

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

ORIGINAL APPLICATION NO.

24 of 1994

MISE.PETITION/CONTEMPT PETITION/REVIEW APPLICATION NO. (O.A.)

Shri A. S. Stephen.

APPLICANT (S)

VERSUS

Union of India v. 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, i
C. P. of Rs. 50/-
deposited vide
IPO/DP No. 360323
Dated 1.2.94

4.2.94.

Heard learned counsel Mr M
Chanda on behalf of Mr B.K. Sharma
for the applicant. Perused state-
ment 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-App. 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 cop-
y 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.

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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.

Shyam
Vice-Chairman

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

BC
Member

acs

BY ORDER

Shyam 24/3/94
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 count 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.

Shyam
Vice-Chairman

BC
Member

10-5-94

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

acs

Deem:

OFFICE NOTE

DATE

COURT'S ORDER

20.5.94

Learned counsel Mr B.K.Sharm for the applicant present, Sri.L.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 the Director of Census Operation, Manipur. We have directed respondent vide order dated 22.3.94 to give first 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 Sri.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, Manipur, Imphal is personally present in Court and submits in 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

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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 [redacted] in its meeting held on 26th and 27th November, 1990 and he worked till his termination with effect from 31.12.93. As he had worked continuously for three years as [redacted] temporary basis, perhaps under Central Government service Rules he had acquired a 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 the [redacted] is the only bread earner of the family. If he is allowed to continue as unemployed, after serving for three [redacted] 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

24/94 5
COURT'S ORDER

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 appointment shall remain in force till disposal of this application on merit.

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

Shagun
Vice-Chairman

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Member

By order

Govt. of
20.5.94

PG

13.6.94

Learned counsel for the parties

are present. The Deputy Director, Census Operation, Manipur, Mr H.S. Meena is also present. The applicant, Shri A.S. Stephen has now been appointed on adhoc basis v office order No.A.12021/4/93-Appt. 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.

Order d. 20.5.94 (contd)
to all concerned v/s
M/s 170-74 Dr. 26/5/94

100/200

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-Chairma

Rejoinder not filed

Ans
878

nkm

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MemberJG
13/6/

90-11-94

Memo of appearance
 has filed Mr. S. Ali,
 on behalf of union
 of Gazir leopard
 No. 1, 2.

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

Vice-Chairma

Baw

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Member

pg

19-2-97

22.1.97

This case be listed for hearing on

1) Rejoinder has not
 been submitted.

20.2.97.

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Member

Vice-Chairma

M
19/2

nkm

on
27/1

20.2.97

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

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Member

Vice-Chairma

nkm

M
10/3

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 the case is taken up for hearing at Imphal. On the prayer of counsel for the parties the case will be taken up at Imphal. The date of hearing shall be notified.

Member

Vice-Chair

lm

17-3-97

Heard Mr.B.K.Sharma learned counsel appearing on behalf of the applicant also Mr.S.Ali, learned 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-Chair

lm

Fm
27/3

21-4-97

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

Member

lm

Vice-Chair

2-9-97

List it in Imphal when Ben
constitute them.

10

any other

28.7.98

29-7-98

On physical verification, his case has been pending & fixed for hearing at Jyophil Bar Bench constitute this. Recently, there is no proposal of Jyophil. Since therefore, since it is an old matter, it has been placed for hearing a date of hearing.

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 unnecessary.

Member

Vice-Chairman

1m

AS
30/7

7/8/98

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