

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

INDEX SHEET

CAUSE TITLEO.A. 30.....OF 1988.....

NAME OF THE PARTIESHarish chander.....Applicant

Versus

.....Union of India.....Respondent

Part A.

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CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated ...10/5/2011

B/c destroyed on 9-5-12

Counter Signed.....

Section Officer/In charge

Signature of the
Dealing Assistant

A
74

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration O.A. No.30 of 1988 (L)

Harish Chandra & Another Applicants

Versus

Union of India & Others Respondents

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

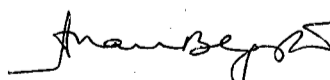
Hon. Mr. A.B.Gorthi, Member (A)


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

The applicants who were appointed as Projectionist in the Ministry of Information and Broadcasting in the year 1981 and 1967 respectively have approached this Tribunal with a prayer that a direction may be issued to the respondents to maintain 25% promotion quota from among the departmental candidates as provided in the Recruitment Rules contained in Annexure-1 and quash the impugned orders contained in Annexures 5 & 6 to this petition. Annexures 5 & 6 ^{are the} ~~is an~~ order by which the applicants representations have been rejected and it was stated that it has not been found possible to keep their channel of promotion to the post of Exhibition Assistants now that the posts have been inducted into Central Information Service. From amongst 42 posts of Projectionist, three posts were abolished on account of upgradation of the posts of Exhibition Assistant. ^{Recruitment} Statutory/Rules says that 25% posts of Exhibition Assistant shall be filled from amongst the Projectionists of the Directorate for promotion with five years of service in the grade and 75% by direct recruitment. Subsequently, 8 posts of Exhibition Asstts. were abolished and now there

8/76

Supreme Court in the case of N.T.Devin Katti and Others Vs. Karnataka Public Service Commission and Others (1990) 3 SCC 157, in this it has been held that " a candidate on making application for a post pursuant to an advertisement does not acquire any vested right of selection, but if he is eligible and is otherwise qualified in accordance with the relevant rules and the terms contained in the advertisement, he does acquire a vested right of being considered for selection in accordance with the rules as they existed on the date of advertisement. He cannot be deprived of that limited right on the amendment of rules during the pendency of selection unless the amended rules are retrospective in nature". Accordingly, the applicants are within their rights to claim the posts of 25% quota which existed prior to the amendment of the rules in 1986. With the above observations, the application is allowed and the respondents are directed to consider the applicants for promotion to the post of Exhibition Asstts. within a period of three months ^{in the vacancies} which existed prior to the amendment of the rules in the year 1986. The application stands disposed of finally with the above observation. Parties shall bear their own costs.


Member (A)


Vice Chairman

Dated the 19th Sept., 1991.

RKM

ANNEXURE -A

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE Bo of 19 88

NAME OF THE PARTIES _____

Havish Chandra Applicant

Versus

b.o.T RespondentPart A, B & C

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CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Application No. 30 of 1988LL

A
1

PETITIONER (s) Govind Chandra

RESPONDENT (s) Union of India

Particulars to be examined

Endorsement as to result of Examination

- | | |
|---|--------------------------------------|
| Is the appeal competent ? | - yes - |
| 1. (a) Is the application in the prescribed form ? | - yes - |
| (b) Is the application in paper book form ? | - yes - |
| (c) Have six complete sets of the application been filed ? | - 4 sets filed. |
| 3. (a) Is the appeal in time ? | Not Mentioned. |
| (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 ? | - yes - |
| 5. Is the application accompanied by B. D./Postal-Order for Rs. 50/- | DD 829996 of Rs. 50/- dt. 25/57
4 |
| 6. Has the certified copy/copies of the order (s) against which the application is made been filed ? | - yes - |
| 7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? | - yes - |
| (b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? | - NO - |

Particulars to be ExaminedEndorsement as to result of Examination

- (c) Are the documents referred to in (a) above neatly typed in double space ?
8. Has the index of documents been filed and paging done properly ?
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ?
10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ?
11. Are the application/duplicate copy/spare copies signed ?
- Are extra copies of the application with Annexures filed ?
- (a) Identical with the original ?
- (b) Defective ?
- (c) Wanting in Annexures
- Nos...../Pages Nos..... ?
13. Have file size envelopes bearing full addresses, of the respondents been filed ?
14. Are the given addresses, the registered addresses ?
15. Do the names of the parties stated in the copies tally with those indicated in the application ?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
17. Are the facts of the case mentioned in item No. 6 of the application ?
- (a) Concise ?
- (b) Under distinct heads ?
- (c) Numbered consecutively ?
- (d) Typed in double space on one side of the paper ?
18. Have the particulars for interim order prayed for indicated with reasons ?

— yes —

A
2

— yes —

— yes —

— no —

— no —

— yes —

— yes —

— yes —

— yes —

— no —

— yes —

yes —

— yes —

19. Whether all the remedies have been exhausted.

— yes —

list this case on 26/5/88
for admission as requested by
the counsel. *[Signature]* 25/5/88
[Signature]
EXAMINER

CA 30 of 88 L,
Harish Chandra Chaudhary vs G.O.
ORDER SHEET

A
3

26.5.88.

Hon. J. S. John, A.M.
Hon. R. S. Sharma, J.M.

Admit. Issue Interim
One month for CA,
Replying to him a letter
for hearing.

18/1

24/4/88

R.A. & CA have been not filed.

22/7/88

Hon. A. J. Singh, A.M.

On the request of counsel for the
applicant, case is adjourned to
23/8/88.

23.8.88 D.R.J.

24/8/88
A.M.
Q22

Sri Sundaram P. for applicant
and Sri V.R. Chaudhary for respondent
a present. Counsel for applicant
presses for interim relief. No reply
has so far been filed and the same
can be filed by 20.9.88.

Put up before court for orders
on 20.9.88.

28/9/88

Dehar
D.R.J.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

O.A./T.A. No. 30 1988 (L)

Hansh Chandra Applicant(s)

Versus

U.O. 5 Respondent(s)

Sr. No.	Date	Orders
	<u>25.11.88</u>	<p>In Sandham P. present for applicant. He requested time for rejoinder. Subk Chowdhury & respondents' present. He has no objection if time is granted for filing rejoinder. Hence leave granted for rejoinder by 22.12.88.</p> <p><i>[Signature]</i></p>
	22/12	<p>No sitting. Adjourned to 25.1.89.</p> <p><i>[Signature]</i></p> <p>Applicant's Counsel present.</p> <p>Rejoinder filed by 30.3.89.</p> <p>for Hearing <i>[Signature]</i></p> <p>25/11/89</p>

30/88(L)

9-8-90

NO sitting Adj. to 15/11/90 ^A
Ry's

15.11.90

Honble Mr. Justice K. Nalla VC
Honble Mr. M. Y. Priotkar DM

On the request of b.l.h. parties
Counsel case is adjourned to 4.2.91

Am h

h
VC

4/2/91

Hon. Mr. Justice K. Nalla, VC
Hon. Mr. K. D. Bhat, AM

On the request of the learned counsel
for the applicant Sri. Sureshram, P., list
for final hearing on 11/4/91

h
AM

h
VC

11.4.91

NO sitting Adj to 19.7.91
J

19.7.91

Hon. Mr. Kausal Kumar - V.C.
Hon. Mr. D. K. Agrawal - JM

Admission application of Sri. R. Chaudhary
case is adjourned to 30.9.91
for hearing.

h

JM

h

V.C.

30/0000)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH/LUCKNOW BENCH

BETWEEN

HARISH CHANDRA AND ANOTHER

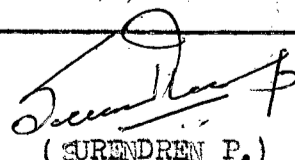
VERSUS

SECRETARY, MINISTRY OF INFORMATION & BROADCASTING, NEW DELHI

AND OTHERS.

I N D E X

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3.	<u>Annexure No.2</u> : Notification dtd: 2/5/85	18 to 19
4.	<u>Annexure No.3</u> : " dtd: 28/11/86	20 to 21
5.	<u>Annexure No.4</u> : " dtd: 8/4/88	22 to 25
6.	<u>Annexure No.5</u> : Impugned order dtd: 14/3/88	26
7.	<u>Annexure No.6</u> : " " : 14/3/88	27
8.	ANNEXURE NO.7 : Copy of representation dtd: 19/8/87	28 to 29
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(SURENDREN P.)

ADVOCATE

COUNSEL FOR THE APPLICANT

DATED: 3/5/1988.

P. M. D. on 25/5/88

Noted for 26/5/88

4/7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH/LUCKNOW BENCH

BETWEEN

1. Sri Harish Chandra, aged about 34 years,

Projectionist Field Exhibition Office,

Director of Advertising and Visual Publicity

Ministry of Information and Broadcasting,

Lucknow.

Noted for 26/5/88
P. M. D.

2. Sri N.K. Bali, aged about 47 years,

Exhibition Assistant (Ad-hoc), Field Exhibition

Office, Director of Advertising and Visual

Publicity Ministry of Information and Broadcasting,

Lucknow.

..... Applicants

AND

1. Union of India through the Secretary,

Ministry of Information and Broadcasting,

New Delhi.

2. The Director, Directorate of Advertising and

Visual Publicity Ministry of Information and Broad-

Casting P.T.I. Building, Parliament Street,

New Delhi.-110001.

..... Respondents.

H. Chandra

Grass
(N.K. Bali)

DETAILS OF APPLICATION

1. Particulars of the Applicant:

- (i) Name of the Applicant : (a) Sri Harish Chandra
(b) Sri N.K.Bali
- (ii) Name of Father/Husband : (a) Sri Hansa Ram
(b). ~~Sri~~ Late Sri J.Dass Bali.
- (iii) Age of the Applicants : (a) 34 Years
(b) 47 Years
- (iv) Designation and particulars of office (name and station) in which employed or was last employed before ceasing to be in service. : (a) Projectionist (Field Exhibition Office Assistant Lucknow.
(b) Exhibition Office Lucknow.
Field Exhibition Office
94-Durga Bhawan,
Lucknow.
- (v) Office Address : Nil
- (vi) Address for service of notice : Field Exhibition Office
94, Durga Bhawan,
Lucknow.

2. Particulars of Respondents :

- (I) Name of the respondents : (a) The Secretary
Ministry of Information
and Broadcasting,
New Delhi.
(b) The Director,
Directorate of Advertising
and Visual Publicity,
Ministry of Information

H. Chandra

Dr. N. K. Bali

and Broadcasting ,
P.T.I. Building ,
New Delhi-110001

(ii) Name of Father/Husband:

(iii) Age of the Respondents:

(iv) Designation and parti- As above
culars of office (Name
and station) in which
employed. :

(v) Office Address : -do-

(vi) Address for service
of notices : -do-

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

The application is
against the following
order:

(i) Order No. : A-42011/2/87-Exh.(A)

(ii) Date : Dated March 14, 1988

(iii) Passed by : The Respondent No.2

(iv) Subject in brief : To maintain the line of promotion
of Projectionist to the post
of Exhibition Assistant.

4. Jurisdiction of the ALLAHABAD BENCH / LUCKNOW BENCH
Tribunal The applicant
declares that the subject
matter of the order against.

H. Chandoo

Dr. N. K. Pandey

which he wants redressal
is within the jurisdiction
of the Tribunal. :

5. Limitation :

6. Facts of the case

:(a) That the applicant no.2

was appointed as Projectionist
in October 1967. He joined
initially at Ambala, there-
after he was transferred to
Lucknow in 1968-69. He worked
on this post upto July 1984.
During these period he worked
very hard, with great devotion
to duty. His work was appre-
ciated by Higher Authorities.
As a result of the same he
was promoted to the post of
exhibition Assistant in the
year 1984 on ad-hoc basis
and he is still continuing
on this post.

(b) That applicant no.1 was
appointed as Projectionist
in the year 1981 and joined
at Calcutta initially. He
worked at Calcutta upto
February 1985. He is still
continuing on this post. He
is very sincere and hard
worker. His work was praised
by all of his higher authorities

H. Chandoo

Dr. S. S. S. S. S.
(N. S. S. S. S.)

A/10

(5)

(c) That there were 42 posts of Projectionist under the supervision and control of the Respondent no.2. Out of which 3 posts were abolished on accounts of the upgradation of the post^{of} Exhibition Assistant which is the next higher post, from group 'C' to group 'B'.

(d) That the recruitment rules for the post of Exhibition Assistant framed by the Ministry of Information and Broadcasting and published under Government of India Gazettee Notification vide letter no.A-12012/1/77 Ext.II/Exh.(A) prescribed that 25% posts of Exhibition Assistant shall be filled in by promotion from amongst the Projectionists of the Directorate with 5 years of service in the grade and 75% by direct recruitment. A copy of Notification No.12014/1/77/Est.II Exh.(A) is annexed herewith as Annexure No.1.

(e) That there were 42 posts of Exhibition Assistants in the Department i.e. under the Control and supervision of the Respondent no.2 . As a result of the upgradation of these posts,

H. Chandross

N. V. Bali

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(6)

the Respondents abolished 8 posts of Exhibition Assistants, and now there remains only 34 posts.

- (f) The pay scale of the post of Exhibition Assistant was upgraded from 425-700 to 470-7750 (pre-revised scale) and 34 number of posts included in the appropriate grade of Central Information Services Group (B) vide Ministry of Information and Broadcasting. Letter No. 42012/2/78-CIS Dt. 2.5.85, after abolition of 8 posts of leave reserve Exhibition Assistants and 3 posts of Projectionist to avoid financial implications which have arose due to upgradation of the post of Exhibition Assistant. A copy of letter dated 2-5-1985 is annexed herewith as Annexure No.2.

- (g) That the Central Information Services rules 1959 have been amended so as to read as Central Information Services (Amendment) Rules 1986 and the post of Exhibition Assistant added in Schedule I to the aforesaid rules vide Gazette Notification dt. 28-11-86. A copy of the notification is annexed herewith as Annexure No.3.

H. Chandrasekhar

M. S. G.
(C. I. S. R. S.)

4
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(7)

- (h) That all the incumbents of 34 posts of Exhibition Assistants have been declared included in the Central Information Services Group 'B' vide Gazette Notification dt. 8-4-88. A copy of the said notification is being annexed herewith as Annexure No.4.
- (i) That although the posts of Exhibition Assistants classified as Central Government Services Group 'C' has been included in the Central Information Services Group 'B' and re-classified as Group 'B' (Non-Gazetted) yet the recruitments ~~to~~ rules made for the post under Ministry of Information and Broadcasting letter No.12014/1/77-Est.II/Exh.(A) should mutates mutandis be enforceable in the Department.
- (j) That the procedure for promotion prevalent in the department before issuing the notifications contained in Annexures 2,3 and 4 was 25% for departmental candidates who completed 5 years service. Therefore, the applicants have bright chances for their promotion in the Department.
- (k) That since the recruitment rules contained in Annexure No.1 are in existence, about 3 persons who were on the post of Projectionists were promoted to the post

H. Chandor

Dr. S. S. S. S.
(S. S. S. S.)

A
13

(8)

of Exhibition Assistants . Further one of them was promoted on ad-hoc basis as Field Exhibition Officers and were included in the Central Information Services group 'B'.

- (1) That a few number of persons in the Cadre of the applicants were promoted to the post of Exhibition Assistants on ad-hoc basis and they are working for about 3½ years as Exhibition Assistants.
- (m) That there exists a few posts of Exhibition Assistants vacant in the Department i.e. the Respondents, the applicants moved representation for the consideration of their ~~department~~ promotions, but the respondents did not consider their request.
- (n) That in the meantime applicant no.2 came to know the changes made in the department in relation to the posts of Exhibition Assistants and the Projectionists, by means of Annexures No.2,3 and 4 applicants moved representation after representations as the future of the applicants for their further promotion as per Annexure No.1 is in dark as there is no mention how they will be promoted or on what post they can

H. Chandor

Examp.
Ex. n. no. 2)

$$\frac{A}{14}$$

H. Chandross

Kruskal
(n.k. rules)

(q) That now the respondents are going to revert

the applicant no.2 from the post of Ad-hoc Exhibition Assistant to his original post which is illegal, arbitrary and against the provisions of the constitution.

(r) That aggrieved against the order applicants are preferring this claim petition before the Hon'ble Tribunal.

7. Details of the remedies exhausted That representations were submitted by the applicants alongwith other

The applicant declares colligues , requesting therein to that he has to availed of consider their case to maintain all the remedies available the promotional line for the post to him under the relevant of Exhibition Assistant, as the service rules , etc. post of Projectionist is a feeder post to it. Copies of the representations moved by the applicants are annexed herewith as Annexure the Annexure numbers). : No.7 and 8.

8. Matters not previously filed : Nil

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.

H. Chaudhary

Dr. N. A. Pathi

9. Relief(s) sought : (i) Issue a direction to the opposite parties to maintain 25% promotion quota from among the Departmental Candidates as provided in the recruitment Rules contained in the following relief(s) Annexure No.1 and quash the sought explaining the ground impugned orders contained in for relief(s) and the legal Annexure Nos. 5 and 6 to this provisions(if any) relied upon).

10. Interim order, if any prayed: Issue a direction to the opposite parties not to revert for Pending final decision on the applicant no.2 from the the application, the applicant post of Exhibition Assistant seeks issue of the following working on ad-hoc basis for more than 3 1/2 years till the interim order(Give here the disposal of this petition. nature of the Interim order prayed for with

H. Chandra

Dr. K. K. Rao

11. In the event of application : Nil

being sent by Registered

Post it may be stated Whether the

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 Postal Order in respect
of the application fee

1. Name of the Bank on which drawn
2. Demand Draft No.

or

1. Number of Indian Postal Order(s) : DD 829996
2. Name of the issuing Post Office : High Court Branch, Lucknow
3. Date of Issue of Postal Order(s) : 5/5/88
4. Post Office at which payable : Allahabad

13. List of enclosures.

1. Annexure No 1 : Requirement Rules
2. Annexure No 2 : Notification dtd 2/5/88
3. Annexure No 3 : " " 28/11/86
4. Annexure No 4 : " " 8/4/88
5. Annexure No 5 : Impugned order " 14/3/88
6. Annexure No 6 : Impugned order " 14/3/88
7. Annexure No 7 : copy of Representation: 19/8/87
8. Annexure No 8 : Verification : 19/8/87

We, Harish Chandra aged about 34 Years, Son of Sri Hansa
Ram, and Sri N.K.Bali, Son aged about 47 years Son of late
Sri J.D.Bali, Field Exhibition Officer, 94 Durga Bhawan, Lucknow,
do hereby verify that the contents of para s 1 to 13 are true
to our personal knowledge and paras to are

4
10

(13 0)

believed to be true on legal advice and that

we have not suppressed any material fact.

Signature of the Applicants.

(1)

H. Chandra

(Harish Chandra)

(2)

Surendra

(N. K. Bali)

Dated: 3/5/88

Place: Lucknow

Surendra

Through = (SURENDRA N. B.)
ADV.

counsel for the applicants-

Harish Chandra and another vs. State of Andhra Pradesh and another 14

ANNEXURE I

Recruitment Rules for the posts of Probationary Assistant in DWP

Name of the post	No. of posts	Classification	Scale of pay	Selection	For direct recruits	For indirect recruits
Exhibition Assistant	40	General General Service Group 'C' (Non-Mainstream) (Pre-revised)	B.425-15-3000	Selection	For direct recruits	For indirect recruits

Note: 1

The crucial date for determining the age limit mentioned in col. 6 of the R/Rules will in each case be the closing date for receipt of applications from candidates in India (Other than Andaman & Nicobar Islands and Lakshadweep).

2

In respect of posts the appointment to which are made through Employment Exchange, the crucial date for determining the age limit will, in each case, be the last date upto which the Employment Exchanges are asked to submit the names.

Chandra

Chandra
(N.V. mds)

who age and education-
qualifications prescribed
for direct recruitment will apply in the case of promotees.

Period of probation, whether by direct recruitment or by promotion, shall be 12 months.

The vacancies to be filled by direct recruitment shall be filled by direct recruitment.

In case of promotion or direct recruitment, the candidate must be a citizen of India.

If a candidate is not a citizen of India, he shall be ineligible for appointment.

Circumstances in which Union Public Service Commission is to be consulted in making appointments.

No

Two years

25% by promotion, 75% by direct recruitment

Projectionists of the Directorate with 5 years of service in the grade.

D.P.C. for Group 'C' posts consisting of:-

Not applicable

1. Chief Exhibition Officer, D.V.P.

2. Dy. Director (Admin.) D.V.P. and

3. Exhibition Officer (Members)

No. 1.12014/1/77-ESP IV/Exn.(A)

Deputy Secretary to the Govt. of India

The Manager,
Govt. of India Press,
Mayapuri Industrial Area,
Ring Road, DELHI.

Chandra
2/1/77

AND BUREAU
Recruitment of Class III posts in the Directorate of Advertising and Visual Publicity,
Ministry of Information & Broadcasting

Post	Classification	Scale of pay	Minimum age	Maximum age	Recruitment	Selection	Duration	Transfer	Qualifications	Whether	Source
General	Rs. 210-10-250-1000	-	-	22 to 30 years	1) Intermediate/ Senior Cambridge/ Higher Secondary or equivalent.	Or	Diploma in Art from a	Not applicable	Not applicable		
Central	15-320-EB	-	-	22 to 30 years	1) Intermediate/ Senior Cambridge/ Higher Secondary or equivalent.	Or	Diploma in Art from a	Not applicable	Not applicable		
Service	15-425	-	-	22 to 30 years	1) Intermediate/ Senior Cambridge/ Higher Secondary or equivalent.	Or	Diploma in Art from a	Not applicable	Not applicable		
Class III		-	-	22 to 30 years	1) Intermediate/ Senior Cambridge/ Higher Secondary or equivalent.	Or	Diploma in Art from a	Not applicable	Not applicable		
(Bon-Mini-sterial)		-	-	22 to 30 years	1) Intermediate/ Senior Cambridge/ Higher Secondary or equivalent.	Or	Diploma in Art from a	Not applicable	Not applicable		
(non-gazetted)		-	-	22 to 30 years	1) Intermediate/ Senior Cambridge/ Higher Secondary or equivalent.	Or	Diploma in Art from a	Not applicable	Not applicable		

Section Chief, General

Central
Service, 11/10/12, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Mechanic-
cum-
Carpenter

-60- 140-5-175 1005
14-30-6-326-
8-330-10-400

1. I have 3 yrs experience in the operation of equip-
ment delivered to in 2 above
publicity unit or in a well
established workshop/factory.
2. I have 1) knowledge of
more than one regional
language, 2) Second Class
language, 3) language.
4. I have 4 years
experience as
Carpenter. (2) About
2 years experience in painting
and sign-writing/lettering and
recalling in plaster of Paris.
(3) Most have worked in hotel
making or display agencies
for 2-4 years.
5. I have 1) knowledge of
Diploma, Matriculation or
any other relevant.

Hanish Chavla and another versus Union of India and others

Annexure No 2

(18)

No. 42012/2/78-CIS
Government of India
Ministry of Information and Broadcasting

A
19

New Delhi, 2 May 1985

The Director,
Directorate of Advertising
and Visual Publicity,
New Delhi

Subject: Upgradation of the scales of pay of Field Exhibition
Officers and Exhibition Assistants of Dte. of
Advertising and Visual Publicity.

.....

Sir,

I am directed to convey the sanction of the President
of the upgradation of the scales of pay of the following posts
in the Dte. Advertising and Visual Publicity with effect from
the date the posts are included in the appropriate grades of
CIS group 'B'.

Sl. No.	Designation of posts	No. of posts	Existing scale of pay	Upgraded scale of pay
1.	Field Exhibition Officer	40	Rs. 650-30-740-35-880-EB-40-960.	Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200.
2.	Exhibition Assistant	34	Rs. 425-15-500-EB-15-560-20-700	Rs. 470-15-530-EB-20-650-EB 25 750

2. Consequent upon the upgradation of the scale of pay, the posts of Exhibition Assistant, at present classified as Group 'C' shall stand-re-classified as Group 'B' (Non-Gazetted).

3. The sanction of the President is also conveyed to the abolition of the following posts in the Dte. of Advertising and Visual Publicity with effect from the date the posts of F.E.O./E.A. are included in CIS Group 'B' :

Sl. No.	Designation of posts	No. of posts	Units in which located
1.	Exhibition Assistant	8	6 leave reserve posts one each at Ahmedabad, Calcutta, Lucknow, Madras and two at New Delhi.

One post attached to BG Coach at New Delhi.

...2/-

Handwritten signature
(with initials)

(TO BE PUBLISHED IN THE GAZETTE OF INDIA-PART II SECTION-3-SUB-SECTION (1))

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w

Government of India
Ministry of Information & Broadcasting

New Delhi, dated 28th Nov., 1986

NOTIFICATION

G.S.R.....In exercise of the powers conferred by the proviso to Article 309 of the Constitution the President hereby makes the following rules further to amend the Central Information Service Rules, 1959, namely:-

1. (1) These rules may be called the Central Information Service (Amendment) Rules, 1986.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Information Service Rules, 1959-

(1) in Schedule I, against the entry relating to the office of 'Directorate of Advertising and Visual Publicity', in the first column, in the second column relating to designation of posts the following entry shall be added at the end namely:-

"Exhibition Assistant";

(2) in Schedule II, against the entry relating to the office of 'Directorate of Advertising and Visual Publicity' in the first column, in the second column relating to designation of posts, the following entry shall be added at the end namely:-

"Field Exhibition Officer";

(3) in Schedule III, in the first and second columns, after the existing entries, the following entries shall respectively be added namely:-

"Directorate of
Advertising and
Visual Publicity"

Inspector of
Exhibition"

..... 2/-

JEEYES/

Harish Chandra and another Versus Union of India and another

ANNEXURE-4

29

published in part I Section 2 of the Gazette of India)

Government of India
Ministry of Information and Broadcasting

New Delhi, dated 8-4-88

NOTIFICATION

12012/3/73-CIS (Vol.IV): In exercise of the powers conferred by rule(2) of Rule 6 D of the Central Information Service Rules, 1969 as amended from time to time the President is pleased to appoint the following officers working at present in the posts reserved against each to officiate in the Grades of Central Information Service Group 'A' and Group 'B' as mentioned in the corresponding entry in column (4) of the Table with effect from 1st April, 1988 until further orders:

Sl. No.	Name	Designation	Grade of the IIS/ CIS to which appointed.
1	2	3	4
	S/Shri		
1.	S.C. Aggarwal	Inspector of Exhibition DAVP, New Delhi	Jr. Grade of IIS (Rs. 2200-4000)
2.	K.K. Nayana	Inspector of Exhibition DAVP, Madras	-do-
3.	N. Chari	Inspector of Exhibition DAVP, Calcutta	-do-
4.	P. Khare	Inspector of Exhibition DAVP, Lucknow	-do-
5.	H. Watal	Inspector of Exhibition DAVP, Ahmedabad	-do-
6.	P. Rishi	Field Exhibition Officer New Delhi	Grade III Offi- cer of CIS (Rs. 2000-3500)
7.	N. Khanna	A.P.M.O.P. Divn., New Delhi	-do-
8.	V. Venkatesan	Field Exhibition Officer Bangalore	-do-
9.	K. Bhagat	Tech. Officer in Charge Min. of H & FW	-do-
10.	F. Narayanan	Field Exhibition Officer Agartala	-do-
11.	C. Majhi	Station Director AIR, Shimla	-do-
12.	V.B. Pandey	Asstt. Information Officer PIB, Kanpur	-do-

Contd...2...

*Trasas
(W. a. S. S. S.)*

H. Chandra

37.	S.S.Mehra	Field Exhibition Officer	Grade III of CIS
		DAVP, Ahmedabad	(Rs.2000-3500)
38.	D.B.Sayre	Field Exhibition Officer	-do-
		DAVP, Kohima	
39.	A.C.Barkavaki	Field Exhibition Officer	-do-
		Gauhati	
40.	A.T.Hotchandani	Field Exhibition Officer	Grade IV of CIS
		DAVP, Ahmedabad	(Rs.1400-2600)
41.	S.N.Gupta	Field Exhibition Officer	-do-
		Ambala	
42.	S.F.H.Naqvi	Asstt. News Editor,	-do-
		NSD:AIR, New Delhi	
43.	D.K.Dhar	Exhibition Officer, Deptt.of	-do-
		Non-Conventional Source of	
		Energy	
44.	D.D.Burnea	Field Exhibition Officer,	-do-
		Itanagar	
45.	J.L.Anuja	Field Exhibition Officer,	-do-
		DAVP, Ambala	
46.	N.D.Dalwani	Field Exhibition Officer	-do-
		DAVP, Jaipur	
47.	H.D.Mutreja	Field Exhibition Officer	-do-
		DAVP, Bikaner	
48.	Jasbir Singh	Asstt. Research Officer	-do-
		DFP, New Delhi	
49.	Gautam Kumar	Field Exhibition Officer	-do-
		New Delhi	
50.	Data Ram	Field Exhibition Officer	-do-
		Indore	
51.	L.Venkatramanappa	Field Exhibition Officer	-do-
		DAVP, Vijaywada	
52.	Ramesh Lal	Artist in ALTIC,	-do-
		Ghaziabad	
53.	Tek Chand	Field Exhibition Officer	-do-
		DAVP, Lucknow	
54.	S.C.Bhambhani	Field Exhibition Officer	-do-
		Jabalpur	
55.	S.K.Ray	Field Exhibition Officer	-do-
		Calcutta	
56.	D.Bhatnagar	Field Exhibition Officer	-do-
		New Delhi	
57.	S.Ganguly	Field Exhibition Officer	-do-
		New Delhi	
58.	S.K.Chattopadhyay	Field Exhibition Officer	-do-
		Calcutta	

Contd.....4....

A. Chandra
Rajendra
(in the name of)

Harish Chandra and others v. Union of India and others

ANNEXURE - 5

(26)

No. A-42011/2/87-Exh(A)

Government of India

Directorate of Advertising & Visual Publicity
Ministry of Information & Broadcasting

.....

B Block, K. G. Marg,
New Delhi-1, dated: March 14, 1988.

OFFICE MEMORANDUM

With reference to his representation regarding disturbance in the channel of promotion of Projectionists on the inclusion of the posts of Exhibition Assistants in Central Information Service of Ministry of Information & Broadcasting, Shri Harish Chandra is informed that after careful consideration in consultation with the Ministry, it has not been found possible to keep their channel of promotion open to the post of Exhibition Assistants now that the posts have been inducted into Central Information Service.

atun-sable
(A. C. Datta)
Supervisor.

To,
Shri Harish Chandra,
Projectionist
FEQ,
Lucknow

H. Chandra

*Present
Civ. (a. m.)*

Dy No-740
dt. 22-3-88

ANNEXURE - 6

(27)

No. A-42011/2/87-Exh(A)
Government of India
Directorate of Advertising & Visual Publicity
Ministry of Information & Broadcasting
.....

A/
24

R Block, K. G. Marg,
New Delhi-1, dated: March 14, 1988.

OFFICE MEMORANDUM

With reference to his representation regarding disturbance in the channel of promotion of Projectivists on the inclusion of the posts of Exhibition Assistants in Central Information Service of Ministry of Information & Broadcasting, Shri N. K. Bali is informed that after careful consideration in consultation with the Ministry, it has not been found possible to keep their channel of promotion open to the post of Exhibition Assistants now that the posts have been inducted into Central Information Service.

apn-salle
(A. C. Datta)
Supervisor.

To,
Shri N. K. Bali,
Exhibition Asst. (Adviser)
FCI
Lucknow

By No-791
Dt-22-3-88

H. Chandras

Prasad
(N. K. Bali)

Harsh Chandra and another v. Union of India and anr

ANNEXURE-7

The Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi.

(28)

THROUGH PROPER CHANNEL.

Subject:- Inclusion of the post of Exhibition Assistant in DAVP from General Central Service to Central Information Service Group 'B'.

Sir,

It is respectfully submitted as under:-

1. That I joined the Directorate of Advertisement and Visual Publicity on 12th October, 1981 as Projectionist as Q.P with effect from 11 October, 1984 and have been working as Projectionist on regular basis with effect from 12.10.84.
2. That the recruitment rules for the post of Exhibition Assistant framed by the Ministry of I & B and published under Government of India Gazette Notification vide letter No. A12014/1/77-Inst. I/Exh.(A) prescribe that 25% posts of Exh. Assistant shall be filled in by promotion from amongst the Projectionists of the Directorate with 5 years of service in the grade and 75% by direct recruitment. The scale of pay of the post of Exh. Assistant has been upgraded from Rs. 425-700 to Rs. 470-750 (Pre- Revised scale) and 34 number of posts included in the appropriate grade of Central Information Service Group 'B' vide Ministry of I & B letter No. 42112/2/78-CIS dated 2.6.85.
3. That, the C.I.S. Rules 1959 have been amended so as to read as C.I.S. (Amendment) Rules 1986 and the post of Exh. Assistant added in Schedule I to the aforesaid rules vide Gazette Notification dated 20.12.86.
4. In this connection it is stated that all the Projectionists of DAVP are entitled and in queue for promotion to the post of Exh. Assistant (classified as G.C.S. Group 'C' and re-classified as C.I.S. Group 'B') against 25% promotional quota under the recruitment rules for Exh. Assistant. Accordingly one of them is officiating as Field Exhibition Officer on ad-hoc basis, some are working as Exh. Assistants on regular and some others on ad-hoc basis.

Chandra
Dr. K. S. Bhat

C.S. K. Bhat

.....2/-

Hanish Chandra and another v. Union of India, and others

Annexure No 8

(30)

The Secretary,
Ministry of Information & Broadcasting,
Shastri Bhavan,
NEW DELHI.

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26

THROUGH PROPER CHANNEL.

Subject:- Inclusion of the post of Exhibition Assistant in
DAMP from General Central Service to Central
Information Service Group 'B'.

Sir,

It is respectfully submitted as under:-

1. That I joined the Directorate of Advertisement and Visual Publicity on 5.10.1967 as Projectionist was confirmed as Projectionist with effect from 13.2.1976 and have been officiating as Exhibition Assistant/projectionist on ad hoc basis/on regular basis with effect from 25.8.1984.
2. That the recruitment rules for the post of Exhibition Assistant framed by the Ministry of I & B and published under Government of India Gazettee Notification vide letter No.A12014/1/77-Est.II/Exh.(A) prescribe that 25% posts of Exh.Assistant shall be filled in by promotion from amongst the Projectionists of the Directorate with 5 years of service in the grade and 75% by direct recruitment. The scale of pay of the post of Exh. Assistant has been upgraded from Rs.425-700 to Rs.470-750 (Pre-Revised scale) and 34 number of posts included in the appropriate grade of Central Information Service Group 'B' vide Ministry of I & B letter No.42012/2/78-CIS dated 2.5.85.
3. That the C.I.S.Rules 1959 have been amended so as to read as CIS(Amendment)Rules 1986 and the post of Exh.Assistant added in Schedule I to the aforesaid rules vide Gazettee Notification dated 20-12-86.

H. Chandra

Dr. S. S. S. S.
(C. I. S. S. S.)

In this connection it is stated that all the Projectionists of BAVP are entitled and in queue for promotion to the post of Exh. Assistant (classified as G.C.S. Group 'C' and re-classified as C.I.S. Group 'B') against 25% promotional quota under the recruitment rules for Exh. Assistant. Accordingly one of them is officiating as Field Exh. Officer on ad hoc basis, some are working as Exh. Assistants on regular and some others on ad hoc basis.

5. Although the post of Exh. Assistant classified as G.C.S. Group 'C' has been included in C.I.S. Group 'B' and re-classified as Group 'B' (Non-Gazetted) yet the recruitment rules made for the post under Ministry of I&B letter No. 12014/1/77-Est. II/Exh(A)

shall mutatis mutandis be enforceable in respect of B.A.V.P.

6. That it may not be out of place to mention here that the post of Projectionist shall inter alia continue to be the feeder post for promotion to the post of Exh. Assistant and their rights for promotional line in C.I.S. should be reserved notwithstanding the services to which the post of Exh. Assistant is included under the existing rules.

In view of above, it is requested that the present method of recruitment for the post of Exh. Assistant i.e. 25% by promotion and 75% by direct recruitment may please be maintained irrespective of inclusion of the post from G.C.S. Group 'C' to C.I.S. Group 'B'. It may please be confirmed

Accordingly,

H. Chandrasekhar

Yours faithfully,

(N. K. Bhat)

Dated. 19.8.1987.

(N. K. Bhat)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

C.A. No.30/88(L)

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20

Shri Harish Chandra and others ... Applicants

Versus.

Secretary, Ministry of
Information and Broadcasting, ... Respondents
New Delhi and others

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS
Nos. 1 and 2

I, Miss Shahla Haidar, aged about 52 years, daughter of Shri H. Haidar, at present posted as the Director in the Directorate of Advertising and Visual Publicity, Ministry of Information and Broadcasting, P.T.I. Building, Parliament Street, New Delhi, do hereby solemnly affirm and state as under:-

1. That the deponent is the Respondent No. 2 in the above noted application. The deponent has read and understood the contents of application filed by the petitioners as well as the facts deposed to hereinunder in reply thereof :-

2. That the contents of paragraphs 1 and 2 of the application need no comments.

3. That with regard to the contents of paragraph 3 of the application, it is submitted that the reference No. A-42011/2/87-Exh.(A) dated 14.3.1988 quoted as 'Order' is actually an Office Memorandum.

A true copy of the said Office Memorandum has been filed with the application as Annexure 'A-V'.

4. That the contents of paragraphs 4 and 5 of the application need no reply.

5. That in reply to the contents of paragraph 6(a) of the application, it is submitted that Shri N.K. Bali was appointed to the post of Projectionist with effect from 5.10.1967. During the year 1984



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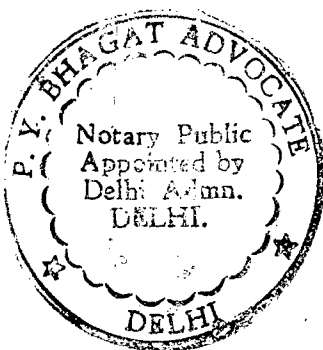
several posts in the grade of Exhibition Assistants fell vacant in various Field Exhibition Units which could not be filled on regular basis because the incumbents of the same were either officiating on higher posts on adhoc basis or on deputation to other departments. It was, therefore, decided to fill up the vacancies of Exhibition Assistant by giving adhoc promotion to the Projectionists, the posts of Projectionists being the feeder cadre to the limit of 25% of the vacancies of Exhibition Assistant to be filled by promotion by selection from the Projectionists. As the vacancies were being filled on adhoc basis, no vacancy could be filled by direct recruitment as provided in the recruitment rules (Annexure 'A-I').

6. That in reply to the contents of paragraph 6(b) of the application, it is submitted that Shri Harish Chandra was appointed to the post of Projectionist with effect from 12.10.1981, and his present posting as Projectionist is at Lucknow.

7. That in reply to the contents of paragraph 6(c) of the application, it is submitted that there were 42 posts of Projectionist in the Directorate of Advertising and Visual Publicity, out of which 3 leave reserve posts were abolished consequent upon the up-gradation and induction of the posts of Exhibition Assistant into Grade IV of Central Information Service/Indian Information Service with effect from 28th November, 1986 (Annexures A-II and A-III).

8. That the contents of paragraph 6(d) of the application are admitted.

9. That in reply to the contents of paragraph 6(e) of application, it is submitted that there were 42 posts of Exhibition Assistant in the Directorate of Advertising and Visual Publicity, out of which 8 posts (6 leave reserve and 2 from Coach Units) were abolished from the date the posts of Exhibition



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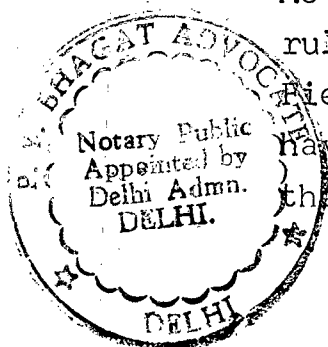
Assistant are included in Grade IV of Central Information Service/Indian Information Service, that is with effect from 28th November, 1986 (Annexures 'A-II' and 'A-III' attached with the application refer).

9. That in reply to the contents of paragraph 6(f) of the application, it is submitted that the pay scales of of the posts of Field Exhibition Officer (40) and Exhibition Assistant (34) upgraded to bring them at par with posts in the appropriate grades of Central Information Service/Indian Information Service from the date they are included in Central Information Service/Indian Information Service, i.e. 28.11.1986 (Annexures 'A-II' and 'A-III' attached with the application refer).

10. That the contents of paragraph 6(g) of the application are admitted.

11. That the contents of paragraph 6(h) of the application are admitted.

12. That in reply to the contents of paragraph 6(i) of the application, it/submitted that consequent / is upon the induction of the posts of Inspector of Exhibitions, Field Exhibition Officer and Exhibition Assistant alongwith incumbents into the appropriate grades of Central Information Service/Indian Information service, the classification of service of the posts of Exhibition Assistant has been changed from General Central Service Group 'C' (Non-Gazetted) to Central Information Service Group 'B' (Non-Gazetted) (Annexure 'A-II' attached with the application refers). The recruitment rules and the appointing authority have also consequently changed. As a result of this development, the old recruitment rules for the posts of Inspector of Exhibition, Field Exhibition Officer and Exhibition Assistant have become redundant and receded in the past, and, therefore, these rules stand lapsed.



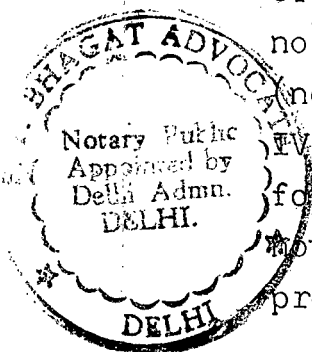
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13. That in reply to the contents of paragraph 6(j) of the application, it is submitted that the old recruitment rules for the posts of Exhibition Assistant provided for 75% of the vacancies of Exhibition Assistant to be filled by direct recruitment, and 25% by promotion by selection from amongst the Projectionists of Directorate of Advertising and Visual Publicity, with 5 years' regular service in the grade (Annexure 'A-I' of the application refers). Besides, the Projectionists have promotional channel to the grade of Technical Assistants (Audio Visual Equipment) in the said Directorate, which has a better pay scale of Rs. 1640-2900 (Annexure 'C-I').

14. That in reply to the contents of paragraph 6(k) of the application, it is submitted that since the provision of promotion of the Projectionists to 25% of the vacancies of Exhibition Assistant was made in the erstwhile recruitment rules for the posts of Exhibition Assistant, three of the eligible Projectionists were promoted by selection on regular basis to the posts of Exhibition Assistant, and one of them is at present officiating as Field Exhibition Officer on adhoc basis. These persons have been included in the Central Information Service (serial Nos. 64, 67 and 70 of Annexure 'A-IV' attached with the application refer).

15. That the contents of paragraph 6(l) of the application are admitted.

16. That in reply to the contents of paragraph 6(m) of the application, it is submitted that there is no clear vacancy in the grade of Exhibition Assistant (now included in Central Information Service Grade IV) and, moreover, the revised recruitment rules for Central Information Service Grade IV posts do not provide for filling up of the vacancies by promotion (Annexure C-II).

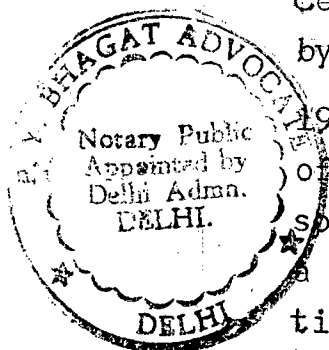


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17. That in reply to the contents of paragraph 6(n) of the application, it is submitted that the case for induction of the posts of Inspector of Exhibitions, Field Exhibition Officer and Exhibition Assistant into Central Information Service/Indian Information Service had been under process for years together, but none of the affected persons, namely the **projectionists**, had made any representations earlier against the induction of the posts into the above service resulting in blockade of their promotional channels. All persons working in the Exhibition Division of **the Directorate** had full knowledge of this induction. Sanction to the upgradation of the posts of Exhibition Assistant and Field Exhibition Officer with effect from the date the posts were included in the appropriate grades of Central Information Service Group 'B' was issued on 2.5.1985. Representations were received from the Projectionists in this regard only in August/September, 1987, that is only after issuance of the Gazette Notification regarding induction of the posts of Field Exhibition Officer and Exhibition Assistant into Central Information Service.

18. That in reply to the contents of paragraph 6(o) of the application, it is submitted that it is not found possible to keep their channel of promotion open to the posts of Exhibition Assistant after these posts having been included in Central Information Service, as the vacancies in Grade IV of Central Information Service are required to be filled by 100% by direct recruitment (Annexure 'C-II' refers).

19. That in reply to the contents of paragraph 6(p) of the application, it is submitted that the relief sought in this regard is denied as there is already a channel of promotion available for the Projectionists in the Directorate of Advertising and Visual Publicity in the higher grade of Technical Assistants (Audio Visual Equipment) in the pay scale of Rs. 1640-



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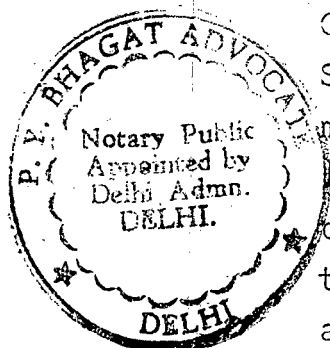
2900. The vacancies in the grade of Technical Assistant (Audio Visual Equipment) are filled 100% by promotion by selection from amongst the Projectionists with 7 years of regular service in the grade. Recently, three Projectionists have been promoted to the posts of Technical Assistant (Audio Visual Equipment). Shri N.K.Bali was also offered this post on promotion which was refused by him (Annexures 'C-III' and 'C-IV').

20. That in reply to the contents of paragraph 6(q) of the application, it is submitted that since there is a change in the situation after inclusion of the posts of Exhibition Assistant in Central Information Service Grade IV, it is not proper to continue the adhoc promotions in the grade and, therefore, they are bound to be reverted as per the rules presently in force and as such it is not illegal, arbitrary and against the provisions of the Constitution.

21. That the contents of paragraph 6(r) of the application need no reply.

22. That the contents of paragraph-s 7 and 8 of the application need no reply.

23. That in reply to the contents of paragraph 9 of the application in regard to the relief claimed by the petitioners, it is submitted that in the interest of work, the posts of Exhibition Assistants, Field Exhibition Officers and Inspector of Exhibitions were inducted into an organised service, namely, Central Information Service/Indian Information Service as an administrative decision to bring about more efficiency in the work and for greater flexibility. Such changes are made keeping in view of the larger public interest and also the benefits that go to a larger section of employees. The applicants cannot challenge this policy of a Government in the present application. The petitioners therefore are not entitled to get any relief at all



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in the instant case and the application filed by the applicants are liable to be dismissed with costs.

24. That in reply to the contents of paragraph 10 of the application, it is submitted that the petitioners are not entitled to get any interim relief in view of the facts and circumstances stated above.

25. That the contents of paragraphs 11 to 13 of the application need no comments.

New Delhi,
Dated 2nd Sept, 1988.

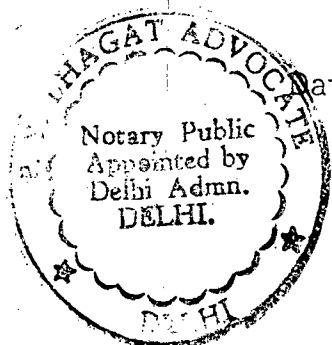
Shahla Haidar
Deponent
कु. महिला
Km. SHAHLA HAIDAR
निदेशक वि. द. प्र. नि.
Director DAVP
Tele : No. 387923

Verification

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 25 are true to my personal knowledge, and these paragraphs are believed to be true on the basis of perusal of records as well as information gathered. Nothing material facts have been concealed and no part of it is false. So help me God.

Shahla Haidar
Deponent
कु. महिला
Km. SHAHLA HAIDAR
निदेशक वि. द. प्र. नि.
Director DAVP
Tele : No. 387923

I identify the deponent who has signed before me before and is personally known to me.



Solemnly affirmed before me Read over & explained to the deponent

Shahla Haidar
NOTARY PUBLIC DELHI

2 SEP 1988

ANNEXURE 'C-I'

Educational and other qualifications required for direct recruitment.

(1) Name of the post	(2) No. of post	(3) Classification	(4) Scale of pay	(5) Whether selection post or non-selection post	(6) Age limit for direct recruitment	(7)
Technical Assistant (Audio Visual Equipment)	3	General Central Service, Group 'B' (Non-Gazetted) (Non-Ministerial)	Rs. 1640-60-2600-EB-75-2300.	Selection	30 years (Relaxable by 5 years for Govt. servants)	<p><u>Essential:</u> (i) Matriculation or equivalent from a recognised University. (ii) Diploma in Electronics from a recognised University/Institution with 2 years' practical experience in handling and repairing of audio-visual equipment like projectors, P.A. sets, Tape-recorders and Record Players in Govt. Publicity department or a private publicity concern. OR 5 years' experience (practical) in handling and repairing of equipment mentioned above in a Govt. publicity department or a private publicity concern.</p> <p>(Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified).</p> <p><u>Desirable:</u> Knowledge of Hindi.</p>

continued to next page

Whether age and educational qualifications prescribed for direct recruitment will apply in the case of promotees.

Period of probation, if any.

Method of recruitment, whether by direct recruitment or by promotion or by transfer, percentage of the vacancies to be filled by various methods.

In case of recruitment by promotion or transfer, the grades from which promotion/transfer is to be made.

If a DFC exists, what is its composition.

Circumstances in which UPSC is to be consulted in making recruitment.

(8)

(9)

(10)

(11)

(12)

(13)

Not applicable

2 years

By promotion, failing which by direct recruitment.

Promotion: Projectionists with 7 years' regular service in the grade.

Class II D.P.C.

As required under the UPSC (Exemption from consultation) Regulations, 1958.

MINISTRY OF INFORMATION & BROADCASTINGNOTIFICATION

NEW DELHI, THE 16TH FEBRUARY, 1959.

C.I.S. RULES, 1959

(INCORPORATING AMENDMENTS NO . 1 TO 83)

G.S.R. 217 (CIS) : In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, and of all other powers enabling him in that behalf, the President hereby makes the following rules, namely :-

1. SHORT TITLE AND COMMENCEMENT : These rules may be called the Central Information Service Rules, 1959.

2. DEFINITIONS : In these rules, unless the context otherwise requires :-

(a) "approved service" in relation to any Grade means the period or periods of service in that Grade rendered after selection, according to prescribed procedure, for long term appointment to the Grade and includes any period or periods during which an officer would have held a duty post in that grade but for his being on leave or otherwise not being available for holding such posts ;

(a.a) "Commission" means the Union Public Service Commission ;

(b) "departmental candidate" means :-

(i) a person in the Ministry of Information and Broadcasting or any of its attached and subordinate offices who was holding, or would have held, but for his absence on deputation a duty post, on the 1st November, 1957, and who is holding, or has a lien on a duty post in a substantive capacity at the Commencement of these rules ; or

Who has been declared quasi-permanent in duty post on, or prior to the 1st July, 1957; or

who is eligible to be declared quasi-permanent in a post, on or on any date prior to the 1st July, 1957; or

Appointment who was appointed to a duty post on the basis of selection by the Commission or whose thereto was

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5. INITIAL CONSTITUTION OF THE SERVICE : (1) The Commission shall constitute a Selection Committee with the Chairman or a Member of the Commission as President and not more than three representatives of the Ministry of Information & Broadcasting as Members, to determine the suitability of departmental candidates for appointment to the different grades and to prepare an order of preference for each grade for the initial constitution of the Service;

(2) On receipt of the Committee's report, the Commission shall forward its recommendations to the Government and such recommendations may include a recommendation that a person considered suitable for appointment to a grade may, if a sufficient number of vacancies are not available in that grade, be appointed to a lower grade;

(3) Vacancies in any grade which remain unfilled after the appointment of departmental candidates selected under Sub-rules (1) and (2) above shall be filled by direct recruitment through the Commission.

@ 6. MAINTENANCE OF THE SERVICE : After the initial constitution of the service has been completed in accordance with Rule 5, future vacancies shall, subject to the provisions contained in Rules 6A, 6B and 8, be filled in the manner prescribed below:

(A) GRADE IV

(1) Pay : Rs. 470-15-530-EB-20-650-EB-25-750

(11) Recruitment :

Vacancies in the grade shall be filled by direct recruitment on the results of a competitive examination conducted by the Commission in accordance with the educational qualifications and age limit mentioned in Schedule - VIII and the scheme of examination which is to be finalised in consultation with the Commission.

(B) GRADE III

(1) Pay: Rs. 650-30-740-35-810-EB-35-820-40-1000-EB-40-1200.

@ As amended by Notification No.9/6/63-CIS dt.7.1.67(GSR 96/67)

* As revised by Notification No.A-42012/3/77-CIS dt. 11.3.77 effective from 1.1.1973.

% As revised by Notification No.A-33000/4(1)/76-CIS Dt. Nov. 80 (GSR

% As revised by Notification No.A-12025/2/79-CIS dt. 1.11.80 (GSR

Contd.

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*** G A. MINIMUM LENGTH OF SERVICE REQUIRED
FOR PROMOTION TO THE VARIOUS GRADES

The officers with the following minimum length of service shall be eligible for promotion to the various grades:-

For promotion to	Minimum length of service proscribed
Grade III	5 years' continuous approved service in Grade IV.
Grade II	3 years' continuous approved service in Grade III.
Grade I	5 years' continuous approved service in Grade II.
f Junior Administrative Grade.	5 years' continuous approved service in Grade I.
g Senior Administrative Grade (Jr. Scale)	4 years' continuous approved service in Junior Administrative Grade.
Senior Administrative Grade (Senior Scale)	2 years' continuous approved service in Senior Administrative Grade (Junior Scale)
Selection Grade	2 years' continuous approved service in Senior Administrative Grade (Senior Scale)

Provided that where an officer in a particular grade is considered for promotion, all officers senior to him in that grade shall also be considered for such promotion notwithstanding that they may not fulfill the requirements as to the minimum length of service prescribed above.

@ "Provided further that persons appointed on or before 1.7.76 to discharge the duties and functions of the posts included in Grade IV of the Central Information Service to make good.

- * As revised by Notification No. A. 42012/3/77-CIS dated the 11.3.1977 (effective from 13.12.1974)
- ** As revised under Notification No. 2/2/67-CIS; dated 22.7.1963 (GSR 1949/69)
- f As revised under Notification No. A. 2012/2/74-CIS dated 20.8.75 (GSR 2366)
- *** As inserted under Notification No. 13/24/68-CIS dt. 26.12.69 (GSR 64/70)
- @ As inserted under Notification No. A. 12034/6/71-CIS dated 6.8.76 (GSR)

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Junior Administrative Grade
(Junior Scale)

1 year

Grade I

2 years

Grade II

2 years

Grade III

2 years

Provided that Government may, at its discretion, count any period of service spent by an officer in a post or posts carrying similar duties of equivalent or higher responsibilities, towards the aforesaid period of probation in the grade to which he was promoted."

(3) The Government may, in the case of any officer to whom sub-rule (1) and (2) apply, extend the period of probation in its discretion.

(4) During the period of probation, a member of the Service may be required to undergo such training and to pass such tests as the Govt. may, from time to time, prescribe.

(5) If, at any time during or at the end of the period of probation or of any extension thereof, the Government is of the opinion that an officer appointed to a grade on probation is not fit for permanent appointment or for retention in service in an officiating or temporary capacity the officer may:-

(i) If he is appointed thereto by direct recruitment, be discharged from service in that grade, and

(ii) if he is appointed thereto by promotion, be reverted to the grade from which he was so promoted.

(6) The pay and increments of pay of officers on probation shall be regulated in accordance with the rules and orders issued in that behalf by the Government, from time to time.

2. "8. FILLING THE POST BY DEPUTATION: The Government may fill, in consultation with the Commission, in any grade, a number of posts not exceeding 10% of the strength of that grade by appointment of officers of State Publicity Organisations, Central Government Departments, Publicity Organisations of Public Sector Undertakings, autonomous bodies under the Central Government, nationalised banks, news agencies, and advertising firms, on deputation for such period not exceeding 5 years as the Government may specify. The posts so filled shall be taken into account for determining the number of posts to be filled by promotion or by direct recruitment."

2 As revised by Notification No. A-12011/1/74-CIS dt. 14.7.1976.

Am. Ed.

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* SCHEDULE I

(See rule 2(c))

GRADE IV

Name of office	Designation of posts
All India Radio	Sub Editor Publicity Assistant. Reference Assistant.
** Press Information Bureau	Information Assistant
Publications Division	Sub-Editor. Reference Assistant Sub-Editor, C.W.M.G.
£ Films Division	Research Assistant
Registrar of Newspapers for India	Publicity Assistant Registration Assistant.
*** Research & Reference Division	Research Assistant.
Dte. of Advertising & Visual Publicity	Sub-Editor. Publicity Assistant. Research Assistant.
Ministry of Defence	Sub-Editor, Information Assistant
Dte. of Public Relations	
* As substituted by Notification No. 7/1/60-CIS dated the 29th Feb., 1960 and amended from time to time. (GSR 260/60)	
** As inserted under Notification No. 1/9/68-CIS dated the 23th Nov., 1968 (GSR 2148/68)	
*** As revised by Notification No. 1/8/68-CIS dated 25th July, 1968 (GSR 1497/68)	
@ As inserted by Notification No. 1/6/67-CIS dated the 11th June, 1971	
£ As inserted by Notification No. A.42012/2/72-CIS dated the 17th May, 1972 (GSR 723/72)	

Contd.....

SCHEDULE III
(See Rule 2(c))

GRADE II

Name of Office	Designation of posts
All India Radio	Assistant News Editor
News Services Division	News Editor
Press Information Bureau	Assistant Information Officer
Publications Division	Assistant Editor
Research & Reference Division	Assistant Research Officer

N.B.:— Officers holding duty posts specified in Grade II and III shall draw pay of the grade to which they are appointed.

* As substituted by Notification No. 7/1/60-CIS dated 20.2.60 and amended from time to time (GSR 260/60)

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* SCHEDULE V
(See rule 2(e))

JUNIOR ADMINISTRATIVE GRADE

Name of Office	Designation of posts
All India Radio, News Services Division	Deputy Director of News, Special Correspondent. **
Press Information Bureau	Deputy Principal Information Officer.
Publications Division	Deputy Director (Production) Chief Editor (Yojana) Chief Editor (Indian & Foreign Review). Deputy Director.
Dte. of Advertising and Visual Publicity	Deputy Director (Hindi) Senior Deputy Director *** Deputy Director (Campaigns).
Dte. of Field Publicity	Deputy Director.
@ Min. of Defence Dte. of Public Relations of for	Deputy Director (Public Relations) Editor-in-Chief (Sainik Samachar).
% Registrar/News paper xv/India	Deputy Press Registrar
1 Min. of I&D	Officer on Special Duty (Policy Planning)
+ Research & Reference Divn.	Deputy Director
6 Min. of Rural Reconstruction	Director (R&R)
3 Min. of Health & Family Welfare	Chief Editor

* As substituted by Notification No.1/8/65-CIS dt. 20.6.65
(effective from 1.9.1965).

** As inserted by Notification No.1/8/67-CIS dt.19.12.67
(GSR 1930/67).

*** As inserted by Notification No.2/16/67-CIS dt.5.6.68 (GSR1195/68)

@ As inserted by Notification No.1/6/67-CIS dt.11.6.71 (GSR1973/69)

% As inserted by Notification No.A-42012/5/72-CIS dt. 12.2.74

1 As inserted by Notification No.A-42012/1/72-CIS dt. 4.7.75

+ As inserted by Notification No.A-42012/1/77-CIS dt. 20.7.77
(GSR 1061/77)

6 As inserted by Notification No.A-42013/3/73-CIS(V.111)
25.3.81 (GSR)

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Name of Office

Designation of post

Office of the Registrar
of Newspapers for India

Registrar of Newspapers
for India

Publications Division

Director

Dte. of Field Publicity

Director.

* As Inserted by Notification (GSR 65/70)

** As revised by Notification No. 1/16/63-CIS dated
18.12.1968 (GSR No. 16/69)

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SCHEDULE VIII

(See Rule 6)

Minimum educational and other qualifications, experience and age limit for direct recruitment to various grades of the Central Information Service ;

GRADE IV

(a) A candidate for this grade must have :

(i) A degree of any University incorporated by an Act of the Central or State Legislature in India or other educational institutions established by an Act of Parliament or deemed to be as Universities under Section 3 of the University Grants Commission Act, 1956, or a foreign University approved by the Government from time to time, or possess a qualifications which has been recognised by the Government for the purpose of admission to the examination.

(ii) Attained the age of 20 years but must not have attained the age of 25 years on the 1st day of January of the year in which the examination is held ;

Provided that the upper age limit may be relaxed in respect of candidate belonging to Scheduled Caste or Scheduled Tribe and such other categories of persons as may be notified in this behalf by the Government from time to time to the extent and subject to the conditions notified in respect of such category.

(b) The examination will be conducted according to the following plan :-

(I) PART I	PAPERS	MARKS
(i)	Current Affairs	
(ii)	Translation from English to Indian Language	100
(iii)	Translation from an Indian Language to English	50
(iv)	Essay in the English language concerned	50
(v)	Indian History and Culture	100
		<u>100</u>
		400

As revised by Notification No. 1/15/63-CIS (Amendment No. 53) dated 16.5.63 effective from 1.9.63 (CSR 1222)
As revised by Notification No. 1/5/65-CIS dt. 25.4.65 (CSR 909) effective from 1.1.1966.

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Ministry of Information & Broadcasting, for another six months during the training. He will have to pass a departmental test which will include a language test. Thereafter, he will be on probation for one year. Failure to pass the departmental test during the training period involves liability to discharge from service or reversion to substantive post, if any, on which the candidate may hold lien.

3. Omitted.

4. The upper age limit prescribed in paras 1 to 3 above shall be relaxable in the case of candidates belonging to Scheduled Castes, the Scheduled Tribes or displaced persons and other ~~special~~ categories of persons in accordance with the General orders issued from time to time by the Central Government.

5. A candidate for any of the grades must be in good mental and bodily health and free from physical defect likely to interfere with the discharge of his duties as an officer of the Service. A candidate who, after such medical examination as may be prescribed under the rules in force, is found not to satisfy these requirements shall not be appointed. Only such candidates as are likely to be considered for appointment will be medically examined.

6. (a) No person who has more than one wife living or who have a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to the Service; and

(b) No woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has wife living at the same time to such marriage, shall be eligible for appointment to the Service.

Provided that the Central Government may, if satisfied, that there are special grounds for so ordering, exempt any person from the operation of this rule.

7. Success in the examination confers no right of appointment unless the Government are satisfied after such enquiry as may be considered necessary, that the candidate is suitable for appointment to the Service.

* As revised by Notification No. 1/5/64-CIS dt. 17.10.64 (GSR 1585/64)

@ As revised by Notification No. 7/2/60-CIS, No. 2/2/61-CIS No. 7/3/61-CIS dt. 15.3.1961 (Effective from 1.1.1961) (GSR 435/61)

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ANNEXURE 'C-III'

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No. A.12011/6/86-Exh.(A)
Government of India
Directorate of Advertising and Visual Publicity
Ministry of Information and Broadcasting

'B' Block, Kasturba Gandhi Marg,
New Delhi-1, the 6th Oct., 1987.

ORDER

On the recommendations of the Departmental Promotion Committee, the Director of Advertising and Visual Publicity hereby appoints the following permanent Projectionists (officiating as Exhibition Assistants on adhoc basis) to officiate as Technical Assistants (Audio Visual Equipment) in a temporary capacity, until further orders:-

<u>S.No.</u>	<u>Name</u>	<u>Posted at</u>
1.	Shri Jaswant Singh	Exhibition Division Workshop, New Delhi
2.	Shri N.K.Bali	Exhibition Workshop, Madras.
3.	Shri S.K. Mahajan	Kit Production Centre, Guwahati.

2. This appointment will take effect from the dates they take over their duties as Technical Assistant (Audio Visual) at the places mentioned against them. On their appointment as Technical Assistant (Audio Visual) they will have no claim subsequently on the post of Exhibition Assistant.

3. They will be on probation for a period of two years which may be extended at the discretion of the appointing authority.

4. S/Shri N.K.Bali and S.K.Mahajan will be entitled to admissible joining time.

sd/- (P.S. Herle)
for Director of Advertising & Visual Publicity.

Copy to:-

1. Shri Jaswant Singh, Exhibition Assistant, New Delhi
2. Shri N.K.Bali, Exhibition Assistant, FEO, Lucknow.
3. Shri S.K.Mahajan, Exh. Assistant, FEO, Calcutta
4. JD(BS)/CEO/RO/IE (Shri Aggarwal)/Chief Modeller
5. JD,RO Guwahati/IE, Calcutta/IE,Lucknow/IE,Madras/
FEO,Lucknow
6. AO(Cash)/AO(B.III)/Budget Sec./GAO&M/TA,Sec./
7. Confidential Assistant/Estt. Section
8. Asstt. Director (OL), Shri K.L.Vasudeva.
9. Personal files of the persons concerned.
10. Spare copies (10)

sd/-
(A.C. Datta)
Supervisor

ANNEXURE 'C-IV'

No. A.12011/6/36-Exh.(A)
Government of India
Directorate of Advertising and Visual Publicity
Ministry of Information and Broadcasting

'B' Block, K.G. Marg,
New Delhi-1, Dated: March 14, 1988.

OFFICE ORDER

The order of promotion to the post of Technical Assistant (Audio Visual Equipment) offered to Shri N.K. Bali, a permanent Projectionist officiating as Exhibition Assistant on adhoc basis vide this Directorate's order of even number dated 6th October, 1987 is hereby cancelled as Shri Bali has declined the promotion.

Consequent on his declining the promotion, Shri Bali forfeits his claim to the post of T.A.(AVE) and he is debarred for further promotion to the post for a period of one year.

sd/-
(S.L. Singla)
Deputy Director (Admn.)
for Director of Advertising & Visual Publicity

Copy to:-

1. Shri N.K.Bali, Exh. Asstt., FEO, Lucknow
2. JD(G)/CEO/RO/IE, New Delhi
3. JD, Bangalore/IE, Madras/IE, Lucknow
4. AO(Cash/AO(B.III)/Budget/GAO&M/TA Section
5. Establishment Section/Confidential Assistant
6. Personal file of Sh. Bali
7. Reference folder/Order file
8. Spare copies (10)

sd/-
(A. C. Datta)
Supervisor

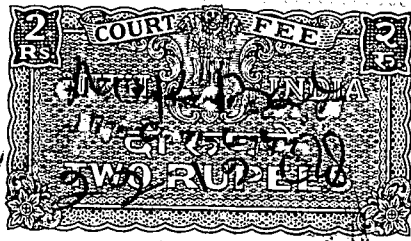
SL NO 22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH: LUCKNOW

O.A. No. 30/88(K)

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1988

AFFIDAVIT

11/12/88
HIGH COURT
ALLAHABAD

Harish Chandra and another Applicants

versus

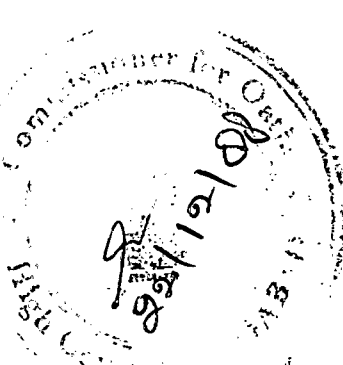
Union of India and others Respondents.

REJOINDER AFFIDAVIT

I, N.K. Bali, aged about 47 years, son of late Sri J.D. Bali Exhibition Assistant, Field Exhibition Office, Directorate of Advertising and Visual Publicity, Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is applicant No. 2 and pairokar of applicant No. 1 in the above noted case and as such he is fully conversant with the facts of the case.
2. That the deponent had gone through the counter affidavit filed by the respondent No. 2 and has fully understood the same and as such giving the parawise reply to the counter Affidavit.
3. That the contents of para 1 to 4 of the counter affidavit need no reply.
4. That in reply to the contents of para 5 of the counter affidavit it is submitted that at one hand the respondent No.2 deemed it proper to promote the projectionist on Adhoc basis, being feeder cadre, in department's interest in the year 1984, which fell vacant as the incumbents of the same were either

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Harish Chandra

officiating on adhoc-basis on higher posts or were on deputation to other departments. But on the other hand the respondent No. 2 did not feel it as its moral duty to link up the case of projectionist being the feeder cadre to the post of Exhibition Assistants while recommending their case for induction in Central Information Service. Further it is submitted that the post of projectionists are the feeder cadre to the limit of 25% of the vacancies of Exhibition Assistants which fact has been admitted by the respondent No.2. Therefore it is amply clear that the action of the respondent No. 2 was prejudicial and unjust.

5. That the contents of para 6 to 11 of the counter affidavit needs no reply.

6. That in reply to the contents of para 12 of the counter Affidavit it is submitted that the old recruitment rules which provides 25% of the vacancies are to be filled from the projectionists are still in existence which the respondents have admitted in para 5 of their counter affidavit. Therefore the averment that the old recruitment rules have stand lapsed on account of the induction of Central Information Service is absolutely wrong. The respondents have failed to attach any documents showing that the existing service rules have lapsed on account of the induction of Central Information Service. It is further submitted that in no communication the respondent No. 2 has informed the projectionists whose was the only cadre which was going to be effected completely ~~xxx~~ prior to sending the proposal for induction of Exhibition Assistants in Central Information Service, to the Ministry. Respondent No. 2 should have informed the projectionist who were going to be deprived of their promotional channel. This neglect on the part of the department give a room of suspicion that any information in this case may damage the case of induction. It is further

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submitted that any addition, deletion or modification in the recruitment rules is supposed to be notified in the official gazette, but the respondent No. 2 has adopted a shortest route to achieve its target, reasons best known to the department. It is further submitted that the department never bothered to send a communication to the affected parties or sent a line for gazette notification for scraping the existing recruitment rules of Exhibition Assistants. It is further submitted that it was the duty of the department to keep 25% of the posts of Exhibition Assistants for departmental promotions of projectionists who were the real claimants.

7. That in reply to the contents of para 13 of the counter affidavit it is submitted that with the respondent No. 2, there is only three posts of Technical Assistants, one each at New Delhi, Madras and Gauwahati against the 42 posts of projectionist with 7 years of service is entitled to be considered for promotion through Departmental Promotion Committee under seniority-cum-selection basis. Since the inception of these rules about 5 projectionists who had served the department for more than 20 years as projectionists were benefitted till date, thus only about 10% projectionists are benefitted during the past 20 years and most of the senior most projectionists even after more than 20 years of service ~~retired~~ retired as projectionists. This Honourable Tribunal can easily assess the position by reviewing the case of the deponent who had joined the department on October 5th 1967 and after completion of 20 years of blotless dedicated service he was considered for promotion to the post of Technical Assistant through departmental Promotion Committee on the basis of seniority cum-selection basis when he was drawing maximum pay (~~maximum~~ re-revised scale)

and would have not benefitted monetarily as he was desired to report at Madras. This would have caused him double establishment and thus a great financial hardship.

It is further submitted that since the existing promotional avenues for projectionists were very meagre, the recruitment rules of Exhibition Assistants were changed and a provision for 25% posts of Exhibition Assistants was kept for projectionists for promotion. It is further submitted that the recruitment rules for promotion of projectionist to the post of Technical Assistant with 7 years regulars service in the cadre was required where-as for promotion to the post of Exhibition Assistants, only 5 years service is required. Secondly after the promotion to the post of Technical Assistant the further avenues for promotion is blocked whereas Exhibition Assistants post has the further promotional avenues to the post of Field Exhibition Officer and Inspector of Exhibitions. Thus it is amply clear that depriving the projectionists for promotion to the post of Exhibition Assistant, which has better promotional avenues, has no logic and is a harassment to the incumbents. It is further submitted that the respondent No. 2 has various categories which have more than two promotional avenues.

8. That in reply to the contents of para 14 of the counter affidavit it is submitted that from this para itself it is very clear that the respondent No. 2 have promoted projectionists to the post of Exhibition Assistant on regular basis and out of these three, one is officiating as Field Exhibition officer Class II Gazetted post on adhoc basis. This shows that the projectionist of the department has the ability and capability to be promoted to the higher post by virtue of experience and nature of duty they have to discharge. When a few persons from

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projectionist cadre can get induction in Central Information Service then what is the hitch for the department to keep the channel of promotion open for the projectionist cadre. This action of the respondents is a clear violation of Article 14 and 16 of the Constitution.

9. That the contents of para 15 needs no reply.

10. That the contents of para 16 of the counter affidavit are denied. It is further submitted that there are several posts of exhibition Assistants are in existence.

11. That in reply to the contents of para 17 of the counter affidavit it is submitted that it was the duty of the department to safe-guard the interest of the incumbents and the deponent to the counter affidavit being the head of the department, she should have given a motherly treatment to the projectionist and should not have acted as step-mother by depriving of the avenues of promotion to the projectionist whose channal for promotion to Exhibitions Assistant was specifically given to provide them better promotional avenues. It is further submitted that the department failed to send a communication or a line in this regard to the effected projectionist. In fact, in not doing so, the espondent No. 2 destroyed the career of a cadre which is against the provisions of Article 14 and 16 of the Constitution. Since no official communication was received, the applicants keep continuously awaiting it and at last when it was officially appeared, the applicants sent their representations to review the case but failed to get favour. When no way out was left the applicants approached this H⁰n'ble Court for justice by way of filing the application.

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J. J. J.
J. J. J.

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12. That in reply to the contents of para 18, it is submitted that the department is very well in position in keeping the 25% posts of Exhibition Assistants and Field Exhibition Officers as Ex-cadre posts for departmental promotions. In the past also when the incumbents of the post of Field Exhibition Officers and Regional Exhibition Officers were inducted in Central Information Service, the remaining Field Exhibition Officers who could not be inducted in Central Information Service were kept as Ex-cadre post in view of the specialised job of exhibitions. This happened some time in 1963 or so when Sh. J.S. Gowhney, R.R. Dhyani and Mr. S.C. Aggrawal were left over and retired as Inspector of Exhibitions except Mr. Dhyani who died in service. Moreover the department has the 3 posts of Exhibition Officers (Class-I Gazetted) out of these two posts are controlled by the department and one post of Exhibition Officer (~~Ex~~ (PP) was from Central Information Service Grade-I. Now this has been redesignated as Research Officer. Therefore, the department cannot ignore the projectionists who are the great sufferers due to this induction. They are entitled to get 25% of posts of Exhibition Assistant reserved by the department to keep open for promotion as provided in the recruitment rules.

13. That the contents of para 19 of the counter affidavit are denied and in reply the contents of para 6(P) of the application are reiterated as correct. It is further submitted that since similarly placed persons were inducted in Central Information Service, the applicants are also entitled to get their promotion and also induction in Central Information Service, and the refusal of the promotional avenues on the basis of Annexure Nos 5 & 6 resulting into the deprivation of the future career of the applicants and the same is against the provisions of the Constitutional rights. The orders contained in Annexure No. 5 & 6 are non-speaking orders as no reason has given as to why the

16. That the contents of para 23 of the counter affidavit are denied. It is further submitted that the action of the respondents resulted into discrimination of the entire cadre of projectionists for which they have not given any opportunity. It is further submitted that the Union Public Service Commission advertised for recruitment for the post in Central Information Service Grade III & IV sometime in the year 1984 and out of the departmental candidates who appeared in the above examination, most of them were failed or rejected by the Public Service Commission. All of them are now inducted by way of the induction ~~via~~ ~~of~~ ~~the~~ ~~Public~~ ~~Service~~ ~~Commission~~. Thus it was clear that these charges were made for the interest of a limited section of employees who either did not face the regular recruitment in Central Information Service through Union Public Service Commission or appeared but could not qualify the interview. And thus they chosen to get their induction through this shorter and self manipulated process for which the respondent No. 2 is also a party who helped them in achieving their targets.

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17. That the contents of para 24 of the counter affidavit are denied. The applicants are entitled to get their reliefs claimed by them.

18. That the contents of para 25 needs no reply.

19. That since there is a clear violation of Article 14 and 16 of the Constitution and as similarly placed persons are entitled to get promotion and induction to Central Information Service and some of them were denied their rights when specifically it was provided in the recruitment rules. The application of the applicants have merits and is liable to be allowed with costs.

Dated: Lucknow
22.12.1988

[Signature]
Deponent

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 19 of this affidavit are true to my knowledge. No part of it is false and nothing material has been concealed. So help me God.

Dated: Lucknow
22.12.1988

[Signature]
Deponent

I identify the deponent who has put his signature before me, and I know him personally.

[Signature]
Advocate

Solemnly affirmed before me on 22-12-88 on 9.00 am/pm by the deponent who is identified by Shri Surendran.P. Advocate, High Court, Lucknow. I have satisfied by examining the deponent who understands its contents which have been readout and explained by me.

[Signature]
High Court, Lucknow
Lucknow Bench Lucknow

11/17/88

20.12.88

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH

LUCKNOW

C.M. Application No. *FF-30-9-91* 556 of 1991

N.K. Bali

Applicant.

In re

O.A. No. 30/88(L)

Harish Chandra and another

Petitioner.

versus

Union of India & others

Respondents.

I N D E X

Sl. No. Particulars

Page No.

1. Application for interim relief

1 to 5

2. Annexure No. 1

Offer of Appointment dated
20.8.91

3. Affidavit.

Lucknow

Dated: *16-9-91*

(*[Signature]* Surendran P.)

Counsel for the Applicant.

Filed today
[Signature]
16/9/91

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

18/5/87

O.A. No. 30/88(L)

N.K. Bali Exhibition Assistant, Field Exhibition
Office, Directorate of Advertising and ~~Field~~ ^{Visual} Publicity,
Ministry of Information and Broadcasting
Lucknow.

Applicant

Inre.

Harish Chandra and another

Applicant

versus

Union of India and others

Respondents.

APPLICATION FOR INTERIM RELIEF

Applicant above named respectfully submits
as under:

1. That the applicant alongwith one Harish Chandra filed ²/Claim Petition before this Hon'ble Tribunal against the induction of post of Exhibition Assistant in Central Information Service, now, known as Indian Information Service Group 'B'.
2. That the aforesaid induction of post, were

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against the existing service rules for the post of Exhibition Assistant, as by means of the existing service rules, ^{✓ which ✓} ~~the~~ was published under the Government of India Gazette Notification vide letter No. A- 12014/1/77-Est II /Exh(A), prescribing that 25% of the posts of Exhibition Assistant shall be filled in by promotion from amongst the Projectionists of the Directorate with five years of service in the grade and the rest 75% be filled up by way of direct recruitment.

3. That it is further submitted that ^{the} ~~the~~ Feeder post of Exhibition Assistant is Projectionist and the applicant is a confirmed employee on the post of Projectionist.

4. That considering the seniority and suitability the petitioner was promoted against the departmental quota of 25% as Exhibition Assistant on adhoc basis in the year 1984 and since then the applicant is continuously working on the post.

5. That by means of the aforesaid Claim petition, the applicant as well as Shri Harish Chandra challenged the orders of induction, i.e. inducting the post of Exhibition Assistant in

the Central Information Service Group 'B' and ^{the} ~~mode of~~ recruitment has been ~~changed~~ changed to 100% direct recruitment ignoring the Claim of the applicants against their fixed quota of 25% as provided in the existing service rules as Projectionist as well as Exhibition Assistant.

6. That the Counter and Rejoinder Affidavit have already been exchanged and the petition is ripe for final hearing but on account of non sitting of the Tribunal the petition could not be heard and disposed of.

7. That in the meantime the opposite party No. 1 in the claim petition has issued an appointment order to one Shri Multan Singh Yadav offering him the post of Exhibition Assistant and he was posted to Lucknow against which the applicant is continuously working for the last 7 years.

A copy of the offer of appointment is being enclosed herewith as Annexure No. 1 to this Application.

8. That the applicant has ^{an} apprehension that in case Shri M.S. Yadav joins at Lucknow the applicant will be reverted from the post of

Exhibition Assistant to the post of Projectionist against the claim of the applicant as they have claimed by means of the claim petition that 25% departmental quota ^{be} allowed to them, to be filled from amongst the departmental candidates as provided in the recruitment rules contained in Annexure No. 1 to the claim petition.

9. That after the induction of the post of Exhibition Assistant in the Central Information Service, recruitment rules have been framed by the Government of India and as per the revised recruitment rules 100% direct recruitment has been provided and in case this procedure will be allowed the claim of the petitioner would become infructuous and the applicant would not get their rightful ~~right~~ claim as provided in the Notification contained in Annexure No. 1 to the Claim petition.

10. That since the claim petition is pending before this Hon'ble Tribunal for ~~adjudication~~ ^{adjudication}, till final decision of the petition the applicants would not be permitted to be disturbed from the post of Exhibition Assistant as they ^{he has} continuously been serving on the post of Exhibition Assistant as per recruitment rules.

11. That the petitioner has also crossed

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the Efficiency Bar twice on the scale of Rs 425-700 and thereafter in the scale of 1400-2300 on 10.10.84 and 28.10.86.

12. That by means of appointment letter dated 21.8.91 which was issued to to Shri Multan Singh Yadav it was directed that he should join upto 20.9.91 and in case he joins the applicant shall automatically be disturbed by way of reverting him from the post of Exhibition Assistant to the post of Projectionist after the continuous service of 7 years.

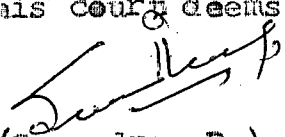
~~It is therefore respectfully~~

13. That the petitioner was promoted on the post of Exhibition Assistant against the fixed quota of 25% as per the provisions contained in Annexure No. 1 to the Claim petition and since ^{the} date of promotion he is continuously working on the post.

It is, therefore, prayed that this Hon'ble Tribunal may kindly be pleased to issue a direction to the opposite parties not to disturb the petitioner by way of reverting him from the post of Exhibition Assistant to the post of Projectionist till the pendency of the Claim petition on the basis of the order issued by opposite party No. 1 dated 21.8.91.

Any other order which this court deems fit may also be issued.

Lucknow
Dated: (6-9-91)


(Surendran P.)
Counsel for Applicant.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

O.A. No. 30/88



N.K. Bali

Applicant

Inre

Harish Chandra and another

Petitioners.

versus

Union of India and others

Respondents.

AFFIDAVIT



I, N.K. Bali, son of Shri J.D. Bali,
aged about 50 years ~~resident~~ at present working
as Exhibition Assistant, ~~Field~~ ^{Visual Field} Exhibition Office,
Directorate of Advertising and ~~Press~~ ^{Visual} Publicity,
Ministry of Information and Broadcasting, Lucknow
do hereby solemnly affirm and state on oath as
under:

1. That the deponent is the applicant No. 2
in the Original Application and as such he is
fully conversant with the facts of the case.

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2. That the deponent alongwith one Harish Chandra filed^a claim petition before this Hon'ble Tribunal against the ~~xx~~ induction of post of Exhibition Assistant in Central Information Service, now known as Indian Information Service Group B.

3. That the aforesaid induction of post was against the existing service rules for the post of Exhibition Assistant, as by means of the existing service rules ^{which} ~~it~~ was published under the Government of India Gazette Notification vide letter No. A-12014/1/77-Est II/Exh (A) prescribing that 25% of the posts of Exhibition Assistant shall be filled in by promotion from amongst the Projectionists of the Directorate with five years of service in the grade and rest 75% be filled up by way of direct recruitment.



4. That it is further submitted that ^{the} Feeder post of Exhibition Assistant is Projectionist and the ~~approximate~~ deponent is a confirmed employee on the post of Projectionist.

5. That the considering the seniority and suitability the petitioner was promoted against the departmental quota of 25% as Exhibition Assistant on adhoc basis in the year 1984 and since then the applicant is continuously working on the post.

6. That by means of the aforesaid claim

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deponent
petition the ~~applicant~~ as well as Shri Harish
Chandra challenged the orders of induction i.e. ✓
inducting the post of Exhibition Assistant in
the Central Information Service Group B and he ✓
mode of recruitment has been changed to 100%
direct recruitment ignoring the claim of the
applicants against their fixed quota of 25% as
provided in the existing service rules as
Projectionist as well as Exhibition Assistant.

7. That the Counter and Rejoinder Affidavit
have already been exchanged and the petition
is ripe for final hearing but on account of non
sitting of the Tribunal the petition could not
be heard and disposed of.

8. That in the meantime the opposite party
No. 1 in the claim petition has ~~not~~ issued an
appointment order to one Shri Multan Singh
Yadav offering him the post of Exhibition Assistant
and he was posted to Lucknow against which the
applicant is continuously working for the last
7 years.

A copy of the offer of appointment has
been enclosed to the application for interim
relief as Annexure No. 1

9. That the applicant has ^{an} apprehension that

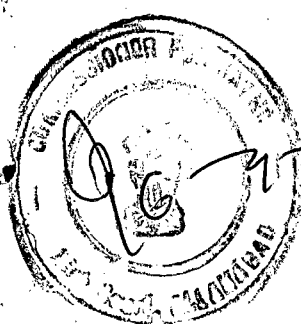


Shri Singh's

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in case Shri M.S. Yadav joins at Lucknow the deponent ~~applicant~~ will be reverted from the post of Exhibition Assistant to the post of Projectionist against the claim of the applicant as they have claimed by means of the claim petition that 25% departmental quota ^{be} allowed to them ^{to} be filled from amongst the departmental rules contained in Annexure No. 1 to the claim petition.

10. That after the induction of the post of Exhibition Assistant in the Central Information Service recruitment rules have been framed by the Government of India and as per the revised recruitment rules 100% direct recruitment has been provided and in case this procedure will be allowed the claim of the deponent would become infructuous and the ~~applicant~~ deponent would not get their rightful claim as provided in the Notification contained in Annexure No. 1 to the Claim petition.



11. That since the claim petition is pending ^{adjudication} before this Hon'ble Tribunal for ~~admission~~, till final hearing/decision of the petition the deponent would not be permitted to be disturbed from the post of Exhibition Assistant as they continuously ^{he has} been serving on the post of Exhibition Assistant as per recruitment rules.

Dr. S. S. Singh

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12. That the deponent has also crossed the Efficiency bar twice on the scale of Rs 425-700 and thereafter in the scale of Rs 1400-2300 on 10.10.84 and 28.10.86.

13. That by means of appointment letter dated 21.8.91 which was issued to Shri Multan Singh Yadav it was directed that he should join upto 20.9.91 and incase he joins the ~~applicant~~ deponent shall automatically be disturbed by way of reverting him from the post of Exhibition Assistant to the post of Projectionist after the continuous service of 7 years.

14. That the deponent was promoted on the post of Exhibition Assistant against the fixed quota of 25% as per the provisions contained in Annexure No. 1 to the Claim petition and since the date of promotion he is continuously working on the post.

15. That it is expedient in the interest of justice that this Hon'ble Court may kindly be pleased to issue a direction the opposite parties not to disturb the deponent by way of reverting him from the post of Exhibition Assistant to the post of Projectionist till the pendency of the Claim petition on the basis of the order issued by opposite party No. 1 on 21.8.91.

Lucknow
Dated: 16-9-91

[Signature]
Deponent



[Signature]

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Verification

I, the deponent named above do hereby
verify that the contents of the above affidavit
from paras 1 to 15 are true to
my personal knowledge and those of paras —
to — are believed to be true by me. No
material has been concealed and nothing
has been suppressed. So help me God.

Lucknow

G. S. Singh
Deponent

Dated: 16-9-91

I identify the deponent who has signed
before me.

H. K. Singh
Advocate.

Solemnly affirmed before me, by the deponent at 10-00 am on 16-9-91 who is identified by Shri F. A. H. who is Advocate.

I have satisfied myself by examining
the deponent that he understands the contents
of this affidavit.

[Signature]
S. S. ARJUN
OATH COMMISSIONER
Dist Court Lucknow (Dist Lucknow)
16-9-91

No. PF/ 2080 /CIS
Government of India
Ministry of Information & Broadcasting

New Delhi, dated 21.08.91.

To
Shri. Multan Singh Yadav,
Village Nagla Bridger, Rambal,
P.O. Yamuna Bridge,
Agra - 282 006.

Subject :- Appointment to a temporary post in Junior
Grade of Indian Information Service, Group 'B'.

Sir,

I am directed to say that on the recommendation of the Union Public Service Commission, the competent authority in the Ministry of Information & Broadcasting hereby offers you a temporary appointment in Junior Grade of Indian Information Service, Group 'B' on the following terms and conditions :-

- (i) The post is a Central Civil Service (Non-Gazetted), and carries the scale of pay of Rs. 1400-40-1600-50-2300-60-2600/-. Your initial pay will be fixed in this scale in accordance with the rules and orders of the Government for the time being in force and you will also be entitled to draw allowance at the rates admissible under and subject to the conditions laid down in rules and orders governing the grant of such allowance in force from time to time;
- (ii) Your appointment is temporary until further orders and will not confer any title to permanent employment;
- (iii) You will be on probation for two years from the date of appointment. The period of probation may be extended at the discretion of the appointing authority. If your work and conduct during the period of probation is such as to show that you are unlikely to become an efficient Junior Grade of IIS, Group 'B' Officer of the service, you may be discharged from the service forthwith or reverted to the substantive post, if any, on which you may hold lien. During period of probation, you may be required to undergo such training and to pass such tests as may be prescribed from time to time, failure to qualify which may render you liable to be discharged from service;

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wish to be exempted from the operation of the said restriction, you should furnish the full facts of your case to this Ministry immediately to enable the Government of India to take a decision in the matter. The offer of appointment should, in that case, be treated as cancelled and a further communication will be sent to you, if upon a consideration of your representation it is decided to offer you an appointment. The offer of appointment is, therefore, conditional upon your satisfying the requirements listed above, and to your furnishing to this Ministry a declaration in Annexure-I to this letter alongwith your reply ;

xi) You will be required to produce the following certificates in original :-

- a) Degree/Diplomas/Certificates of educational and other technical qualifications M.A. (Geog) - 1987 Diploma in Mass Media - 1988
- b) Certificate of age
- c) Certificates in support of being Scheduled Caste/Scheduled Tribe ;

xii) If you accept the offer on the above terms and conditions, you are requested to intimate acceptance to this Ministry immediately and latest by 20.09.91 failing which this offer will be treated as cancelled. In the event of your accepting the offer, you are instructed to report for duty to Field Exhibition Officer, Dte. of Advertising and Visual Publicity, Lucknow by 20.09.91

Yours faithfully,

Sd/-

(S. D. KUMAR)

Under Secretary to the Government of India.
Phone : 38 79 30.

Contd....4/-

16-9-91

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

C.M. APPLICATION NO. ~~30/88~~ *FF-30-9-91* *SS7/91*

Inre

O.A. No. 30/88

Harish Chandra and another

Applicants.

versus

Secretary, Ministry of
Information & Broadcasting
New Delhi and others

Respondents.

Application for taking Supplementary

Rejoinder Affidavit on record.

.....
Applicant respectfully submits as under:

For the facts and reasons stated in the accompanying affidavit it is most respectfully prayed that the Supplementary Affidavit may kindly be taken on record.

Any other order which this Hon'ble Tribunal deems fit and proper may also be passed.

Surendran P.
(Surendran P.)

Lucknow

Dated: 16-5-91

Counsel for the Applicants.

Filed today
16/5/91

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

C.M. APPLICATION N o.

191

Inre

O.A. No. 30 of 1988

Harish Chandra & another

Applicants

versus

Secretary Ministry of Information
and Broadcasting New Delhi and
others

Respondents.

SUPPLEMENTARY REJOINDER AFFIDAVIT

I, N.K. Bali, aged about 48 years, son
of Shri J.D. Bali, Exhibition Assistant, Field
Exhibition office, Directorate of Advertisement
and Field Publicity, Lucknow do hereby solemnly
affirm and state on oath as under:

1. That the deponent is applicant No. 2 and
Pairokar of Applicant No. 1 in the above noted
case, as such he is fully conversant with the
facts of the case.

2. That the deponent had gone through the



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Counter Affidavit filed by the respondent No. 2 and has fully understood the same and as such he had already submitted a Rejoinder Affidavit before this Tribunal and the same is on record.

3. That after filing the aforesaid Rejoinder affidavit certain developments took place in the department, as the respondent No. 2 said in paragraph No. 15 of their counter affidavit that the case of the applicants could not be considered on account of the lack of clear vacancies in the Department.

4. That thereafter on 10.4.89, the respondent No. 2 promoted 7 officers who were permanent Exhibition Assistants, officiating on ~~ad hoc~~ ^{basis as} ~~but~~ ^{Field} Exhibition officers on regular basis.



A copy of the order passed by respondent No. 2 on 10.4.89 is being annexed herewith as Annexure No. S-1 to this Affidavit.

5. That on perusal of the aforesaid order it is seen that there were vacancies since 1982 but the department ignored the case of the ~~deponent~~ ^{deponent} saying that there was no clear vacancy.

6. That as per the existing recruitment rules, the applicants are entitled to get 25 per cent of their departmental quota for the post of Exhibition Assistant and ~~department~~ ^{in the deponent} is serving

Answer

for the last 7 years as Exhibition Assistant, and
the being in the promotional list prepared by
the department, his case has to be considered by
the respondents No. 2 for regular promotion on
the post of Exhibition Assistant, instead of appointing
a new person.

Lucknow
Dated:

16-9-71

Deponent

Verification

I, the deponent named above do hereby verify
that the contents of paras 1 to 6 of this
affidavit are true to my own knowledge. No part
of it is false and nothing has been concealed.
So help me God.

Lucknow
Dated:

16-9-71

Deponent.

I identify the deponent who has signed
before me.

Advocate.

Solemnly affirmed before me by the deponent
at 10 am/pm on 16-9-71 who is
identified by Shri Farook Ahmad Advocate.
High Court, Lucknow

I have satisfied myself by examining the
deponent that he understands the contents of this
affidavit which have been explained to him.



COMMISSIONER
Lucknow Bench Lucknow
16-9-71

ANNEXURE No

No. A-12011/2/86-Ext (A)
GOVERNMENT OF INDIA
DIRECTORATE OF ADVERTISING AND VISUAL PUBLICITY
MINISTRY OF INFORMATION & BROADCASTING
3RD FLOOR, PTE BUILDING, PARLIAMENT STREET
New Delhi-110001.

Dated:-10.4.89.

C R D E R

On the recommendation of the Departmental Promotion Committee the Director of Advertising & Visual Publicity hereby appoints the following permanent Exhibition Assistants, officials as adhoc Field Exhibition Officers / on regular basis in the grade of APG as Field Exhibition Officer with effect from the dates mentioned against each:-

<u>S. No.</u>	<u>Name</u>	<u>With effect from</u>
1.	Shri D.D. Barman	25-11-1982
2.	Shri D.K. Dar	13-1-1983
3.	Shri Gautam Kumar	2-3-1983
4.	Shri A.T. Hotchandani	20-9-1983
5.	Shri Jashir Singh	2-11-1983
6.	Shri S.N. Gupta	29-11-1984
7.	Shri N.D. Dalwani	17-6-1985

P. S. HERLE
(P.S. HERLE)
SECTION OFFICER

for Director of Advtg. & Visual Publicity

Copy to:-

1. The persons concerned.
2. IE, Calcutta/IE, Ahmedabad/IE, Madras/IE, Lucknow.
3. CEO/RO/IE, New Delhi.
4. Pay & Accounts Officer, IRLA Group, Ministry of I&B, ACCR Building, New Delhi.
5. Ministry of I&B (CIS SECTION), Shastri Bhawan, New Delhi.
6. AO (Cash)/Budget Section/GAO&M.
7. Establishment Section/Confidential Assistant.
8. Personal files.
9. Reference folder/order file.
10. Spare copies (30)

(A.C. DUTTA)
SUPERVISOR



remains only 34 posts. The pay scale of the posts of Exhibition Asstt. was upgraded and 34 posts included in the appropriate grade of Central Information Services Group 'B' vide Ministry of Information and Broadcasting letter dated 3.5.85 after abolition of 11 posts of Exhibition Asstts to avoid financial implications which arose due to the upgradation of the post of Exhibition Asstt. The Central Information Services Rules 1959 have been amended in the year 1986 and the post of Exhibition Asstt. added in Schedule I to the aforesaid rules vide Gazettee Notification dt.28.11.86. All the incumbents of 34 posts of Exhibition Asstt have been declared included in the Central Information Service Group 'B' vide Gazette Notification dt. 8.4.88. Prior to the amendment of rules, 3 persons who were on the post of Projectionists were promoted to the post of Exhibition Asstts. Further one of them was promoted on adhoc basis as Field Exhibition Officer. The applicants made representations after representations but ^{their} ~~his~~ request was rejected on the ground that 100% posts are for direct recruits. The applicants moved an application for interim relief. From the facts it appears that certain posts of Exhibition Asstt. were in existence when the rules were amended in the year 1986. Obviously, so long as the rules were not amended, the applicants should have been given the post. If they were given adhoc appointment against the post, they are entitled to be regularised on the said post. In this connection a reference has been made in the case of Y.V.Rangaiah Vs. J.Sreenivasa Rao (1983) 3 SCC 284, and Ganeshwar Rao Vs. State of A.P. 1988 Supp. 284. These cases and other cases were considered by the

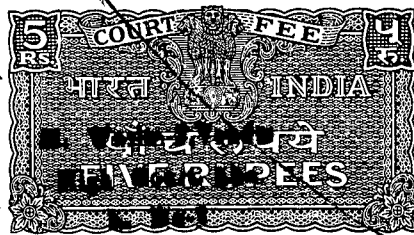
Before the Central Administrative Tribunal
ब अदालत श्रीमान ATLAHABAD/LUCKNOW Bench महादय

वादी (मुहर्ष)

प्रतिवादी (मुहाअलेह)

का

वकालतनामा



Harish Chandra and others

वादी (मुद्दई)

बनाम
Minors of Indira and others

प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १६ पेशी की ता०

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ऊपर लिखे मुकद्दमा में अपनी ओर से

SURENDRAN, A.

एडबोकेट

Adv.

महोदय

बकील

को अपना वहील 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 लोटार्बें या हमारी ओर से डिगरी जारी करावें और रुपया बसूल 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 अग्ने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई यह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूँगा 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 है कि प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर.....

साची (गवाह) साची (गवाह)

... ३ महीना ... ५ ... सन ६४

(2) Therapsids
(w. 4. toes)