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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

~~OA 467/2006 Shanti Lal Jain~~
~~Vs U.O.I. & Ors.~~

11.10.2007

Mr.P.N.Jatti, Counsel for the applicant.
Mr.Hemant Mathur, Counsel for the respondents.

Rejoinder not filed even after several opportunities have been granted. Learned Counsel for the applicant seeks and is granted further two weeks time, as last opportunity, to file the Rejoinder. Be listed on 12.11.2007 for further orders.

(GURMIT SINGH)
DEPUTY REGISTRAR

Shashi/

OA 443/2006

12.11.2007

Mr.P.N.Jatti, Counsel for the applicant.
Mr.Hemant Mathur, Counsel for the respondents.

Rejoinder not filed even after last opportunity having been filed. Let the matter be listed before the Hon'ble Bench, for appropriate orders/direction on 6.12.2007.

(GURMIT SINGH)
DEPUTY REGISTRAR

Shashi/

6-12-07

Mr. P. N. Jatti - for applicant
Mr. Hemant Mathur - for respondents

Heard the learned counsel for the parties. For the reasons dictated separately, the OA is disposed of.

(Tarsem Lal)
Admr. Member

(M. L. Chauhan)
Judl. member

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 6th day of December, 2007

ORIGINAL APPLICATION No. 443/06

CORAM:

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.TARSEM LAL, ADMINISTRATIVE MEMBER

Shyam Sunder Sharma
s/o Kalyan Sahai Sharma,
r/o 36/III, Nirman Vihar-I,
CPWD Colony, Sector-II,
Vidhyadhar Nagar,
Jaipur-23, presently working
as Data Entry Operator Grade-B,
O/o the Directorate of Census Operation,
6B, Jhalana Doongri,
Jaipur

.. Applicants

(By Advocate: Mr. P.N.Jatti)

Versus

1. The Union of India through the Registrar General to the Department of Census, Ministry of Home Affairs, 2A Man Singh Road, New Delhi.
2. The Director, Directorate of Census Operation, Government of India, 6B, Jhalana Dongri, Jaipur

.. Respondents

(By Advocate: Mr. Hemant Mathur)

49

ORDER (ORAL)

The applicant has filed this OA thereby praying that ad-hoc services rendered by him on the post of Operator w.e.f. 27.7.82 till his regularization w.e.f. 14.11.1985 be counted for the purpose of grant of benefit of second ACP. For that purpose, the applicant has placed reliance upon the judgment of this Tribunal, which has been placed as Ann.A5.

2. Notice of this application was given to the respondents. The respondents have filed reply and in the reply the respondents have admitted that the judgment in one case has been implemented and benefit of ad-hoc services for the purpose of granting second ACP has been extended to some persons. It is however stated that in four other cases similar directions were given by this Tribunal. In those cases Writ Petition has been admitted and stay against the judgment of this tribunal has been granted. As against earlier cases, Writ Petition was dismissed by the Hon'ble High Court. Thus, according to the respondents, the matter is still sub-judice.

3. The learned counsel for the applicant has drawn our attention to the letter No.18/18/90-Ad.IV dated 12th March, 1991 issued by the Govt. of India, Ministry of Home Affairs, Office of the Registrar General, New

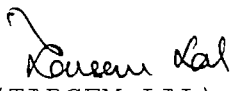
69


Delhi addressed to all the Directors of Census Operations whereby the persons who were appointed on ad-hoc basis in the grade of Statistical Assistants and Computers through Employment Exchange and fulfilled the prescribed conditions of age and educations qualification at the time of initial recruitment were ordered to be regularized prospectively and their ad-hoc services may be allowed to count in the respective grade for the purpose of seniority as well as eligibility for promotion to the higher grade.

4. The learned counsel for the applicant further submits that he will be satisfied if direction is given to the respondents to examine the matter in the light of the aforesaid letter issued by the Government of India, Ministry of Home Affairs and pass appropriate order extending the benefit of treating the aforesaid ad-hoc services countable for the purpose of benefit of second ACP. We see considerable force in the contention of the learned counsel for the applicant and we are of the view that the present OA can be disposed of with directions to the respondents to decide the case of the applicant in the light of the letter dated 11/12th March, 1991 and pass reasoned and speaking order. The order shall indicate whether the applicant when appointed on ad-hoc basis fulfilled the requisite qualification as provided in the

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recruitment and promotion rules for the post and whether procedure as laid down for filling the said post on regular basis was adhered to at the time of making ad-hoc appointment and in case there is departure from the said procedure, the same may also be indicated. Such a decision shall be taken within a period of 3 months from the date of passing of this order. Ordered accordingly. No costs.


(TARSEM LAL)
Admv. Member


(M.L. CHAUHAN)
Judl. Member

R/