temporarily created posts. Thirdly, the respondent Smti Biju Mahanta has been promoted on 3.5.90, whereas the temporary post of Artist has been created on 18.3.1991. Thus, by no stretch of imagination, it can be said that the applicant Smith Biju Mahanta, who has been promoted to the post of Artists on 3.5.90 has been promoted in a temporary capacity to the post, which has been subsequently created on 18.3.1991. Before us also there is no material placed on record to indicate that the

applicants/respondents have been promoted on temporary posts. In the aforesaid circumstances, we cannot take a different view than what has been held by the Tribunal. The orders of promotion having not indicative of any temporary promotion, the applicants/respondents could not have been reverted to the posts of Draftsman on the basis of the fact that temporary vacancies created in the Census Department have been abolished.

6. For the aforesaid reasons, the appeals fail and are dismissed with costs of Rs.1, 500/- each.

Sd/ I A Ansari
Judge

Sd/ [illegible]
Chief Justice

Gauhati High Court

CERTIFIED TO BE TRUE COPY
Date .....
Superintendent (Copying Section)
Gauhati High Court
Authorised U/S 76, Act I, 1872

ANNEXURE - V 62

By Speed Post

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

No.27/96/94-Ad.IV

Date : 12.08.2004

ORDER

Against two temporary posts of Artist created for Census, 1991, Smt. B. Mahanta and Smt. R. Mazumdar, Draughtsmen were promoted as Artists w.e.f. 30.4.1990 and 30.10.1991 respectively purely on temporary and adhoc basis. On abolition of these two posts, the above named officials were reverted to their original posts of Draughtsman w.e.f. 31.12.1993. These two officials filed O.A. No.130/94 and 131/94 before the Hon'ble Tribunal, Guwahati Bench against the above reversion order. The operative portion of the judgment of the Hon'ble Tribunal dated 8.5.1998 is reproduced below:-

> "It is not possible for this Tribunal to ascertain and come to a conclusion that the present applicants were promoted only for the purpose of 1991 census. The expression of regular basis is contrary to the same. As the appointment letters do not indicate that the promotions had been made only for the purpose of 1991 census, it is difficult for us to hold and accept that the appointments were made only for the purpose of 1991 census. In view of the above we are constrained to hold that there is nothing to show that the applicants were promoted only for the purpose of 1991 census. Therefore, we are unable to accept the submission of the respondents. On the other hand, we hold that these two applicants were promoted after holding two different

True Copy
Advocate
27.08.04

DPCs on regular basis and there was therefore no justification to revert the present applicants to the original post. We have come to this conclusion as the respondents failed to produce any document including the sanction letter, report of the DPC. The respondents have not made any endeavour to show that even in the DPC was constituted for the purpose of promoting the applicants against 1991 census work. In the absence of any such document we are inclined to hold that they were promoted on regular basis and therefore the applicants cannot be reverted. The sanction letters produced by the respondents do not indicate anything that those were for the present applicants. Accordingly, we set aside the order of reversion dated 30.12.1993 and direct the respondents to give the applicants all consequential benefits. The applications are allowed. No order as to costs."

2. Against the judgment of the Hon'ble Tribunal dated 8.5.1998, DCO, Assam then filed C.R. No.3985/98 and 4037/98 before the Hon'ble High Court, Guwahati. The Hon'ble High Court vide their order dated 27.10.2003 dismissed the above prayer and upheld the judgement and order of the Hon'ble Tribunal passed on 8.5.1998 in O.A. No.130/94 and 131/94. Both the Hon'ble Tribunal and Hon'ble High Court have taken a view and passed judgments on the assumption that the above named officials were promoted as Artists on regular basis although in fact the above officials were promoted against temporary census posts created for Census, 1991.

3. With due regard to the directions of both the Hon'ble Tribunal dated 8.5.1998 and Hon'ble High Court dated 27.10.2003, the orders of the Hon'ble Courts have been implemented in the following manner :-

i) Smt. R. Mazumdar and Smt. B. Mahanta will continue to hold the posts of Artist till 31.12.1995 on notional basis from the date of their initial promotions. As Smt. R. Mazumdar and Smt. B. Mahanta have not worked as Artist for the period mentioned above and also due to non-availability of vacant post of Artists, they will not be entitled to draw arrears of pay and allowances as Artist during the said period.

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ii) W.e.f. 1.1.96 on the basis of recommendatin of the 5th Central Pay Commission, the posts of Artist, Senior Artist and Senior Draughtsman were merged and redesignated as Senior Draughtsman. Therefore, w.e.f. 1.1.1996 Smt. R. Mazumdar and Smt. B. Mahanta are appointed as Senior Draughtsman. Similarly, their pay in the grade of Senior Draughtsman will be fixed notionally and they will not be entitled to draw arrears of pay and allowances of the post of Senior Draughtsman for the period for which they did not work as Senior Draughtsman due to the fact that there were no posts available in DCO, Asssam.

iii) Due to non-availability of posts of Senior Draughtsman in DCO, Assam, Smt. R. Mazumdar and Smt. B. Mahanta are hereby transferred and posted as Senior Draughtsman in the Hqrs. Office of Registrar General, India, New Delhi against vacant core posts of Senior Draughtsman.

Mazumdar 7/8/,

(M.R. SINGH)

UNDER SECRETARY TO THE GOVT. OF INDIA

Copy to:-

1. DCO, Assam, Guwahati, for necessary action.
2. Smt. B. Mahanta, Draftsman in DCO, Assam. She is directed to join her duties in Hqrs. Office of RGI in Delhi with immediate effect.
3. Smt. Renu Mazumdar, Draftsman in DCO, Assam. She is directed to join her duties in Hqrs. Office of RGI in Delhi with immediate effect.
4. PAO, Home (Census), New Delhi.
5. Record Assistant.
6. Office Order folder.

(M.R. SINGH)

UNDER SECRETARY TO THE GOVT. OF INDIA

By Steno Pl.

ANNEXURE - VI

भारत की जनगणना
CENSUS OF INDIA
2001
हमी बता जिम्मुरक्षा
PEOPLE ORIENTED

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

File No.27/96/94-Ad.IV

Dated 13.8.2004

ORDER

In pursuance of this Office Order of even no. dated 12.8.2004, Smt. B. Mahanta and Smt. R. Mazumdar, Draftsman in DCO, Assam have been transferred and posted as Senior Draftsman in the Hqrs. Office of Registrar General, India with immediate effect.

After transfer of the above Senior Draftsman from DCO, Assam to Hqrs. Office, two posts of Draftsman in DCO, Assam stand withdrawn. The staffing structure of Map Section in DCO, Assam after the above arrangement becomes as under:-

Name of posts	No. of posts at present as on 12.8.2004	No. of posts after transfer order dated 12.8.2004
Sr. Draftsman	2	2
Draftsman	3	1

Mahanta

(M.R. SINGH)
UNDER SECRETARY TO THE GOVT. OF INDIA

Copy to:-

1. DCO, Assam, Guwahati with the request to relieve the above officials as early as possible with the direction to report for duty in the Hqrs. Office, New Delhi.
2. Smt. B. Mahanta, Draftsman in DCO, Assam. She is directed to join her duties in Hqrs. Office of RGI in Delhi with immediate effect.
3. Smt. Renu Mazumdar, Draftsman in DCO, Assam. She is directed to join her duties in Hqrs. Office of RGI in Delhi with immediate effect.
4. Record Assistant.
5. Office Order folder.

True Copy
Sruti
Advocate
27.08.04

ANNEXURE-VII

No.DCO(E)253/2004/ 4660

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS
ASSAM ,GUWAHATI

Dated Guwahati the 19th August,2004

ORDER

In pursuance of the office of the Registrar General, India's Order No.27/96/94-Ad.IV dated 13.8.2004 (copy enclosed) the following Draftsman in the o/o the Director of Census Operations, Assam, Guwahati are hereby released w.e.f .19th August,2004 (AN) so as to enable them to join in the post of Senior Draftsman in the o/o the Registrar General, India, New Delhi.

1. Smti Biju Mahanta, Draftsman
2. " Renu Mazumdar, Draftsman.

(B.L.Sarmah)
Deputy Director of Census Operations,
Assam, Guwahati.

Memo No.DCO(E)253/2004/ 4661-70 dated 19.8.2004.

Copy to :-

1. The Registrar General India, 2/A, Mansingh Road, New Delhi-110011 with reference to his letter No.27/96/94-Ad.IV dated 13.8.2004.
2. The Pay & Accounts Officer(Census), AGRW & M Building, New Delhi-2
3. The R.O (Map)
4. The ADCO (DDO)
5. The Office Supdt.(Estt & A/c)
6. PF/SB of person concerned
7. Smti Biju Mahanta, Draftsman) They are asked to handover the documents to RO(Map).They may apply for admissible transfer TA and report for duty in the o/o the Registrar General, India, New Delhi.
8. Smti Renu Mazumdar, Draftsman)
9. The Cashier
10. The Store In-charge

19-8-04
(B.L.Sarmah)
Deputy Duirector of Census Operations.
Assam, Guwahati

True copy
for Advocate
27-08-04

ANNEXURE - VIII

NO.DCO(E)171/74/Pt.I/3754

भारत सरकार
GOVERNMENT OF INDIA

the 24th March/2000

O R D E R

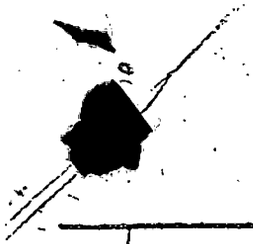
The final seniority list in the grade of Draftsman in the O/o the Director of Census Operations, Assam, Guwahati as on 1.1.2000 is enclosed herewith for information to all concerned employees of this directorate.

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

Memo NO.DCO(E)171/74/Pt.I/3755-58 Date : 24/3/2000
Copy to : 1) Person concerned.

(A. MEDHI) 24/3/2000
ASSTT. DIRECTOR OF CENSUS OPERATIONS
ASSAM :: GUWAHATI.

True copy
Advocate
27.08.04



Final seniority list in the grade of Draftsman in the office of the Director of Census Operations, Assam, Guwahati as on 1.1.2000.

Sl. No.	Name	Date of Birth	Educational qualification	Date of entry into Govt. service	Date of appointment to a post in the graded scale of pay in central Govt. service	Date of temporary appointment to the grade in the DCO Assam.	Date of confirmation in the grade	Remarks
1	2	3	4	5	6	7	8	9
1.	Smti Biju Mahanta	13.11.58	B.A. Diploma in Draftsmanship	26.7.80	26.7.80	26.7.80	5.8.96	
2.	" Renu Mazumdar (S.C.)	1.3.48	HSLC Diploma in Draftsmanship	29.5.70	29.5.70	30.1.81	1.3.76	Confirmed the office the Arunac pradesh
3.	" Mamani Kalita	1.4.69	B.A. Diploma in (Architectureal Assistantship)	19.10.90 on Adhoc	19.10.90	8.9.99	-	

(A. MEDHI) 24.05.2000
ASSTT. DIRECTOR OF CENSUS OPERATION
ASSAM : GUWAHATI.

(40)

Filed by the Respondents 69 through Mr. Indranee Choudhury, Advocate 04/10/04.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

Original Application No. 195/2004

IN THE MATTER OF:

Mrs. Renu Mazumdar.

. . . Applicant

- VERSUS –

The Union of India & Ors.

. . . Respondents.

- AND –

IN THE MATTER OF:

Written statement on behalf of the Respondents No.1 to 7.

I, Shri B.L. Sarma, presently serving as Deputy Director of Census Operations, Assam do hereby solemnly affirm and state as follows:

1. That I have been arrayed as the Respondent No. 6 and 7 in the instant application. A copy of the Original Application has been served upon me. I have gone through the same and understood the contents thereof. I have been duly authorised to file this written statement on behalf of the other respondents also.

2. That all the statements and averments made in the Original Application that are not specifically admitted herein below shall be deemed to have been denied by the answering Respondents.

3. That before giving a parawise reply to the statements made in the Original Application, the answering Respondents deem it necessary to place before this Hon'ble Tribunal the facts in its entirety for a just, proper and fair adjudication of the issues involved in the instant case:

A. That during the 1991 Census to undertake the burden of additional work related to Census Operations, the Govt. of India vide letter under reference No. 2/5/89 –RG (Ad. II) dated 06.04.1990 sanctioned the following posts (in addition to other posts) with effect from 01.04.1990.

POSTS	NUMBER
Senior Artist	1
Artist	1
Draftsman	3

Considering the additional workload in the Directorate of Census Operations, Assam an additional post of Artist was sanctioned vide letter No. 2/5/90 - RG (Ad. II) dated 12.03.1991. Similarly, an additional post of Draftsman was sanctioned vide letter No. 2/5/90–RG(Ad. II) dated 21.09.1990. Be it stated herein that all these aforementioned posts were sanctioned purely on a temporary basis for the Census Operations conducted in the year 1991.

A copy of the letter No. 2/5/90–RG(Ad. II) dated 06.04.1990 is annexed herewith and marked as **ANNEXURE – A.**

B. That prior to sanction of the aforesaid temporary Census posts, the sanction strength of posts in the Map section of the Directorate of Census Operation, Assam is shown herein below:

NAME OF THE POST	NO. OF POSTS	NAME OF THE INCUMBENT
1. Artist	1	Th Amusena Singh
2. Senior Draftsman	1	Smt. S.K. Chetia
3. Draftsman	3	1. Smt. Minu Kalita
		2. Smt. Biju Mahanta
		3. Smt Renu Mazumdar

C. That on receipt of the sanction of the temporary Census posts as referred to in paragraph A of the instant written statement the posts of Senior Artist was filled up by promoting Th Amusena Singh (Artist) due to which a resultant temporary vacancy arose in the post of Artist. The said temporary

resultant vacancy of Artist and the newly sanctioned temporary Census post of Artist were filled up by promoting Smt. Minu Kalita, Draftsman and Smt. Biju Mahanta, Draftsman on a purely temporary basis. Thereafter, on an additional temporary Census post of Artist having been sanctioned vide letter dated 12.03.1991 Smt. Renu Mazumdar, Draftsman was promoted to the said post.

A copy of the Order of appointment of promotion of the Opposite Party is annexed herewith and marked as **ANNEXURE – B.**

D. That it was in the manner described in paragraph 3 above that the two newly sanctioned temporary posts (for 1991 Census) of Artist were filled up by promoting temporarily the three (3) incumbents in the posts of Draftsman including the Opposite Party herein. However, inadvertently, the nature of the posts was not indicated in the orders of promotion. It is further pertinent to state herein that the promotions were given against these temporary posts on recommendations by the DPC solely with a view to give the incumbents their service benefits in their promotional posts in future since, adhoc promotees are not allowed the service benefits as per the existing rules. Be it stated herein that although the promotees were recommended for promotion by the DPC, the incumbents could be reverted to their lower posts as and when the Government discontinued the sanction and/or abolished the posts so created purely for the purpose of the 1991 Census Operations.

E. That the Government of India discontinued the sanction of the temporary Census posts in connection with the 1991 Census w.e.f. 31.12.1993 on which date the said posts stood abolished. Accordingly, the office of the Registrar General of India vide letter under reference No. 2/4/90 – RG (Ad. II) dated 30.11.1993 informed all Directors of Census Operations including the Review Petitioner No. 3 regarding discontinuance of sanction of temporary Census posts and further directed the Directors to take consequential action.

A copy of the letter dated 30.11.1993 is annexed herewith and marked as **ANNEXURE – C**.

F. That consequent upon discontinuation of the two (2) temporary Census posts of Artists, the Review Petitioner No. 3 vide order under memo No.

DCO (E) 97/80/Vol.I/10103 dated 30.12.1993 reverted Smt. Biju Mahanta and Smt. Renu Mazumdar (Opposite Party herein) to their substantive posts of Draftsman with effect from 31.12.1993 (AN).

A copy of the said order dated 30.12.1993 is annexed herewith and marked as **ANNEXURE – D**.

G. That it is pertinent to state at this stage that Th Amusena Singh who was holding the substantive post of Artist and was promoted to the temporary Census post of Senior Artist had in the meantime expired. As such, Smt. Minu Kalita who was promoted to the said temporary resultant vacancy that occurred on temporary promotion of Th Amusena Singh was regularised against the said regular vacancy.

H. That the fact that the two posts of Artists against which Smt. Biju Mahanta and Smt. Renu Mazumdar (Opposite Party herein) were sanctioned solely and purely for 1991 Census Operations is also borne out of a letter dated 08.12.1997 written from the office of the Registrar General of India to the Deputy Director of Census Operations, Assam. Be it stated herein that the said letter clearly shows the regular sanctioned strength in the office of the Directorate of Census Operations, Assam.

A copy of the said letter dated 08.12.1997 is annexed herewith and marked as **ANNEXURE – E.**

I. That the Opposite Party Smt. Renu Mazumdar approached the Learned Central Administrative Tribunal, Guwahati Bench by way of an Original Application being O.A. No. 130/94 challenging the order of reversion dated 30.12.1993. Be it stated herein that Smt. Biju Mahanta also preferred an Original Application being O.A. No. 131/94 against her order of reversion. The Learned Tribunal vide Judgment and Order dated 08.05.1998 held that the Original Applicants (Opposite Party herein) were promoted on regular basis and therefore cannot be reverted and accordingly set aside the order of reversion dated 30.12.1993 and further directed the authorities i.e., the Review Petitioners to give all consequential benefits.

J. That being aggrieved by the Judgment and Order dated 08.05.1998 passed by the Learned Central Administrative Tribunal, Guwahati Bench, the Review Petitioners preferred a writ petition before this Hon'ble Court,

which was registered and numbered as Civil Rule No. 3985/1998. This Hon'ble Court vide Judgment and Order dated 27.10.2003 upheld the Judgment and Order passed by the Learned Tribunal and dismissed the writ petition.

K. That the Respondents preferred a Review Petition No.21/2004 against the Judgment and Order dated 27.10.2004 passed by the Hon'ble Gauhati High Court. The Hon'ble High Court vide Order dated 22.06.2004 was pleased to dismiss the Review Petition.

L. That thereafter the Order 27/96/94-Ad.IV dated 12.08.2004 was passed by the Respondent No.4 whereby the Applicant was allowed to hold the post of Artist till 31.12.95 on notional basis from the date of her initial promotion and, Senior Draftsman w.e.f 01.01.96. However, since posts of Senior Draftsman are not available in the Directorate of Census Operations, Assam, the Applicant had to be transferred to the Office of the Registrar General, India, New Delhi where core posts of Senior Draftsman are lying vacant. Accordingly, the Applicant was released vide Order dated 19.08.2004 (A.N.) to enable her to join at New Delhi. Subsequently, the Respondent No.4 issued an Order No.13014/21/2004-Ad.IV dated 14.09.2004 allowing drawal of the arrear salary of the Applicant in the post of Artist till 31.12.95 and in the post of Senior Draftsman w.e.f 01.01.96. Accordingly, necessary orders have been issued by the Directorate of Census Operations, Assam and necessary arrangements have already been made for payment of the aforesaid arrear salary to the Applicant.

A copy of the said order dated 14.09.2004 is annexed herewith and marked as **ANNEXURE – F.**

4. That the answering respondents categorically deny the statements made in paragraph 1 of the Original Application and in this regard respectfully beg to state that in pursuance of the Hon'ble CAT Order dated 09.09.2004 in O.A. No. 195/2004, the applicant has already been allowed to draw the pay and allowances in the grade of Artist and Senior Draftsman for the concerned period vide this Office Order No. 13014/21/2004-Ad.IV dated 14.09.2004. The applicant has been transferred from DCO, Assam to Hqrs. Office of Registrar General, India, New Delhi due to non-availability of vacant post of Senior Draftsman in that Directorate.

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5. That with regard to the statements made in paragraphs 2, 3 and 4.1 of the Original Application the deponent has no comments to offer.

6. That with regard to the statements made in paragraph 4.2 of the Original Application, the answering respondents state that as has already been indicated hereinabove, the Applicant was promoted against a temporary Census post of Artist created purely for the 1991 Census Operations.

7. That the answering respondents deny the statements made in paragraph 4.3 of the Original Application and in this regard respectfully beg to state that the Applicant was reverted to the post of Draftsman due to abolition of the post of Artist created temporarily for the 1991 Census Operations.

8. That with regard to the statements made in paragraph 4.4 and 4.5 of the Original Application the answering respondents respectfully beg to state that in view of the Hon'ble Tribunal's Order dated 08.05.1998 and Hon'ble High Court's Order dated 27.10.2003 the applicant has already been granted the promotion to the concerned higher grades and the financial benefits related to these posts vide ORGI Order No.27/96/94-Ad.IV dated 12.08.2004 and Order No. 13014/21/2004-AdIV dated 14.09.2004.

9. That with regard to the statements made in paragraph 4.6 of the Original Application the answering respondents categorically deny that there has been any willful or deliberate violation of this Hon'ble Tribunal's directions. Infact, it is only in pursuance of the said directions that the orders dated 12.08.2004 and 14.09.2004 have been issued.

10. That the statements made by the applicant in paragraph 4.7 are totally false and misleading and hence denied by the answering respondents. The post of Artist, Senior Artist and Senior Draftsman were merged and re-designated as Senior Draftsman w.e.f. 01.01.1996 vide ORGI No. 22/1/97-Ad.II dated 04.04.2000.

A copy of the said Order is annexed herewith and marked as **ANNEXURE – G.**

As already stated in preceding paragraphs, the applicant has already been granted all the benefits as directed by Hon'ble Tribunal. As per SIU report

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dated 12.03.1996 for DCO, Assam the following posts of Draftsman, Artist and Senior Draftsman have sanctioned:-

Draftsman	-	3
Artist	-	1
Senior Draftsman	-	1

Since the post of Artist and Senior Draftsman have been merged and re-designed as Senior Draftsman, the revised strength of Draftsman and Senior Draftsman in DCO, Assam is as under:-

Draftsman	-	3
Senior Draftsman	-	2

Against the above sanctioned posts of Draftsman and Senior Draftsman following persons were holding the said posts as under: -

a. Smt. Biju Mahanta, Draftsman
b. Smt. Renu Mazumdar, Draftsman
c. Smt. Memoni Kalita, Draftsman

1. Smt. S. Chetia, Senior Draftsman
2. Meenu Kalita, Senior Draftsman

It is clear from the above incumbency position that against the 2 sanctioned posts of Senior Draftsman, two persons have already been working against the said posts since 1996. Thus there is no vacant post in the grade of Senior Draftsman after 01.01.1996 in DCO, Assam against which Smt. Renu Mazumdar and can be accommodated. The Existence of a particular post is necessary for drawing salary of the said post. Since there are only 2 sanctioned posts of Senior Draftsman in DCO, Assam the respondents have no alternative but to transfer her from DCO, Assam to Hqrs. Office of RGI, New Delhi so that she may be accommodated against vacant post of Senior Draftsman in the said Office. It may be mentioned that during 1996 SIU reviewed staff position of all the DCOs and after scrutiny and keeping in view the workload the posts in various grades were fixed by them. To give the clear picture of the posts in various grades including the post in the grades of Draftsman, Artist and Senior Draftsman.

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A copy of the complete SIU report is enclosed as **ANNEXURE - H**.

The applicant is trying to mislead the Hon'ble Tribunal and to gain the undue sympathy by giving incorrect and false information. The applicant has tried to show that her transfer from DCO, Assam to Hqrs. Office, New Delhi and withdrawal of 2 posts of Draftsman from DCO, Assam is not in public interest. As per recruitment rules of Draftsman, these posts are required to be filled by direct recruitment.

A copy of recruitment rules of Draftsman is enclosed as **ANNEXURE - I**.

According to Government of India, Ministry of Personnel Public Grievances and Pension O.M. No. 2/8/2001-PIC dated 16.05.2001, all the posts meant for direct recruitment are to be filled only after it is cleared by Screening Committee. Para 2.2. of the said O.M. is reproduced below:-

> "While preparing the Annual Recruitment Plans, the concerned Screening Committees would ensure that direct recruitment does not in any case exceed 1% of the total sanctioned strength of the Department. Since about 3% of staff retire every year, this would translate into only 1/3rd of the direct recruitment vacancies occurring in each year being filled up. Accordingly, direct recruitment would be limited to 1/3rd of the direct recruitment vacancies arising in the year subject to a further ceiling that this does not exceed 1% of the total sanctioned strength of the Department. While examining the vacancies to be filled up, the functional need 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 by promotion or otherwise and these posts will stand abolished."

A copy of the said O.M dated 16.05.2001 is annexed herewith and marked as **ANNEXURE – J.**

Thus the withdrawal of 2 posts of Draftsman from DCO, Assam is in accordance with the above instructions of the Government since 2/3rd of vacant posts meant for direct recruitment are requited to be abolished, no one can be posted against the above posts. Since Smt. Renu Mazumdar has been promoted to the post of Senior Draftsman, she cannot hold the posts of Senior Draftsman and Draftsman simultaneously. Therefore, the applicant is questioning the transfer of two posts of Draftsman only for confusing and misleading the Hon'ble Tribunal. The respondents have highest regard for the Hon'ble Tribunal and they cannot even think of disobeying the Orders of Hon'ble Tribunal. It has already been decided and sanctioned by the SIU that there will be 1 post of Artist and one post of Senior Draftsman i.e., the 2 posts of Senior Draftsman (since the post of Artist has been merged and redesigned as Senior Draftsman). The applicant is trying to establish that 4 posts of Senior Draftsman have been sanctioned by the SIU. The allegation of the applicant that she is being victimized is totally false and misleading. Since the applicant has already been given the benefits of promotion to the post of Senior Draftsman and also the back wages vide ORGI Order No. 13014/21/2004-Ad.IV dated 14.09.2004 the Orders of Hon'ble tribunal have been fully complied with. As has already been stated above, the applicant has been transferred from DCO, Assam to Hqrs. Office of RGI, New Delhi vide letter No. 27/96/94-Ad.IV dated 13.08.2004 as there was no vacant post of Senior Draftsman to accommodate her in DCO, Assam. Thus the transfer of the applicant from DCO, Assam to Hqrs. Office of RGI, New Delhi is in accordance with SIU report and fully justified. Transfer of the 2 posts of Draftsman has in no way affected the interest of the above applicant who has already been promoted to Senior Draftsman and the posts of Draftsman is direct recruitment post. Question of victimizing the applicant by the respondents as such does not arise. Government tries to accommodate a person at a place of his choice if a regular vacancy in the concerned grade is available there.

Since there is no vacancy in the grade of Sr. Draftsman in DCO, Assam, it is not possible for the respondents to retain her in DCO, Assam as Sr.

Draftsman. Allegations of malafide intention leveled by the applicant regarding her transfer from DCO, Assam to Head Quarter office New Delhi is totally false as the same has no truth and they are not based on the facts. The applicant is totally aware that the SIU have sanctioned only two posts of Sr. Draftsman for DCO, Assam and the same are filled. Inspite of that she is insisting for her posting in that DCO by her false and confusing arguments.

11. That the answering respondents respectfully beg to state that the statements made in paragraph 4.8 are totally false, concocted and baseless and hence denied. Due to non-availability of any post of Senior Draftsman in DCO, Assam it become necessary on the part of the respondents to transfer her to the Headquarter office of RGI, New Delhi where two vacant posts of Senior Draftsman exist. This has been done by the respondents after considering the case carefully. The allegations of vindictive action made by the applicant against the respondents is totally baseless and without any truth. Order dated 19.08.2004 served by DCO, Assam was in compliance to the Hon'ble Tribunal's Order.

12. That the statements made in paragraph 4.9 of the Original Application are categorically denied by the answering respondents. As per direction of Hon'ble Tribunal's Order, the applicant has already been granted all the benefits including the difference of back wages vide Office of RGI Order No. 13014/21/2004-Ad.IV dated 14.09.2004. As already indicated in the preceding paragraphs, SIU vide its decision dated 12.03.1996 have sanctioned three posts of Draftsman and two posts of Senior Draftsman for DCO, Assam. The above two sanctioned posts of Senior Draftsman have already been filled and they are being occupied by Smt. S. Chetia and Smt. Minu Kalita. Thus there is no vacancy of Senior Draftsman in DCO, Assam against which Smt. Renu Mazumdar can be accommodated. Allegation of the harassment, malafide intention and conspiracy are totally false, baseless, concocted and not based on any truth and factual position. The applicant has been transferred to Hqrs. Office from DCO, Assam only due to non-availability of posts of Senior Draftsman as SIU have sanctioned only two posts of Senior Draftsman, which are already filled and occupied.

13. That the answering respondents categorically deny the statements made in paragraph 4.10 of the Original Application. The respondents have complied with the directions of Hon'ble Tribunal and Hon'ble High Court. The transfer

of the applicant to the Head Quarter Office has been made only due to non-availability of posts of Senior Draftsman in DCO, Assam. The respondents humbly beg to submit that the Hon'ble Supreme Court has held in a catena of Judgments that transfer being a condition of service, the High Courts as well as Tribunals should not interfere with the same unless malafides are pleaded and successfully established.

14. That the answering respondents categorically deny the statements made in paragraphs 4.11 and 4.12 of the Original Application. Again in this para the applicant has tried to confuse and mislead the Hon'ble Tribunal. The post of Draftsman is in the scale of Rs.5000-8000 whereas the post of Senior Draftsman is in the pay scale of Rs.5500-9000. As per Orders of Hon'ble Tribunal, the applicant is to be placed in the grade of Senior Draftsman in the pay scale of Rs.5500 – 9000 and not in the grade of Draftsman in the pay scale of Rs.5000 – 8000/-. Thereafter the transfer of the two posts of Draftsman from DCO, Assam to Hqrs. Office of RGI, New Delhi are not interconnected. Since the applicant is trying to confuse and mislead the Hon'ble Tribunal by her false averments, it is necessary to clarify again the reasons for transferring two posts of Draftsman meant of in the pay scale of Rs. 5000-8000 to Hqrs. Office, New Delhi. As per Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training O.M. No. 2/8/2001-PIC dated 16.05.2001, the above two posts vacated by the applicants due to their promotion to the posts of Senior Draftsman in the pay scale of Rs.5500 – 9000, can not be filled as they are meant for direct recruitment and they are to be abolished. Therefore, the Order dated 13.08.2004 issued by the respondents for transferring the two posts of Draftsman in the pay scale of Rs. 5000-8000 to the Hqrs. Office is in accordance with Govt.'s instruction as the above two posts are required to be placed before Screening Committee consisting of Home Secretary and other Officers of Ministry of Finance and DOPT for deciding their future. The applicant has alleged that the withdrawal of two posts of Draftsman in the pay scale of Rs. 5000 – 8000 has been made with malafide intention. It appears that the applicant wants to hold the post of Senior Draftsman in the pay scale of Rs.5500-9000 and that of Draftsman in the pay scale of Rs. 5000-8000 simultaneously, which is not permissible. The applicant has been promoted to the post of Senior Draftsman in the pay scale of Rs. 5500-9000/- therefore, her objections regarding transfer of the two posts of Hqrs. Office are only for creating confusion. Thus the allegations made by the applicant are false

baseless and against the truth. The Order dated 13.08.2004 issued by the respondents for transferring the two posts of Draftsman in the pay scale of Rs.5000-8000/- vacated by the applicant is in accordance with Government Rules and in no way affects the interest of the applicant. The applicant was released from DCO, Assam on 19.08.2004 so that she may be accommodated against vacant post of Senior Draftsman in Hqrs. Office because of non-availability of posts of Senior Draftsman in the pay scale of Rs. 5500 – 9000 in DCO, Assam. The applicant was working against the post of Draftsman, which carry the pay scale 5000-8000/-. If she is allowed to remain on the post of Draftsman in DCO, Assam and allowed to draw the salary of Senior Draftsman in the pay scale of Rs. 5500 – 9000/-, the same will be totally irregular and against the rules and regulations of the Government.

15. That the answering respondents categorically deny the statements made in paragraph 4.13 of the Original Application. In this regard the answering respondents respectfully state that the contention of the applicant that the appointing and disciplinary authority of the applicant who is holding the post of Senior Draftsman is Director of Census Operations, Assam is totally wrong and imaginary. As per Recruitment Rules (RRs) of Senior Draftsman dated 15.03.2001, the post of Senior Draftsman is group 'B' post and appointment to the above post is to be done with the approval of Registrar General, India and not by DCO, Assam.

A copy of the RRs for the post of Senior Draftsman is annexed herewith and marked as **ANNEXURE – K.**

The constitution of DPC for promotion to the post of Senior Draftsman is under:

1.	R.G.I.	Chairman
2.	JRGI	Member
3.	DRG (Map)	Member

The Order dated 12.08.2004 and 13.08.2004 signed by under Secretary have been issued only after the approval of RGI who is the appointing authority for the post of Senior Draftsman.

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16. That it is categorically denied that the Director of Census Operations ever approached by the applicant as stated in paragraph 4.14 of the Original Application. Moreover, on being released/relieved 19.08.2004, the Director of Census Operations, Assam cannot in any event exercise jurisdiction. However, the leave application of Smt. Renu Mazumdar is being considered by the competent authority in accordance with the rules.

17. That the averments made by the applicant in paragraph 4.15 are totally false and baseless and hence denied by the answering respondents. Infact, surmises, conjectures and insinuations are the basis on which such statements have been made. The applicant has been transferred from DCO, Assam to Hqrs. Office because there was no post of Senior Draftsman in that Directorate. For implementing the Judgment of Hon'ble Tribunal, it became mandatory for respondents to transfer the applicants in the Hqrs. Officer of RGI, New Delhi where the vacant post of Senior Draftsman are available against which the applicant could be adjusted.

18. That with regard to the statements made in paragraph 4.16 of the Original Application the answering respondents respectfully state that the Government tries to accommodate the wife and husband at one place subject to the availability of the post. Since there is no vacant post of Senior Draftsman in DCO, Assam the respondents are helpless to post the official in that DCO. Moreover, the Applicant and her husband are serving in two entirely different wings of the Govt. of India and the answering respondents do not have any control over Department in which her husband is serving.

19. That with regard to the statements made in paragraph 4.17 of the Original Application, it is true that the seniority of Draftsman is maintained DCO-wise. But the promotion to the post of Senior Draftsman which is a Group – 'B' post is made with the approval of Registrar General, India on the basis of seniority list and appointing authority to the post of Senior Draftsman is RGI. Moreover, seniority in the rank of Senior Draftsman and above are maintained on all India basis. Since only two posts of Senior Draftsman have been sanctioned by SIU for DCO, Assam and the said two posts are already filled up, the respondents have no alternative but to transfer the applicant to the Hqrs. Of RGI, New Delhi where the vacancies of Senior Draftsman exist. As prescribed under Recruitment Rules, only two posts of Senior Draftsman have been sanctioned by SIU vide their decision dated 12.03.1996. The above 2

posts have already been filled up. The applicant is trying to show that there are 4 sanctioned post of Senior Draftsman. Thus her intension is to confuse and mislead the Hon'ble Tribunal so that she may be posted as Senior Draftsman in DCO, Assam without existence of two vacancies in the said grade. Moreover, the Applicant has resorted to approbating and reprobating at the same time which, as per the law of the land is not permissible. On the one hand she has claimed a promotion to the post of Senior Draftsman when she was well aware that there are only two posts available, both of which are duly and regularly filled up, while on the other hand, she has staked a claim for being retained at Assam.

20. That with regard to the statements made in paragraph 4.18 of the Original Application the answering respondents respectfully beg to state that as per direction of Hon'ble tribunal the applicant has already been granted arrears of pay and allowances for the post of Artist/Senior Draftsman.

21. That while denying the statements made by the Applicant in paragraph 4.19 of the Original Application the answering respondents respectfully beg to state that, as already stated in preceding paras the applicant has been posted to Hqrs. Office of RGI against the two vacant post of Senior Draftsman as the said vacant posts were not available in DCO, Assam against which she could be accommodated. The respondents have no intension to harm the applicant in any way.

22. That the answering respondents categorically deny the statement made in paragraph 4.20 of the Original Application. In this regard the answering respondents humbly state that the applicant has filed the present O.A. only to confuse and mislead the Hon'ble Tribunal by suppressing the Government rules and regulations regarding posting of a Govt. servant to a particular post. As such the Original Application is liable to be dismissed with exemplary costs.

23. That with regard to the statements made in paragraph 5.1, 5.2 5.3 and 5.4 of the Original Application the answering respondents respectfully state that the applicant has been granted all the benefits including arrears of back wages as directed by the Hon'ble Tribunal. As per direction of the Hon'ble Tribunal the applicant has already been allowed to hold the post of Artist upto 31.12.1995 alongwith back wages to the said post and hold the post of Senior Draftsman w.e.f. 01.01.1996 to 19.08.2004 in DCO, Assam and thereafter in the Hqrs.

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Office of RGI, New Delhi. They have also been allowed to draw the back wages of the post of Senior Draftsman. As such, the answering respondents humbly submit that the Original Application has become infructuous to that extent.

24. That with regard to the statements made in paragraph 5.5 of the Original Application the answering respondents humbly beg to state that the transfer of applicant from DCO, Assam for Hqrs. Office, New Delhi is in accordance with the Government rules and over and above that, there are no vacant posts of Senior Draftsman available in the DCO, Assam. She has already been granted the arrears of back wages.

25. That with regard to the statements made in paragraphs 5.6 and 5.7 of the Original Application the answering respondents respectfully submit that the shifting of the two posts of Draftsman has no relevance whatsoever to the issues involved in the instant case. So far as the applicant's transfer is concerned, as has already been dealt with at length above, there was no alternative available with the answering respondents but to transfer her to New Delhi where vacant posts are available. The respondents further humbly submit that in view of the facts and circumstances narrated hereinabove, no malafides can be attributed to the order of transfer. As such, the O.A is liable to be dismissed. The applicant has been transferred from DCO, Assam to Hqrs. Office of RGI, New Delhi because of non-availability of two vacant posts of Senior Draftsman in DCO, Assam. Thus the transfer of the applicant is entirely in public interest.

26. That with regard to the ground taken in paragraph 5.8 of the Original Application the respondents respectfully submit that the Government tries the posting of wife and husband at the same station subject to the availability of the post. Since there is no vacant post of Senior Drafts man in DCO, Assam, it is not possible for the respondents to post the applicant in DCO, Assam.

27. That with regard to the statements made in paragraph 5.9 and 5.10 the answering respondents respectfully submit that the respondents had to transfer the applicant for implementing the Hon'ble CAT's Judgment as no post of Senior Draftsman is available in DCO, Assam. Moreover, it is humbly submitted that transfer is a condition of service and this Hon'ble Tribunal may not be pleased to test the order of transfer as an appellate forum. The

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Applicant having accepted the promotion to the post of Senior Draftsman, it is incumbent upon her to accepting the posting at New Delhi. As such, the Original Application is liable to be dismissed with costs.

28. That with regard to the statements made in paragraph 5.11 of the Original Application the answering respondents humbly submit that the applicant has already been granted arrears of back wages and as such, to this extent, the Original Application has become infructuous.

29. That the answering respondents respectfully beg to submit that none of the grounds averred in the O.A are valid grounds and no fundamental, statutory or other legal right of the Applicant has been infringed in anyway. Under the facts and circumstances as have been narrated above, it is submitted that the instant application is devoid of any merit and the same is liable to be dismissed at the threshold.

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VERIFICATION

I, Shri B.L. Sarma, aged about 59 years, presently serving as Deputy Director of Census Operations, Assam do hereby solemnly affirm and verify that the statements made in paragraphs 1&2, 4 to 7, 8(pt), 9(pt), 11, 12(pt), 16 to 29 are true to my knowledge and those made in paragraphs 3A to 3I, 8(pt), 9(pt), 10, 12 (pt), 15 are matters of record derived therefrom, which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the day of October, 2004 at Guwahati.

B.L. Sarma

SIGNATURE OF THE DEPONENT

ANNEXURE-A

-18-(36)57

12/5/89-RG(Ad.II)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE REGISTRAR GENERAL, INDIA

2/A, Mansingh Road,
New Delhi-11, the
6 APR 1990

To

The Pay & Accounts Officer,
Ministry of Home Affairs(Census),
AGCW&M Building,
NEW DELHI

Subject:- Creation of temporary Group 'B' 'C' and 'D' (Non-Gazetted) posts in the Directorate of Census Operations, Assam for 1991 Census.

Sir,

I am directed to convey the sanction of the President to the creation of the under-mentioned temporary Group 'B', 'C' and 'D' posts in the subject mentioned Directorate of Census Operations w.e.f. 1.4.1990 to 28.2.1991, in connection with the 1991 Census work

Sl. No.	Name of Post	Scale of Pay	No. of Posts
1	2	3	4
1.	Lower Division Clerk	Rs. 950-1500	(3) Three
2.	Peons	Rs. 750-940	(2) Two
3.	Farash	Rs. 750-940	(1) One
4.	Senior Artist	Rs.1600-2660	(1) One
5.	Artist	Rs.1400-2300	(1) One
6.	Draftsman	Rs.1200-2040	(3)Three
7.	Statistical Assistant	Rs.1400-2300	(5)Five
8.	Computor	Rs.1200-2040	(15)Fifteen

Director (Census Operations), Assam
Guwahati
Dy. No. 1827 Date 11/4/90

2/.....

Certified to be true Copy

INDRANEEL CHOWDHURY
Advocate.

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

3. The expenditure involved is non-plan and is debitable to the Major Head 3454; D-Census Surveys & Statistics; D.1-Census; D.1(3)-Other Expenditure; D.1(3)(2)-Abstraction & Compilation; D.1(3)(2)(1)-Salaries.

4. This issues with the concurrence of the Integrated Finance Division, Ministry of Home Affairs vide their U.O.No.651/90-Fin.III/DII dated 20.3.1990.

5. Hindi version follows.

Yours faithfully,

28/3/90

(A.R. NANDA)
REGISTRAR GENERAL, INDIA

No.2/5/89-RG(Ad.II)

March, 1990

Copy forwarded to:

1. ~~All~~ Directors of Census Operations ~~in States and Union Territories~~. Guwahati
2. Finance-III Section, Ministry of Home Affairs, North Block, New Delhi with reference to their U.O. No.651/90-Fin.III/DII dated 20.3.1990.
3. Accounts Officer, RG's Office.
4. All Officers/Sections in the Administration Division, RG's Office.
5. PS to RGI/SL/.....to JRG(I).
6. Order file.

(I.S.THAKUR)
DEPUTY DIRECTOR

*S.Kaur
27.3.90

-20- 59

DCO(E)21/78/PT.I/ 4322

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS:
ASSAM: G.S.ROAD: ULUBARI : GUWAHATI-7.

Dated Guwahati the 2nd May, 1990.

OFFICE ORDER

On the recommendation of the Departmental Promotion Committee of the office of the Director of Census Operations, Assam, the following Draftsman are promoted to the post of Artist on regular basis in a temporary capacity w.e.f. the afternoon of 30th April, 1990 until further orders.

Hindi version will follows.

1). Smti Minu Kalita.

2). Smti Biju Mahanta.

SD/-
(J. C. BHUYAN)
DEPUTY DIRECTOR OF CENSUS OPERATIONS:
ASSAM: GUWAHATI.

MEMO NO. DCO(E)21/78/PT.I/ 4323-32 DATE : 2-5-90.

Copy to:-

1). The Pay and Accounts Officer(Census), New Delhi-110002.
2). The Asstt. Director of Census Operations(T), D.D.O.
3). The Asstt. Director of Census Operations(T), Map.
4). The Asstt. Director of Census Operations(T), S.R.S.
5). All Investigators.
6). Geographer.
7). Cartographer.
8). The Accounts Branch.
9). Establishment Branch.
10). Person concerned.
11). Personal File and Service Book of person concerned.
12). Head Assistant.

3/5/90
(J. C. BHUYAN)
DEPUTY DIRECTOR OF CENSUS OPERATIONS:
ASSAM: GUWAHATI.

Certified to be true Copy

INDRANEEL CHOWDHURY
Advocate.

ANNEXURE-C - 21 - 60

By Speed Post

89

No.2/4, 90-RG(Ad.II)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE REGISTRAR GENERAL, INDIA

2/A, Mansingh Road,
New Delhi-11, the
dated 30, November, 1993

To

All Directors of Census Operations
(including DRG((Language), Calcutta.

Subject:- Abolition of posts created in connection with 1991 Census-Regarding

Sir,

I am directed to say that all the posts which were created in connection with the 1991 Census, are at present sanctioned upto 31.12.1993 only. Therefore, they will stand abolished on that date. In this connection, I am directed to request you to take consequential advance action in the matter. The proposals for extension etc. of these posts need not be sent.

Yours faithfully,

(Chandra Prakash)
Assistant Director

Copy to.-

1. All Heads of Divisions.
2. Cash Section.
3. Ad.III.
4. Ad.IV.
5. Ad.II

Certified to be true Copy

INDRANEEL CHOWDHURY
Advocate.

ANNEXURE-22-

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CO(E)97/80/Vol.I/ 10103

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS : ASSAM
G.S.ROAD : ULUBARI : GUWAHATI-781007.

DATED GUWAHATI THE 30TH DECEMBER/93.

OFFICE ORDER

Consequent upon discontinuation of 2(two) posts of Artist created in connection with 1991 Census vide Registrar General's letter No.2/4/90-Ad.III) dt. 30.11.93 the following Artists stand reverted to the post of Draughtsman with effect from 31.12.93 (A.N.)

1. Smti. Biju Mahanta
2. " Renu Mazumdar

They will continue to be attached to the respective section as per earlier orders.

T. SINHA
DIRECTOR OF CENSUS OPERATIONS:ASSAM
GUWAHATI.

Memo No.DCO(E)97/80/Vol.I/ 10104-116 Date:30.12.93

Copy to:

1. The Registrar General, India, New Delhi-11.
2. The Pay & Accounts Officer (Census), New Delhi-2.
3. The Drawing & Disbursing Officer, O/o.D.C.O., Assam.
4. All Dy.Directors of Census Operations, Assam.
5. All Asstt.Director of Census Operations.
6. Research Officer, Map.
7. Office Superintendent.
8. Jr. Accounts Officer.
9. Asstt. Section.
10. Persons concerned (Smti.

(N.C. SAHA) 30/12/93
ASSTT.DIRECTOR OF CENSUS OPERATIONS:ASSAM
GUWAHATI.

Certified to be true Copy

INDRANEEL CHOWDHURY
Advocate.

ANNEXURE - E

- 23 -

BY SPEED POST

No.23/1/96-Ad.II
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
OFFICE OF THE REGISTRAR GENERAL,INDIA

2/A Mansingh Road
New Delhi, the December 8, 1997.

To

Shri N.C.Sen,
Deputy Director of Census Operations,
Assam, Guwahati.

Subject : Sanctioned strength of Group B,C and D posts in the Directorate of Census Operation after the implementation of the SIU report.

Sir,

I am directed to refer to this office letter No13/5/96-SIU Dated 9.5.1996 enclosing a copy of the SIU's Report in respect of your Directorate and to say that w.e.f.15.12.97 the sanctioned strength for each cadre in your Directorate shall be as per the details given in the enclosed Annexure. It may be ensured that the total appointments in your Directorate for each cadre shall be within the sanctioned strength now intimated. Necessary action for restructuring the appointments to the sanctioned strength for each post may be taken immediately in accordance with the Government instructions relating to the appointments, reversions and surplus staff. If it becomes necessary to retrench any of the surplus staff the same may be done immediately by paying salary in lieu of the notice period as applicable in each case in accordance with the service conditions applicable.Action in this regard should be communicated by 15.12.1997 positively.It may be noted that it would not be possible to keep any additional post in excess of the sanctioned strength and the Heads of office shall be personnaly responsible to ensure this strictly as no budget provosion shall be available for drawing the pay and allowances for any employees in excess of the sanctioned strength.

2. This disposes of all the pending references from the DCO's on this subject and no further correspondences in this regard will be entertained.

3. This issues with the approval of the Registrar General,India,

Certified to be true Copy,
INDRANEEL CHOWDHURY
Advocate.

Yours faithfully,
Sd/-
(K. VIVEKANAND)
DEPUTY DIRECTOR
TEL No.330136.

Enclo.: As above

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SANCTIONED STRENGTH OF GROUP 'B', 'C' AND 'D' POSTS

OFFICE OF THE DCO, Assam

(Annexure to letter No. 23/1/96-Ad.II dated 8.12.1997)

SL.NO.	NAME OF THE POST	SANCTIONED STRENGTH W.E.F. 15.12.97.
1.	Senior Geographer	1
2.	Office Superintendent	1
3.	Cartographer	1
4	Investigator	8
5.	Senior Hindi Translator	1
6.	Artist	1
7.	Head Assistant	1
8.	Senior Draftsman	1
9.	Draftsman	3
10.	Statistical Assistant	10
11.	Assistant	3
12.	Senior Stenographer	1
13.	Hindi Translator	-
14.	Computor	26
15.	Upper Division Clerk	4
16.	Proff Reader	1
17.	Junior Stenographer	-
18.	Assistant Compiler	19
19.	Hand Press Machine Operator	1
20.	Lower Division Clerk	5
21.	Staff Car Driver	1
22.	Gestetner Operator	1
23.	Duftry	3
24	Peon	10
25.	Chowkidar	4
26.	Sweeper	1

ANNEXURE - F

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By Fax/ speed post 93

भारत की जनगणना
CENSUS OF INDIA
लोकाभिमुख
PEOPLE ORIENTED

Office of the Registrar General, India

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

File No.13014/21/2004-Ad.IV

Dated 14.9.2004

ORDER

In pursuance of the Hon'ble CAT Guwahati Bench Orders dated 9.9.2004 in O.A. Nos. 194/2004 and 195/2004 filed by Smt. B. Mahanta and Smt. Renu Mazumdar, para 3(i)(ii) of this Office Order No.27/96/94-Ad.IV dated 12.8.2004 are modified as under:-

Para 3(i) Smt. Renu Mazumdar and Smt. B. Mahanta will continue to hold the post of Artist till 31.12.95 and they are allowed to draw the salary of Artist till 31.12.95. The above amount will be paid by the DCO, Assam.

(ii) W.e.f. 1.1.1996, on the basis of recommendations of 5th Central Pay Commission, the post of Artist, Senior Artist and Senior Draftsman were merged and re-designated as Senior Draftsman. Therefore w.e.f. 1.1.1996 Smt. R. Mazumdar and Smt. B. Mahanta are appointed as Senior Draftsman. They are also allowed to draw the pay and allowances in the grade of Senior Draftsman w.e.f. 1.1.1996 till 19.8.2004(AN)(the date on which they have been relieved from DCO, Assam to join HQ. Office in Delhi). Since they have already been relieved by DCO, Assam vide their letter No.DCO(E)253/2004/4660 dated 19.8.2004(AN), they will be entitled to draw the pay and allowances in the grade of Senior Draftsman from the Hqrs. Office of R.G.I., New Delhi after the above date.

maharajgyh

(M.R. SINGH)
UNDER SECRETARY TO THE GOVT. OF INDIA

Certified to be true Copy

[illegible] CHOWDHURY
Advocate

Copy to:-

1. DCO, Assam, Guwahati.
2. Smt. B. Mahanta, Senior Draftsman through DCO, Assam.
3. Smt. Renu Mazumdar, Senior Draftsman through DCO, Assam.
4. PAO, Home (Census), New Delhi.
5. Record Assistant.
6. Office order folder.

ANNEXURE - G

(65)

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No.22/1/97-Ad.II
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS/GRIH MANTRALARYA
OFFICE OF THE REGISTRAR GENERAL, INDIA

2-A, Mansingh Road,
New Delhi – 110 011

Dated : 4th April, 2000

OFFICE MEMORANDUM

Sub : Central Civil Services (Revised Pay) Rules, 1997 – Implementation of the upgraded scales of pay in respect of some posts in the office of RGI and DCOs.

In continuation of this office O.M. of even number dated 6th January, 1998, the undersigned is directed to convey the approval of the Government to the implementation of the upgraded revised scale of pay in respect of the posts of Artist/Sr. Draftsman, Sr. Artist and Draftsman w.e.f. 1.1.1996 as under :

S.No	Post/Grade	Pre-revised Scale		Revised Scale
		Original	Upgraded	
1.	Artist/Senior Draftsman/Senior Artist	Rs.1600-2660	Rs.1640-2900	Rs.5500-9000
2.	Draftsman	Rs.1400-2300	Rs.1600-2660	Rs.5000-8000

2. As per the recommendation of the Vth Central Pay Commission contained at para 70.8(b) (Map Division) of its report, the posts of Sr. Artists and Artist/Sr. Draftsman stand merged and the merged post is designated as Senior Draftsman. The inter-se-seniority of the cadres being merged shall be fixed as per rules.

3. This issues with the concurrence of IFD (Home) vide Dy. No.3640/97-Fin.II dated 2.1.1997 and the approval of the Ministry of Home Affairs.

Certified to be true Copy

INDRANEEL CHOWDHURY
Advocate.

(D.S. SAINI)
UNDER SECRETARY

66

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To : All Directorates of Census Operations in States/UTs and the Language Division, Calcutta.
2. PAO (Census), MHA.
3. IFD (Home).

Copy for information to :
1. DRG (Map)
2. Ad.IV Sectin/Cash Section/Budget Cell
3. PS to RGI.

4/4

ANNEXURE - H

Minutes of the discussions held on 14.12.95 and 25.1.96 between S.I.U. and Registrar General, India regarding staff strength of the Directorates of Census Operations of all States and Union Territories

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The provisional assessment report, furnished by SIU in May, 1995 in respect of five Directorates of Census Operations viz. Haryana, Madhya Pradesh, Assam, Orissa and Maharashtra, was discussed in a meeting held on 14.12.95 with RGI alongwith other officers of ORGI and Director, SIU, Jt.Director, SIU and other officers of SIU team.

2. In the meeting, the provisional assessment in respect of 5 DCOs studied by SIU was discussed. RGI pointed out that since last Census of 1901 workload in DCOs had sufficiently increased which could be judged from the Tabulation Plans of 1901 and 1991 and the increase in the number of Districts etc. Also very frequently, DCOs are entrusted with adhoc nature of jobs which are time consuming; but cannot be foreseen. Since the terms of reference of the study were that the strength of remaining 25 DCOs would be fixed on the basis of study report of 5 DCOs, it was decided in the above meeting that SIU may also furnish the provisional assessment in respect of remaining 25 DCOs. The assessment in resoect of 25 DCOs was forwarded to the RGI which was broadly discussed in the meeting with all the DCOs on 25.1.96 when RGI and officers from SIU were present. The officers incharge of respective DCOs explained in brief their difficulties and acute stagnation at the level of Asstt. Compiler/Computer/Statistical Asstt./Investigator. Need for more Chowkidars to guard all the buildings located at different places was also stressed.

3. The provisional assessment in respect of all the 30 DCOs was discussed in the meeting held in the afternoon of 25.1.96 with RGI and other officers of ORGI

Certified to be true Cy.

INDRANEEL CHOWDHURY
Advocate.

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and Jt. Director, SIU alongwith other officers of SIU team.

4. SIU officers were informed during discussions that all the 3386 posts of various categories created for 1991 Census were abolished during 1992 to 1994. In addition 480 posts of various categories were also abolished under 10% cut.

5. RGI officers explained that due to various constraints and other urgent assignments, DCOs have notbeen able to complete the work as per targets fixed. It was noticed that in various DCOs sanctioned strength in respect of some categories of posts may not be entirely proportionate but large scale rationalisation may not be possible and may be counter productive. Taking into account all the factors brought out during the course of discussions, it was agreed that DCOs may have the strength of officers and staff (including leave reserves) as indicated in the Annexures I to XXX.

12.8.96

(D.P. ROY)
Director(SIU)

(DR. M. VIJAYANUNNI)
Registrar General and
Census Commissioner, India

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CENSUS DIRECTORATE-WISE NUMBER OF POSTS SANCTIONED AND AS AGREED BY STAFF INSPECTION UNIT

State/Union Territory	Sanctioned strength	Agreed strength	Net (+/-)
1	2	3	4
States			
1. Andhra Pradesh	223	216	- 7
2. Arunachal Pradesh	83	75	- 8
3. Assam	122	114	- 8
4. Bihar	260	233	- 27
5. Goa	44	40	- 4
6. Gujarat	142	141	- 1
7. Haryana	95	89	- 6
8. Himachal Pradesh	101	93	- 8
9. Jammu & Kashmir	172	164	- 8
10. Karnataka	173	169	- 4
11. Kerala	163	153	- 10
12. Madhya Pradesh	256	235	- 21
13. Maharashtra	217	210	- 7
14. Manipur	80	78	- 2
15. Meghalaya	84	71	- 13
16. Mizoram	32	34	+ 2
17. Nagaland	49	49	Nil
18. Orissa	220	196	- 24
19. Punjab	136	107	- 29
20. Rajasthan	203	182	- 21
21. Sikkim	48	48	Nil
22. Tamil Nadu	225	196	- 29
23. Tripura	72	64	- 8
24. Uttar Pradesh	439	399	- 40
25. West Bengal	318	259	- 59
Union Territories			
26. A & N Islands	31	30	- 1
27. Chandigarh	61	56	- 5
28. Delhi	86	79	- 7
29. Lakshadweep	18	17	- 1
30. Pondicherry	36	37	+ 1
Total	4189	3834	-355

Note: Number of Posts Sanctioned and Agreed Strength do include the posts of DDE Centres and Departmental Cant (wherever these are functioning) as these were not stud by the SIU team.

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ANNEXURE - I

STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, ANDHRA PRADESH

S.No.	Name of Post	Sanctioned strength	Agreed strength
1	2	3	4
	Gazetted		
1.	Joint Director of Census Operations	1	1
2.	Deputy Director of Census Operations	3	2
3.	Assistant Director of Census Operations(T)	6	6
4.	Assistant Director of Census Operations	-	1
5.	Research Officer (Map)	1	1
	Non-Gazetted (Ministerial)		
6.	Office Superintendent	1	1
7.	Senior Hindi Translator	1	1
8.	Head Assistant	1	1
9.	Stenographer Grade I	1	1
10.	Assistant/Head Clerk	7	7
11.	Stenographer Grade II	2	1
12.	Upper Division Clerk	6	6
13.	Hindi Translator	1	-
14.	Hindi Typist	1	1
15.	Lower Division Clerk	13	13
16.	Recordkeeper-cum-Librarian	1	1
17.	Staff Car Driver	1	1
18.	Senior Gestetner Operator	1	1
19.	Junior Gestetner Operator	1	1
20.	Daftry	3	3
21.	Class IV (Peons)	13	14
22.	Farash	2	-
23.	Chowkidar	6	7
24.	Sweeper	2	2
25.	Sr.Geographer	1	1
26.	Cartographer	1	1
27.	Senior Artist	2	2
28.	Investigator	19	18

(R.S. MATHA)

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Name of Post	Sanctioned strength	Agreed * strength
2	3	4
Statistical Assistant	49	48
Artist	1	1
Senior Draughtsman	4	4
Computors	61	60
Ferro Typer	1	1
Assistant Compiler	3	3
Draughtsman	6	6
Senior Supervisor	6	Not assessed by SIU ?
Junior Supervisor	19	
D.E.Operator Grade B	72	
D.E. Operator Grade A	63	
Loader	11	

* Includes leave reserves

(R. S. HASIJA)
Joint Director (SIU)
Ministry of Finance
Deptt. of ...

Annexure-II

Statement showing sanctioned strength and agreed strength of officers and staff of DCO, Arunachal Pradesh

Sl.No.	Name of post	Sanctioned strength	Agreed strength
1	2	3	4
1.	Dy. Director of Census Operations	1	1
2.	Asstt. Director of Census Operations (T)	1	1
3.	Asstt. Director of Census Operations	1	1
4.	Investigator	4	4
5.	Office Superintendent	1	1
6.	Cartographer	1	1
7.	Head Assistant	1	1
8.	Assistant	1	1
9.	UDC	5	4
10.	LDC	4	4
11.	Hindi Typist	1	1
12.	Driver	1	1
13.	Sr. Steno	1	1
14.	Jr. Steno	1	1
15.	Statistical Asstt.	9	9
16.	Computor	18	17
17.	Asstt. Compiler	13	9
18.	Artist	1	1
19.	Draftsman	3	3
20.	Ferro Printing Operator	1	1
21.	Record Keeper	1	1
22.	Daftry	1	1
23.	Peon	7	5
24.	Chowkidar	3	3
25.	Sweeper	1	1
26.	J.G.O.	1	1
27.	Counter Clerk	1	Not assessed
28.	Tea Maker	1	
29.	Wash Boy	1	
	Total	86	

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ANNEXURE

STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, ASSAM

S.No.	Name of Post	Sanctioned strength	Agreed* strength
1	2	3	4
1.	Deputy Director of Census Operations	1	2
2.	Assistant Director of Census Operations(Technical)	5	9
3.	Senior Geographer	1	1
4.	Office Superintendent	1	1
5.	Cartographer	2	4
6.	Investigator	0	0
7.	Senior Hindi Translator	1	1
8.	Artist	1	1
9.	Head Assistant	1	1
10.	Senior Draughtsman	1	1
11.	Draughtsman	3	1
12.	Statistical Assistant	10	10
13.	Assistant	3	3
14.	Senior Stenographer	1	1
15.	Hindi Translator	1	1
16.	Computor	26	26
17.	Upper Division Clerk	4	4
18.	Proof Reader	1	1
19.	Junior Stenographer	2	2
20.	Assistant Compiler	21	19
21.	Hand Press Machine Operator	1	1
22.	Lower Division Clerk	7	5
23.	Staff Car Driver	1	1
24.	Cestetner Operator	1	1
25.	Daftry	3	3
26.	Peon	10	11
27.	Chowkidar	4	0
28.	Sweeper	1	1

The above sstrength is excluding staff engaged in the data entry system so far as Senior Supervisor, Junior Supervisor, Data Entry Operator and Loader are concerned.

* Includes leave reserves

R Singh

(R. S. HASIJA)
Joint Director (SCD)
Ministry of Finance
Department of Expenditure

Deputy Director (Legal)
Department of Legal Affairs

(74) (222) 103

ANNEXURE-I

STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, BIHAR

S.No.	Name of Post	Sanctioned strength	Agreed strength
1	2	3	4
	GROUP "A"		
1.	Joint Director of Census Operations	1	1
2.	Deputy Director of Census Operations	3	2
3.	Assistant Director of Census Operations	1	1
4.	Assistant Director of Census Operations(Technical)	9	8
5.	Research Officer(Map)	1	1
	GROUP "B"		
6.	Office Superintendent	1	1
7.	Investigator	15	20
8.	Senior Geographer	1	1
	GROUP "C"		
9.	Head Assistant	1	1
10.	Stenographer	1	1
11.	Assistant/Accountant	5	5
12.	Head Clerk	1	1
13.	Senior Hindi Translator	1	1
14.	Hindi Translator Gr.II	1	-
15.	Upper Division Clerk	5	5
16.	Junior Stenographer	2	1
17.	Lower Division Clerk	8	6
18.	Librarian	1	1
19.	Staff Car Driver	2	2
20.	Gestetner Operator	1	1
21.	Geographer/Cartographer	2	1
22.	Senior Technical Assistant (Printing)	1	1
23.	Statistical Assistant	46	45
24.	Artist	1	1
25.	Printing Inspector	1	1
26.	Senior Draughtsman/	-	1
26.	Draughtsman	2	2
27.	Computor	79	75
28.	Assistant Compiler	36	17

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(R.S. Hooda)
Joint Director

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S.No.	Name of Post	Sanctioned strength		Agreed * strength	
1	2	3		4	
	GROUP "D"				
29.	Daftry	8		3	
30.	Chowkidar	4		12	
31.	Peon	20		12	
32.	Farash	2		-	
33.	Mali	1		1	
34.	Sweeper	1		1	
35.	Senior Supervisor	6	Not assessed by SIU		
36.	Junior Supervisor	17			
37.	Operator Grade B	108			
38.	Operator Grade A	4			
39.	Loader	12			

* Includes leave reserves

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(R. S. HASIJA)
Joint Director (SIU)
Ministry of Finance
Deptt. of Expenditure

105 (96)

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ANNEXURE - VI

STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, GUJARAT

S.No.	Name of Post	Sanctioned strength	Agreed** strength
1	2	3	4
	GROUP "A"		
1.	Joint Director of Census Operations	-	-
2.	Deputy Director of Census Operations	2	2
3.	Assistant Director of Census Operations(Technical)	4	4
4.	Assistant Director of Census Operations	1	-
	GROUP "B"		
5.	Investigator	10	10
6.	Office Superintendent	1	1
	GROUP "C"		
7.	Geographer/Cartographer	2	2
8.	Senior Hindi Translator	1	1
9.	Head Assistant	1	1
10.	Assistant	3	3
11.	Head Clerk	1	-
12.	Printing Inspector	1	1
13.	Artist	1	1
14.	Senior Draftsman	2	2
15.	Senior Stenographer	1	1
16.	Statistical Assistant	24	24
17.	Computor	47	46
18.	Draftsman	4	4
19.	Upper Division Clerk	3	3
20.	Junior Stenographer	1	1
21.	Proof Reader	4	4
22.	*Ferro Print Machine Operator	1	-
23.	Lower Division Clerk	8	6
24.	Hindi Typist	1	1
25.	Assistant Compiler	1	1
26.	Hand Press Machine Operator	1	1
27.	Staff Car Driver	1	1
28.	Gestetner Operator	1	1

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R.S. Hasija
(R.S. HASIJA)
Joint Director (Estt.)

106 (27F)

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S.No.	Name of Post	Sanctioned strength	Agreed ** strength	
1	2	3	4	
	GROUP "D"			
29.	Daftry	2	2	
30.	Peon	6	6	
31.	Chowkidar	4	11	
32.	Farash	1	-	
33.	Sweeper	1	1	
34.	Senior Supervisor	4	Not assessed by SIU	
35.	Junior Supervisor	12		
36.	Operator Grade "B"	45		
37.	Operator Grade "A"	45		
38.	Loader	7		

** Includes leave reserves

Deputy Director (Hqrs)
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(R.S. HASIJA)
Investigator (SIU)
Ministry of Finance
Department of Revenue

107

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Annexure -

Statement showing sanctioned strength and agreed strength of officers and staff of DCO, Goa

Sl.No.	Name of post	Sanctioned strength	Agreed streng
1	2	3	4
	Group "A"		
1.	Joint Director of Census Operations	1	1
2.	Dy. Director of Census Operations	1	1
3.	Asstt. Director of Census Operations (T)	1	1
	Group "B"		
4.	Investigator	4	3
5.	Office Superintendent	1	1
	Group "C"		
6.	Head Assistant	1	1
7.	Statistical Asstt.	9	9
8.	Head Clerk	1	1
9.	Jr. Stenographer	1	1
10.	Computor	2	2
11.	Draftsman	1	1
12.	UDC	2	2
13.	LDC	4	3
14.	Hindi Typist	1	
15.	Asstt. Compiler	1	1
16.	Driver	1	1
	Group "D"		
17.	Jr. Gestetner Operator	1	1
18.	Daftry	1	1
19.	Farash	1	-
20.	Chowkidar	4	3
21.	Sweeper	1	1
22.	Peon	1	2

* Includes leave reserve.

Deputy Director (Hqrs)

R S Hasija

(R. S. HASIJA)
Joint Director (SIU)

Annexure-VIII

Statement showing sanctioned strength and agreed strength of officers and staff of DCO, Himachal Pradesh

S.No.	Name of post	Sanctioned strength	Agreed strength
1	2	3	4
	Group "A"		
	Deputy Director of Census Operations	1	1
	Asstt. Director of Census Operations	1	-
	Asstt. Director of Census Operations (Technical)	3	2
	Group "B"		
	Office Superintendent	1	1
	Sr. Geographer	1	1
	Investigator	7	7
	Group "C"		
	Cartographer	1	1
	Head Assistant	1	1
	Senior Artist	2	2
	Assistant	3	3
	Sr. Stenographer	1	1
	Hindi Translator	1	1
	Artist	2	2
	Printing Inspector	1	1
	S.A.	10	10
	Computor	19	22
	Draftsman	1	1
	UDC	5	5
	Junior Stenographer	1	1
	Proof Reader	2	2
	H.P.M.O.	1	1
	F.P.O.	1	-
	L.D.C.	6	4
	Asstt. Compiler	11	2
	Driver	1	1
	Gestetner Operator	1	1

R Sharma
(R.P. SHARMA)
Joint Director (SIU)

Deputy Secretary (Home)
Office of the Registrar General, India
Ministry of Home Affairs

ANNEXURE -VI

STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, HARYANA

S.No.	Name of Post	Sanctioned strength	Agreed ** strength
1	2	3	4
1.	Joint Director of Census Operations	1	-
2.	Deputy Director ofCensus Operations	1	1
3.	Assistant Director of Census Operations(Technical)	2	2
4.	Assistant Director of Census Operations	1	-
5.	Research Officer (Map)	1	1
6	Senior Geographer	1	1
7.	Office Superintendent	1	1
8.	Senior Artist	1	1
9.	Cartographer	1	1
10.	Investigator	6	6
11.	Artist	1	1
12.	Head Assistant	1	1
13.	Draughtsman	3	3
14.	Statistical Assistant	9	9
15.	Assistant	3	3
16.	Senior Stenographer	1	1
17.	Hindi Translator	1	1
18.	Computor	24	24
19.	Upper DivisionClerk	4	4
20.	Proof Reader	1	1
21.	Assistant Compiler	5	5
22.	Hand Press Machine Operator	1	1
23.	Lower Division Clerk	3	3
24.	Staff Car Driver	1	1
25.	Ferro Print Operator	1	(One) 1
26.	Gestetner Operator	1	1
27.	Daftry	2	2
28.	Peon	5	5
29.	Chowkidar	9	6
30.	Farash	1	-
31.	Mali	1	1
32.	Sweeper	1	1

Deputy Director (Hqrs)
of the Registrar General, India

(R. S. HASIJA)
Joint D

	Group "D"	
27.	Record Keeper	1
28.	Daftry	3
29.	Peon	7
30.	Chowkidar	2
31.	Farash	1
32.	Mali	1
33.	Sweeper	1

* Includes leave reserve.

(R. [illegible])
Joint Director (S/U)
Ministry of Finance
Deptt. of Expenditure

Deputy Director (Estt.)
Office of the Regional Controller
(Ministry of Finance)
2/A, Man Singh Road,
New Delhi-110011

Annexure-IX

Statement showing sanctioned strength and agreed strength of officers and staff of DCO, J&K

Sl.No.	Name of post	Sanctioned strength	Agreed strength
1	2	3	4
1.	Joint Director	-	-
2.	Deputy Director	2	1
3.	Assistant Director Census Operations (Technical)	2	3
4.	Assistant Director Census Operations	1	-
5.	Office Superintendent	1	1
6.	Investigator	14	14
7.	Head Assistant	1	1
8.	Assistant	1	1
9.	Head Clerk	2	2
10.	Sr. Stenographer	1	1
11.	Jr. Stenographer	1	1
12.	Upper Division Clerk	6	6
13.	Lower Division Clerk	8	6
14.	Cartographer	1	1
15.	Artist	1	1
16.	Draftsman	3	3
17.	Statistical Asstt.	19	19
18.	Computor	50	50
19.	Asstt. Compilor	31	26
20.	Record Keeper	1	1
21.	Staff Car Driver	1	1
22.	Daftry	3	3
23.	Orderly	15	10
24.	Chowkidar	3	9
25.	Mali	1	1
26.	Sweeper	2	2
27.	Farash	1	-
28.	Counter Clerk	1	Not assessed
29.	Tea Maker	1	
30.	Wash boy	1	

Office of the Registrar General, India
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New Delhi-110011

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	Group "D"	
27.	Record Keeper	1
28.	Daftry	3
29.	Peon	7
30.	Chowkidar	2
31.	Farash	1
32.	Mali	1
33.	Sweeper	1

* Includes leave reserve.

Deputy Controller
Office of the Registrar General, India
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(P. SITHASIA)
Joint Director (S&U)
Ministry of Finance
Department of Expenditure

ANNEXURE

STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, KARNATAKA

S.No.	Name of Post	Sanctioned strength	Agreed* strength
1	2	3	4
	GROUP "A" GAZETTED		
1.	Joint Director of Census Operations	1	1
2.	Deputy Director of Census Operations	1	2
3.	Assistant Director of Census Operations	-	1
4.	Assistant Director of Census Operations(Technical)	5	5
	Group "B" Non-Gazetted		
5.	Senior Geographer	1	1
6.	Investigator	10	10
7.	Office Superintendent	1	1
	Group "C" Non-Gazetted		
8.	Geographer	1	1
9.	Senior Hindi Translator	1	1
10.	Head Assistant	1	1
11.	Senior Artist	1	1
12.	Artist	1	1
13.	Senior Draftsman	2	1
14.	Assistant	2	2
15.	Senior Stenographer	1	1
16.	Hindi Translator Grade II	1	-
17.	Statistical Assistant	34	34
18.	Computor	47	47
19.	Draftsman	2	2
20.	Upper Division Clerk	6	5
21.	Junior Stenographer	2	2
22.	Stenographer Grade D	1	1
23.	Lower Division Clerk	8	8
24.	Hindi Typist	1	
25.	Assistant Compiler	25	21
26.	Staff Car Driver	1	1
27.	Gestetner Operator	1	1

Raghavan RS Hasija

S.No.	Name of Post	Sanctioned strength	Agreed * strength
1	2	3	4
	GROUP "D"		
28.	Daftry	2	2
29.	Peon	9	6
30.	Chowkidar	2	8
31.	Farash	1	-
32.	Sweeper	1	1
33.	Senior Supervisor	4	Not assessed by SIU
34.	Junior Supervisor	13	
35.	D.E.Operator Grade "B"	72	
36.	D.E.Operator "A"	18	
37.	Loader	8	

* Includes leave reserves

(R S BASTIA)
Joint Director (SIU)
Ministry of Finance

ANNEXURE

STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, KERALA

S.No.	Name of Post	Sanctioned strength	Agreed strength
1	2	3	4
	GROUP "A"		
1.	Deputy Director of Census Operations	2	2
2.	Assistant Director of Census Operations(Tech.)	8	5
3.	Assistant Director of Census Operations	1	-
	GROUP "B"		
4.	Office Superintendent	1	1
5.	Investigator	10	10
	GROUP "C"		
6.	Head Assistant	1	1
7.	Assistant	3	3
8.	Upper Division Clerk	5	5
9.	Lower Division Clerk	5	6
10.	Hindi Typist	1	
11.	Gestetner Operator	1	1
12.	Record Keeper	1	1
13.	Hindi Translator	1	1
14.	Hindi Translator Gr.II	1	1
15.	Senior Stenographer	1	1
16.	Junior Stenographer	1	1
17.	Staff Car Driver	2	2
18.	Statistical Assistant	22	22
19.	Computor	40	40
20.	Assistant Compiler	20	23
21.	Geographer	1	1
22.	Artist	2	1
23.	Draftsman	2	2
24.	Daftry	3	3
25.	Peon	11	10
26.	Chowkidar	6	7
27.	Sweeper	3	3

S.No.	Name of Post	Sanctioned strength	Agreed * strength
1	2	3	4
28.	Senior Supervisor	3]	
29.	Junior Supervisor	9]	
30.	D.E.Operator Grade "B"	36]	Not assessed by SIU
31.	D.E.Operator Grade "A"	32]	
32.	Loader	6]	

* Includes leave reserves

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Joint Director(SIU)
Ministry of Finance
Department of Revenue

(Ministry of Finance
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New Delhi-110001)

Annexure

Statement showing sanctioned strength and agreed strength of officers and staff of DCO, Madhya Pradesh

Sl.No.	Name of post	Sanctioned strength	Agreed strength
1	2	3	4
1.	Jt. Director of Census Operations	1	1
2.	Dy. Director of Census Operations	3	2
3.	Asstt. Director of Census Operations (T)	3	6
4.	Asstt. Director of Census Operations	1	1
5.*	Senior Geographer	2	1
6.	Office Superintendent	1	1
7.	Jr. Accounts Officer	1	1
8.	Senior Artist	2	2
9.	Cartographer	1	-
10.	Investigator	22	20
11.	Sr. Hindi Translator	1	1
12.	Artist	1	-
13.	Head Assistant	1	1
14.	Sr. Draftsman	2	2
15.	Draftsman	8	6
16.	Statistical Assistant	53	50
17.	Assistant	4	3
18.	Senior Stenographer	1	1
19.	Hindi Translator	1	-
20.	Head Clerk	3	3
21.	Printing Inspector	1	1
22.	Computor	69	68
23.	U.D.C.	4	4
24.	Jr. Stenographer	3	2
25.	Assistant Compiler	35	21
26.	H.P.M.O.	1	1
27.	L.D.C.	2	7
28.	Staff Car Driver	2	2
29.	Gestetner Operator	1	1
30.	Daftry	3	3

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35. Sweeper 1

36. Record Keeper 1

* One post has been recommended for reduction in strength allowe the same will continue upto 31.12.96 i.e. till its incumb retires.

** Includes leave reserve.

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ANNEXURE-XI

STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, MAHARASHTRA

S.No.	Name of Post	Sanctioned strength	Agreed strength
1	2	3	4
1.	Joint Director of Census Operations	1	1
2.	Deputy Director of Census Operations	2	2
3.	Assistant Director of Census Operations (Technical)	3	6
4.	Assistant Director of Census Operations	-	1
5.	Research Officer (Map)	-	-
6.	Senior Geographer	2	1
7.	Office Superintendent	1	1
8.	Junior Accounts Officer	1	1
9.	Senior Artist	1	1
10.	Cartographer	1	1
11.	Investigator	18	18
12.	Senior Hindi Translator	1	1
13.	Artist	2	2
14.	Head Assistant	-	1
15.	Senior Draughtsman	2	2
16.	Draughtsman	5	5
17.	Statistical Assistant	40	40
18.	Assistant	4	4
19.	Senior Stenographer	1	1
20.	Hindi Translator (Junior)	1	-
21.	Printing Inspector	1	1
22.	Computor	60	60
23.	Upper Division Clerk	6	6
24.	Junior Stenographer	4	2
25.	Assistant Compiler	9	9
26.	Lower Division Clerk	18	10
27.	Hand Press Machine Operator	1	1
28.	Staff Car Driver	2	2
29.	Gestetner Operator	1	1
30.	Daftry	2	3
31.	Peon	7	12
32.	Chowkidar	17	13
33.	Farash	2	-
34.	Sweeper	1	1

Assessment does not include the post in the D.D.System so far as Senior Supervisor, Junior Supervisor, Data Entry Operator and Loader etc. are

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Annexure - XV

Statement showing sanctioned strength and agreed strength of officers and staff of DCO, Manipur

Sl.No.	Name of post	Sanctioned strength	Agreed strength *
1	2	3	4
1.	Dy. Director	1	1
2.	Asstt. Director Census Operations (T)	1	1
3.	Investigator	5	4
4.	Office Superintendent	1	1
5.	Cartographer	1	1
6.	Head Asstt.	1	1
7.	Artist	1	1
8.	Stenographer	1	1
9.	Head Clerk	1	1
10.	Assistant	1	1
11.	Printing Inspector	1	1
12.	Hindi Translator	8	8
13.	Statistical Asstt.	18	18
14.	Computor	3	3
15.	Draftsman	3	3
16.	UDC	1	1
17.	Jr. Steno	1	1
18.	Proof Reader	1	1
19.	H.P.M.O.	7	7
20.	Asstt.Compiler	8	8
21.	LDC	1	1
22.	Hindi Typist	1	1
23.	Driver	1	1
24.	Jr. G.O.	2	2
25.	Daftry	6	5
26.	Peon	1	1
27.	Sweeper	1	-
28.	Farash	1	3
29.	Chowkidar		

* Includes leave reserve.

(R.S. HASIJA)
Joint Director (SIU)

Deputy Director (HQ)
Office of the Registrar General
(Ministry of Home Affairs)

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Annexure XV

Statement showing sanctioned strength and agreed strength of officers and staff of DCO, Meghalaya

S.No.	Name of post	Sanctioned strength	Agreed strength
1	2	3	4
1.	Dy. Director	1	1
2.	Asstt. Director of Census Operations (T)	1	1
3.	Office Superintendent	3	3
4.	Investigator	1	–
5.	Cartographer	2	2
6.	Artist	1	1
7.	Sr. Draftsman	1	1
8.	Head Assistant	1	1
9.	Sr. Stenographer	3	3
10.	Asstt.	9	9
11.	Statistical Asstt.	14	14
12.	Computor	1	1
13.	Jr. Steno	4	4
14.	UDC	4	3
15.	Draftsman	4	4
16.	LDC	1	1
17.	Librarian	14	3
18.	Asstt. Compiler	1	1
19.	Driver	1	1
20.	Jr. Gestetner Operator	3	3
21.	Daftry	3	–
22.	Farash	6	6
23.	Peon	3	6
24.	Chowkidar	1	1
25.	Sweeper		

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Joint Director (SIU)
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Deptt. of Revenue

*Includes leave reserve.

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Annexure - XVI

Statement showing sanctioned strength and agreed strength of officers and staff of DCO, Mizoram, Aizwal

No.	Name of post	Sanctioned strength	Agreed strength *
1	2	3	4
1.	Deputy Director	1	1
2.	Assistant Director Census Operations (T)	1	1
3.	Assistant Director of Census Operations	1	1
4.	Office Superintendent	1	1
5.	Investigator	1	1
6.	Head Assistant	1	1
7.	Artist	1	1
8.	Assistant	1	4
9.	Draftsman	3	3
10.	Statistical Asstt.	1	1
11.	U.D.C.	4	7
12.	Computor	1	1
13.	Ferro Ptg.Operator	4	3
14.	L.D.C.	1	1
15.	Hindi Typist	1	1
16.	Driver	1	1
17.	Jr. Gestetner Operator	1	1
18.	Daftry	3	3
19.	Peon	2	1
20.	Chowkidar	1	-
21.	Sweeper	1	-
22.	Farash	1	-

* Includes leave reserve.

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Joint Director (SIU)
Ministry of Finance
Deptt. of Expenditure

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Annexure-IX

Statement showing sanctioned strength and agreed strength of officers and staff of DCO, J&K

Sl.No.	Name of post	Sanctioned strength	Agreed strength
1	2	3	4
1.	Joint Director	1	-
2.	Deputy Director	2	1
3.	Assistant Director Census Operations (Technical)	2	3
4.	Assistant Director Census Operations	1	-
5.	Office Superintendent	1	1
6.	Investigator	14	14
7.	Head Assistant	1	1
8.	Assistant	1	1
9.	Head Clerk	2	2
10.	Sr. Stenographer	1	1
11.	Jr. Stenographer	1	1
12.	Upper Division Clerk	6	6
13.	Lower Division Clerk	8	6
14.	Cartographer	1	1
15.	Artist	1	1
16.	Draftsman	3	3
17.	Statistical Asstt.	19	19
18.	Computor	50	50
19.	Asstt. Compilor	31	26
20.	Record Keeper	1	1
21.	Staff Car Driver	1	1
22.	Daftry	3	3
23.	Orderly	15	10
24.	Chowkidar	3	9
25.	Mali	1	1
26.	Sweeper	2	2
27.	Farash	1	-
28.	Counter Clerk	1	Not assessed
29.	Tea Maker	1	
30.	Wash boy	1	

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R.S. Hasija

Annexure-XV

Statement showing sanctioned strength and agreed strength of officers and staff of DCO, Nagaland, Kohima

Sl.No.	Name of post	Sanctioned strength	Agreed strength *
1	2	3	4
1.	Jt. Director of Census Operations	-	-
2.	Dy. Director of Census Operations	1	1
3.	Asstt. Director of Census Operations (T)	1	1
4.	Asstt. Director of Census Operations (G)	1	1
5.	Investigator	2	2
6.	Statistical Asstt.	6	6
7.	Computor	4	7
8.	Asstt. Compilor	2	1
9.	Geographer	1	1
10.	Artist	1	-
11.	Draftsman	1	1
12.	Proof Reader	-	1
13.	Head Asstt.	1	1
14.	Assistant	3	3
15.	U.D.C.	3	3
16.	L.D.C.	5	5
17.	Hindi Typist	1	-
18.	Hindi Translator	1	1
19.	Senior Stenographer	1	1
20.	Jr. Gestetner Operator	1	1
21.	Daftry	1	1
22.	Driver	1	1
23.	Peon	6	6
24.	Sweeper	2	2
25.	Farash	1	-
26.	Chowkidar	2	4
	Canteen staff :-		
1.	Counter clerk	1	Not assessed
2.	Tea maker	1	
3.	Wash boy	1	

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Joint Director (SIU)
Ministry of Finance
Deptt. of Expenditure

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* Includes leave reserve.

ANNEXURE FX V

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STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, ORISSA

S.No.	Name of Post	Sanctioned strength	Agreed strength**
1	2	3	4
1.	Deputy Director of Census Operations	2	2
2.	Assistant Director of Census Operations (Technical)	3	5
3.	Assistant Director of Census Operations	1	-
4.	Research Officer (Map)	1	1
5.	Senior Geographer	1	1
6.	Office Superintendent	1	1
7.	Junior Accounts Officer	1	-
8.	Senior Artist	1	1
9.	Cartographer	1	1
10.	Investigator	14	14
11.	Senior Hindi Translator	1	1
12.	Artist	2	2
13.	Head Assistant	1	1
14.	Senior Draughtsman	1	1
15.	Draughtsman	7	7
16.	Statistical Assistant	35	35
17.	Assistant	2	2
18.	Senior Stenographer	1	1
19.	Hindi Translator(Junior)	1	1
20.	Head Clerk	3	3
21.	Printing Inspector	1	1
22.	Computor	57	54
23.	Upper Division Clerk	6	6
24.	Proof Reader	2	1
25.	Junior Stenographer	2	2
26.	Assistant Compiler	16	15
27.	Hand Press Machine Operator	2	1
28.	Lower Division Clerk	11	8
29.	Staff Car Driver	1	1
30.	*Ferro Print Operator	1	-
31.	Gestetner Operator	1	1
32.	Daftry	3	3
33.	Peon	20	13
34.	Chowkidar	10	5
35.	Farash	2	-
36.	Mali	1	1
37.	Sweeper	2	2
38.	Sr.Technical Assistant (Printing)	1	1
39.	Library Information Asstt.	1	1

* This post will continue upto 30.11.1996 i.e. till the incumbent retires.

** Includes leave reserves

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Joint Director (SIU)
Ministry of Finance
Deptt. of Expenditure

Director (Hqrs)
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ANNEXURE - X

STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, PUNJAB

S.No.	Name of Post	Sanctioned strength	Agreed * strength
1	2	3	4
1.	Deputy Director of Census Operations	2	2
2.	Assistant Director of Census Operations(Technical)	0	3
3.	Research Officer (Hqrs)	1	1
4.	Senior Geographer	1	1
5.	Investigator	6	6
6.	Office Superintendent	1	1
7.	Cartographer	1	1
8.	Geographer	1	1
9.	Senior Artist	1	1
10.	Artist	2	2
11.	Draftsman	4	2
12.	Statistical Assistant	13	13
13.	Computor	27	27
14.	Assistant Compiler	32	15
15.	Head Assistant	1	1
16.	Senior Stenograper	1	1
17.	Hindi Translator	1	1
18.	Assistant	3	3
19.	Upper Division Clerk	2	2
20.	Junior Stenographer	1	-
21.	Lower Division Clerk	5	4
22.	Driver	1	1
23.	Gestetner Operator	1	1
24.	Daftry	3	3
25.	Peon	7	5
26.	Chowkidar	4	7
27.	Farash	3	-
28.	Sweeper	3	2

* Includes leave reserves

Deputy Director
Office of the ...
(Min... ...ral, Ind...
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(R. S. HASIJA)
Joint Director (SIU)
Ministry of Finance
Department of Expenditure

ANNEXURE -XX

STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, RAJASTHAN, JAIPUR

No.	Name of Post	Sanctioned strength	Agreed * strength
2		3	4
.	Joint Director of Census Operations	1	1
.	Deputy Director of Census Operations	1	2
.	Assistant Director of Census Operations(Technical)	0	5
.	Assistant Director of Census Operations	1	1
.	Research Officer (Map)	1	1
.	Senior Geogrepher	1	1
.	Investigator	14	14
.	Office Superintendent	1	1
.	Geographer	2	2
.	Senior Translator	1	1
.	Head Assistant	1	1
.	Senior Artist	1	1
.	Artist	3	3
.	Senior Draftsman	1	1
.	Assistant	5	5
.	Senior Stenographer	1	1
.	Statistical Assistant	31	31
.	Printing Inspector	1	1
.	Draftsman	5	4
.	Upper Division Clerk	4	4
.	Junior Stenographer	2	2
.	Computor	52	52
.	Proof Reader	1	1
.	Ferro Print Machine Operator	1	1
.	Assistant Compiler	14	5
.	Lower Division Clerk	9	6
.	Hand Press Machine Operator	2	2
.	Staff Car Driver	2	2
.	Gestetner Operator	1	1

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Joint Director (SIU)
Ministry of Finance
Deptt. of Expenditure

S.No.	Name of Post	Sanctioned strength	Actual * strength
1	2	3	4
30.	Record Keeper	1	1
31.	Dairy	2	2
32.	Peon	17	16
33.	Chowkidar	11	0
34.	Farash	2	-
35.	Mali	1	1
36.	Sweeper	1	1
37.	Senior Supervisor	4	Not assessed by SIU
38.	Junior Supervisor	12	
39.	D.E. Operator Grade B	68	
40.	Loader	8	

* Includes leave reserves

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Joint Director (SIU)
Ministry of Finance
(Department of Revenue)

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ANNEXURE - IV

STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, SIKKIM

S.No.	Name of Post	Sanctioned strength	Agreed * strength
1	2	3	4
1.	Deputy Director of Census Operations	1	1
2.	Assistant Director of Census Operations(T)	-	1
3.	Investigator	3	3
4.	Office Superintendent	1	1
5.	Statistical Assistant	4	4
6.	Computor	9	9
7.	Assistant Compiler	4	4
8.	Geographer	1	1
9.	Draftsman	2	2
10.	Head Assistant	1	1
11.	Accountant/Assistant	1	1
12.	Upper Division Clerk	3	3
13.	Lower Division Clerk	5	4
14.	Driver	1	1
15.	Junior Hindi Translator	1	1
16.	Gestetner Operator	1	1
17.	Daftry	1	1
18.	Peon	4	4
19.	Chowkidar	3	4
20.	Farash	1	1
21.	Sweeper	1	1
		41	46

* Includes leave reserves

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(R.S. HASIJA)
Joint Director (SIU)
Ministry of Finance
Deptt. of Expenditure

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ANNEXURE - XXII

STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, TAMIL NADU

S.No.	Name of Post	Sanctioned strength	Agreed strength**
1	2	3	4
1.	Joint Director of Census Operations	1	1
2.	Deputy Director of Census Operations	3	2
3.	Assistant Director of Census Operations(Tech.)	0	5
4.	Assistant Director of Census Operations	-	1
5.	Office Superintendent	1	1
6.	Investigator	14	14
7.	Statistical Assistant	39	38
8.	Computor	45	42
9.	Assistant Compiler	35	25
10.	Senior Geographer	1	1
11.	Geographer/Cartographer	1	1
12.	Senior Artist	1	1
13.	Artist	2	1
14.	Draftsman	2	2
15.	Head Assistant	1	1
16.	Assistant	6	6
17.	Upper Division Clerk*	18	17
18.	Lower Division Clerk	16	9
19.	Senior Stenographer	1	1
20.	Junior Stenographer*	2	1
21.	Junior Hindi Translator	1	1
22.	Librarian	1	-
23.	Staff Car Driver	1	1
24.	Record Keeper	1	1
25.	Stenographer Grade A	1	-
26.	Attendar	3	-
27.	Peon	6	9
28.	Farash	5	-
29.	Chowkidar	8	13
30.	Mali	1	1

* These posts may continue upto 30.6.1996 i.e. till one Senior Steno. and one UDC retire.

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R Sharma
(R. SHARMA)
Joint Director (SIU)
Ministry of Finance
Deptt. of Economic Affairs

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S.No.	Name of Post	Sanctioned strength	Agreed ** strength
1	2	3	4
31.	Senior Supervisor	4	Not assessed by SIU
32.	Junior Supervisor	13	
33.	D.E Operator Grade "B"	72	
34.	D.E Operator Grade "A"	18	
35.	Data Processing Assistant Grade "A"	2	
36.	Loader	0	

** Includes leave reserves

(R.S. HASIJA)
Joint Director (SIU)
Ministry of Finance
Deptt. of Expenditure

(S. Kashyap)
Deputy Director (Hqrs)
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Annexure - XXIII

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Statement showing sanctioned strength and agreed strength of officers and staff of DCO, Tripura

Sl.No.	Name of post	Sanctioned strength	Agreed * strength
1	2	3	4
.	Deputy Director	1	1
.	Assistant Director Census Operations (T)	1	1
.	Office Superintendent	1	1
.	Investigator	5	5
.	Head Asstt.	1	1
.	Assistant	3	3
.	Sr. Stenographer	1	-
.	Hindi Translator	1	1
.	U.D.C.	6	4
0.	L.D.C.	5	4
1.	Driver	1	1
2.	Record Keeper	1	1
3.	Cartographer	1	1
4.	Statistical Asstt.	9	9
5.	Sr. Artist	1	1
6.	Artist	1	-
7.	Draftsman	2	2
8.	Computor	14	14
9.	Asstt. Compiler	4	2
0.	H.P.M.O.	1	-
1.	Jr. G.O.	1	1
2.	Daftry	1	1
3.	Peon	6	4
4.	Chowkidar	3	6
5.	Farash	1	-
6.	Counter Clerk	1	Not assessed
7.	Tea/Coffee maker	1	
8.	Wash boy	1	

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(P. C. HASIJA)
Joint Director (SLL)
Ministry of Finance
Deptt. of Expenditure

* Includes leave reserve.

ANNEXURE -XX

STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, UTTAR PRADESH

S.No.	Name of Post	Sanctioned strength	Agreed ** strength
1	2	3	4
1.	Joint Director of Census Operations	1	1
2.	Deputy Director of Census Operations	2	3
3.	Assistant Director of Census Operations (Technical)	15	10
4.	Assistant Director of Census Operations	1	1
5.	Research Officer (Map)	1	1
6.	Accounts Officer	1	1
7.	Office Superintendent	2	2
8.	Investigator	23	25
9.	Senior Geographer	1	1
10.	Confidential Assistant	1	-
11.	Head Assistant	2	2
12.	Assistant	13	12
13.	Upper Division Clerk	13	13
14.	Lower Division Clerk	22	19
15.	Stenographer	1	1
16.	Junior Stenographer	1	1
17.	Senior Hindi Translator	1	-
18.	Junior Hindi Translator	1	-
19.	Statistical Assistant	62	60
20.	Computor	105	103
21.	Assistant Compiler	97	76
22.	Senior Technical Assistant (Printing)	1	1
23.	Proof Reader	1	1
24.	Senior Artist	4	3
25.	Artist	1	-
26.	Senior Draftsman	5	5
27.	Draftsman	14	9
28.	Hand Press Machine Operator	2	2

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R S HASIJA
(R S HASIJA)
Joint Director (Hqrs)
Ministry of Finance
Department of Expenditure

S.No.	Name of Post	Sanctioned strength	Agreed ** strength
1	2	3	4
29.	Ferro Print Machine Operator	1	1
30.	Driver	3	3
31.	Printing Inspector	1	1
32.	Junior Gestetner Operator ✓	1	1
33.	Daftry	5	5
34.	Peon	23	17
35.	Chowkidar	7	16
36.	Farash	2	-
37.	Mali	1	-
38.	Sweeper	1	1
39.	Senior Supervisor	9]	
40.	Junior Supervisor	27]	
41.	D.E.Operator Grade "B"	180] Not assessed by SIU	
42.	Loader	20]	

** Includes leave reserves

Deputy Director (Hqrs)
Office of the Registrar General, In
(Ministry of Home Affairs)
2/A, Man Singh Road,
New Delhi-110011

(R S HASIJA)
Director (SIU)
Ministry of Finance
Department of Expenditure

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ANNEXURE - XXV

STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, WEST BENGAL

S.No.	Name of Post	Sanctioned strength	Agreed** strength
1	2	3	4
1.	Joint Director of Census Operations	-	1
2.	Deputy Director of Census Operations	2	2
3.	Assistant Director of Census Operations(Technical)	2	6
4.	Assistant Director of Census Operations	-	1
5.	Office Superintendent	1	1
6.	Head Assistant	1	1
7.	Assistant	3	3
8.	Upper Division Clerk	8	7
9.	Lower Division Clerk	11	11
10.	Hindi Typist	1	1
11.	Gestetner Operator	1	1
12.	Driver	2	2
13.	Senior Hindi Translator	1	1
	Hindi Translator Grade "B"	1	-
14.	Librarian*	1	1
15.	Stenographer	1	1
16.	Junior Stenographer	1	1
17.	Investigator	16	15
18.	Statistical Assistant	43	43
19.	Computor	62	61
20.	Assistant Compiler	63	44
21.	Senior Geographer	1	1
22.	Geographer	2	1
23.	Senior Artist	2	2
24.	Artist	3	3
25.	Senior Draughtsman	2	2
26.	Draughtsman	9	9
27.	Printing Inspector	1	1
28.	Proof Reader	2	2

* The post may continue upto 30.9.1996, till the incumbent retire

Deputy Director (Hqrs)
Office of the Registrar General, India
(Ministry of Home Affairs)
2/A, Man Singh ...

(R. S. HASIJA)
Joint Director (SIU)
Ministry of Finance

S.No.	Name of Post	Sanctioned strength	Agreed ** strength
1	2	3	4
29.	Daftry	5	4
30.	Peon	53	15
31.	Chokidar	13	13
32.	Sweeper	4	4
33.	Senior Supervisor	4	Not assessed by SIU
34.	Junior Supervisor	12	
35.	D.D.E.Operator Grade"B"	72	
36.	D.D.E.Operator Grade"A"	18	
37.	Loader	8	
38.	Halwai	1	Not studied by SIU
39.	Teamaker	1	
40.	Bearer	3	

**Includes leave reserves

Deputy Director (Hqrs)
Office of the Registrar General, In
(Ministry of Home Affairs)
2/9, Man Singh Road,
New Delhi 110011

(R.C. HASIJA)
Joint Director (SIU)
Ministry of Finance
Department of Expenditure

(25)

Annexure-XXXI

Statement showing sanctioned strength and agreed strength for officers and staff of DCO, A&N Islands

Sl.No.	Name of post	Sanctioned strength	Agreed strength
1	2	3	4
1.	Dy. Director of Census Operations	1	1
2.	Asstt. Director of Census Operations (T)	-	-
3.	Office Superintendent	1	1
4.	Investigator	1	1
5.	Head Asstt.	1	1
6.	Assistant	2	2
7.	Statistical Asstt.	2	2
8.	U.D.C.	3	2
9.	Jr. Stenographer	-	1
10.	Computor	5	5
11.	L.D.C.	3	2
12.	Asstt. Compiler	3	3
13.	Driver	1	1
14.*	Jr. Gestetner Operator	1	-
15.	Daftry	1	1
16.	Peon	2	2
17.	Chowkidar	2	3
18.	Farash	1	-
19.	Sweeper	1	1
20.	Draftsman	-	1

* This post may continue till 31.7.96 i.e. till its incumbent retires.

** Includes leave reserve.

(R.S. HASIJA)
Joint Secy. for (S&U)
Ministry of Finance
(Deptt. of Expenditure)

Deputy Director (Hqrs.)
Office of the Registrar General, India
(Ministry of Home Affairs)
2/A, Man Singh Road,
New Delhi-110011

ANNEXURE-X-X

STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, UT., CHANDIGARH.

S.No.	Name of Post	Sanctioned strength	Agreed * strength
1	2	3	4
1.	Deputy Director of Census Operations	1	1
2.	Assistant Director of Census Operations(Technical)	3	2
3.	Assistant Director of Census Operations	1	-
4.	Investigator	2	2
5.	Head Assistant	1	1
6.	Assistant	2	2
7.	Hindi Translator	1	1
8.	Statistical Assistant	4	4
9.	Artist	1	1
10.	Draftsman	1	1
11.	Junior Stenographer	2	2
12.	Upper Division Clerk	1	1
13.	Computor	9	9
14.	Proof Reader	1	1
15.	Assistant Compiler	15	14
16.	Lower Division Clerk	2	2
17.	Driver	1	1
18.	Junior Cestetner Operator	1	1
19.	Daftry	1	1
20.	Peon	2	4
21.	Chowkidar	5	3
22.	Farash	2	-
23.	Sweeper	2	2
24.	Senior Supervisor	4	Not assessed by SIU
25.	Junior Supervisor	12	
26.	D.E.Operator Grade "B"	60	
27.	Loader	8	

* Includes leave reserves

(R.S. HASIJA)
Asstt. Director (SIU)
Ministry of Finance
Deptt. of Expenditure

Deputy Director (Hqrs)
Office of the Registrar General, India
(Ministry of Home Affairs)
2/A, Man Singh Road,
New Delhi-110011

ANNEXURE - XXII

STATEMENT SHOWING SANCTIONED STRENGTH AND AGREED STRENGTH OF OFFICERS AND STAFF FOR DIRECTORATE OF CENSUS OPERATIONS, DELHI

S.No.	Name of Post	Sanctioned strength	Agreed * strength
1	2	3	4
1.	Deputy Director of Census Operations	1	1
2.	Assistant Director of Census Operations(Technical)	1	1
3.	Office Superintendent	1	1
4.	Investigator	5	5
5.	Cartographer	1	1
6.	Head Assistant	1	1
7.	Assistant	3	3
8.	Upper Division Clerk	2	2
9.	Lower Division Clerk	6	5
10.	Hindi Translator	1	1
11.	Stenographer	1	1
12.	Junior Stenographaher	1	-
13.	Printing Inspector	1	1
14.	Senior Draftsman	1	1
15.	Artist	1	-
16.	Senior Artist	1	1
17.	Draftsman	3	3
18.	Statistical Assistant	13	13
19.	Computor	16	16
20.	Assistant Compiler	6	2
21.	Proof Reader	1	1
22.	Ferro Print Operator	1	1
23.	Staff Car Driver	1	1
24.	Gestetner Operator	1	1
25.	Daftry	1	1
26.	Peon	6	6
27.	Chowkidar	6	7
28.	Farash	1	-
29.	Sweeper	2	2
			79

* Includes leave reserves

Deputy Director (Hqrs)
Office of the Registrar General, India
(Ministry of Home Affairs)
2/A, Man Singh Road,
New Delhi-110011

(R. S. HASIJA)
Joint Director (SIU)
Ministry of Finance
Department of Expenditure

(111)

Annexure XXI

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...ent showing sanctioned strength and agreed strength of officers and staff of DCO, Lakshadweep

lo.	Name of post	Sanctioned strength	Agreed strength
1	2	3	4
	Asstt. Director Census Operations (Technical)	1	1
	Office Superintendent/Head Asstt.	2	1
	Investigator	1	1
	Statistical Asstt.	1	1
	Computor	2	2
	Sr. Stenographer	1	1
	Assistant	1	1
	Asstt. Compiler	1	1
	Draftsman	1	1
	U.D.C.	1	1
	L.D.C.	2	2
	Chowkidar	2	2
	Peon	1	1
	Sweeper	1	1
	Farash	1	1
	Total	18	17

* Includes leave reserve.

S. PARKASH
Deputy Director (Hqrs)
Office of the Registrar General, India
(Ministry of Home Affairs)
2/A, Man Singh Road,
New Delhi-110011

(R. S. HASIJA)
Joint Director (SIU)
Ministry of Finance
Deptt. of Economic Affairs

Annexure-XXX

Statement showing sanctioned strength and agreed strength of officers and staff of DCO, Pondicherry

Sl.No.	Name of post	Sanctioned strength	Agreed strength
1	2	3	4
1.	Deputy Director of Census Operations	1	1
2.	Asstt. Director of Census Operations (T)	1	1
3.	Investigator	1	1
4.	Office Superintendent/Head Asstt.	2	1
5.	Artist	1	1
6.	Assistant	1	1
7.	Statistical Asstt.	1	2
8.	Jr. Hindi Translator	1	1
9.	Computor	9	10
10.	Draftsman	1	1
11.	Jr. Stenographer	1	1
12.	U.D.C.	2	2
13.	L.D.C.	4	4
14.	Hindi Typist	1	1
15.	Driver	1	1
16.	Jr. Gestetner Operator	1	1
17.	Daftry	1	1
18.	Peon	3	3
19.	Chowkidar	2	3
20.	Farash	1	-
21.	Sweeper	1	1
	Total	36	37

* Includes leave reserve.

S. PRASHAR
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(Ministry of Home Affairs)
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Joint Director (SIU)
Ministry of Finance
Deptt. of Expenditure

ANNEXURE - I

- 74 -

RRs for Draftsman

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

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

New Delhi, 23.9.2001

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 Directors of Census Operations and Superintendent of Census Operations,Rajasthan (Class III and Class IV posts) recruitment rules 1974 in so far as they relate to the post of Draughtsman 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 post of Draughtsman in the Office of the Registrar General, India as well as all the offices of the Directors of Census Operations in the States and the Union Territories, namely:-

1. **Short title and commencement:-** (1) These rules may be called the office of the Registrar General, India and the offices of the Directors of Census Operations in States and the Union Territories (Draughtsman) Recruitment Rules, 2001.

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

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

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

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

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

(a) who has entered into, or contracted, a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any persons,

shall be eligible for appointment to the said post:

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

Certified to be true Copy

INDRANEEL CHOWDHURY
Advocate.

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

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

Schedule

Name of post	No. of post	Classification	Scale of pay	Whether selection-cum-seniority/selection by merit
1	2	3	4	5
Draughtsman	93 (2001) * Subject to variation dependent on workload.	General Central Service Group "C" Non-gazetted, Non-Ministerial	Rs.5000-150-8000	Not applicable.

Age limit for direct recruits	Whether benefit of added years of service admission under rule 30 of the C.C.S. (Pension) Rules, 1972	Educational Qualification and other Qualifications required for direct recruits.
6	7	8
Between 18 and 25 years. Note: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates except for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladhak Division of Jammu & Kashmir State, Lahul & Spiti District and Pangi Sub-Division of Chamba district of Himachal Pradesh, Andaman & Nicobar Islands or Lakshadweep).	No	ESSENTIAL: i) Matriculation or equivalent ii) Diploma of not less than 2 years from a Industrial Training Institute or equivalent recpgnised Insutiute in Fine Arts or Commercial Arts or Civil Engineering, or two years certificate c.r Draughtsmanship from a recognised institute. iii) One year experience in Desk Top Publishing or Autocad or drawing maps. Note:- The qualification regarding experience is relaxable at the discretion of the competent authority for reasons to be recorded in writing in the case of candidates belonging to the Scheduled Castes or Scheduled Tribes, if at any stage of selection, competent authority is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.

(116)

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
Not applicable.	2 years for direct recruits. Nil for Promotees.	(i) 90% direct recruitment, failing which by deputation absorption. (ii) 10% by absorption. (Short term vacancies will be filled by deputation only).	Absorption or Deputation: Officers under the Central /State Government offices holding analogous post. Possessing the educational qualifications and experience prescribed for direct recruits under column 8 (Period of deputation, including period of deputation in another ex-cadre post held immediately preceding this appointment in the same organisation/department shall not exceed 3 years). The maximum age limit for appointment by deputation should not exceed 56 years as on the closing date of receipt of applications.

If a Departmental Promotion Committee exists, what is its composition.	Circumstances in which Union Public Service Commission is to be consulted in making recruitment.
13	14
Group 'C' Departmental Promotion Committee (for the office of the Registrar General, India) : 1. Deputy Director(Admn.)/Under Secretary(Admn.) - Chairman 2. Assistant Director (Admn.) - Member 3. A Group 'A' officer of another Central Government office preferably belonging to the Scheduled Castes/Scheduled Tribes - Member **Group 'C' Departmental Promotion Committee (for the respective Directorates of Census Operations in States/Union territories) :** 1. Deputy Director/Assistant Director of Census Operations (Technical) - Chairman 2. Assistant Director of Census Operations (T)or Assistant Director of Census Operations - Member 3. A Group 'A' officer of another Central Government office preferably belonging to the Scheduled Castes/Scheduled Tribes - Member	Not applicable

(J. K. Banthia)
Registrar General, India
(F.No. 12032/14/99-Ad-II)

To

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

ANNEXURE - J

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M.H.A.
Ad I (B)
Dy.No.
Dated

No.2/8/2001-PIC
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 11 May, 2001

OFFICE MEMORANDUM

Subject: Optimisation of direct recruitment to civilian posts.

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.

Certified to be true Copy

INDRANEEL CHOWDHURY
Advocate,

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

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

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

Contd./---

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') prescribed in the Recruitment Rules/Service Rules would, however, continue to be adhered to as per the provisions of the notified Recruitment Rules/Service Rules.

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

ANNEXURE-K

(121)

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

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

15.3
New Delhi, the.....2001

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 ex-officio Census Commissioner for India and the office of the Directors of Census Operations in the States and Union territories (Artist/Senior Draughtsman) Recruitment Rules, 1987 and Office of Registrar General, India (Group 'C' posts) Recruitment Rules 1976 in so far as they relate to the post of Senior Artist, 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 post of Senior Draughtsman in the Office of the Registrar General, India, as well as the Directorates of Census Operation in the States and the Union Territories, namely :-

1. **Short title and commencement.**- (1) These rules may be called the office of the Registrar General, India and the offices of the Directors of Census Operations in States and Union Territories (Senior Draughtsman) Recruitment Rules, 2001.

(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 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, age limit, educational qualifications and other matters relating to the said post shall be as specified in columns (5) to (14) of the Schedule aforesaid.

4. **Disqualification.-** No person,-

(a) who has entered into or contract a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any persons,

shall be eligible for appointment to the said post.

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

Certified to be true

INDRANEEL CHOWDHURY
Advocate.

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, and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or categories of persons.

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

Schedule

Name of post	Number of post	Classification	Scale of pay	Whether selection by merit or selection-cum-seniority or Non-selection-post
(1)	(2)	(3)	(4)	(5)
Senior Draughtsman	91 (2001) Subject to variation dependent on workload.	General Central Service Group "B" Non-Gazetted, Non-Ministerial	Rs. 5500-175-9000	Selection-cum-seniority

Age limit for direct recruits	Whether benefit of added years of service admissible under rule 30 of the Central Civil Service (Pension) Rules, 1972	Educational Qualification and other Qualification required for direct recruits.
(6)	(7)	(8)
Not exceeding 30 years. Note 1: Relaxable for Government servants upto five years in accordance with the instructions or orders issued by the Central Government. Note 2: 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 Kasmir State, Lahaul and Spiti District and Pangi sub Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshdweep).	Not applicable	Essential: (i) Matriculation or equivalent of a recognised board. (ii) Diploma of two years duration in Commercial or Fine Arts Civil Engineering from a recognised University/ Institute or equivalent. (iii) Three years experience in drawing of Maps, Charts and Diagrams. Note 1: Relaxable at the discretion of the Staff Selection Commission in case of candidates otherwise well qualified. Note: 2: The qualification(s) regarding experience is/are relaxable at the discretion of the Staff Selection Commission in the case of candidates belonging to Scheduled Castes or Scheduled Tribes. If at any stage of selection the Staff Selection Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them. DESIRABLE: Two years experience in Desk Top Publishing or Autocad.

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	Two years for direct recruits and promotees.	50% by promotion failing which by deputation (including short –term contract). 25% by deputation (including short –term contract). 25% by direct recruitment. The suitability of the regular holding of the post of Senior Artist/Artist/Senior Draughtsman in the pre-revised scale of Rs. 1600-2660 prior to upgradation of this post in the scale of Rs. 5500-9000 (Revised) and having three years' regular service in the grade will be initially assessed for appointment to the upgraded post. If assessed not suitable for appointment to the upgraded scale of pay the incumbents shall continue to be in the revised scale of Rs. 5000-8000 and their cases would be reviewed every year.	PROMOTION: Draughtsman with three years regular service in the grade. Note 1: Promotion shall be made directoratewise. Note2: Where Juniors who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years, whichever is less, and have successfully completed their probation period for promotion to the next higher grade alongwith their juniors who have already completed such qualifying/eligibility service. Deputation (including short-term contract) Officers under the Central/State Governments/Union territories/Universities/Recognised Research Institutions/ Public Sector Undertakings/Semi Government/Autonomous or Statutory Organisations : (a) (i) holding analogous posts on regular basis ; or (ii) with three years regular service in post in the scale of Rs.5000-8000 or equivalent; and (b) Possessing the educational qualifications and experience prescribed for direct recruits under column 8.

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If a Departmental Promotion Committee exists, what is its composition.	Circumstances in which Union Public Service Commission is to be consulted in making recruitment.
(13)	(14)
Group 'B' Departmental Promotion Committee (for considering promotion/confirmation)	
1. Registrar General, India ... Chairman 2. Joint Registrar General, India ... Member 3. Deputy Registrar General (Map) ... Member	Consultation with Union Public Service Commission necessary while appointing an officer on deputation (including short-term contract).

(J.K. Banthia)
Registrar General, India
[F.No. A-12032/10/99-Ad.III]

To

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

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Filed by the applicant through Sabeena Khatun Advocate 04.10.04

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

In the matter of:

O.A. No. 195/2004

Smti Renu Mazumdar

-Vs-

The Union of India & Others.

-AND-

In the matter of:

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

The applicant abovementioned most humbly and respectfully begs to state as under; -

1. That your applicant categorically denies the contentions made in paragraphs 3. A, B, C, D, E, F, G, H and L and further begs to state that those submissions were already made by the respondents and adjudicated upon by the learned Tribunal as well by the Hon'ble High Court in O.A. No. 130/1994 and 131/1994 and also in Civil Rule No. 4037/1998 preferred by the respondents before the Hon'ble Gauhati High court while challenging the legality and validity of the judgment and order passed by this Hon'ble Court on 08.05.1998. The respondents have also place the records/documents before the Hon'ble High Court and the Hon'ble High

Court on perusal of those records/documents further observed as follows:

> "3. It is contended by the learned counsel for the appellants, on the basis of documents produced before us that the temporary posts of Artists have been created in the Census Department on 18.3.1991 and the promotions of applicants/respondents have been made in those vacancies only. First, creation of certain posts does not necessarily mean that the promotion have been made on those posts only. Secondly, the order of promotion does not indicate that the applicants/respondents have been promoted on temporarily created posts. Thirdly, the respondents Smti Biju Mahanta has been promoted on 18.3.1991. Thus, by no stretch of imagination, it can be said that the applicant Smti Biju Mahanta, who has been promoted to the post of Artists on 3.5.90 has been promoted in a temporary capacity to the post, which has been subsequently created on 18.3.1991. Before us also there is no material placed on record to indicate that the applicants/respondents have been promoted on temporary posts. In the aforesaid circumstances, we cannot take a different view than what has been held by the Tribunal."

In view of the above findings of the Hon'ble High Court the respondents are barred by the law of estoppel to further argue the case on the question of abolition or discontinuation of post of Artist/Sr. Draftsman.

2. That with regard to the statements made in paragraphs 4, 6, 7, 9 and 10 and the contentions raised therein by the respondents are categorically denied. In this connection it may further be stated that question of

non-availability of vacant post does not arise in the instant case in view of setting aside of the impugned order of reversion dated 30.12.1993 by the learned Tribunal in O.A No. 130/94 and 131/94 the original promotion order dated 2/3 May, 1990 has been restored, therefore it is quite clear that promotion of the applicant is liable to be restored in the office of the Director of Census Operation, Guwahati and as such question of non-availability of vacant posts of Senior Draftsman in the Assam Directorate does not arise at all. The impugned order dated 12.08.2004 has been passed only after receipt of the contempt notice from this learned Tribunal, whereas the judgment of the learned Tribunal was confirmed by the Hon'ble High Court way back on 27.10.2003 but no action was initiated for implementation of the Hon'ble Tribunal's order dated 08.05.1998 even thereafter the respondents were silent for about 10 months only after receipt of the judgment of the Hon'ble High Court, but the impugned order dated 12.08.2004 has been passed only on receipt of contempt notice, wherein the Under Secretary in the name of implementation of the Hon'ble Tribunal's order transferred the applicant at New Delhi in the Head Quarter Office with an ulterior motive on the plea of abolition/discontinuation/non-availability of the post of Senior Draftsman in the Directorate of Assam Census and the plea of the respondents that the post of Artists were created temporarily for the 1991 Census are also not tenable in the eye of law. On a mere

perusal of the order of implementation it appears that the respondents have acted with a malafide intention and also used highly objectionable words in the impugned order dated 12.08.2004 and again an attempt is now being made to re-open the argument by the respondents advanced earlier in O.A No. 130/94 and 131/94 and also in Civil Rule No. 4037/1998. Subsequent order dated 14.09.2004 also have been passed after the respondents could realize that they have violated the order of Tribunal by not paying the arrear monetary benefits. However, the objectionable words used in paragraph 2 of the impugned order dated 12.08.04 are still in existence. The applicant in the present case is highly aggrieved further due to her transfer and posting at Headquarter office, New Delhi by Sub-Clause (iii) of para 3 of the impugned order dated 12.08.04 on the alleged ground that due to non-availability of the post of Sr. Draftsman in DCO, Assam, applicant is adjusted at New Delhi. The SIU report dated 12.03.1996 and O.M dated 16.05.2001 also not relevant in the fact situation of the instant case. Moreover, question of establishing the existence of 4 posts of Sr. Draftsman by the applicant is also not relevant. It is a settled position of law once a reversion order is set aside by a competent Court of law the natural consequence that the promotion order i.e. in the instant case order dated 2/3 May, 1990 is restored and the applicant is entitled to join in the said posts in that particular office where she was promoted. Following the judgment

and order of the learned Tribunal passed in O.A. No. 130/94 and 131/94 has acquired a valuable legal right to occupy that very post in the Directorate of Assam Census.

3. That with regard to the statements made in paragraphs 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of the written statement are also categorically denied and further reiterates the statements made in Original Application. It is categorically stated that the scale of Sr. Draftsman is Rs. 5500-9000/-. It is further submitted that when the order of reversion is challenged the same was pending before the competent court and the matter is subjudice, as such post cannot be abolished on the plea of SIU report vide decision dated 12.03.96 as alleged. As already stated the O.M dated 16.05.2001 also not relevant as indicated in para 14 of the written statement. The contention raised in para 15 is also contrary to the decision of the Hon'ble Tribunal rendered in aforesaid Original Application.

4. That the applicant categorically denies the statements made in paragraph 21, 22, 23, 24, 25, 26, 27, 28 and 29 and reiterates the statement made in Original Application.

In the facts and circumstances stated above the Original Application deserves to be allowed with cost.

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VERIFICATION

I, Smti. Renu Mazumdar, W/o Shri Naren Chandra Mazumdar, aged about 56 years, resident of Vill- Saurav Nagar, Beltola, Guwahati- 781028, do hereby verify that the statements made in Paragraph 1 to 4 of the instant rejoinder are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 4th day of October 2004.

Renu Mazumdar