

0/600

15

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 71/1996.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet. OA-71/96.....Pg. 1.....to 13.....
2. Judgment/Order dtd. 05/6/98.....Pg. 1.....to 4..... Disposed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A. 71/96.....Pg. 1.....to 31.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S......Pg. 1.....to 48.....
8. Rejoinder.....Pg. 1.....to 7.....
9. Reply.....Pg. 1.....to 20.....
10. Any other Papers.....NIL.....Pg.....to.....
11. Memo of Appearance.....NIL.....
12. Additional Affidavit.....NIL.....
13. Written Arguments.....NIL.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

Additional statement facts pg-1 to-3

SECTION OFFICER (Judl.)

ORIGINAL APPLICATION
MISC. PETITION/CONFECTION/...

71/96

(C.A.)

~~Shri~~ Mamoni Kalita. PETITIONER(S)

VS.

H.O.I. Jans. RESPONDENT(S)

Mr. B.K. Sharma, B. Mehta Advocate for Applicant(s)

Mr. S. Sarma

Mr. G. Sarma, Addl. C.S.C. Respondent(s)

OFFICE NOTE

DATE

O K E E R

7.5.96

Application is in
form and within time

C. F. of Rs. 50/-

deposited vide

PO/BD No. 345818

Dated 6.5.96

C. Sarma

Learned counsel Mr B.K.Sharma for
the applicant. Mr G.Sarma, learned Addl.
C.G.S.C for the respondents.

Heard Mr B.K.Sharma, learned coun-
sel for the applicant for admission.
The applicant has impugned the office
Memorandum No.DCO(E)1/89/2102 dated
8.4.96 (Annexure-8) by which one Month
notice was given for termination of
her service. Perused the contents of the
application and the reliefs sought.
Application is admitted. Issue notice
on the respondents by registered post.
Written statement within 6 weeks.

List on 24.6.96 for written state-
ment and further orders.

Mr B.K.Sharma submits for interim
order. The appointment order dated
16.10.90 (Annexure-1), states that the
applicant was appointed on ^{temporary} purely and
ad hoc basis against the post of 1991
Census works. The impugned order dated
8.4.96 states that the order was in
pursuance of the judgment of this
Bench in O.A.No.72/95 and as per
letter dated 26.3.96 mentioned therein

OFFICE NOTE

DATE.

ORDER.

7.5.96

(Annexure-8). In the judgment dated 14.6.95 in O.A.72/95 the respondents were directed to proceed further with the case of appointment of the applicant in that O.A. as a Draftsman against the 1979 ST backlog post as advertised. In the circumstances, issue notice on the respondents to show cause as to why the interim relief as prayed for in this application should not be granted. Returnable on 21.5.96.

List on 21.5.96 for hearing and disposal of the show cause on interim relief prayer and for interim order.

Pending disposal of the aforesaid show cause on interim relief prayer the respondents are directed to allow the applicant to continue in her service as Draftsman.

Copy of the order may be served on respondents No.3 and 4 during the course of the day by messenger.

62-5-96
Member

pg

22-5-96

lm

Mr.B.Mehta for the applicant.
List for order on 23-5-96 in presence of learned Addl.C.G.S.C. Mr.G.Sarma.

62
Member

Copy of order d. 7.5.96

signed by R.N. 324

ide no. 982-84 d. 7.5.96

3

OFFICE NOTE

DATE

ORDER

23.5.96

M/S B.Mehta and S.Sarma for the applicant. Mr G.Sarma, Addl.C.G.S.C for the respondents.

Show cause on interim relief prayer has not been submitted. Mr G.Sarma requests for further time for submission of show cause.

List on 3.6.96 for disposal of show cause and further orders.

[Signature]
Member

28.5.96

pg

W/s filed on behalf of Respondents.

3-6-96

Learned counsel Mr.B.K.Sharma for the applicant. Learned Addl.C.G.S.C. Mr.G.Sarma for the respondents.

Mr.B.K.Sharma submits that he may be granted short adjournment to enable him to submit a reply to the show cause/ written statement submitted by the respondents. He also submits that the respondents may be directed to produce the records on the basis of which it has been contended that the applicant was allowed to continue against the 1979 ST backlog post.

List for order on 10-6-1996.

The respondents are directed to produce the records on 10-6-1996 to show that the post presently occupied by the applicant is meant for the ST backlog of 1979.

[Signature]
Member(A)
[Signature]
Member(J)

lm

30.5.96

Notice duly served on Respondent No. 1.

Ban

4.6.96

Copy of order dt. 3.6.96 issued to the Respondents.

Ban

DA 21/96

OFFICE NOTE

DATE

ORDER

10-6-96

Mr.B.K.Sharma for the applicant.
Mr.G.Sarma Addl.C.G.S.C. for the
respondents. Rejoinder has been submit-
ted by Mr.B.K.Sharma for the applicant.
Mr.G.Sarma seeks time to submit reply
to the same. Adjourned to 14-6-96,
for order.

Member(A)

Member(J)

lm

14-6-96

None for the applicant. Mr.G.Sarma,
Addl.C.G.S.C. for the respondents. Mr.Sarm
has submitted additional information state
to be in compliance with the information
sought by this Tribunal vide order dated
3-6-96 together with statement of reser-
vation carried forward from the previous
years.

Adjourned to 21-6-96 for order.

Member(A)

Member(J)

lm

21-6-96

Mr.G.Sarma Addl.C.G.S.C. is present.
None for the applicant. Mr.Sarma has sub-
mitted reply to the rejoinder. Copy of the
same may be served to the opposite party.

List for order on interim relief
on 26-6-96.

Member

lm

10-6-96

Rejoinder filed
by the applicant.

24-6-96

Reply of rejoinder
filed by the Applicant
at 83-100

OFFICE NOTE

DATE

ORDER

26.6.96

Learned counsel Mr B.K. Sharma for the applicant. Mr G. Sarma, learned Addl. C.G.S.C. for the respondents submits a letter dated 25.6.96 giving information about the continuance of the applicant in the service after 31.12.1993. This may be placed in the file.

By consent adjourned for orders to 28.6.96.

Member

nkm

28.6.96

Leave note of Mr B.K.Sharma. Mr G.Sarma, Addl. C.G.S.C for the respondent Mr D.S.Bhattacharjee requests for short adjournment on behalf of Mr B.K.Sharma.

Adjourned for order to 1.7.96.

Member

pg

1.7.96

Learned counsel Mr B.K.Sharma for the applicant. Learned Addl.C.G.S.C Mr G. Sarma for the respondents.

In the order dated 7.5.96 the respondents were directed to show cause as to why the interim relief prayer prayed by the applicant in the O.A. should not be granted. Pending disposal of the show cause the respondents were directed to allow the applicant to continue in her service as Draftsman till disposal of the show cause. Learned Addl.C.G.S.C Mr G. Sarma has made his submission and fervently argued for vacating the interim order dated 7.5.96 as the respondents are facing administrative difficulties if the applicant is continued in service. In support

contd..

OFFICE NOTE

FILE

ORDER

1.7.96

of his contention Mr G.Sarma has briefly narrated the facts. He points out that the applicant was appointed as a Draftsman on 16.10.90 in the office of the Director of Census Operation, Assam, Guwahati against a purely temporary post created specially in connection with 1991 census work. This post would be abolished on completion of the work. The incumbent appointed against this post will also be retrenched on abolition of the post. The appointment of the applicant was purely adhoc in nature and was likely to be terminated on or before 28.2.91 or the extended period, as the case may be by giving one months' notice from either side or one month's salary in lieu thereof. Extension had been allowed and the applicant was to have continued in service till 31.12.93 only when, according to the respondents, the posts relating to the 1991 census work were abolished. However, the applicant was allowed to continue in her service beyond 31.12.93 on purely temporary and adhoc basis against a regular vacancy reserved for ST due to non availability of ST candidate. The above vacancy was to be occupied by ST candidate. Appointment to this post was to be made through Staff Selection Commission and ultimately one ST candidate was selected for appointment. This ST candidate was due to be appointed in the light of the order dated 14.6.1995 of this Tribunal in O.A.72/95. Therefore, since there was no vacancy for her the service of the applicant was sought to be terminated vide notice No.DCO(E)/1/89/2102 dated 8.4.96. There is also no other vacancy available at present against which the applicant can be accommodated.

contd..

OFFICE NOTE

DATE

ORDER

1.7.96

Mr B.K.Sharma, learned counsel for the applicant, has resisted the contention of the respondents. According to him the applicant was not informed that her service was to be terminated on 31.12.93 or that she was continued in service beyond that date temporarily in the post meant for ST candidate. As a result she could not take any legal action on 31.12.93 and an incongruous situation has arisen that the Draftman junior to her are still continuing in service by virtue of the stay order dated 30.12.93 in O.A.270/93 but the applicant who is a senior most amongst them should remain out of job if the interim relief prayed is not granted or the stay order dated 7.5.96 is vacated. He submits that such situation should not exist and in this connection he refers to the judgment dated 30.4.1996 of the Hon'ble Supreme Court in Civil Appeal No.7598 of 1996 in Smt. Moni Roy vs. State of Assam and others. In the circumstances Mr Sharma submits that there is no justification to vacate the stay order rather an order may be issued to the effect that the applicant should be retained in service in the same manner as those applicants in O.A.270/93.

Heard counsel of both sides. It has clearly transpired that the applicant was not informed that she was continued in service temporarily after 31.12.93 against the ST post. Thus it is hereby ordered that the applicant is entitled to a stay order. Accordingly the operation of the impugned order No.DCO(E)1/89/2102 dated 8.4.96 (Annexure-8) is stayed till disposal of this application. It is however made clear that this interim order is without prejudice

contd..

8

O.A. 71/96

OFFICE NOTE

DATE

ORDER

1.7.96

to the order dated 14.6.95 of this Tribunal in O.A.72/95 and shall not in any way prevent the respondents from implementing the order dated 14.6.95 in O.A.72/95 aforesaid.

The case is ready for hearing. List for hearing on priority basis and alongwith O.A.270/93 on 8.7.96.

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

60
Member 1.7.96

pg

OFFICE NOTE

DATE

ORDER

8.7.96

None present. List for hearing on
6.8.96.

ba
Member

nkm

6.8.96

Mr S.Sarma for the applicant. Mr
G.Sarma, Addl.C.G.S.C for the respondents
List for hearing on 3.9.96.

ba
Member

pg

3.9.96

Mr G.Sarma, Addl.C.G.S.C for the
respondents.

List for hearing on 4.10.96,

ba
Member

pg

4-10-96

Mr.B.K.Sharma counsel for the
applicant. List for hearing on 20-11-96.

ba
Member

lm

18.3.97

The case is ready for hearing. Let the
case be listed for hearing on 1.5.97.

ba
Member

JB
Vice-Chairman

nkm

Notice duly served
in O.P.No. 1.
Applicant - by him
b/w
Respondent & reply
of the Respondent
by him b/w.
10

75. Respondent &
reply of Respondent
by him b/w.
14

10

O.A. 71 of 1996

1.5.97

On the prayer of Mr. B.K.Sharma, learned counsel appearing on behalf of the applicant hearing is adjourned till 3.6.1997.

List on 3.7.1997 for hearing.

2.6.97

The case is ready for hearing.

2/6

Member

Vice-Chairman

trd

Memo of appearance not yet filed. 2/5

2/6

3.6.97

Mr G. Sarma, learned Addl. C.G.S.C., prays for two weeks time to receive instructions. Mr B.K. Sharma has no objection for adjournment.

Let the case be listed for hearing on 23.6.97.

Member

Vice-Chairman

24-7-97

nkm

Memo of appearance filed by Mr. G. Sharma Addl. C.G.S.C.

23.6.97

Heard in part. List for further hearing on 31.7.97.

Member

Vice-Chairman

nkm

W/S, Rejoinder and reply to the Rejoinder has been filed. 25/6

31-7-97 Left over. List on 22-8-97. By order.

22-8-97

On the prayer of Mr.G.Sarma, learned Addl.C.G.S.C. the case is adjourned to 4-9-97.

Member

Vice-Chairman

W/S. Rejoinder and reply to the Rejoinder has been filed.

W/S, Rejoinder and reply to the Rejoinder has been filed. 1m

4.9.97

Paran on in 2/5

Letter on 2/5

(11) GA 71/96

W/S, Rejoinder to
Reply to his Rejoinder
has been filed.

18.9.97 Adjourned to 1.10.97.
By order.

17/9

1-10-97

On the prayer of counsel for
the parties case is adjourned till
18-11-97. for hearing.

W/S, Rejoinder to
Reply to his Rejoinder
has been filed.


Member


Vice-Chairman

17/9

lm
3/10

17-11-97

18.11.97

On the prayer of the counsel for
the parties the case is adjourned till
24.11.97 as another case of similar
nature is fixed on that day.

W/S and Rejoinder
has been filed.
Memo of appearance
has been filed.


Member


Vice-Chairman

17/9

pg
19/11

W/S and Rejoinder
has been filed.
Memo of appearance
has been filed.

24.11.97 Adjourned to 5.12.97.
By order.

17/9

W/S and Rejoinder has
been filed.

5.12.97 There is no division Bench
today. Adjourned to 10.12.97.
By order.

11/12

W/S and Rejoinder has
been filed.

10.12.97 There is no division
Bench. Adjourned to 20.1.98.
By order.

8/12

W/S and Rejoinder has
been filed.

12
O.A.71/96

20-1-98

There is no representation on behalf of the parties. Case is adjourned till 12-2-98 for hearing.

12/2
Member

Sh
Vice-Chairman

lm
ms
2/1/1

12.2.98

Let this case be listed for hearing on 19.2.98.

pg
Member

Sh
Vice-Chairman

19.2.98

Prayer on 15 day.

By order

20.2.98

Mr B.K.Sharma, learned counsel for the applicant is in bereavement. Therefore, he is unable to appear before this Tribunal.

The case is adjourned to 2.3.98.

27/2
Member

Sh
Vice-Chairman

3-3-98

pg

ms
23/2

2-3-98

On the prayer of counsel for the parties case is adjourned till 5-3-98.

3.3
Member

Sh
Vice-Chairman

lm
ms
3/3

(13)

Notes of the Registry	Date	Order of the Tribunal
<p>w/s, Addl. statement of facts in rejoinder has been filed.</p> <p>Rejoinder has not been filed on Addl. statement.</p> <p>18/3</p>	5.3.98	<p>The learned Central Government Standing Counsel submits that additional statement of facts has been submitted in this case and it is necessary for him to file a rejoinder. Accordingly he prays for ten days time. The learned counsel for the other side have no objection. Let the case be listed on 19.3.98.</p> <p>Member</p> <p>Vice-Chairman</p>
<p>Rejoinder on Addl. statement - ab facts has not been filed.</p> <p>14</p>	<p>nkm 15 9/3</p> <p>19.3.98</p>	<p>Leftover List on 2.4.98. By order.</p>
	2.4.98	<p>Heard the learned counsel for the parties. Hearing concluded. Judgment reserved.</p> <p>Member</p> <p>Vice-Chairman</p>
<p>18.6.98</p> <p>Copies of the Judgement have been sent to the D/Sec. for issuing the same to the parties through Regd. with A/D.</p> <p>18.</p> <p>Copies of the Judgement & Order has been receipt. and issued vide Res. No. 1643 to 1647 dt. 19.6.98</p>	<p>nkm</p> <p>5-6-98</p> <p>lm</p>	<p>Order delivered in open Court. Kept in separate sheets. Application is disposed of. No order as to costs.</p> <p>Member</p> <p>Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
<p> <i>[Faint, illegible text in the first column, possibly bleed-through from the reverse side of the page.]</i> </p>		<p> <i>[Faint, illegible text in the second column, possibly bleed-through from the reverse side of the page.]</i> </p>

17

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

O.A.No. 71 of 1996.

DATE OF DECISION...5-6-1998.....

Smt Manoni Kalita

(PETITIONER(S))

Sri B.K.Sharma.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Sri G.Sarma, Addl.C.G.S.C

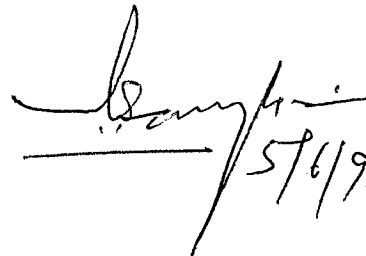
ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE CHAIRMAN.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.


5/6/98

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 71 of 1996.

Date of Order : This the 5th Day of June, 1998.

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

Shri G.L.Sanglyine, Administrative Member.

Smt. Mamoni Kalita,
working as Draftsman in the office of the
Director of Census Operation, Assam,
Ulubari, Guwahati-7.

. . . Applicant

By Advocate Shri B.K.Sharma.

- 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,
Census Operation,
2/A Mansing Road,
New Delhi-11.
3. The Director of Census Operation,
Assam, Ulubari, Guwahati-7.
4. The Deputy Director of Census Operation,
Assam, Guwahati-7.

. . . Respondents.

By Advocate Sri G.Sarma, Addl.C.G.S.C.

O R D E R

G.L.SANGLYINE, ADMINISTRATIVE MEMBER

The applicant was appointed on 16.10.1990 temporarily as Draftsman in the office of the Director of Census Operations Assam, Guwahati. It is stated in the appointment letter that the post was purely temporary created specially in connection with 1991 Census works and would be abolished on completion of the work and the incumbent will be retrenched and Govt. would have no liability thereafter. The appointment was adhoc in nature and can be terminated by giving one month's notice from either side or one month's emolument in lieu thereof.

The applicant accepted the offer of appointment and joined in the post on 19.10.1990. She continued in the post till on 8.4.1996. The respondent No.4 in the office of Respondent No. 3 issued a notice dated 8.4.1996 which reads as below :

"With reference to this Office's Order No. DCO(E)1/89/11377 dated October 16, 1990 Smt. Mamoni Kalita, Draftsman in this office is hereby served one month's termination of service notice from the date of issue of this O.M. in view of the judgment of the Central Administrative Tribunal in O.A.No.72/95 and as per ORGI, New Delhi's letter No. 27/31/95-Ad.IV dated 26.3.1996."

This is impugned by the applicant in this O.A. before us.

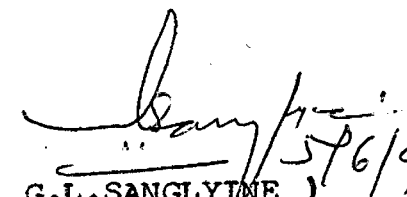
2. We have heard learned counsel of both sides. In the view we are taking in this O.A. we need not elaborate their contentions. We are of the view that this is a case where the respondents are unable to explain the facts clearly before us. According to the appointment letter the applicant was appointed temporarily and on adhoc basis as a Draftsman against a temporary post created specially in connection with the 1991 census. We however, find from the sanctioning orders furnished by the respondents that 4 posts of Draftsman (3 by order dated 6.4.1990 and 1 by order dated 21.1.1990) were created for the 1991 census. According to the respondents these posts were occupied by the 4 applicants in O.A. 270/93. These posts were abolished with effect from 31.12.1993. It has not been clarified before us how then the applicant was appointed against the 1991 census post of Draftsman. Further, the impugned notice dated 8.4.1996 has sought to terminate the service of the applicant on the ground of implementation of the order dated 14.6.1995 passed by this Tribunal in O.A.72/95. In that O.A the respondents were directed to appoint one Sibadhar Kuli, a member of Scheduled Tribe against a backlog Scheduled Tribe quota of 1979 which

was carried forward from year to year since that year. The respondents claim that the present applicant occupied the Scheduled Tribe post after 31.12.1993 on which date the 1991 census posts were abolished and therefore she had to go out in order to accommodate Shri Kuli. They also claim that senior Artist A.Singh, a regular Artist died on 14.12.1992 and Minu Kalita could continue as Artist after 31.12.1993 in his place. The applicant, Mamoni Kalita, was allowed to continue in the resultant vacancy. From the records produced before us we do not however find that late Singh, Artist, officiated in the post of senior Artist created specially for the 1991 census. On the other hand, we find that Smt. S.K.Chetia, senior Draftsman, officiated in the post of senior Artist of 1991 census according to the office note dated 1.12.1993. The respondents have sought support from the roster of the cadre of Draftsman to justify their claim that the applicant was appointed against a Scheduled Tribe backlog vacancy of 1979 but we find that even this roster is not clear. According to the roster on 24.12.1979 one M. Kalita was appointed against point No. 10 which was reserved for Scheduled Tribe. Perhaps this M.Kalita was Minu Kalita and the respondents claim that the applicant had continued after 31.12.1993 in place of Minu Kalita as stated earlier. But in 1990 it is seen that Mamoni Kalita who was appointed on 19.10.1990 was against point No. 13 ~~unreserved~~. The net result is that it is not clear whether the applicant was appointed against a 1991 census post or against the 1979 ST backlog post. We had adjourned the hearing from time to time to enable the respondents to produce the relevant records but they had fought shy to produce the relevant

order sheet/note sheet before us to show how their mind was applied to the relevant facts at the time of appointing the applicant in 1990 or at the time of her alleged retention after 31.12.1993 against a reserved post. In this circumstances we dispose of this O.A. with a direction to the respondents, particularly the Director, Census Operations, Assam to scrutinise the matter once again and come to an appropriate conclusion based on the relevant facts and rules. For this purpose we hereby set aside the impugned order dated 8.4.1996. A fresh order giving details and reasons may be issued by the respondents, if necessary after such scrutiny. The applicant is also at liberty to approach an appropriate forum if she is aggrieved with the fresh order. Till such order is issued the service of the applicant shall not be disturbed.

The application is disposed of. No order as to costs.


(D.N. BARUAH)
VICE CHAIRMAN


(G.L. SANGLYINE)
ADMINISTRATIVE MEMBER
576/98

6 MAY 1996

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

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

Title of the Case : O.A. No. 71 of 1996

Smt. Mamoni Kalita ... Applicant

- Versus -

The Union of India & Ors. ... Respondents

I N D E X

<u>Sl.No.</u>	<u>Particulars of the documents</u>	<u>Page No.</u>
1.	Application ...	1 to 17
2.	Verification ...	17
3.	Annexure-1 ...	18
4.	Annexure-2 ...	19
5.	Annexure-3 ...	20
6.	Annexure-4 ...	21
7.	Annexure-5 ...	22
8.	Annexure-6 ...	24
9.	Annexure-7 ...	25
10.	Annexure-8 ...	26
11.	Annexure-9 ...	27
12.	Annexure-10 ...	30 & 31
13.	W/S on behalf of Respondts.	32 - 75
14.	Rejoinder on behalf of Applicant.	76 - 82

For use in Tribunal's Office :

Date of filing : 6.5.96
Registration No. : 8A-71/96

REGISTRAR

Recd Copy
606/ Samma.
Bad CASC
CA T.
GUWAHATI.
6/5/96

O.A. No. 71 of 1996

BETWEEN

Smt. Mamoni Kalita, working as
Draftsman in the office of the
Director of Census Operation, Assam,
Ulubari, Guwahati-7

... Applicant

AND

1. Union of India,
represented by the Secretary to the
Government of India,
Ministry of Home, New Delhi.
2. The Registrar General of India,
Census Operation,
2/A, Man Singh Road,
New Delhi-11.
3. The Director of Census Operation,
Assam, Ulubari, Guwahati-7
4. The Deputy Director of Census Operation,
Assam, Ulubari, Guwahati-7.

... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH
THE APPLICATION IS MADE :

The instant application is directed against the
threatened action of the respondents to terminate the
services of the applicants with effect from 8.5.96
and against the O.M. No. DCO(E)/1/89/2102 dated 8.4.96.

2. JURISDICTION OF THE TRIBUNAL :

The applicants declare that the subject matter of
the order against which she wants redressal is within
the jurisdiction of this Hon'ble Tribunal.

Contd...P/2.

20
H. L. Sarmah
Secretary
6/5/96

3. LIMITATION :

That applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE That:

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

4.2 That the applicant was ^{sponsored} ~~appointed~~ by the employment exchange for being appointed as Draftsman in the office of the Director of Census Operation, Assam, Guwahati. Pursuant to such sponsorship, the applicant alongwith many others were invited for interview,. The said interview consisted of both practical and viva-voce. Eventually, the applicant was selected for being appointed as Draftsman.. Be it stated here that she ~~was~~ is a diploma holder in Draftsmanship. After such selection of the applicant, she was issued with appointment order. The applicant was appointed vide office order dated 16.10.90 issued under Memo No. DCO(E)/1/89/11377. Pursuant to such appointment order, which was preceded by necessary police verification and medical check up, the applicant joined her post immediately on receipt of the office order and since then she has been continuing in her post without any interruption. Eversince her such appointment, she has been discharging her duties to the satisfaction of all concerned and at no point of time, she has been communicated with any adverse remarks.

Copy of the aforesaid appointment order is annexed herewith as ANNEXURE-1.

3.3 That though in the appointment, order it has been stated that the post is purely temporary and created specially in connection with 1991 census work, the applicant has all along been treated as regular employee and in the process, she has also earned increments, bonus and all other service benefits. Her service books has also been opened. It will be seen from her appointment order that no time limit has been given for her continuance in service unlike many others who have also been appointed in some other posts alongwith the applicant. In this connection, mention may be made of office order issued under Memo No.DCO(E) I/89/Pt.I dated 3.6.93 by which one Shri Jiban Malakar was appointed in Computer mentioning specially in the order itself that the appointment is to continue upto 31.12.93 only. Be that as it may in her appointment, order, her service although was stated likely to continue upto 28.2.91, nevertheless, she has been continuing in her service till date uninterruptedly with all service benefits like any other regular incumbents.

A copy of the said order dated 3.6.93 is annexed herewith as ANNEXURE-2.

4.4 That as has been stated above, the applicant has been holding her post receiving all the service benefits like that of any other permanent Government employees. Her name has been appeared in the final seniority list as was circulated vide letter No.DCO(E) 171-74/16361 dated ~~25.9.91~~ 25.9.91.

A copy of the said Gradation List is annexed herewith as ANNEXURE-3.

Contd...P/4.

4.5 That the applicant states that the census operation throughout the country are taken up at the interval of every 10 years and as such, operation generally and normally continue since the new census operation is taken up. The incumbents who are appointed more particularly in the cadre of draftsman have never been retrenched on the ground of completion of census works. In this connection, mention may be made of the appointment of one Miss. Minu Kalita who was appointed during census operation of 1980 vide order issued under Memo No. DCO(E)-21/78/14004-11 dated 12.12.79. It will be pertinent to mention herethat due to the Assam Agitation the census operation of 1980 could not be taken up. However, the said Miss Minu Kalita continued to hold ^{the post in} the office of the Director of Census Operation, and she has been continuing till today.

12.12.79

*x6. A copy of the said order dated ~~31.3.93~~ is annexed herewith as ANNEXURE-4.

4.6 That the applicant has come to know that the service of some of the members of the staff have been dispensed with effect from 31.12.93. As has been stated above, in the appointment letter of the applicant, it was specifically mentioned that ~~that~~ such appointments ~~of the applicant~~ are on ad-hoc basis and will continue only upto 31.3.93. However, in the case of the applicant, there was no such mention. Furthermore, never before the draftsman who have been appointed during the census operation have been terminated. and they are still continuing in their services. Many of them have even been promoted.

4.7 That the applicant states that the office of the respondent No. 3 has drawn up a tentative programme of mapping at DCO, Assam for 1991 Census in the level of draftsman/senior draftsman/artist/senior artist etc. by its letter dated 28.12.83. A bare perusal of the said programme reveals that the various works relating to the said Census are yet to be completed meaning thereby that there is still requirement of draftsman. Such a position is further fortified from the fact that the respondent No. 4 has already issued a telegram to the respondent No. 2 making a request thereby for extension of all the posts created against 1991 census beyond 31.12.93. In the said telegram, it has been clearly mentioned about the pendency of huge mapping works relating to District Census Handbook and other related projects and as to ~~wh~~ how any shortfall will seriously dislocate mapping works, From this documents, it will be seen that there is still requirement of the posts of draftsman to be continued.

Copies of the said programmes dated 28.12.93 and the telegram dated 17.12.93 are annexed herewith as ANNEXURES-5 and 6 respectively.

4.8 That the applicant states that apart from the aforesaid factual position, it is further evident from the fact that an interview was held by calling upon the candidates sponsored by Employment Exchange for the post of Draftsman. As has been stated above, the applicant was also sponsored by the Employment Exchange and after her due selection, by a powerful selection committee she was appointed as Draftsman. Naturally after such selection and appointment, her name has been scored out from the list maintained by the

Employment Exchange and accordingly, she did not get any opportunity to appear before the said interview for the post of Draftsman. She was also not invited as departmental candidate to appear in the said interview.

A copy of the said interview letter dated 11.11.93 is annexed herewith as ANNEXURE-7.

4.9 That the applicant states that like before the 1991 census operation will continue till final census report and by the time, the report is prepared and the works analogous to that are completed the new census operation are taken up and eventually the employees who are appointed for a particular census work are allowed to continue. In the instant case, as could be gathered the works relating to draftsmanship are yet to be completed and hardly 20% of the same are over by now. As has been pointed out above, the earlier batchmate of the applicant are still continuing in their service and had not been terminated. Furthermore, the requirement of draftsman is expected on the fact of it inasmuch as some more incumbents are being recruited.

~~4.10~~ Thus unlike the other cases of other cadres, the case of the draftsman are different and their services are till required and will continue to be required. In such a situation, 4 draftsmen being threatened with termination of service approached this Hon'ble Tribunal by filing O.A. No. 270/93 and on the strength of an interim order, they are continuing in their services much to the relief not only of the applicant, but to the local authority also inasmuch as ~~the~~ they are indispensable. They are now ~~sanctioned posts~~ continuing in their services against the sanctioned posts.

Contd...P/7.

4.10 That the fact that the services of the draftsmen are required under the respondents No.3 and 4 is further fortified from the fact that the service of the applicant was not terminated unlike others and thus she had no occasion to approach this Hon'ble Tribunal. Although she was stated to be appointed on adhoc basis in connection with census work of 1991, however, there being requirement her service has been continued against a general post. It will be pertinent to mention here that in O.A. No. 270/93 initially there was 4 applicants but eventually one of them has withdrawn from the case and the stay order is in operation in respect of 3 applicants only.

MINU

4.11 That the applicant states that one Mr. A. Singh, Draftsman was promoted to the next higher post of Senior Artist. The resultant vacancy is still lying vacant. Be it further stated here that never before the post of Draftsman has filled up through Staff Selection Commission. The posts are filled up through Employment Exchange sponsored candidates. The applicant was also appointed being sponsored by Employment Exchange and through a process of selection as stated above. Going by the factual aspect of the matter, and by efflux of time, the applicant has become a regular employee and her services cannot be dispensed with in violation of Article 311 of the Constitution of India and the basic principles of service jurisprudence involving a regular incumbent.

4.12 That the applicant was shocked to receive the impugned order No.DOO(E) 1/89/2102 dated 8.4.96 stating the same to be a termination notice of one month meaning thereby that she will be no longer in service on expiry of one month

1.e. w.e.f. 8.5.96. In the said order such a notice is stated to be in view of judgment in O.A. No. 72/95 and as per ORGI, New Delhi's letter mentioned therein.

A copy of the order dated 8.4.96 is annexed as ANNEXURE-8.

4.13 That since the impugned order stated to have been issued in view of the judgment in O.A. No. 72/95, the applicant made enquiries in the office of this Hon'ble Tribunal to find out as to whether there is any such Judgment pursuant to which her service is required to be terminated and that too in which she was not heard, being not made a party. On such enquiry, she has come to know that one Shri Sibhadhar Kuli filed O.A. No. 72/95 making a grievance against the non-appointment even after his selection by the S.S.C. In this judgment, delivered, this Hon'ble Tribunal directed the respondents to appoint the said Sri Kuli to the post of draftsman against the 1979 S.T. backlog post in that was advertised by the S.S.C.

A copy of the Judgment dated 14.6.95 is annexed herewith as ANNEXURE-9.

4.14 That the applicant has also come to know that the respondent No. 4 filed M.P. No. 84 of 1995 in the said disposed of O.A. stating inter alia that the respondents are not in a position to implement the judgment inasmuch as the post pertained to 1981 temporary census posts. The Hon'ble Tribunal with a reasoned order rejected the ?P. holding that the post in question was 1979 backlog meant for S.T. candidates

A copy of the order dated 9.11.95 is annexed herewith as ANNEXURE-10.

4.15 That the applicant states that nowhere in the above order there is any indication that the service of the applicant should be terminated to accommodate said Sri Kuli. Rather there is enough indication in the judgment ~~that~~ and order that Sri Kuli is to be appointed against an S.T. backlog vacancy of 1979. The applicant emphatically asserts that she was appointed against a general category vacancy and not against any S.T. vacancy. The relevant record will bear the testimony to the same for which a direction may please be issued towards production of the same. It is a clear case of victimisation and the applicant has been made a scape goat. As pointed out above, there are vacancies of the post of draftsman and against one such vacancy meant for general category candidate, she has been appointed pursuant to her regular selection, her candidature having been sponsored by the Employment Exchange. In any case, there is no earthly reason as to why she should not be allowed to continue in her service when other similarly situated have been allowed to continue. Further, as pointed out above, there are posts of Draftsman as well as further requirement which will justify and warrant continuance of the services of the applicant.

4.16 That the applicant states that the respondents never took the plea before this Hon'ble Tribunal in O.A. No. 72/95 that said Sri Kuli was not appointed because of the post being held by the present applicant, however, now they have sought ~~for that~~ to take a plea in the said manner and for that reason the impugned order is stated to be issued in view of the judgment in the said O.A.No.72/95 the respondents cannot go on taking different pleas on different occasions so as to suit their own purpose and ~~be~~

Drafts 31-12-93
General Post
Continuation after
31-12-93 whether
S.T. post?
Her continuation
order?

hereby cannot ~~appropriate~~ approbate and reprobate. In the instant case, the services of the applicant is sought to be terminated by adopting such an attitude of approbate and reprobate and in the process the respondents have even gone to the extent of shifting the burden on the Hon'ble Tribunal itself towards implementation of the judgment in O.A. No. 72/95 and thereby have sought to terminate the services of the applicant which is quite illegal and arbitrary.

4.17 That the applicant states that even if it is held that the implementation of the judgment in O.A. No. 72/95 the same cannot be done inasmuch as a plea nor the applicant was a party to the said proceeding. If such a position is upheld, there will be complete violation of principles of natural justice. It is the case of the applicant, that she was never appointed against any S.T. vacancy requiring termination of her service towards accommodating said Sri Kuli. It is the definite case of the applicant that she was appointed against one of the general category vacancy. Further, as pointed out above, there was at least two vacancies caused by promotion of one Mr. A. Singh and withdrawal of one of the applicants from Case No. O.A. 270/95.

4.18 That the applicant states that it is not the case of the respondents that her service is sought to be terminated on the ground that she is an adhoc appointee or that 1991 census operation has ~~been~~ come to an end meaning thereby that her service and for that matter services of draftsmen are still required but her service is required to be dispensed with to accommodate said Sri Kuli. From the factual aspect of the matter as pointed out above, her service cannot be

terminated in the manner as has been sought to be done in the instant case. It will be pertinent to mention here that the applicant was appointed against general category post as will be evident from the roaster maintained in the office and at no point of time she was even told that she has been accommodated or reappointed against any S.T. vacancy. Thus the whole action of the respondents in issuing the impugned order is utterly perverse and illegal and ~~impugned order~~ liable to be set aside and quashed.

5. ~~FACTS~~ GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the respondents have issued the impugned order mala fide and in colourable exercise of power inasmuch as the applicant was never appointed against any S.T. vacancy nor such a plea was taken by the respondents in O.A. No. 72/95. Even in the subsequent M.P. respondents never took such a plea as has been sought to be taken in the impugned order.

5.2 For that the respondents cannot approbate and reprobate in their stand so as to suit their own purpose.

5.3 For that even if it is held that the impugned order has been issued towards implementation of the judgment in O.A. No. 72/95, same is not sustainable inasmuch as the applicant was not a party to the proceeding nor she was given any hearing towards disposal of the said O.A.

5.4 For that it is the definite case of the applicant that she was appointed against a general category vacancy and thus her service cannot be terminated so as to accommodate an S.T. candidate. Even otherwise also there are vacancies

in which the applicant can very well be accommodated.

5.5 For that other similarly situated draftsmen having been continued in their services, there is no earthly reason as to why the applicant should also not be allowed to continue in her service.

5.6 For that the applicant by now having rendered more than 6 years of service, she has attained atleast quasi permanency in her status if not the status of a regular incumbent and accordingly her service cannot be terminated in violation of Article 311 of the Constitution of India.

5.7 For that if the services of the applicant is allowed to be terminated in the manner as has been sought to be done same will be violative of Articles 14 and 16 of the Constitution of India.

5.8 For that the services of the applicant cannot be dispensed with so as to accommodate another person. In the Judgment and order passed in O.A. 72/95, this Hon'ble Tribunal clearly indicated that the vacancy in which the applicant there is is required to be accommodate a 1979 backlog vacancy and there is necessity to disturb the applicant in other cases. Thus the applicant could not have been disturb by issuing the impugned order more particularly when pleas as has been taken ~~xxxx~~ in the impugned order was not taken before the Hon'ble Tribunal.

5.9 For that the respondents cannot take the plea that her services is required to be dispensed with in view of the judgment in O.A. 72/95 meaning thereby that there is

a direction of this Hon'ble Tribunal towards ^{termination} ~~implication~~ of services of the applicant. Whereas there is no such direction of this Hon'ble Tribunal. On the other hand there is enough indication hat the applicant in O.A. 72/95 should be accommodated against the 1979 backlog vacancy.

5.10 For that 1979 back log vacancy could not have been carried forward for almost 17 years and by efflux of time the said post deemed to be dereserved in favour of the generally category candidate in absence of any S.T. candidate. Thus the real and legal proposition of carrying forward of back log vacancy meant for reserved category candidate. This aspect of the matter having not been considered by the Hon'ble Tribunal in O.A. No. 72/95 same is required to be reviewed more particularly when the applicant was not a party to the said proceeding and she was not heard.

5.11 Because the applicant cannot be ousted from her service in the manner as has been sought to be done in the instant case in as much as ~~as~~ ~~since~~ she regularly recruited after due interview and in her appointment order also there was no mention that her service would be terminated with effect from 31.12.93.

5.12 Because the continuance of the post against which the applicant has been working is required which position is accepted on the face of it inasmuch as the respondent No. 3 has already issued telegram to that effect and certain fresh recruitment are also being made.

5.13 For that the after treating the applicant as regular government employee, the respondents have made them to work

as per the promise made out and now they cannot turn down the same and put the service interest of the applicant in jeopardy in violation of the principles of promissory estoppel.

5.14 For that after continuing for more than 6 years, like any other permanent government employees as per the promise made out by the respondents it is a legitimate expectation of the applicant that she would be vested with all service benefits, but instead against her such legitimate expectation, she is now being threatened with termination of her services and that too without any notice.

5.15 For that the applicant cannot be treated as ~~as~~ at par with that of the other incumbents in other cadre inasmuch as in her case, it was never mentioned and/or indicated that her service would be terminated like that of others with effect from 31.12.93.

5.16 For that from their own showing there is still requirement of the post being held by the applicant for which the respondent No. 3 has even issued telegram to the respondent No. 3 for continuance of the said post and accordingly, the impugned action on the part of the respondents is arbitrary.

5.17 For, that never before in any of the census operation, the draftsman who were appointed have been terminated on the ground of ~~xxx~~ census work as has been sought to be done in case of the applicant only. And accordingly, if such

threatened action on the part of the respondents is allowed to stand same will be violative of the Articles 14 and 16 of the Constitution of India.

5.18 For that the applicant after her appointment as draftsman has lost many a chance to get appointment elsewhere inasmuch as after her such appointment, her name has been scored out from the list maintained by the Employment Exchange.

5.19 For that the applicant has already crossed the prescribed age limit for any Central Government employment and now she is ~~is~~ being threatened with termination of her services and that too after making out a promise to her and in the process she has also been deprived of fresh recruitment in the same department inasmuch as her name has already been scored out from the list maintained by the Employment Exchange, for which her name would have ~~been~~ also been sponsored by the employment exchange and ~~she would also~~ she also could take a chance to compete with others.

5.20 For that justice and equity demand that the applicant should not be ~~thrown~~ out from her present employment and accordingly, judicial interference is called for from this Hon'ble Tribunal.

5.20 For that in any view of the matter, the impugned action of the respondents are not sustainable..

6. DETAILS OF REMEDIES EXHAUSTED :

The applicant declares that they have got no other alternative and efficacious remedy than to approach this Hon'ble Tribunal.

Contd...P/16.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The applicant further declares that she had not filed previously filed any application, writ petition or suit regarding the matter in respect of which the application has been made before any Court of law, or any other authority and/or other Bench of the Hon'ble Tribunal and/or any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT :

Under the facts and circumstances of the case, the applicant prays that the instant application be admitted, records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of the records, the Hon'ble Tribunal may be pleased to grant the following reliefs :

8.1 To direct the respondents ~~to~~ not to terminate the service of the applicant and to allow her in her service like any other government employee with all consequential benefits.

8.2 To quash and set aside the order dated 8.4.96(Annexure-8)

8.3 Any other relief or reliefs to which the applicant is entitled ~~to~~ under the law and equity.

9. INTERIM ORDER PRAYED FOR :

Pending disposal of the case, the applicant prays that an interim order may be pleased to be issued directing the respondents not to terminate the services of the applicant and to allow her in her service as before and further be pleased to stay the impugned order dated 8.4.96(Annexure-8).

10.

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O.

(i) I.P.O. No. 8.09.345818

(ii) Date 6.5.96

(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

V E R I F I C A T I O N

I, Smt. Mamoni Kalita, working as Draftsman in the office of the Director of Census Operation, Assam, Guwahati-7, do hereby verify and state that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge ; those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts.

And I sign this verification on this the 6th day of May 1996 at Guwahati.

Mamoni Kalita

18-

फोन, कार्यालय
Phone, Office 31954

NO. DCO(E)/1/89/ 11377

GOVERNMENT OF INDIA

गृह मंत्रालय

ANNEXURE - 1

MINISTRY OF HOME AFFAIRS: GRIHA MANTRALAYA

कार्यालय असम जनगणना निदेशक

OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, ASSAM

जि० एस० रोड, उलुवारी, गुवाहाटी 781007

G. S. ROAD, ULUBARI, GUWAHATI-781007

दिनांक गुवाहाटी

Dated Guwahati

16.10.90

OFFICE ORDER

Smti Mamoni Kalita daughter of Shri Iama Kanta Kalita of Manik Nagar, Dispur in the District of Kamrup (Assam) is hereby appointed temporarily as Draftsman in the office of the Director of Census Operations, Assam, Guwahati with immediate effect in the scale of pay of Rs. 1200-30-1560-Est-40-2040/- pm. plus other allowances as admissible under the Central Govt. Rules as amended from time to time on an adhoc basis.

The post is purely temporary created specially in connection with 1991 Census works and would be abolished on completion of the work and the incumbent will be retrenched and Govt. would have no liability thereafter.

The appointment is ad-hoc in nature and likely to continue up to 28.2.91 only. However, the appointment can be terminated even before 28.2.91 or the extended period as the case may be by giving one month's notice from either side or one month's emolument in lieu thereof.

She should produce the medical certificate of her fitness from the authorised Medical Attendant in proper form at the time of joining to the post.

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

N.NO.DCO(E)/1/89/ 11378-83

Copy to :-

1. The Pay & Accounts Officer (Census)
A.G.C.W. & M. Building, New-Delhi-11
2. The Assistant Director of Census Operations(T) (D.D.O.)
3. Office Superintendent
4. Accounts Branch
5. Estt. Branch (for personal file)
6. Smti Mamoni Kalita, C/O. Student House,
Ambikagiri Nagar, Guwahati-24.

(J.C. BHUYAN)

DEPUTY DIRECTOR OF CENSUS OPERATIONS
ASSAM : GUWAHATI.

Atty
Shrin
8/5/96

Dated Guwahati the 3rd June/93

OFFICE ORDER

Shri/Smti Jibon Malakar is hereby appointed purely on temporary and adhoc basis as *Asstt. Dir. of Census Operations* in the office of the Director of Census Operations, Assam, Guwahati in the scale of pay of Rs. 1800 - 20 - 1360 + 40 - 2000/- plus other allowances as admissible under the Central Govt. Rules as amended from time to time.

The post is purely temporary created specially in connection with the 1991 Census work and would be abolished on completion of the work and the incumbent will be retrenched and the Govt. would have no liability thereafter.

The appointment is adhoc in nature and likely to continue upto 31/12/93 only. However, the appointment can be terminated even before 31/12/93 or the extended period as the case may be by giving one month's notice from either side or one month's emoluments in lieu thereof.

He/She should produce the Medical Certificate of his/her fitness from the Chief Medical and Health Officer in proper form at the time of joining in this office.

He/She should join immediately.

(T. SENAPATI)
DIRECTOR OF CENSUS OPERATIONS
ASSAM GUWAHATI.

Memo No. DCO(E) 1/89/Pt.1/

Date :-

- Copy to :-
- 1) The Pay & Accounts Officer (Census), New Delhi-2.
 - 2) The Asstt. Director of Census Operations (T), (D.D.O.).
 - 3) The Accounts Branch.
 - 4) The Asstt. Branch.
 - 5) The Office Superintendent.
 - 6) The Store-in-charge.
 - 7) Shri/Smti Jibon Malakar.

(T. SENAPATI)
DIRECTOR OF CENSUS OPERATIONS
ASSAM GUWAHATI.

/ics7

*Attnd
Se
nim
of*

Final Seniority list of Draftsman in the Office of the Director
of Census Operations, Assam, Guwahati as on 1/8/91.

Sl. No.	Name	Date of birth	Educational qualification	Date of entry into Govt. Service	Date of Appointment to a post in graded scale of pay in Central Govt.	Date of temporary appointment to the grade in the D.C.O. Assam.	Date of confirmation in the grade	Remarks
1	2	3	4	5	6	7	8	9
1.	Smti Minu Kalica	10/7/59	H.S.L.C. Diploma in Draftsmanship	24/12/79	24/12/79	24/12/79	-	Appointed as Artist w.e.f. 30/4/90 (Regular)
2.	" Biju Mahanta	13/11/58	P.U. Diploma in Draftsmanship	26/7/80	26/7/80	26/7/80	-	---do---
3.	" Ronu Mazumdar (S/C)	1/3/48	H.S.L.C. Diploma in Draftsmanship	29/5/70	29/5/70	30/1/80	1/3/76	Confirmed in the Office of the Director of Census Operations (A.P.)
4.	" Mamani Kalita	1/4/69	H.S.L.C. Diploma in Draftsmanship	19/10/90	19/10/90	19/10/90	-	
5.	Mr. Abul Hussein	31/3/69	H.S.S.L.C. Diploma in Draftsmanship	20/12/90	20/12/90	20/12/90	-	
6.	Sri Rabin Kalita	1/1/69	H.S.L.C. Diploma in Draftsmanship	10/6/91	10/6/91	10/6/91	-	
7.	" Nripendra Das	1/1/66	P.U.Sc. Diploma in Draftsmanship	7/6/91	7/6/91	7/6/91	-	
8.	" Dhrubajyoti Nath	1/12/66	H.S.S.L.C. Diploma in Draftsmanship	6/6/91	6/6/91	6/6/91	-	

Agar
25/9/91

(J. BHUYAN)

No. DCO(E) 21/78/ 14003

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

Dated Gauhati, December 12, 1979.

ORDER

Miss Minu Kalita, is hereby temporarily appointed as a draftsman in the office of the Director of Census Operations, Assam, Gauhati in the scale of pay of Rs. 330-10-380-EB-12-500-EB-560/- p.m. plus other allowances as admissible at the Central Government rates.

The appointment is temporary and terminable at any time without notice and without assigning any reasons therefor.

Miss Minu Kalita is to join immediately and in any case not later than 15 days from the date of issue of this order.

She should also produce medical fitness certificate from the Chief Medical Officer, Gauhati at the time of joining.

Sd/- N.K. CHOUDHURY
DIRECTOR OF CENSUS OPERATIONS
ASSAM : GAUHATI.

Memo No. DCO(E) 21/78/ 14003 (1)

Dated 12.12.1979.

Copy to :-

1. The Registrar General, India,
2/A, Mansingh Road, New Delhi - 110011.
2. The Pay & Accounts Officer, Census, New Delhi - 110002.
3. The Asstt. Director of Census Operations (T) Assam, Gauhati.
4. Investigator (Census & Tabulation)
5. The Accounts Branch of this office.
- ✓ 6. Miss Minu Kalita, C/o Shri Rama Kalita,
Purbanchal Nagar, Gauhati - 3.
7. The Establishment Branch of this office.
8. Personal file.

(N.K. CHOUDHURY)
DIRECTOR OF CENSUS OPERATIONS
ASSAM : GAUHATI.

Attn
&
Adm.
O/S

भारत सरकार
GOVERNMENT OF INDIA
गृह मंत्रालय
MINISTRY OF HOME AFFAIRS/GRIHA MANTRALAYA
कार्यालय असम जनगणना निदेशक
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, ASSAM
जि. एस. रोड, उलुबारी, गुवाहाटी 781007
G. S. ROAD, ULUBARI, GUWAHATI-781007

दिनांक गुवाहाटी
Dated Guwahati

28/12/93

Tentative Programme of Mapping at D.C.O. Assam for 1991 Census
(In the level of Draftsman/Sr. Draftsman/Artist
& Sr. Artist)

Projects	Total No. of maps to be prepared	Completed till 27.12.93	Yet to be completed	Remarks
1. District Census Handbook 1991				
2. a) Experimental Dist. maps & C.D. Blocks	75	8	67	
b) Final Dist. maps-Revenue Circle	23 144	11 78 8	12 66 67	
Community Dev. Block	75			
2. Maps for Town Directory				
a) Experimental maps	15	8	7	
b) Final maps	15	6	9	
3. Census Atlas				
Experimental	150 (Approx) 150	-	-	Instructions yet to be receive from the Map Division.
Final	150	-	-	
4. Census Cartogra- phy Project & Plans Scheme -	8 town maps including enumeration block maps	-	-	Enumeration block maps of the individ- ual towns (approx- ox) 3000) maps are to be prepa- red. Details ins- tructions avail- ted from the Map Division.
Computer assisted Cartography and data dissemination 1991				

Attn
Off

फोन. कार्यालय 31954
Phone, Office

भारत सरकार
GOVERNMENT OF INDIA
गृह मंत्रालय
MINISTRY OF HOME AFFAIRS/GRIHA MANTRALAYA
कार्यालय असम जनगणना निदेशक ,
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, ASSAM
बि. एस. रोड. उलुबारी, गुवाहाटी 781007
G. S. ROAD, ULUBARI, GUWAHATI-781007

दिनांक गुवाहाटी
Dated Guwahati

28/12/93

-2-

5. Plan Scheme
Regional Division
of India '81 Project

Instructions awaited
from the Map Division.

6. Miscellaneous

Misc jobs come from
time to time.

K.C.S. Bhagawati
28/12/93

(K.C.S. Bhagawati)
Research Officer
Map Sections
D.C.O., Assam.

*Attch
28/12/93
G/S*

23
24
TELEGRAM

EXPRESS
ANNEXURE 6

TO,

REGISTRAR
2/A HASTING ROAD,
NEW DELHI-11.

FROM:- DIRECTOR OF CENSUS OPERATIONS, ASSAM, GUWAHATI.

REFYCORTEL OF FIFTEEN INSTANT REGARDING HASTING STAFF(.)
ALL THE POSTS CREATED AGAINST 1991 CENSUS REQUIRE EXTENSION BEYOND
31/12/93 IN VIEW OF HUGE HASTING WORKS RELATIVE TO DISTRICT CENSUS
HAND BOOK AND THEIR RELATED PROJECTS(.) ANY CUT WILL SERIOUSLY
DIBLOCATE HASTING WORKS(.) LETTER FOLLOWS.

ASSAM CENSUS

NOT TO BE TELEGRAPHED:

(H.C.SEN.)
ASSISTANT DIRECTOR OF CENSUS OPERATIONS
ASSAM, GUWAHATI.

MEMO NO. DCO(E) 1/78/VOL.VIII/ 9808.
POST COPY IN COPIATION TO :

DATE:-17/12/93

THE REGISTRAR GENERAL, INDIA, NEW DELHI-11

(H.C.SEN.) 17/12/93
ASSISTANT DIRECTOR OF CENSUS OPERATIONS
ASSAM, GUWAHATI.

10/12
G/S

25
NO.DCO(E)1/89/PL.1/8923-5/

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

Under Certificate
of Posting

Dated Guwahati the 11 Nov. '93.

To,

Shri/2011. Narayan Borah to Project Board
M.B. Bhattacharya P.O. Bellaria
Dist. Kamrup.

Your name has been sponsored by the Employment Exchange, Guwahati for the post of Draftsman in the office of the Director of Census Operations, Assam, Guwahati.

You are therefore asked to appear before the Selection Board for interview/test to be held in the Office of the Director of Census Operations, Assam, Guwahati, Mathuranagar Building, Dispur, Guwahati-6 on 30.11.93 at 10.30 A.M.

You are to bring with you all the Original Educational qualification Certificate and other Certificates to prove your age, etc.

No T.A/D.A will be allowed for appearing in the interview.

(Signature)
(H.O. GEN.) 11/11/93
ASSISTANT DIRECTOR OF CENSUS OPERATIONS
ASSAM: GUWAHATI:

B/B

(Signature)
6/8

26
No. DCO(E)1/89/2102

CONFIDENTIAL
31954
REGISTERED A.D.
फोन, कार्यालय
Phone, Office

भारत सरकार
GOVERNMENT OF INDIA

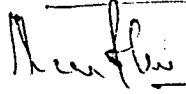
ANNEXURE-8

गृह मंत्रालय
MINISTRY OF HOME AFFAIRS/GRIHA MANTRALAYA
कार्यालय असम जनगणना निदेशक
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, ASSAM
जि० एस० रोड, उलुबारी, गुवाहाटी 781007
G. S. ROAD, ULUBARI, GUWAHATI-781007

दिनांक गुवाहाटी April 8, 1996
Dated Guwahati

Office Memorandum

With reference to this Office's Order
No. DCO(E)1/89/11377 dated October 16, 1990 Smt. Mamoni Kalita,
Draftsman in this office is hereby served one month's termination
of service notice from the date of issue of this O.M. in view of
of the judgement of the Central Administrative Tribunal in OA.
No. 72/95 and as per ORGI, New Delhi's letter No. 27/31/95-Ad.IV
dated 26.3.1996.


(N.M. ALVI) 8.4.96
Deputy Director

Smt. Mamoni Kalita
Draftsman
DCO, Assam
Guwahati


6/5

Original Application No. 72 of 1995.

Date of decision : This the 14th day of June, 1995.

(At Admission Stage)

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman.

The Hon'ble Shri G.L. Sanglyine, Member (Administrative).

Shri Sivadhar Kuli,
Son of Tamasa Kuli
Village-Bahir Rongdoi
P.O. Phillobari
District-Tineukia (Assam)

..... Applicant

By Advocate Shri R.P. Sharma

-versus-

1. Union of India
represented by the Registrar General of
Census Operation,
2-A, Man Singh Road,
New Delhi-110001
2. Director of Census Operation
G.S. Road, Ulubari,
Guwahati-781007.
3. Regional Director (NER)
Staff Selection Commission
Nabagraha Road
Chenikuthi Hill side,
Guwahati-781003

..... Respondents

By Advocate Shri A.K. Choudhury, Addl. C.G.S.C.

ORDER

CHAUDHARY J. (V.C.).

The application is admitted. Issue notice to the respondents.

Mr. A.K. Choudhury, Addl. C.G.S.C. waives notice for the respondents.

By consent called out for final orders.

Contd....P/2

The grievance of the applicant is that although his name was sponsored for appointment to the post of Draftsman on 29.4.94 no order for his appointment was issued and therefore he prays that the respondents and in particular respondent No. 2 be directed to appoint him against the post of Draftsman. It may be mentioned that the applicant had applied for the post in pursuance of the advertisement issued by the Staff Selection Commission inviting applications for one post of Draftsman in the department of Census Operations (Assam), Guwahati reserved for S.T. The applicant has stated that he belongs to Scheduled Tribe and was therefore eligible to apply.

2. From the letter of the Regional Director of Staff Selection Commission dated 17.4.95 which has been made part of the record it is found that after the applicant was duly selected by the Commission for the post that was advertised his name was sponsored to the indenting department viz. department of Census Operations (Assam) but that the Director of Census Operations (Assam) had returned the dossier of the applicant. The Regional Director has stated in the letter that the dossiers were also returned presumably on account of stay order passed by this Tribunal against the order passed by the Director Census Operations (Assam) terminating the services of the 4 adhoc Draftsmen. From Annexure B1 to the written statement of the respondents it appears that the Assistant Director of Census Operations was advised by the Standing Counsel of the Government not ^{to} appoint the sponsored candidates till the disposal of O.A. No. 269/93. That appears to be in probability the reason for which the Director of Census Operations seems to have returned the dossier of the applicant and did not proceed to finalise the matter of his appointment.

Contd..P/3

hll

3. It is stated in the written statement in paragraph 2 that 1 post of Draftsman was reserved for the Scheduled Tribe being a back log vacancy carried forward from 1979 due to non-availability of Scheduled Tribe candidate and that since there was no recruitment made the senior most Draftsman was appointed to that post and allowed to continue. Although it has not been so specifically explained and the contents of the paragraph 2 are not very clear the implication of the same is to understand that against the 1979 back log vacancy of Draftsman meant for Scheduled Tribe candidate the post has been filled in temporarily by the seniormost Draftsman and the post is still to be filled up in a regular manner. For that reason it appears that the post was advertised and the candidature of the applicant was under process. Since the applicant has not been appointed nor it is stated ^{that} any other candidate has been appointed to the post on regular basis it follows that the post is still available for regular appointment.

It is also clear from paragraph 2 of the written statement that 4 posts of Draftsmen were created purely for the 1991 census and the posts were of temporary nature. Against those 4 posts the applicants in O.A. 269/93 were appointed. Their appointments however were terminated by order dated 31.12.93. That has been challenged by those 4 incumbents in O.A. No. 270/93. That petition is pending and an interim order of ^{stay of} the operation of the ~~stay~~ order has been issued and is in operation.

4. It also appears that another set of employees who were appointed on temporarily on adhoc basis have challenged the order of termination of their services with effect from 31.12.93 by the very same order which was challenged by the applicants in O.A. No. 270/93. That O.A. is also pending and in that O.A.

Handwritten signature and initials

interim order of stay of operation of the order of termination has been granted and is in operation.

5. It will thus be seen that whereas the applicants in O.A.s 269/93 and 270/93 had been appointed ^{to the} ~~of its~~ post, temporarily created in 1991 ^{for} ~~but the~~ Census operation, the present applicant had applied for the post which was a regular post advertised against 1979 back log of Scheduled Tribe candidate. The order of stay in the other two applications therefore has no application to the consideration of filling up this 1979 S.T. back log vacancy.

6. The Director of Census Operations seems to have acted with ^{abundant} ~~abandoned~~ caution and consistently with the advice of the Standing Council in not further considering the candidature of the applicant for appointment so that any decision taken by him should not be construed as amounting to breach ^{of} ~~the~~ order of interim stay in these applications.

7. ^{that} We hereby ~~make~~ it clear/the order of stay granted in the two other applications does not come in the way of the Director of Census Operations, Assam to consider the case of the applicant on ^{his} ~~his own~~ merits and in accordance with the rules for appointment to the post which ~~we make it clear~~ is meant for 1979 S.T. back log post of Draftsman. In the letter dated 17.4.95 the Regional Director (NER), Staff Selection Commission has stated that he does not have any objection to send back the dossiers of the applicant to Census Operations Assam, Guwahati. We think that that course would be proper to be adopted.

In the result the following order is passed :

1. The Staff Selection Commission is directed to send back the dossiers of the applicant to the Director, Census Operations, Assam to enable him to consider the appointment of the applicant.
- ii. The Director of Census Operations, Assam (Respondent No. 2) is hereby directed to proceed further with the case of the applicant as sponsored by the Staff Selection Commission for appointment to the post of Draftsman against the 1979 S.T. Back log post that was advertised by the Staff Selection Commission under Advertisement No. 2/93 Annexure-1 to the O.A.
The respondent No. 2 ^{to} ~~would~~ proceed according to the rules as soon as the dossiers of the applicant ~~is~~ ^{are} received ^{by} him from the Staff Selection Commission.

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

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

Atlas
6/5

30
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ANNEXURE-10

Misc. Petition No. 84/95 (in O.A. 72/95)

Date of Order: This the 9th Day of November 1995.

JUSTICE SHRI M.G. CHAUDHARI, VICE-CHAIRMAN

SHRI G.L. SANGLYINE, MEMBER (ADMN)

Union of India & Ors. ... Petitioner.

By Advocate Mr. S. Ali, Sr. C.G.S.C.

-Vs-

Sivadhar Kuli ... Respondents.

By Advocate Mr. R.P. Sharma with Mr. A.K. Roy

O R D E R.

CHAUDHARI J(VC):

1. The Deputy Director of Census Operation Assam... has filed this petition to inform the Tribunal that the (original) respondents are not in a position to implement the judgment and order dated 14-6-95 in O.A. No. 72/95 in as much as according to him the post pertained to 1981 temporary Census posts which were sanctioned and approved only upto 30-6-95 and as those posts are no longer in existence as the sanction has expired the order in the O.A. is not possible to be given effect to. It is not possible to accept the above ground for the reason that such was never the case of the respondents in the original application. It was never claimed by them in the written statement that the post in question was 1981 Census post. Having regard to the statements contained in the written statement we have recorded the finding in the order on the O.A. that the post in question was 1979 back log vacancy meant for Scheduled Tribe candidate and was to be filled up

After 6/11

contd/-

in a regular manner and was available for regular appointment. Consistently with that finding the direction was made to respondent No.2 to proceed further with the candidature of the applicant for appointment against the 1979 ST backlog that was advertised through the State Selection Commission (SSC). A new ground cannot be permitted to ^{be} urged to plead inability to implement the order. The matter of ^{appointment} ~~promotion~~ was left to the respondents to consider. They were bound to implement the order passed in the O.A.

2. Neither the fact is admitted by Mr.R.P.Sharma for the original applicant nor we are inclined to accept that the post pertains to 1981 census posts. It is also clear from the correspondence now produced and the details given in the petition that the 1981 census posts have been sanctioned up to 30-9-95 and the proposal for Government approval for further continuation of those posts beyond 30-9-95 has been referred to the Integrated Finance Division (Home) for consideration and approval and the decision is awaited. That shows that the policy of the Government is to sanction and continue these posts and therefore it should not be difficult for the respondents to move for sanction of the post against which applicant is directed to be considered for appointment as that ^{is} a backlog vacancy. We further make it clear that we maintain the finding that the post was 1979 backlog vacancy and not one of the temporary posts created in connection with 1981 census. We have referred to alternative aspect only to emphasis the need for the respondents to comply with the directions contained in the original judgment with all earnestness and speed.

In the light of the above observations the
petition is disposed of.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

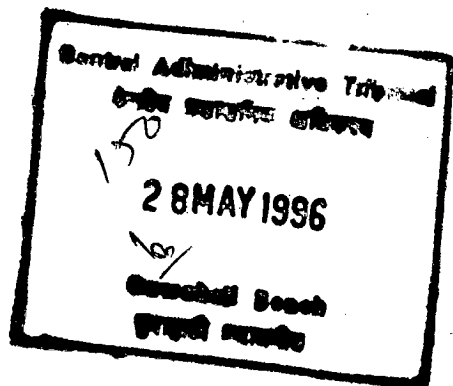
LM

*Attw
So
Ruth
GFS*

3.2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH



File by
Golap Samanta
Additional Central Govt 27/5/96
Standing Counsel,
Central Administrative Tribunal
Guwahati Bench

In the matter of :

O.A.No.71/96

Smt. Mamoni Kalita ... Applicant.
-Vs-
Union of India & Ors. ... Respondents.

-AND-

In the matter of :

Show Cause | Written Statement on behalf of
all the Respondents.

I, Shri N.E. SEN, Assistant Director of
Census operations, Assam, Guwahati, being authorized
do hereby solemnly affirm and declare as follows :-

- W. Sen*
30/5/96
1. That a copy of application alongwith an
order dated 7.5.96 passed by this Hon'ble Tribunal have
been served upon the respondents and myself being
authorised to represent the respondents in this case,
I do hereby file the written statement as follows.
Further, I say categorically that save and except what
is specifically admitted in this written statement,
rest may be treated as total denial by all the respondents.

Contd....p.2/-

2. That with regard to the contents made in paragraphs 1 to 4.2 of the application, I beg to state that I have nothing to comment.

3. That with regard to the contents made in paragraph 4.3 of the application, I beg to state that the applicant was appointed in the post of Draughtsman on a purely temporary and on adhoc basis against the post created specially in connection with 1991 Census works. The terms and condition of appointment was that (i) the post will be abolished on completion of 1991 census and the incumbent will be retrenched and the Govt. would have no liability thereafter, (ii) that the appointment was adhoc in nature and likely to continue upto 28.2.91 only. However, the appointment can be terminated even before 28.2.91 or the extended period, as the case may be by giving one months' notice from either side or one month's emolument in lieu thereof.

The Govt. continued to sanction all the posts created for 1991 census upto 31.12.93 and discontinued thereafter. As a result all the incumbents appointed against the 1991 census posts were terminated from service. A reference may kindly be made to the judgement and order passed by this Hon'ble Tribunal in O.A.No.269/93 vacating initial stay order given in favour of the applicants to O.A.269/93 dated 31.12.93, a copy of which is annexed herewith and marked as Annexure R.1. However, services of 4(four) Draughtsmen junior to the applicant were terminated w.e.f. 31.12.93(AN) alongwith 17 others working in different posts which were also created in connection with 1991 census.

Unfortunately.....

Unfortunately those four Draughtsmen got a stay from this Hon'ble Tribunal in O.A.No.270/93 dated 31.12.93 and are still continuing on the basis of this Hon'ble Tribunal's order, copy of which is annexed herewith and same is marked as Annexure R.2. The written statement & show cause to vacate the interim order as well as to dismiss the case are already filed. The applicant should have been terminated alongwith those 4(four) Draughtsmen junior to her on 31.12.93. She was however in the interest of public service allowed to continue on purely temporary and on adhoc basis against a regular vacancy occurred due to the death of Shri A.Singh, a regular Artist, on 14.4.92. Therefore, the claim of the applicant that she has all along been treated as a regular employee is not justified. Service benefits like grant of increment, bonus etc. and opening of service books are required to be maintained even in case of temporary employees. Bonus is even allowed to the casual workers, fixed pay staff etc. on completion of a certain period of service. Therefore, these service benefits given to the applicant should not be considered as a benefit limited only to the regular staff.

The claim of the applicant that no time limit has been given for continuance of her service unlike many others are not true. It has been clearly stated in her appointment letter that her appointment is adhoc in nature and likely to continue upto 28.2.91 only or the extended period as the case may be, copy of which is annexed herewith and marked as Annexure R.3. Therefore, her statement in this regard is not based on fact. The example of Jiban Malakar cited in this para is not relevant as many other employees who were appointed on the same terms and conditions prior to the appointment of Shri Malakar have also been terminated.

For.....

For example appointment order of Shri Santanu Goswami may kindly be referred to, copy of which is annexed herewith and marked as Annexure-R.4.

4. That with regard to the contents made in paragraph 4.4 of the application, I beg to state that the applicant has been holding her post on a purely temporary and on adhoc basis and was given the benefit as entitled to a temporary employee. The appearance of her name in the seniority list does not confer upon her any right to claim seniority as she has been serving on adhoc basis and an adhoc employee has no right to claim seniority as per Govt.Rule.

5. That with regard to the contents made in paragraph 4.5 of the application, I beg to state that the respondents are aware that census taking in India is one of the biggest administrative exercise in the world. Therefore, the preparatory works relating to decennial census starts at least 2(two) years ahead of actual census - which is the sunrise of the 1st March. During the peak period of census a large number of employees are drawn from various Department of the state and central besides employing a huge number of staff in the Directorate to cope with the time bound works and on completion of the additional works relating to census, the staff recruited for the purpose are retrenched/terminated. The retrenchment of additional staff appointed during the peak period of census are nothing new in this Department. This kind of retrenchment took place during 1961, 1971, 1981 and also that in 1991 census. An example of Smt. Minu Kalita cited in the instant case is not relevant

as

as Smti. Minu Kalita was never appointed against 1981 census posts but against a regular vacancy. A reference to the appointment letter of Smti Minu Kalita as Draughtsman will clarify the point, copy of which is annexed herewith and marked as Annexure R.5.

6. That with regard to the contents made in paragraph 4.6 of the application, I beg to state that all the employees appointed against 1991 census posts were terminated with effect from 31-12-93 and not some employees as claimed by the applicant. It has already been stated in para 3 above that the appointment of the applicant was for a particular period as will be revealed from her appointment letter itself.

7. That with regard to the contents made in paragraph 4.7 I beg to state that it is a fact that a tentative mapping programme which are to be done from January/94 onwards was drawn and forwarded to the Registrar General, India with a request to continue the sanction of the post of Draughtsman, Artist, Sr, Artist etc. but the request was not agreed to and all the posts of Draughtsman(four), Artist(two), Sr. Artist(one), Geographer (one) and Research Officer(one) created in connection with 1991 census were discontinued. Copy of the communications annexed herewith and marked as Annexure R.6 and Annexure R.7. It is also learnt that the remaining works has to be done by the existing staff during the intercensal period. It is pertinent to mention here that the sanction of the post were given by the Ministry to the Registrar General, India and this office has nothing to do with the sanction.

Contd....

8. That with regard to the contents made in paragraph 4.8 of the application, I beg to state that the recruitment in the post of Draughtsman and all other posts created in connection with 1991 census were made taking exemption from the Staff Selection Commission(SSC) as these posts were of purely temporary and adhoc nature and for a brief period. The SSC however did not grant exemption for appointment to any regular post without their sponsorship, copy of which is annexed herewith and marked as Annexure R.8 and Annexure R.9. It is also relevant to mention here that anybody recruited through Employment Exchange has been given no objection certificate to register their name in the employment exchange again for alternative employment whenever requested. In the instant case no request has however come from the applicant. In addition, the respondent No.3 has issued circular addressed to the Director of Employment Exchange with a request to renew the names of retrenched and likely to be retrenched employees for alternative employment, copy of which is annexed herewith and marked as Annexure R.10.

9. That with regard to the contents made in paragraph 4.9 of the application, I beg to state that traditionally, the left over works are done by regular staff during the inter-censal period. Earlier batch mate of the applicant are continuing as the posts are continuing. As this vacancy had to be filled up by an Scheduled Tribe candidate and since dereservation was banned with effect from 25.4.89 (copy annexed as Annexure R.11), a requisition had to be sent to the SSC with a request to sponsore an S.T. candidate.....

-7-

candidate as because a reservation point meant for S.T.
was carried forward since 1979. Therefore, the claim of
 the applicant to establish the fact that "there are
 more requirement of Draughtsman and this office is appointing
 additional Draughtsman" is not tenable.

Thus it appears that the case of Draughtsman
 are not different from other category of employees as it
 will be evident from the fact that all categories of post
 created for the purpose of 1991 census have been abolished
 with effect from 31.12.93. Four Draughtsman junior to
 the applicant have been continuing in this office i.e. in
 the office of Respondent No.3 on the strength of a interim
 order passed by this Hon'ble Tribunal in O.A.No.270/93
 without any post while the interim order granted in O.A.
 No.269/93 relating to their counterparts and other
 categories of employees has been vacated long back although
 their service conditions were the same with those four
 Draughtsman (Annexure R.1).

10. That with regard to the contents made in
 paragraph 4.10 of the application, I beg to state that
 it is a fact that the services of the applicant were
 terminated alongwith others as a vacancy was available
 at the time. This vacancy had to be filled up by an S.T.
candidate as a reservation point was being carried
forward since 1979 due to non-availability of S.T.candidate
in the earlier recruitment years. Therefore, the continua-
tion of the applicant beyond 31.12.93 as Draughtsman was
in fact against a reserved vacancy and on the same terms
and conditions as embodied in her appointment letter.

Contd.....

11. That with regard to the contents made in paragraph 4.11 of the application, I beg to state that the claim of the applicant that Mr.A.Singh, Draughtsman was promoted to the next higher post of Sr.Artist and the resultant vacancy is still lying vacant is factually not correct. In fact Shri Singh was a regular Artist promoted to the post of Sr.Artist and was holding the post of Sr.Artist at the time of his death. Since Sr.Artist post has been abolished with effect from 31.12.93 Smt.Minu Kalita could continue as Artist in his place after 31.12.93 and in his resultant vacancy the applicant was allowed to continue.

Minu = Sr. Artist
Minu = B. Artist

The Registrar General, India i.e. the Respondent No.2 in their letter No.19/35/90-RG(Ad.II) dated 24.5.93 confirmed that the post of Draughtsman is not a technical post and recruitment to the post is made by the SSC (Annexure-R.9). Therefore, appointment to regular vacancy cannot be done without SSC. So the claim of the applicant that she has become a regular employee is not tenable as she has been continuing on a purely temporary and on adhoc basis with a specific condition that her services can be terminated by giving one month's notice from either side or one month's pay in lieu thereof.

12. That with regard to the contents made in paragraph 4.12 of the application, I beg to state that the applicant has no reason to get a shock on receipt of the termination notice bearing No.DCO(E)1/89/2102 dtd.8.4.96 as it was known to her that she would be retrenched/terminated some day from her appointment letter itself. The Hon'ble

Tribunal.....

Tribunal in para 3 of the judgement in O.A.No.72/95 dated 14.6.95, copy of which is annexed herewith as Annexure R.12 admitted that Smt.Mamoni Kalita,i.e. the applicant being seniormost Draughtsman amongst the 1991 recruittee to the post of Draughtsman was allowed to continue on a purely temporary and adhoc basis and the said post is still to be filled on a regular manner. The applicant could not be regularised in the post as the post was treated reserved for S.T. candidate and regular appointment against the post has to be made through the Staff Selection Commission.

13. That with regard to the contents made in paragraph 4.13 of the application, I beg to state that the notice of termination to the applicant issued in persuance of the judgement given in O.A.No.72/95 and as per Registrar General,India 's instruction conveyed to the Respondent No.3 vide letter No.27/31/95-Ad.IV dtd.26.3.96 after a thorough study of the judgement. Copy of the letter is annexed herewith and same is marked as Annexure R.13.

It will be relevant to mention herewith on receipt of a circular to fill up the SC/ST backlog vacancy including the carried forward vacancies, the entire roster register was reviewed by senior officers and it was noticed that a reservation point for S.T. was being carried forward since 1979 and as this was a regular vacancy it had to be filled through Staff Selection Commission on regular basis. Consequently, a requisition was sent to Staff Selection Commission and in turn Staff Selection Commission sponsored an S.T. candidate. Meanwhile, Registrar General,India i.e. Respondent No.2 issued a circular not to appoint.....

appoint any fresh candidate from outside till the Inspection by Staff Inspection Unit (SIU) team is over. Copy annexed as Annexure R.14.

Therefore, the respondents had no other option but to return the dossier of Shri Sivadhar Kuli to the Regional Director, Staff Selection Commission. Consequently, Shri Kuli filed the case before the Hon'ble Tribunal and got an order passed in his favour.

14. That with regard to the contents made in paragraph 4.14 of the application, I beg to state that the respondents filed a Misc. Petition No.54/95 on the said O.A.No.72/95 stating the fact that the Registrar General, India i.e. Respondent No.2 has instructed the Respondent No.3 not to fill up any vacant post created in connection with 1981 census till the Staff Inspection Unit's report is implemented. Therefore, the Respondent No.3 had no other option but to approach the Hon'ble Tribunal on the above ground. It is pertinent to mention here that 1979 backlog vacancy was in fact a backlog reservation point (and not a backlog vacancy) carried forward since 1979. In our affidavit in Opposition to O.A.No.72/95, this point might not have been properly stated in our written statement. In fact, the reservation point carried forward since 1979 became due for candidate as soon as the vacancy occurred after the death of Shri A.Singh on 14.4.92.

15. That with regard to the contents made in paragraph 4.15 of the application, I beg to state that

it has.....

reserved vacancy. So, the allegation of the applicant against the Respondent No.2 for taking different plea on different occasions is highly objectionable.

17. That with regard to the contents made in paragraph 4.17 of the application, I beg to state that the claim of the applicant that there are two vacancies still exist in the office of the Respondent No.3 is not based on fact. In fact there is not a single vacancy in the grade of Draughtsman except the post presently occupied by the applicant which is reserved for ST. The other points raised in this paragraph have already been explained in earlier paras of this written statement.

<u>Staff strength as on 1.5.96</u>			<u>Additional staff</u> <u>1991 Census</u>
1.	Artist	- 1	1. Sr. Artist - 1) Since
2.	Sr.Draughtsman	- 1	2. Artist - 2) discon-
3.	Draughtsman	- 3	3. Draughtsman - 4) tinued.

The Respondents further beg to state that as per the report of the Staff Inspection Unit based on work-load speaks that alongwith other categories of posts, the post of Draughtsman are only 3(three) one of which is hold by the applicant who is junior-most. And this report is prepared under the direct Supervision of Ministry of Finance which is the final authority in this respect. The report in question is annexed to this show cause and marked as Annexure R.15.

18. That with regard to the contents made in paragraph 4.18 of the application, I beg to state that the applicant was appointed against 1991 census posts and she has no claim over any regular post which is reserved for S.T. and as also desreservation has been banned since 25.4.89. Shri Kuli is yet to be appointed against the reserved post in persuance of the judgement in O.A.No.72/95 passed by this Hon'ble Tribunal and as per the direction given by the Registrar General,India i.e. Respondent No.2 after detailed study of the judgement. Therefore, a termination notice issued to the applicant is legally valid

and.....

and in accordance with the terms and conditions in her appointment letter.

19. That with regard to the contents made in paragraph 5.1. of the application, I beg to state that the Respondent No.2 has issued the termination notice to the applicant in accordance with the terms and conditions in her appointment letter that the respondent never stated at any time that the applicant has been appointed against S.T. vacancy. Action has been initiated in pursuance of O.A.No.72/95 only.

20. That with regard to the contents made in paragraph 5.2, I beg to state that the Respondent No.2 never shifted his stand to suit his own purpose.

21. That with regard to the contents made in paragraph 5.3, I beg to state that I have nothing to comment and may be decided by this Hon'ble Tribunal.

22. That with regard to the contents made in paragraph 5.4, I beg to state that the claim of the applicant that there are other vacancies where she can be accommodated is not correct.

23. That with regard to the contents made in paragraph 5.5, I beg to state that the other 3 Draughtsmen out of 4 granted interim stay by the Hon'ble Tribunal are continuing on the strength of that judgement.

Contd.....

Para 2 of
the judgment
order ii

24. That with regard to the contents made in paragraph 5.6 of the application, I beg to state that the applicant has never acquired quasi-permanency status or status of a regular incumbent as she is still continuing on adhoc basis.

25. That with regard to the contents made in paragraph 5.7, I beg to state that I have nothing to comment and may be decided by this Hon'ble Tribunal.

26. That with regard to the contents made in paragraph 5.8, I beg to state that as per Govt. order dated 25.4.89, reserved posts meant for SC/ST cannot be de-reserved and given to general candidate. Therefore, a reserved point carried forward since 1979 became effective with effect from the date of occurrence of the vacancy.

27. That with regard to the contents made in paragraph 5.9, I beg to state that respondent No.2 never stated that the Hon'ble Tribunal has directed him to terminate the services of the applicant. The Respondent simply stated that in pursuance of O.A.No.72/95 and as per direction of the Registrar General, India the applicant has been served with a termination notice.

28. That with regard to the contents made in paragraph 5.10, I beg to state that it has already been stated in earlier paras that a reserved point meant for S.T. was carried forward since 1979 and the same has become effective vacancy from 14-4-92 and de-reservation is also

banned.

banned with effect from 25.4.89. The reserved vacancy will continue indefinitely and till such time when an S.T. candidate is available.

29. That with regard to the contents made in paragraph 5.11, it is stated that the point has already been explained in earlier paragraphs of this Written Statement.

30. That with regard to the contents made in paragraph 5.12, I beg to state that the respondent No.2 in fact requested for extension of the 1991 census post which was not agreed by the Ministry. No fresh recruitment in the post of Draughtsman is being made as claimed by the applicant.

31. That with regard to the contents made in paragraph 5.13, I beg to state that the applicant has never been treated as regular employee and no promise has been made to her for regularisation of her service in the post.

32. That with regard to the contents made in paragraph 5.14, it is stated that the point has already been explained in earlier paragraphs of this Written Statement.

33. That with regard to the contents made in paragraph 5.15, I beg to state that since the applicant is a recruitee against 1991 census posts, her service conditions cannot be different from that of other who have already been retrenched/terminated.

34. That with regard to the contents made in paragraph 5.16, I beg to state that as has been explained earlier.....

earlier the request for extension of sanction for 1991 census posts was not agreed to by the Ministry, the respondents have nothing to do but to carry out the leftover works with the existing staff.

35. That with regard to the contents made in paragraph 5.17, I beg to state that it is a fact that no Draughtsman has been retrenched during the earlier censuses as the post sanctioned in earlier censuses continued. This time not a single post created for 1991 census was allowed to continue by the Government.

36. That with regard to the contents made in paragraph 5.18, I beg to state that the claim of the applicant that she lost many chances for appointment elsewhere is because of her own fault as she did not care to renew her name in the Employment Exchange on obtaining no objection certificate from the respondents.

37. That with regard to the contents made in paragraph 5.19, I beg to state that the applicant has not availed of the age relaxation and other benefits given by the govt.^{is}/of her own fault as she knew that she would be out of employment in near future.

38. That with regard to the contents made in paragraph 5.20, I beg to state that in the light of foregoing statements, the applicant is not entitled to any judicial interference from the Hon'ble Tribunal. Therefore her application deserved no sympathy from this Hon'ble Tribunal.

Contd.....

39. That with regard to the contents made in paragraphs 6 and 7 of this present application, I beg to state that I have nothing to comment.

40. That with regard to the contents made from paragraphs 8.1 to 8.3, I beg to state that the applicant is not entitled to any relief sought in these paragraphs in view of the statements made in the earlier paras of this written statement.

41.1 That with regard to the contents made in paragraphs 9 of the application, I beg to state that in view of the statements made in the above paragraphs of this Written statement, the respondents humbly pray before this Hon'ble Tribunal to vacate the interim order passed in the present O.A. on 7-5-96 as the respondents are facing administrative difficulties.

41.2 That the present application is ill-conceived of law and mis-conceived of fact.

41.3 That the present application is to be dismissed solely on the ground that the applicant has not exhausted all the remedies available.

41.4 That the present application is bad for non-joinder of necessary party and hence it is liable to be dismissed.

41.5 That the present application is liable to be dismissed being no any cause of action.

41.6 That the respondents crave leave of filing additional written statement if this Hon'ble Tribunal so directs.

41.7 That this Written Statement is filed bonafide and in the interest of justice.

VERIFICATION

VERIFICATION

I, N.C. Sen, Assistant Director of Census Operations, Assam, Guwahati, being authorised, do hereby solemnly affirm and declare that the statements made in paragraph 1 of this Written Statement/Show cause are true to my knowledge and those made from paragraph 2 to 40 are derived from records which I believe to be true and rest are humble submissions before this Hon'ble Tribunal.

And I sign this Verification on this 27th day of May, 1996 at Guwahati.



DEPONENT 27/5/96

सहायक निदेशक जनगणना परीचालन : असम
Assistant Director of Census Operation, Assam
गुवाहाटी / Guwahati.

- 20 - Annexure - R-1

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA NO.269/93

SANTANU GOSWAMI & 20 ORS.

VS.

UNION OF INDIA & ORS.

APPLICANT

RESPONDENT

PRESENTS

HON'BLE MR. JUSTICE S. HAQUE, VICE CHAIRMAN

HON'BLE SRI G.L. SANGLYINE, MEMBER(ADMIN.)

For the applicant

For the respdt.

Mr. B. Malakar, Adv.

Mr. S. Ali, Sr. CGSC,

Mr. G. Sarma, Addl. CGSC.

Dt. 7.4.94

ORDERS

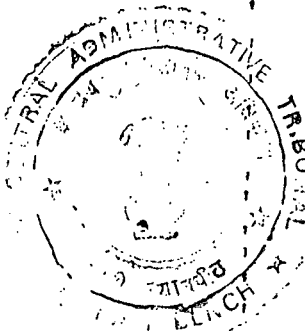
Pg

7.4.94.

This Misc. Petition 1/94 arising out of O.A.269/93 is heard for disposal. Learned Sr. C.G.S.C. Mr. S. Ali makes submissions on behalf of petitioners Union of India and others (Respondents of O.A.269/93). Also heard learned Sr. counsel Mr. A.M. Mazumdar assisted by Mr. B. Malakar on behalf of opposite party applicants. The prayer is to vacate the stay order dated 30.12.93 passed by the Tribunal in O.A. No.269/93. Operation of the impugned Notification/Office Order No. DCO(E)97/80 Vol. I dated 21.12.93 (Annexure D to the Original Application) terminating services of the 21 applicants had been stayed vide Order dated 30.12.93.

The applicants numbering 21 are employees in the office of the Director of Census Operation, Assam, Guwahati in different grades. They were appointed during the periods 1991, 1992 and 1993 vide appointment Orders under Annexures

contd.



Attested
27/5/96
सहायक निदेशक जनगणना प्रोचालन : असम
Assistant Director of Census Operation, Assam.
गुवाहाटी / Guwahati.

contd. A(2) to A(20) in the posts of Computers (15), LD.C.(3), Assistant Compiler(1), Peon(1) and Faras(1). The terms and conditions in their appointment orders/ letters were similar and as follows:-

(a) That the posts were purely temporary in connection with 1991 census and would be abolished by retrenching the incumbents to which the Government would have no liability ; and

(b) The incumbents were appointed purely on temporary and adhoc basis and were likely to continue upto 31.12.93 only subject to termination even before 31.12.93. All the applicants ~~joined~~ joined under the above terms and conditions.

/ service

The Director of Census Operation, Assam, Guwahati by Office Order No.DCO(E)97/80 Vol.I dated 21.12.93 terminated services of the applicants with effect from 31.12.93. It was stated in the said order ~~make~~ that the appointments were purely on temporary and adhoc basis against 1991 census posts which had been sanctioned by the Govt. of India till 21.12.93 and consequently services of the applicants had been terminated with effect from 31.12.93 i.e. with the expiry of the sanction of these posts which had already been indicated in their appointment letters. The termination order appeared to be inconformity with the terms and conditions of the appointment orders/letters.

On 30.12.93, we had taken into consideration of the Memorandum dated 15.12.93 of the employees association to the Registrar General of Census Operation, New Delhi praying for retaining their

contd.

7
24
52
2e

Stamp: DIRECTOR OF CENSUS OPERATION, ASSAM, GUWAHATI

Signature: A. K. Sarma

Text: सहायक निदेशक जनगणना कार्यपालन : असम
Assistant Director of Census Operation, Assam
गुवाहाटी / Guwahati

expectation

contd. services after 31.12.93 and also the letter of the Director of Census Operation, Assam dated 9.12.92 requesting Registrar General, Census Operation, India for fresh sanction in continuation to 31.12.93 and thereupon we granted the stay order in anticipation that the Registrar General and Census Commissioner, Govt. of India might create continuance of sanction beyond 31.12.93. But the D.O. letter No.27/79/93-Ad.IV dated 5.1.94 of the Registrar General and Census Commissioner, India addressed to the Director of Census Operation, Assam, Guwahati made the picture clear that decision was taken not to further extend the sanction of these posts beyond 31.12.93 and that the works of these posts had been completed and there is absolutely no justification for extension or retention of these posts and that as these posts are not available from 1.1.94 so there is no work to be attended to and that there is no possibility for continuance of sanction of these posts under any circumstances. Therefore, our expectation as on 30.12.93 for further sanction beyond 31.12.93 became fruitless. This being the position, it will not be justified on our part to allow to continue the stay order dated 30.12.93.

Accordingly, our order dated 30.12.93 staying operation of the impugned Notification/Office Order No.DCO(E)/97/80 Vol.I dated 21.12.93 (Annexure-D to the Original application) is hereby vacated.

We further direct respondent No.3 the Director of Census Operation, Assam, Guwahati not to appoint any outsider in contd.



Affected
10/1/96
 सहायक निदेशक जनगणना परीचालन, गुवाहाटी
 Assistant Director of Census Operation, Guwahati

53
-23-
M.P.1/94.

the event of fresh sanction/creation of such posts of Computers, L.D.C., Assistant Compiler, Peon and Farash and shall appoint the applicants against such vacancies or other vacancies that may arise in his department (Census Operation) to which applicants are eligible and in such matter for appointment age of the applicants shall not stand as bar.

This Misc. Petition is disposed of.

Inform all concerned immediately.

Sd/-(Justice S. Haque)
Vice-Chairman
Sd/-(G.L. Sanglyine)
Member (A)

Memo. No. 1383

Dated : 7.4.94.

Copy for information to :-

1. The Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi-1.
2. The Registrar General, of Census Operation, 2/A, Man Singh Road, New Delhi.
- ✓ 3. The Director, Census Operations, Assam, Guwahati, G.S. Road, Ghy-7.
4. Mr. B. Malakar, Adv., CAT. Guwahati Bench.
5. Mr. S. Ali, Sr. CGSC, CAT. Guwahati Bench, Guwahati-5.
6. Mr. G. Sarma, Addl. CGSC, CAT. Guwahati Bench, Guwahati-5.

[Signature]
SECTION OFFICER (3)

[Signature]
27/5/94
निदेशक जनगणना बरोचालन : असम
Assistant Director of Census Operation, Assam.
गुवाहाटी / Guwahati.

24 - Annexure-R-2 55
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI, 5

O.A.No.270/93

Md.Abul Hussain &ors . . Applicants
vrs.

U.O.I.&ors . . . Respondents.

P R E S E N T

THE HON'BLE MR.JUSTICE S.HAQUE, VICE CHAIRMAN

For the Applicant.Mr.B.K.Sharma, Advocate.

For the Respondents.Mr.G.Sarma, Addl.C.G.S.C..



DATE

COURT'S ORDER

31.12.93

Learned counsel Mr B.K. Sharma for the applicants submits to amend the application by inserting facts with documents. Prayer for amendment is allowed. Mr B.K. Sharma has amended the application.

This application under Section 19 of the Administrative Tribunals Act, 1985 by four applicants, Md Abul Hussain, Shri Dhruvajyoti Nath, Shri Rabin Kalita, Shri Nripendra Das, Draftsman in the office of the Director, Census Operation, Assam, is placed Guwahati before the Vacation Bench of the Tribunal with prayer not to terminate their services and to direct the respondents to allow them to continue in service and with interim similar directions. They have prayed to allow them to join in a single application under the provisions of Rule 4(5)(A) of

27/12/96
सहायक निदेशक जनगणना परीचालन : असम
Assistant Director of Census Operation, Assam
गुवाहाटी / Guwahati

OFFICE NOTE

DATE

COURT'S ORDER

31.12.93

the Central Administrative Tribunals (Procedure) Rules 1987. Heard submissions of Mr B.K. Sharma on this point. Learned Addl. C.G.S.C. Mr B. Sarma is also present. Considered this prayer. The cause of action and the reliefs sought for are common in respect of all the four applicants. Therefore, the prayer to prefer a single application by these four applicants is allowed under the provision referred to above.

Heard learned ^{counsel} Mr B.K.

Sharma on behalf of the four applicants. Perused the statement of grievances and reliefs sought for in this application. The applicants are Central Government Civilian employees under the Director of Census Operation, Assam, Guwahati and were appointed in the year 1990 (applicant No.1) and 1991 (applicants No. 2, 3 and 4) vide appointment letters at Annexures - A1, A2, A3 and A4. The main grievance is against the office order No.DCO(E) 97/80/Vol.I/9922-68 dated 21.12.1993 terminating their services with effect from 31.12.1993 issued by Shri T. Senapati, Director, Census Operations, Assam, Guwahati under the Ministry of Home Affairs, Government of India, New Delhi communicated vide memorandum No.DCO(E) 97/80/Vol.I/9922-68 dated 21.12.1993.

Upon hearing learned



Affected
Blau
 सहायक निदेशक (संयोजन) प्रो. बालन : असम
 Assistant Director of Census Operation, Assam.
 गुवाहाटी / Guwahati.

NOTE

DATE

COURT'S ORDER

57

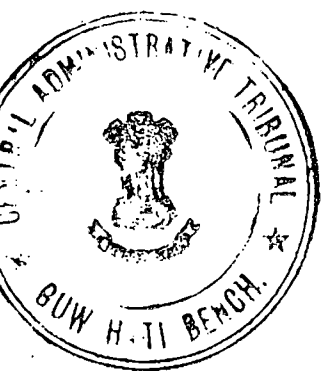
31.12.93

relating to condition of their services and consideration of their continuance as revealed from the documents, we are of the view that there is substance for scrutiny and decision.

Accordingly this application is admitted. Issue notice on the respondents under No. 1 and 2 under Registered Post and on respondents No.3 and 4 through Special Messenger locally. Learned Addl. C.G.S.C. Mr G. Sarma receives copy of the application and prays for six weeks time to file counter on receipt of instructions from the respondents. Time allowed to file counter as prayed for.

List on 28.2.1994 for counter and further orders.

Heard learned counsel Mr B.K. Sharma on the interim relief prayer in paragraph 9 of the application. It is submitted that no time limit was fixed in the appointment letters of the applicants as to the period of their service and they received all service benefits like that of regular employees and they were named in the gradation list at Annexure-C. It is also submitted that vide Annexure-F, Telegram, dated 17.12.1993, respondent No.4 requested respondent No.2 to extend sanction for continuance of the services of the staff of the Directorate of Census, Assam, Guwahati, particularly in respect of the Mapping Staff beyond 31.12.1993 in view of the huge mapping works relating to District Census Handbook and other related projects connected with Census. Mr B.K. Sharma submits that Mapping Staff includes Draftsman. It is further submitted that the services of Draftsman are still required as



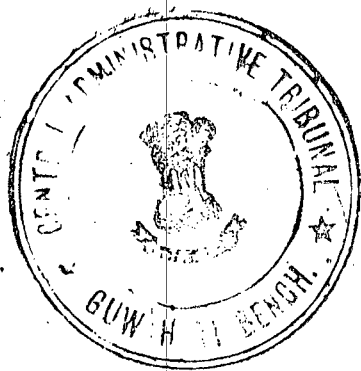
Affected
B. Sarma
31.12.96
सहायक निदेशक जनगणना परीचालन : असम
Assistant Director of Census Operation, Assam.
गुवाहाटी / Guwahati

OFFICE NOTE

DATE

COURT'S ORDER

31.12.93



the respondents have taken interview of fresh candidates for appointment as Draftsman and in this respect Interview Letter No.DCO(E)1/89/Pt.I/8929-51 dated 11.11.1993 (Annexure-G) has been referred to. In the course of submissions Mr B.K. Sharma refers to Annexure-E, Tentative Programme of Mapping at DCO, Assam, for 1991 Census (in the level of Draftsman etc.) and states that huge work of census operations are yet to be completed as indicated in the said programme. Mr B.K. Sharma prays to stay operation of the impugned order No.DCO(E)97/80/Vol.I/9922-68 dated 21.12.1993 with direction on the respondents not to terminate the services of the applicants and to allow them to continue in service as Draftsman beyond 31.12.1993. Learned Addl. C.G.S.C. Mr G. Sarma submits that the Director had taken action to terminate their services pursuant to Government of India letter No. 2/4/90-RG(Ad-II) dated 30.11.1993 because the present sanction for the posts expires on 31.12.1993. Mr G. Sarma files a copy of the letter containing this instruction. Perused the contents of the instructions.

Upon hearing counsel for the parties on the interim prayer we find that the applicants have made a prima facie case for interim order/direction. Accordingly, the operation of the impugned notification/office order No.DCO(E)97/80/Vol.I/9922-68 dated 21.12.1993 terminating services of the applicants with effect from 31.12.1993 afternoon is hereby

Attested
B. Sarma
 सहायक निदेशक जनगणना प्रोचालन : असम
 Assistant Director of Census Operation, Assam
 गुवाहाटी / Guwahati

28-

Annexure - R.2

92/93

O.A.No.270/93

NOTE DATE COURT'S ORDER

31.12.93

stayed and the respondents are directed not to give effect of the said office order and to allow these four applicants to continue in service. The respondents will be at liberty to approach the Tribunal for modification or alteration of this interim order if so advised.

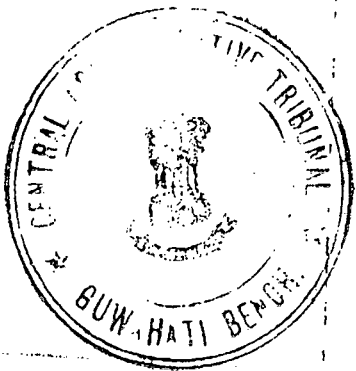
Inform all concerned immediately/ telegraphically and respondents No.3 and 4 by Special Messenger locally for information and implementation of the interim order.

SD/ S.HAQUE,
VICE CHAIRMAN

TRUE COPY

Section officer (J. Secy)
Central Administrative Tribunal
Guwahati Bench, Guwahati.

27/12/93
21/12
Assistant Director of Census Operation, Assam.
Guwahati / Guwahati



29-

Annexure-R.3

फोन, कार्यालय

Phone, Office 31954

H.O. DCO(E)/1/89/11377

GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS: GRIHA MANTRALAYA

कार्यालय प्रथम जनगणना निदेशक

OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, ASSAM

प्रि. एम. रोड, उलुहारी, गुवाहाटी 781007

G. S. ROAD, ULUHARI, GUWAHATI-781007

दिनांक गुवाहाटी

Dated Guwahati

16.10.90

OFFICE ORDER

Smti Namoni Kalita daughter of Shri Rama Kanta Kalita of Manik Nagar, Dispur in the District of Kamrup (Assam) is hereby appointed, temporarily as Draughtsman in the office of the Director of Census Operations, Assam, Guwahati with immediate effect in the scale of pay of BA 1200-30-1560-BE-40-2040/- pm. plus other allowances as admissible under the Central Govt. Rules as amended from time to time on an adhoc basis.

The post is purely temporary created specially in connection with 1991 Census works and would be abolished on completion of the work and the incumbent will be retrenched and Govt. would have no liability thereafter.

The appointment is ad-hoc in nature and likely to continue up to 28.2.91 only. However, the appointment can be terminated even before 28.2.91 or the extended period as the case may be by giving one month's notice from either side or one month's emolument in lieu thereof.

She should produce the medical certificate of her fitness from the authorized Medical Attendant in proper form at the time of joining to the post.

Sd/- J.C. DEUIAN
DEPUTY DIRECTOR OF CENSUS OPERATIONS
ASSAM : GUWAHATI.

H.NO.DCO(E)/1/89/11378-83

Copy to :-

1. The Pay & Accounts Officer (Census)
A.G.C.W. & H. Building, New-Delhi-11
2. The Assistant Director of Census Operations(T) (D.D.O.)
3. Office Superintendent
4. Accounts Branch
5. Estt. Branch (for personal file.)
6. Smti Namoni Kalita, C/O. Student Upa,
Ambikapuri Nagar, Guwahati-24.

d/14.10.90

(J.C. DEUIAN)

16.10.90

DEPUTY DIRECTOR OF CENSUS OPERATIONS
ASSAM : GUWAHATI.

सहायक निदेशक जनगणना परीचालन : असम
Assistant Director of Census Operation, Assam.
गुवाहाटी / Guwahati.

NO.DCO(E)21/78/Vol.II/4995

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

Dated Guwahati the 13th March/91.

OFFICE ORDER

The following persons are hereby appointed as Computer on a purely temporary and on ad hoc basis in the Office of the Director of Census Operations, Assam, G.S. Road, Ulubari, Guwahati-7, in the scale of pay of Rs.1200-30-1560-EB-40-2040/- p.m. plus other allowances as admissible under the Central Govt. Rules as amended from time to time.

<u>Sl.</u>	<u>Name</u>
1.	Shri Santanu Goswami
2.	" Ramesh Kakoty
3.	" Nabojyoti Sarma
4.	" Mahendra Ch. Roy
5.	" Ranjan Kr. Roy.

The post is purely temporary and with the completion of 1991 Census work the post will be abolished by the Govt. and the incumbent will be retrenched and govt. would have no liability thereafter.

They should produce before the undersigned the medical fitness certificate in the prescribed certificate from a Chief Medical Officer or Civil Surgeon and also duly filled in and signed attestation form (in duplicate) enclosed herewith at the time of joining the post.

They should join on or before 25/3/91 failing which the appointment order may be treated as cancelled.

(J.C. BHUYAN)

DEPUTY DIRECTOR OF CENSUS OPERATIONS
ASSAM:GUWAHATI.

Memo No.DCO(E)21/78/Vol.II/4295-5004 Date : 13/3/91.

- Copy to :
1. The Pay & Accounts Officer (Census) New Delhi-2.
 2. The Asstt. Director of Census Operations(T) (D.D.O.) Assam.
 3. The Office Superintendent.
 4. The Junior Accounts Officer.
 5. Shri

Attested
28/3/91
सहायक निदेशक जनगणना परिचालन : असम
Assistant Director of Census Operation, Assam
गुवाहाटी / Guwahati

(J.C. BHUYAN)

DEPUTY DIRECTOR OF CENSUS OPERATIONS
ASSAM:GUWAHATI.

62/5

No. DCO(E) 21/78/ 11000

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

Dated Gauhati, December 12, 1979.

ORDER

Miss Minu Kalita, is hereby temporarily appointed as an Draftsman in the office of the Director of Census Operations, Assam, Gauhati in the scale of pay of Rs. 330-10-380-EB-12-500-EB-560/- p.m. plus other allowances as admissible at the Central Government rates.

The appointment is temporary and terminable at any time without notice and without assigning any reasons therefor.

Miss Minu Kalita is to join immediately and in any case not later than 15 days from the date of issue of this order.

She should also produce medical fitness certificate from the Chief Medical Officer, Gauhati at the time of joining.

SA/2 H.K. CHOUDHURY
DIRECTOR OF CENSUS OPERATIONS
ASSAM : GAUHATI.

Memo No. DCO(E) 21/78/ 11000

Dated 12.12.1979.

Copy to :-

1. The Registrar General, India,
2/A, Mansingh Road, New Delhi - 110011.
2. The Pay & Accounts Officer, Census, New Delhi - 110002.
3. The Asstt. Director of Census Operations (I) Assam, Gauhati.
4. Investigator (Census & Tabulation)
5. The Accounts Branch of this office.
- ✓ 6. Miss Minu Kalita, C/o Shri Rama Kalita,
Burbanchal Nagar, Gauhati - 3.
7. The Establishment Branch of this office.
8. Personal file.

Attested
22/12/79
सहायक निदेशक जनगणना परीक्षण : असम
Assistant Director of Census Operation, Assam.
गुवाहाटी / Guwahati.
(H.K. CHOUDHURY)
DIRECTOR OF CENSUS OPERATIONS
ASSAM : GAUHATI.

32

Annexure-R.6

142

63

86

By Speed Post

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

New Delhi-11, the
dated 30, November, 1993

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

Attested
27/12/93
सहायक निदेशक जनगणना परीक्षा : असम
Assistant Director of Census Operation, Assam
गुवाहाटी / Guwahati

Annexure-R. 7

-33-

BY SPEED POST

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 14th Dec, 1993

To

All Directors of Census Operations,
(including Language Division, Calcutta)

Subject:- Expiring of the sanction of the 1991 Census
posts- regarding.

Sir,

In continuation of this office letter of even number dated 3rd December, 1993 on the above subject, I am directed to reiterate that all the temporary posts created in connection with the 1991 census have been sanctioned by the Government till 31.12.1993 only and as such they will expire after that date. It is presumed that you must have initiated necessary action in this direction as requested vide our letter referred to above.

2. In this connection it is further clarified that the orders to be issued by you should be 'speaking orders' in the sense that it should clearly be mentioned that a particular incumbent had been appointed against a 1991 census post which had been sanctioned by the Government till 31.12.1993 and that the reversion/retranchment of the officials is as a consequence of expiry of sanction of these posts (and not on 'abolition'). In case you have already issued an order, you may consider to issue a modified order on the line suggested above superceding the previous one.

3. It is further clarified that such an order need not be issued in respect of posts which were created for 1981 census have been continuing since then and have been allowed to be adjusted for the 1991 census operations. This matter is being taken up with the Government, and you would be suitably advised on this in due course.

Yours faithfully,

(M.M. JHA)
Jt. Registrar General, India

5594
21/12/93
सहायक निदेशक जनगणना परोचालन : असम
Assistant Director of Census Operation, Assam
गुवाहाटी / Guwahati.

Annexure - R. 8



तार पता : स्टासेलकाम
Telegraphic Address : STASEL.COM

सं. 893/93-PP
Dy No.

भारत सरकार

कर्मचारी चयन आयोग

कामिक तथा प्रशिक्षण विभाग

कामिक, लोक शिकायत तथा पेंशन महालय

ब्लॉक नं. 12

केंद्रीय कार्यालय परिसर, लोदी रोड

GOVERNMENT OF INDIA

STAFF SELECTION COMMISSION

DEPARTMENT OF PERSONNEL & TRAINING

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
& PENSIONS

Block No. 12

KENDRIYA KARYALAY PARISAR
LODI ROAD

नई दिल्ली

New Delhi-110003.

Dated: 21.4.93

To

Sh. Chandra Prakash,
Asstt. Director,
Office of the Registrar General, India,
2/A, Mansingh Road,
New Delhi.

Sub:- Filling up of the posts of Proof
Reader and Draftsman - clarification
regarding.

Sir,

I am directed to refer to your letter No.
23/1/92-R(Ad-II)-dated 20.4.93 on the subject
cited above and to inform that the recruitment to
to the Posts of Proof Readers and Draftsmen fall
within the purview of the Commission and selection
to these posts would be made by the SSC.

Yours faithfully,

(NK KESRI)

SECTION OFFICER

Assistant Director of Census Operation, Assam
गुवाहाटी / Guwahati

Annexure-R-9.

MOST IMMEDIATE
BY SPEED POST

सं०/No. 19/35/90-RG(Ad.II)

भारत सरकार
GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

भारत के महा रजिस्ट्रार का कार्यालय
OFFICE OF THE REGISTRAR GENERAL, INDIA

2-A, Man Singh Road,

नई दिल्ली, दिनांक

New Delhi, the

May 24, 1993

To

Shri N.M. Samuel,
Director of Census Operations,
Kerala,
TRIVANDRUM.

Sub : Estt - Filling up of the post of Draftsman - Clari-
fication - sought. * * * * *

Sir,

I have the honour to refer to your letter No.B-758/93 dated 3.5.93 on the above subject and to say as follows :-

- (i) The posts created for strengthening the Dtes. in connection with the 1991 Census will cease to exist on 31.12.93. There is absolutely no scope of their further continuance.
- (ii) This office letter No.18/23/89-Ad.IV dated 21.2.90, clearly stipulated that to the extent possible the Group 'C' posts created in connection with the 1991 Census and required by Rectt. Rules to be filled by direct recruitment, may be filled by ad-hoc deputation from the Central/State Govt. officials and direct recruitment may be resorted to only in exceptional cases when it becomes inevitable.
- (iii) The concession/relaxation given by the Govt. to retrenched census employees for being considered for absorption against the vacancies in Group 'C' posts arising in the Census Organisation upto the end of June, 1993, are relevant in relation to the core/regular sanctioned posts only. Those posts should be such as do not fall within the ambit of the Staff Selection Commission (SSC).
- (iv) The post of Draftsman is not a technical post and recruitment to this post is made by the Staff Selection Commission.

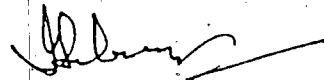
-----2/-

2376
27/5/93
Assistant Director of Census Operation, Assam.
गुवाहाटी / Guwahati

A copy of the confirmation given by SSC in this regard vide their Py. No.893/93-PP dated 21.4.93 is enclosed.

2. In view of the position clarified above. It would be clear that the posts of Drafts an which were sanctioned for the 1991 Census work have to be filled up by ad-hoc deputation and failing that only ad-hoc direct recruitment is to be made through Employment Exchange. The regular vacancies of Draftsman in the core strength have to be filled up through SSC and the retrenched Census employees cannot be considered for absorption against those regular vacancies.

Yours faithfully,



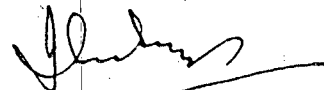
(I.S. THAKUR)
DEPUTY DIRECTOR.

Encl: As above.

NO:19/35/90-RG(Ad.II)

New Delhi, the 24th May, 1993

Copy for information to all other Directors of Census Operations in States & UTs.



(I.S. THAKUR)
DEPUTY DIRECTOR.

Annexure - R. 10.

NO.DCO (E) 206/92/ 1904.

178

34

GOVERNMENT OF INDIA
Ministry of Personnel, Public Grievances and Pensions
Department of Census Operations
Assam, Guwahati.

the 28th March/94.

To

The Director,
Employment & Craftsman Training,
Rehabari, Guwahati.

Sub :- Concessions/relaxations in favour of the retrenched census employees appointed in connection with the 1991 Census work.

Sir,

While addressing you on the subject, I would like to say that on completion of manual processing of census data collected during the 1991 Census in Assam, a large number of youths appointed for the purpose were retrenched. These retrenched personnel have rendered valuable services to the 1991 Census which was an important national task. The question of providing alternative employment to these retrenched employees has engaged the attention of the govt. of India, Ministry of Personnel, Public Grievances and Pensions. As a result of which the said ministry have issued instructions vide O.M. No.14024/3/91-Estt(D) dated 19/5/92 and subsequent O.M's dated 25/6/92, 4/8/93 & 30/8/93 (copy enclosed) granting certain concessions/relaxations to the retrenched census employees on a compassionate and humanitarian grounds. The govt. of Assam, Department of Personnel (B) have also issued instructions vide O.M's No.ASP. 265/91/15 dt. 6/1/92, No. ASP.265/91/27 dt. 30/6/92 and Department of Education's O.M. No. B(3) 716/93/58 dt. 6/9/93 (copy enclosed) for giving preference to these employees in the matter of

Assistant Director of Census Operations,
Guwahati.

Contd....2/-

/2/

In the meantime, the names of these retrenched employees might have been deleted from the live Register maintained by the Employment Exchanges on their temporary appointment in this directorate. If so, it is requested that the Employment Exchanges may be advised suitably to register/renew the names of retrenched census employees as and when they approach the exchanges concerned with certificate/orders issued by this directorate and to take all possible steps to help these retrenched personnel in the process of re-settlement and for getting alternative jobs elsewhere.

Yours faithfully,

(A. PYRTH)

DEPUTY DIRECTOR OF CENSUS OPERATIONS
ASSAM: GUWAHATI.

Affected
Signature
सहायक निदेशक जनगणना/सी बालन : असम
Assistant Director o. Census Operation, Assam
गुवाहाटी / Guwahati.

6. DERESERVATION

✓ 1. Application

The provisions of dereservation apply to recruitment/promotions other than all cases of direct recruitment as dereservation has been banned in direct recruitments with effect from 1-4-1989.

[G.I., Dept. of Per. & Trg., O.M. No. 36012/6/88-Estt. (SCT), dated the 25th April, 1989.]

2. When resorted to

(1) A vacancy reserved for SC or ST may be dereserved in accordance with the prescribed procedure and filled up by a general candidate in case no suitable candidate belonging to SC or ST, as the case may be, is available to fill such a reserved vacancy. A reserved vacancy should not be kept unfilled for more than one year in anticipation of SC/ST candidates, unless there is no recruitment in any particular year.

(2) Appointing authorities should take all possible steps to secure SC/ST candidates for appointment against reserved vacancies and propose dereservation only when it becomes inevitable. A reserved vacancy should not be filled up by a general community candidate unless it is dereserved.

[G.I., Dept. of Per. & A.R., O.M. No. 36013/5/78-Estt. (SCT), dated the 19th December, 1978 and Letter No. 36011/15/79-Estt. (SCT), dated the 6th January, 1981.]

✓ 3. Ban on dereservation of vacancies in direct recruitment

Dereservation has been banned with effect from 1-4-1989, in direct recruitments to services/posts in all Groups in respect of vacancies arising after 1-4-1989, as also those reserved vacancies of earlier years not filled by other community candidates. If there is any vacancy left unfilled in the first attempt of recruitment, then a second attempt shall be made for recruiting suitable candidates belonging to the concerned category in the same recruitment year or as early as possible before the next recruitment. If the required number of SC/ST candidates are not still available, the vacancies which could not be filled up shall remain unfilled until the next recruitment year as "Backlog vacancies".

EXCEPTION.—In case of direct recruitment to the vacancies in Group 'A' services, there may be rare and exceptional cases where the posts cannot be allowed to remain vacant in public interest for want of suitable SC/ST candidates. In such situation, the Administrative Ministry/Department concerned shall make a proposal for dereservation, giving full justification and also consult the Commissioner for SCs/STs and obtain his comments on each proposal. After obtaining the comments of the Commissioner, the proposal shall be placed along with the comments, before a Committee comprising the Secretaries in the Ministry of Personnel, Ministry of Welfare and the Ministry/Department under which the recruitment is being made, for consideration and recommendation. The

सहायक निदेशक जनगणना प्रोचालन : अतिरिक्त
Assistant Director of Census Operation, Assam

मुद्रित / हस्ताक्षर

-46-

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

67 12 13
Annexure - R.12

Original Application No. 72 of 1995.

Date of decision : This the 14th day of June, 1995.

(At Admission Stage)

The Hon'ble Justice Shri M.G. Chaudhury, Vice-Chairman.

The Hon'ble Shri G.L. Sanglyine, Member (Administrative).

Shri Sivadhar Kuli,
Son of Tamasa Kuli
Village-Bahir Rongdoi
P.O. Phillobari
District-Tinokie (Assam)

..... Applicant

By Advocate Shri R.P. Sharma

-versus-

1. Union of India
represented by the Registrar General of
Census Operation,
2-A, Mun Singh Road,
New Delhi-110001
2. Director of Census Operation
G.S. Road, Ulubari,
Guwahati-781007.
3. Regional Director (NER)
Staff Selection Commission
Nabagraha Road
Chenikuthi Hill side,
Guwahati-781003

..... Respondents

By Advocate Shri A.K. Choudhury, Addl. C.G.S.C.

O R D E R

CHAUDHURY J. (V.C.).

The application is admitted. Issue notice to the respondents.

A.K. Choudhury, Addl. C.G.S.C. waives notice for the respondents.

By consent called out for final orders.

Contd....P/2

kuc

The grievance of the applicant is that although his name was sponsored for appointment to the post of Draftsman on 29.4.94 no order for his appointment was issued and therefore he prays that the respondents and in particular respondent No. 2 be directed to appoint him against the post of Draftsman. It may be mentioned that the applicant had applied for the post in pursuance of the advertisement issued by the Staff Selection Commission inviting applications for one post of Draftsman in the department of Census Operations (Assam), Guwahati reserved for S.T. The applicant has stated that he belongs to Scheduled Tribe and was therefore eligible to apply.

2. From the letter of the Regional Director of Staff Selection Commission dated 17.4.95 which has been made part of the record it is found that after the applicant was duly selected by the Commission for the post that was advertised his name was sponsored to the indenting department viz. department of Census Operations (Assam) but that the Director of Census Operations (Assam) had returned the dossier of the applicant. The Regional Director has stated in the letter that the dossiers were also returned presumably on account of stay order passed by this Tribunal against the order passed by the Director Census Operations (Assam) terminating the services of the 4 adhoc Draftsmen. From Annexure B1 to the written statement of the respondents it appears that the Assistant Director of Census Operations was advised by the Standing Council of the Government not ^{to} appoint the sponsored candidates till the disposal of O.A. No. 269/93. That appears to be in probability the reason for which the Director of Census Operations seems to have returned the dossiers of the applicant and did not proceed to finalise the matter of his appointment.

Alister
27/5/96
सहायक निदेशक जनगणना परीचालन : असम
Assistant Director of Census Operations
Guwahati / Guwahati

3. It is stated in the written statement in paragraph 2 that 1 post of Draftsman was reserved for the Scheduled Tribe being a back log vacancy carried forward from 1979 due to non-availability of Scheduled Tribe candidate and that since there was no recruitment made the senior most Draftsman was appointed to that post and allowed to continue. Although it has not been so specifically explained and the contents of the paragraph 2 are not very clear the implication of the same is to understand that against the 1979 back log vacancy of Draftsman meant for Scheduled Tribe candidate the post has been filled in temporarily by the seniormost Draftsman and the post is still to be filled up in a regular manner. For that reason it appears that the post was advertised and the candidature of the applicant was under process. Since the applicant has not been appointed nor it is stated ^{that} any other candidate has been appointed to the post on regular basis it follows that the post is still available for regular appointment.

It is also clear from paragraph 2 of the written statement that 4 posts of Draftsman were created purely for the 1991 census and the posts were of temporary nature. Against those 4 posts the applicants in O.A. 269/93 were appointed. Their appointments however were terminated by order dated 31.12.93. That has been challenged by those 4 incumbents in O.A. No. 270/93. That petition is pending and an interim order of ^{stay of} the operation of the ~~order~~ order has been issued and is in operation.

4. It also appears that another set of employees who were appointed on temporarily on adhoc basis have challenged the order of termination of their services with effect from 31.12.93. the very same order which was challenged by the applicants in O.A. No. 270/93. That O.A. is also pending and in that O.A.

-43

1 1 1

interim order of stay of operation of the order of termination has been granted and is in operation.

5. It will thus be seen that whereas the applicants in O.A.s 269/93 and 270/93 had been appointed ^{to the} ~~of the~~ post temporarily created in 1991 ^{for} ~~but the~~ Census operation, the present applicant had applied for the post which was a regular post advertised against 1979 back log of Scheduled Tribe candidate. The order of stay in the other two applications therefore has no application to the consideration of filling up this 1979 S.T. back log vacancy.

6. The Director of Census Operations seems to have acted with ^{abundant} ~~abandoned~~ caution and consistently with the advice of the Standing Counsel in not further considering the candidature of the applicant for appointment so that any decision taken by him should not be construed as amounting to breach ^{of} ~~the~~ order of interim stay in these applications.

7. We hereby make it clear ^{that} ~~the~~ order of stay granted in the two other applications does not come in the way of the Director of Census Operations, Assam to consider the case of the applicant on his own merits and in accordance with the rules for appointment to the post which ^{is} ~~we make it clear~~ is meant for 1979 S.T. back log post of Draftsman. In the letter dated 17.4.95 the Regional Director (NER), Staff Selection Commission has stated that he does not have any objection to send back the dossiers of the applicant to Census Operations, Guwahati. We think that that course would be proper to adopt.

Contd...P/5



Affected
B-5
27/5/96
Assistant Director of Census Operations
Guwahati

In the result the following order is passed :

1. The Staff Selection Commission is directed to send back the dossiers of the applicant to the Director, Census Operations, Assam to enable him to consider the appointment of the applicant.
- ii. The Director of Census Operations, Assam (Respondent No. 2) is hereby directed to proceed further with the case of the applicant as sponsored by the Staff Selection Commission for appointment to the post of Draftsman against the 1979 S.I. Back log post that was advertised by the Staff Selection Commission under Advertisement No. 2/93 Annexure-1 to the O.A. The respondent No. 2 ^{to} ~~would~~ proceed according to the rules as soon as the dossiers of the applicant ~~is~~ ^{are} received ^{by} him from the Staff Selection Commission.

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

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

TRUE COPY

प्रतिलिपि

Affected
 23/5/96
 सहायक निदेशक जनगणना परीक्षण : असम
 Assistant Director of Census Operation, Assam
 गुवाहाटी / Guwahati
 Section Officer (J)
 अनुमान जपिकारी (न्यायिक शाखा)
 Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 Guwahati Bench, Guwahati-5
 गुवाहाटी न्यायालय, गुवाहाटी-5

Annexure - R. 13

-45-

72

Telegram "REGGENDIND"

By Speed Post

S.O. No. 27/31/95-Ad. IV

भारत सरकार
GOVERNMENT OF INDIA

गृह विभाग
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

भारत के गृह रजिस्ट्रार का कार्यालय
OFFICE OF THE REGISTRAR GENERAL, INDIA

नई दिल्ली, दिनांक 2/A, Mansingh Road,
New Delhi, the 26.3.96

To

The Director of Census Operations,
Assam,
Guwahati.

Subject:- OA No.72/95 filed by Shri Sivadhar Kuli Vs. UOI & Ors.
in CAT, Guwahati Bench.

Sir,

I am directed to refer to your d.o. letter No.DCO(E) 306/95/1317 dated 6th March 1996 on the subject noted above and to say that Smt. Mamoni Kalita was to discontinue after the expiry of sanction for the 1991 census posts. Since she was given a vacancy reserved for the ST candidate for which recruitment action had already been initiated, she cannot be continued on that post after a regular selection has been made by the SSC. Accordingly, the judgement of the Central Administrative Tribunal in OA No.72/95 may be implemented within the stipulated time to avoid any contempt proceedings.

Yours faithfully,

(K. VIVEKANAND)
DEPUTY DIRECTOR

Hester
27/3/96
सहायक निदेशक जनगणना परीक्षण : असम
Assistant Director of Census Operation, Assam
गुवाहाटी / Guwahati

March 30 1996 ad
April 1, 1996 holiday
April 5-7, 1996 again holiday

Annexure F/R 14 Post

75 73

1995

46

EGGENLIND

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

GOVERNMENT OF INDIA

GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS/GIRH MANTRALAYA

भारत के महा रजिस्ट्रार का कार्यालय

OFFICE OF THE REGISTRAR GENERAL, INDIA

2/A, Mansingh Road,

New Delhi, India

New Delhi, the 31st March '94

All Directors of Census Operations
in States and Union Territories

Subject : Continuation of 1981 Census posts in the State
Census Directorates.

Dear Sir,

I am directed to convey the sanction of the
President to the continuation of temporary posts created
in the State Census Directorates at the time of 1981
census till 28.2.95 or till 510 Report is finalised.
However, any post which is lying vacant at present or
which may fall vacant hereafter out of these posts will
not be filled.

This is further subject to getting approval of
the Ministry of Finance for continuance of all the posts
in the Ministry of Home Affairs beyond 31.3.94.

These posts are continued with the concurrence
of Integrated Finance Division of the Ministry of Home
Affairs vide their UO No. S-80/FA(H)94 dated 21.3.94.

Yours faithfully,

(R. K. PURI)
JOINT DIRECTOR

Heads
27/5/94
निदेशक जनगणना परीचालन : असम
Joint Director of Census Operation, Assam
Guwahati
Copy to

contd.

7. PS to R.G.I.
8. PS to JRG(I)
9. Hindi Section for hindi version.
10. General Secretary, All India Census Employees
Federation, C/o Director of Census Operations,
Chandigarh

R.K. Puri

(R.K. PURI)
JOINT DIRECTOR.

Annexure - R. 15

47 74

By Regd. Post
Most Immediate
Confidential

Telegram : "REGCLNIND"

सं./No. 13/5/96-SIU

भारत सरकार
GOVERNMENT OF INDIA

गृह मंत्रालय
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

भारत के महा रजिस्ट्रार का कार्यालय
OFFICE OF THE REGISTRAR GENERAL, INDIA

2/A, MANSINGH ROAD,

गई दिवसी, दिनांक: 9.5.96
New Delhi, the

To

The Heads of Offices,
All Directorates of Census Operations, Assam
(By name)

SUB: Staffing study of Directorates of Census Operations
in States and Union Territories.

Sir,

I am directed to enclose a copy of the SIU final report relating to your Directorate. The report has to be implemented in accordance with the Ministry of Finance, Deptt. of Expenditure O.M. Nos. 1(57)-E(Coord)/80 dated 20.11.80 and 1(49)-E(Coord)/87 dated 11.1.88. Copies of these O.M. are enclosed for ready reference. The implementation of SIU report in respect of re-deployment of staff rendered surplus as a result of SIU will be governed by revised scheme prescribed under Govt. of India, Deptt. of Personnel & Training O.M. No. 1/18/88-CS III dated 1st April, 1989.

You are requested to examine the report and initiate necessary action for its implementation. The detailed instructions in this regard will be sent to you shortly.

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

Yours faithfully,

Suman Prashar

(SUMAN PRASHAR)
DEPUTY DIRECTOR

Affected
27/5/96
सहायक निदेशक जनगणना प्रोचालन : असम.
Assistant Director of Census Operation, Assam.
गुवाहाटी / Guwahati.

Cd/p 27/5

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	4
3.	Senior Geographer	1	1
4.	Office Superintendent	1	1
5.	Cartographer	2	1
6.	Investigator	8	8
7.	Senior Hindi Translator	1	1
8.	Artist	1	1
9.	Head Assistant	1	1
10.	Senior Draughtsman	1	1
11.	Draughtsman	3	3
12.	Statistical Assistant	10	10
13.	Assistant	3	3
14.	Senior Stenographer	1	1
15.	Hindi Translator	1	-
16.	Compiler	26	26
17.	Upper Division Clerk	4	4
18.	Proof Reader	1	1
19.	Junior Stenographer	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.	Gestetner Operator	1	1
25.	Daftry	3	3
26.	Peon	10	8
27.	Chowkidar	4	6
28.	Sweeper	1	1

The above strength 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

Affected
27/5/96
सहायक निदेशक जनगणना परीचालन : असम
Assistant Director of Census Operation, Assam
गुवाहाटी / Guwahati

Perum Paraman (Hqrs)
Office of the Registrar General, India
(Ministry of Home Affairs)
17A, Man Singh Road,
New Delhi-110011

R. S. HASIA
(R. S. HASIA)
Joint Director (SRU)
Ministry of Finance
Department of Expenditure

Filed in Court
on 10-6-96
Hon'ble
Court Master

276

Filed by the respondent
through
B. Mahalingam
Advocate
10/6/96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

793
10 JUN 1996
Guwahati Bench
FILED

IN THE MATTER OF :

O.A. No. 71/96

Smti. Mamoni Kalita ... Applicant

- Versus -

Union of India & Ors. Respondents

- AND -

IN THE MATTER OF :

Rejoinder to the Written Statement
filed by the respondents.

The applicant abovenamed

Most Respectfully Sheweth :

1. That the applicant has gone through the copy of the written statement served on her counsel and have ~~gone~~ understood the contents thereof. Save and except the statements which are specifically admitted herein below, other statements made in the written statement are categorically denied. Further the statements which are not borne on records are also denied.
2. That with regard to the statements made in paragraphs 1, 2 and 3 of the written statement, I categorically deny the statements made therein and reiterate and reaffirm the statements made in the O.A.
3. That with regard to the statements made in paragraph 4 of the W.S. , I beg to state that having come through the same process of selection as in the case of regular appointment and having continued in the

Received
G. Sarma
ADCS
CAT
10/6/96

Contd.....P/2.

post presently being held by the applicant for so many years and the respondents having treated the applicant all along as a regular employee cannot now turn round the same for a favourable consideration by this Hon'ble Tribunal. The respondents instead of being a model employer cannot appropriate and reprobate.

✓4. That with regard to the statements made in paragraph 5 of the W.S., the applicant denies the contention made therein and reiterates and reaffirms the statements made in the O.A. It is denied that the kind of retrenchment which is sought to be meted out to the applicant also took place during the earlier census operation. In any case the services of the applicant ~~are~~ having not been discontinued on or after 31.12.93, now the respondents cannot take recourse to an earlier judgment of this Hon'ble Tribunal for the purpose of terminating her services, more so when four draftsmen junior to her are still continuing in their services. It is the settled principle of law that even for temporary services, if a junior person is retained in service, the senior person must be retained.

5. That with regard to the statements made in paragraphs 6 and 7 of the W.S., the applicant does not admit anything contrary to the relevant records.

6. That with regard to the statements made in paragraph 8 of the W.S., the applicant does not admit anything contrary to the relevant records. ~~It is~~ In this connection, it is stated that for the purpose of

recruitment to the post of Draftsman SSC's recommendation is not required and never in the past such recommendation was sought for ~~h~~ from the SSC. The Draftsman being a technical post, such recommendation is not sought for in the department and so also in other departments. For the first time in the history of the census department in which the applicant has been working, an exception was made when the SSC selected candidate was sought for. The applicant having come through the regular process of selection, her services are required to be regularised in any available vacancy.

7. That with regard to the statements made paragraph 9 of the W.S. I do not admit anything contrary to the relevant records. The respondents have misinterpreted and misunderstood the provisions of reservation while there is no denial that there is carry forward of roster point but it categorically denied that there~~x~~ can be carried forward of the reservation. It is denied that the applicants in O.A. No. 270/93 have been continuing in their services without any post. In this connection, the applicant begs to state that the posts have been sanctioned and continued in the office of the respondents against which the said applicants are continuing. Such continuance is on the basis of the time to time sanction given by the respondents.

8. That with regard to the statements made in paragraph 10 of the W.S. , the applicant categorically denies that her services were continued beyond 31.12.93 against a reserved vacancy. The respondents are called

upon to substantiate the statements by production of relevant records. She was never intimated that her services have been continued against any S.T. vacancy. In any case, the applicant having not apprised of any such situation before, the respondents cannot now take such a plea before this Hon'ble Tribunal.

9. That with regard to the statements made in paragraph 11 of the W.S. , the applicant categorically denies the statements made therein. It is also denied that the Senior Artist post has been abolished with effect from 31.12.93. The respondents are called upon to substantiate their claim. It is also denied that the post of Draftsman is not a technical post and recruitment to the post is made by the SSC. As already pointed out above, never before such recourse was taken by the department. However in case of the applicant an exception ~~has~~ is sought to be made. Further, Shri A. Singh was also not an S.T. candidate.

10. That with regard to the statements made in paragraph 12 of the W.S. the applicant states that as per the Employment Notification she was appointed against an unreserved post (as per office roster). Now after completion of nearly six years of service, same is sought to be terminated on the ground that she was holding a vacancy meant for S.T. candidate. Never before she was intimated about such a position.

11. That with regard to the statements made in paragraph 13 of the W.S., the applicant begs to state

the respondents could not have issued the notice of termination to the applicant pursuant to the Judgment in O.A. No. 72/95 inasmuch as in the said Judgment, there is no indication to terminate the services of the applicant and for that matter any other appointment. The respondents also never contended before the Hon'ble Tribunal in the said case that any reserved post was being held by a general category candidate and for that matter by the applicant. In any case, the roster point of 1979 cannot be carried forward to 1996 as per the existing rules and regulations. Furthermore, the applicant was not a party to the O.A. No. 72/95.

12. That with regard to the statements made in paragraph 14 of the W.S., the applicant categorically denies the correctness of the same and the respondents are called upon to substantiate their claim by producing all relevant records. By their own statement, the 1981 census post was directed to be not filled up meaning thereby that even during 1981 post created in connection with census was continued making an exception to 1991 census. post. In any case, the respondents cannot approbate and reprobate from their stand as per their own sweet will.

13. That with regard to the statements made in paragraph 15 of the W.S. while denying the contentions made therein, the applicant begs to state that never before she was intimated that she has been continued

Contd.....P/6.

against a vacancy meant for an S.T. candidate. In any case, the respondents cannot go on changing their stand and they will have to substantiate their claim by producing all relevant records.

14. That with regard to the statements made in paragraph 16 of the W.S. the applicant categorically denies the contentions made therein. It is denied that the respondents had apprised the Hon'ble Tribunal by their written statement in O.A. 72/95 that the applicant had been allowed to continue against a reserved vacancy.

15. That with regard to the statements made in paragraph 17 of the W.S., the applicant while denying the contentions made therein does not admit anything contrary to the relevant records.

16. That with regard to the statements made in paragraph 18 of the W.S. while denying the contentions made therein, the applicant begs to state that admittedly she was appointed against a general category post and the respondents cannot convert her ~~post~~ such appointment to a reserved vacancy and that too without any intimation to her. Had she been intimated by such alleged conversion of her appointment, to a reserved vacancy, she could have taken such recourse as would have been advisable to her.

17. That with regard to the statements made in paragraphs 19 to 41, of the W.S., while denying the

statements made therein, the applicant reiterates and reaffirms the statements made in the O.A. and so also hereinabove.

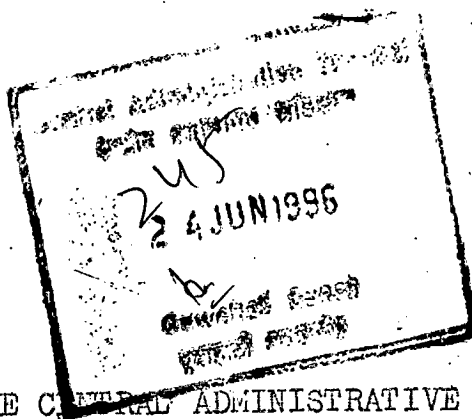
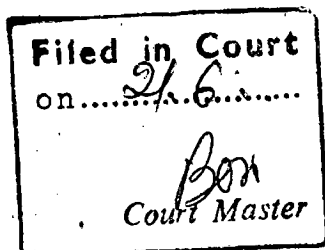
18. That undee the facts and circumstances stated hereinabove, the O.A. filed by the applicant deserves to be allowed with cost.

V E R I F I C A T I O N

I, Smti. Mamoni Kalita, the applicant in O.A. No. 71/96, do hereby solemnly affirm and verify that the statements made in this accompanying rejoinder in paragraphs 1 to 18 are true to my knowledge and belief and I have not suppressed any material facts.

And I sign this verification on this the 9th day of June 1996 at Guwahati.

Mamani Kalita



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

83
File by
Golap Sarma
Additional Central Govt
Standing Counsel
Central Administrative Tribunal
Guwahati Bench
21.6.96

In the matter of :

O.A.No.71/96

Smt. Mamoni Kalita ... Applicant.

-Versus-

Union of India & Ors. ... Respondents.

-AND-

In the matter of :

Reply of the re-joinder filed by
the Applicant.

1. I, Shri B. L. Sarmah, Assistant
Director of Census Operations, Assam, Guwahati,
having received a copy of the Re-joinder filed by the
applicant in this Hon'ble Tribunal and being authorised,
I do hereby file the reply of the re-joinder as follows:-

2. That with regard to the contents made in
paragraph 1 of the rejoinder, I beg to state that the
additional information submitted to the Hon'ble Tribunal
in the Annexure-A as sought for by the Hon'ble Tribunal
vide order in O.A.No.71/96 dtd.3.6.96 (copy annexed as
Annexure-A) which will speak against the denial.

Contd..p.2/-

3. That with regard to the contents made in paragraph 2 of the rejoinder, I beg to state that the written statement made in para 1,2 & 3 is correctly and evidently explained and therefore denial to the written statement does not arise and I beg to reiterate and reaffirm the written statement made in O.A. 71/96.

4. That with regard to the contents made in paragraph 3, I beg to state that the names of candidates were drawn from the employment exchange (the permissible channel) for purely temporary appointment against the post of Draughtsman - created for 1991 census which does not mean that they are regularly appointed to a post. It would be worth mentioning here that the Employment Exchange had been intimated in the forwarding letter of the requisition, copy of which is annexed herewith and marked as Annexure-B, that these posts are created by the Govt. of India exclusively for 1991 census works and is likely to continue not more than two years. On completion of 1991 census works these posts will be abolished and the services of these appointees will stand terminated. Therefore the question of - expressed view here in that para 3 - "the respondents instead of being nodal employer cannot approbate and reprobate" does not arise at all. The appointment letter of the applicant itself expresses all conditions.

5. That with regard to the contents made in paragraph 4, I beg to state that the statement made in para 5 of the Written Statement is evidently correct and

therefore.....

therefore the denial to it does not arise. That four Draughtsman (now three) junior to the applicant are still continuing in services not clear and correct in facts.

These four employees were terminated from service w.e.f. 31.12.93 (AN) and are continuing in service against stay order granted by this Hon'ble Tribunal in O.A.No.270/93. Therefore contents of para 5 of the Written Statement is reaffirmed.

6. That with regard to the contents made in paragraph 5 of the rejoinder, I would like to inform that a few employees appointed against 1991 Census posts are allowed to continue against the resultant vacancies available due to deputation of some regular incumbents to the D.D.E. unit. Besides that a few employees are continuing against some regular vacancies and these employees are yet to qualify from the S.S.C. for their regular appointment.

That all the 1991 Census posts have been discontinued will be proved by the documents as enclosed as Annexure-C(I), C(II) and C(III). Further it will be evident from the sanctioning letter annexed herewith as Annexure-D(I) and D(II) that the post of Research Officer/Senior Artist/Artist and Draughtsman are created in connection with 1991 Census and these are discontinued with effect from 31.12.93.

7. That with regard to the contents made in paragraph 6, I beg to state that as regards the post of Draughtsman is to be filled through S.S.C. the Annexure R-8 (copy enclosed) annexed to para 8 of the Written Statement

will.....

will state the position. Moreover there is no other vacancy in the grade of Draughtsman.

8. That with regard to the contents made in para 7 of the rejoinder, I beg to state that as already stated in para 9 of the Written Statement that the said three Draughtsmen are continuing in service only because of the fact that a stay order has been granted in favour of them by this Hon'ble Tribunal in O.A.No.270/93 but not against any sanctioned post.

9. That with regard to the contents made in paragraph 8 of the rejoinder, I beg to state that it would be evident from para 10, 12 and 14 of the Written Statement that the applicant was allowed to continue in the post after 31.12.93 against a resultant vacancy which was due for S.T. as a reservation point was carried forward since 1979. That the post is due for S.T. as per roster register, an extract of which is annexed at Annexure-A in reply to para 1 above..

10. That with regard to the contents made in paragraph 9, I beg to state that the contents made in para 11 of the Written Statement is reaffirmed. The post is for 1991 census and the same was discontinued with effect from 31.12.93. As regards, "That the post of Draughtsman is not a technical post and recruitment to the post is made by the Staff Selection Commission" - I may kindly be allowed to draw the attention of this Hon'ble Tribunal to second part of para 11 of the Written Statement.

Contd...p.5/-

- 5 -

11. That with regard to the contents made in paragraph 10, I beg to state that it would be evident from para 10,12 & 14 of the Written Statement that the applicant was allowed to continue in the post after 31.12.93 against a resultant vacancy - which was due for S.T. as a reservation point was carried forward since 1979. That the post is due for S.T. as per roster register, an extract of which is annexed as Annexure-A in reply to para 1 above.

12. That with regard to the contents made in para 11, I beg to state that although it is a fact that neither in the O.A. No.72/95 nor in Registrar General's letter referred to therein - para 13 of the Written Statement, any mention was made about termination of the applicant. But since Shri S.Kuli is to be accommodated as per the Hon'ble Tribunal's order, the applicant working against S.T. post and the juniormost Draughtsman has had to be terminated to make room for Shri S.Kuli. As regard carrying forward the roster point since 1979 to 1996, I may kindly be allowed to draw the attention of this Hon'ble Tribunal to para 8 of the Written Statement, where the same has been clarified.

13. That with regard to the contents made in para 12, I beg to state that as already stated in reply to para 11, I beg to state that the Respondents have to initiate action for appointment of Shri S.Kuli who was sponsored by the Staff Selection Commission to the post

post of Braughtsman and accordingly to accommodate said Shri Kuli, the applicant was served with termination notice. Continuation or discontinuation of post sanctioned for any earlier censuses depends upon the Ministry of Home Affairs as a Government policy and therefore, the question of approbate and reapprobate from the stand of the respondents does not arise.

14. That with regard to the contents made in paragraph 13, I beg to state that as already stated in para 3 and 15 of the Written Statement and as explained in reply to para 3 of this present rejoinder, the question of changing stand does not arise.

15. That with regard to the contents made in paragraph 14, I beg to state that the contents made in para 16 of the Written Statement is reaffirmed.

16. That with regard to the contents made in paragraphs 15 and 16, I beg to state that the contents made in para 17 and 18 of the Written Statement are analytical for reply to these paragraphs and are reaffirmed.

17. That with regard to the contents made in paragraphs 17 and 18 of the rejoinder, I beg to state that the contents made from 19 to 41 in the Written Statement are simply and plainly explained exhaustively and hence reaffirmed.

Contd.....7/-

18. That in view of the foregoing statements the applicant is not entitled to any relief and therefore the respondents humbly pray before this Hon'ble Tribunal to vacate the interim order passed in in the present O.A. on 7-5-96.

19. That the present rejoinder filed by the applicant does not contain any new materials and it is replica of the O.A.only.

20. That this reply to the rejoinder is made bonafide and in the interest of justice.

Verification

VERIFICATION

8

I, Shri B.L. Sarmah, Asstt. Director of Census Operations, Assam, Guwahati, being authorised do hereby solemnly affirm and declare that the contents made in paragraph 1 of this reply to the rejoinder are true to my knowledge and those made from paragraph 2 to 17 are derived from records which I believe to be true and rest are humble submissions before this Hon'ble Tribunal.

AND I sign this Verification on this 19th day of June, 1996 at Guwahati.

B. L. Sarmah
सहायक निदेशक जनगणना परीचालन : असम
Assistant Director Census Operation, Assam
गुवाहाटी / Guwahati.

Additional information sought for by the Hon'ble C.A.T., Guwahati Bench in O.A.No.71/96 - Smti. Mamoni Kalita -Vs- Union of India and others.

A glance at the roster register maintained in this office for the post of Draftsman will clarify the points raised in O.A.No.71/96 dt. 3.6.96 (an extract from the roster register relating to the post of Draftsman enclosed - Annexure - 'A').

It would be evident from the roster that a reservation point for S.T. is being carried forward since 1979 due to non-availability of S.T. candidate in the earlier recruitment years. It may be clarified here that a roster point reserved for S.T. but not a vacancy was carried forward from 1979, as against that reserved vacancy Smti. Mino Kalita was appointed. This reservation point has to be carried forward till a regular vacancy arose in the grade after the death of Th. A. Singh, a regular Artist, on 14.4.92.

It would be worth mentioning here that Smti. Mamoni Kalita who was appointed against posts created for 1991-census and who was supposed to be terminated on 31.12.93 with the discontinuation of the 1991 posts by the Govt., was allowed to continue beyond 31.12.93 against the said reserved post which fell vacant and become due for S.T. Action to fill up this vacancy was taken up on receipt of a Govt. Order to fill up all back log and carried forward vacancies - under the Special Recruitment Drive.

19/6/96
सहायक निदेशक जनगणना परीचालन : असम
Assistant Director of Census Operation, Assam.
गुवाहाटी / Guwahati.

Reservation brought forward from previous years		Particulars, Recruitment made					Whether he is SC/ST or not say 'Neither'		Reservation recorded for or against		Appointing authority or other authorized officer		92	
Scheduled Caste	Scheduled Tribes	Recruitment year	Cycle No. & Post No.	Unreserved or reserved for SC/ST according to the reservation made	Name of the person appointed & date of appointment	7	8	9	10	11	12			
1.4.1972		1975	8	Unreserved for A. Singh	22.1.75	Neither	1.2.1972							
1.2.1972		1976		NIL			1.2.1972							
1.2.1972		1977		NIL			1.2.1972							
1.2.1972		1978		NIL			1.2.1972							
1.2.1972		1979	9	Unreserved for S.R. Choudhary	14.8.79	Neither	1.2.1972	1.2.1979						
1.2.1972		1979	10	S.T. N. K. Singh	24.12.79	Neither								
1.2.1972		1980	11	Unreserved B. M. Bant	26.7.80	Neither	1.2.1972	1.2.1980						
1.2.1972		1981	12	Unreserved R. M. Singh	31.1.81	S.C.		1.2.1979						
1.2.1972		1982		NIL			1.2.1972							
1.2.1972		1983		NIL			1.2.1972							
1.2.1972		1982		NIL			1.2.1972							
1.2.1972		1985		NIL			1.2.1972							
1.2.1972		1986		NIL			1.2.1972							
1.2.1972		1987		NIL			1.2.1972							
1.2.1972		1988		NIL			1.2.1972							
1.2.1972		1990	13	Unreserved Mamoni Kaibala	19.10.90	Neither								
1.2.1972		1990	14	SC A. Hussain	20.12.90	Neither								

19/6/79

सहायक निदेशक
Assistant Director of Census Operation, Assam
गुवाहाटी / Guwahati

परिचालन : असम

19.10.90

10.11.96

सहायक निदेशक
Assistant Director of Census Operation, Assam
गुवाहाटी / Guwahati

ANNE

0 885 30

11

2	3	4	5	6
8.1979	1991	15	UR	Mr. Rabim Keli 10.6.91
		16	UR	Nripendra Das 7.6.91
		17	UR	Dr. Nath 6.6.91
		18	UR	
		19	SE	

7	8	9	10	11
Nethu	-	15.11.1979	Anil Kumar	
Nethu	-			
Nethu	-			

closed ref. 23.3.1994 and has been brought forward reservation has been carried forward to the new register

19/6/96

सहायक निदेशक जनगणना परीचालन : असम
Assistant Director of Census Operation, Assam.
गुवाहाटी / Guwahati.

Attested
11/6/96

सहायक निदेशक जनगणना परीचालन : असम
Assistant Director of Census Operation, Assam.
गुवाहाटी / Guwahati.

ANNEXURE - B

NO. DCO(E)1/89/4055

51

12

the 24th April, 1990.

To

The Employment Officer,
District Employment Exchange,
Rehabari, Guwahati.

Sub:- Requisition for the post of Draftsman in the
office of the Director of Census Operations,
Assam, Guwahati.

....

Sir,

In enclosing herewith a requisition for the post of
Draftsman I am to request kindly to sponsor names of suitable
candidates within the stipulated date for immediate selection
for appointment.

I would like to mention here that these posts are
created by the Govt. of India exclusively for 1991 Census works
and is likely to continue not more than two years. On completion
of the 1991 Census works, these posts will be abolished and the
services of these appointees will stand terminated. While spon-
soring names this point may kindly bear in mind and the candidate
may be informed accordingly.

Kindly acknowledge receipt.

Encl :- As stated above.

Yours faithfully,

LB

(J. C. BHUXAN)
DEPUTY DIRECTOR OF CENSUS OPERATIONS
ASSAM: GUWAHATI.

19/6/96
सहायक निदेशक जनगणना परीचालन : असम
Assistant Director of Census Operation, Assam
गुवाहाटी / Guwahati.

....

ANNEXURE-C(1)

TELEGRAM

STATE

EXPRESS

ASSAM CENSUS GAUHATI

NO:5/3/93-RG(Ad.II)

DATED: 26.2.93

THIS IS TO INFORM THAT ALL TEMPORARY POSTS CREATED FOR 1991 CENSUS ARE LIKELY TO CONTINUE TILL DECEMBER, 1993 (.) NECESSARY SANCTION ORDERS FOR CONTINUANCE BEING ISSUED SEPARATELY (.) AS REGARDS CONTINUANCE OF OTHER TEMPORARY POSTS, MATTERS PENDING IN FINANCE (.) NECESSARY INTIMATION IN RESPECT OF THOSE POSTS WOULD BE INTIMATED SHORTLY (.)

REGGENLIND

Not to be telegraphed.

(I.S. THAKUR)
DEPUTY DIRECTOR
O/O the Registrar General,
India,
2/A, Man Singh Road,
New Delhi.

994/
2-3-93

NO:5/3/93-RG(Ad.II)

New Delhi, Dated:

Copy speed post in confirmation to the Director of Census Operations, Assam.
Assistant Director of Census Operations, Assam.
Copy also to:-

1. Pay & Accounts Office(Census)
Ministry of Home Affairs,
New Delhi,
2. AO(B).
3. Cash Section
Office of RGI.

(I.S. THAKUR)
DEPUTY DIRECTOR

ANNEXURE - C (11) 96
24/5
179
177

Recd 7/2/94 H/A

ZCZC WCAELEU176 PPP EGHCCG
X 1740 CAGGAG 100 BELIB 4 CTE 103/107

ASSAM CENSUS
GUWAHATI

INDIA OFFICE
5 FEB 1994
GUWAHATI
GUWAHATI 17

7/2

7375

177C

NO 6/2/93 REGARDING 7/2 REL THIS OFFICE TELEGRAM FROM ROBBIE DATED

31 1 94 REGARDING EXTENSION OF TEMPORARY POSTS WHICH ARE OCCUPIED
UP TO 31/3/94 7/2 CLARIFICATIONS BEING REQUESTED FROM DIRECTORATES
7/2 IT IS CLARIFIED THAT ONLY PLAN/NON PLAN TEMPORARY POSTS WHICH
ARE OCCUPIED HAVE BEEN EXTENDED UP TO 31 3 94 7/2 1994 CENSUS POSTS
ALREADY EXPIRED ON 31 12 93 7/2 REGARDING 1981 CENSUS POSTS GOVT
DECISION NOT RECD AS YET 7/2 AS REGARDS POSTS IN EDITING AND CODING
CELL THEY ARE UP TO 28 2 94 WHICH HAS BEEN HAND CLEAR SEPARATELY 7/2
REGARDING THE POSTS

COL
6/2/93 31 1 94 31 3 94 31 3 94 1994 31 1 94 1994 28 2 94

UNDCORR 15 005 10763
UNDSFB 1746
UNFIN

493
7/2/94

GRE
2-11-94

19/6/96
सहायक निदेशक जनगणना परीचालन : असम
Assistant Director of Census Operation, Assam.
गुवाहाटी / Guwahati

33-
~~Answer R.6~~
ANNEXURE-C (iii) 142 97

By Speed Post

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

15
124
New Delhi-11, the
dated 30, November, 1993

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

Affected
19/6/96
सहायक निदेशक जनगणना परीचालन : असम
Assistant Director of Census Operation, Assam.
गुवाहाटी / Guwahati.

सहायक निदेशक जनगणना परीचालन : असम
Assistant Director of Census Operation, Assam.
गुवाहाटी / Guwahati.

ANNEXURE-D ① 98
MOST IMMEDIATE
BY SPEED POST - for DCO.

No.2/5/90-RG.(Ad.OII)
Government of India
Ministry of Home Affairs
Office of the Registrar General, India

2A, Mansingh Road, New Delhi.
September 18, 1990.

To

The Pay & Accounts Officer,
Ministry of Home Affairs (Census)
AGCM&M Building,
New Delhi.

21 SEP 1990

Sir,

Subject: 1991 Census - Creation of temporary Group
'B', 'C' and 'D' posts in connection with
the 1991-Census work.

I am directed to convey the sanction of the
President to the creation of the under-mentioned temporary
posts for the Directorate of Census Operations, Assam, Guwahati
with effect from 20.9.1990 to 28.2.1991 in connection with
the 1991 Census work:

Sl. No.	Name of Post	Scale of Pay	No. of posts created
1. ✓	Junior Accounts Officer	Rs. 1640-2900	1
2. ✓	Assistant	Rs. 1400-2300	1
✓ 3. ✓	Upper Division Clerk	Rs. 1200-2040	2 ✓
4.	Chowkidar	Rs. 750- 940	1
* 5. ✓	Sr. Geographer	Rs. 2000-3200	1
6.	Geographer	Rs. 1640-2900	1
7.	Draftsman	Rs. 1200-2040	1
8.	Statistical Assistant	Rs. 1400-2300	1
9. ✓	Printing Inspector	Rs. 1400-2300	1
10.	Proof Reader	Rs. 1200-1800	1

11

सहायक निदेशक जनगणना प्रोचालन : असम
Assistant Director of Census Operation, Assam

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

Director of Census Operation, Assam

No. 4928

Date 26/9/90

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 and Compilation; D.1(3)(2)(1)-Salaries.

4. This issues with the concurrence of the Home(Finance), Ministry of Home Affairs, vide their U.O.No.3668/FA(H)/90 dated 11.9.1990.

5. Hindi version follows.

Yours faithfully,

(A.R. NANDA)
REGISTRAR GENERAL, INDIA

No.2/5/90-RG(Ad,II)

September , 1990

Copy forwarded to :

1. ✓ The Director of Census Operations, Assam, Guwahati.
2. Home(Finance), Ministry of Home Affairs, North Block, New Delhi with reference to their U.O.No.3668/FA(H)/90 dated 11.9.1990.
3. Accounts Officer, RG's Office
4. All Officers/Sections in the Administration Division, RG's Office
5. PS to RGI/Sr. PA to JRG(I)
6. Hindi Section for Hindi version
7. Order file.

(I.S. THAKUR)
DEPUTY DIRECTOR

ANNEXURE-D (11)

99

36

No. 2/5/89-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 in connection with the 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	B. 950-1500	(3) Three
2.	Peons	B. 750-940	(2) Two
3.	Parash	B. 750-940	(1) One
4.	Senior Artist	B. 1600-2660	(1) One
5.	Artist	B. 1400-2300	(1) One
6.	Draftsman	B. 1200-2040	(3) Three
7.	Statistical Assistant	B. 1400-2300	(5) Five
8.	Computer	B. 1200-2040	(15) Fifteen

19/6/96

सहायक निदेशक जनगणना प्रशासन, असम
Assistant Director of Census Operations, Assam
गुवाहाटी / Guwahati
Date: 18/4/90

2. 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,

(A.R. NANDA)

REGISTRAR GENERAL, INDIA

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

March, 1990

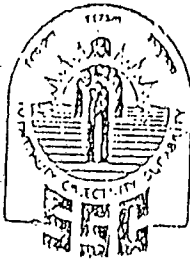
Copy forwarded to:

1. ~~All Directors of Census Operations in States and Union Territories.~~ *Gahati*
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. Psto RGI/Sr.P.A. to JRG(I).
6. Order file.

(I.S. THAKUR)

DEPUTY DIRECTOR

*S.Kaur
27.3.90



तार पता : स्टेशनकाम

Telegraphic Address : STASEL.COM

Dy No. 893/93-PP

भारत सरकार

सामान्य प्रशासन विभाग

कार्यक्रम तथा प्रशिक्षण विभाग

केंद्र, लोक शिवालय तथा पेंशन पंचायत

ब्लॉक नं. 12

केंद्र, लोक शिवालय परिसर, लोदी रोड

GOVERNMENT OF INDIA

STAFF SELECTION COMMISSION

DEPARTMENT OF PERSONNEL & TRAINING

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
& PENSIONS

Block No. 12

KENDRIYA KARYALAY PARISAR

LODI ROAD

नई दिल्ली

New Delhi-110003

Dated: 21.4.93

To

Sh. Chandra Prakash,
Asstt. Director,
Office of the Registrar General, India,
2/A, Mansingh Road,
New Delhi.Sub:- Filling up of the posts of Proof
Reader and Draftsman - clarification
regarding.

Sir,

I am directed to refer to your letter No.
25/1/92-R(Ad-II)-dated 20.4.93 on the subject
cited above and to inform that the recruitment to
to the Posts of Proof Readers and Draftsmen fall
within the purview of the Commission and selection
to these posts would be made by the SSC.

Yours faithfully,

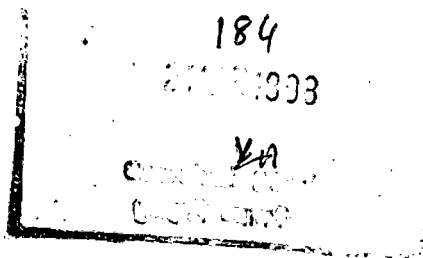
NKS

(NK-KESRI)

SECTION OFFICER

27/5/96
Hester
27/5/96
हाथक निदेशक जनगणना परीचालन : असम
Assistant Director of Census Operation, Assam.
गुवाहाटी / Guwahati.

हाथक निदेशक जनगणना परीचालन : असम
Assistant Director of Census Operation, Assam
गुवाहाटी / Guwahati.



101

130

Filed by
Siddhartha Sanyal
Advocate
2-3-98

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH

In O.A. No.71 of 1996

IN THE MATTER OF :

O.A. No.71/96

Smti. Mamani Kalita ... Applicant

- Versus -

Union of India & Ors.

... Respondents

- AND -

IN THE MATTER OF :

Additional Statement of Facts

The abovenamed Applicant -

MOST RESPECTFULLY SHEWETH :

1. That the Applicant filed the abovenoted O.A. making a grievance against Annexure-B termination notice dated 8.4.96. In the said notice, it has been stated that her service is required to be terminated in view of the judgment of this Hon'ble Tribunal in O.A. No. 72/95 and the letter dated 26.3.96 as mentioned in the order itself.

2. That the Applicant in her O.A. has highlighted as to how the aforesaid judgment does not warrant termination of her service. She was appointed against a permanent vacancy and she has been continuing in the said post till date. The ground of termination being not available to the Respondents, her services cannot be terminated.

3. That the Applicant states that even assuming but not admitting that her service is required to be terminated

14

in view of the judgment of this Hon'ble Tribunal in O.A. No. 72/95, then also same cannot be done inasmuch as the Applicant who had filed O.A. No. 72/95 namely Shri Sivadhar Kuli claiming appointment as Draftsman has not reported for joining inspite of repeated reminders by the Respondents. Be it stated here that even the Notice issued to him indicating the last date of joining has also expired. In view of this position, the ground mentioned in the impugned order, even if held to be correct, is not available to the Respondents and accordingly, the service of the Applicant cannot be dispensed with.

4. That the Applicant submits that the aforesaid development have taken place after the filing of the O.A. and hence this application by way of additional statement of fact for a proper appraisal of the Hon'ble Tribunal towards disposal of the O.A. filed by her.

5. That this application has been filed bonafide and to secure ends of justice.

In the premises aforesaid, it is most respectfully prayed that the Hon'ble Tribunal may be pleased to take into account the additional statement of facts made in this application towards disposal of O.A. No. 71/96 filed by the Applicant.

And for this, the Applicant as in duty bound, shall ever pray.

Verification.....

- 3 -

V E R I F I C A T I O N

I, Smt. Mamani Kalita, the Applicant in O.A. No. 71/96 do hereby solemnly affirm and verify that the statements made in the paragraphs 1 to 4 are true to my knowledge and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 2nd day of March 1998.

Mamani Kalita