



HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 729 of 2026

North Central Zone Insurance Employees Federation

.....Appellant(s)

Versus

Union Of India And 5 Others

.....Respondent(s)

Counsel for Appellant(s) : Raunak Singh, Vikrant Pandey
Counsel for Respondent(s) : A.S.G.I., C.S.C., Siddharth Singhal

Court No. - 39

HON'BLE SALIL KUMAR RAI, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

The Special Appeal has been filed challenging the order dated 29.5.2026 passed by the learned Single Judge in Writ - A No. 7210 of 2026 whereby the Single Judge has dismissed the writ petition on the ground that the petitioner had not specifically challenged the order by which the employees of the Life Insurance Corporation were requisitioned for census duty. The order which was the matter of dispute in the writ petition and is also in dispute in the present special appeal is the order dated 5.5.2026 passed by the Zonal Officer, Zone - 1 / Charge Officer, Nagar Nigam, Kanpur. The prayer sought in the writ petition was as follows : -

"i. Issue a writ, order or direction in the nature of certiorari to call for record of the case and to quash the decision of calling Life Insurance Corporation employees for census duties for the upcoming Census 2027 works with all consequential effects.

ii. Issue a writ, order or direction in the nature mandamus directing the respondent authorities to not to engage any employee of the Life Insurance Corporation for Census 2027 duty.

iii. Issue any other and further suitable writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case."

The learned Single Judge has dismissed the writ petition on the ground that only a vague prayer seeking quashing of the decision to engage the employees of the L.I.C. cannot be entertained and the ancillary prayer seeking issuance of a writ of mandamus cannot be granted without a specific prayer challenging the necessary orders and in light of the reasons given in the order. The learned Single Judge has dismissed the writ petition rejecting the ground raised by the petitioner that the order passed by the Zonal

Officer, Zone - 1 / Charge Officer, Nagar Nigam, was without jurisdiction and violated Section 4(4) of the Census Act, 1948 read with Rule 3 of the Census Rules, 1990.

We have heard the counsel for the appellant as well as Sri Manoj Kumar Singh, the Chief Standing Counsel assisted by Sri Brijesh Kumar Srivastava, the Standing Counsel, Sri S.P. Singh, A.S.G.I. assisted by Sri V.K. Singh and Sri Ashish Mishra, Advocate representing the Life Insurance Corporation, i.e., respondent nos. 4 and 5 and have also perused the judgment of the learned Single Judge.

The Zonal Manager, Kanpur, Nagar Nigam had no jurisdiction to requisition the employees of the Life Insurance Corporation under Section 4 of the Census Act, 1948 as requisitioned by his order dated 5.5.2026. The order is contrary to a Division Bench judgment dated 4.3.2011 passed by this Court in Civil Misc. Writ Petition No. 28736 of 2010.

As held by the Division Bench of this Court in the above-mentioned writ petition, the source of power for such an order can be traced to Section 7 of the Census Act, 1948. Section 7 of the Census Act, 1948 is reproduced below :-

"7. The District Magistrate, or such authority as the State Government may appoint in this behalf for any local area, may, by written order which shall have effect throughout the extent of his district or of such local area, as the case may be, call upon -

(a) all owners and occupiers of land, tenure-holders, and farmers and assignees of land revenue, or their agents,

(b) all members of the district, municipal, panchayat and other local authorities and officers and servants of such authorities, and

(c) all officers and members of staff of any factory, firm or establishment, to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers, tenure-holders, farmers and assignees, or in the premises of factories, firms and other establishments, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of the Indian Penal Code."

A reading of Section 7(c) of the Census Act, 1948 shows that even though the State Government through its authorized officer may requisition the staff of any establishment, firm or factory for assistance in census operations but the same can only be for the purpose of census operations within the premises of such establishment and not outside the premises. The order dated 5.5.2026 *prima facie* is not within the parameters laid down under Section 7(c) of the Census Act, 1948.

So far as the opinion of the learned Single Judge that the ancillary prayer could not have been granted without a specific prayer praying to quash the order dated 5.5.2026, the same shall be considered at the stage of final hearing. A prayer was made in the petition to call for the records and to quash the decision of the Zonal Officer, Nagar Nigam requisitioning the members of the petitioner association who are employees of the Life Insurance Corporation. The pleadings in the writ petition which have been annexed with the affidavit filed in support of the special appeal shows that the dispute was being raised regarding the order dated 5.5.2026 passed by the Zonal Manager. The prayer in a writ petition is to be considered in light of the contents of the petition.

Prima facie, we find it a case where the special appeal requires a detailed hearing and further, the order dated 5.5.2026 is liable to be stayed. The claim of the counsel representing the State Government as well as the Union of India that as the census operations are of national importance, therefore, no interim order be passed is not acceptable. The legality of an order of any State authority is not dependent merely on the purpose of the order but also on whether the order complies with the statutory requirements. We have already noted that, we *prima facie* find the order bad in law.

List for final hearing on **6th July, 2026** before the appropriate Bench, by which date, the parties may exchange their affidavits.

Till 6th July, 2026, the operation of the order dated 5.5.2026 passed by the Zonal Officer, Zone - 1 / Charge Officer, Nagar Nigam, Kanpur shall remain stayed.

June 8, 2026
Satyam

(Swarupama Chaturvedi,J.) (Salil Kumar Rai,J.)