

(A3)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Circuit Bench at Lucknow.

Registration O.A. No. 13 of 1988 (L)

Smt. Manju Lata Applicant

Versus

Union of India & Others..... Respondents.

Hon. K.Madhava Reddy, Chairman

Hon. B.C. Mathur, Vice Chairman

In this application under Section 19 of the Administrative Tribunals Act XIII of 1985 the applicant has challenged the seniority list of Librarians in the office of All India Radio, Lucknow. The claim for seniority was rejected as early as 3.12.1981. No further representation was made so far as seniority was concerned. The question of seniority thus became final in 1981. That was long before the Tribunal was established and much more than three years prior to the constitution of the Tribunal. Only when another Librarian, who according to the applicant, was junior to him, was promoted she made a representation on 20.4.1985. As the seniority list had become final by an order of 3.12.1981, this Tribunal has no jurisdiction to her grievance in this regard.


2. So long as the grievance of the applicant, with

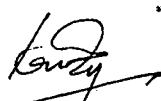
A3
2

- 2 -

reference to ^{her long} ~~her~~ seniority ^{for promotion long} of the applicant cannot be entertained, the claim of the applicant does not seem to have any merit. Apart from the above, the question of promotion is said to be under consideration of the Competent Authority upon the representation of the applicant. Nothing said herein will stand in the way of the applicant moving the Tribunal later if her representation is rejected.

3. In this view of the matter, the application is accordingly dismissed.


Vice Chairman 2/5/88


Chairman

Dated the 2nd May, 1988:

RKM

Annexure - A
CAT - 32

CENTRAL ADMINISTRATIVE TRIBUNAL
~~ALLAHABAD BENCH, ALLAHABAD~~

Lucknow - Bench.

INDEX-SHEET

CAUSE TITLE D.A. No 13 OF 1988.

Name of the Parties Smt Manjula Lata

Versus

Union of India & Others

Part A, B & C

S.No.	DESCRIPTION OF DOCUMENTS	PAGE
A1	General Index - - -	1
A2	Order sheet - - -	1
A3	Judgement dated 2/5/88 -	2
A4	Petition alongwith annexure	61
B1	Vakalatnama (Vakalat) -	1
B2	Condonation of delay application (dt 2-5-88)	
(A+B+C)		
Wheeled out / destroyed		

50(5)

Filed on 26/4/88

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. CA 13 of 1988 (L)

APPLICANT (s) Prof. Manju Lata

RESPONDENT (s) U. O. Jadhav & others

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent? Yes
2. (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? Yes
3. (a) Is the appeal in time? No
(b) If not, by how many days it is beyond time? (18 Months & 12 days) Since her last representation was dated 20.4.85 which is still unattended.
(c) Has sufficient case for not making the application in time, been filed? Applicant made further reminder on 10.9.87. Applicant wants to enjoy the benefit of judgement of CAT, Jabalpur Bench passed in T. A. 104 of 86. Date of judgement is not given.
4. Has the document of authorisation/Vakalat-nama been filed? Yes
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/- Yes, I.P.O. No. DP 062167 D 25.6.88 for Rs. 50/- only
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? Yes, Attested by Advocate.

ORDER SHEET

O.A. NO. 13/88(L)

~~A2~~
1

2-500 Honble S. Zaher Hussain
Honble Ajay John AM

Dismissed

2500
21900

3-500

Copy issued to the applicants.

2500
31000

A4
1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH AT ALLAHABAD *At Lucknow Bench*

Case No. of 1987-88

BETWEEN

Smt. Manju Lata

... Applicant

Versus

Union of India & others

... Respondents

APPLICATION UNDER SEC. 19 OF THE
ADMINISTRATIVE TRIBUNALS Act, 1985

For use in tribunals office;

.....

.....

Date of filing.....

OR

Date of receipt.....

by post.....

Registration no.....

Filed on
26.4.88
Ken
26/4/88

Signature of the Registrar



(2)

-
- 14- Annexure No. 13 93-93
Copy of direction issued by respondent
no. 3 dated 13.8.86
- 15- Annexure No. 14 95-95
Copy of promotion order of respondent
no. 7 dated 25.8.86 issued by
respondent no. 4
- 16- Annexure No. 15
Copy of promotion order of 117 Transmission
Executives for the post of Programme Execu-
tive dated 28th August, 1987 issued by 97-102
respondent no. 2
- 17- Annexure No. 16 103-111
Copy of reminder dated 18.9.1987
- 18- Bank Draft No. ^{DD} 062167 Dated 25-4-88
for Rs
- 19- Vakalat nama
-

APPLICANT

Place: Lucknow

Dated: 26/4/88

Raju/-

Maya ble

THROUGH

(R.B. Pandey)
Advocate,Counsel for the petitioner /
Applicant.
618- Jawahar Bhawan,
Lucknow.

Maya ble

7
(3)

DETAILS OF APPLICATION:-

1- PARTICULARS OF THE APPLICANT:-

- (1) Name of the Applicant:- Smt. Manju Lata
- (ii) Name of Husband:- Sri B.D. Tewari
- (iii) Designation and office in which employed:- Senior Librarian
All India Radio
Lucknow.
- (iv) Office Address:- 18- Vidhan Sabha Marg.
Lucknow.
- (v) Address for service of all notices; Smt. Manju Lata
Senior Librarian,
All India Radio,
18-Vidhan Sabha Marg,
Lucknow.

Manju Lata

1- PARTICULARS OF THE RESPONDENTS:-

- (1) Name &/or designation of the respondents:-
- (a) Secretary, Govt. of India, Ministry of Information and Broadcasting.
- (b) Director General, All India Radio.
- (c) Station Director, All India Radio.
- (d) Station Director, Door Darshan Kendra, Lucknow.
- (e) Sri H.C. Sanwal, Programme Executive.
- (f) Sri Naresh Kumar, Transmission Executive
- (g) Km. Suman Saxena, Floor Manager, Door Darshan Kendra, Lucknow.
- (ii) Office Address of the respondents:- As above
- (iii) Address for service of all notices:- As above

Manju T/C
30
Aan

14
6

(4)

3- PARTICULAR OF THE ORDER AGAINST WHICH APPLICATION IS MADE:-

The application on behalf of the applicant is being preferred in nature of direction for determination of seniority and consideration of promotion with retrospective effect. The matter is related with service condition of the applicant.

4- JURISDICTION OF THE TRIBUNAL:-

The applicant further declares that being a central Govt. employee and serving under the Station Director, All India Radio Lucknow which is within the jurisdiction of this Hon'ble Tribunal.

5- LIMITATION:-

The applicant further declares that the application is within limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

6- FACTS OF THE CASE:-

The facts of the case are given below:-

- (1) That the applicant possesses the degree of B.Sc. and B.LSc. was initially appointed as Librarian under respondent no. 3 against a clear and substantive vacancy in the year 1974 and she joined on 16.10.1974.

Mangra Pal

Sanjay Kumar
14/6

RM
2

ii.- That on 1.7.81 the respondent no. 3 prepared a combined seniority list of Programme Secretaries/Studio-Executives/Librarians and Senior Librarians working in the office of Door Darshan Kendra and All India Radio in U.P. Though this seniority list was not circulated and the applicant any how came to know in the month of September, 1981 that her name has been placed at Sl. No. 8 by showing all the details which is disputed.

Mangalika

iii.- That it would further pertinent to mention that respondent no. 6&7 have been placed at Sl. No. 4&5 respectively in the aforesaid seniority list prepared on 1.7.81 who are much junior than the applicant.

iv.- That it is further stated that the respondent no. 6 was appointed on the post of librarian on 2.6.1975 where as the respondent no. 7 also in similar situation was appointed on same post on 25.11.1975 and both the respondents i.e. 6&7 were regularised from the date of their initial joining, while in the case of the applicant the date of regularisation was made w.e.f. 29.10.1986 in discriminatory treatment. A photostat copy of the extract of Seniority list dated 1.7.1981 is annexed herewith as ANNEXURE No. 1 to this application.

Annexed to copy
28
12

RY
9

(7)

it is crystal clear that the matter of the applicant has not been considered according to legal requirement in determination of seniority. A copy of the response dated 14th October, 1981 given by the Administrative Officer, on behalf of respondent no. 3 is annexed herewith as ANNEXURE No. 3 to this application.

vii. That after receiving the reply dated 14th October, 1981 the applicant further preferred her application dated 17.10.1981 after narrating legal and factual position. The applicant further stated that the appointment of Sri H.C. Sanwal was not made on the post of Librarian. The said Mr. Sanwal was not even having necessary qualification of Librarian hence by his promotion as alleged by Respondent no. 3 the post of applicant could not be affected adversely. The applicant was initially appointed against a clear and substantive vacancy on the post of Librarian after having all the necessary qualification for the post. Hence the reply made by respondent no. 3 vide Annexure No. 3 having no legal sanctity. A photostat copy of the representation dated 17.10.1981 is also annexed herewith as ANNEXURE No. 4 to this application.

viii. That it is also necessary to make it clear, pertaining to appointment of Sri H.C. Sanwal (Respondent no. 5) that said Sri

Manjivale

Atul
92
pm

174
8

(6)

v- That as already narrated in the above paragraph of the application after the knowledge ^{the applicant} made a representation to respondent no. 3 after showing all the details and factual position. The applicant further made a request by virtue of her application/representation dated 23.9.1981 that her seniority shall be determined from the date of joining in view of the length of service and also regularisation be made from the date when the applicant on dated 16.10.74 had submitted her joining report. A photostat copy of the application/representation dated 23.9.1981 is annexed herewith as ANNEXURE No. 2 to this application.

vi- That in view of the application made by applicant dated 23.9.1981 the Administrative Officer on behalf of respondent no. 3 on dated 14th October, 1981 made a response to applicant in which the reason has been assigned that "no benefit of adhoc services for the purposes of seniority is granted. Her appointment on regular basis w.e.f. 29.10.1976 was made when the regular librarian Sri H.C. Sanwal (Respondent -5) working as Transmission Executive on adhoc basis was regularised as Transmission Executive w.e.f. 29.10.1976. She could not therefore, be appointed on regular basis prior to 29.10.1976". By virtue of above said response made by respondent no. 3,

Minister
2
17/10/74

13

(8)

Sanwal as stated was initially appointed on the post of Studio-Executive vide an order dated 22.7.1966 under respondent no. 3. Subsequently vide an order dated 15.12.1969 said Sri H.C. Sanwal was ordered to look after the work of librarian on adhoc basis in different cadre. Thus the status of Sri Sanwal cannot be treated for the post of a regular Librarian, and the applicant's seniority cannot be bifurcated or damaged in view of the stand taken by the respondent no. 4. A photostat copy of the appointment order dated 22.8.66 pertaining to Sri H.C. Sanwal, (Respondent No. 5) showing the status in the department, and further order dated 15.12.1969 by which said Sri Sanwal was ordered to look after the work of Librarian adhocly is annexed herewith as ANNEXURE No. 5&6 to this application.

ix- That the respondent no. 3 on dated 20th October, 1981 gave a reply over the representation of the applicant dated 17.10.81. It is surprising that inspite of decide the matter on merit the said authority under prejudice intention threatenad to applicant restrained her legal right that she should not raise unnecessary quarries. In this regard it is further stated that the repeated request

Mustar Tm w/p
 J
 S
 S

M
 Sanwal

AY
11

(9)

or the applicant for determination of her seniority keeping her self on correct place in seniority list has not been considered and under malafide and prejudice intention in discriminatory treatment and in arbitrary manner. A photo-stat copy of the reply dated 20th October, 1981 is annexed herewith as ANNEXURE No. 7 to this application.

Marginalia

x- That in view of the reply dated 20th October, 1981 it has been alleged by respondent no. 3 that the respondents no. 6&7 were declared as regular employee against the post fallen vacant under Station Director, All India Radio Kanpur and respondent no. 4 respectively. This reply of respondent no. 3 is quite wrong while in fact the entire seniority in question is within the control of respondent no. 3 being Head of the office of the State Capital Stations. The Station Director, All India Radio, Kanpur and Station Director Door Darshan Kendra Lucknow both are under linked under the control and command of respondent no. 3 being the Head of the State Capital Station. Thus the contention of respondent no. 3 is not just and proper in determining the seniority and regularisation of the applicant on the post of Librarian from the date of Joining as prayed repeatedly.

Shri. T. M. Singh
22

(14/12)

(10)

xi.- That the applicant after receiving the reply dated October 20, 1981 further invited the kind attention of respondent no. 3 by making her application dated 22.10.1981. In this application the applicant specifically narrated that the respondent no.3 being Head of the office of the State Capital Stations, are maintaining the combined seniority as such her seniority matter may be decided by said respondent no. 3 within his jurisdiction. A photostat copy of the reply dated 22.10.1981 preferred by respondent no. 3 is also annexed herewith as ANNEXURE No. 8 to this application.

xii.- That the matter of the applicants has neither been decided according to law nor her prayer has been considered by respondent no. 3 under malafide and prejudice intention. The applicant as already stated made numberless requests to redress her grievance, ultimately the respondent no.3 again on 10.11.81 gave a negative reply and rejected the prayer of the applicant. It is also very pertinent to mention that the respondent no.3 in the reply dated 10.11.1981 informing the applicant that her matter has been reviewed. The applicant has no knowledge regarding this aspect that in which circumstances the matter of seniority has been reviewed and the said respondent no .3

Mangalore

Annexure T12
The
an

174
13

(11)

also gave a nonspeaking negative reply which is not sustainable in the eyes of law. A photostat copy of the reply dated 10.11.1981 is also annexed herewith as ANNEXURE No. 9 to this application.

xiii- That as already stated in aforesaid paragraph of this application that the respondent no. 3 became highly prejudice with the applicant and her representations have not been decided according to law and natural justice. The seniority of the applicant has also not been determined correctly in the combined seniority list dated 28.1.1981. The applicant further in due hope made a request by her application to respondent no. 3 making detail facts and reiterated her previous grievance what ever not redressed by the authorities inspite of making numberless requests. A photostat copy of the representation dated 28.11.1981 is also annexed herewith as ANNEXURE No. 10 to this application.

xiv- That the application dated 28.11.1981 was preferred by the applicant to respondent no. 3 at that time this office was holding by one Sri Ameek Hanfi. The said Mr. Hanfi on dated 30th November, 1981 after seeing the application of applicant used unparliamentary language very loudly and publicly which resulted

Manjula
Aller 7/copy
8/2
an

184
14

(12)

that on 1.12.1981 in surprising manner an explanation was also called from the applicant and the letter of explanation was issued by Asstt. Station Director on behalf of respondent No. 3.

xv- That the applicant submitted her reply against the explanation on dated 1.12.1981 and alleged the factual position regarding malafide intention to said Mr. Hanfi but the reply of explanation furnished by the applicant has not been considered and ultimately a warning dated 28.1.1982 was issued against the applicant. It is further stated that prior to warning dated 28.1.1982 the said respondent no. 3 has rejected the application dated 28.11.1981 under malafide intention by giving negative reply in view of a non speaking order. A photostat copy of the reply dated 3rd December 1981 is also annexed herewith as ANNEXURE No. II to this application.

xvi- That the main grievance of the applicant to determine her seniority according to length of service has not been decided or considered inspite of making many representation, ultimately the respondent no. 3 under malafide intention several time threatened to the applicant also awarded warning in a fabricated matter in which he himself was complainant

Amur TIC
S
S
S

Malafide

17/15

(13)

and rightly acted as judge being witness of the case in arbitrary manner after mis-using his power.

xvii.- That it would not out of place to mention that the respondent no. 3 vide an order dated 3rd December, 1981 (Annexure-11) fully restricted to the applicant not to move further on the point of her seniority. This act of respondent no. 3 was deliberate denial of law, in violation of natural justice against rightful claim of incumbent. Such type of arbitrariness further proves the mala fide intention of Mr. Hanfi who was holding the post of Station Director at that time. In regards the ban over right of the applicant it is also stated that the matter of seniority is a matter relating to recurring cause of action and an incumbent has a legal right to determine his/her seniority by way of making legal approach at any time.

xviii.- That the applicant repeatedly threatened by then the respondent no. 3 which also resulted the cause of warning and she was much busy for knocking the doors and exhausting the remedy by way of making approach to higher authorities. The main grievance of the applicant is determination of her seniority on actual place in seniority list of librarian.

Amended T/C
2/10/82
Amr

Mangalore

By
16

(14)

xix- That in regards the seniority list it is necessary to narrate specifically that none of the seniority list has been circulated by the respondent no. 3 and the applicant was in due hope that her seniority shall be fixed in correct way, many time she made verbal approaches to the authorities for circulation of correct seniority list but none took any response and the grievance of the applicant has not been redressed after much lapse of time, ultimately in the year 1985 the applicant again made an approach to the higher authority for redressing her grievance pertaining to correct seniority according to length of service.

Manifest

xx- That as already stated in aforesaid paragraph of this application, the applicant vide her application dated 20.4.1985 invited the kind attention of respondent no. 2 through proper channel. Under this application the humble applicant further made the same request to Opposite Party No. 2 and after reiterating her previous request for obtaining the correct seniority at serial no. 4 in gradation list (Annexure No.1). The photostat copy of the representation/application dated 20.4.1985 is also annexed herewith as ANNEXURE No. 12 to this application.

Answered Tue 2/9
Shree
an



(15)

xxi- That by virtue of length of meritorious services the applicant has been promoted on the post of Senior Librarian in pay scale of Rs 380-640(now revised) and the applicant has submitted her joining report on 22th September, 1986 on the said promoted post.

xxii- That the response of the representation/application dated 20.4.1985 for determination of her seniority is still pending before respondent no. 2. Ultimately the applicant came to know that Opposite Party No. 6&7 have been promoted further in discriminatory treatment on the post of Transmission Executive and floor Manager respectively. These posts are superior than the post of Senior Librarian having the pay scale of Rs 425-750(old).

xxiii- That the discriminatory treatment of the authorities is hereby proved up to this extent mainly that the applicant has been promoted on the post of Senior Librarian having pay scale of Rs 380-640 where as in similar situation the junior persons have been promoted on the post of Transmission Executive and floor Manager having pay scale of Rs 425-750. Thus it is crystal clear that in case of the applicant the authorities under arbitrary and also with prejudice intention what ever decided is not

Manoj Kumar
Amrit Kumar
2/10/87



(16)

just and proper and also violating the mandatory provision of Art. 14 and 16 of the Constitution of India.

xxiv- That in view of the length of service respondent no. 6 has been appointed in similar situation after the applicant, and it has come to the knowledge of the applicant very recently that the said respondent no. 6 has been promoted on the post of Transmission Executive. His promotion order may kindly be summoned for perusal before this Hon'ble Tribunal. So far as the concerned of promotion on the post of Floor Manager pertaining to respondent no. 7 the said respondent no. 3 vide his order dated 13th August, 1986 issued her promotion order directing to respondent no. 4 to make it compliance. A photostat copy of the direction issued by respondent no. 3 dated 13th August 1986 by which the promotion of respondent no. 7 has been made for the post of Floor Manager is also annexed herewith as ANNEXURE No. 13 to this application.

Marginalia -

Annexure T/c
2
me
m

xxv- That the respondent no. 4 in compliance of the order dated 13th August, 1986 issued by respondent no. 3, issued a promotion order to respondent no. 7 for the post of Floor Manager in the alleged pay scale of Rs 425-750 which is

By
18

also discriminatory after ignoring the right-⁽¹⁷⁾
ful claim of the applicant. The said repre-
sentation no. 4 after making the compliance
of the order of respondent no. 3, promoted
the respondent no. 7 and also informed to the
respondent no. 3. A photostat copy of the pro-
motion order issued by respondent no. 4 to
respondent no. 7 dated 25th August, 1986 is also
annexed herewith as ANNEXURE No. 14 to this
application.

xxvi.- That by virtue of promotion order which
was released in favour of the respondent no. 7
by respondent no. 2&4 as a controller being the
Head of the State Capital Station acted accordingly.
Thus it is crystal clear that the services of
applicant and respondent no. 6&7 are in similar
situation within the control of said respondent
no. 3.

xxvii.- That the application dated 20.4.1985
of the applicant for determination of seniority
before the respondent no. 2 is still pending
without any decision of disposal. Ultimately
applicant came to know that a bunch of cases
of Transmission Executives working in All India
Radio and Door Darshan Kendras have been decided
by Hon'ble Central Administrative Tribunal of
its Jabalpur Bench vide case no. TA/104 of 1986
In the said case the Transmission-Executive

Amir T/c
S
me

Munafale -

By
28

(18)

working in All India Radio and DoorDarshan Kendras preferred their cases for obtaining entire seniority and promotion according to length of their services. The Hon'ble Bench of Central Administrative Tribunal, Jabalpur decided the matter in favour of the alleged applicants and adhoc services rendered by the Transmission Executives have been credited. The alleged Transmission Executives have got their respective seniority according to length of services. The Hon'ble bench of Central Tribunal, Jabalpur also directed to the authorities to consider their promotions from the date of their entitlement. It is further stated that by virtue of the decision made by Hon'ble Central Administrative Tribunal Jabalpur in case no. TA/104/86 the applicant of this application have also got the fresh cause of action for determination of her seniority according to length of service and the promotion in toto.

xxviii.- That in view of the decision as already alleged by Hon'ble Central Administrative Tribunal Jabalpur bench, vide an order dated 28th August, 1987 the respondent no. 2 has issued the promotion order to 117 Transmission Executives for the post of Programme Executives. The promotion order in view of the judgement given by Hon'ble tribunal were made with

Mauripala

Alkesh T/C
Sme
m

My
21

(19)

retrospective effect. i.e. from 18.4.1983. It would not out of place to mention for the kind notice of this Hon ble Tribunal that the respondent no. 5 namely Sri H.C.Sanwal has also been promoted on the post of Programme Executive by giving the benefit of his adhoc services rendered on the post of Transmission Executive. Thus the observation made by the respondent no. 3 in view of Annexure No. 3 of this application does not stand and sustainable in the eyes of law. A photostat copy of the order dated 28th August, 1987 issued by respondent no. 2 making promotion of 117 Transmission Executives for the post of Programme Executive is also annexed herewith as ANNEXURE No. 15 to this application.

xxix- That the applicant by aggrieving the promotion of juniors i.e. respondent no. 6&7 preferred her reminder dated 18.9.87 and invited the kind attention of respondent no.2 with request that her matter of seniority be decided in view of pending representation dated 20.4.1985. A photostat copy of the reminder dated 18.9.1987 is also annexed herewith as ANNEXURE No. 16 to this application.

xxx- That the applicant in her detail reminder dated 18.9.1987 (Annexure No. 16)

Minor T/c
8/9
m

194
21

(20)

specifically disclosed all the legal and factual position by narrating the promotion of respondent no. 6&7 and the baseless observations made by respondent no. 3 dated 14th October, 1981 (Annex.3) also explained by narrating the legal position in view of decision already taken by Hon'ble Central Administrative Tribunal of its Jabalpur Bench in case no. TA/104 of 1986, but the said respondent no. 2 took no response and as the matter of inter-se-seniority of the applicant is still pending. While she is legally entitled to obtain her seniority from the date of joining.

Mauspale

xxi- That by promotion of 117 Transmission Executives vide order dated 28.8.1987 (Annexure No. 15) for the post of Programme Executive, now 4 posts of Transmission Executives are fallen vacant under respondent no. 3 and 4 and the applicant by virtue of her length of service, experience and qualification has a legal right to be promoted, prior than the promotions of respondents no. 6&7 on the post of Transmission Executive. It has also come to the knowledge of the applicant that respondent no. 3&4 are going to make direct selection for these vacant posts of Transmission Executives while the applicant has a legal right to occupy one post.

Annex 71c
21/8/86

xxxii.- That the instant case of the applicant for which this application is being preferred before this Hon'ble tribunal is that the applicant has been deprived deliberately for her seniority according to length of service and the authorities also time to time make wrong decisions which resulted that the applicant has been ignored for her rightful claim of promotion. The repeated request, representation preferred by the applicant has not been considered by the respondent no. 2&3. Ultimately in discriminatory treatment also in similar situation the promotion of respondent no. 6&7 have been made for the post of Transmission Executive and Floor Manager respectively. The legal position also have been made clear by virtue of decisions given by Hon'ble Administrative Tribunal of its Jabalpur Bench in similar situation and 117 Transmission Executives have been promoted on the post of Programme Executives with retrospective effect i.e. 18.4.1983 by adding their adhoc services for the purposes of seniority. The applicant's case also stands on the same footing and she is entitled for her seniority prior to respondent no. 6&7 along with promotion and other service benefits.

Alleged True
9/8

M. S. J. S.

43
AY
20

(14/78)

(22)

xxxiii.- That the matter of seniority and promotion has been decided time to time by Hon'ble Supreme Court of India and this Hon'ble Tribunal also in which the incumbents have provided the benefit of all services what ever they rendered adhocly. Thus in these guideline the applicant is also entitled for her seniority from the date of joining by adding the entire length of service i.e. from 16.10.1974, and consequently she is further entitled for promotion prior than the respondent no. 6&7 who are too juniors than to applicant.

Marginalia

7. RELIEF SOUGHT:-

In view of the facts mentioned in paras above, the applicant prays for the following reliefs;

This Hon'ble Tribunal may be pleased to issue following direction to Opposite Party No. 2 to 4.

- (A) To determine the seniority of the applicant on the post of Librarian w.e.f. her date of joining i.e. 16.10.1974 subsequently the applicant's promotion on the post of Transmission Executive be considered ~~to~~ prior to the respondents no. 6&7 with

Answer and am
28
Am

My
30

(23)

retrospective effect, along with all service benefits including pay, seniority, increment etc. on the basis of following grounds;

(i) Because the applicant is entitled to get her seniority with effect from 16.10.74 when she joined on the post of Librarian according to length of service.

(ii) Because the applicant is entitled to place her name in the combined seniority list above than respondents No. 6&7.

(iii) Because in all respect the applicant is senior than respondent no. 6&7 due to reason that the applicant has submitted her joining report on 16.10.1974 where as the respondent no. 6&7 joined initially in the department on 2.6.1975 and 25.11.75 respectively in similar cadre.

(iv) Because the genuine request of the applicant has not been considered by Respondent No. 3 in spite of repeated request.

(v) Because the reason assigned by Respondent no. 3 in Annexure No. 3 is not tenable in the eyes of law.

Mangalika

Handwritten T/c
25/11/75
an

(24)

(vi) Because the applicant through her repeated requests ~~quack~~ clarified the legal and factual position which has not been considered by the respondent no. 3 in determining the correct seniority according to length of service.

(vii) Because the respondent no. 3 & 4 always acted in discriminatory treatment after ignoring the applicant which is violative of Art. 14 and 16 of the Constitution of India.

(viii) Because in determining the seniority of the applicant every service rule, principle of natural justice utterly violated by respondent no. 2 & 3.

(ix) Because the matter of the applicant has been decided in negative sense i.e. not a speaking order hence not applicable in the eyes of law.

(x) Because the pending representation of the applicant dated 20.4.1985 (Annexure No. 12) before respondent no. 2 is still pending without any disposal or decision.

(xi) Because the respondent no. 3 & 4 in colourable exercise of power acted in discriminatory treatment and in arbitrary manner promoting the respondent no. 6 & 7 and ignoring

Manifest

Akshar T/C
9/12
Amr

AM
32

(25)

the applicant which is bad in law.

(xii) Because in similar situation too juniors (i.e. respondent no. 6&7) have been promoted on upper post and also in upper pay scale which is discriminatory and amounting as punishment.

(xiii) Because the work and conduct of the applicant always rendered meritorious services have not been considered by respondent no. 2&3 in promotion and determination of seniority.

(xiv) Because in similar situation the matter of Transmission Executives have been decided by Hon'ble Central Administrative Tribunal of its Jabalpur bench vide case no. TA 104/ 1986 and even adhoc services have been credited in favour of the applicant in alleged matter. The entire matter of applicant subject to this case is also on same footing but none of the authorities has considered her case inspite of repeated request.

(xv) Because the respondent no. 5 with retrospective effect has further been promoted on the post of Programme Executive after providing benefit of his adhoc services rendered in the department. The applicant's case is also based on similar footing. Thus she is

Memorandum
T/c

(26)

entitled for all benefits or promotion under respondents no. 2 & 3.

(xvi) Because the respondent no. 3 time to time when promotion of applicant was due, acted under malafide/intention and prejudice and the applicant's benefit or promotion and seniority has been denied deliberately against law.

(xvii) Because the applicant repeatedly invited the kind attention of respondent no. 2 after reiterating her grievance but none took any response which is bad in law amounting as punishment and harassment.

(xviii) Because in view of the decision given by Hon'ble Central Administrative Tribunal of its Jabalpur Bench in case no. TA 104 of 1986 the respondent no. 5 as provided the benefit of his adhoc services what ever he had rendered on the post of Transmission Executive adhocly. Thus the contention of respondent no. 3 vide Annexure No. 3 is not tenable and the applicant cannot be suffered adversely for that views. As such the applicant has a legal right for promotion and determination of her seniority w.e.f. the date of joining i.e. 16.10.1974.

Sumit T/c
92
2

(xix) Because the matter of seniority and promotion has been decided in many important cases By Hon'ble Supreme Court and Hon'ble High Courts and the same guide line has been laid down that the incumbent is entitled to get seniority on the basis of length of service. Thus the applicant deserves to be allowed as prayed.

(xx) Because the matter of seniority and promotion have its recurring cause of action.

(xxi) Because the applicant has been denied deliberately for obtaining her inter-se-seniority according to date of joining which is illegal, bad in law as there is no single day break in applicant's services throughout.

8. INTERIM ORDER IF PRAYED FOR:-

Pending final decision on the application, the applicant seeks to issue of the following orders;

"That the respondent no. 3&4 be directed that one post of Transmission Executive be kept reserve for the applicant under their control during pendency of and final decision of this application before this Hon'ble court in the

Manjula
Answer TIC
JS
pen

interest of justice as the balance of convenience is entirely supporting to the applicant due to reason that 4 posts of Transmission Executives are fallen vacant under respondent no. 3&4 which are going to be filled particularly in near future.

9- DETAILS OF REMEDY EXHAUSTED:-

That the applicant declares that he has availed all the remedies available to him under the relevant service rule, etc.

- (1) First representation dated 23.9.81 before respondent no. 3&4 about determination of her seniority from the date of joining in which negative reply has been made by respondent no. 3-X on dated 14th October, 1981 (Annex. 2&3).
- (2) Second representation dated 17th October, 1981 for same relief has been relied by respondent no. 3 in view of nonspeaking order vide order dated 20th October, 1981 (Annexures 4&7).
- (3) 3rd representation dated 22.10.1981 for same cause has been replied by respondent no. 3 (Annexures 8&9).
- (4) 4th representation dated 22.11.1981 after narrating full legal and factual position has been replied by respondent no. 3 in same manner and restricted to applicant not to move further under malafide

Master file
File
n

Malafide

AY
35

(29)

vide order dated 3rd December, 1981

(Annexures 10&11)

- (5) 5th Representation innature of appeal to higher authorities i.e. respondent no. 2 dated 20.4.1985 has been preferred by the applicant again after reiterating factual and legal position which is still pending.
- (6) Last reminder dated 18.9.87 to respondent no. 2 after reiterating legal and factual position when it has come to the knowledge that the respondents 6&8 have been promoted which is still pending without any decision.

Hence the alternate remedy is left to applicant only to prefer this application before this Hon'ble Tribunal.

10- MATTER IS NOT PENDING WITH ANY OTHER COURT ETC.:-

The applicant declares that the matter regarding the relief sought in the application is not pending before any other court of law or has been rejected by any court of law or proper authority.

11- DETAILS OF INDEX:-

The index in duplicate with details of documents be relied upon as enclosed;

12- LIST OF ENCLOSURES:-

Remo of application, along with annexures
Postal order of Rs 200/- 50% No. 22.624 dt. 2.8.88

Alcinar The copy
J
2

61
AG
26

(30)

13- PARTICULARS OF POSTAL ORDER:- 062127

Postal order No. 62167

for Rs

Date 26/4/88

VERIFICATION

I, Manju Lata aged about 36 years W/O
B.D. Tewari, working as Senior Librarian, All
India Radio, Vidhan Sabha Marg, Lucknow resident
of A/1119/1, Indira Nagar Colony do hereby verify
that the contents of paras 1 to 13 of this applica-
tion are true to my personal knowledge and belief.
and that I have no suppressed any material facts.

Manju Lata

Attest True copy
[Signature]

Place: Lucknow

Dated: 26/4/88

Manju Lata

SIGNATURE OF APPLICANT

THROUGH

[Signature]

(R.B. Randey)
Advocate,
618 Jawahar Bhawan, Lko.

Manjula

37

Government of India
All India Service Examinations

Combined Secretary List of Programme Secretaries, Studio Executives, Librarians,
Sr. Librarians in the offices of All India Radio in R.P. State as on 1.1.81

Sl. No.	Name & Educational Qualifications	Date of Birth	Designation	Date of entry into Govt. Service	Grade	Remarks
1.	Smt. Shobha Bhattacharya B.A. Certificate in Lib. Science	1.5.48	Librarian (Sr.)	12.8.66	12.8.66	Belthar All India Radio, Lucknow.
2.	Smt. Ranesh Chandra Gupta, M.A., B. Library Science.	12.6.38	Librarian (Sr.)	11.8.73	11.8.73	Belthar All India Radio, Varanasi.
3.	Smt. R. K. Tripathi, B.Sc., Dipl. in Library Science.	1.10.51	Librarian (Sr.)	5.2.73	11.12.73	Belthar All India Radio, Lucknow. Working as JETI on 27.00 Delhi.
4.	Murash Kumar, B.Sc., Lib. Sc.	23.7.38	Librarian (Sr.)	2.8.73 X	2.8.73 X	Belthar All India Radio, Lucknow.
5.	Ka. Suman Sharma, M.A., B.Sc., B. Lib. Science.	30.10.52	Librarian (Sr.)	28.11.73 X	28.11.73	Belthar Boudharwan Lucknow, India.
6.	Smt. Gadi Manu, High School, B.S.	2.8.37	Studio Executive	16.7.73	20.10.73	3/2 All India Radio, Lucknow.
7.	Smt. B.S. Banerjee, Intermediate	1.7.30	do	12.2.70	20.10.73	Belthar All India Radio, Lucknow.
8.	Smt. Manju Lata, B.Sc., B. Library Science	1.4.52	Librarian (Sr.)	16.10.74	20.10.73	Belthar All India Radio, Lucknow.
9.	Dr. Purna Agrawal, B.A. Library Science.	3.10.36	Librarian (Sr.)	16.7.73	16.7.73	Belthar All India Radio, Overhamp.
10.	Smt. Rajen Kumar, B.Sc. and Degree in Library Science.	1.8.57	Librarian (Sr.)	10.2.73	10.2.73	Belthar All India Radio, Bijnor.
11.	Smt. Rajen Kumar, M.A., B. Library Science	21.7.58	Librarian (Sr.)	20.7.73	20.7.73	Belthar All India Radio, Allahabad.
12.	Smt. Sush Kanti, B.A. Library Science.	7.7.34	Librarian (Sr.)	2.6.60	2.6.60	3/2 All India Radio, Bampur.

Manju Lata

By
3/8

सेवा में,

केन्द्र निदेशक

आकाशवाणी, लखनऊ

विषय : सम्मिलित वरीयता सूची में सुधार के सम्बन्ध में

महोदय,

मुझे विश्वस्त सूत्रों से ज्ञात हुआ है कि 30.10.74 में आकाशवाणी तथा दूरदर्शन केन्द्रों में कार्यरत "प्रोग्राम सेक्रेटरीज", "स्टूडियो-एक्जीक्यूटिव", लाइब्रेरियन तथा सीनियर लाइब्रेरियन्स की एक सम्मिलित वरीयता सूची तैयार की गयी है।

आकाशवाणी लखनऊ द्वारा दिनांक 1-7-81 को तैयार की गयी इस वरीयता सूची में मेरा नाम क्रम संख्या 8 पर है, जो कि आपत्ति जनक है।

इस सम्बन्ध में मुझे यह कहना है कि मैंने इस विभाग में दिनांक 16-10-74 को अपना योगदान दिया था। जबकि श्री नरेश कुमार लाइब्रेरियन आकाशवाणी कानपुर जो कि सूची में क्रम सं० 4 पर है तथा कु० सुमन सक्सेना लाइब्रेरियन दूरदर्शन केन्द्र लखनऊ जो कि सूची में क्रम सं० 5 पर है, ने अपने योगदान मुझसे काफी समय बाद इस विभाग में क्रमशः दिनांक 2-6-75 तथा 25-11-75 को दिये हैं। इस सूची को देखाते हुए उपरोक्त दोनों लोग जो कि इस विभाग में मुझसे जूनियर हैं लेकिन उन्हें मुझसे वरीयता दे दी गयी है जो कि न्याय संगत नहीं है।

अतः श्रीमान जी कृपया करके मुझे यह अवगत कराने का कष्ट करें कि किन विशेष परिस्थितियों में तथा किन नियमों के तहत मुझे 16-10-74 की जवाइनिंग पर 29-10-76 से रेगुलर किया गया है। जबकि श्री नरेश कुमार तथा कु० सुमन सक्सेना को उनकी योगदान तिथि क्रमशः 2-6-75 तथा 25-11-75 से ही रेगुलर कर दिया गया है।

अतः आपसे प्रार्थना है कि वरीयता -सूची में सुधार करके मेरा नाम वरीयता सूची के क्रमांक 4 पर किया जाए तथा मुझे दिनांक 29-10-76 के बजाय मेरी योगदान तिथि 16-10-74 से ही रेगुलर किया गया।

सहाय्यवाद।

मंजु

पार्थिनी

मंजु लता

श्रीमती मंजु लता

लाइब्रेरियन
आकाशवाणी, लखनऊ

received

दिनांक : 23.9.81

PA to S.D.
आकाशवाणी

मंजु लता

मंजु लता

APPLICATION NO..... 1988

ANNEXURE NO. 3.....

Smt. Manju Lata Vs Union of India and others

Government of India
All India Radio : Lucknow

No. LKO-9(4)/81-S(Prog.)

Dated the 14 OCT 1981

MEMORANDUM

Reference her application dated 23-9-81 regarding her placement in the Combined Seniority list of Programme Secretaries, Studio Executives and Librarian (Jr. & Sr.) in the offices of All India Radio in U.P. State as on 1-7-81, Smt. Manju Lata, Librarian is hereby informed that her appointment as Librarian on regular basis was made w.e.f. 29-10-76 where as the regular appointment of Shri Waresh Kumar, Librarian, AIR, Kanpur and Km. Suman Lata Saxena, Librarian, Doordarshan Kendra, Lucknow as referred to by her in the representation is from 2-6-75 and 25-11-75 respectively. No benefit of adhoc appointment for the purpose of seniority is granted. Her appointment on regular basis w.e.f. 29-10-76 was made when the regular Librarian Shri H.C. Sanwal working as Transmission Executive on adhoc basis was regularised as Transmission Executive w.e.f. 29-10-76. She could not therefore be appointment on regular basis prior to 29-10-76.

(L.C. Parwani)
Administrative Officer
for Station Director

Smt. Manju Lata,
Librarian,
All India Radio,
Lucknow

APPLICATION NO. 1988

ANNEXURE NO. 4.....

Smt. Manju Lata Vs Union of India and others

सेवा में,

केन्द्र निदेशक,
आकाशवाणी,
लखनऊ ।

(Handwritten signature/initials)

महोदय,

निवेदन इस प्रकार है कि आपने अपने पत्र संख्या-एलकेओ-944/81
सं० प्रोग्राम दिनांक 14 अक्टूबर, 1981 के द्वारा मेरी सेवाओं के 29-10-78
के पूर्व नियमित न हो पाने का एक मात्र कारण, श्री एच० सी० तन्वाल को
लाइब्रेरियन के पद पर नियमित होना बताया है ।

इस सम्बन्ध में निवेदन करना है कि मुझे विश्वस्त सूत्रों से ज्ञात
हुआ है कि श्री एच० सी० तन्वाल की नियुक्ति मूल रूप से कार्यालय में लिपिक
के पद पर हुई थी, न कि लाइब्रेरियन के पद पर ।

लाइब्रेरियन के पद पर अभ्यर्थियों के चयन हेतु न्यूनतम शैक्षिक
योग्यता के नियमों को ध्यान में रखते हुए, कृपया मुझे यह सूचित करने की कृपा
करें कि क्या १ श्री एच० सी० तन्वाल ने लाइब्रेरियन के पद पर नियुक्ति से
पूर्व, लाइब्रेरियन के पद हेतु निर्धारित शैक्षिक योग्यता पूर्ण कर ली थी ।
यदि हाँ, तो श्री एच० सी० तन्वाल ने किस वर्ष तथा कौन सी संस्था से
पुस्तकालय विज्ञान में परिक्षा उत्तीर्ण की थी ।

यदि श्री एच० सी० तन्वाल लाइब्रेरियन के पद पर नियुक्ति
से पूर्व, निर्धारित शैक्षिक योग्यताएं नहीं रखते थे, तो उनका लाइब्रेरियन
के पद पर नियुक्ति पूर्णतया अवैध एवं पक्षपात पूर्ण है । इस प्रकार से
उनकी सेवाओं का मेरी सेवाओं के नियमित होने पर कोई प्रभाव नहीं पड़ता ।

मैं आपको यह भी ध्यान दिलाना चाहती हूँ कि मेरे नियुक्ति
पत्र में यह कहीं भी नहीं दर्शाया गया था कि, मेरी नियुक्ति श्री एच० सी०
तन्वाल के स्थान पर की जा रही है तथा भविष्य में मेरी सेवाओं पर उनकी
सेवाओं का प्रभाव पड़ेगा ।

तदर्थ पदों पर नियुक्ति सम्बन्धी नियमों के अनुसार मुझे कोई
भी सूचना बीच में नहीं दी गयी और न ही मेरी सेवा में कमी कांडित हुई है ।
हाँ, दिनांक 22 जनवरी, 1980 को मुझे एक आदेश दिया गया कि मुझे
लाइब्रेरियन के स्थाई पद पर दिनांक 29-10-76 से प्रभाव से नियुक्त किया जा
रहा है । दिनांक 29-10-76 से प्रभावी यह आदेश मुझे लगभग साढ़े तीन
वर्ष उपरान्त क्यों दिया गया १ इतनी लम्बी अवधि तक इस आदेश को

: 2 :

AY
LC

गौपनीय रखाने के पीछे रहस्य क्या था ?

इसके अतिरिक्त जो डालबेरियन के स्थाई पद आकाशवाणी कानपुर में दिनांक 2-6-75 को तथा दूरदर्शन केन्द्र, लखनऊ में दिनांक 25-11-75 को भरे गये उन पदों पर पहले मुझे वरीयता क्यों नहीं दी गयी ? जबकि मैं विभाग में दिनांक 16-10-74 से कार्यरत थी, और मैं दूरदर्शन लखनऊ के रिक्त पद पर स्थानान्तरण हेतु आवेदन पत्र भी दिया था ।

अतः श्रीमान जी से सादर अनुरोध है कि उपरोक्त तथ्यों पर गम्भीरता पूर्वक विचार करके मेरी समस्याओं का समाधान करते हुए मेरी तैयारी मेरी योगदान तिथि दिनांक 16-10-74 से नियमित करने की कृपा करें । साथ ही साथ मुझे एक सप्ताह के अन्दर वास्तविक तथ्यों से अवगत कराते हुए वरीयता सूची की एक प्रति भी देने की कृपा करें ।

सादर,

ममदीया,

मंजुलता

दिनांक: 17-10-81

श्रीमती मंजु लता

लाइब्रेरियन

आकाशवाणी: लखनऊ

8C

Received a copy
17/8

PA To S.D

17/8
TLC

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
AT LUCKNOW BENCH

APPLICATION NO..... 1988

ANNEXURE NO. 5....

Smt. Manju Lata Vs Union of India and others

84/42

No. Lko. 1 (3) 66-8

Dated 22.7.66

'MEMO'

Sri H.C. Sanwal S/O. Sri C.D. Sanwal is hereby appointed as Studio Executive at A.I.R. Lko w.e.f. 11.7.66 (F.N.) until further orders in a temporary capacity as an initial pay scale Rs. 130/-/plus allowances admissible under rules in the scale of Rs.130-5-160-EB-200-EB-8-256-EB-10-300.

Sd/- ILLEGIBLE
STATION DIRECTOR

Amr Tik
Sd/-
m

Manjula

75
IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
AT LUCKNOW BENCH

APPLICATION NO..... 1988

ANNEXURE NO. 6.....

Smt. Manju Lata Vs Union of India and others

BM
13

VI

No.Lko 1(5)/69-S

Dated 15.12.69

OFFICE ORDER

Manju Lata
Sri H.C. Sanwal, Sten at this station is hereby appointed to
officiate as librarian on an adhoc basis at A.I.R., Lucknow with
effect from 10.12.69 until further order.

The above appointment has been made only on ad-hoc basis and
does not confer any right or privilege on Sri Sanwal for appointment
to the post of Librarian on a regular basis.

Sd/ Illegible
(D.K. Sen Gupta)
Station Director.

Answer TIC
Done
m

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
AT LUCKNOW BENCH

APPLICATION NO. 1988

ANNEXURE NO. 7

Smt. Manju Lata Vs Union of India and others

AM
64

Government of India
All India Radio : Lucknow

No. LKO-9(4)/81-S(Prog.)

Dated the

20 OCT 1981

MEMORANDUM

Reference her application dated 17-10-81 Smt. Manju Lata, Librarian at this Station is hereby informed that her representation has been duly considered and it has not been found possible to regularise her services as Librarian prior to 29-10-76.

Smt. Manju Lata, Librarian is also advised that she should not raise un-necessary queries which are not related to her case. It was for the Administration to see whether Sri M.C. Sanwal possessed the requisite qualifications of Librarian before he was appointed as Librarian. She is further informed that Heads of the Offices of All India Radio are the appointing authority in case of Librarian and no reference is needed for any of the office to refer the recruitment case of Librarian to the State Capital Station. Thus the question of her considering on regular basis either at All India Radio, Kanpur or at Doordarshan Kendra, Lucknow does not arise.

Received on 21-10-81.

A.A. Manfee
(A.A. Manfee)
Station Director

Smt. Manju Lata ,
Librarian,
All India Radio,
Lucknow

Answered 7/11
[Signature]

APPLICATION NO. 1988

ANNEXURE NO. 8

Smt. Manju Lata Vs Union of India and others

To

The Station Director,
All India Radio,
Lucknow.

Sir,

I am thankful for your Memorandum No. LKO-9(4)/81-S(Preg.) dated 20th Oct., 1981, wherein it has been stated that my case of appointment can not be regularised as librarian with e.f. 16.10.74 i.e. my actual date of entrance in the department.

Before I venture to submit my humble submission I write to say that I reserve my right to appeal in the case at any later stage and this would not in any way be prejudicial to my claim as such.

That in between the lines it seems that I have been cautioned or rather threatened for questioning the actions of the administration. I may humbly submit that as a bonafide employee of the department and as a citizen of the liberal country, I have every right to bring to or to point out the irregularities which are not as per statues, rules & procedure of the department. On the other hand I feel that the department or the Government of India should welcome if any case of vitiated action on Nepotism, is brought to their knowledge.

I am sure that you will permit me to submit that the statues, rules and established laws & procedures are really supreme and the administration is obliged to follow them.

You have very kindly further informed me that, "Heads of the Offices of All India Radio are the appointing authorities in case of Librarian and no reference is needed for any of the office to refer the recruitment case of Librarian to the State Capital Station. Thus the question of her considering on regular basis either at All India Radio, Kanpur or at Doordarshan Kendra, Lucknow does not arise". In this connection I am to state that, if heads of offices of All India Radio are independent appointing authorities in the case of Librarian and no reference is needed for any of the office to refer the recruitment case of Librarian to the State Capital Station, the natural secretary of this standing procedure should be that each Head of Offices of All India Radio should maintain their own senior list of Librarians and the state capital stations should not maintain a combined seniority list of the Librarians appointed by the heads of the offices other than that of All India Radio Lucknow.

The fuller and categorical position of the case has been explained to you and again in my representation yet I have been deprived of the justice. In this connection it is to submit that I have never been favoured to supply the seniority list of the cadre of Librarians. Had this been done at the appropriate time, the position would have not be so as it is so. I can not be allowed to sustain any loss in the service if I am not given full opportunity to explain my case as it has been allowed under Article 311 of the 'Constitution of India' the Supreme Law of the Land. Here it may also be intimated that adopting the indiscriminatory action among the employees of the similar cadre of the Librarian is in contravention to Article, 14 & 16 of the Constitution of India. The cases are not lacking where such actions have been

APPLICATION NO..... 1988

ANNEXURE NO. 9.....

Smt. Manju Lata Vs Union of India and others

184
47

Government of India
All India Radio : Lucknow

No. LKO-9(4)/81-S (Prog.)

Dated the 10th November, 1981

MEMORANDUM

Reference her application dated 22-10-81, Smt. Manju Lata, Librarian at this Station is hereby informed that her case of appointment as Librarian on regular basis has been reviewed in the light of her observations and it has been found that the action taken by this office is in order and no rectification or error has been noticed.

A.A. Nanfee
(A.A. Nanfee)
Station Director

Manju Lata
Smt. Manju Lata,
Librarian,
All India Radio,
Lucknow

A.A. Nanfee
T/C

Jan
Jan

To
The Station Director,
All India Radio,
Lucknow.

My
UQ

Sir,

In continuation of my representation dated the 22nd October, 1981, I venture to give below for clarification and consideration.

1. According to the instructions, the cadre of Programme Secretaries and studio Executives is no longer in existence. It is a dying cadre with effect from some time in 1973 and no more appointments as programme Secretaries and Studio Executives are to be made. These persons are considered as Clerk Grade-I for which there is a separate line of promotion to the post of Head Clerk/Accountant etc. Thus a separate list of seniority is to be prepared of Studio Executives, if at all working anywhere in All India Radio. Hence, the list prepared at AIR Lucknow on 1.7.81, is not correct as this should not have contained the studio Executives. If at all this list is prepared at Lucknow as per instructions of the Directorate, a copy of such instructions may please be given to me for my record and future reference.

2. As far as I know there is a separate line of promotion from Jr. Librarian to Sr. Librarians from the scale of 330-560/380-640, to 425-750. Accordingly a separate list of librarians at the Zonal list is to be prepared and the same is required to be circulated for authentication the correctness of the particulars incorporated in this list.

3. One thing is not understandable as to how the services of two studio Executives have been regularised w.e.f. 29.10.76, when the cadre of studio Executive does not exist in AIR and the posts of studio Executives have not been sanctioned or revived/continued by the competent authority. This is an omission of the part of this station. Pointing out this glaring blunder on the part of Administration is however regretted.

4. Shri H.C. Sanwal does not possess the qualifications prescribed for the Librarian. He was perhaps asked to look after the work of Library in the absence of a regular Librarian. The scale of Stex and Librarian is an identical scale, hence the then S.D. might have appointed him as Librarian, though it was irregular.

5. Thus Sh. Sanwal is to be treated only Stex for which post he might be having the lien and regularisation of his services as Trex w.e.f. 29.10.76 as per your version does not and should not have effected the cadre of Librarian. Consequently the librarian i.e. myself should have been appointed on regular basis w.e.f. the date of my appointment i.e. 16.10.74 instead of 29.10.76.

6. I would like to mention here one thing that Km. Nirmala Dayani was appointed as CG-II on ad-hoc basis some time in 1970 and her services were regularised in 1974 w.e.f. some other date. But Sh.L.C.W. Parwani, A.U. somehow issued the orders regularising her services w.e.f. the date of her initial appointment, hence why an anomaly or deviation of procedure in my case.

I shall be highly grateful for looking into the matter and regularising my services, w.e.f. 16.10.74 and issuing a revised Seniority list of librarians only placing me above the librarians appointed during 1975. You may kindly take action as deemed necessary in the case of Stex by reverting them by changing their names as CG-I instead of Stex.

Yours faithfully,
Munipalata
(Smt. Manju Lata)

DATED: 28-11-81

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
AT LUCKNOW BENCH
APPLICATION NO. 1988
ANNEXURE NO. 10
Smt. Manju Lata Vs Union of India and others

Received
28/11/81
Manju Lata

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
AT LUCKNOW BENCH

APPLICATION NO..... 1988

ANNEXURE NO. II.....

Smt. Manju Lata Vs Union of India and others

AY
UQ

Government of India
All India Radio : Lucknow

No. LEO-9(4)/81-8(Prg.)

Dated the 3rd December, 1981

MEMORANDUM

Reference her representation dated 28-11-81, Smt. Manju Lata, Librarian is hereby informed that her case for the fixation of seniority has been carefully considered and it has not been found possible to accede to her request. She is advised to refrain from prolonging correspondence on this issue as the relevant points raised by her have been answered properly and appropriately.

[Signature]
(A.A. Panjee)
Station Director

Smt. Manju Lata,
Librarian,
All India Radio,
Lucknow

Received on 10/12/81
40726

Manjula

Alister
True copy
Date

APPLICATION NO. 1988

ANNEXURE NO. 12....

Smt. Manju Lata Vs Union of India and others

सेवा में,

महानिदेशक,

आकाशवाणी,

नई दिल्ली ।

द्वारा :- केन्द्र निदेशक, आकाशवाणी, लखनऊ, उत्तर प्रदेश ।

विषय :- लाइब्रेरियन्स की धरीयता-सूची में सुधार के संबंध में ।

महोदय,

मैं, आपके अधीनस्थ, आकाशवाणी लखनऊ, उत्तर प्रदेश में लाइब्रेरियन के पद पर दिनांक 16-10-1974 से कार्यरत हूँ ।

वर्ष 1981 में केन्द्र निदेशक आकाशवाणी लखनऊ द्वारा उत्तर प्रदेश में आकाशवाणी एवं दूरदर्शन केन्द्रों में कार्यरत 'प्रोग्राम-सेक्रेटरीज', 'स्टूडियो-एक्जीक्यूटिव', लाइब्रेरियन तथा सीनियर लाइब्रेरियन्स की एक सम्मिलित धरीयता सूची तैयार की गई थी। आकाशवाणी लखनऊ द्वारा दिनांक 1-7-81 को तैयार की गई इस धरीयता सूची में मेरा नाम क्रम संख्या 8 पर दर्शाया गया है, जो कि मेरे मतानुसार आपत्तिजनक है। क्योंकि, इस विभाग में मेने अपना योगदान दिनांक 16-10-74 को दिया था, जबकि श्री नरेज कुमार लाइब्रेरियन आकाशवाणी कानपुर जिसका कि नाम क्रम सं 4 पर दर्शाया गया है तथा कुमारी सुमन तक्तेना लाइब्रेरियन दूरदर्शन केन्द्र लखनऊ का नाम उक्त सूची में क्रम सं 5 पर दर्शाया गया है, ने अपने योगदान लाइब्रेरियन के पद पर मुझसे काफी समय बाद इस विभाग में क्रमशः दिनांक 2-6-75 तथा 25-11-75 को दिये हैं। इस सूची के अनुसार उक्त दोनों लोग जो कि विभाग में मुझसे काफी पुनियर हैं, इस सूची में मुझसे धरीयता दे दी गई है जो कि न्याय संगत नहीं है।

श्रीमानजी, उक्त विषय पर वर्ष 1981 में ही केन्द्र निदेशक महोदय आकाशवाणी लखनऊ को मेने समय समय पर अनेकों प्रार्थना पत्र दिये जिसके आन्तर्गत उत्तर मुझे प्राप्त होते रहे। अन्त में केन्द्र निदेशक महोदय आकाशवाणी लखनऊ द्वारा अपने मेमो नं० स्त. के.ओ.-944/81-स्त. प्रोग्राम दिनांक 3 दिसम्बर 1981 द्वारा मुझे इस विषय में और लम्बी लिखा-पढ़ी हेतु मना कर दिया गया था। उक्त समय केन्द्र निदेशक आकाशवाणी लखनऊ एवं मेरे बीच इस विषय में हुए मुख्य मुख्य पत्राचार की फोटो स्टेट प्रतिलिपि क्रमानुसार आपकी सेवा में तुलम संदर्भ हेतु प्रेषित कर रही हूँ।

- 2 -

श्रीमान जी. वर्ष 1981 में केन्द्रीय निदेशक लखनऊ द्वारा इस विषय में और अधिक कार्यवाही के लिये मन कर दिये जाने एवं अन्य किन्हीं अपरिहार्य कारणों वजह से इस विषय को आप तक नहीं प्रस्तुत कर सकी थी परन्तु अब इस आवेदन पत्र को आपकी सेवा में इस विश्वास के साथ प्रेषित कर रही हूँ कि श्रीमान जी वस्तु स्थिति का गम्भीरता पूर्वक अवलोकन करने के उपरान्त मेरे प्रति न्याय करने की कृपा करेंगे तथा घरीयता सूची में मेरा नाम उचित स्थान पर दर्शाने हेतु केन्द्रीय निदेशक महोदय आकाशवाणी लखनऊ को आवश्यक आदेश देने की कृपा करेंगे।

सादर ।

दिनांक : 20-4-85

भवदीया,

गञ्जुलता
॥ मंजु लता ॥

संलग्नक :-

साइप्रेरियन,

आकाशवाणी, लखनऊ उत्तर प्रदेश ।

वर्ष 1981 में केन्द्रीय निदेशक
आकाशवाणी, लखनऊ एवं मेरे
बीच हुए पत्राचार के मुख्य-मुख्य
पत्रों की फोटो स्टैट प्रतिलिपियाँ
[क्रमानुसार]

प्रतिलिपि श्रीमान केन्द्रीय निदेशक महोदय आकाशवाणी लखनऊ को दो प्रतियों में इस अनुरोध के साथ प्रेषित कि श्रीमानजी मेरे घरीयता संबंधी संपूर्ण मामले को इस आवेदन पत्र के साथ महानिदेशक महोदय को आवश्यक कार्यवाही हेतु अग्रसारित करने की कृपा करें ।

दिनांक : 20-4-1985

भवदीया

॥ गञ्जुलता ॥

॥ मंजु लता ॥

साइप्रेरियन

आकाशवाणी,

लखनऊ 2090

Answer
T/C

[Signature]

APPLICATION NO..... 1988

ANNEXURE NO. 13.....

Smt. Manju Lata Vs Union of India and others

A4
52

XII

Government of India
All India Radio : Lucknow

NOLKO-1(3)/86-S(TREX)

Dated the 13th August, 1986

The Director (by name)
Deendharan Kendra,
59 Mirabai Marg,
Lucknow.

Subject : Posting of Transmission Executive against
the post of Floor Manager.

.....

Sir,

Consequent upon the amalgamation of certain posts of staff artists with those of Transmission Executive it has been decided to post Kum. Suman Lata Saxena, Librarian of your office on promotion against 15 % promotion quota to the post of Transmission Executive against the available post of Floor Manager at your Kendra.

It is therefore requested that the offer of appointment to the post of Transmission Executive may kindly be issued to Kum. S Saxena on usual terms and conditions at the earliest under intimation to this office and also to the Directorate.

While issuing the offer of appointment to the post of Transmission Executive to Kum. Suman Lata Saxena, it may be ensured that no departmental proceedings are either pending or being contemplated and also no vigilance case is pending against her.

She will be on probation for a period of two years from the date of her appointment as Transmission Executive.

The date of her joining may be intimated to this office.

Yours faithfully,

(G.K. Chaturvedi)
Station Director

Allo Das T/C
Jme
m

Smt. Manju Lata Vs Union of India and others

BHARAT SARKAR
DEORDARSHAN KENDRA, LUCKNOW

No. TV(LKO)1(3)/86-S/P

Dated 25th Aug., 86

MEMORANDUM

Km. Suman Saxena, Librarian (Jr.), Deordarshan Kendra, Lucknow is offered the post of Transmission Executive (against the vacant post of Floor Manager) at Deordarshan Kendra, Lucknow on the following terms and conditions:-

1. The post is a General Central Service Class-III (Non-Gaz.) and post and carries the scale of Pay Rs. 425-15-500-EB-15-560-20-640-EB-20-700-25-750 plus other allowances as admissible under the rules.
2. She will be appointed in a temporary capacity and will be on probation for a period of two years from the date of appointment.
3. In the event of her refusal to accept the promotion she will be debarred from promotion for a period of one year and she will have to give an undertaking to this effect.
4. If the offer is acceptable to her, she should intimate his unconditional acceptance direct to the Director, Deordarshan Kendra, Lucknow by 12th September, 1986 failing which it would be presumed that the offer is not acceptable to her.

Km. Sumanlata Saxena,
Librarian (Jr.),
Deordarshan Kendra,
Lucknow.

(A.P.SINHA)
SUPERINTENDING ENGINEER

Copy to :

The Station Director, All India Radio, Lucknow
for information with reference to his letter
No. LKO-1(3)/86-S(Trex) dated 13th August, 86.

Manju Lata
JLP
me

In the Hon'ble Central Administrative Tribunal, Allahabad
At Lucknow Bench

Application No. _____ of 1988

Annexure No. 15

Smt Manjoo Lata Vs Union of India & others.

Government of India
Directorate General : All India Radio

No. 4(8)/87-SI (B)

New Delhi,
Dt. August 28, 1987.

ORDER No. 79/87-SI (B)

The Director General, All India Radio, hereby appoints the Transmission Executives, whose names appear in Annexure I to officiate as Programme Executives at the All India Radio Stations/Offices mentioned against each and in Doordarshan in a temporary capacity. These appointments are being made on the recommendations of a Special Departmental Promotion Committee convened on the 25th and 26th August, 1987, in pursuance of the judgement dt. 5.3.1987 delivered by the Central Administrative Tribunal Bench, Jabalpur, in case No. TA/104/86. Since the Recruitment Rules provide promotions on the basis of merit, the recommendations of the Special D.P.C. are based on consideration of merit. In terms of the said judgement, these persons shall be deemed to have been promoted with effect from 18.4.1983, the date on which their junior started officiating as Programme Executive. They will be on probation for a period of two years with effect from the date they take over charge as PEX at the Stations/Offices mentioned against each. Annual Probation Reports on their work and conduct in the prescribed form may be forwarded to this Directorate or Doordarshan Directorate, as the case may be, in accordance with the instructions issued from time to time.

2. Optionally, their pay will be fixed as on 18.4.1983 in the pay-scale of PEX under FR 22C and annual increments allowed in the same scale from that date to the date of their actual taking over as PEX at the places mentioned against each in Annexure I. However, they will not be entitled to draw any arrears of pay and allowances for the period from 18.4.1983 to the date of their actual taking over charge as PEX on the principle of 'no work, no pay', and from the latter date only they will start drawing the pay and increments notionally fixed and allowed, as also allowances admissible thereon from time to time.

3. The promotion and fixation of pay on notional basis with effect from 18.4.1983 shall become effective only after the persons mentioned in Annexure I take over at the Stations/Offices indicated against each.

4. The appointments and the seniority mentioned in Annexure I are provisional and are subject to any changes which may be required to be made in the All India Eligibility List, circulated vide this Directorate's O.M. No. 4(8)87-SI (B) dated 13.8.1987 and dt. 20.8.1987, as a result of representations/objections received, if any, or any other administrative

contd.2.

Manjoo Lata
A.K.

Names of Transmission Executives appointed to officiate in the cadre of Programme Executive on provisional basis vide Order No.79/87-SI(B), dated 28.8.87

84/55

<u>S.No.</u>	<u>Name of Transmission Executive</u>	<u>Present Posting.</u>	<u>Posting on Promotio</u>
1.	Shri A.S. Sethumadhavan	CBS, AIR, Bombay	AIR, Trivandrum
2.	" Atmaram Manglani	AIR, Jaipur	ESD, AIR, New Delhi
3.	" P.R. Bendigeri	AIR, Dharwad	AIR, Gulbarga
4.	" M.S. Ramanathan	AIR, Madras	AIR, Tiruchi
5.	" Ram Murti	AIR, Almora	CBS, AIR, Kanpur
6.	" R.B. Dabhade	AIR, Nagpur	AIR, Poona
7.	" Om Parkash	AIR, Jalandhar	AIR, Shimla
8.	" Ram Gopal	UDK, New Delhi	DDK, Jaipur
9.	Smt. S.P. Naik	AIR, Bombay	DDK, Bombay
10.	Shri K.P. Phadke	AIR, Sangli	AIR, Sangli
11.	" P.L. Kaul	CBS, Radio Kashmir, Srinagar	Radio Kashmir, Srinagar
12.	" M.N. Goswami	AIR, Guwahati	AIR, Dibrugarh
13.	" E.T. Ramanunni	AIR, Calicut	AIR, Trivandrum
14.	" Ashok K. Manna	AIR, Nagpur	T&PES, AIR, New Delhi.
15.	" M.P. Dakshini	AIR, New Delhi	AIR, New Delhi
16.	" R. Ramachandran	AIR, Tiruchi	AIR, Pondicherry
17.	" S.B. Dash	AIR, Jeypore	AIR, Sambalpur
18.	" S.S. Govindpuri	AIR, Jalandhar	DDK, Jalandhar
19.	" M. Bhaskaran	AIR, Calicut	AIR, Trivandrum
20.	" R.V. Potti	AIR, Trichur	AIR, Calicut
21.	" S.K. Mandal	AIR, Calcutta	AIR, Siliguri
22.	" J.P. Bhatt	Radio Kashmir, Jammu	Radio Kashmir Srinagar
23.	" Budh Parkash	CBS, AIR, New Delhi	AIR, Rohtak
24.	" G. Guhanamasivayam	AIR, Tirunelveli	AIR, Madras
25.	" A.S. Govilkar	AIR, Poona	AIR, Panaji
26.	" M. Ravindran	AIR, Calicut	AIR, Trichur
27.	" B.V.S. Murthy	AIR, Vijayawada	AIR, Visakhapatnam

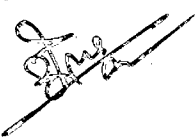
Contd.2/-

Amir T/c
Jue
m

63. Shri C.W. Pathak	AIR, Jalgaon	AIR, Nagpur
64. " A.V. Subha Rao	AIR, Aurangabad	AIR, Vijayawada
65. " Dhanjay Tewari	CBS, Kanpur	AIR, Agra
66. " R.D. Bhargava	CBS, AIR, Jaipur	AIR, Rewa
67. " Mohd. Jamil Khan	AIR, Jabalpur	AIR, Chhatarpur
68. " G. Prasad	AIR, Ranchi	AIR, Suratgarh
69. " J.A. Arulraj	DDK, Madras	DDK, Madras
70. " S. Poornachandra Rao	CBS, AIR, Madras	AIR, Nagercoil
71. " G.R. Vittal Rao	AIR, Hyderabad	AIR, Cuddapah
72. " R.K. Unnikrishnan Nair	AIR, Trivandrum	DDK, Trivandrum
73. " K.V. John	AIR, Trichur	AIR, Trichur
74. " S.N. Kapur	DDK, Jalandhar	DDK, Jalandhar
75. " M.L. Baruah	AIR, Guwahati	AIR, Dibrugarh
76. " R.C. Das	AIR, Silchar	AIR, Shillong
77. " B.N. Nandanwar	AIR, Jalgaon	AIR, Nagpur
78. " Lallu Prasad	AIR, Patna	DDK, Muzaffarpur
79. " R.D. Chaudhry	CBS, AIR, Patna	AIR, Ranchi
80. " Ramashish Prasad	AIR, Patna	AIR, Almora
81. " Rajendra Nath	AIR, Rewa	AIR, Shimla
82. " Ch. Koteswara Rao	AIR, Port Blair	AIR, Madras
83. " K.S. Murthy	AIR, Madras	AIR, Tiruchi
84. " A.C. Ray	AIR, Siliguri	AIR, Calcutta
85. " C. Panda	AIR, Sambalpur	AIR, Jeypore
86. " S.K. Sadhu	DDK, Srinagar	DDK, Srinagar
87. " Th. Leibakacha Singh	AIR, Imphal	AIR, Shillong
88. " S. Pishak Singh	AIR, Imphal	AIR, Imphal
89. " K.A. Ramaraju	AIR, Visakhapatnam	AIR, Cuddapah
90. " G. Madhava Warriar	AIR, Trivandrum	AIR, Trichur
91. " K.S.S. Raghavan	AIR, Madras	AIR, Pondicherry
92. " L.C. Chauhan	AIR, Ahmedabad	AIR, Bhuj
93. " S.M. Raniqa	AIR, Rajkot	AIR, Ahmedabad
94. " K.H. Jadav	AIR, Ahmedabad	DDK, Ahmedabad
95. " N. Bhadra	AIR, Gorakhpur	AIR, Patna
96. " M.L. Singh	AIR, Lucknow	AIR, Patna

Contd.....4/-





APPLICATION NO. 1988

ANNEXURE NO. 16

Smt. Manju Lata Vs Union of India and others

सेवा में,

स्मरण-पत्र

महानिदेशक
आकाशवाणी
आकाशवाणी-भवन,
पार्लियामेन्ट्री स्ट्रीट
नई दिल्ली।

द्वारा : उचित माध्यम।

विषय :- स्मरण - पत्र, वरिष्ठता निर्धारण हेतु दिनांक 20.4.85 को प्रेषित पत्र के संदर्भ में / ट्रांसमिशन - एक्जीक्यूटिव या फ्लोर मैनेजर के पद पर कनिष्ठों की पदोन्नति से पहले पदोन्नति के संदर्भ में।

महोदय,

मैं, आपके अधोनस्थ, वरिष्ठ-पुस्तकालयाध्यक्ष के पद पर आकाशवाणी लखनऊ, उत्तर प्रदेश में कार्यरत हूँ तथा मैंने उचित माध्यम द्वारा आपको प्रेषित अपने पत्र दिनांक 20.4.85 द्वारा आपसे यह अनुरोध किया था कि, केन्द्र निदेशक आकाशवाणी लखनऊ द्वारा दिनांक 1.7.1981 को गुप्त रूप से तैयार की गई, प्रोग्राम-सेक्रेटरी, स्टूडियो-एक्जीक्यूटिव, लाइब्रेरियन्स एवं सीनियर लाइब्रेरियन्स की सम्मिलित वरिष्ठता-सूची में मेरा नाम आपत्तिजनक क्रमांक पर अंकित है तथा मुझसे बहुत समय बाद में, नियुक्त हुए लाइब्रेरियन्स को मुझसे पहले पदोन्नति दे दी गई है।

श्रीमान जी, मैंने अपने उपरोक्त पत्र दिनांक 20.4.85 द्वारा आपको सम्पूर्ण वस्तुस्थिति से अवगत कराते हुए यह अनुरोध किया था कि, मुझे, विभाग में, मेरी योगदान तिथि अर्थात् 16.10.74 से ही रेगुलर करते हुए, उक्त सम्मिलित वरिष्ठता-सूची में मेरा नाम मेरे कनिष्ठों से ऊपर अंकित करने सम्बन्धी आदेश पारित करने की कृपा करें। परन्तु केन्द्र का विषय है कि, अभी तक मेरे उपरोक्त प्रार्थना-पत्र पर लिये गये किसी भी प्रकार के निर्णय से मुझे नहीं अवगत कराया गया है।

श्रीमान जी, गत दो दिन पहले ही मुझे विश्वस्त सूत्रों से ज्ञात हुआ है कि, तथा कथित विवादास्पद सम्मिलित वरिष्ठता सूची के क्रमांक 4 तथा 5 पर नामांकित लाइब्रेरियन्स क्रमशः श्री हरीश कुमार एवं कुमारी तुमन लता तक्षेना जोकि, सेवाओं में मुझसे कनिष्ठ हैं को "ट्रांसमिशन-एक्जीक्यूटिव" एवं "फ्लोर-मैनेजर" के पद पर पदोन्नति दे दी गई है। चूंकि उपरोक्त दोनों ही लाइब्रेरियन्स आकाशवाणी लखनऊ में नहीं कार्यरत थे और न ही इनके पदोन्नति आदेश आदि सावजनिक सूचनार्थ आकाशवाणी लखनऊ के सूचना-पट पर ही लगाये गये अतः

150

उनके पदोन्नति हो जाने की जानकारी मुझे तभी समय से नहीं मिल सकी इसके अतिरिक्त, इन पदोन्नतियों की जानकारी तभी समय से न हो पाने का एक मात्र कारण मुख्य रूप से यह भी है कि, केन्द्र निदेशक आकाशवाणी लखनऊ द्वारा आज तक कभी भी वरिष्ठता-सूची सरकुलेट नहीं की गई। जबकि पदोन्नतियों के बाद वरिष्ठता-सूची में काफी बदलाव आजाता है और नियमानुसार पदोन्नति के उपरान्त संशोधित वरिष्ठता-सूची कर्मचारियों की जानकारी एवं आपत्ति आमंत्रित करने हेतु सरकुलेट की जानी चाहिए।

धोर आश्चर्य का विषय है कि, अभी, जबकि, वरिष्ठता निर्धारण सम्बन्धी मेरा प्रार्थना-पत्र आपके स्तर पर ही विचाराधीन है और उतापर निर्णय लिया जाना शेष है तब ऐसी विषम परिस्थितियों में मेरे कनिष्ठों को पदोन्नति करना कहाँ का न्याय है ?

श्रीमान जी, अपनी वरिष्ठता निर्धारण के सम्बन्ध में, केन्द्र निदेशक आकाशवाणी लखनऊ से चले मेरे लम्बे पत्राचार में केन्द्र निदेशक महोदय ने अपने पत्र दिनांक 14 अक्टूबर, 81 के द्वारा मुझे मेरी नियुक्ति दिनांक 16.10.84 से रेगुलर न कर पाने का एक मात्र कारण सुचित करते हुए लिखा था कि :-

..... No benefit of adhoc appointment for the purpose of seniority is granted. Her appointment on regular basis w.e.f. 29.10.76 was made when the regular librarian Shri H.C. Sanwal working as Transmission Executive on adhoc basis was regularised as Transmission Executive w.e.f. 29.10.76. She could not therefore be appointment on regular basis prior to 29.10.76.

तुलन संदर्भ हेतु केन्द्र निदेशक महोदय के पत्र दिनांक 14 अक्टूबर 1981 की एक फोटो स्टेट प्रति संलग्नक नं० 1 पर संलग्न कर रही हूँ।

श्रीमान जी, मुझे यह भी जानकारी मिली है कि, "तेन्दूल रेडमिनिट-ट्रेटिव ट्रिब्यूनल" की जबलपुर बेंच ने केस नं० टी.ए/194/86 में, विभाग द्वारा "सहायक-सर्जिस" पर दिये गये सभी तर्कों को निर्गुल साबित करते हुए, अपने निर्णय दिनांक 5.3.87 द्वारा "ट्रान्समिशन-एक्जीक्यूटिव" का सहायक पद परियुक्त समाप्त करते हुए उन्हें, उनके "ट्रान्समिशन-एक्जीक्यूटिव" के पद पर योगदान तिथि से ही, रेगुलर मानते हुए, उन्हें "बैक-डेट" अर्थात् 18.4.83 से उनके "जूनियर" के पदोन्नति हो जाने के पहले से पदोन्नति दे दी है।

Mangalika

14/59

श्रीमान जी, उक्त निर्णय के अनुपालन में, आपने स्वयं अपने पत्र सं० 4/8/87-स्त - प्रथम [बी] दिनांक अगस्त 28, 1987 के माध्यम से आदेश संख्या 79/87-स्त-1 [बी] द्वारा यह कहते हुए :-

..... These appointments are being made on the recommendations of a Special Departmental Promotion Committee convened on the 25th and 26th August, 1987, in pursuance of the judgement dt. 5.3.1987 delivered by the Central Administrative Tribunal Bench, Jabalpur, in case No. TA/104/86. Since the Recruitment Rules provide promotions on the basis of merit, the recommendations of the Special D.P.C. are based on consideration of merit. In terms of the said judgement, these persons shall be deemed to have been promoted with effect from 18.4.1983, the date on which their junior started officiating as Programme Executive.

पत्र के साथ संलग्नक नं० 1 में अंकित 117 प्रान्तमिशन एक्जीक्यूटिव को कार्यक्रम निष्पादक के पद पर पदोन्नति कर दी है।

श्रीमान जी, आपके इसी आदेश द्वारा श्री एच.सी. सान्वाल "प्रान्तमिशन एक्जीक्यूटिव" आकाशवाणी लखनऊ जिनका कि, नाम आपके उक्त पत्र के संलग्नक नं० 1 के इमांक 98 पर अंकित है और जिन्हें केन्द्र निदेशक आकाशवाणी लखनऊ ने अपने पत्र दिनांक 14 अक्टूबर 1981 द्वारा हुके मेरी योगदान तिथि से रेगुलर न कर पाने का एक मात्र कारण बताया है [संलग्नक नं० 1 का अवलोकन करने की कृपा करें] को भी उनके प्रान्तमिशन-एक्जीक्यूटिव के पद पर योगदान तिथि से ही रेगुलर मानते हुए दिनांक 18.4.83 [विक-डेट] से कार्यक्रम निष्पादक के पद पर अलमोडा केन्द्र के लिये पदोन्नति कर दी है तथा केन्द्र निदेशक आकाशवाणी लखनऊ ने भी अपने आदेश संख्या एलकेओ. -113/87-स्त [टी आर ई एम्स] दिनांक 11 सितम्बर 1987 द्वारा श्री एच.सी. सान्वाल को पदोन्नति आदेश जारी कर दिये हैं।

अतः अब स्थिति बिल्कुल स्पष्ट है कि, मृत्युपदार्थीरियन श्री एच.सी. सान्वाल जिन्हें केन्द्र निदेशक आकाशवाणी लखनऊ द्वारा अपने पत्र दिनांक 14 अक्टूबर 1981 द्वारा प्रान्तमिशन एक्जीक्यूटिव के पद पर दिनांक 29-10-76 से रेगुलर होना बताया था। वे दिनांक 29.10.76 से नहीं बल्कि प्रान्तमिशन एक्जीक्यूटिव के पद पर अपने योगदान तिथि से ही रेगुलर मान लिये जायेंगे।

174/60

- 4 -

और इस प्रकार से उनका कोई भी "लियन" लाइब्रेरियन के पद पर मेरी योगदान तिथि अर्थात् 16.10.74 को नहीं था अतः मुझे मेरी योगदान तिथि 16.10.74 से रेगुलर धोखा करके मुझे अपने कानिष्ठों से वारिष्ठ धोखा करने में केन्द्र निदेशक आकाशवाणी लखनऊ को अब कोई व्यवधान शेष नहीं है।

अतः श्रीमान जी से सादर प्रार्थना है कि, मेरे प्रार्थना-पत्र पर गम्भीरता पूर्वक निर्णय लीे हुए, मुझे मेरी योगदान तिथि अर्थात् 16.10.74 से ही रेगुलर धोखा करके, सम्बन्धित वारिष्ठता - सूची में दर्शाये गये मेरे कानिष्ठों की पदोन्नति से पूर्व में मुझे "बैक-डेट" से सम्पूर्ण लाभ के साथ, ट्रान्समिशन एक्जीक्यूटिव/प्लोर-मैनेजर के पद पर पदोन्नत करके सम्बन्धी आदेश पारित करने के साथ ही साथ केन्द्र निदेशक आकाशवाणी लखनऊ महोदय को आदेश करने की कृपा करें कि वे अपने पत्र दिनांक 14 अप्रैल 1981 (संलग्नक नं० ।) में लिये गये अपने निर्णय को तदनुसार संशोधित करके मुझे भी अवगत कराने की कृपा करें।

इससे है कि, आज द्वारा प्रेषित उक्त लिफ्ट के क्रमांक 44 पर नामांकित श्री जगदीश लाल दूरदर्शन केन्द्र लखनऊ तथा क्रमांक 96, 98 एवं 109 पर क्रमशः नामांकित श्री एम.एल. सिंह, श्री एच.ता. तानवाल एवं श्री एस.आर.कुराल ट्रान्समिशन एक्जीक्यूटिव आकाशवाणी लखनऊ के कार्यक्रम निष्पादकों के पद पर पदोन्नति हो जाने से वर्तमान समय में लखनऊ में ही ट्रान्समिशन एक्जीक्यूटिव के चार पद रिक्त हो गये हैं।

भवदीया

दिनांक : 18.9.1987

॥ मंजु लता ॥

वारिष्ठ पुस्तकालयाध्यक्षा
आकाशवाणी, लखनऊ।

प्रतिलिपि :-

केन्द्र

1. निदेशक महोदय, आकाशवाणी लखनऊ को दो प्रतियों में तुरन्त आवश्यक कार्यवाही हेतु प्रेषित।

मंजु लता

॥ मंजु लता ॥

Alankar
7/10

Signature

BY
61

Government of India
All India Radio : Lucknow

No. LKO-9(4)/81-S(Prog.)

Dated the 14 OCT 1981

MEMORANDUM

Reference her application dated 23-9-81 regarding her placement in the Combined Seniority list of Programme Secretaries, Studio Executives and Librarian (Jr. & Sr.) in the offices of All India Radio in U.P. State as on 1-7-81, Smt. Manju Lata, Librarian is hereby informed that her appointment as Librarian on regular basis was made w.e.f. 29-10-76 where as the regular appointment of Shri Waresh Kumar, Librarian, AIR, Kanpur and Km. Suman Lata Saxena, Librarian, Doordarshan Kendra, Lucknow as referred to by her in the representation is from 2-6-75 and 25-11-75 respectively. No benefit of adhoc appointment for the purpose of seniority is granted. Her appointment on regular basis w.e.f. 29-10-76 was made when the regular Librarian Shri H.O. Sanwal working as Transmission Executive on adhoc basis was regularised as Transmission Executive w.e.f. 29-10-76. She could not therefore be appointment on regular basis prior to 29-10-76.

(L.C. Parvati)
Administrative Officer
for Station Director

Smt. Manju Lata,
Librarian,
All India Radio,
Lucknow

Received
on
16/10/81

ALLA'S
Sms

33

31

ब जवालत कोकल

1 गावी 1 वरीवाक

वकीलकी [रिप्लाय]

Before Mr. R. Central Adm

Tribunal Lko Bench

वकालतनामा

Smt. Manjula Lal



Union of India & Ors

प्रतिवादी (रिप्लाय)

नं० मुकद्दमा

तन

पेशी की ता०

१२ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से की

R. B. Pandey

वकील

महोदय

Adv

एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें वा मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसामी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या बंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने वरिष्ठकार की मेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

नाम अदाजत

मुकद्दमा नं०

नाम फरीकसामी

बनाम

हस्ताक्षर

Manjula

साक्षी (जबाह)

साक्षी (जबाह)

दिनांक

महोला

तन १२

ई०

Central Administrative Tribunal

~~Circuit~~ ~~ADDITIONAL BENCH,~~

~~23-A, Thornhill Road, Allahabad-211001~~

Gandhi Bhawan (Opp. Residency)
Lucknow.

Lko
No. CAT / ~~ALLD~~

Lucknow, 31/5/88
Dated Allahabad, the

OFFICE MEMO

O.A Registration No. 13 of 1988 (L)

Smt. Manju Lata

..... APPLICANT,

Versus

Union of India & ors

..... RESPONDENTS.

A Copy of the Tribunal's ^{St.} Order dated 2nd May 1988, in the abovenoted case is forwarded for necessary action.

Enclosure : Copy of ^{St.} order dated 2nd May 1988.

To,

Smt. Manju Lata
W/o B. D. Tewari.

P/o A-1119/1 Indira Nagar
Lucknow.

^{for} Deputy Registrar 31/5/88

Received Copy of St.
Manju Lata
31/5/88

OA 13/88 (L)

B2
1

Smt. Manjari Datta
vs.

Union of India & Ors.

Application for Condonation of Delay

On behalf of the applicant most respectfully prayed as under.

1. That the application relating to determination of seniority and promotion is filed here with before this hon. Tribunal.
2. That the applicant's grievances have not been redressed by the authority after making many request / representations.
3. That the representation dt-20-4-85 was under consideration ultimately the promotion of Jinnis OP No 7 has been issued and the department has also not decided the matter of the applicant in spite of circulation and last reminder on same issue on 19-9-87 (An No 16).
4. That the representation of petitioner is pending still without any decision as yet.

It is therefore most respectfully prayed that your Lordships may kindly condone the delay if any and the application be entertained in the interest of justice.

Lko
2-5-88

R. B. Pandey
Adv

for Applicant

OA 13/88 (L)

Smt. Manjari Datta
vs.

Union of India & Ors.

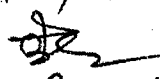
Application for Condonation of Delay

On behalf of the applicant most respectfully prayed as under.

1. That the application relating to determination of seniority and promotion is filed here with before this Hon. Tribunal.
2. That the applicant's grievances have not been redressed by the authority after making many request / representations.
3. That the representation dt-20-6-85 was under consideration ultimately the promotion of Jinnis of No 7 has been issued and the department has also not decided the matter of the applicant in spite of circulation and last reminder on same issue on 19-9-87 (An No 16).
4. That the representation of petitioner is pending still without any decision as yet.

It is therefore most respectfully prayed that your Lordships may kindly condone the delay if any and the application be entertained in the interest of justice.

Lko
2-5-88


R.B. Pandey
Adv

for Applicants