

ANNEXURE -A

CAT

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

INDEX SHEET

CAUSE TITLE 148 of 19 88(L).

NAME OF THE PARTIES _____

Vinod Kumar

Applicant

Versus

Union of India

Respondent

Part A, B & C

Sl. No.	Description of documents	PAGE
1	Order Sheet.	A 1 to A 4 ✓
2	Judgment - 30-8-90.	A 5 to A 6 ✓
3	Index.	A 7 ✓
4	Petition.	A 8 to A 17 ✓
5	Annexure	A 18 to A 32 ✓
6	Power	A 33 ✓
7	C.A.	A 34 to A 40 ✓
8	R.A.	A 41 to A 47 ✓
9	B. file	B 1 to B 40
10	C file	C 1 to C 3
	1 - vakat nama Notice	A 48 to A 50 am 10/10

File B/C. recorded out

50 (5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCULAR BENCH AT LUGANO.

O.A./T.A. No. 143 1980CU

United Kr.

Applicant(s)

Versus

U.O.A.

Respondent(s)

Sr.No.	Date	Orders
	<u>22.11.00</u>	<p><u>D.R.</u></p> <p>Mohd. Ilyas counsel for applicant is present. No one is present for the respondents. The case is adjourned to 22.12.00 for reply.</p> <p><u>h</u> <u>24/11</u></p> <p><u>h</u> <u>24/12</u></p>
	<u>22.12.</u>	<p>No sitting. Adj. to 20.2.89.</p> <p><u>h</u> <u>24/12</u></p>
	<u>20/2/</u>	<p>No sitting. Adjourned to 2-3-89.</p> <p><u>h</u> <u>20/2</u></p>
	<u>2.3.89</u>	<p><u>D.R.</u></p> <p>Reply filed today on behalf of respondents. The case is adjourned to 29/3/89 for filing reply.</p>

O.A. No. 143/88 (L)

Hon' Mr. Justice K. Nath, V.C.


Hon' Mr. K.J. Raman, A.M.

(12)

5/7/89

The learned counsel for the applicant files
rejoinder affidavit. List this case for final
hearing on 30-8-89.


A.M.


V.C.

or
Case is submitted
for hearing

(sns)

No Subj. Adj. to 30.8.89.
Sri V.K. Choudhary is present.

h
B.O.C

30.8.89

L
29/8

Central Administrative Tribunal
Circuit Bench
Lko.

O.A. NO. 143 of 88 (L)

Vinod Kr. — vs. — D.O. x

ORDER SHEET

(A3)

6.10.00

V.C. & A.M.

Applicant by Sri Mohd. Ilyas.

Admit.

Emergent notices on the main
and interim prayer.

Call on 25.10.00 to consider
the interim prayer.

Sd/-
A.M.

Sd/-
V.C.

msb

OR

Notices issued to respondents.
Nos. 1 to 3 through Regd. Post. Fixing
25.10.00 to consider the interim prayer.

msb
11/10/00.

25/10/00.

Non. ad. S. Misra, Am.

See next order

None is present for the parties.
No reply to the show cause notice
has been filed by the respondents.
It appears that the applicant is
not interested in pursuing the
matter of interim relief. The prayer
for interim relief is rejected. The
case has already been admitted.
Registry will fix the date after the
Counter & rejoinders are exchanged.

he

Am.

Am

143788/14

6-7-90 no sitting Adj. to 30/8/90

R. (AM)

30.8.90 Honble D.K. Agrawal J.M.
" K. Chayya A.M.

Petition disposed of finally.
See our order of date on A.
separate sheet.

OR
As per court's order
of 24.5.90, LIC
for the applicant
has not filed
any amendment
application
S. F. O

20/9

(A.M.)

(J.M.)

88

प्राप्त किया

विनायक कुमार

13/9/90

(pb)

of the Limitation Act for condonation of delay. We are of the opinion that this prayer of the applicant be accepted. We accordingly accept it and allow the applicant to withdraw the petition with liberty to file a fresh petition.

3. With the above observation, the petition stands finally disposed of.


A.M.

E.S.


J.M.

30.8.90

Lucknow dated 30.8.90

Central Administrative Tribunal, Circuit Bench, Lucknow.

Registration (O.A. No. 143 of 1988)

A 3

Vinod Kumar

... Petitioner

Vs.

Union of India & others

... Respondents

Hon'ble Mr. D.K. Agrawal, JM

Hon'ble Mr. K. Obayya, AM

J U D G M E N T

(Delivered by Hon'ble Mr. DK Agrawal, JM)

Sri Mohammad Ilyas for the applicant and Sri
brief
R.B. Tewari, holding/for Sri I.M. Qudusi, are present.

2. This application under Section 19 of the Administrative Tribunals Act, 1985, was filed on 5-10-1988 for issuance of a direction to the respondents not to terminate the services of the applicant. However, it transpires that the services of the applicant were terminated on 30th September, 1988. The petition was filed on 5-10-1988. In this view of the matter, the learned counsel for the applicant wanted time to file an application for amendment. The time was granted to him but he did not file any application for amendment. We do not find any justification to grant more time to file the application for amendment. Thereupon, the learned counsel for the applicant stated before us that he may be allowed to withdraw this petition with liberty to file fresh petition with an application under Section 5 of the

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of the Limitation Act for condonation of delay. We are of the opinion that this prayer of the applicant be accepted. We accordingly accept it and allow the applicant to withdraw the petition with liberty to file a fresh petition.

3. With the above observation, the petition stands finally disposed of.


A.M.

E.S.


J.M.

30.8.90

Lucknow dated 30.8.90

(A7)

Filed today
Inss
5/10
9/25
9/26

Before the Central Administrative Tribunal, Allahabad
Bench.

Lucknow Circuit.

~~X~~
Vino Kumar Petitioner

Vs.

Union of India and Others .. Respondents

Claim Petition No. of 1988

I N D E X

1. Petition	...	pages	1 to 10
2. Annexure (1)	..	pages	11
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7. Annexure (6)		page	16
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R. G. L. G.
Adv. Genl.

Counsel for the Petitioner

Before the Central Administrative Tribunal, Allahabad,
(Lucknow Circuit)

Claim Petition No. of 1988

Vinod Kumar Petitioner

Vs.

Union of India and others Respondents

Claim Petition under section 19 of the Administrative
Tribunal, Act, 1985.

1. Particulars of the applicant :-

- (i) Name of applicant :- Vinod Kumar
(ii) Name of father :- Ram Prasad Kannoja.
(iii) designation and office in which employed :- Central Government Health Scheme, dispensary No. 5 Lucknow.

विनोद कुमार

- (iv) Office Address :- Central Government Health Scheme, dispensary No. 5, Avas Vikas colony, Mall Avenue, Lucknow.

2. Particulars of the respondents

- (1) Union of India through the Secretary, Ministry of Social, Medical & Health, Govt. of India New Delhi.
(2) Deputy Director, Government of India Central Govt. Health Scheme, 9-A, Rana Pratap Marg, Lucknow.
(3) Medical Officer, Incharge Central Govt. Health Scheme, dispensary No. 5 Avas Vikas colony, Mall

A10

Photostat copy of schedule caste certificate is Annexure (1).

3. That there arose casual vacancy for Waterman in the said Health Scheme so that having being sponsored by the Employment Exchange the petitioner was appointed to work till 30th. Sept. as Waterman by the opposite party No. 2 on 16-4-80 and continued to work till 30th Sept 1985. The photostat copy of the letter of appointment is Annexure (2) to this petition.
4. That ~~xxx~~ again the petitioner was appointed as casual labourer Waterman on daily wages w.e.f. 29-4-19886 to 29-9-86 vide order dated 29-4-86 @ R Rs. 11-25 per month. The photostat copy of the letter is Annexure (3) to this petition.
5. That there was already existing a vacancy under the Medical Officer, Incharge dispensary No. 5 and also vacancies of the post of group d staff and was urgently required to be filled in Public interest and so an appointment was pressing and as such the petitioner was appointed as daily labourer in Central Government Health Scheme Lucknow against the vacant post of a group d staff w.e.f. 3-10-86 and was directed to report for duty at Central Government Health Scheme under Medical Officer dispensary No. 5 at 7-30 a.m. on 2-10-86 and the petitioner^{sc} reported and joined his duties. The letter of appointment of the petitioner is as photostat Annexure (4)

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to this petition. However the wages of the petitioner continued to be paid Rs. 14/- per day.

6. That the petitioner having joined the post of group ~~h~~ ^p began to discharge the duties of Nursing Attendant at dispensary No. 5 aforesaid and continued to be paid Rs. 14/- per day.
7. That the petitioner is being paid Rs. 14/- per day whereas the schedule rate approved by the Labour Ministry, Government of India letter No. K-27 (ii) 83-11/MWA dated 22-7-87 and Asstt. Labour Commissioner Central, Lucknow Letter No. Lko (Misc) /87 dated 29-7-87 in conjunction with Uttar Pradesh Letter No. 1718/XXXVI 1-3-2 (MW) 84 dated 28-6-1985 is Rs. 18-70 w.e.f. 1-8-86 to 28-10-86 and Rs. 20-15 w.e.f. 20-10-86 to 31-1-87. Thus the petitioner is being paid too less than the scheduled rate prescribed by the Labour Ministry and Uttar Pradesh Government. The photo-stat copy of letters are Annexure (5) and (6) to this petition.
8. That the wages paid to the petitioner is very low and far less than the salary and allowances paid to the regular employees of the Health Scheme of the same group and cadre. The salary paid to the regular incumbent is Rs. 1060/- belonging to the same categories referred to above as Group p and secondly no scheme has been prepared by the opposite parties or the Central Government Health Scheme to absorb the casual labourer or the petitioner regularly in its

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service and consequently the petitioner has been denied the benefits, such as increments, pension leave facilities etc. etc. which are enjoyed by those who are regularly recruited. Thus the petitioner is being exploited by the opposite parties because of their dominant position.

9. That the opposite parties made advertisement for recruitment to the post of Nursing Attendants in Swatantra Bharat daily dated 30th Sept. 1987 and as the petitioner was already working as Nursing Attendant on daily wages w.e.f. 4-10-86 at dispensary No. 5 Lucknow, and has certificates from the Medical practitioners about his attending the job of Nursing Attendant and had a certificate from the U.P. Board of Junior High School Allahabad for having passed the Junior High School, therefore the petitioner also made an application for the said post of Nursing Attendant. There were already three Nursing Attendants regularly employed out of whom one Sri S.C. Srivastava was employed during the employment and working of the petitioner as casual labourer-Nursing Attendant. All these three Nursing Attendants belonged to General caste and there is no scheduled caste or schedule tribe employee for the said post of Nursing Attendant and as such the petitioner stood good chance for his absorption as regular employee for the post of Nursing Attendant. The photostat-copy of advertisement is Annexure (7) and photostat copy of certificate of Mr. V.K. Dwivedi is Annexure (8) and photostat

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photostat copy of certificate of Dr. R. Gupta is Annexure (9) and Junior High School Certificate is Annexure (10) to this petition. These documents were filed with the application for appointment.

10. That the petitioner was called for interview for the post of Nursing Attendant as the petitioner was already working as Nursing Attendant on daily wages and the petitioner appeared for the interview on 5.1.88. Thereafter the petitioner is althrough working and discharging the duties of the Nursing Attendant. The photostat copy of the letter of interview is Annexure (11) to this petition.
11. That although there are four posts to be filled in for the vacant post of Nursing attendant and the one on which the petitioner is working had been pressing requirement in public interest as is clear from Annexure (4), nevertheless the result of the said interview has not been published and no regular appointment of Nursing Attendants have been made pursuant to the said advertisement and as such the petitioner is being exploited continuously which is against the directions made by Hon'ble Supreme Court in Writ petition No. 373 and 302 of 1986 decided on 27-10-87. There are four persons working as Nursing Attendant and none is scheduled caste or scheduled tribe and the petitioner even being entitled to the post is being denied the regular appointment and is being exploited.
12. That the petitioner brought to the notice of the opposite parties No. 2 and 3 the fact about the payment

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payment of lesser wages against the prescribed scale of wages fixed by the Labour Ministry, Government of India and the direction of Hon'ble High Court on which the railways and Telegraph departments have issued circulars. This annoyed the opposite parties No. 1 and 2 and so the opposite party No. 3 extended threats to the petitioner that he will see that the petitioner is removed by the end of Sept., 1988 and as such the necessity to file this petition arose.

13. That the wages paid to the petitioner is very low and far less than the salary and allowances paid to the regular employees of the Central Government Health Scheme belonging to Group n, that is, Nursing Attendants.
14. That no scheme has been prepared by the opposite parties to absorb the casual labourer regularly in service, consequently the petitioner has been denied the benefits, such as increment, pension, leave facilities etc. etc., which are enjoyed by the regularly employed incumbents as Nursing Attendants.

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15. Because the petitioner has been exploited in the matter of payment of wages and regular appointment and juniors ^{and outsiders} have been recruited for the post of Nursing Attendant which is against the spirit of the case decided by Hon'ble Supreme Court in A.I.R. 1987 S.C. 2342.

16. That it has been held in the aforesaid case that non-regularisation of temporary or casual ~~employee~~

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labour for a long period is not a wise policy.

(16) That having made advertisement of posts of Nursing attendants and conducting interview as back as 5th January, 1988 and non-publication of result and employment of the petitioner as Nursing Attendant is nothing but exploitation.

(17) That the case of the petitioner is fortified by the aforesaid supreme Court authority. The circular issued by Telegraph and Information Ministry ^{are} Annexure (12) ⁴⁰³ to this petition.

RELIEF SOUGHTS

(a) that a direction be issued commanding the opposite parties to fill the vacancies of Nursing Attendants pursuant to interview or on the basis of interview held on 5-1-88 and absorb the petitioner as regular Nursing Attendant; ~~and declare all appointments made~~

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(b) That an order and direction may be issued to the opposite parties commanding them not to dispense with the service of the petitioner as casual labourer and he be absorbed against the existing vacancy of Nursing Attendants for which the advertisement and interview was made.

(c) That opposite parties may be directed to pay the arrears of wages of the petitioner payable to the casual labourer in accordance with the salary paid to regular employees of group D including Nursing Attendants with all benefits enjoyed by the regular employees of group D.

A17

11. Particulars of Bank draft :-

Postal order in respect of
the application fee.

- (i) Name of Bank on which drawn
- (ii) Name of Issuing post office *Delksha P.O. Dabra*
- (iii) Date of Issue of postal order *5-10-88*
- (iv) Post Office at which payable.

12. Details of Index :- An Index is appended

~~13. xxxxxxxx certificate~~

13. List of enclosures

- (1) Scheduled caste certificate .. Annexure (1)
- (2) Appointment Letter dated 16-4-85 Annexure (2)
- (3) Appointment Letter dated 20-4-86 Annexure (3)
- (4) Appointment Letter dated 3-10-86 Annexure (4)
- (5) Letter dated 5-10-87 regarding wages " (5)
- (6) Letter dated 1-2-88 regarding wages " (6)
- (7) Advertisement in Swatabtra Bharat " (7)
- (8) Certificate of Dr V.K Dwivedi " (8)
- (9) Certificate dated 18-4-86 Dr.R. Gupta " (9)
- (10) Junior High School Certificate " (10)
- (11) Letter of Interview dt 5-1-87 " (11)
- (12) Circular dated 7-7-88 " (12)
- (13) Circular of " 1-Graph dept. (13)

विनोद कुमार

~~I~~ Vinod Kumar son of Ram Prasad Kannoja aged about 25 years ~~xxxxx~~ r/o Balrampur Hospital Servants Quarters Lucknow do hereby verify that the contents of para 1 to 13 of the application are true to my personal knowledge and belief and that I have suppressed no material facts.

Place
Date

To,

The Registrar,
Central Administrative
Tribunal, Allahabad, Bench.
Allahabad.

विनोद कुमार

Vinod Kumar

5/10/88

Annexure (1)

(2)

56
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कार्यालय तहसीलदार, लखनऊ

संख्या भोगा न 1529 ना 0 ना 0

दिनांक 13-5-81

A18

अनुसूचित जाति का प्रमाण-पत्र

प्रमाणित किया जाता है कि श्री ~~विमल कुमार~~
पुत्रा ~~श्री राम प्रसाद~~ जिला ~~सुरज~~

~~कल्लाम प्रसाद~~ लखनऊ, उत्तर प्रदेश
अनुसूचित जाति के सदस्य है और उनकी उप जाति ~~धोका~~ है यह प्रमाण
पत्र श्री ~~सुरज लाल~~ सुपरवाइजर-कानूनी, लखनऊ कार्यालय
द्वारा दिये गये प्रमाणपत्र के आधार पर दिया गया है।

Me

तहसीलदार सदर

13/5/81

लखनऊ, उत्तर प्रदेश

Allesty Time
Am garyand
Tel
Ad
5/10/88

No. 3-9/85-CGHS/LKO/189-97
Govt. of India
Central Govt. Health Scheme
9-A, Rana Pratap Marg, Lucknow-1

Dated : 16.4.85

Office Order

The following persons are hereby engaged as water man (Casual Laborer) on daily wages basis @ Rs. 10/- per day with effect from 16.4.85 or the date of their joining to 30th Sept., 1985. They will not be paid on Sundays and holidays and will not be entitled for any kind of leave also.

- | | |
|------------------------------|--------------------------|
| 1. Sh. Vinod Kumar Kanaujia- | CGHS, CMO, Office |
| 2. Sh. Raj Kumar- | CGHS, Dispensary No. I |
| 3. Sh. Laxami Kant- | CGHS, Dispensary No. III |
| 4. Sh. Vishal Sharma- | CGHS, Dispensary No. IV |

P. B. De
16.4.85
(Dr. P. B. De Chaudhury)
Chief Medical Officer
Central Govt. Health Scheme
Lucknow.

Copy to:

1. Individual Concerned.
2. M.O. I/C CGHS, Dispensary No. 1, 3, & 4 for information and necessary action.
3. Account Section CGHS, Lucknow. (two copies)

ik/-

*Alerted as
per copy of
original.
Tellegon
AS
5/10/85*

Annexure (3)

No. 3-9/86-CGHS/LKO/ 326-34-
Govt. of India
Central Govt. Health Scheme,
9-A, Rana Pratap Marg, Lucknow.

Dated : 29.4.86

OFFICE ORDER

The following persons are hereby engaged as Water man (Casual labourer) on daily wages basis @ Rs. 11.25 per day w.e.f. 29.4.86 to 30th Sept., 1986 or earlier.

They will not be paid on Sunday and Holidays and will not be entitled for any kind of leave also. They should report for their duty to the respective M.O.I/C of the Dispensary noted against each.

<u>Sl.No.</u>	<u>Name</u>	<u>Place of Posting</u>
1.	Sh. Vinod Kumar	C.G.H.S., CGO, Office.
2.	Sh. Ram Prakash Yadav,	CGHS, Dispensary No. 3.
3.	Sh. Fida Hussain,	CGHS, Dispensary No. 2
4.	Sh. Dinesh Kumar,	CGHS, Dispensary No. 1.
5.	Sh. Vishwanath,	CGHS, Dispensary No. 4.
6.	Sh. Ravindra Singh Rathor,	CGHS, Dispensary No. 5.

(Dr. P.B. De Choudhury)
Chief Medical Officer
Central Govt. Health Scheme,
Lucknow.

Copy to:-

1. All individual concerned.
2. M.O.I/C CGHS, Dispensary No. 1, 2, 3, 4, & 5 for information and necessary action.
3. Account Section, CGHS, Lucknow.
4. PAO, LHMC, & Hospital, New Delhi.

Allosteras
one copy of original

Resublyns
Adm. Secy -

3/10/88

Chief Medical Officer
Central Govt. Health Scheme,
Lucknow.

Annexure (4)

No. 3-9/86-CGHS/LKO/
Govt. of India
Central Govt. Health Scheme,
9-A, Rana Pratap Marg, Lucknow.

Dated : 3.10.86

OFFICE ORDER

Sh. Vinod Kumar is hereby engaged as daily Labourer in CGHS, Lucknow at daily rates approved by the Govt. till further order against the vacant post of a Group D. Staff in CGHS Lucknow, with effect from 3.10.86.

Sh. Vinod Kumar will not be engaged in holidays and hence he will be entitled for wages in working days only. He is at present posted at CGHS Dispensary No. 5. He will report to M.O.I/C CGHS, Dispensary No. 5, at 7.30 A.M. on 4.10.86.

(Dr. P. B. De Choudhury)
Chief Medical Officer

Central Govt. Health Scheme,
Lucknow.

Copy to :-

1. Sh. Vinod Kumar.
2. Account Section CGHS, Lucknow (two copies.).
3. The M.O.I/C CGHS, Dispensary No. 5, in response to his previous letters for posting of a group D Staff immediately there for public interest.

Attested as
true copy of
original.

Chief Medical Officer
Central Govt. Health Scheme,
Lucknow.

1k/-

Recd
A. B. B. B.
5/10/86

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1) महाप्रबन्धक (इंजो) पूर्वोत्तर रेलवे, गोरखपुर को श्री सो आर सागर, एसोइजो के
अशाप सं० डब्लू /309/ 8/ डब्लू-10 दिनांक 12.10.86

5/10/86

Amritham (6)

कार्यालय मण्डल रेल प्रबंधक (ईजी.),
पूर्वोत्तर रेलवे,
लखनऊ ।

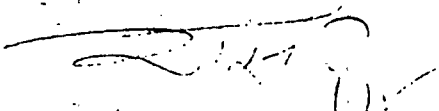
ज्ञापन
=====

823

पूर्वोत्तर रेलवे लखनऊ मण्डल के अंतर्गत सम्पत्ति आकस्मिक श्रमिकों को दैनिक मजदूरी भारत सरकार श्रम मंत्रालय के पत्रांक के-27(11)/83-सी-4 दिनांक 12-7-88 एवं श्रम प्रवर्तक अधिकारी (केन्द्र) सी-217 आवास विकास कालोनी सूरजपुर के पत्र सं. जी-26(17)188 दिनांक 12-7-88 के अनुसार प्रभावी होने के कारण निम्नलिखित दैनिक मजदूरी निर्धारित की जाती है । यह दरें निम्नलिखित विवरण के अनुसार प्रभावी होगी तथा विश्राम के दिनों का भुगतान नहीं होगा ।

संशोधित मजदूरी दर	प्रभाव होने वाली तिथि
रु. 20.75 (रु. बीस पैसे पचहत्तर) प्रतिदिन	1-8-87 से 31-1-88 तक
रु. 22.60 (रु. बीस पैसे साठ) प्रतिदिन	1-2-88 से आगे

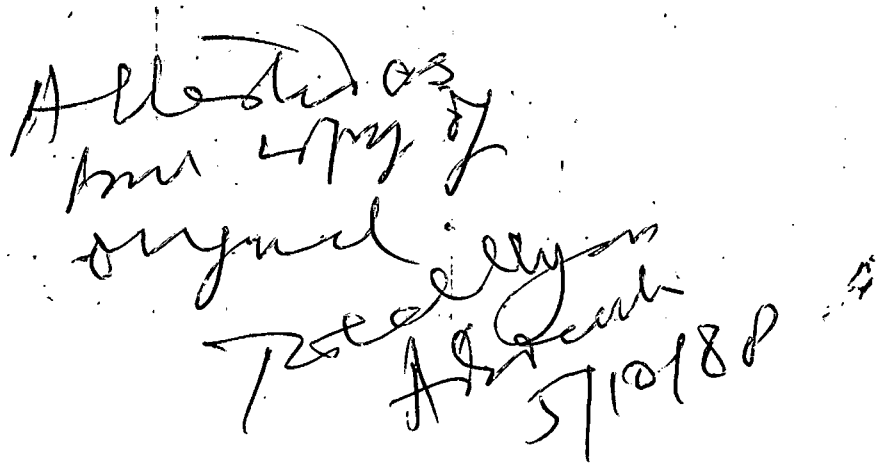
टिप्पणी: यह दरें मण्डल में सभी जगहों में समान रूप से सभी आकस्मिक श्रमिकों के लिए प्रयोज्य है ।


प्रकाश कुमार इंजीनियर (प्रथम),
लखनऊ

सं. उ० लु/98/लज/दर/(रेट)/उ० लु-2 दिनांक 8-8-88

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-
1- महाप्रबंधक (ईजी.) पूर्वोत्तर रेलवे, गोरखपुर को श्री सी. आर. साहू, एसईजी के अ. शा. प. सं. उ० लु/309/8/उ० लु-10 दिनांक 12-1-85 के संदर्भ में ।

क्रम 1:


5/10/88

केन्द्रीय सरकार स्वास्थ्य योजना

९-ए, राणा प्रताप मार्ग, लखनऊ।

आवश्यकता है

अधोलिखित पदों पर नियुक्ति हेतु आवेदन पत्र आमंत्रित किये जाने

क्र. पद नाम वेतनमान

१- महिला परिचायक रु. ८००-१५१०-ई बी-२०-११५०
(फीमेल एटेंडेंट)

२- पुरुष परिचायक रु. ७५०-१२-८७०-ई बी-१४२४०
(नर्सिंग एटेंडेंट)

अनिवार्य योग्यताएं एवं अनुभव:-

पद स. एक के लिए कक्षा ८ पास तथा प्रशिक्षितदाई हो या किसी सरकारी अस्पताल में/औपचारिक में महिला परिचायक/आया के रूप में दो वर्ष का अनुभव होना चाहिए।

पद संख्या दो के लिए कक्षा आठ पास तथा एक वर्ष का ड्रेसिंग एवं बन्डेजिंग का एक वर्ष का अनुभव होना चाहिए।

आयु:-

१८ से २५ वर्ष।

आवेदन कैसे करें:-

सादे कागज पर आवेदन पत्र में निम्नलिखित विवरण साफ-साफ हाथ से लिखकर या विधिवत टाइप करके तथा साथ में सम्बद्ध प्रमाण पत्रों की साक्ष्यकित प्रतिलिपियां संलग्न कर दिनांक ९.१०.८७ तक मुख्य चिकित्सा अधिकारी, केन्द्रीय सरकार स्वास्थ्य योजना, ९-ए, राणा प्रताप मार्ग, लखनऊ के पास पहुंच जाने चाहिए।

१- पूरा नाम (स्पष्ट अक्षरों में) २- पिता/पति का नाम, ३- पता (स्पष्ट अक्षरों) ४- स्थायी पता ५- किस राज्य से सम्बन्धित हैं, ६- राष्ट्रीयता ७- जन्म तिथि (८) धर्म ९- जाति का नाम (यदि अ. जा./अ. ज. जाति के हो प्रति संलग्न करें) १०- शैक्षिक और व्यावसायिक योग्यताएं ११- उम्मीदवार के हस्ताक्षर।

सरकारी विभागों में कार्यरत अभ्यर्थियों को उचित माध्यम से आवेदन करना चाहिए। साक्षात्कार के लिए बुलाए गए उम्मीदवारों को कोई किराया भत्ता नहीं दिया जायेगा।

ह.

मुख्य चिकित्सा अधिकारी,
केन्द्रीय सरकार स्वास्थ्य योजना, लखनऊ।

(२१८१ एम)

26
All the best
me very
original
5/10/87

Dr. V. K. Dwivedi
Bachelor of Medicine & Surgery
Physician & Surgeon
T. B. Chest Specialist,
Ex. Senior House Officer,
T. B. Chest Clinic, Balrampur Hospital,
LUCKNOW.

Regn. No. 2028

NEHRU ROAD,
SADAR BAZAR,
LUCKNOW-226002

Date 3/3/1985

(25)

This is to Certify that Shree
Vishod Kumar Karmacharya s/o
Shree Ram Prasad R/o
Bak quarter of Balrampur
Hospital, Lko has worked
in my clinic as a Nursing Officer

(Class IV) W. O. from
[1-9-84] [1-9-1984 to 3-3-1985]
on the wages @ Rs. 100/- P.M. as pay
He was honest and sincere
during his service period

V. K. Dwivedi
Physician & Surgeon
T. B. Chest Specialist
Balrampur Hospital
LUCKNOW

Attested
as true copy
of original
by
A. S. S. S.
3/4/88

Dr. R. Gupta

B Sc., M.B., B.S.

PHYSICIAN & SURGEON

Ex-House Officer, Civil Hospital, Lucknow.

Ex-M.O. I/C. P.M.H.S.

Ex-A.D.M.O., Railways

Ex-M.O. I/C. Lions Club (Lko)

Ex-M.O. I/C. Cooperative Hospital, U.P.

Member of I.M.A. New Delhi

Regd. No. 20465

Wednesday Evening Closed
& on 30th of every month.

CLINIC

Gola Market,

Sadar Bazar,

Cantt. Lucknow.

Dated 12.4.86

I do hereby certify that
Sh. Vinod Kumar Karmali s/o.
Sh. Ram Prasad has rendered
most sincere, faithful and devoted
services as a salary attendant
and nurse in the period from
5.10.85 to 15.4.86. His salary was
200/128 per month.

I wish him every success
in his life.

Dr. R. Gupta
12.4.86

Attested as
true copy of
original
The Secretary
Assessment
5/10/86

Annexure (10)

क्रमांक

8961

जूनियर हाई स्कूल परीक्षा, १९८२

अनुक्रमांक

६९८५

प्रमाणित किया जाता है कि विनोद कुमार कनौजिया

श्री राम प्रसाद

अप्रैल १९८२ की जूनियर हाई स्कूल

परीक्षा में जूनियर हाई स्कूल लखनऊ इण्टर कॉलेज लखनऊ /व्यक्तिगत परीक्षार्थी

जिला लखनऊ से तृतीय श्रेणी में उत्तीर्ण हुए/हई।

इन्होंने X में विशेष योग्यता प्राप्त की।

इनकी जन्म-तिथि 20.9.१९६४ (बीस जनवरी सन् चौसठ) है।

अनिवार्य विषय:—

बुनियादी शिल्प तथा सम्बन्धित कला:—

१—हिन्दी तथा अनिवार्य संस्कृत

२—अंग्रेजी

३—गणित

४—सामाजिक विषय

५—सामान्य विज्ञान

६—व्यायाम शिक्षा

तृतीय भाषा संस्कृत पुष्कला

वैकल्पिक विषय:—

कला

अभिषेक चन्द्र

जिला बेसिक शिक्षा अधिकारी
लखनऊ



सुप्रभाश्व माजपानी
उप-विद्यालय निरीक्षक
लखनऊ

१ जुलाई १९८२ ई०

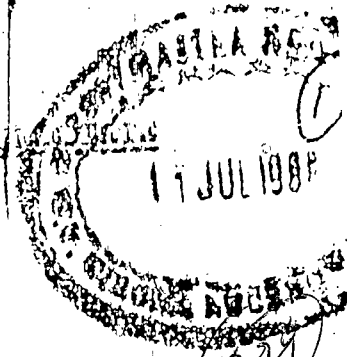
Attested
as true copy of
original

7/1/88

Annexure (13)

(22)

Government of India
Ministry of Communications
Department of Posts
Dak Bhavan, Jansang Marg
New Delhi-110001.



No. 45-60/88-SPB-I

070788

All Postmasters General,
All Principals, PTOs,
Controller, Foreign Mails, Bombay.

Subj: Recruitment of casual workers and persons on daily wages
-review of policy.

01

A copy of C.No. 49014/2/86-Sett(C) dated 7.6.88 of the Department of Personnel & Training, on the above subject is forwarded for information, guidance and strict compliance.

2. A time limit of one year has been prescribed for review for the Department of Posts. A quarterly statement has been prescribed indicating the progress of review. The first quarterly statement should reach this office by 3.10.88 positively so as to enable this office to submit consolidated statement to DOP&T by 10.10.88.

3. The review has to be carried out by the concerned Director/Regional Director of Postal Services in consultation with the circle LPA. The review should be carried out in respect of full time casual labourers and part-time casual labourers. Wherever full time posts are justified, the proposals should be sent by the Heads of Circles to the concerned establishment section of Directorate viz. PA-I, PA-II, PA-III and Civil Wing.

R. S. Nathrajmurti
(R.S. Nathrajmurti)
Director (Staff)

Copy to:-

1. Postal Staff College, New Delhi.
2. The Officer-in-charge, AFS Record Office, Khamptee, APG.
3. All recognised Unions/Associations/Federations of the Department of Posts.
4. SPB-II/PA-I/ PA-II/ SP/Inspn./ED/Adm.(P)/ Pension/ Postal Accounts(A)/Civil Wing(Postal) sections of the Directorate.

R. S. Nathrajmurti
(R.S. Nathrajmurti)
Director (Staff)

Received
by Mr. J. J.
original
Preside
A. S.
ST

H/c-1 879 Annexure (13) 127
112/

DEPARTMENT OF POSTS, INDIA.
OFFICE OF THE POSTMASTER GENERAL, U.P. CIRCLE, LUCKNOW-226001.

To,

- 1-All Regional Directors In UP Circle.
- 2-All S&POs/SFOs/SSRMs/SRMs in UP Circle.
- 3-All Postmasters Grade 'A'/Head Postmasters in UP Circle.
- 4-All Supdt. PSD/CSD in U.P. Circle.
- 5-All MO.I/c. in U.P. Circle.
- 6-Supdt. PSFs, Aligarh.
- 7-Manager, Mail Motor Services, Kanpur.
- 8-Manager, R.L.C., Lucknow.
- 9-All Unions/Associations in UP Circle.
- 10-O.S./HAG./All Section Supervisors in UP Circle.
- 11-Director Acctt. (Postal) Aminabad, Lucknow.

Sub: Absorption of Casual labourers in the light of
Supreme Court, Judgment.

No: Ac.'A'/R-3/2/Ch-II,

dated at Lucknow, the 15/2/88.

A copy of Director General Posts, New-Delhi-1 letter no. 45/95/37-SPB.I, dtd. 10/2/88, on the above subject is sent herewith for information, guidance and necessary action.

The date of payment of arrears as stipulated in para.1 (iii) be adhered to strictly & should be made positively by 25.2.88. The detailed statement showing the name of the employee, the total amount of arrears paid separately should be sent so as to reach this office by 29-2-88 positively, in duplicate addressed to J.A.O. Budget, Circle office, Lucknow for onward submission to Dte. for seeking allotment of additional funds if required.

A nil report if any may also please be sent.

D.A.: One (As above).

*for Postmaster-General,
UP Circle, Lucknow.*

Ngom -

Date of Employment

And of Arrears paid

Date of Payment

16/2/88
*Attested as
True copy of
original
7/3/88
Adv. 5/10/88*

(vii) The payment to the casual workers may be restricted only to the days on which they actually perform duty under the Government with a paid weekly off as mentioned at (vi) above. They will, however, in addition, be paid for a National Holiday, if it falls on a working day for the casual workers.

(viii) In cases where it is not possible to entrust all the items of work now being handled by the casual workers to the existing regular staff, additional regular posts may be created to the barest minimum necessary, with the concurrence of the Ministry of Finance.

(ix) Where work of more than one type is to be performed throughout the year but each type of work does not justify a separate regular employee, a multifunctional post may be created for handling those items of work with the concurrence of the Ministry of Finance.

(x) The regularisation of the services of the casual workers will continue to be governed by the instructions issued by this Department in this regard. While considering such regularisation, a casual worker may be given relaxation in the upper age limit only if at the time of initial recruitment as a casual worker, he had not crossed the upper age limit for the relevant post.

(xi) If a Department wants to make any departure from the above guidelines, it should obtain the prior concurrence of the Ministry of Finance and the Departments of Personnel and Training.

All the administrative Ministries/Departments should undertake a review of appointment of casual workers in the offices under their control on a time bound basis so that at the end of the prescribed period, the following targets are achieved:

- (a) All eligible casual workers are adjusted against regular posts to the extent such regular posts are justified.
- (b) The rest of the casual workers not covered by (a) above and whose retention is considered absolutely necessary and is in accordance with the guidelines, are regularised strictly in accordance with the guidelines.
- (c) The remaining casual workers not covered by (a) and (b) above are discharged from service.

2. The following time limit for completing the review has been prescribed in respect of the various Ministries/Departments:

- (a) Ministry of Railways 2 Years
- (b) Department of Posts, Department of Telecom. and Department of Defence Production 1 Year
- (c) All other Ministries/Depts./Offices 6 months

Contd.....3

PROFORMA

(26)

Quarterly Statement showing the progress of the review carried out by various Ministries etc. about the casual workers engaged by them.

(A31)

- (1) Name of Ministry/Department
- (2) No. of casual workers engaged as on 1.6.1988
 - a) in the Ministry proper
 - b) Attached & Subordinate offices

Total

- (3) No. of casual workers who have been given regular appointment as a result of review.
- (4) No. of casual workers whose services have been discontinued.
- (5) No. of casual workers whose services have been retained at the end of the quarter - (July - September, 1988, October - December, 1988 etc.)

Note: The first return for the quarter July, 1988 to September 1988 should be furnished by the 10th October, 1988. Similarly subsequent returns should be furnished by the 10th of the month following the quarter.

Attested
as true copy of
original
Recd by
Adm. Secy
5/10/88

Mc-I 879 Annexure (13) 127
112/

DEPARTMENT OF POSTS, INDIA.
OFFICE OF THE POSTMASTER GENERAL, U.P. CIRCLE, LUCKNOW-226001.

To,

- 1-All Regional Directors In UP Circle.
- 2-All S6POs/SFCs/SSRMs/SRMs in UP Circle.
- 3-All Postmasters Grade 'A'/Head Postmasters in UP Circle.
- 4-All Supdt. PSD/CSD in U.P. Circle.
- 5-All MO.I/c. in U.P. Circle.
- 6-Supdt. PSFs, Aligarh.
- 7-Manager, Mail Motor Services, Kanpur.
- 8-Manager, R.L.C., Lucknow.
- 9-All Unions/Associations in UP Circle.
- 10-O.S./HAG./All Section Supervisors in UP Circle.
- 11-Director Acctt.(Postal) Aminabad, Lucknow.

Sub: Absorption of Casual labourers in the light of
Supreme Court, Judgment.

No: Ac.'A'/R-8/2/Ch-II,

dated at Lucknow, the 15/2/88.

A copy of Director General Posts, New-Delhi-1 letter no.
45/95/37-SPB.I, dtd. 10/2/88, on the above subject is sent
reewith for information, guidance and necessary action.

The date of payment of arrears as stipulated in para.1
(iii) be adhered to strictly & should be made positively by
25.2.88. The detailed statement showing the name of the
employee, the total amount of arrear paid separately should be
sent so as to reach this office by 29-2-88 positively, in
duplicate addressed to J.A.O. Budget, Circle office, Lucknow
for onward submission to Dte. for seeking allotment of additional
funds if required.

A nil report if any way also please be sent.

D.A.: One (As above).

[Signature]
for Postmaster-General,
UP Circle, Lucknow.

Ngan -
Dati of employment
And of arrear paid
Dati of payment

16/2/88

Added as
Four copy of
original
72/2/88
Adv. 5/10/88

व्यवसायिक श्रीमान

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महोदय

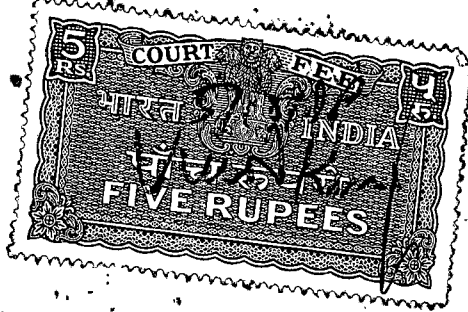
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वादी (मुद्दे)

प्रतिवादी (मुद्दे)

का वकालतनामा



Handwritten: *A33*

Handwritten: *Vinod Kumar*

वादी (मुद्दे)

Handwritten: *Vinod Kumar*

Handwritten: *Cham Pal Ma*

प्रतिवादी (मुद्दे)

नं० मुकद्दमा सन १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Handwritten: *Mohd Aliyar Adnan* एडवोकेट

Handwritten: *Mohd Aliyar Adnan*

महोदय

Handwritten: *Phone no 51558*

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और

लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य

वकील द्वारा जो कुछ पैरवी व जवाबदेही व उत्तर करें या अन्य

कोई कागज दाखिल करें या लौटावे या हमारी ओर से डिगरी

जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल

दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने

हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें

या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का

दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखर्त)

रसीद से लेवे या पंच नियुक्त करें। वकील महोदय द्वारा की

गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह

भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने

पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक

तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी

मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख

दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Handwritten: *नि. नो. द. क. म. र.*

साक्षी (गवाह)

साक्षी गवाह

दिनांक

महीना

125

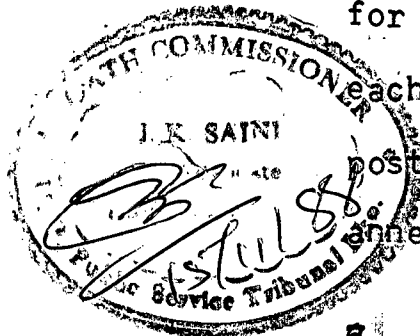
to its beneficiaries covered under the Scheme and appointments are only made to the regular vacancies as per provisions of Recruitment Rules of the concerned posts. Casual laboures are engaged against the seasonal post of waterman through Employment Exchange and not appointed as per statement of petitioner, contained in this paragraph.

5. That the contents of para 6(2) of the application it is stated that the petitioner may be Scheduled Caste and or registered with the Employment Exchange.

6. ^{in reply to} That the contents of paragraph 6(3) of the applifcation it is submitted that the unskilled laboures are engaged in this Organization through Employment Exchange against the seasonal sanctioned post of Waterman each year for a period of six months from April to September of each year. As such the petitioner was engaged against the post of Waterman from 16.4.85 to 30 September 85 as per annexure-2 of the petition.

7. That in reply to the contents of para 6(4) of the applicant it is submitted that the petitioner was again engaged as waterman against the seasonal post from 29.4.86 to 29.9.86 as his name was sponsored by the Employment Exchange, Lucknow against the requisition of waterman in 1986 as per annexure 3 of the petition.

8. That in reply to the contents of para 6(5) of the application it is submitted that the appointments of Group 'C' and 'D' employees under the Central Government Health Scheme, Lucknow are made by the Chief Medical Officer now designated as Deputy Director so vacancies under



11/1/88

226

Medical Officer Incharge, CGHS Dispensary No.5 does not arise. Further vacancies under CGHS are filled as per Recruitment Rules of the post. So statement of petitioner under para 5 is wrong and baseless. The petitioner being unskilled labour was engaged as waterman with effect from 28.4.86 to 29.9.86. Keeping in view of his family problems the applicant was engaged as daily casual labour with effect from 3.10.1986 and was directed to report for duty to Medical Officer Incharge Dispensary No.5 as casual labour not as Nursing Assistant as stated in the petition filed by the applicant.

9. That the contents of para 6(6) of the application are false, hence denied because the petitioner was unskilled labour and engaged as Daily causal labour so discharging the duties of Nursing Assistant by the applicant does not arise, as there was sufficient staff at Dispensary No.5 ie. Dresser and Nursing Assistant.

10. That in reply to the contents of para 6(7) of the petition, it is submitted that the petitioner was paid approved rates by the Government of India existing in the office of the deponent as well as in other Central Government Departments.

11. That in reply to the contents of para 6(8) of the petition, it is stated that the petitioner was engaged as unskilled casual labour at the rate of Rs.14/- per day wef 3.10.86 so as such salary and other benefits like increments, pension and leave etc. equal to regular employees cannot be given to the petitioner as alleged.



11/11/88

7/1/20



A38

Dr. R. Gupta wef 05.10.85 to 15.4.86 but he remained unskilled labour whenever requisition to the post of Nursing Assistant were sent in 1985 and 1986 positively but if he was skilled his name should have been sponsored but it was not happen, so it shows that he was in not having the requisitie qualification and expereience in the year 1985 and 1986 as per Annexures 8 & 9 attached with the petition. It is further stated that Shri S. Srivastava was engaged as Nursing Assistant against the sponsored list of Employment exchange in the year 1986 but the petitioner was not sponsored by Exmployment Exchange ~~xxxxxxx~~ for the post of Nursing Assistant. Hence the contention of the petitioner is wrong and denied.

13. That the contents of para 6(10) of the application are wrong, hence denied, and in reply it is stated that the petitioner was called for interview against the application received in response to advertisement dated 30 Sept 87 and subsequently called for interview of 5.1.88 Employment Exchange had raised objection, therefore the same was dropped and no appointment were made in that advertisement. It is further stated that the petitioner has never worked as Nursing Assistant in CGHS as alleged by

14. That the contents of paras 11, 12 and are wrong, hence denied.

15. That the contents of para 6(14) of th application are denied because there is no qu to absorb the applicant unless his name to t



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A33

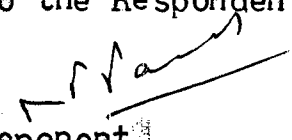
to absorb the applicant unless his name to the post of Nursing Assistant sponsored by the Employment Exchange on requisition and the appointment will be made as per Rules.

16. That in reply to the contents of para 6(15) of the application it is stated that the petitioner being engaged as unskilled labour cannot be appointed as Nursing Assistant. Therefore, the question of absorption does not arise. He may be appointed as per rules.

17. That the contents of para 6(16) of the application needs no reply, as it has already reiterated in para 13 above.

18. That the Reliefs sought by the applicant in his application are not tenable in the eyes of Law.


19. In view of the facts and circumstances stated above, the application filed by the applicant is liable to be dismissed with costs to the Respondents.


Deponent.

Lucknow,

Dated: 15 Nov. 1988

Verification


I, the above named deponent do hereby verify that the contents of paragraphs 1 & 2 are true to my personal knowledge, those of paragraphs 3 to 16 are believed by me to be true on the basis of records and information gathered and those of paragraphs 17



T. J. Parnell
Deponent.

Dated: 15 Nov. 88

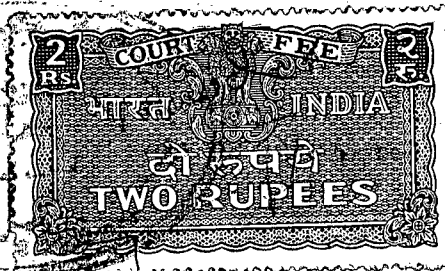
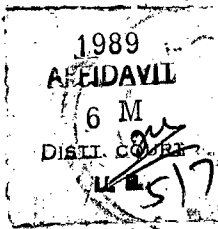
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Advocate, High Court.

[illegible]

By me, *[Signature]* *[Signature]*
 Court Comptroller, L. L. L. L.
 Date *[Signature]*

15/4/188 ✓
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(411)

Before the Central Administrative Tribunal, Allahabad
Bench 9 Circuit Bench, Lucknow.

Vinod Kumar Applicant
Vs.
Union of India and others .. Respondents

O.A. No. 143 of 1988

Fixed for 5-7-89

Rejoinder Affidavit of the applicant.

I, Vinod Kumar aged about 25 years son of
Sri Ram Prasad r/o Servant Quarters, Balrampur Hospital
Lucknow do hereby solemnly affirm as under :-

1. Contents of para 1 of counter affidavit need no reply.
2. Contents of para 2 of counter affidavit need no reply.
3. Contents of para 3 of counter affidavit need no reply.
4. With regard to contents of para 4 it is submitted that the applicant was not appointed as waterman w.e.f. 3-10-86. The applicant was appointed on a vacant post of group 'D' staff and not on the post of seasonal Waterman.
5. That contents of para 6(2) of the application are re-iterated as the contents thereof are not denied by the respondents.
6. Contents of para 6(3) of the application are re-iterated as contents thereof have not been denied in para 6 of the counter affidavit.
7. That contents of para 7 ~~need~~ of counter affidavit need no reply.
8. With regards to contents of para 8 it is submitted that the staff of Nursing attendants post was under

विनोद कुमार

Handwritten initials

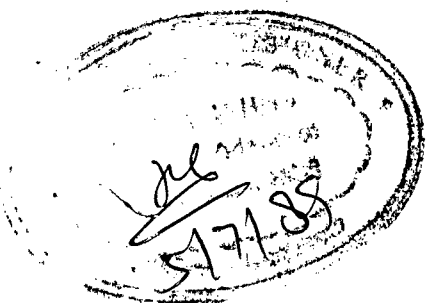
Medical Officer Incharge, C.G.H.S. Dispensary No. 5 and was existing vacant and was required to be filled in public interest and the appointment of the applicant as Nursing Attendant was in public interest and it is denied that the same was done keeping in view of the family circumstances of the applicant. The government work is done in public interest and is not done by way of concession as alleged in the counter affidavit.

It is totally wrong that the applicant was appointed as casual labour but the applicant was appointed as Nursing Attendant ^{against the post existing vacant} and the applicant performed the duties of Nursing Attendant. The respondent has ~~manifestly~~ cleverly not disclosed the duties performed by the applicant and assigned to him. There is no casual labour post in C.G.H.S. dispensary No. 5. In fact in dispensary No. 5 there are the ^{group D} posts of Dresser, Nursing Attendant, Chowkidar and Safaiwala and there is no post of casual labour. The applicant was appointed as Nursing Attendant out of the aforesaid four posts of group 'D' staff. It has not been disclosed as to what is the nature of duties of casual labour.

9. Contents of para 9 of the counter affidavit are denied. There is no post by the designation of Casual labour in dispensary No. 5. There are aforesaid four post, in dispensary No. 5 and none else.

10. Contents of para 10 of the counter affidavit are denied. The approved rates are as under :-

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Lucknow..Unskilled... 1-8-86 to 31-1-87 @ Rs. 18-70.
 Lucknow..Unskilled ... 1-2-87 to 31-1-88 @ Rs 20-75.
 Lucknow..Unskilled ... 1-2-88 onward @ Rs. 22-75

11. Contents of para 11 of counter affidavit goes to show that the respondents had been exploiting the applicant as they were paying arbitrary rate of wages against those prescribed by the Central Government and Labour Ministry and Labour Commissioner. The salary leave, pension and other benefits should have been made available to the applicant in view of the pronouncement by the Hon'ble Supreme Court.

12. Contents of para 12 of the counter affidavit are denied. There was a vacant post of group 'D' staff as indicated in appointment order itself. There was no vacant post of an unskilled casual labour in dispensary No. 5. There could be no vacant post of group 'D' staff of casual labour. ~~In fact vacant post of Nursing Attendant.~~ The name of the applicant was not sponsored by the Employment Exchange, Lucknow because of the manoeuvring of Sri Yogesh Yadav, dealing clerk of class IV staff 'group 'D'', by winning over the staff of Employment Exchange, Lucknow. The facts are like this that Sri Yagesh Yadav, dealing clerk of class IV staff wanted to make appointment of his brother-in-law Sri Prem Singh Yadav, and Sri R.S. Chand, Office Superintendent, wanted to make appointment of his own son and

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Sri Ram Asrey Srivastava, Lab Attendant, wanted to make appointment of his brother-in-law Sri Ashitosh Srivastava for the post of Nursing Attendant so that all the said three officials made concerted efforts and manoeuvred to bring the names of all the three aforesaid candidates from the Employment Exchange, Lucknow along with few others leaving many deserving candidates. This is why the name of the applicant was not sponsored by the Employment Exchange Lucknow as Sri Yogesh Yadav apprehended that the applicant having requisite qualifications and being scheduled caste candidate stands good chance. This fact and manoeuvring of the office Superintendent, dealing clerk, and Lab Assistant came to the notice of the then C.M.O. Dr. P.B. Dey Chowdhri who apprehending bad name to himself and to the department cancelled the list of candidates sponsored by Employment Exchange, Lucknow and did not utilise the same for making appointment to the post of Nursing Attendant. Dr. P.B. Dey Chowdhri retired in June 1987 and in his place Dr. R.P. Pandey became C.M.O. The said three persons, that is, Office Superintendent, Dealing Clerk of class IV staff and Lab Attendant got the chance and did not disclose to him about the cancellation and non-utilisation of list of candidates sponsored by the Employment Exchange Lucknow, in 1986 (towards the middle of 1986) and got the same utilized in Sept., 1987 by getting

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an interview held in Sept., 1987. The list of candidates for the post of Nursing Attendant received in or about July, 1986 had become obsolete for holding interview in Sept., 1987. Fresh list of candidates had to be called after lapse of ~~about~~ more than ~~six~~ a year from the Employment Exchange Lucknow but this was not done due to manoeuvring of Sri Yogesh Yadav, Dealing Clerk of Class IV staff and Sri R.S. Chand, Office Superintendent. In this interview in Sept., 1987 conducted on the list of 1986 only Sri Sanjay Srivastava was selected and appointment order was given but the candidates of the aforesaid officials did not find place in the selection. Soon after the said interview the post of Nursing attendant was advertised in Swatantr Bharat on 30th. Sept., 1987 inviting application for the same. The applicant was possessing the qualifications made an application for the post of Nursing Attendant pursuant to the said advertisement and the applicant was called for interview on 5-6-88 before the Selection Board. The ~~xxx~~ three candidates of the aforesaid three officials also appeared before the Selection Board but no result has been declared so far. What are the duties of casual labour have not been stated in the counter affidavit. The applicant was registered as Nursing Attendant with the Employment Exchange, Lucknow but it was because of the clandestine manoeuvring of the said three officials that they managed to bring and sponsored the names

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of their kith and kin and got singled out many deserving candidates duly registered with the Employment Exchange, Lucknow ~~including~~ including the applicant. Sri Yogesh Yadav personal went to the Employment Exchange, Lucknow and got sponsored candidates according to his choice.

13. Contents of para 13 as regards raising of objection by the Employment Exchange, Lucknow ^{is concerned} is denied. The aforesaid official having failed to achieve their purpose of getting appointment of their own kith and kin kept looking for a chance which they got on the retirement of Dr. P.B. Dey Chowdhri, whose instructions regarding non-utilisation were within the knowledge and control of the said officials who did not disclose the same to Dr. R.P. Pandey and exploited the situation to meet their ulterior end. If these officials had told Dr. R.P. Pandey that the list sponsored by the Employment Exchange was ignored by the earlier C.M.O. Sri P.B. Dey Chowdhri, then in that event the list of candidates received sometime in July 1986 would have not been utilised and fresh requisitions would have been sent to Employment Exchange, Lucknow for sending fresh candidates for recruitment to the post of Nursing attendant. No letter of Employment Exchange, Lucknow raising objection has been annexed with the counter affidavit.

14. Contents of para 14 need no reply.

15. Contents of para 15 of the counter affidavit ~~are denied. The applicant was already working~~

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are denied. The applicant was working Nursing Attendant w.e.f. 4-10-86 and on the date of interview on 5-1-88 had completed 459 days with entire satisfaction of his superiors and officers and being scheduled caste was entitled to be absorbed but since vested interest of the said three officials was involved therefore the right and claim of the applicant was jeopardised by them. After the filing of the present case the said Sri Yogesh Yadav has got appointment of his brother-in-law Sri Prem Singh Yadav and of Sri Ram Asrey Srivastava, Lab Attendant's brother-in-law Sri Asish Srivastava appointed as Nursing Attendants on the list of 1986 without sending for the fresh requisition. The appointment of these persons is malafide, manouvered, and is illegal and without jurisdiction.

16. That the contents of para 16 are denied, as stated above with full details.

C. no. 6 M.

0.45 AM. Vinod Kumar 17. Contents of para 17 of counter affidavit need

no reply as nothing has been rebutted.

18. Contents of para 18 are denied.

19. Contents of para 19 are denied.

Koushik
5/7/89

विनोद कुमार
Deponent

Verification

I, the above named deponent Vinod Kumar do hereby verify that the contents of para 1 to 17 are true to my personal knowledge and those of para 18 and 19 are believed by me to be true, nothing is false and nothing material has been concealed, so help me God.

I identify the deponent/executor who has verified this on the day of 5 July 1989 in his/her signature/T. I. before me.

Deponent

5/7/89

VAKALATNAMA

In the Hon'ble ^{Central Administrative Tribunal} ~~High Court of Judicature~~ at Allahabad
At
Lucknow Bench

O.A. No. 143/2019

(01)

..... Vinod Kumar Plff./Applt./Petitioner/Complainant

Verses

..... Union of India & others Defent./Respt./Accused

KNOW ALL to whom these presents shall come that I/We..... O.Ps.....
the above-named..... O.Ps.....do hereby appoint

Shri I. M. QUDDUSI, Advocate,
.....High Court, Lucknow Bench

(hereinafter called the advocate/s) to be my/our Advocate in the above-noted case and authorised him :—

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents, to admit &/or deny the documents of opposite partys.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive moneys, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause,

To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority/herby conferred upon the Advocate whenever he may think fit to do so & to sign the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all hearings & will inform the Advocate for appearances when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case untill the same is paid up. The fee settled is only for the above case and above Court I/we hereby agree that once the fees is paid. I/we will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this.....day of.....19

Accepted subject to the terms of fees.

Client

By. Director.
C.G.H.S., LUCKNOW.

Client

By. Director.
C.G.H.S., LU

Advocate

OA No. 143/88 (2)

8/11/89

VAKALATNAMA

In the Hon'ble High Court of Judicature at Allahabad
At

Lucknow Bench

Vinod Kumar Plff./Applt./Petitioner/Complainant

Govt Verses Defent./Respt./Accused

KNOW ALL to whom these presents shall come that I/We
the above-nameddo hereby appoint

Shri V. K. CHAUDHARI, Advocate,
.....High Court, Lucknow Bench

(hereinafter called the advocate/s) to be my/our Advocate in the above-noted case and
authorised him :—

To act, appear and plead in the above-noted case in this Court or in any other Court
in which the same may be tried or heard and also in the appellate Court including High Court
subject to payment of fees separately for each Court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for
executions, review, revision, withdrawal, compromise or other petitions or affidavits or other
documents as may be deemed necessary or proper for the prosecution of the said case in all
its stages.

To file and take back documents, to admit &/or deny the documents of opposite
partys.

To withdraw or compromise the said case or submit to arbitration any differences
or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive moneys, cheques, cash and grant receipts thereof and
to do all other acts and things which may be necessary to be done for the progress and in the
course of the prosecution of the said cause,

To appoint and instruct any other Legal Practitioner authorising him to exercise the
power and authority/hereby conferred upon the Advocate whenever he may think fit to do so
& to sign the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the
Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all
hearings & will inform the Advocate for appearances when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute
responsible for the result of the said case. The adjournment costs whenever ordered by the
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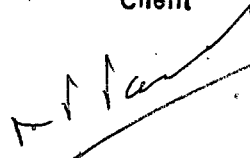
IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the
contents of which have been understood by me/us on this.....day of.....19

Accepted subject to the terms of fees.

Client

Client


Advocate



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Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, SANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/243 to 345 Dated : _____

Registration No. _____ of 1938

Applicant

Versus

Respondent's

To

Please take notice that the applicant above
named has presented an application a copy whereof is enclosed
herewith which has been registered in this Tribunal and the
Tribunal has fixed _____ day of _____ 1938 for
_____.

If no, appearance is made on your behalf, your
pleader or by some one duly authorised to Act and plead on
your in the said application, it will be heard and decided in
your absence.

Given under my hand and the seal of the Tribunal
this _____ day of _____ 1938.

For DEPUTY REGISTRAR

dinesh/