

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

11.2.08

Mr. Pov Jatti, counsel for applicant-  
Mr. D.C. Sharma, counsel for respondents-

Heard the learned counsel  
for the parties.

The court stands disposed of  
by a separate order.

*Plaint*  
( J.P. Shukla )  
M (A)

*Defendant*  
( M.L. Chauhan )  
M (B)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

Jaipur, the 11th day of February, 2008

**ORIGINAL APPLICATION NO.444/2006**

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

Sushil Kumar,  
Data Entry Operator,  
O/o Directorate of Census,  
6B Jhalana Doongri,  
Jaipur.

... Applicant  
(By Advocate : Shri P.N.Jatti)

Versus

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

... Respondents  
(By Advocate : Shri D.C.Sharma)

**ORDER (ORAL)**

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying  
for the following relief :

"That by a suitable writ/order or direction the  
respondents be directed to count the service of

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the applicant from the date of his initial appointment i.e. 10.9.82 and the IInd benefit under the scheme of Assured Career Progression be allowed w.e.f. 9.9.2006.

That the humble applicant prays that the respondents be directed to pay all the consequential benefits to the applicant w.e.f. 9.9.2006."

2. Grievance of the applicant in this OA is that the ad hoc services rendered by him in the capacity of Group-C should be counted for the purpose of grant of benefit under the Assured Career Progression (ACP) Scheme. For that purpose, learned counsel for the applicant placed reliance on the decision rendered by this Tribunal in OA 197/2000 - **Arnold Grey Rai and Others v. Union of India and Another**, at Ann.A/5.

3. Notice of this OA was given to the respondents, who have filed their reply. In para 5.6 of the reply-affidavit, the respondents have categorically stated that the decision rendered by this Tribunal in OA 197/2000 (supra) had been challenged before the Hon'ble Rajasthan High Court, Jaipur Bench, and the Hon'ble High Court has upheld the said decision and the matter was not agitated further before the Apex Court. It is further stated that later on as per advice of DOPT, New Delhi, the benefit of this case was confined only to the applicants therein. The respondents have also stated that further four more cases namely; OAs 430, 436, 437/2004 & 48/2005 have also been allowed by this Tribunal thereby directing the respondents to count their ad hoc service for the purpose of granting them the benefit of ACP and all these four cases were challenged before the Hon'ble High Court by filing appeals, in which stay has been granted by the Hon'ble Rajasthan High Court, Jaipur Bench.

4. We have heard the learned counsel for the parties. Learned counsel for the applicant drew our attention to the judgement dated 6.12.2007, rendered in OA 439/2006 - **Miss Veena Dogra v. Union of India**, and submitted that he will be satisfied, at this

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stage, if a direction is given to the respondents to examine the matter in the light of letter No.18/18/90-Ad.IV dated 12.3.91, issued by the Government of India, Ministry of Home Affairs, Office of Registrar General, New 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 educational qualification at the time of initial recruitment were ordered to be regularized prospectively and their ad hoc service may be allowed to count in the respective grade for the purpose of seniority as well as eligibility for promotion to the higher grade.

5. In view of the submission made by the learned counsel for the applicant and without entering into the merits of the case, we are of the view that the present OA can be disposed of with a direction to the respondents to decide the case of the applicant in the light of letter dated 12.3.91, referred to above, and pass a 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 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 three months from the date of passing of this order. Ordered accordingly.

6. With the aforesaid direction, the OA shall stand disposed of. No order as to costs.

  
(J.P. SHUKLA)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)