

GOVERNMENT OF WEST BENGAL
LABOUR DEPARTMENT

MEMORANDUM

No. 60-Emp/1L-23/13

Date : 25.03.15

Whereas in exercise of the power conferred by Sub-section (a) of Section 3 of the West Bengal Regulation of Recruitment in the State Government Establishments and Establishments of Public Undertakings, Statutory Bodies and Local Authorities Act, 1999 (West Bengal Act XIV of 1999) ex-census employees who worked in connection with 1981 census operations and ex-census enumerators and supervisors who worked in 1981 and 1991 census operations were declared as 'exempted category', subject to fulfilment of the conditions stated in the Notification No. 301-EMP/1MP-10/2000 dt. 21.08.02 issued from the Labour Department, Government of West Bengal.

Whereas a number of persons, claiming to have worked in the 2001 census operation submitted representations to the Labour Department, Government of West Bengal praying for including them in the 'exempted category'.

Whereas in connection with a Writ Petition being WP No.21643(W) of 2013 filed by Shri Amarnath Roy & Others against the State of West Bengal & Others, the Hon'ble High Court, Calcutta observed that in a matter pertaining to policy the Court may not require the State or the Executive to explain its position as long as the policy does not appear to be perverse on the face of it or otherwise illegal. In any event upon the State making some discernible grounds for distinguishing between the 1981 and 1991 Census Workers and the 2001 Census Workers, the Court would not probe any deeper into a policy matter.

Whereas on appeal the Hon'ble High Court, Calcutta in its order dated 15.07.14 passed in connection with the MAT No.1786 of 2013 with CAN No.11482 of 2013 in the matter of Amarnath Roy & Ors-Vs-State of West Bengal & Ors directed the State to take a policy decision in respect of 2001 census workers regarding their inclusion in the 'exempted category'.

Whereas the Director of Census Operations, West Bengal vide his Memo No. CEN/11007/MISC/2009/1009 Dt.12/13.06.2012 informed the Additional Secretary to the Government of West Bengal, Labour Department that during census 2001 the general guidelines for appointment of Enumerators and Supervisors was that the "Enumerators are to be drawn from school teachers, Govt. Officials, Officials from local or statutory bodies, public undertakings, semi Govt. offices, qualified social welfare or Health Workers etc. But no job workers, ex-census workers or those not on the pay roles of the above bodies are to be engaged for Census enumerations. Similarly", the "Supervisors are to be drawn from School Head Masters, Senior Teachers, Land Revenue Officials, Sub-Inspector of Govt. Departments, U.D.C. in Govt. offices

or officials of similar rank. (Reference:—Guideline for Houselisting Operations and Household Enumeration-Census 2001 issued by this Directorate).”

Whereas in view of the above opinion of the Directorate of Census Operations, West Bengal there is hardly any scope to include those persons, claimed to have worked in the 2001 census operation, in the ‘exempted category’.

Now, therefore, after considering all, the Governor is pleased to decide that the persons claimed to have worked in the 2001 census operation cannot be included in the ‘ex-census category’ for the purposes of West Bengal Regulation of Recruitment in the State Government Establishments and Establishments of Public Undertakings, Statutory Bodies and Local Authorities Act, 1999 (West Bengal Act XIV of 1999).

By order of the Governor,

Sd/-

Deputy Secretary
to the Government of West Bengal