

24/7

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 536 of 1987

APPLICANT (s) Moti Lal

RESPONDENT(s) U.O. I. through Secretary, Ministry of

Information and Broadcasting, New Delhi + 30th.

<u>Particulars to be examined</u>	<u>Endorsement as to result of Examination</u>
1. Is the appeal competent ?	YB
2. (a) Is the application in the prescribed form ?	YB
(b) Is the application in paper book form ?	YB
(c) Have six complete sets of the application been filed ?	YB, 6 sets filed
3. (a) Is the appeal in time ?	YB
(b) If not, by how many days it is beyond time ?	—
(c) Has sufficient case for not making the application in time, been filed ?	—
4. Has the document of authorisation, Vakalat-nama been filed ?	YB
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	YB
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	YB, certified by applicant
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	YB
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Attested by Applicant

A
1/3

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

O.A./I.A./R.A./C.C.P./ No. 536-----19 87

Motilal vs- U.O. 7/80
PART - I

1.	Index Papers	:-	1
2.	Order Sheet	:-	2 to 9
3.	Any other orders	:-	_____
4.	Judgement	:-	10 to 11
5.	S.L.P.	:-	_____

3/12/78
DY. Registrar

M
Supervising Officer

[Signature]
Dealing Clerk

Note :- If any original document is on record - Details.

- 1 - Check list - A1 to A2
- 2 - Index sheets - A3 to A4
- 3 - order sheets - A5 to A8
- 4 - Judgement dt. 21-11-92 A9 to A11
- 5 - write petition - A12 to A25
- 6 - Power - A26
- 7 - Counter affidavit A27 to A33
- 8 - Reply affidavit A34 to A39

3/12/78
Dealing Clerk

*Rechecked
on 1/3/12
on*

weeded out

V.K. Mishra

[Signature]
So [Signature]
B/c. destroyed on 09.5.12.

4
①

THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

CAUSE TITLE: OA 536/1987 1993 (L)

NAME OF PARTIES: Moti Lal APPLICANT'S

VERSUS

Union of India & others RESPONDENT'S

PARTICULARS OF DOCUMENTS NO. OF PAGES

PART (A)

- ✓ Check List - A1 - A2 to A
- ✓ Order Sheet A3 - A6
- ✓ Final Judgement Dated A7 - A8 Dated: 21.11.92
- ✓ Petition Copy with Power A9 - A23
- ✓ ~~Application~~ A24 - A30
- Counter with Power
- ✓ Rejoinder Affidavit A31 - A36

PART (B)

B 37 - B 62 to A

PART (C)

C 63 - C 69

Chandrasekhar
Gupta

15.10.93

A/C A3

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

..... OA No. 536 of 1986.

..... *M. S. Loh* vs *Union of India*
.....

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
<p>24.6.87</p>	<p>Don. S. Zuber Hasan, VC. Don. B. C. Sharma, VC. (A)</p> <hr/> <p>As per court. 15 days notice to show cause & why the petition be not admitted and the interim prayers be not granted for 10.7.87.</p>	<p>OR In compliance of tribunal's order dt 24.6.87 notices were issued to the respondents NO 1 to 4 by Regd Post fax no. 10.7.87 No objection to interim relief has been filed so far.</p> <p style="text-align: right;"><i>AD</i> 8/5</p>

Order Sheet

OA 536/87

AM (W)

29/7/88

Hon. D.S. Misra - AM
Hon. G.S. Sharma - JM

Shri Ashok Mohiley
files reply today. and
responds affidavit has
also been filed by the
applicant today. The
case is adjourned
to 27/4/88 for
final hearing

AM, JM.
SH

27-4-88

Hon D.S. Misra - AM
Hon G.S. Sharma - JM

On the request of
both the parties, the
Case is adjourned
to 29-7-88 for hearing.

AM- JM,
29.7.88 No sitting adj. to 17.10.88
for fixing a date for hearing before
D.R. Jos.

B

Order-sheet

AS 6

OA No. 536/87.


1/4

2.11.89

Hon. Justice K. Nalk, v.c.
Hon. K. Obayya, A.M.

For the reasons stated in the application dated 23.10.89 the case is transferred to C.B. at Lucknow for hearing fixing 5.12.89 for orders. Parties counsel be informed.


A.M.


v.c.

m.

O.R.

Address of counsel for the applicant not available on the record, so that notice issued to the applicant address by Regd Post. Respondents counsel also informed regarding the date fixed. Submitted.

Shes Kumar
10-11-89

5/12/89

Hon. Justice K. Nalk, v.c.
Hon. K. J. Ramani, A.M.

The applicant's counsel requested the case to be passed over. Sri Ashok Mohily, the learned counsel for the opposite parties has sent an application for adjournment on the ground of illness. Let the case be fixed for final hearing on 19-12-89 as requested by the learned counsel for the opposite parties.

OR

This case has been received on 5.11.89 from C.A.T. Mhd. Date was fixed from C.A.T. Mhd. OR is attached. Case is ready for hearing/order

OB Case is submitted for hearing



A.M.



v.c.

re

12/12

(8) A6

13.9.91

No setting adj to 18.10.91.

2

18.10.91

Dir to Haldy on 18.10.91 Case is adjourned
19.12.91

2

19.12.91

No setting adj to 12.2.92

2

12.2.92

No setting adj to 6.3.92

2

6.3.92

Dir to Smith of Advocate
Case is adjourned 20.4.92

2
Boe

20.4.92

No setting adj to 20.5.92

2

20.5.92

Case not reached adj

3.7.92

2
Boe

3.7.92

No setting adj

19.8.92

2

19.8.92

No setting of D.M. adj

28.8.92

2

O.R.

Case is

S.F.H.

27/8/92

28.8.92

Hon Mr Justice V. G. G. v. C.
Hon Mr Justice G. G. G. v. C.

Shirley M. M. M. says
that he has no information.
but before a Bench of which
J(V.C.) is not a member. Even
if the learned Counsel for respondents
is not present, the case may be
heard and decided. Will on
9/11/92 for hearing
A.M.C.

VC

(10) A)

A/A

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. No. 536 of 1987

Moti Lal

Applicant

versus

Union of India & others

Respondents.

Shri Surendran P. Counsel for Applicant.

Shri Ashok Mohiley Counsel for Respondents.

Coram:

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who possessed I.T.I. certificate and was registered with the Employment Exchange. An intimation was sent to the applicant to attend the interview in the Dordarshan Kendra, Lucknow for the post of Technician. He appeared in the interview and succeeded in the same that is why attestation forms for verification of character and antecedents were issued to him. The grievance of the applicant is that the respondents are not issuing appointment letter to the applicant.

2. The respondents have pointed out that the applicant was not selected in interview and by mistake the forms were sent to the applicant and when mistake was detected the appointment letter was not issued. The letter which was sent to the applicant, was by

W


(11)

AS

A/10

mistake. This will not confer any right to the applicant. The learned counsel for the applicant states that the record may be summoned to verify whether the name of the applicant appeared. The prayer is rejected, as the applicant was not selected and consequently the posting order could not be issued.

3. The application is without any merit and is dismissed. No order as to costs.


A.M.


V.C.

Shakeel/-

Lucknow: dated 21.11.92.

IN THE CENTRAL ADMINISTRATIVE

ADDITIONAL BENCH, ALLAHABAD

Reg No.
Central Adminis

Between

Additional
ALLAHABAD/PATNA

M O T I A L

Date of Filing... 24/6/87

Date of Receipt by Post

Versus

Chandra
Dy Registrar

SECRETARY, Ministry of Information and Broad Casting, New Delhi & others

I N D E X

Sl.No.	Particulars	Page No.
1.	Claim Application	1-6
2.	Annexure -I : photo copy of letter dated 28/8/85	7
3.	Annexure -II : photo copy of Memo dated 13/9/85	8
4.	Annexure -III photo copy of letter dated 28/10/86	9
5.	Annexure -IV Representations dated 27/2/87	10-11
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7.	Annexure -VI ,, dated 28/4/87	13
8.	Power.	14

Surendren P.

(SURENDREN P.)
ADVOCATE
COUNSEL FOR THE APPLICANT

DATED: , 1987

23/6/1987

To be listed before
Court today as
requested by applicant's
counsel.

24/6/87

Administrative Tribunal
Additional Bench At Allahabad
Date of Filing... 24/6/87

Date of Receipt
by Post

Dy Registrar.

A10 1/3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

BETWEEN

Moti Lal, Son of Sri Devi Dayal aged about 27 years, resident of c/o Sri C.L. Diwakar, A-6, G.B. Pant Polytechnic, Alambagar, Lucknow.

..... Applicant

AND

1. Union of India through
2. The Secretary, Ministry of Information and

Broad Casting New Delhi.

3. The Director General, Doordarshan, Mandi House, New Delhi.

3. The Chief Engineer, (North Zone) Jamnagar House Husbants, All India Radio and Doordarshan, New Delhi.

4. The Director, Door Darshan Kendra, Lucknow.

..... Respondents

DETAILS OF APPLICATION

1. Particulars of the Applicant :

- (i) Name of the Applicant : Moti Lal
- (ii) Name of Father/Husband : Sri Devi Dayal
- (iii) Age of the Applicant : 27 years
- (iv) Designation and particulars of office (name)

30/5/74

All

and station) in which employed or was last employed before ceasing to be in service. : Door Darshan Kendra, Lucknow.

(iv) Office Address : Nil

(vi) Address for service of Notices : Moti Lal
: c/o Shri C.L. Diwakar
A-6, G.B. Pant Polytechnic
Alamagar, Lucknow.

2. Particulars of the respondents :

(i) Name of the respondents : (a) The Secretary, Ministry of
Information and Broad-casting
New Delhi.

(b) The Director General, Door Darshan,
Mandi House, New Delhi.

(c) The Chief Engineer, (North zone)
Jamagar House Humants, New
Delhi.

(d) The Director, Door Darshan Kendra,
Lucknow.

(ii) Name of Father/Husband :

(iii) Age of the respondent :

(iv) Designation and particulars of office (Name and station) in which employed. : As above (2(1))

(v) Office Address : "

(vi) Address for service of Notices : "

मोतीलाल

3. Particulars of the order against which application is made;

The application is against the following order:

(i) Order No. : TV(IKD) 1(5)/86-S/T

(ii) Date : 28-10-86

(iii) Passed by : Sri R.K. RATNAM, Sr. Administrative
Officer,

(iv) Subject in Brief : Appointment as Technician

4. Jurisdiction of the Tribunal : **ALLAHABAD**
 The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. Limitation :

6. Facts of the case

(a) That the applicant is a scheduled Caste and possess the I.T.I. certificate in electrician trade. His academic qualification is High school. His name is registered in the Employment Exchange. On 28-8-85 an intimation was sent to the applicant by the Local Employment Exchange to attend on 30-8-85 at 10 O' clock before the opposite party no.4 i.e. the director Doer Darshan Kendra Lucknow for the purposes of an interview for the post of technician on the pay scale of Rs.330-D.A. A photostat copy of this intimation letter dt. 28-8-85 is being annexed herewith as annexure No.1.

(b) On 13-9-85 by means of letter No. TV(LKD)1(5)/83-S/T the applicant was asked to attend an interview at Doer Darshan Kendra, 24-Ashok Marg, Lucknow on 24-9-85 at 10 A.M. It was also said that at the first instances the applicant should ~~xxx~~ report at 9-Meerabai Marg with all his certificates. A copy

मोती लाल

A13 1/2

(4)

of this letter is being annexed herewith as Annexure No. 2.

- (c) That in compliance of the aforesaid letter the applicant attended the office for interview but his interview could not be held and anyhow it was postponed to 6-1-86 vide letter no. TV (Lko) 1(5)/83-S/T dated 19-12-85. ~~Letter no. TV (Lko) 1(5)/83-S/T dated 19-12-85.~~
- (d) That on 6-1-86, the applicant attended the office and he was interviewed by the concerned authorities.
- (e) That on 28-10-86 by means of letter no. TV(Lko) 1(5)/83-S/T a memorandum was issued attaching therewith some attestation forms to be filled up by the applicant and instructed to return the same duly filled in immediately as his name is under consideration for appointment as Technician. The applicant submitted the forms as per the instructions. *A copy of letter dated 28/10/86 is Annexure No. 3.*
- (f) That thereafter again on 5-11-86, issued a letter to the S.S.P., Lucknow for the verification of character and antecedents of the applicant for the post of technician which was received by the office on 22-12-86.
- (g) That no appointment order was issued by the opposite parties till today and instead the opposite parties interviewed some other candidates on the same very post. This interview was held on 4-3-87.
- (h) That the applicant was not issued any appointment letter till today and on the same very post the opposite parties are going to appoint

मोदी वास

A14

(5)

some influential person. No intimation regarding the rejection of the applicant's candidature to the post of technician was ever been communicated.

7. Details of the remedies exhausted :

The applicant declares that he has availed of all the remedies available to him under the relevant service rules, etc. (give here chronologically the details of representations with reference to the annexure numbers).

(a) That the applicant moved a representation on 27-2-87, followed with a reminder on 30-3-87, again on 28-4-87 but all representations are still pending. These representations are being annexed herewith as Annexure Nos. 4, 5 and 6.

8. Matters not previously filed or pending with any other Court. :

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

Nil

9. Relief(s) sought :

मोर्च/कल

In view of the facts mentioned in para 6 above the applicant prays for the following relief(s) (Specify below the relief(s) sought explaining the ground for relief(s) and the legal provisions (if any) relied upon).

Issue a direction to the opposite parties to appoint the applicant on the post of Technician immediately and to stop all the proceedings of the subsequent interview held on 4-3-87 till the case is decided by this Hon'ble Tribunal.

10. Interim order, if any prayed for :

Pending final decision on the application, the applicant seeks issue of the following interim order (Give here the nature of the interim order prayed for with reasons)

A direction be issued to the opposite parties to stop all the subsequent proceedings held by the opposite parties after 4-3-87 in relation to the appointment for the post of Technician.

AIS

11. In the event of application ~~mark~~ : Nil
 being sent by Registered Post,
 it may be stated whether the app-
 licant desires to have oral hearing
 at the admission stage and if so,
 he shall attach a self-addressed
 Post Card/Inland Letter at which
 intimation regarding the date of
 hearing could be sent to him.

12. Particulars of ~~bank draft~~/Postal
 Order in respect of the
 application fee : Nil

	Postal order Nos.	Amount
1. Number Name of the Bank on which drawn	① P/9 - 936574	7-00
2. Demand Draft No.	② P/9 - 936575	7-00
3. Or	③ P/9 - 936576	7-00
1. Number of Indian Postal Order(s)	④ P/9 - 936577	7-00
2. Name of the issuing Post Office	⑤ P/9 - 936578	7-00
3. Date of Issue of Postal Order(s)	⑥ P/9 - 936579	7-00
4. Post Office at which payable	⑦ P/9 - 936580	7-00
	⑧ B/45 - 496525	1-00
		<u>50-00</u>

13. List of enclosures.

- 1. Photo Copy of bills dated 28/8/85 from High Court Branch P.O. Lucknow
- 2. " " Memo " 13/9/85 Payable at ALLAHABAD.
- 3. " " bills " 28/10/86
- 4. Representation " 27/2/87
- 5. " " 20/3/87
- 6. " " 28/4/87

मोती लाल

VERIFICATION

I, Moti Lal (Name of the applicant) S/o Sri Devi Dayal
 Age about 27 years ~~working as~~ _____ in the office of
 _____ resident of e/o Sri C.L. Diwakar, A-6, G.B. Pant
 Polytechnic, Alanagar, Lucknow, do hereby verify that the contents
 of paras 1 to 13 are true to my personal knowledge and paras
 to _____ believed to be true on legal advice and that I have not suppressed
 any material fact.

मोती लाल

Dated: 23/6/87
 Place: Lucknow.

Signature of the applicant

Submitted through the Counsel
 for the applicant Sri Surendran P.
 Advocate, High Court, Lucknow.

Surendran P.
 (SURENDRAN P.)
 ADV.

Annexure No 1

X-46

उत्तर प्रदेश शासन

प्रकल्प एवं सेवायोग्य निर्देशालय
काय विभाग

रजिस्ट्रेशन नं०..... जो 3 की 0 एल 0 कोड नम्बर.....
जब कभी काय इस कार्यालय से पत्र-व्यवहार करते तब इन नम्बरों को प्रथम लिखिए।

एम्प्लॉयमेंट एक्सचेंज,
लिपि..... 19

कर्मचारी

..... की जगह 338.12.10..... प्रति दिन
प्रति माह

केन्द्र पर..... के यहां जाती है। इस नौकरी की

.....
.....
.....

..... (नियोजक का नाम) से स्वयं साक्षात्कार काजिए।

2- यदि किसी उचित कारणवश भेंट नहीं कर सकें, तो कृपया इस कार्यालय को तीसरा
ही सूचित करें। अन्यथा प्रापका रजिस्ट्रेशन कट जाने की सम्भावना हो सकती है।

3- आपको सूचित किया जाता है कि इस नोट के सम्बन्ध में कोई प्राय-व्यय नहीं दिया
जायगा।

केन्द्र नं०

.....
.....

कर्मचारी

.....
एम्प्लॉयमेंट एक्सचेंज

की 0 एल 0 नं० की 0-11 सेवायोग्य-11-9-72-(2044)-1978-
2,99,899 (गैर)।

मोती लाल

Annexure No 2

A17

8

13

UNDER CERTIFICATE OF POSTING

BHARAT SIKHRI
DOORDARSHAN KENDRA
LUCKNOW

NO.TV(LKO)1(3)/83-S/T

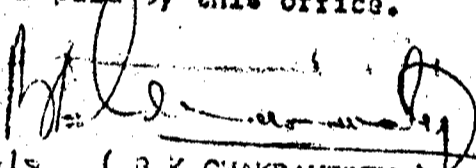
Dated: 13-9-85

MEMORANDUM

Shri श्री. मोती लाल.....
is hereby informed that his name has been sponsored by the
Employment Exchange, Lucknow for the post of Technician in
this Kendra. The test and interview for the post will be
held at Doordarshan Kendra, 24-Ashok Marg, Lucknow on 24-9-85
at 10.00 A.M. , but they should report at 5-Mira Bai Marg
Lucknow in the first instance.

He should bring with him all certificates in proof
of age and other qualifications in original for verification.

He should note that no Travelling allowances or Daily
allowance for his journey will be paid by this office.


(B.K.CHAKRAVERTY)
Administrative Officer,
for DIRECTOR.
13/9/85

Sri
.....
.....
.....
.....

श्री मोती लाल,
भारत श्री टी. एम. दिवाकर,
ए-6, जी. बी. पन्ना, पाली 2 बिल्डिंग (G.B. Pant
आलयनगर, मध्याह्नक ।

Polylechnic
Alau

श्री लाल

Annexure No 3

Amb
9
A 18
A 21

Bharat Sarkar
Deardarshan Kendra
Lucknow

No. : TV(LKO)1(5)/86-S/T

Date : 28-10-86

MEMORANDUM

Shri Moti Lal, a candidate sponsored by Employment Exchange, Lucknow for the post of Technician at this kenara is hereby informed that his name is under consideration for appointment as Technician. He is required to return the enclosed attestation forms in triplicate immediately to this office duly filled in the details.

Shri Moti Lal,
C/o Shri C. L. Diwakar,
A-6, G. S. Pant Polytechnic,
Alamnagar,
Lucknow

R. K. Hafiz
(R. K. Hafiz)
Sr. Administrative Officer
for Director

मोती लाल

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A/2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Moti Lal Applicant

Versus

The Secretary, Ministry of Information
and Broad-casting New Delhi, & others.

. Respondents

Annexure No. :-4

To

The Director,
Door Darshan Kendra,
Lucknow.

Sir,

Respectfully I beg to submit: ~~that~~

1. That on 6-1-86 I appeared an interview for the post of Technician. Thereafter on 28-10-86 a ~~letter mentioned~~ letter was issued to me enclosing some forms to be filled and I submitted the same to your office.
2. Thereafter I came to know that the police verification was also conducted and the report by the District Authorities were submitted to your office and the same was received on 22-12-1986. Since 22-12-1986 no intimation regarding my appointment for the post of Technician was received by me. ~~was today.~~
3. I have reasonable doubt that your good-self might have issued the appointment letter and the same was mis-placed somewhere.

मोती लाल

11

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1/27

(2)

Under the above circumstances it is requested that I may kindly be communicated that any appointment letter was issued by your good-self or not. In case, it was not issued, the same may kindly be issued as I am a poor Schedule Caste Candidate.

For this act of kindness as shall ever remain grateful.

Thanking you,

Yours faithfully,

Moti Lal

(Moti Lal)

c/o Sri C.L. Diwakar,
A-6, C.B. Pant Polytechnic,
Alam Nagar, Lucknow.

Dated: 27-2-1987

True copy.

Suren Singh
(SUREN SINGH P)

B.S.V.
High Camp, Lucknow Ranch
Lucknow

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Moti Lal Applicant

Versus

The Secretary, Ministry of Information
and Broad-casting, New Delhi & others.

. Respondents.

ANNEXURE NO. :-5

To

The Director,
DoorDarshan Kendra,
Lucknow.

Sir,

Kindly refer to my representation dt. 27-2-87,
but till today no appointment letter had received by
me. I came to know that your good-self has interviewed
some candidates for the same post on 4-3-87.

I appeared the interview on 6-1-86 and thereafter
all the official proceedings were completed and the
police verification were also concluded and the local
authorities submitted their report to your office.
I am still waiting my appointment letter but nothing
could be heard from your good-self.

Under the above circumstances it is again request-
ed that necessary orders be issued immediately so as
to enable me to join his service.

I am a poor Schedule Caste Candidate. I have to
support a very big family. I have no other sources of
income.

Thanking you,

Yours faithfully,

Dated: 20-3-87

Moti Lal
(Moti Lal)
C/o Sri C.L. Diwakar
A-6, G.B. Polytechnic
Alamagar, Lucknow.

True copy -
Dear Sir,
SURENDRA N. S.
1500.
High Com. Lucknow Branch
Lucknow

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Moti Lal Applicant

Versus

The Secretary Ministry of Information
and Broad-casting, New Delhi & others.

. Respondents

Annexure No. :- 6

To

The Director,
DoorDarshan Kendra,
Lucknow.

Sir,

Kindly refer to representations dt. 27-2-87,
and 20-3-87 but no appointment letter could be
received by me till today.

It is therefore, respectfully prayed that an
early action in the matter may kindly be taken
and intimate me immediately.

Thanking you,

Yours faithfully,

Moti Lal

(Moti Lal)

c/o Sri C.L. Diwakar
A-6, G.B. Pant Polytechnic
Alamagar, Lucknow.

Dated: 28-4-87

*True copy
Suren Singh
(SUREN SINGH, P)
High Comr, Lucknow Bench
Lucknow*

Before the Central Administrative Tribunal
Allahabad.

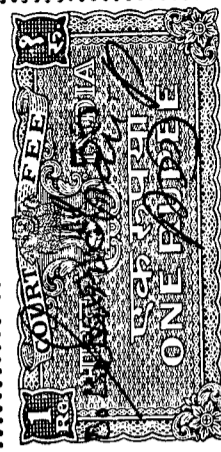
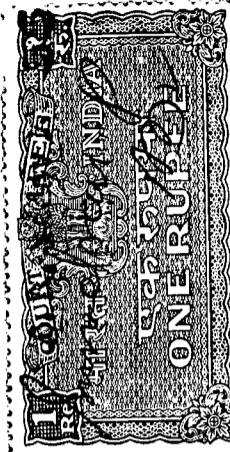
ब अदालत श्रीमान

वादी (मुद्दे)

प्रतिवादी (मुद्दे)

का

Moh Lal



वादी (मुद्दे)

बनाम

Minister of India through Secretary
Ministry of Information and Public Relations
नं० मुकद्दमा सन् १६ पेशी को ता० १६ ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री

SURENDRANATH

एडवोकेट

वकील

नाम अदालत
नं० मुकद्दमा
नाम फरीकन

High Court, Lucknow Bench, Lucknow, महोदय को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भोजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted
[Signature]

हस्ताक्षर... [Signature]

साक्षी (गवाह).....साक्षी (गवाह).....
दिनांक 23 महीना 6 सन् 87

Before the Central Adm. Tribunal - Tirunelveli
Additional Bench, Madhavaram A24

Application
on behalf of

Union of India - - - - - Applicant

IN.

Registration No 536 of 1987

MOTU (C) - - - - - Applicant

vs

Union of India and others - - - - - Respondent


The Applicant begs to submit as under -

- 1 - That in the aforesaid case this Hon. Tribunal had granted time to the Union of India for filing the ~~document~~ Counter-affidavit.
- 2 - That due to some unforeseen circumstances the ~~document~~ ^{Counter-affidavit} in the case could not be filed in time -
- 3 - That the ~~document~~ ^{Counter Affidavit} are being filed today.

PRAYER.

It is, therefore, most respectfully prayed that this Hon. Court may graciously be pleased to accept the ~~document~~ ^{Counter Affidavit} filed today, and to condone the delay in filing the same.

Done on ~~2~~ 1987


(ASHOK MOHALE)
Presenting Officer

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ADDITIONAL BENCH
ALLAHABAD.

.....

REGISTRATION NO. 536 OF 1987.

Moti Lal.....APPLICANT.

V E R S U S

- 1. Union of India,
through the Secretary,
Ministry of Information and Broad
Casting, New Delhi.
- 2. The Director General, Doordarshan
New Delhi.
- 3. The Chief Engineer,
North Zone, Ram Nagar House,
All India Radio & Door Darshan ,
New Delhi.
- 4. The Director Door Darshan Kendra,
Lucknow.

.....RESPONDENTS.

Recd Copy
P. B. Hazarika
Suzan D...
13/11/87

[Handwritten signature]

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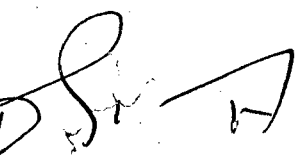
Reply on behalf of the Respondents

I, D. N. Goswami, aged about 52
year, Son of Late Sri B. L. Goswami, Director,
Doordarshan, Lucknow. do hereby state as follows:-

1. That ~~kk~~ I am working as
the Director, Doordarshan, Lucknow
and as such is fully acquainted with the
facts of the case deposed to below:-

2. That I have read the
contents of the above mentioned application
filed by the applicant before this Hon'ble
Tribunal and has fully understood their
contents.

3. That the contents of paragraphs 1
to 5 of the application are matters of record



A28
31

of paragraph 6-G of the application it is submitted that no appointment letter was issued to the applicant as it was found that the applicant was not selected in the interview and the attestation forms for verification of character and antecedent were issued by mistake of the office.

7. That in reply to the contents of paragraph 6-H of the application it is stated that the question of issuance of any appointment letter to the applicant does not arise in view of the fact that the applicant was not selected in the interview and his whole claim is baseless and false. The allegations that the opposite parties are going to appoint some influential person are baseless, false and have been made to give colour to the present application.

8. That in reply to the contents of paragraph 7 of the application it is stated that the representations



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and require no reply by means of this affidavit.

4. That the petitioner had appeared for the post of Technician in Door Darshan Kendra, Lucknow and interview was held but the petitioner was not selected in the interview and by mistake of the office attestation forms for verification of character and antedecedents were issued.

gub

The said mistake was detected and no appointment letter was issued to him. The ~~appointment~~^{applicant} is taking advantage of the issuance of the attestation form for verification of the character and antecedents issued by mistake has moved this application ~~xxxxxx~~ before this Hon'ble Tribunal which is devoid of any merit. Moreover it is to submitted that as per Govt. instructions, unless and until a detailed Verification of character antecedents has been done no candidate will be given/issued appointment orders.

5. That the contents of paragraphs 6-A to F of the application are accepted.

6. That in reply to the contents

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of paragraph 6-G of the application it is submitted that no appointment letter was issued to the applicant as it was found that the applicant was not selected in the interview and the attestation forms for verification of character and antecedent were issued by mistake of the office.

7. That in reply to the contents of paragraph 6-H of the application it is stated that the question of issuance of any appointment letter to the applicant does not arise in view of the fact that the applicant was not selected in the interview and his whole claim is baseless and false. The allegations that the opposite parties are going to appoint some influential person are baseless, false and have been made to give colour to the present application.

8. That in reply to the contents of paragraph 7 of the application it is stated that the representations



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annexed as Annexures 4 to 6 to this application have never been received in the office of Door Darshan Kendra, Lucknow and the allegations made in this regard are false.

9. That in reply to the contents of paragraph 9 of the application it is stated that under the heading 'Relief' the applicant is not entitled to any relief in view of the fact that the applicant was never selected for the post of Technician.

10. That in ~~xxxxxx~~ reply to the contents of paragraph 10 of the application it is submitted that no cause for issuance of any interim order has been made out.

11. That in view of the facts stated in the present affidavit the present application is wholly misconceived and has been moved with malafide intention. and it is prayed That the same be dismissed.



Respondents

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the contents of paragraphs 1 to 2
of this reply are based on perusal of the records
that the contents of paragraphs nos. 3
to 11 of this reply
are based on legal advice, which all I believe
to be true; that nothing material has been
concealed and no part of it is false.

So help me God.



Respondents

Through

(Ashok Mohiley)

Advocate.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD : BENCH

ALLAHABAD

REGISTRATION NO. 536 OF 1987



Moti Lal Applicant

Versus

Union of India through the secretary,
Ministry of Information and Broadcasting
New Delhi and others. Opp. Parties

REJOINER-AFFIDAVIT

I, Moti Lal, aged about 27 years, son of Sri Devi Dayal, resident of C/o Sri C.K. Diwakar A-6, G.B. Pant Polytechnic, Alamnagar, Lucknow do hereby solemnly affirm and state as under :-

1. That the deponent is the applicant in the above noted case and as such he is fully conversant with the facts of the case.
2. That the deponent have read the contents of the affidavit filed by Sri D.N. Goswami, Director Dordarghan Kendra, Lucknow and have fully understood its contents.
3. That the contents of para 1 to 3 of the affidavit need no reply.
4. That the contents of para 4 of the affidavit are denied. The deponent was selected in the interview and his name was placed at sl.No. 4 of the selected



Recd copy
R.C. Yadav Clerk to
Mrs. Ashok Mohikey
Advocate
12-87

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list. It is further submitted that issuance of attestation forms for verification of character and antecedents arises only when the name found place in the selected list. It was not a mistake. The deponent further submits that there were a number of candidates appeared in the Interview but no attestation forms were issued to all those appeared in the interview, but the attestation forms were issued only those candidates whose name found place in the selected list.

It is further submitted that the opposite parties never said in their counter Affidavit that when and at what circumstances the attestation forms are issued. It is further submitted that one Sri Amar Singh, son of Sri Ram Shanker Singh, 6-Abbas Bag, Unnao, who is also a victim of such acts of the opposite parties. A true copy of the notice issued by One Ved Prakash Arya, Advocate, is attached herewith as Annexure R-1 to this Affidavit for kind perusal. Thus it is very clear that the opposite parties are in habitual in doing such things, which cannot be treated as mistake.

It is also further submitted that the opposite party No. 4 admitted that no appointment can be given unless and until a detailed verification of character antecedents has been done. Thus it is clear that they have issued the attestation forms rightly and not by mistake.

The deponent also submits that to find out the correct position, the file contained the interview proceedings alongwith the selected list may kindly be summoned, so that this Hon'ble Tribunal can reach into the correct conclusion.



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5. That the contents of para 5 of the affidavit need no reply.

6. That the contents of para 6 & 7 of the affidavit are denied and in reply the contents of para 6(g) & 6(h) of the application are reiterated as correct. It is further submitted that the deponent was selected and his name found place at sl.No. 4 of the selected list, thus the averment that it was a mistake, has no value in the eye of law. In fact the opposite parties wants to appoint some other influential person, therefore they manipulated everything and now come with a new storey of mistake.

7. That the contents of para 8 of the affidavit are denied and in reply the contents of para 7 of the application are reiterated as correct.

8. That the contents of para 9 of the affidavit are denied and in reply the contents of para 9 of the application are reiterated. The application of the applicant has got merits and is liable to be allowed.

9. That the contents of para 10 of the affidavit are denied and in reply the contents of para 10 of the application are reiterated as correct.

10. That the contents of para 11 are denied. The application of the applicant has got merits and is liable to be allowed.



[Handwritten signature]

Dated: Lucknow

Deponent

7.12.1987

VERIFICATION

I, the above named deponent do hereby

A34/1/87

verify that the contents of paras 1 to 10 of this affidavit are true to my knowledge. No part of it is false and nothing material has been concealed. so help me God.

[Signature]
Deponent

Dated: Lucknow
7.12.1987

I identify the deponent who has put his signature before me.

[Signature]
Advocate

solembly affirmed before me 7-12-87 on 1-00 am/pm by the deponent *[Signature]* who is identified by shri *[Signature]* Advocate, High Court, Lucknow.

I have satisfied by examining the deponent who ~~put his signature~~ understands its contents which have been readout and explained by me.



[Signature]
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench.

No. 9006/87
Date 7-12-87

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD
REGISTRATION NO. 536 OF 1987

Moti Lal Applicant
versus
Union of India and others . . . Opp. Parties

ANNEXURE No. B-1

To

The Director,
Durdarshan Kendra,
5. Meerabai Marg,
Lucknow.

Dear sir,

My client sri Amar singh s/o shri Ram shanker singh, 6 Abbas Bagh, Unnao has instructed me to write to you as under :-

1. That my client was sponsored by Employment Exchange of Unnao for the post of technician in the Television Relay Centre, Akrapur, Unnao under the station Incharge of the said Relay Centre in the month of August, 1985.
2. That my client was interviewed in the Television Relay Centre, Akrapur, Unnao on 26th of August 1985.
3. That senior Adm. Officer of Durdarshan Kendra, Lucknow addressed a memorandum No. TV-(LK0)I(5)85.s/T dated 20-12-1985 on behalf of director to my client in which it was informed that my client's name was under consideration for appointment as technician. My client was required to furnish his complete details in the attached attestation forms in triplicate. My client submitted required information immediately. Threafter police enquiry was done as an essential formality for appointment.



Handwritten signature/initials

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4. That my client was expecting appointment letter from you but he has not received the appointment letter so far.

5. That my client has come to know from reliable sources that you have instead of issuing appointment letter to my client again made demand of technician from Employment Exchange Unnao as per your letter No. TV(LKO)I(5)/84-85 dated 12-11-1986.

6. That my client has become overage in the month of July, 1986.

7. That my client did not seek employment anywhere else as he has of the firm belief that he has been appointed as technician in view of the above referred memorandum dated 10-12-1985.

8. That there is no reason for not issuing appointment letter to my client when he is found suitable and was considered for appointment as technician. My client apprehends that you are deliberately denying the appointment so that period of 18 months for keeping the waiting list from the date of interview vide O.M.No. 22011/2/79-ESFT(D) dated 8.2.1985 may expire thus finishing the opportunity of employment to my client forever.

9. That the action on your part is not issuing the appointment letter to my client and making fresh demand of technician from Employment Exchange Unnao is illegal and liable to be challenged in the Courts of Law.

10. That my client herewith requests you to issue appointment letter to him as technician at Television Centre, Akrampur Unnao within 15 days from the date of receipt of this notice failing which my client shall take suitable action in the Court for which you shall be solely liable.

Please take notice and do the needful.

Sd/- Advocate Ved Prakash
Arv.



2/12/86
Ved Prakash