

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI :: 5.

ORIGINAL APPLICATION NO. 24 of 1994

MISC. PETITION/CONTEMPT PETITION/REVIEW APPLICATION NO. _____ (O.A. _____)

Shri A. S. Stephen.

APPLICANT (S)

VERSUS

Union of India & am.

RESPONDENT (S)

Mr. B. K. Sharma

ADVOCATE FOR
APPLICANT (S)

Mr. B. Mehta

Mr. S. Ali

ADVOCATE FOR
RESPONDENT (S)

Sr. C. G. S. C.

OFFICE NOTE

DATE

COURT'S ORDER

This application is in
form and within time.

C. E. of Rs. 50/-

deposited vide

IPO/DO No. 360323

Dated 1.2.94

for Dy. Registrar (J)

4.2.94.

Heard learned counsel Mr M Chanda on behalf of Mr B. K. Sharma for the applicant. Perused statement of grievances and reliefs sought for in this application. The main grievance is against order of termination vide Office Order No. A.12021/4/93-Apptt. dated 31.12.93 (Annexure-3).

This application is admitted. Issue notice on the respondents under Registered Post. Learned Sr. C. G. S. C. Mr S. Ali receives copy of the application and prays for six weeks time to file counter. Time allowed as prayed for.

List on 25.3.94 for counter and further orders.

Heard counsel of the parties on the interim relief prayer. The service was terminated with effect from 31.12.93 vide impugned order under Annexure-3 dated 31.12.93. Therefore, we do not propose to

contd.

O.A. 24/94.

OFFICE NOTE

D A T E

COURT'S ORDER

contd. pass any interim direction as prayed for. However, pendency of this application shall not be a bar for the respondents to reappoint applicant.

Copy of this order may be furnished to the counsel of the parties.

Sharma
Vice-Chairman

DO
Member

acs

BY ORDER

25.3.94.

Learned counsel Mr B.K. Sharma for the applicant is present. Learned counsel Mr A.K. Choudhury submits that Sr. C.G.S.C. Mr S. Ali could not come due to personal reasons. Deputy Director, Census Operation, Manipur is personally present and prays for two months time to file counter. Six weeks time allowed to file counter.

List on 24.5.94 for counter and further orders.

Interim order in connection with this case is passed today, the 25.3.94 in M.P.40/94 restraining respondents not to appoint any outsiders against the two reserved posts of Assistant Compiler meant for ST and to give preference to the applicant while filling up of those posts.

Sharma
Vice-Chairman

DO
Member

acs

24/4/94

Notices issued

vide memo no. 786 & 787

27.2.94.

DO
27/2

Copies of the order of 24.3.94 issued vide M. no. 791-793 dt. 24.2.94

24-3-94

Counter has not been filed.

Doni

19-5-94

The learned counsel Mr. S. Ali, Sr. C.G.S.C. has filed W/S statement on behalf of Respdts No. 1 & 2 at page No. 18-29.

Doni

OFFICE NOTE

DATE

COURT'S ORDER

20.5.94

Learned counsel Mr B.K.Sharm for the applicant present. S.E..C.G. Mr S.Alim submits for three weeks time to file counter. Time allowed as prayed for.

List on 13.6.1994 for counter and further orders.

Learned counsel Mr B.K.Sharm submits for an interim order direct respondents to appoint the applicant on adhoc basis as before in one of two posts of Assistant Compiler for now lying vacant in the office of Director of Census Operation, Manipal. We have directed respondent vide order dated 22.3.94 to give preference to the applicant while filling up the two posts of Assistant Compiler reserved for ST in view of his previous service for three years as Assistant Compiler under respondent No.2 at Imphal, Manipur. Both the posts were very much available since 31.12.1993 till our order dated 22.3.94 and thereafter. Now Sr.L.C.G.S.C Mr S.Alim submits that the applicants must come through Staff Selection Commission for consideration of appointment in the vacant posts. Mr H.S.Meena, Deputy Director of Census Operation, Manipal, Imphal is personally present in Court and submits -h reference to a telegraphic message dated 24th March, 1994 and a letter dated 31st March, 1994 (both copy filed) that instructions have issued not to fill vacant posts under special recruitment drive. Perused contents in the messages. The instructions in these documents refer to the staff of

OFFICE NOTE

DATE

COURT'S ORDER

20.5.94 census operation of 1981. Whereas the applicant was appointed on 27th December, 1990 on temporary basis for census operation of 1991 on the recommendation of the in its meeting held on 25th and 26th November, 1990 and he worked till his termination with effect from 31.12.93. As she had worked continuously for three years as ~~known~~ temporary basis, perhaps under Central Government service Rules she had acquired temporary status. We reserve our final opinion in this point now. The department was very keen to fill the two vacant posts through outsiders in the month of March, 1994 and in consideration of such circumstances we passed the direction dated 22.3.94. The applicant is now unemployed with his respective dependant families. It is submitted by Mr Sharma that she is the only bread earner of the family. If he is allowed to continue as unemployed, after serving for three ~~year~~ continuous years, then & in due course there will be age bar for his employment which would cause irreparable damage/injury to him.

In view of the above facts, circumstances and observations, we consider it just and expedient to pass interim direction on the respondents as under:

The respondents are directed to appoint the applicant Shri A.S. Stephen on temporary or adhoc basis in the post of Assistant Compiler reserved for ST, lying vacant under respondent No.2 at Imphal on term

OFFICE NOTE

DATE

COURT'S ORDER

24/94 5.

20.5.94

and conditions as before. The respondents shall comply the direction within 10(ten) days from the date of receipt copy of this order. The ~~applicant's~~ appointment shall remain in force till disposal of this application on merit.

Inform all concerned immediately. Serve a copy of this order today on Mr H.S.Meena, Deputy Director of Census Operation, Imphal present in Court.

Shazul

Vice-Chairman

Bo
Member

Copy of this order may be furnished to the counsel of the parties.

By order

for 20.5.94

pg

Received copy of order dated 20.5.94
[Signature] 13.6.94

(Dr. Director)

Order d. 20.5.94 (sent to all concerned vide no-2170-74 d. 26/5/94)
[Signature]

Learned counsel for the parties are present. The Deputy Director, Census Operation, Manipur, Mr H.S. Menna is also present. The applicant, Shri A.S. Stephen has now been appointed on adhoc basis vide office order No.A.12021/4/93-Appnt. dated Imphal the 30.5.1994 pursuant to order dated 20.5.1994 of the Tribunal. Peruse copy of the appointment order.

The respondents have already filed written statement through learned Sr. C.G.S.C. Mr S. Ali with copy to Mr B.K. Sharma, counsel for the applicant. The case is ready for hearing.

OFFICE NOTE

DATE

COURT'S ORDER

13.6.94

List on 9.8.94 for hearing

In the meantime, the applicant may
file rejoinder with copy to the
Sr. C.G.S.C.

Vice-Chairman

Member

Rejoinder not filed

nkm

9/8/13/16

20-11-94

9.8.94

To be placed for hearing before
the Imphal Bench when the Tribunal
will hold sitting at Imphal.

Vice-Chairman

Member

pg

19.2.97

22.1.97

This case be listed for hearing on

20.2.97.

Member

Vice-Chairman

nkm

27/1

20.2.97

There is no representation on behalf
of the applicant. The case is dismissed for default.

Member

Vice-Chairman

nkm

10/9

noted
10-7-97

8/8

Baw

(7)

X

17-3-97

In view of the order passed M.P.No.50/97 this Original Application is restored to file.

Mr.B.K.Sharma learned counsel for the applicant. Mr.S.Ali, Sr.C.G. submits that this case relates to Manipur. It will be convenient if taken up for hearing at Imphal. On prayer of counsel for the parties the case will be taken up at Imphal. The date of hearing shall be notified.

Member

Vice-Chairman

lm

17-3-97

Heard Mr.B.K.Sharma learned counsel appearing on behalf of the applicant also Mr.S.Ali, Sr.C.G.S.C. Mr.S.Ali submits that this case relates to Manipur. It will be convenient if the case is taken up for hearing at Imphal. Mr.B.K.Sharma does not oppose to the prayer. Accordingly, the case will be taken up on 18-4-97. The next date of hearing shall be notified later.

Member

Vice-Chairman

lm

21-4-97

In view of the order passed on 17-3-97 this case will be taken up at Imphal.

Member

Vice-Chairman

lm

2-9-97

List it at Imphal when Bench constituted there.

10

roy order

17-3-97
Restored vide order
dt 17-3-97 passed by
M.P. 50/97

W/S

W/S to the Bench

19

29-7-98

28.7.98

On physical verification...
 his case has reached pending
 fixed for hearing in D. D. D. D.
 Bench. constitute this.
 recently, there is no proposal
 D. D. D. D. Since therefore,
 since it is an old matter,
 has been placed for
 fixing a date of hearing.

lm

DS

30/7

Mr. B.K. Sharma learned counsel
 appearing on behalf of the applicant
 submits that the application is become
 infructuous. Accordingly, the applicant
 does not want to press the petition.
 The petition is dismissed as infructuous.


 Member


 Vice-Chairman

7/8/98

Copies of the order
 have been sent to the
 D/Sec. for issuing the
 order to the parties.
 Through Regd. with A/D.