

SUPREME COURT OF INDIA

N.Palani

Vs.

Thiru A.P.Muthuswami

(S.Rajendra Babu and S.N. Variava JJ.)

29.08.2001

JUDGMENT

Rajendra Babu, J.

1. By interim order dated March 11, 1999, directions were given to work out a scheme to absorb the respondents in C.A.No.810 of 1998.

2. Pursuant to the said order, the Government framed the scheme and placed the same before the court. Thereafter, having looked into the scheme framed by the Government, by an order made on September 28, 1999, this Court disposed of the matter finally and gave certain directions. It is now stated that the manner in which the scheme is being implemented is not in conformity with the directions issued by this Court and, therefore, the present contempt petitions have been filed.

3. These petitions are really in the nature of seeking implementation of the order made by this Court rather than to punish any of the respondents.

4. In order dated September 28, 1999 disposing of C.A.No.810/98, this Court stated that there were three conditions in the matter of absorption of the retrenched employees who were working in the Census Department and they were as follows:

“(i) Retrenched employees of the Census Operation in Tamil Nadu with not less than six months service were placed in priority (iii) list under Group III for employment assistance through Employment Exchanges.

(ii) A period of three years was ordered to be excluded in computing their age for appointment through the Tamil Nadu Public Service Commission and the Employment Exchanges, provided they had rendered temporary service of at least six months in the Census Organisation of the State.

(iii) The rule of reservation was to be followed in making the appointment of retrenched census employees.”

5. However, the matter was further clarified in the following manner:

6. In the circumstances, we direct the State Government to modify the scheme in respect of these two conditions. It would be appropriate for the State Government to delete these two conditions and all that may be insisted upon is that the retrenched employees of the Census Department should be placed in Group IV and the condition relating to the exclusion of three years from their age shall be deleted. Subject to this modification, the scheme proposed by the State Government may be worked out so as to absorb the respondents in services of the State Government or in any of the Local Authority or Government undertakings as may be feasible as expeditiously as possible.

7. The Government has now stated the manner they have worked out the orders made by this Court earlier. The following modification, inter alia, was carried out in G.O.Ms No. 144, P&AR dated 11.8.1999:

“(a) All the retrenched employees of Census Organisation shall be placed in priority (iii) list under Group IV for employment assistance through Employment Exchanges for sponsoring against the vacancies arising in State Government, Local Bodies and Public Undertakings.

(b) The retrenched employees of Census Organisation shall be exempted from the age limit prescribed in the relevant service rules governing the posts in which they are to be appointed. This concession shall apply only to the retrenched employees of 1991 Census.”

8. The order to the extent of clause (a) above is not justifiable to ask the ex-employees to be sponsored again by Employment Exchanges and that condition will not be in conformity with the order made by this Court. We make it clear that the proper course would be to consider their cases as retrenched employees in a separate category and work out a scheme to fit them against appropriate posts in appropriate departments in the State Government, Local Bodies and Public Undertakings without insisting upon such retrenched employees being sponsored by the Employment Exchanges. We also make it clear that clause (b) will remain undisturbed as the same is in conformity with the order made by this Court. Let these directions be complied with in three months from today.

9. The contempt petitions are disposed of in terms of the aforesaid directions. No costs.