

(Reading Session) Class

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Circuit Bench

Date of Filing

Date of Receipt

12/5/2011

Registration No.

103 of 1989(C)

Deputy Registrar (J)

APPLICANT (s) Mrs. Rama Dhanan & Mrs.

RESPONDENT (s) Council of Scientific & Industrial Research, New Delhi & another.

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ? **Y**
2. (a) Is the application in the prescribed form ? **No** The application has been filed in the form prescribed
(b) Is the application in paper book form ? **Y** prior to issue of a notice of 15 days
(c) Have six complete sets of the application been filed ? **Y** only 3 sets of application have been submitted instead of 15
3. (a) Is the appeal in time ? **No A.**
(b) If not, by how many days it is beyond time ?
(c) Has sufficient cause for not making the application in time, been filed ? **No A.**
4. Has the document of authorisation, Vakalat-nama been filed ? **Y**
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/- **Y, DD 038340 Dr. B. 50/-**
6. Has the certified copy/copies of the order (s) against which the application is made been filed ? **Y**
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? **Y**
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? **Y**

ANNEXURE-A

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

INDEX SHEET

Cause No. 164 of 1991

Name of the parties: S. T. Prensi Dinesh Kumar Applicants.

Versus

C. O. R. G. Respondents.

Part B.C.

Sl. No.	Description of documents	Page
1	Check List	A1 - A2
2	Model Sheet	A3 - A6
3	Agreement	A7 - A11
4	Requisition	A12 - A24
5	Bill of Lading	A24 - A74
6	Copy of	A75 - A87
7	Bill of Lading	A88 to A102
8	Bill of Lading	A103 to A124

① Rev A. No 630/92 - A1
② Petition - A2 to A16
③ Power - A17
④ This file open without (Basis)

24/6/11

Case filed that no further action is required to be taken and
that the case is fit for commitment to the record room (2)

Check on
13/1/12

by

Particulars to be ExaminedEndorsement as to result of Examination

(c) Are the documents referred to in (a) above neatly typed in double space ? *Ys*

8. Has the index of documents been filed and paging done properly ? *Ys*

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? *Ys*

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? *No*

11. Are the application/duplicate copy/spare copies signed ? *I & 2 Cops are signed*

12. Are extra copies of the application with Annexures filed ? *Ys*

(a) Identical with the original ? *Ys*

(b) Defective ? *No*

(c) Wanting in Annexures *No*

Nos...../Pages Nos..... ?

13. Have file size envelopes bearing full addresses, of the respondents been filed ? *No*

14. Are the given addresses, the registered addresses ? *No-A.*

15. Do the names of the parties stated in the copies tally with those indicated in the application ? *Ys*

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *No-A.*

17. Are the facts of the case mentioned in item No. 6 of the application ?

(a) Concise ? *Ys*

(b) Under distinct heads ? *Ys*

(c) Numbered consecutively ? *Ys*

(d) Typed in double space on one side of the paper ? *Ys*

18. Have the particulars for interim order prayed for indicated with reasons ? *Ys*

19. Whether all the remedies have been exhausted. *Ys*

The case may be put up before Hon'ble court on 15/5/08.

0125

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION NO. 103 of 1989 (L)

APPELLANT
 APPLICANT

Smt. Rama Dhan

DEFENDANT
 RESPONDENT

VERSUS

U.O.S.

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
15/5/89	<p><u>Hon. K. J. Raman, A.M.</u></p> <p>Due to sudden death of Sri Jagdish Saraswat, Ex-Solicitor General of India. The Lawyers have abstained from attending Court.</p> <p>The case is recording by Adjourned to 17.5.89 for Admissio</p> <p><u>KJR</u> <u>A.M.</u></p>	
17/5/89	<p><u>Hon' Mr. K.J. Raman, A.M.</u></p> <p>Admit. Issue notice to the respondents to file reply within 6 weeks to which the applicant may file rejoinder, if any, within 2 weeks thereafter. List this case on <u>26/8/89</u> for <u>final hearing</u>. I do not think this is a fit case for interim order.</p> <p><u>KJR</u> <u>A.M.</u></p>	<p>Notice issued through Regd. Post (Private stamp)</p>
20/8/89	<p>(sns)</p> <p>No Smt. Adj to 26.8.89. Counsel for applicant is present.</p> <p><u>KJR</u> <u>20/8/89</u></p>	<p>Notices were given to the respondents on 22 by regd. Post. Neither reply nor any written or verbal communication has been received to date.</p>

(3)

30.11.90 ~~12~~ No Sittings Adj to 1.2.91

1.2.91 - No Sittings Adj to 12.3.91. ~~12~~

12.3.91 No. Sittings Adj to 21.5.91 ~~12~~

21.5.91 No Sittings Adj to 22.8.91 ~~12~~

22.8.91 No Sittings adj to 14.10.91 ~~12~~

14.10.91 No Sittings adj to 12.12.91 ~~12~~

No. RD filed a brief
of No 2

S.R DR

12.12.91
D.R.

L
10/12

Both the parties are
present. Reminder
has been filed today,
Now this case is listed
for final hearing
on 24/1/92 before
the Hon. Ben Ch.

24.1.92 No Siting adj to 7.2.92 ~~12~~

7.2.92 No Siting adj N 9.4.92 ~~12~~

THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH
LUCKNOW

O.A. No. 103 of 1989

Smt. Rama Dhawan & Others ... Applicants

Vs.

Council of Scientific & Industrial ... Respondents,
Research, New Delhi & others

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

Hon. Mr. A.B. Gorthi, A.M.

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

The instant dispute in this application is between two sets of non-technical staff of Central Drug Research Institute (short C.D.R.I.) regarding scrutiny of following regularisation or absorption. The dispute is between employees directly appointed on probation by C.D.R.I. as L.D.C. under a scheme sponsored by Department of Science and Technology, Government of India sanctioned and allotted to C.D.R.I. managed and implemented by it and which was rather carrying out a part of its function and subsequently appointed casual worker, later on made ad hoc and then regularised prior to regularisation of employees recruited under scheme as L.D.C.

2. The applicants, if not all them, some of them were appointed in April 1983 after written test and typewriting test and interview for Lower Division Clerk in National Information Centre for Drugs and Pharmaceuticals (short I.C.D.P.) on a probation period of one year liable to be extended or curtailed under stipulations that they were liable to be transferred to any of the Laboratory Institute under the control of Council for Scientific & Industrial

Research (G.S.I.R.) of which C.D.R.I. is one of the unit and that the appointment will be temporary in the scheme for the duration of scheme and that they would have no right for absorption in the regular cadre of the institute and that services were terminable on one months notice by either side. It is to be noticed that when examined or interviewed notices which were issued by C.D.R.I., it was not mentioned that they were being interviewed for a scheme.

3. The respondents No. 3 to 12 were engaged as casual workers in C.D.R.I. and thereafter appointed as ad hoc employee, Respondent No.3 was appointed against an open advertised post in 1985 while others were absorbed against regular posts in January, 1983. The applicants were demanding service benefits. The other employees of C.D.R.I. and ultimately Director General agreed to it. As a result of same C.S.I.R. issued a memo dated 29th June, 1988 in respect of such staff for their absorption with posts as was actually in position on the date of issue of the said order regarding non-technical staff to which applicants also belonged it provided that their scrutiny vis-a-vis other similar regular staff will be counted from the date of issue of these orders. It was further provided that vacant posts in the scheme shall be abolished and it is only when the sponsorer department discontinued financing the scheme, the employees of the scheme could be adjusted against a likely comparable vacancies that may arise on the regular strength of the Laboratories in future.

4. For the scientific and technical staff, the said decision contained in the letter dated 29th June, 1988 referred to above provided that they will be eligible to count scheme service for the purpose of their,

assessment under the new Recruitment and Assessment Scheme etc. of C.S.I.R. and their assessment will be done along with similarly placed regular staff in the Laboratory/Institute.

5. According to the respondents the applicants are bound by the terms of contract and the benefit admissible to scientific staff is not admissible to them and both technical and non-technical staff who seems to have been absorbed with posts apparently by taking over of the scheme, the vacant post under which stood abolished by C.D.R.I. can not be placed on the same par. It is thus to be noticed that the applicant who were in employment of C.D.R.I. as typist temporarily after due selection were posted in a temporary scheme and had completed their probationary period satisfactorily. The question as a result of merger of scheme with main organisation or transfer of post itself to the main organisation, the employees who had satisfactorily completed their period of probation would be deemed to be confined with effect from the same date or in any view would legally entitled to court fee entire period towards seniority.

6. The applicants who under the terms of their appointment as L.D.C. had no right as such to claim absorption in the C.D.R.I. after completion of probationary period which they did but they came to be absorbed in the C.D.R.I. along with their post in the scheme and thereby they become fulfilled employee of the institute 'wholly'. Thus the temporary typist in institute after due selection for the post of L.D.C. were appointed as such under a scheme managed by C.D.R.I. as it was one of its unit and occupied posts of said unit having been taken over by C.D.R.I. absorbing all of these persons as its regular

regular/temporary employee as such in normal course they will be entitled to count entire period of service as regular service. The question is as to whether the unilateral condition or the rider put in by the employer could defeat the normal rule or the rights flowing out of it by delimiting and curtailing it for one set of employees though not for the other. It is true that technical and non technical staff can be classified into two distinct class and their pay scales, duties, functions, responsibilities may be different. But this difference existed from before that is before absorption or inclusion into regular service to any member of staff who had already been regularised.

7. But there appears to be no justifiable rationale or reasonableness in giving post benefit of service in the matter of scrutiny to the technical staff and denying the same to non-technical staff. Even in the matter of contract including service contract or grant and confirmation of such benefit the 'State' is not free to do the same arbitrarily and rule of Law governs its activity (See Rammanna Daya Ram Shetty Vs. International Air Port Authority of India (1979) 3 S.C. 489). The discrimination ~~is~~ so done is unreasonable, arbitrary and consequently hit by Article 14 of the Constitution of India and the condition No.4 in the absorption letter regarding the starting point of scrutiny can be sustained and is to be read ~~as~~ as non existent. The result will be that normal rule and in this particular case the period of continuous service would be counted towards service vis-a-vis similar non-technical employees who started as casual labour and then appointed on ad hoc basis whereafter regularised as temporary employee.

(X)

8. Accordingly, this scrutiny test - Annexure 15 is quashed and the respondents are directed to prepare it ~~at~~ expeditiously say within 3 months in accordance with Law in the light of observations made above taking the date of appointment in scheme as L.D.C. and giving benefit of the entire period to them if there was no break. No order as to costs.

thosgs

MEMBER (A)

lu

VICE-CHAIRMAN

Lucknow

Dated 30 June 92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH : LUCKNOW.

Application Under Sec. 19 of the Administrative Tribunals

Act, 1985.

Central Administrative Tribunal

Circuit Bench Lucknow

Date of filing of application

Date of hearing in Court

.....APPLICANT

MRS. RAMA DHAWAN & OTHERS

VERSUS

Def. (Registration No.)

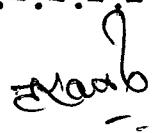
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH,
NEW DELHI & ANOTHER

.....RESPONDENTS.

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3.	Impugned order	Annexure - 16
		12(b)/54
4.	Vakalatnama	

Dated: 12-5-1989


Signature of the Applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

Application Under Sec. 19 of the Administrative Tribunals
Act, 1985.

MRS. RAMA DHAWAN & OTHERS APPLICANTS

AMERICANS

COUNCIL OF SCIENTIFIC & INDUSTRIAL
RESEARCH, NEW DELHI & ANOTHER

10 of 10

RESPONDENTS.

DETAILS OF APPLICATION :

1. particulars of the applicant :

(i) Name of the applicant (ii) Name of Father/Husband (iii) Age of the applicant (iv) Designation and particulars of office(name and station) in which employed or was last employed before ceasing to be in service (v) Office address (vi) Address for service of notices	11. Mrs. Rama Dhwan, Adult, W/o Shri K.K. Dhawan, Lower Division Clerk, Library Division, Central Drug Research Institute, Lucknow. 12. Kamlesh Kumar Misra, Adult, S/o Shri G.D. Misra, Lower Division Clerk, Stores Section, Central Drug Research Institute, Lucknow. 3. Uma Kant Tewari, Adult, S/o Shri R.K. Tewari, Account Section, Central Drug Research Institute, Lucknow.
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...2...

2. Particulars of the respondent :

- (i) Name of the respondent
- (ii) Name of Father/Husband
- (iii) Age of the respondent
- (iv) Designation and particulars of office (name and station) in which employed
- (v) Office address
- (vi) Address for service of notices.

- 1. Council of Scientific & Industrial Research, Anusandhan Bhavan, Rafi Marg, New Delhi.
- 2. Director, Central Drug Research Institute, Mahatma Gandhi Marg, Post Box No. 173, Lucknow.
- 3. Shri Dilip Kumar Sen, Adult, Lower Division Clerk, Central Drug Research Institute, Lucknow.
- 4. Shri Tej Singh, Adult, Lower Division Clerk, Central Drug Research Institute, Lucknow.
- 5. Mrs. Lata Bhatia, Adult, Lower Division Clerk, Central Drug Research Institute, Lucknow.
- 6. Mrs. Kunjumul Varghese, Adult, Lower Division Clerk, Central Drug Research Institute, Lucknow.
- 7. Shri Dilip Kumar Khare, Adult, Lower Division Clerk, Central Drug Research Institute, Lucknow.
- 8. Shri Mahendra Kumar, Adult, Lower Division Clerk, Central Drug Research Institute, Lucknow.
- 9. Shri Shiv Lal Gupta, Adult, Lower Division Clerk, Central Drug Research Institute, Lucknow.
- 10. Shri Arun Kumar Banerji, Adult, Lower Division Clerk, Central Drug Research Institute, Lucknow.
- 11. Shri Ganga Din Yadav, Adult, Lower Division Clerk, Central Drug Research Institute, Lucknow.

12. Km. Aparna, Adult,
Lower Division Clerk,
Central Drug Research
Institute, Lucknow.

3. particulars of the order against which application is made.

The application is against the following order :-

(i) Order No. 5/176/83/Estt.-1 (contained in Annexure No. 15 to this Application)
dated 17.1.1989

(ii) Order No. 14(b)/6/84-E-II (contained in Annexure No. 16 to this Application)
dated 28.2.1989

(iii) Passed by

(iv) Subject in brief: Refusal to fix seniority of the Applicatns and fixing wrong and illegal seniority.

4. Jurisdiction of the Tribunal :

The applicants declare that the subject matter of the order against which they want redressal is within the jurisdiction of the Tribunal.

5. Limitation :

The applicants further declare that the application is within the 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 all the applicants were appointed after department and approval of the Departmental Selection Committee, on one year's probation on the post of Lower Division Clerk in National Information Centre for Drugs and Pharmaceutical of the Respondent No. 2. A photostat copy of the appointment order are enclosed herewith as Annexure Nos. 1 to 5 respectively to this Application. The probation period has not been extended by the Respondents No.1 and 2.

- : 4 : -

B

(2) That there is no service rule framed by the Respondents No.1 and 2 pertaining to the applicants.

A

Applicants

(3) That all the ~~Applicants~~ completed their probationary period satisfactorily.

(4) That all the Applicants joined their duties as per order of appointment and completed their probationary period on the dates mentioned hereunder :-

	Date of Joining	Posts	Completion of probationary period
(a) Applicant No. 1	22.8.83	Lower Division Clerk	22.8.84
(b) Applicant No. 2	4.8.83	Lower Division Clerk	4.8.84
(c) Applicant No. 3	5.8.83	Lower Division Clerk.	5.8.84

(5) That on 22.8.84, 4.8.84 and 5.8.84 all the Applicants were deemed to be confirmed.

(6) That the posts of Lower Division Clerks ~~are~~ on which the applicants were appointed, were and are in clear vacancies and the same are continuing since 1983 to date.

(7) That since the date of joining to this date of filing this Application, the work and conduct of all the Applicants are good.

Read?

(8) That the next promotional posts for the applicants are the posts of Upper Division Clerk, and the said is to be filled on the basis of seniority

subject to the unfit.

(9) That all the Applicants being senior and eligible to be promoted as Upper Division Clerk, the posts of Upper Division Clerk are available and vacant in numbers.

(10) That all the Respondents No. 3 to 12 were appointed on adhoc basis on the posts of Lower Division Clerk and out of Scheme and they joined their services in the year 1986-87 for a period of 3 months at first instance and the said periods were extended time to time.
Ans no 4 15/13.

(11) That in absence of Service Rule the principle of determination of seniority is to counter length of continuation of service, i.e. the date of joining or the date of appointment.

(12) That for the first time the ~~ex~~ Respondents No. 3 to 12 were made regular on the following dates :-

Respondent No. 3	18.12.85
Respondent No. 4	28.1.88
Respondent No. 5	4.4.88
Respondent No. 6	29.1.88
Respondent No. 7	20.1.88
Respondent No. 8	27.1.88
Respondent No. 9	29.1.88
Respondent No. 10	29.1.88
Respondent No. 11	29.1.88
Respondent No. 12	29.1.88

(13) That under the principle of determination of seniority it is being advised to state that the Respondents No. 3 to 12 have the right of determination of seniority on the post of Lower Division Clerk on the basis of their regularisation in service as Lower Division

70
Clerk.

(14) That the applicants on 23.12.1988 made a representation to the Respondents No.1 and 2 stating therein that as they have been appointed on regular and clear vacancy with probation for one year and the same has been completed satisfactorily, they are entitled to claim their seniority on the basis of their initial appointment. They further claimed that the adhoc appointee like the Respondents No.3 to 12 should not have been given place of seniority above the applicants as the Respondents No.3 to 12 are junior persons and their adhoc period is to be excluded for determining the seniority on the post of Lower Division Clerk. A true copy of the representation dated 23.12.1988 is enclosed herewith as Annexure No. 14 to this Application.

(15) That under the rules the period of appointment on adhoc basis particularly for 3 months on each occasion is not to be counted at the time of fixing the seniority of the Respondents No.3 to 12.

(16) That in any case as the applicants joined earlier on regular basis on clear posts of Lower Division Clerk and they were also appointed on probation of one year which has been completed at the end of the probationary period and, therefore, they were deemed to be confirmed on the post of Lower Division Clerk and as indicated that the ~~xxx~~ applicants resumed their posts earlier in the year 1983, therefore, in any case the applicants were senior to the Respondents No. 3 to 12.

team



(17) That, however, the representation of the Applicants was rejected vide order dated 28.2.1989 by saying that the Applicants' seniority will be reckoned from 29.6.1988.

(18) That on 17.1.1989 a seniority list has been prepared by the Central Drug Research Institute in which the names of the applicants were placed at serial no. 22, 23 and 24 and the names of the Respondents No. 3 to 12 have been placed at serial nos. 12 to 21. A photostat copy of the seniority list is enclosed herewith as Annexure No. 15 to this Application.

(19) That in the said seniority list the date of appointment has been indicated of the applicants as well as the Respondents No. 3 to 12 which also proves that the applicants are senior to the Respondents No. 3 to 12 but the applicants were wrongly placed below the Respondents No. 3 to 12.

(20) That the alleged placing the names of the applicants below the ~~xx~~ names of the Respondents No. 3 to 12 is illegal and arbitrary and also contrary to the principle of determining the seniority and the Respondents No. 1 and 2 have adopted incorrect, illegal criteria and principle of determining the seniority, therefore, the said seniority list is in violation of Articles 14, 16 and 311 of the Constitution of India.

Yours

(21) That other employees who have been appointed in similar terms and conditions under the Central Drug Research Institute have been allowed to be benefitted of all the service benefits/service conditions as are applicable to the regular staff of C.S.I.R. and on the basis of that the applicants are also entitled to be benefitted of their entire service rendered un the Respondents No.1 and 2.

(22) That past services of the Applicants particularly since the date of their joining is required to be counted for the purpose of maintaining their seniority and not from the date of 29.6.1988.

(23) That fixing the criteria 29.6.1988 by the Respondent No. 1 is totally arbitrary, illegal and contrary to the principle of determining the seniority and, therefore, it is in violation of Articles 14, 16 and 311 of the Constitution of India.

7. Details of the remedies exhausted:

The applicants declare that they have availed of all the remedies available to them under the relevant service rules, etc.

The Petitioners filed representation claiming therein to maintain their seniority in accordance with the law but the same was rejected by Annexure No. 16 to this application.

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

The applicants further declare that they had not



previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

9. Relief(s) sought

In view of the facts mentioned in para 6 above the applicant prays for the following relief(s) :-

That this Hon'ble Tribunal be pleased to quash the seniority list pertaining to the applicants vis-a-vis to the Respondents No. 3 to 12 by declaring it ultra-vires to the Constitution and arbitrary with a direction to the Respondents no.1 to 2 to determine a fresh seniority of the applicants vis-a-vis of the Respondents No.3 to 12 in accordance with the law by counting the date of initial appointment and place the applicants' names above the Respondents No.3 to 12.

G R O U N D S

(A) Because under the rules the period of appointment on adhoc basis particularly for 3 months on each occasion is not to be counted at the time of fixing the seniority of the Respondents No.3 to 12.

(B) Because the applicants joined earlier on regular basis on clear posts of Lower Division Clerk and they were also appointed on probation of one year which has been satisfactorily completed by them



and, therefore, they were deemed to be confirmed on the post of Lower Division Clerk and that the applicants resumed their posts earlier in the year 1983, therefore, in any case the applicants were senior to the Respondents No. 3 to 12.

(C) That the alleged placing the names of the applicants below the names of the Respondents No. 3 to 12 is illegal and arbitrary and also contrary to the principle of determining the seniority and the Respondents No.1 and 2 have adopted incorrect and illegal criteria and principle of determining the seniority, therefore, the said seniority list is in violation of Articles 14, 16 and 311 of the Constitution of India.

(D) Because the past services of the applicants particularly since the date of their joining is required to be counted for the purpose of maintaining their seniority and not from the date of 29.6.1988.

(E) That fixing the criteria 29.6.1988 by the Respondents No.1 and 2 is totally arbitrary, illegal and contrary to the principle of determining the seniority and, therefore, it is in violation of Articles 14, 16 and 311 of the Constitution of India.

(F) Because the adhoc appointee like the Respondents No. 3 to 12 are junior persons and their adhoc period is to be excluded for determining the seniority on the post of Lower Division Clerk.

(G) Because the applicants have been appointed on regular and clear vacancy with probation for one year and the same has been completed satisfactorily, therefore, they are entitled to claim their seniority on the basis of their initial appointment.

10. Interim order, if any prayed for :

Pending a final decision on the applicant, the applicants seek issue of the following interim order:-

It is most respectfully prayed that this Hon'ble Tribunal be pleased to restrain the Respondents No. 1 and 2 from making further promotion and confirmation/~~the~~ on the post of Upper Division Clerk which is likely to be done by meeting D.P.C. till decision of the aforesaid case or in the alternative the Respondents No. 1 and 2 may be directed to consider all the eligible candidates on the basis of their length of continuous officiation and service rendered by them including the applicants for promotion on the post of Upper Division Clerk.

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

The application is being presented personally for ~~a~~ admission.

12. Particulars of Bank Draft/Postal Order in

- : 12 : -

24

respect of the Application Fee :

1. Name of the Bank on
which drawn.

2. Demand Draft No.

Or

1. Number of Indian
Postal Order(s)

DD 4 838348

2. Name of the issuing
Post Office

Lal Bagh, Lucknow.

3. Date of Issue of
Postal Order(s)

05-05-1989

4. Post Office at
which payable

G.P.O, Allahabad.

13. List of enclosures : As per index.

An index in duplicate is enclosed.

VERIFICATION

I, Mrs. Rama Dhawan, W/o Shri K.K.Dhawan, Adult,
working as Lower Division Clerk in the Office of
Central Drug Research Institute, Library Division, Lucknow,
do hereby verify that the contents of paras 1, 3, 4, 6, 7, 8, 9, 10, 12
14, 17, 18, 19, 21, to 2 are true to my personal
knowledge and paras 2, 5, 11, 13, 15, 16, 20, 22, 23,
to 2 believed to be true on legal advice and that
I have not suppressed any material fact.

1. Rama Dhawan

Signature of the Applicant

2. W.H.S.

3. Uma Kanta Tewari

Date :

Place:

To:

The Registrar,

(51)

BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH

LUCKNOW

O A NO.

/ 1989

SMT. RAMA DHAWAN AND OTHERS ----- APPLICANTS

VS

D COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH ----- AND OTHERS

ANNEXURE No - 15

(51)

(50)

CENTRAL DRUG RESEARCH INSTITUTE
(Council of Scientific and Industrial Research, Ich)

Chettar Manzil, Faizabad,
Lucknow.

No: 5 (176) /83-Estt.I.

Dated : 17.01.1989

OFFICE MEMORANDUM

Subject: - Provisional seniority list/in respect of
LDC's after absorption of Scheme staff.

The Departmental promotion Committee is likely to
meet shortly to consider the cases of LDC's for promotion
as UDC. A provisional seniority list drawn after absorption
of scheme staff has been prepared and is enclosed.

Concerned LDC's are requested to note their position
and other details in the seniority list and may point-out
discrepancies, if any, found by them in the provisional
seniority list, to the undersigned within 15 days from the
date of issue of Office Memorandum. If comments/objections
are not received within stipulated time, it will be presumed
that the seniority drawn is correct and shall be finalized
accordingly. Objections raised after stipulated date are
likely to be rejected.

OK/AN/90

(P.L. SH)
SECTION OFFICER
T.R.C.

Copy to: -

1. Section Officer (Estt.I.)
2. Section Officer (Estt.II.)
3. Section Officer (Bills & Cash)
4. Sr.F & A.O.
5. Store Purchase Officer
6. Section Officer (General)
7. Scientist-in-charge (Library)
8. Scientist-in-charge (F.T.)
9. Scientist-in-charge (En'to)
10. Stores Officer

For circulation
amongst LDC's
working under
them.

[Signature]

A.P.

[Signature]

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**PROVISIONAL SENIORITY LIST IN
RESPECT OF LDCS AFTER ABSORPTION
OF SCHEME STAFF AS ON 1.1.1989**

Sl. No. Name

Date of birth	Qualification	Date of app'tt.	Post wh. in the present	confirm
---------------	---------------	-----------------	----------------------------	---------

1	2	3	4	5	6	7	8
1. Sh.Hem Chandra	28.07.1957	B.Com.	01.09.1980	-	Bill	-	-
2. Smt.Harjeet Johar	18.09.1959	B.A.	01.09.1980	-	E.II.	-	-
3. Sh.J.R.D.Parwani	12.10.1957	B.Cum.	16.07.1981	-	Bill	-	-
4. Sh.Suresh Kumar	13.04.1959	B.Com.	20.10.1981	-	Accounts	-	-
5. Sh.C.S.Kendpal	15.12.1960	B.Com.	16.10.1981	-	Accounts	-	-
6. Smt.Valsala G.Nair	17.05.1957	Inter. Pre Degree of Uni 8F Kerela	23.05.1983	-	Library	-	-
7. Sh.Shiva Kant	24.07.1957	M.A.LIB PGDC, D2K	23.05.1983	-	Estt.I.	-	-
8. Sh.Dadi Rani	10.01.1964	Inter	23.05.1983	-	Store	-	-
9. Smt.Radha Sasidharan	25.11.1959	SSLC	23.05.1983	-	Accounts	-	-
10. Sh.B.K.Shukla	02.07.1957	B.Com.	23.05.1983	-	Library	-	-

1	2	3	4	5	6	7	8
11.	Sh.Birendra Singh	05.07.1958	B.T.C.	29.07.1983	-	Cash	-
12.	Sh.Dilip Kumar Sen	03.09.1961	Inter	18.12.1995	-	General	-
13.	Sh.Tej Singh	15.02.1955	B.Sc.	28.01.1988	-	Med.Mycology	-
14.	Mrs.Lata Bhatia	10.05.1959	B.A.	04.04.1988	-	E.II.	-
15.	Mrs.Kunjumul Varghese	25.05.1960	SSLC	29.01.1988	-	Endo.	-
16.	Sh.Dilip Kumar Khare	01.03.1962	M.Com.	20.01.1988	-	Accounts	-
17.	Sh.Mahendra Kumar	31.03.1962	B.Com.	27.01.1988	-	Purchase	-
18.	Sh.Shib Lal Gupta	01.09.1958	B.I.A.	29.01.1988	-	General	-
19.	Sh.Arun Kumar Banerjee	04.07.1962	B.Com.	29.01.1988	-	Accounts	-
20.	Sh.Ganga Bin.Yadav	14.05.1959	B.B.	29.01.1988	-	General	-
21.	Km.Aparna	04.04.1963	B.I.A.	29.01.1988	-	Estt.I.	-
22.	Smt.Rana Dhawan	06.12.1957	B.B.	22.08.1983	-	Library	-
23.	Sh.Kamlesh Kumar Misra	01.07.1955	B.B.	04.03.1983	-	Store	-
24.	Sh.Uma Kant Tewari	01.05.1959	B.Sc.	05.03.1983	29-6-88	Accounts	-
25.	Sh.Dilip Kumar	05.06.1961	B.A.LLB	04.02.1984	-	General	S.C.
26.	Sh.Kailash Chandra	27.09.1959	Inter	29.03.1984	-	General	S.C.

⑧ Printed regular list of cases w.e.f. 29-6-88
vide case letter No 146(2) / 84 Estt. on 29/6/88.

Printed
29/6/88

(54)

BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW

O A NO. / 1989

SMT. RAMA DHAWAN AND OTHERS ----- APPLICANTS

VS

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH ----- AND OTHERS

ANNEXURE No. - 16

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH
 Anusandhan Bhawan
 Rafi Marg, New Delhi-110001.

No.14(6)/6/84-E.II.

Dated : 28.02.1989.

From

Joint Secretary (Admn.)
 Council of Scientific and
 Industrial Research

To

The Director,
 Central Drug Research Institute,
 Lucknow.

Sub:- Redress of the Grievances-Protection of Seniority
 of the LDC's working in schemes over LDC's (Ad-hoc)
 brought on regular strength of CDRI.

.....

Sir,

I am directed to refer to a representation dated 23.12.1988 from Shri U.K.Tiwari, LDC addressed to DG SIR and copy endoresed to the Grievance Committee of your Institute on the above subject and to state that as per condition No.4 of this office letter of even number dated 29.6.1988 seniority will be reckoned from 29.6.1988 i.e. the date of issue of instructions.

Shri U.K.Tiwari, may kindly be informed accordingly.

Yours faithfully,

Sd/-
 (K.L. Katyal)
 Under Secretary

CENTRAL DRUG RESEARCH INSTITUTE
 (Council of Scientific and Industrial Research)

Chattar Manzil Palace,
 Lucknow.

No.5(88)/81-Estt.I.

Dated : 15.03.1989

Copy to:-

✓ 1. Sh.U.K.Tiwari, LDC
 2. S.O. (E.II.)
 3. Accounts Section
 4. Dr.S.K.Basu, Chairman, Grievance Committee
 C.D.R.I., Lucknow.

(P.L. SAH)
 SECTION OFFICER

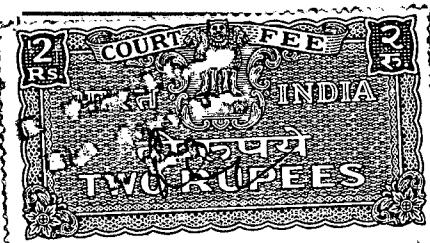
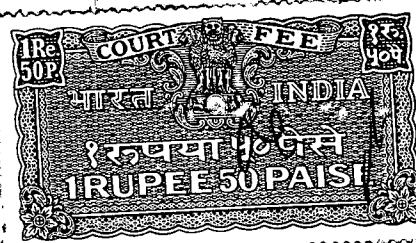
बुद्ध अदालत धीमान्

[वादी अपीलान्ट]

प्रतिवादी [रेस्पाइंट]

Dr. L. M. Patel Central Admnistrative Tribunal
का बिवालतनामा
Current Period, Lucknow

महोदय



Mr. Rama Dhama
and wife

वादी (अपीलान्ट) ॥

C.R.

बनाम

प्रतिवादी (रेस्पाइंट)

नं० मुकदमा

सन्

पेशी की ताता०

१६ ई०

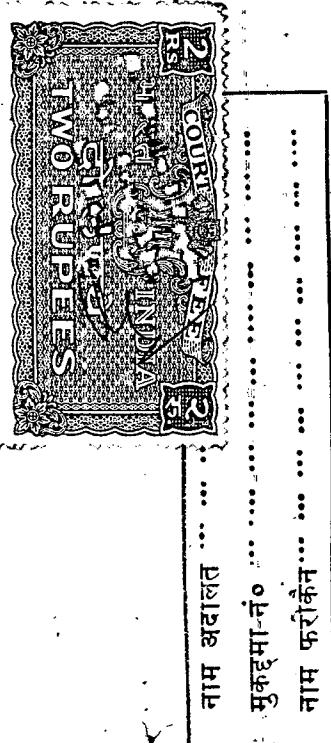
ऊपर लिखे मुकदमा में अपनी ओर से श्री

M. P. Shama, Premodhama

वकील

महोदय

एडवोकेट



को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय एवं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रूपया बसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावें या कोई रूपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसाइ से लेवे या पंच 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 पा किसी अपने पैरोकर को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफ 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 ।

साक्षी (गवाह)

हस्ताक्षर

1. *Ramchandra* ॥

साक्षी (गवाह)

दिनांक महीना सन् १६ ई०

स्वीकृत

3. Uma Kant Jiwani

4-5-89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH : LUCKNOW.

Application Under Sec. 19 of the Administrative Tribunals
Act, 1985

MRS. RAMA DHAWAN & OTHERS APPLICANTS

VERSUS

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH,
NEW DELHI & ANOTHER RESPONDENTS.

I N D E X

Sl. No.	Particulars	Page No.
1.	Annexure No. 1 (True copy of appointment order)	13-14
2.	Annexure No. 2 (True copy of appointment order)	15-16
3.	Annexure No. 3 (True copy of appointment order)	17-18
4.	Annexure No. 4-13 (True copy of appointment orders of OPs 3 to 12)	19-48
5.	Annexure No. 14 (True copy of representation)	49-50

Dated: 12.5.89

Ex-Sub
Signature of Applicant.

(13)

BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,

LUCKNOW

O A NO.

/ 1989

SMT. RAMA BHAWAN AND OTHERS ----- APPLICANTS

VS

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH ----- AND OTHERS

ANNEXURE No. 1

CENTRAL DRUG RESEARCH INSTITUTE
(Council of Scientific & Industrial Research)

Chattar Manzil Palace,
Lucknow-226001.

No. 5(106)/80-Estt.I.

Dated: **22.8.83**

MEMORANDUM

Subject: Appointment in the C.D.R.I., Lucknow under NICDAP SCHEME.

*23.6.83 On the basis of the results of written and typewriting tests held on 17.4.83 and Interview on 6, the Director, Central Drug Research Instt. has been pleased to approve the appointment of Mr. Ram Dhasar as Lower Division Clerk in NICDAP SCHEME Tenable at C.D.R.I., Lucknow on the following terms and conditions of service :-

1. His/Her initial pay will be Rs. 260/- p.m. in the scale of Rs. 260-6-290-1B-6-326-1B-8-366-1B-8-390-10-400 plus usual allowances as are admissible to other Council servants of the same pay and status stationed at Lucknow.

2. The appointment is under the NICDAP Scheme.

3. He/She will be liable for transfer to any of the Laboratory/ Institute under the control of CSIR any-where in India.

4. He/She will be on probation for a period of one year which may be extended or curtailed at the discretion of the competent authority. During the period of probation, his/her appointment may be terminated at any time without any reason being assigned.

5. His/Her appointment will be temporary in the said Scheme for the duration of the scheme and he/she will have no right for absorption in the regular cadre of the Institute. The service of a temporary employee may be terminated by a month's notice on either side, viz. the appointee or the appointing authority without assigning any reasons. The appointment authority also reserves the right of terminating the services of the appointee forthwith or before the expiry of the stipulated period of notice by making payment to him/her of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.

6. He/She will have to produce two Character Certificates from two Gazetted Officers of the Central or Provincial Governments or Stipendiary Magistrates in the prescribed form, enclosed.

7. No travelling allowance will be paid for reporting for duty.

8. His/her appointment will be subject to his/her producing the following documents at his/her own expense as indicated below in each case:-

(a) Medical Certificate of fitness for service from a Chief Medical Officer in the prescribed form enclosed (to be produced at the time of joining duty).

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(b) Documentary proof in respect of his/her date of birth/ educational qualifications in original (to be produced at the time of reporting for duty).

9. He/She will have to take an Oath of allegiance to the Constitution of India.

10. (a) If married, he is required to sign a declaration that he has not more than one living wife and if unmarried he will not marry a second time while his first wife is alive save with the permission of the competent authority.

(b) If married, she is required to sign a declaration that she will not marry any person who has a wife living without permission of the competent authority.

11. He/She will not be allowed to carry forward寒缺 leave granted by him/her in his/her previous post, if any.

12. The provisions of the Central services (Classifications) control and Appeal) Rules, C.C.S. (Conduct) Rules and such other rules or executive orders as may, from time to time be applicable to the servants of the Council shall apply to the extent to which they are applicable to the service hereby provided for and the decision of the Council as to their applicability shall be final.

13. In case, he/she had migrated to India from Pakistan after 18.7.1948, his/her appointment will be subject to production of Indian Citizenship issued in his/her favour under the provisions of Sec. 5(i) (a) of the Citizenship Act., 1955, at the time of reporting for duty.

14. If any information or declaration given by him/her proves to be false or he is found willfully suppressed any material information, he/she will be liable to removal from service and such other action as may be deemed necessary.

If Mrs. Renu Dhawan is willing to accept the offer of appointment on the aforesaid terms and conditions, he/she should report himself/herself for duty to the undersigned together with the aforesaid documents duly completed in all respects.

ADMINISTRATIVE OFFICER
(C. A. S.)

To.

Mrs. Renu Dhawan,
C/o Sh. V. K. Dhawan,
Bhartiya Dep'tt.,
H.A.L., Lucknow.

Copy to:-

1. Dealing Asstt. (P/F) Scheme ~~alongwith application & Character~~
2. Accounts Section. ~~I~~ Appointment has been made ~~certificat~~
3. Bill Section. ~~I~~ Vice Sh. Birendra Singh, LDC
4. Scientist I/C., Information
5. Scientist I/C., Library.

Hem/

Recd

1. 2. 3. 4. 5.

(15)

BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,

LUCKNOW

O A NO.

/ 1989

SMT. RAMA DHAWAN AND OTHERS ----- APPLICANTS

VS

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH ----- AND OTHERS

ANNEXURE NO. - 2

CENTRAL DRUG RESEARCH INSTITUTE
(Council of Scientific & Industrial Research)

Chattar Manzil Palace,
Lucknow-226001.

No. 5(106)/80-Estt.I.

Dated: 1.8.83

MEMORANDUM

Subject: Appointment in the C.D.R.I., Lucknow under NICDAP Scheme

(G)

Reference: CSIR letter No.5/33-E.II dated July 83.

On the basis of the results of written and typewriting tests held on 17.4.83 and interview on 23.6.83 the Director, Central Drug Research Instt. has been pleased to approve the appointment of Sh. Kamlesh Kumar Misra as Lower Division Clerk in NICDAP Scheme tenable

at C.D.R.I., Lucknow on the following terms and conditions of service :-

1. His/Her initial pay will be Rs. 260/- p.m. in the scale of Rs. 260-6-290-EB-6-326-EB-8-366-EB-8-390-10-400 plus usual allowances as are admissible to other Council servants of the same pay and status stationed at Lucknow.

2. The appointment is under the NICDAP Scheme

3. He/She will be liable for transfer to any of the Laboratory, Institute under the control of CSIR anywhere in India.

4. He/She will be on probation for a period of one year which may be extended or curtailed at the discretion of the competent authority. During the period of probation, his/her appointment may be terminated at any time without any reason being assigned.

5. His/Her appointment will be temporary in the said Scheme for the duration of the scheme and he/she will have no right for absorption in the regular cadre of the Institute. The service of a temporary employee may be terminated by a month's notice on either side, viz. the appointee or the appointing authority without assigning any reasons. The appointment authority also reserves the right of terminating the services of the appointee forthwith or before the expiry of the stipulated period of notice by making payment to him/her of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.

6. He/She will have to produce two Character Certificates from two Gazetted Officers of the Central or Provincial Governments or Stipendiary Magistrates in the prescribed form, enclosed.

7. No travelling allowance will be paid for reporting for duty.

8. His/her appointment will be subject to the production of the following documents at his/her own expense as indicated below in each case:-

(a) Medical Certificate of fitness for service from Chief Medical Officer in the prescribed (to be produced at the time of joining)

Dr. D. Sigma

25/8/83

(17)

BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW

O A NO.

/ 1989

SMT. RAMA DHAWAN AND OTHERS ----- APPLICANTS

VS

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH ----- AND OTHERS

ANNEXURE No. - 3

(17) A-3
CENTRAL DRUG RESEARCH INSTITUTE
(Council of Scientific & Industrial Research)

Chattar Manzil Palace,
Lucknow-226001.

No. 5(106)/80-Estt.I.

Dated: 03.08.1988

MEMORANDUM

Subject: Appointment in the C.D.R.I., Lucknow under
NICDAP SCHEME.

On the basis of the results of written and typewriting tests held on 17.04.1981 and 23.05.1982, the Director, Central Drug Research Instt. has been pleased to approve the appointment of Sh. Ima Kant Tewari as Lower Division Clerk in NICDAP SCHEME TENURE at C.D.R.I., Lucknow on the following terms and conditions of service :-

1. His ~~xxx~~ initial pay will be Rs. 260/- p.m. in the scale of Rs. 260-6-290-EB-6-326-M-8-360-M-8-390-10-400 plus usual allowances as are admissible to other Council servants of the same pay and status stationed at Lucknow.

2. The appointment is under the NICDAP Scheme.

3. He ~~xxx~~ will be liable for transfer to any of the Laboratory Institute under the control of CSIR any-where in India.

4. He ~~xxx~~ will be on probation for a period of one year which may be extended or curtailed at the discretion of the competent authority. During the period of probation, his/her appointment may be terminated at any time without any ~~xxx~~ being assigned.

5. His ~~xxx~~ appointment will be temporary in the said Scheme for the duration of the scheme and he/she will have no right for absorption in the regular cadre of the Institute. The service of a temporary employee may be terminated by a month's notice on either side, viz. the appointee or the appointing authority without assigning any reasons. The appointment authority also reserves the right of terminating the services of the appointee forthwith or before the expiry of the stipulated period of notice by making payment to him/her of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.

6. He ~~xxx~~ will have to produce two Character Certificates from two Gazetted Officers of the Central or Provincial Governments or Stipendiary Magistrates in the prescribed form, enclosed.

7. No travelling allowance will be paid for reporting for duty.

8. His ~~xxx~~ appointment will be subject to the production of the following documents at his/her own expense as indicated below in each case:-

(a) Medical Certificate of fitness for service from a Chief Medical Officer in the prescribed form enclosed (to be produced at the time of joining duty)

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[M. P. S. 1988]

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(b) Documentary proof in respect of his/her date of birth/educational qualifications in original (to be produced at the time of reporting for duty).

9. He/She will have to take an Oath of allegiance to the Constitution of India.

10. (a) If married, he is required to sign a declaration that he has not more than one living wife and if unmarried he will not marry a second time while his first wife is alive save with the permission of the competent authority.

(b) If married, she is required to sign a declaration that she will not marry any person who has a wife living without permission of the competent authority.

11. He/She will not be allowed to carry forward his/her leave earned by him/her in his/her previous post, if any.

12. The provisions of the Central services (Classifications) control and Appeal Rules, C.G.S. (Conduct) Rules and such other rules or executive orders as may, from time to time be applicable to the servants of the Council shall apply to the extent to which they are applicable to the service hereby provided for and the decision of the Council as to their applicability shall be final.

13. In case, he/she had migrated to India from Pakistan after 18.7.1948, his/her appointment will be subject to production of Indian Citizenship issued in his/her favour under the provisions of Sec. 5(i) (a) of the Citizenship Act., 1955, at the time of reporting for duty.

14. If any information or declaration given by him/her proves to be false or he is found willfully suppressed any material information, he/she will be liable to removal from service and such other action as may be deemed necessary.

If _____ is willing to accept the offer of appointment ~~on the said~~ on the aforesaid terms and conditions, he/she should report himself/herself for duty to the undersigned together with the aforesaid documents duly completed in all respects.

Arora

ADMINISTRATIVE OFFICER

To.

Mr. B. B. Bhat
Typist
Mr. M. N. Mehta
C. Librarian

Copy to:-

- 1. Dealing Asstt. (P/F) Scheme
- 2. Accounts Section
- 3. Bill Section. *Appointment has been made against newly prepared post in Marketing Cell under E&CNP Scheme.*
- 4. Scientist I/C., Information
- 5. Scientist I/C., Library.

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BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUC KNOW

O A NO.

/1989

SMT. RAMA DHAWAN AND OTHERS ----- APPLICANTS
VS

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH ----- AND OTHERS

ANNEXURE No. - 4

V
62

CENTRAL DRUG RESEARCH INSTITUTE
(Council of Scientific & Industrial Research)

Chatter Manzil
Palace, Lucknow.

W.O. 5(185)/84-Estt.I.

Dated: 17-12-1985

MEMORANDUM

Subject: Appointment in the C.S.I.R., Lucknow.

On the basis of the result of written test and typewriting test held on 03.11.85 and interview on 12.12.85 the Director, Central Drug Research Institute, has been pleased to approve the appointment of Shri Dillip Kumar Sen as Lower Division Clerk (Hindi) in the C.S.I.R., Lucknow on the following terms and conditions of service :-

1. His initial pay will be Rs. 260/- p.m. in the scale of Rs. 260-6-290-2L6-326-8-366-400-8-390-10-400 plus the usual allowances as are admissible to other Council servants of the same pay and status stationed at Lucknow.
2. The appointment is under the Council of Scientific and Industrial Research which is an autonomous body.
3. He will be on probation for a period of one year which may be extended or curtailed at the discretion of the competent authority. During the period of probation his appointment may be terminated at any time without notice and without any reason being assigned.
4. He will be liable for transfer to any of the Laboratory/Institute under the control of C.S.I.R. anywhere in India.
5. His appointment will be temporary in the first instance. The services of a temporary employee may be terminated by a month's notice on either side, viz. the appointee or the appointing authority, without assigning any reasons. The appointing authority also reserves the right of terminating the services of the appointee forthwith or before the expiry of the stipulated period of notice by making payment to him of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.
6. The service is pensionable. He will be required to contribute compulsorily to the G.P.Fund at such minimum rate as may be prescribed by the C.R.C. from time to time.
7. He will have to produce two character certificates from two gazetted officers of the Central or Provincial Governments or stipendiary magistrates in the prescribed form. (enclosed).
8. He travelling allowance will be paid out during his duty. *Rs. 2.*

M. P. Mehta
M. P. Mehta
17-12-1985

Recd

9. His appointment will be subject to the production of the following documents at his own expense as indicated below in each case :-

- (a) Medical Certificate of fitness for service from a Chief Medical Officer in the prescribed form, enclosed (to be produced within a week).
- (b) Documentary proof in respect of his date of birth/ educational qualifications in original (to be produced at the time of reporting for duty).
- (c) Certificate of Scheduled Caste/Scheduled Tribes in the enclosed prescribed form duly signed/countersigned required therein.

10. He will have to take an Oath of allegiance to the Constitution of India.

11. If married, he is required to sign a declaration that he has not more than one living wife and if unmarried he will not marry a second time while his first wife is alive save with the permission of the competent authority.

12. He will not be allowed to carry forward his leave earned by him in his previous post, if any.

13. The provisions of the Central Services (Classification, Control and Appeal) Rules, Central Civil Services (Conduct) Rules and such other rules or executive orders as may, from time to time be applicable to the servants of the Council shall apply to the extent to which they are applicable to the service hereby provided for and the decision of the Council as to their applicability shall be final.

14. In case, he had migrated to India from Pakistan after 18.7.1948, his appointment will be subject to production of Indian Citizenship issued in his favour under the provisions of Sec. 5(1) (a) of the Citizenship Act, 1955, at the time of reporting duty.

15. If any information or declaration given by him proves to be false or if he found wilfully suppressed any material information, he will be liable to removal from service and such other action as may be deemed necessary.

If Shri Dilip Kumar Sen is willing to accept the offer of appointment on the aforesaid terms and conditions, he should report himself for duty to the undersigned immediately together with the aforesaid documents duly completed in all respects.

To

Sh. Dilip Kumar Sen
Div. of Microbiology,
C.D.K.I., Lucknow.

(R.D. CHAKRA)
ADMINISTRATIVE OFFICER (S.I.)

M. P. Sharma
Advocate

S.W.

- 3 -

1. Accounts Section
 2. Bill Section

Appointment has been made
 against downgrade post of
 Jr. Stenographer (Hindi) to
 L.D.C. (Hindi) vice Com. letter
 No. 17(14)/82-etc.11. (J.3)
 dated 7th Feb., 1984.

3. D.O. (A&T)

alongwith application,
 attestation form and
 character certificate.

4. Scientist I/C. (Microbiology)
 5. Scientist I/C. (Information)
 6. Scientist I/C. (Library)
 7. Scientist I/C. (Record)
 8. S.O. (A)

S.W.

ADMINISTRATIVE OFFICER (A)

A.L. Chawla

M. P. Chawla

(22)

BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,

LUCKNOW

O A NO..

/ 1989

SMT. RAMA DHAWAN AND OTHERS ----- APPLICANTS

VS

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH ----- AND OTHERS

ANNEXURE No. - 5

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH
(Council of Scientific & Industrial Research)

Chattar Manzil Palace,
Lucknow-226001

No. 5(106)/80-Catt.1(Vol.111)

Date: 27.01.1988

OFFICE MEMORANDUM

Sub:- Appointment in the C.D.R.I., Lucknow.

In pursuance of the CSIR letter No.17(16)/71-E.II,(U-2), dated 29.12.87, the Director, Central Drug Research Institute, Lucknow, has been pleased to approve the appointment of Shri Tej Singh, L.D.C.-ad-hoc, as Lower Division Clerk against the posts created by the CSIR for his/her absorption in DRI on the following terms and conditions of services:-

(1) The pay of the candidate will be fixed as per rules in the scale of Rs.950-20-1150-E8-25-1500 plus the usual allowance s are admissible to other Council servants of the same pay and status stationed at Lucknow.

(2) The appointment is under the Council of Scientific & Industrial Research which is an autonomous body.

(3) He/She will be liable for transfer to any of the laboratories/Institutes under the control of CSIR anywhere in India.

(4) He/She will be on probation for a period of one year which may be extended or curtailed at the discretion of the Competent Authority. During the period of probation his/her appointment may be terminated at any time without notice and without any reason being assigned.

(5) His/Her appointment will be temporary in the first instance. The service of a temporary employee may be terminated by a month's notice on either side, viz. the appointee or the appointing authority, without assigning any reasons. The appointing authority also reserves the right of terminating the services of the appointed forthwith or before the expiry of stipulated period of notice by making payment to him/her of a sum equivalent to the pay and allowance for the period of notice or the unexpired portion thereof.

(6) The services are pensionable. He/She will be required to contribute compulsorily to the G.P.Funds at such minimum rate as may be prescribed by the CSIR from time to time.

contd..../2

ex-act

M. P. Singh
[M. P. Singh]

16. If any information or declaration given by him/her proves to be false or if he/she is found to have wilfully supplied any material information, he/she will be liable to removal from service and such other action as may be deemed necessary.

If he/she is willing to accept the offer of appointment on the aforesaid terms and conditions, he/she should report himself/herself for duty to the undersigned immediately together with the aforesaid documents duly completed in all respects.

To

(H.C. CHHABRA)
ADMINISTRATIVE OFFICER(S.)

Shri Tuj Singh, - through S.o.I/o.(Med. & Hygiene)
LDC,

COPY TO:-

- 1. Dealing Assistant
- 2. Accounts Section } against newly created posts.
- 3. Bill Section }
- 4. Scientist I/C., Library.
- 5. Scientist I/C., Information
- 6. Scientist I/C.,

read

1C

Mr

M. P. Sharma

(25)

1/10/89

BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,

LUCKNOW

O A NO.

/ 1989

SMT. RAMA DHAWAN AND OTHERS ----- APPLICANTS

VS

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH ----- AND OTHERS

ANNEXURE NO. - 6

A-6 (P)
A-9

CENTRAL DRUG RESEARCH INSTITUTE
(Council of Scientific & Industrial Research)

Chattar Manzil Palace,
Lucknow-226001

No.5(106)/80-Estt.I(Vol.III)

Dated: 27.01.1988

OFFICE MEMORANDUM

Sub:- Appointment in the C.D.R.I., Lucknow.

In pursuance of the CSIR letter No.17(16)/71-E.II,(U-2), dated 29.12.87, the Director, Central Drug Research Institute, Lucknow, has been pleased to approve the appointment of ~~Anti-Lep. Station, L.D.C. ad hoc~~ ~~as Lower Division Clerk~~ ~~W.H.I.~~ on the following terms and conditions of services:-

1) The pay of the candidate will be fixed as per rules in scale of Rs.950-20-1150-E8-25-1500 plus the usual allowance admissible to other Council servants of the same pay and class stationed at Lucknow.

2) The appointment is under the Council of Scientific & Industrial Research which is an autonomous body.

3) He/She will be liable for transfer to any of the Laboratories/Institutes under the control of CSIR anywhere in India.

4) He/She will be on probation for a period of one year which may be extended or curtailed at the discretion of the Competent Authority. During the period of probation his/her appointment may be terminated at any time without notice and without any reason being assigned.

(5) His/Her appointment will be temporary in the first instance. The service of a temporary employee may be terminated by a month's notice on either side, viz, the appointee or the appointing authority, without assigning any reasons. The appointing authority also reserves the right of terminating the services of the appointee forthwith or before the expiry of stipulated period of notice by making payment to him/her of a sum equivalent to the pay and allowance for the period of notice or the unexpired portion thereof.

The services are pensionable. He/She will be required to contribute compulsorily to the G.P. Funds at such minimum rate as may be prescribed by the CSIR from time to time.

contd..../2

M. P. S/irma

30

-3-

16. If any information or declaration given by him/her proved to be false or if he/she is found to have wilfully suppressed any material information, he/she will be liable to removal from service and such other action as may be deemed necessary.

If he/she is willing to accept the offer of appointment on the aforesaid terms and conditions, he/she should report himself/herself for duty to the undersigned immediately together with the aforesaid documents duly completed in all respects.

To

Smt. Lata Bhatia, - through S.L.(E.II)ADMINISTRATIVE OFFICER (S.)
L.D.C.,

(H.L. CHHABRA)

F.S.C.

Copy to:-

- 1. Dealing Assistant,
- 2. Accounts Section } against newly created posts.
- 3. Bill Section
- 4. Scientist I/C., Library.
- 5. Scientist I/C., Information
- 6. Scientist I/C.,

Sd/

LC
N
F.M. P. Secretary
[Signature]

(28)

(25)

BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,

LUCKNOW

O A NO.

/ 1989

SMT. RAMA DHAWAN AND OTHERS ----- APPLICANTS

VS

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH ----- AND OTHERS

ANNEXURE No. - 7

(28)

CENTRAL DRUG RESEARCH INSTITUTE
(Council of Scientific & Industrial Research)

Chittor Manzil Palace,
Lucknow-226001

No.5(106)/UU-Lett.I(Vol.III)

Dated: 27.01.1988

OFFICE MEMORANDUM

Subject:- Appointment in the C.D.R.I., Lucknow.

In pursuance of the CSIR letter No.17(16)/71-E.II,(U-2), dated 29.12.87, the Director, Central Drug Research Institute, Lucknow, has been pleased to approve the appointment of Km. Kunjumal T.S., L.D.C.-(ad-hoc), as Lower Division Clerk against the posts created by the CSIR for his/her absorption in CDRI on the following terms and conditions of services:-

- (1) The pay of the candidate will be fixed as per rules in the scale of Rs.950-20-1150-E8-25-1500 plus the usual allowance as are admissible to other Council servants of the same pay and status stationed at Lucknow.
- (2) The appointment is under the Council of Scientific & Industrial Research which is an autonomous body.
- (3) He/She will be liable for transfer to any of the Laboratories/Institutes under the control of CSIR anywhere in India.
- (4) He/She will be on probation for a period of one year which may be extended or curtailed at the discretion of the Competent Authority. During the period of probation his/her appointment may be terminated at any time without notice and without any reason being assigned.
- (5) His/Her appointment will be temporary in the first instance. The service of a temporary employee may be terminated by a month's notice on either side, viz., the appointee or the appointing authority, without assigning any reasons. The appointing authority also reserves the right of terminating the services of the appointee forthwith or before the expiry of stipulated period of notice by making payment to him/her of a sum equivalent to the pay and allowance for the period of notice or the unexpired portion thereof.
- (6) The services are pensionable. He/She will be required to contribute compulsorily to the G.P. Funds at such minimum rate as may be prescribed by the CSIR from time to time.

contd..../2

M. P. Sharma
Advocate

15. If any information or declaration given by him/her proved to be false or if he/she is found to have wilfully suppressed any material information, he/she will be liable to removal from service and such other action as may be deemed necessary.

If he/she is willing to accept the offer of appointment on the aforesaid terms and conditions, he/she should report himself/herself for duty to the undersigned immediately together with the aforesaid documents duly completed in all respects.

To

(H.C. CHHABRA)
ADMINISTRATIVE OFFICER (S)

o Km. Kunjumal T.S. - through Sc.I/c.(Endo.)
L.D.C.

Copy to:-

1. Dealing Assistant	against newly created posts.
2. Accounts Section	
3. Bill Section	
4. Scientist I/C., Library.	
5. Scientist I/C., Information	
6. Scientist I/C.,	

skewb

EC
 T.M. P. Sharma
 [Signature]

(31)

(31)

BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,

LUCKNOW

O A NO.

/1989

SMT. RAMA DHAWAN AND OTHERS ----- APPLICANTS

VS

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH ----- AND OTHERS

ANNEXURE No. - 8

(31)

A-8
8

CENTRAL DRUG RESEARCH INSTITUTE
(Council of Scientific & Industrial Research)

Chattar Manzil Palace,
Lucknow-226001

No.5(106)/80-Estt.I(Vol.III)

Dated: 27.01.1988

OFFICE MEMORANDUM

Sub:- Appointment in the C.D.R.I., Lucknow.

In pursuance of the CSIR letter No.17(16)/71-E.II,(U-2), dated 29.12.87, the Director, Central Drug Research Institute, Lucknow, has been pleased to approve the appointment of Shri D.K. Khare, L.D.C.- ad-hoc, as Lower Division Clerk against the posts created by the CSIR for his/her absorption in CDRI on the following terms and conditions of services:-

(1) The pay of the candidate will be fixed as per rules in the scale of Rs.950-20-1150-E8-25-1500 plus the usual allowance as are admissible to other Council servants of the same pay and status stationed at Lucknow.

(2) The appointment is under the Council of Scientific & Industrial Research which is an autonomous body.

(3) He/She will be liable for transfer to any of the Laboratories/Institutes under the control of CSIR anywhere in India.

(4) He/She will be on probation for a period of one year which may be extended or curtailed at the discretion of the Competent Authority. During the period of probation his/her appointment may be terminated at any time without notice and without any reason being assigned.

(5) His/Her appointment will be temporary in the first instance. The service of a temporary employee may be terminated by a month's notice on either side, viz, the appointee or the appointing authority, without assigning any reasons. The appointing authority also reserves the right of terminating the services of the appointee forthwith or before the expiry of stipulated period of notice by making payment to him/her of a sum equivalent to the pay and allowance for the period of notice or the unexpired portion thereof.

(6) The services are pensionable. He/She will be required to contribute compulsorily to the G.P. Funds at such minimum rate as may be prescribed by the CSIR from time to time.

contd..../2

Mem

AC

Mr

100.00/-

X
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-3-

16. If any information or declaration given by him/her proved to be false or if he/she is found to have wilfully suppressed any material information, he/she will be liable to removal from service and such other action as may be deemed necessary.

If he/she is willing to accept the offer of appointment on the aforesaid terms and conditions, he/she should report himself/herself for duty to the undersigned immediately together with the aforesaid documents duly completed in all respects.

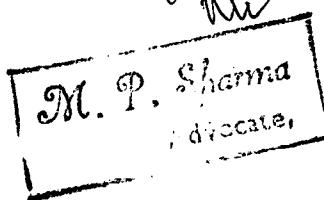
To

Sh. D.K.Khare, - through(Fin. & Acc Officer)
L.D.C. (H.P. CHAWLA)
ADMINISTRATIVE OFFICER(S.G.)
SIC

Copy to:-

1. Dealing Assistant
2. Accounts Section against newly created posts.
3. Bill Section
4. Scientist I/C., Library.
5. Scientist I/C., Information
6. Scientist I/C.
7. S.A. - F & A/ in Office

Exhibit B

2
Mr

(34)

(P.S.)

BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL , CIRCUIT BENCH,

LUCKNOW

O A N O.

/1989

SMT. RAMA DHAWAN AND OTHERS ----- APPLICANTS

VS

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH ----- AND OTHERS

ANNEXURE No. - 9

Recd No 9

CENTRAL DRUG RESEARCH INSTITUTE
(Council of Scientific & Industrial Research)

Chattar Manzil Palace,
Lucknow-226001

No.5(106)/80-Estt.I(Vol.III)

Dated:

27.01.1988

OFFICE MEMORANDUM

Sub:- Appointment in the C.D.R.I., Lucknow.

In pursuance of the CSIR letter No.17(16)/71-E.II,(U-2), dated 29.12.87, the Director, Central Drug Research Institute, Lucknow, has been pleased to approve the appointment of against the pay scale of Rs. 950-20-1150-E8-25-1500, L.D.C.-ad-hoc, as Lower Division Clerk CDRI on the following terms and conditions of services:-

- (1) The pay of the candidate will be fixed as per rules in the scale of Rs. 950-20-1150-E8-25-1500 plus the usual allowance as are admissible to other Council servants of the same pay and status stationed at Lucknow.
- (2) The appointment is under the Council of Scientific & Industrial Research which is an autonomous body.
- (3) He/She will be liable for transfer to any of the Laboratories/Institutes under the control of CSIR anywhere in India.
- (4) He/She will be on probation for a period of one year which may be extended or curtailed at the discretion of the Competent Authority. During the period of probation his/her appointment may be terminated at any time without notice and without any reason being assigned.
- (5) His/Her appointment will be temporary in the first instance. The service of a temporary employee may be terminated by a month's notice on either side, viz. the appointee or the appointing authority, without assigning any reasons. The appointing authority also reserves the right of terminating the services of the appointee forthwith or before the expiry of stipulated period of notice by making payment to him/her of a sum equivalent to the pay and allowance for the period of notice or the unexpired portion thereof.
- (6) The services are pensionable. He/She will be required to contribute compulsorily to the G.P. Funds at such minimum rate as may be prescribed by the CSIR from time to time.

25
contd..../2

M. P. Sharma
M. P. Sharma
Secretary



-3-

16. If any information or declaration given by him/her proves to be false or if he/she is found to have wilfully suppressed any material information, he/she will be liable to removal from service and such other action as may be deemed necessary.

If he/she is willing to accept the offer of appointment on the aforesaid terms and conditions, he/she should report himself/herself for duty to the undersigned immediately together with the aforesaid documents duly completed in all respects.

To

D. C. S.
(H.C. CHHADRA)
ADMINISTRATIVE OFFICER(S.O.)
Shri Mahendra Kumar -through(Purchaser Officer)
L.D.C.,

Copy to:-

- 1. Dealing Assistant,
- 2. Accounts Section } against newly created posts.
- 3. Bill Section
- 4. Scientist I/C., Library.
- 5. Scientist I/C., Information
- 6. Scientist I/C.,

Read

U

M. P. Sharma

1/1/2018

(37)

BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,


LUCKNOW

O A No.

/1989

SMT. RAMA DHAWAN AND OTHERS ----- APPLICANTS

VS

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH ----- AND OTHERS

ANNEXURE No. - 10

(37)

CENTRAL DRUG RESEARCH INSTITUTE
(Council of Scientific & Industrial Research)

Chattar Manzil Palace,
Lucknow-226001

No.5(106)/80-Estt.I(Vol.III)

Dated: 27.01.1988

OFFICE MEMORANDUM

Sub:- Appointment in the C.D.R.I., Lucknow.

In pursuance of the CSIR letter No.17(16)/71-E.II,(U-2), dated 29.12.87, the Director, Central Drug Research Institute, Lucknow, has been pleased to approve the appointment of Shri S.L. Gupta, L.D.C.-ad hoc as Lower Division Clerk against the posts created by the CSIR for his/her absorption in CDRI on the following terms and conditions of services:-

- (1) The pay of the candidate will be fixed as per rules in the scale of Rs.950-20-1150-EB-25-1500 plus the usual allowance as are admissible to other Council servants of the same pay and status stationed at Lucknow.
- (2) The appointment is under the Council of Scientific & Industrial Research which is an autonomous body.
- (3) He/She will be liable for transfer to any of the Laboratories/Institutes under the control of CSIR anywhere in India.
- (4) He/She will be on probation for a period of one year which may be extended or curtailed at the discretion of the Competent Authority. During the period of probation his/her appointment may be terminated at any time without notice and without any reason being assigned.
- (5) His/Her appointment will be temporary in the first instance. The service of a temporary employee may be terminated by a month's notice on either side, viz, the appointee or the appointing authority, without assigning any reasons. The appointing authority also reserves the right of terminating the services of the appointee forthwith or before the expiry of stipulated period of notice by making payment to him/her of a sum equivalent to the pay and allowance for the period of notice or the unexpired portion thereof.
- (6) The services are pensionable. He/She will be required to contribute compulsorily to the G.P.Funds at such minimum rate as may be prescribed by the CSIR from time to time.

cont..../2

M. P. Sharma
Advocate

-3-

16. If any information or declaration given by him/her proves to be false or if he/she is found to have wilfully suppressed any material information, he/she will be liable to removal from service and such other action as may be deemed necessary.

If he/she is willing to accept the offer of appointment on the aforesaid terms and conditions, he/she should report himself/herself for duty to the undersigned immediately together with the aforesaid documents duly completed in all respects.

To

Shri S.L. GUPTA, -through S.O. (Gen.)
L.D.G.,

D. T. Chhabra
(H.C. CHHABRA)
ADMINISTRATIVE OFFICER, I.A.

T. S. K. S.

Copy to:-

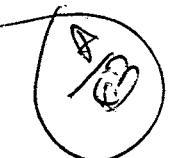
- 1. Dealing Assistant
- 2. Accounts Section } against newly created posts.
- 3. Bill Section)
- 4. Scientist I/C., Library.
- 5. Scientist I/C., Information
- 6. Scientist I/C.,

Sh. K. S.

Ne

JK
[*D. T. Chhabra*]

(40)



BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH

LUCKNOW

O A No.

/ 1989

SMT. RAMA DHAWAN AND OTHERS ----- APPLICANTS

VS

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH ----- AND OTHERS

ANNEXURE No. - 1)

A 10
60

CENTRAL DRUG RESEARCH INSTITUTE
(Council of Scientific & Industrial Research)

Chattar Manzil Palace,
Lucknow-226001

No.5(106)/80-Estt.I(Vol.III)

Dated: 27.01.1988

OFFICE MEMORANDUM

Sub:- Appointment in the C.D.R.I., Lucknow.

In pursuance of the CSIR letter No.17(16)/71-E.II,(U-2), dated 29.12.87, the Director, Central Drug Research Institute, Lucknow, has been pleased to approve the appointment of Smti A.K. Banerjee, L.D.C.-ad-hoc, as Lower Division Clerk against the posts created by the CSIR for his/her absorption in CDRI on the following terms, and conditions of services:-

- (1) The pay of the candidate will be fixed as per rules in the scale of Rs.950-20-1150-EB-25-1500 plus the usual allowance as are admissible to other Council servants of the same pay and status stationed at Lucknow.
- (2) The appointment is under the Council of Scientific & Industrial Research which is an autonomous body.
- (3) He/She will be liable for transfer to any of the Laboratories/Institutes under the control of CSIR anywhere in India.
- (4) He/She will be on probation for a period of one year which may be extended or curtailed at the discretion of the Competent Authority. During the period of probation his/her appointment may be terminated at any time without notice and without any reason being assigned.
- (5) His/Her appointment will be temporary in the first instance. The service of a temporary employee may be terminated by a month's notice on either side, viz, the appointee or the appointing authority, without assigning any reasons. The appointing authority also reserves the right of terminating the services of the appointee forthwith or before the expiry of stipulated period of notice by making payment to him/her of a sum equivalent to the pay and allowance for the period of notice or the unexpired portion thereof.
- (6) The services are pensionable. He/She will be required to contribute compulsorily to the G.P. Funds at such minimum rate as may be prescribed by the CSIR from time to time.

contd..../2

Ex-act

AC

Viv

Smti P. Sharma
Secretary

7/6

-3-

16. If any information or declaration given by him/her proved to be false or if he/she is found to have wilfully suppressed any material information, he/she will be liable to removal from service and such other action as may be deemed necessary.

If he/she is willing to accept the offer of appointment on the aforesaid terms and conditions, he/she should report himself/herself for duty to the undersigned immediately together with the aforesaid documents duly completed in all respects.

To

(H.C. CHHABHA)

Shri A.K. Banerjee - through (Fin. & Acc. Officer)
L.D.C. ADMINISTRATIVE OFFICER (.....)

Copy to:-

- 1. Dealing Assistant
- 2. Accounts Section
- 3. Bill Section
- 4. Scientist I/C., Library.
- 5. Scientist I/C., Information
- 6. Scientist I/C.,
} S. Fin & A/o Officer

(L
M. P. Sharma
Advocate,

Shah

(43)

66

BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,

LUCKNOW

O A NO. / 1989

SMT. RAMA DHAWAN AND OTHERS ----- APPLICANTS

VS

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH ----- AND OTHERS

ANNEXURE No. - 12

A 12/6

CENTRAL DRUG RESEARCH INSTITUTE
(Council of Scientific & Industrial Research)

Chittar Munzil Palace,
Lucknow-226001

No.5(106)/80-Estt.I(Vol.III)

Dated: 27.01.1988

OFFICE MEMORANDUM

Sub:- Appointment in the C.D.R.I., Lucknow.

In pursuance of the CSIR letter No.17(16)/71-E.II,(U-2), dated 29.12.87, the Director, Central Drug Research Institute, Lucknow, has been pleased to approve the appointment of Shri Ganga Das Yadav, L.D.C.-ad-hoc, as Lower Division Clerk against the posts created by the CSIR for his/her absorption in CDRI on the following terms and conditions of services:-

- (1) The pay of the candidate will be fixed as per rules in the scale of Rs.950-20-1150-EB-25-1500 plus the usual allowance as are permissible to other Council servants of the same pay and status stationed at Lucknow.
- (2) The appointment is under the Council of Scientific & Industrial Research which is an autonomous body.
- (3) He/She will be liable for transfer to any of the Laboratories/Institutes under the control of CSIR anywhere in India.
- (4) He/She will be on probation for a period of one year which may be extended or curtailed at the discretion of the Competent Authority. During the period of probation his/her appointment may be terminated at any time without notice and without any reason being assigned.
- (5) His/Her appointment will be temporary in the first instance. The service of a temporary employee may be terminated by a month's notice on either side, viz., the appointee or the appointing authority, without assigning any reasons. The appointing authority also reserves the right of terminating the services of the appointee forthwith or before the expiry of stipulated period of notice by making payment to him/her of a sum equivalent to the pay and allowance for the period of notice or the unexpired portion thereof.
- (6) The services are pensionable. He/She will be required to contribute compulsorily to the G.P.Funds at such minimum rate as may be prescribed by the CSIR from time to time.

Shanu

contd..../2

M. P. Sharma
Advocate,

1/68

-3-

16. If any information or declaration given by him/her proved to be false or if he/she is found to have wilfully suppressed any material information, he/she will be liable to removal from service and such other action as may be deemed necessary.

If he/she is willing to accept the offer of appointment on the aforesaid terms and conditions, he/she should report himself/herself for duty to the undersigned immediately together with the aforesaid documents duly completed in all respects.

To

Shri Ganga Din Yadav - through SL(G)
L.D.C.,

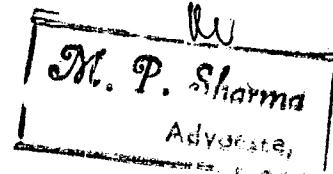
(H.C. CHHAJRA)
ADMINISTRATIVE OFFICER (.....)

[Signature]

Copy to:-

- 1. Dealing Assistant
- 2. Accounts Section } against newly created posts.
- 3. Bill Section }
- 4. Scientist I/C., Library.
- 5. Scientist I/C., Information
- 6. Scientist I/C.,

[Signature]



(46)

76

BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW

O A NO.

/ 1989

SMT. RAMA DHAWAN AND OTHERS ----- APPLICANTS

VS

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH ----- AND OTHERS

ANNEXURE No. - 13

(46)

A-13
B/P

CENTRAL DRUG RESEARCH INSTITUTE
(Council of Scientific & Industrial Research)

Chittar Manzil Palace,
Lucknow-226001

No. 5(106)/00-Fatt. I (Vol. III)

Dated: 27.01.1988

OFFICE MEMORANDUM

Sub:- Appointment in the C.D.R.I., Lucknow.

In pursuance of the CSIR letter No.17(16)/71-E.II,(U-2), dated 20.12.87, the Director, Central Drug Research Institute, Lucknow, is pleased to approve the appointment of Mrs. Aparna, L.D.C. (ad-hoc), as Lower Division Clerk against the posts created by the CSIR for his/her absorption in CDRI in the following terms and conditions of services:-

- (1) The pay of the candidate will be fixed as per rules in the scale of Rs.950-20-1150-E8-25-1500 plus the usual allowance as are admissible to other Council servants of the same pay and status stationed at Lucknow.
- (2) The appointment is under the Council of Scientific & Industrial Research which is an autonomous body.
- (3) He/She will be liable for transfer to any of the Laboratories/Institutes under the control of CSIR anywhere in India.
- (4) He/She will be on probation for a period of one year which may be extended or curtailed at the discretion of the Competent Authority. During the period of probation his/her appointment may be terminated at any time without notice and without any reason being assigned.
- (5) His/Her appointment will be temporary in the first instance. The service of a temporary employee may be terminated by a month's notice on either side, viz. the appointee or the appointing authority, without assigning any reasons. The appointing authority also reserves the right of terminating the services of the appointee forthwith or before the expiry of stipulated period of notice by making payment to him/her of a sum equivalent to the pay and allowance for the period of notice or the unexpired portion thereof.
- (6) The services are pensionable. He/She will be required to contribute compulsorily to the G.P. Funds at such minimum rate as may be prescribed by the CSIR from time to time.

contd..../2

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M. P. Sharma

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16. If any information or declaration given by him/her proves to be false or if he/she is found to have wilfully suppressed any material information, he/she will be liable to removal from service and such other action as may be deemed necessary.

If he/she is willing to accept the offer of appointment on the aforesaid terms and conditions, he/she should report himself/herself for duty to the undersigned immediately together with the aforesaid documents duly completed in all respects.

To

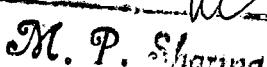
(H.C. CHHABRA)
ADMINISTRATIVE OFFICER(S.G.)

Miss Aparna, - through (S.C.E.I.)
L.C.S.

Copy to:-

1. Dealing Assistant,	Against newly created posts.
2. Accounts Section	
3. Bill Section	4. Scientist I/C., Library. 5. Scientist I/C., Information 6. Scientist I/C.,

Exhibit

AC

 M. P. Sharnd
 Advocate,

(49)



BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT, BENCH,

LUCKNOW

O A NO.

/ 1989

SMT. RAMA DHAWAN AND OTHERS ----- APPLICANTS

VS

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH ----- AND OTHERS

ANNEXURE No. - 14

To

The Director-General,
 COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH,
 Anusandhan Bhawan, Rafi Marg,
 NEW DELHI-110001.

THROUGH PROPER CHANNEL

Sub:- Representation against employment on regular basis of L.D.C.'s (Ad-hoc) ignoring the interest of L.D.C.'s (Scheme) in violation of CSIR instructions - redress of the grievances.

Sir,

Most humbly and respectfully I beg to lay following facts for favour of consideration and suitable orders:-

1. That after observing prescribed procedure (as applicable for regular posts) I was selected for the post of L.D.C. by constituted selection committees and appointed on the post of L.D.C. (DST-Information). I joined the post w.e.f. 20.8.1983, which I am continuing on the date of making the petition.
2. That on the basis of correspondence resting in between CSIR and CDRI nine additional posts of L.D.C. were created vide CSIR Letter No.17(16)/71-E.II(U-2) dated 29.12.1987 (copy* enclosed) and against these created posts 9 L.D.C.'s who were working on ad-hoc basis were brought on regular basis ignoring the fate and privileges of the L.D.C.'s serving the Institute for more than five years and being too much senior in service than L.D.C.'s (Ad-hoc) now appointed against regular posts.
3. That the CSIR has always been considerate to grant security of service to scheme staff and for the purpose a committee was constituted which inter-alia also considered the matter of absorption of staff employed in extremely founded projects/schemes. The report of the Committee was circulated by CSIR vide letter No.16(150)/68.E.II(pt.II) dated 13th January 1981 (copy* enclosed for ready reference). Point 8 of the said letter which governs the absorption of scheme staff is re-produced hereunder: "The existing persons who have rendered three years continuous service in a scheme should be absorbed either against existing regular vacancies in identical posts or creating additional posts (by following prescribed procedure) if the work-load in the Laboratory/Institute so demands. The Supernumerary posts could be created to absorb the staff employed in such projects/schemes, initially being a one time effort only. The Laboratories/Institute should not recruit further staff until all such staff is absorbed".
4. That since above cited orders of CSIR has not been surpassed it is obvious that they are still operative and are well in the notice of the authorities of CDRI. However, these have been ignored and recruitment of nine L.D.C.'s (working on Ad-hoc basis) made ignoring the interest of scheme LDC's who have rendered more service in comparison of the said LDC's.

A.P.

5. That on the date the LDC's (Ad-hoc) were issued appointment order to join the regular posts, I represented to the Director, CDRI, vide my application dated 28.1.1988. The contents of the representation are crystal clear hence a copy* thereof is enclosed to enable you to understand the causes of my grievance.

6. That having recd. no response from the Institute authorities and being a disciplined worker I took the course to follow prescribed procedure and made representation to the CDRI Grievance Committee to consider the issue and to resolve the same. My application was registered by the said grievance committee vide GR-24 on 24.2.88. I have been awaiting for a response so far from the Institute authorities/grievance committee, but in vain.

7. However, while considering my representation the following points may also please be taken into account:-

a) The LDC's (Ad-hoc) now appointed against regular posts have become eligible for CSIR Group Insurance Scheme and in case of any eventually their families shall be benefitted, while the families of the scheme staff will be deprived of the same. The amounts to social injustice for no fault on my part.

b) That the issue involves not only the interest of scheme employees but also additional social security to the members of their families hence needs to be considered on priority basis to extend financial assistance in case of any such eventuality falls on them.

8. As may be seen from the representations made your honour will conclude that I have been put to unnecessary mental agony and harrassment for no fault on my part and having faith in justice and equity of cause, I now beseech your goodself to use your good offices to reconsider the decision taken and to protect my interest of seniority over the LDC's (Ad-hoc) now brought on regular side and if necessary the same may be also got considered by Central Grievance Committee on priority basis.

An early decision in the matter is solicited to save me from frustration as well as granting social security to the members of my family.

Thanking you in anticipation,

Encls: (*)

M. P. S. *[Signature]*

Yours faithfully,

[Signature]
(MRS. RAMA DHAWAN)

L.D.C.

Doc. & Library Services Divn. &
NICDAP, CDRI, LUCKNOW

Advance copy of the representation alongwith the copies of the enclosures also forwarded to:-

1. The Director-General, Council of Scientific & Industrial Research, Rafi Marg, New Delhi-110001.
2. The Chairman, C.D.R.I. Grievance Committee.

[Signature]
(MRS. RAMA DHAWAN)
L.D.C. (Library & NICDAP)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

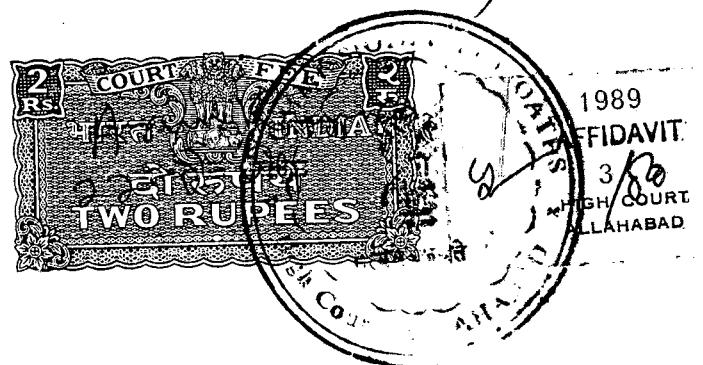
CIRCUIT BENCH, LUCKNOW.

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COUNTER AFFIDAVIT OF OPPOSITE
PARTIES NO. 3, 4, and 6 to 12.

In re:

ORIGINAL APPLICATION NO. 10389 (L)



Mrs. Rama Dhawan & others.

...Applicants.

Versus

Council of Scientific & Industrial
Research, New Delhi & others.

...Respondents.

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I, Ajmu Kumar Banerjee, S. Banerjee,
Shiva Lal Gupta, son of Sri V. E. Gupta, aged about
29 years, Lower Division Clerk, Central Drug Research
Institute, Lucknow the deponent do hereby state on oath
as under:-

1. That the deponent is opposite party No. 10 in the present application. He is well acquainted with the facts of the case and has been authorised on behalf of the respondents No. 3, 4, 6, 7, 8, 9, 11 and 12 to file this counter affidavit on their behalf.

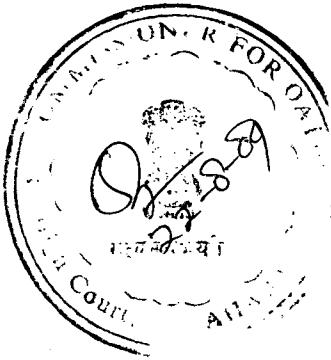
2. That before giving a parawise reply to the contents of the application the deponent is advised to bring certain material facts on record.

3. That the petitioners and the answering respondents,



Ajmu Kumar Banerjee

are both working as Lower Division Clerks in C.D.R.I. However, it is pertinent to mention that both of them, the petitioners and the answering respondents were recruited from different sources in the sense that the answering respondents were recruited directly by the C.D.R.I. ^{and} ~~and~~ their letter of appointment would show and the petitioners were appointed in the National Information Centre for Drug and Pharmaceuticals which was a temporary scheme of the C.D.R.I. Subsequently in 1988 the services of the applicants were regularised and they were absorbed as Lower Division Clerks in the C.D.R.I. and as such their seniority is to be computed from the date on which they became employees of the C.D.R.I. and not from the date on which they were working as employees of the National Information Centre for Drugs and Pharmaceuticals even though such appointment was in the Organization of C.D.R.I. As such since the source of recruitment of the petitioners and the respondents is different, the petitioners cannot claim to be senior to the answering respondents merely because they were earlier employed in another department which was under the supervision and control of the C.D.R.I.



4. That the Central Drug and Research Institute is an instrumentality of the Council of Scientific and Industrial Research. As such there are many government sponsored schemes which are in the control of the C.D.R.I. The National Information Centre for Drugs and Pharmaceuticals

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(henceforth referred to as the NICDAP) started one such scheme under the aegis of the C.D.R.I. and the applicants were employed as temporary employees by the C.D.R.I. for that scheme. Subsequently when the petitioners had completed about five years of service in that scheme, it was considered expedient by the C.S.I.R. to take them into the service of the C.D.R.I. As such on 29.6.1988 the Council of Scientific and Industrial Research sent administrative instructions to the Director C.D.R.I. by which the applicants were taken into the service of the C.D.R.I. These administrative instructions are contained in ANNEXURE C-1 to this counter affidavit.

5. That since it was on the basis of these administrative instructions that the petitioners were taken into the service of the C.D.R.I. their seniority was to be computed from the date of issue of these administrative instructions. It is submitted that the petitioners cannot claim benefit of their services in another scheme for the purposes of computation of seniority in the C.D.R.I.



6. That the NICDAP scheme is not funded sponsored by C.D.R.I. nor by C.S.I.R. The funds for the scheme were provided by the department of Science and Technology and the scheme itself was sponsored by the said department. C.D.R.I. was only an agency for implementation of the Scheme and as such had made the appointments for the Scheme on behalf of the department of Science and Technology

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for the specified purpose of the Scheme. A perusal of the appointments letters of the petitioners which have been annexed to the application would show that the petitioners were appointed as L.D.Cs. in the NICDAP Scheme. On the other hand a perusal of the order of appointment of the answering respondents would show that these persons were appointed as L.D.Cs. in the C.D.R.I. on the posts created by the C.S.I.R. As such the mode of recruitment of the applicants and the answering respondents is different and the seniority of both in C.D.R.I. will be computed according to the date they were appointed as L.D.Cs. in C.D.R.I.

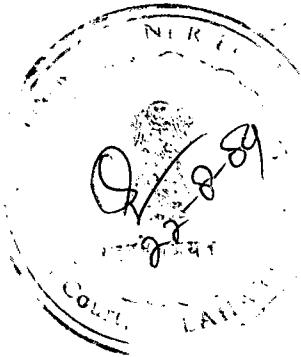
7. That the deponent is advised to state that the petitioners and the answering respondents belong to two separate categories which have been created by the respondents No. 1 and 2 on the basis of intelligible differentia and the seniority of the applicants and the respondents is to be calculated on the basis of the date of appointment in the department.

8. That the deponent is now proceeding to give a parawise reply to the contents of the application.

9. That the contents of paragraph 6 (1) it is submitted that the petitioners were appointed in the NICDAP scheme on a purely temporary basis for the duration of the scheme.

10. That the contents of paragraph (2) are vehemently denied. The Service Rules applicable to the applicants are

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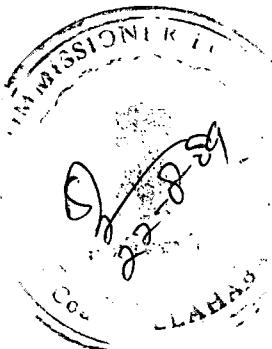
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contained in the order of appointment itself. Further the Classification Control and Appeal Rules applicable to the Central civil services will apply to the petitioners and the answering respondents because the Council of Scientific and Industrial Research has framed its Bye-Laws which provided that these Rules shall be applicable for the employees of the C.S.I.R. It is further submitted that in the letter of appointment of the petitioners itself it was mentioned that the petitioners did not have the right of absorption in the regular cadre of C.D.R.I. It was only when the scheme was nearing completion that as a gesture of sympathy the petitioners were taken into the employment of the C.D.R.I. on 29.6.1988. Thus the seniority of the petitioners is to be calculated from the date when they were taken into such employment by the C.D.R.I.

11. That the contents of para 6(3) are not within the knowledge of the answering respondents.

12. That the contents of para 6(4) are not within the knowledge of the answering respondents.

13. That the contents of para 6(5) are denied. The petitioners were appointed against the temporary posts in the NICDAP scheme. Thus even after completion of the probationary period as L.D.Cs. they continued to be temporary employees specially in view of the conditions of appointment which was included in their appointment orders.



Subrata Banerjee

It is submitted that there is no such thing "as deemed confirmation" when the services are temporary and the posts itself are temporary.

14. That in reply to the contents of para 6(6) it is submitted that the posts of L.D.Cs in the NICDAP scheme are sanctioned for the duration of the scheme and there is no question of clear vacancies existing or not existing.

It is submitted that the posts of L.D.Cs in the C.D.R.I- are different and distinct from the posts of L.D.Cs in the NICDAP scheme and as such two cannot be confused. In the present case the seniority is being computed for the L.D.Cs working on the posts in the C.D.R.I. and since the answering respondents have been working on these posts for a longer time than the petitioners, the names of the answering respondents in the seniority list are higher than the names of the petitioners.

15. That the contents of para 6(7) are not within the knowledge of the answering respondents.

16. That the contents of para 6(8) are not denied.

17. That the contents of para 6(9) are denied. The averments have been answered in the earlier part of this counter affidavit.

18. That in reply to the contents of para 6(10) it is submitted that the seniority list itself would show that the answering respondents were senior from the date of

—Anil Banerjee

their letter of appointment.

19. That the contents of para 6(11) are denied. The Service Rules regarding the seniority in the present case have to be determined on the basis of administrative instructions contained in Annexure C 1 to this counter affidavit and on the basis of the service conditions of the parties which are contained in their letters of appointment

20. That the contents of para 6(12) are not disputed.

21. That in reply to the contents of para 6(13) (14) and (15) it is submitted that the seniority of the answering respondents has been fixed in accordance with their letter of appointment which have been annexed to the application itself. There is no question of computation of seniority for the period before such letters were issued to them.

Even though the respondents might have been working from an earlier period in some other ~~capacity~~ ^{capacity} ~~deemed~~.

22. That in reply to the contents of para (16) the following is submitted.

(i) The applicants did not join earlier than the answering respondents since they joined only in 1988 when they were taken into the service of the NICEDAP.

(ii) There is no such thing as deemed confirmation since the services of the applicants were temporary.

Dee Bawerjee

(iii) That on the basis of the seniority list prepared by the C.D.R.I. and the C.S.I.R., the answering respondents have rightly been given greater seniority than the applicants.

23. That the contents of para 6(17) are not within the knowledge of the answering respondents.

24. That the contents of para 6(18) are admitted.

25. That in reply to the contents of para 6(19) it is submitted that the seniority list prepared by the respondent No. 1 and 2 is correct since the date on which the persons were appointed in the C.D.R.I. has been taken as the basis for determination of the seniority.

26. That the contents of para 6(20) are denied.

27. That the contents of para 6(21) are not specific and cannot be replied to by the answering respondents.

28. That the contents of para 6(23) have been answered in the earlier part of this counter affidavit.

29. That the contents of para 6(23) are denied.

Lucknow. Dated.

Aug. 22/8/1989.

anil Kumarjee

DEPONENT.

I, the deponent abovenamed do hereby verify that the contents of paras 1, 2, 3, partly 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26-27 are true to my own knowledge contents of paras 3 partly 4, 5, 21.

anil Kumarjee

are believed by me to be true on the basis of records

while the contents of paras

are believed by me to be true on the basis of legal advice. No part of this affidavit is false and nothing material has been concealed. So help me God.

Dee Banerjee
DEONENT.

I identify the deponent above named who

has signed this affidavit before me.

✓ Personally known to me.
✓ *Ashok Lal*
C/o *S. N. Mathur*
Advocate.

Solemnly affirmed before me on 22-8-89.

✓ 9:30 A.M.
at... the deponent who is identified by *S. N. Mathur* C/o
Sri *S. N. Mathur* Advocate, High Court,

Lucknow Bench, Lucknow.

I have satisfied myself by examining the deponent that he has understood the contents of this affidavit which have been read over and explained by me.

Rajiv

Rajiv Lochan Srivastav
OATH COMMISSIONER

3/80 22-8-89

Dee Banerjee

INTHE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

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COUNTER AFFIDAVIT OF OPPOSITE PARTIES

In re:

ORIGINAL APPLICATION NO. OF 1989.

Mrs Rama Dhawan & others.

...Applicants.

Vs.

Council of Scientific & Industrial
Research New Delhi & others.

....Respondents.

ANNEXURE NO.....C-1

(Photostat copy of the administrative instructions
is annexed herewith)

+ *anbanjee*



anbanjee

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH

ANUSANDHAN BHAVAN
RAFI MARG,

No. 14(6)/84-E.II

New Delhi-1, the 29th June 1988.

A
OS

To:

The Director,
Central Drug Research Institute,
LUCKNOW

Subject: Absorption of Scheme staff on the regular
strength of Laboratory/Institute. NICDAP

Sir,

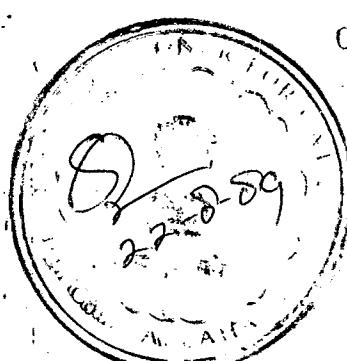
With reference to your letter No. 5/88/81-Estt(1) dated 9/10/87 on the above subject, I am directed to inform you that after careful consideration of your above proposal, DGSIR in concurrence with the Financial Adviser has been pleased to approve the absorption of the staff along with post actually in position as on date in the NICDAP Schemes in the Laboratory system on the following terms and conditions:-

1. Such staff actually in position will be treated as regular-temporary staff of CDRI, LUCKNOW with immediate effect provided their original appointment in the Schemes was made as per rules applicable for regular appointments;
2. Scientific and Technical staff will be eligible to count Scheme service for the purpose of their assessment under the New Recruitment and Assessment Scheme etc. of the CSIR and their assessment will be done along with similarly placed regular staff in the Laboratory/Instt.;
3. Being regular-temporary employee of CDRI, Lucknow these employees will be eligible to all the service benefits/service conditions as are applicable to the regular staff of CSIR;
4. In the case of non-technical staff, their seniority viz-a-viz other similar regular staff will be counted from the date of issue of these orders;

The post lying vacant under these schemes as on the date of issue of these orders will stand abolished and will not be allowed to be operated under any circumstances;

Contd...P.2/-...

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6. In the event of any future vacancy occurring amongst absorbed staff, the same will also stand abolished;

7. The grant being received from the Department of Science and Technology/Department of Scientific and Industrial Research for running of these Schemes will be treated as receipt of CSIR and operated as such, so long as these Schemes continued to be financed by the above Departments. As and when either of these Departments discontinues financing either of the Schemes, staff of such schemes now being absorbed on regular strength of the Laboratory will be adjusted against the likely comparable vacancies that may arise on the regular strength of the Laboratory in future.

A list of filled up and vacant posts existing in the above Scheme is enclosed herewith.

Yours faithfully,

Khanna
(J. P. KHANNA),
DEPUTY SECRETARY

Encl: As above.

Copy to:

1. Sr. F&AO, CDRI, Lucknow
2. Sr. F&AO(Finance), CSIR
3. Sr. F&AO(Budget), CSIR

Khanna
(J. P. KHANNA),
DEPUTY SECRETARY

one copy to
Mr. Biju

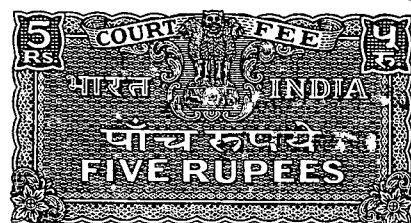


In the Central Administrative Tribunal, Allahabad
Circuit Bench, Lucknow.



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बकालतनाया

Registration No 103 of 1989(c)

Smt. Rama Dharwad

नं० मुद्रमा बनाम सन पेशी की ता० Union of India and प्रतिवादी (रेस्पान्डेन्ट) १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री ~~श्री कृष्ण चंद्रमा~~, Sri
वकील
J. N. Maitur, Advocate, with Sri
A. K. Tankari, Advocate : एडवोकेट महोदय

Vakalatnama
on behalf
of Opp. Parties
No. 3, 4,
6, 7, 8, 9,
10, 11, 12

अदालत
नाम सुकदमा
नाम परीक्षक

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया बसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रूपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकदमा अदम पैरवी में एक तरफा मेरे स्किलाफ 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 D.K.Sen.
(Rev. No 3)

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

— सन् १९ — ५०

Res. No 4 ~~Manmohan Singh~~ Res No 6 Res No 7 Res No 8 Res No 9
Res No 10 Res No 11 Res No 12 KB Varughese D. K. Jay Malvendar Kumar J
ne Banerjee D. Yee K. George

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH.

0. 103 /1989. (4)

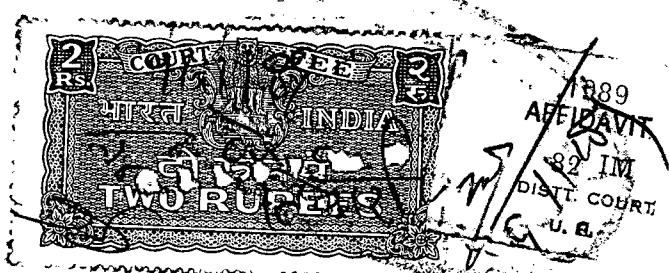
Smt. Rama Dhawan and others ...

Petitioner

Versus

Council of Scientific &
Industrial Research
New Delhi and others ...

Opp. Parties



Rejoinder affidavit of Sri J.K. Tewari,
aged about 30 S/o Sri R.K. Tewari,
R/o Sahadat Gunj, Bouli Bazar,
Distt. Lucknow.

I, the above named deponent do hereby
state on oath as under :-

1. That the deponent is applicant no.3,
and he is well acquainted with the facts of the
aforesaid case. He has also been authorised by
the applicant no. 1 & 2 to file this Rejoinder
Affidavit on their behalf.

2. That the deponent has read the
contents of counter affidavit filed by OP-3,4,
6,7,8,9,10,11,12 and understand the same. He
is making reply as under :

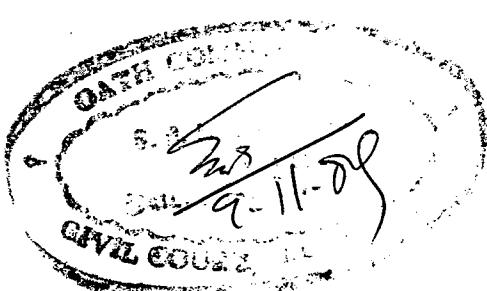
3. That para 1 & 2 need no comment.
4. That in reply to para 3,4,5 & 6 it is

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29

submitted all the opposite parties (private) were initially appointed as on adhoc basis at different time limited to the period for 3 months etc. A photo state copy of their appointment letter are enclosed herewith as Annexure Nos. 1 to 8.

It is submitted that the applicant were recruited against the substantive vacancy and through selection. Their appointment were General condition service under C.S.R. Promotion Rule 1982, thus the nature of appointment of the applicant is for better to these OPs.

It is further submitted that as it appears from the Annexure No. I to the Counter-Affidavit, the deponent as well as applicant No. 1 & 2 were observed with their posts actually in position as on date in the NICDP scheme. The applicants are entitled having right to claim benefit of the past services and also seniority over and above the OPs in question. The alleged administrative order (C.A. I) is arbitrary and in violation of Article 14 & 16 of the constitution ~~if~~ to the extent of adopting procedure for adopting and determining seniority vis-a-vis to OPs in question.



29

Top

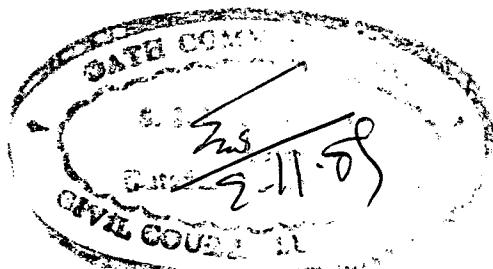
It is however submitted that confirmation is no critaria for determining seniority. The valid critaria for determining seniority in absence of Rule is to determine seniority from the date of initial appointment of joining of the applicants.

5. That the contents of para no.7 are incorrect and denied. The applicants and OPS in question are in one cadre and the inter-service seniority of the applicants as well as all private OPS are to be determined on the basis of length of services and not otherwise.

6. Para 8 need no comments.

7. That the contents of para 9 is admitted to the extent that the applicant's appointment were made against the substantive clear vacancy and the scheme is continuing till date.

8. That in reply to para no. 10 it is submitted that in the OPS there is no service rules. The applicants are entitled to all the benefit of their past services including benefit of



year

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their past services including benifit of their seniority over the OPs in question.

9. Para no. 11 and 12 need no comment.

10. That the contents of para no. 13 & 14 are incorrect and denied. Full reply has been given in supra para nos. The posts of L.D.C. are one and under the one and under the one employer.

11. That in reply to para no. 15, 16 & 17 of the Counter affidavit the contents of para no. 7,8, and 9 of the application are reiterated.

12. That in reply to para 18,19,20,21,22 23,24,25, to 29 it is submitted that the alleged administrative order to the extent of fixing seniority is arbitrary and in violation of Article 14 & 16 of the Constitution of India. The alleged seniority list is also against the provision of Law and arbitrary therefore liable to be quashed.

gaur
It is submitted that as apparent on the face of Appointment orders of the deponents, they are deemed to be confirmed under the provision

102

of Law.

The O.P.s (Private) have no right to claim seniority over and above the applicants.

The application is to be allowed with costs.

7
9.11.89

DEPONENT.

VERIFICATION

I, the above named deponent, do hereby verify that the contents of para no. 1 to 12 are correct to the best of my knowledge and nothing material parts have been concealed.

signed and verified at this 9th September
day of 1989 at Lucknow.

7
9.11.89
DEPONENT.

Identifying the deponent
who has signed before
me.

M. P. Sharma
Advocate.

Here
Advocate
9-11-89

829M
10.50 AM.

Mr. U. K. Tewari
M. P. Sharma
Anwali

7
9.11.89
O.P. Comm.
O.P. Comm. L.W.

(A)
(B)

M. P. Sharma
Advocate,

केन्द्रीय औषधि अनुसंधान संस्थान
प्रशासनिक तथा औषधिक अनुसंधान परिषद् ।

छत्तीर मीजिल पैलेस,
लखनऊ

सं ५८१०६८/८०-स्थापना ।।।

दिनांक : ११.७.७०

कार्यालय प्राप्त

इस कार्यालय के रामसंध्यक कार्यालय जापन दिनांक ११.५.७२
के अनुक्रम में, निदेशक, केन्द्रीय औषधि अनुसंधान संस्थान, लखनऊ
श्री/श्रीमती/कु ० --हैरानीहै
तदर्थे अवर वर्ग लिपिक वेतनमान रु १५०-२०-११५० द०रो०-२५-१५००
के कार्यकाल को पूर्व उल्लिखित शर्तों पर तीन माह के लिए बढ़ाने का सहर्ष
अनुमोदन प्रदान करते हैं जो दिनांक ११.५.७२ से दिनांक २१.७.७०
तक प्रभावी रहेगा ।

११.५.७२
११८८
११८८
११८८

१८

१८

प्रधान साल छालड़ा ।
प्रशासनिक अधिकारी विवेदो ।

११.५.७२

प्रतिलिपि निम्नलिखित दो सूचनार्थ एवं वावरक कार्यवाही हेतु प्रेषितः-

- ११ लेहा अनुभाग
- १२ बीजक अनुभाग
- १३ स्थापना अनुभाग-(२)
- १४ नियमित अनुभाग-(१)

११.५.७२

प्रशासनिक अधिकारी विवेदो ।

११.५.७२

४५/११

M. P. Sharma
 Advocate,

केन्द्रीय औषधि अनुसंधान संस्थान
 प्रशासनिक तथा औद्योगिक अनुसंधान परिषद्

सं० ५१०६८/८०-स्थापना १।।

छत्तीर मीजिल पैलेस,
 लहनऊ

दिनांक : १८. १. १९८०

कार्यालय-शापत्र

इस कार्यालय के सामान्यक कार्यालय शापत्र दिनांक २२. १. ८०
 के अनुक्रम में, निदेशक, केन्द्रीय औषधि अनुसंधान संस्थान, लहनऊ
 भीमश्रीमती/कु ० २२. १. ८० से २२. १. ८० तक
 तदर्थ अवर वर्ग लिपिक वेतनमान रु ९५०-२०-११५० द०रो०-२५-१५००
 के कार्यकाल को पूर्व उत्तिलिपित शर्तों पर तीन माह के लिए बढ़ाने का सहर्ष
 अनुमोदन प्रदान करते हैं जो दिनांक १८. १. ८० से दिनांक २२. १. ८०
 तक प्रभावी रहेगा।

मुकुल कुमार यादव
 अमृत कुमार (रामेश)
 प्रशासनिक अधिकारी

प्रद्युम्न लाल छाबड़ा
 प्रशासनिक अधिकारी (विभेदो)

प्रतिलिपि निम्नलिखित वर्ते सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषितः-

- १। लेहा अनुभाग
- २। बीजक अनुभाग
- ३। स्थापना अनुभाग-(२)
- ४। दूसरा अनुभाग

प्रशासनिक अधिकारी (विभेदो)

१८. १. ८०

केन्द्रीय औषधि अनुसंधान संस्थान
प्रशासनिक तथा औद्योगिक अनुसंधान परिषद्

छत्तीर मीजिल पेलेस,
लहनऊ

सं ५१०६/८०-स्थापना १।

दिनांक : १६-१-८०

कार्यालय

इस कार्यालय के समसंबंधिक कार्यालय शापन दिनांक २२-१-८०

के अनुक्रम में, निदेशक, केन्द्रीय औषधि अनुसंधान संस्थान, लहनऊ
श्री/श्रीमती/कु - दिल्ली रुक्मिणी शर्मा

तर्दधर अवर वर्ग लिपिक वेतनमान ₹० ९५०-२०-११५० द०८०-२५-१५००

के कार्यकाल को पूर्व उल्लिखित शर्तों पर तीन माह के लिए बढ़ाने का सहर्ष
अनुमोदन प्रदान करते हैं जो दिनांक १५-१-८० से दिनांक ३०-६-८०
तक प्रभावी रहेगा ।

श्री/कैलींद मुमा (लो)
प्रधान लाल छाबड़ा (लाल)
लोका चूपाना।

प्रधान २१-८०

प्रधान लाल छाबड़ा
प्रशासनिक अधिकारी (विभागीय)

२१-८०

१०
११

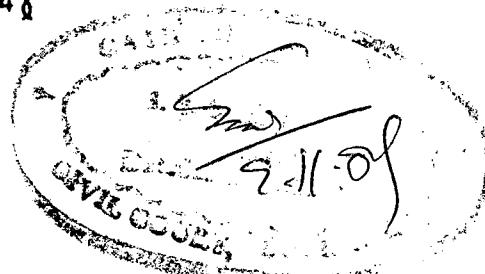
प्रतिलिपि निम्नलिखित वो सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषितः-

११। लेखा अनुभाग — (२ अप्र०)

१२। बीजक अनुभाग

१३। स्थापना अनुभाग-(२)

१४।



प्रशासनिक अधिकारी (विभागीय)

M. P. Sharma

Advocate,

केन्द्रीय औषधि अनुसंधान संस्थान
प्रशासनिक तथा औषधिक अनुसंधान परिषद्

सं ५१०६८/८०-स्थापना ११

उत्तर मीजल वेलेस,

लहनु

दिनांक : १६-१-

कार्यालय

इस कार्यालय के समसंख्यक कार्यालय शापन दिनांक २२-१-८१
के अनुच्छम में, निदेशक, केन्द्रीय औषधि अनुसंधान संस्थान, लहनु
श्री/श्रीमती/कुमा-
तर्दय अवर वर्ग लिपिक वेतनमान ₹० ९५०-२०-११५० द०८०-२५-१५००
के कार्यकाल को पूर्व उल्लिहित शर्तों पर तीन माह के लिए बढ़ाने का सहै
अनुमोदन प्रदान करते हैं जो दिनांक ११-१-८१ से दिनांक २०-६-८१
तक प्रभावी रहेगा।

श्री श्रीदेवी कुमा-
रा लाल छाबडा
मा रामाना

१०
८८

प्रदूसन लाल छाबडा
प्रशासनिक अधिकारी/विभेदों
१२-१-८१

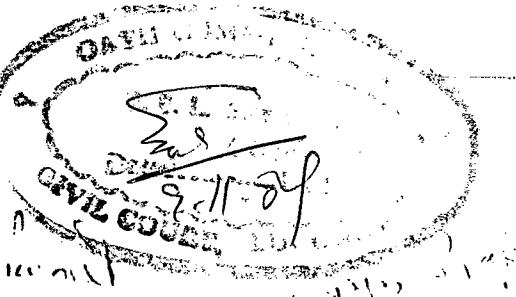
प्रतिलिपि निम्नलिहित वर्ती सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

११ लेहा अनुभाग

१२ बीजक अनुभाग

१३ स्थापना अनुभाग (२)

१४ अन्यान्य तथा संस्थानीय विभाग



प्रशासनिक अधिकारी/विभेदों

१२-१-८१

M. P. Sharma
Advocate,

१११

केन्द्रीय औषधि अनुसंधान संस्थान
प्रशासनिक तथा औद्योगिक अनुसंधान परिषद

छत्तीर मजिल पेलेस,
लहनऊ

दिनांक : ३०.८.८७

सं ५८१०६८/८०-स्थापना ४१४

कार्यालय इप्पत्ति

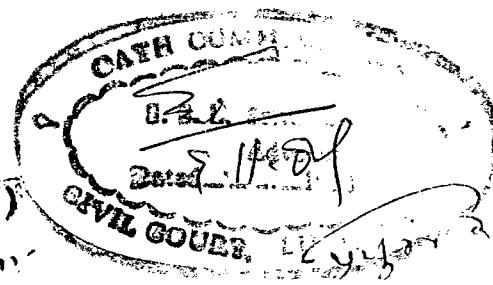
इस कार्यालय के सम्बन्धिक कार्यालय जापन दिनांक ५.२.८७
के अनुक्रम में, निदेशक, केन्द्रीय औषधि अनुसंधान संस्थान, लहनऊ
श्री/श्रीमती/कुमा० --- श्री वृद्ध दाला गुप्ता
तर्दद्य अवर वर्ग लिपिक वेतनमान ₹० ९५०-२०-११५० द०८०-२५-१५००
के कार्यकाल को पूर्व उल्लिखित शर्तों पर तीन माह के लिए बढ़ाने का सहर्ष
अनुमोदन प्रदान करते हैं जो दिनांक १५.८.८७ से दिनांक ३१.११.८७
तक प्रभावी रहेगा।

श्री श्री वृद्ध दाला गुप्ता
उपर्याप्त दाला गुप्ता (१०८)
दाला गुप्ता

प्रधुम लाल छाबड़ा
प्रशासनिक अधिकारी १८०४०४
१२.११.८७

प्रतिलिपि निम्नलिखित हो सूचनार्थ इस आवश्यक कार्यवाही हेतु प्रेषित:-

- ११८ लेखा अनुभाग
- १२८ बीजक अनुभाग
- १३८ स्थापना अनुभाग (२)
- १४८ सामाल अनुभाग



प्रशासनिक अधिकारी १८०४०४
१२.११.८७

M. P. Sharma
Advocate,

केन्द्रीय औषधि अनुसंधान संस्थान
प्रशासनिक तथा औषधिक अनुसंधान परिषद

छत्तीर मण्डिल पेटेस,
लहनऊ

दिनांक : 16-11-१९८८

सं० ५४१०६४/८०-स्थापना ४१०

कार्यालय प्रिय

इस कार्यालय के सामान्यक कार्यालय शापन दिनांक
के अनुक्रम में, निदेशक, केन्द्रीय औषधि अनुसंधान संस्थान, लहनऊ

श्री/श्रीमती/कुमा० २०८०-१०८०-१०८०

तर्दी अवर वर्ग लिपिक वेतनमान ₹० ९५०-२०-११५० द०८०-२५-१५००
के कार्यकाल को पूर्व उल्लिखित शर्तों पर तीन माह के लिए बढ़ाने का सहज
अनुमोदन प्रदान करते हैं जो दिनांक १५-११-१९८८ से दिनांक २८-११-१९८८
तक प्रभावी रहेगा ।

श्री डॉ अ० रमेश लक्ष्मी
प्रशासनिक अधिकारी (विव० श्र० ०१)
लौला ३१३८८

८१
८२

प्रधुमन लौल छाबड़ा १
प्रशासनिक अधिकारी (विव० श्र० ०१)
लौला

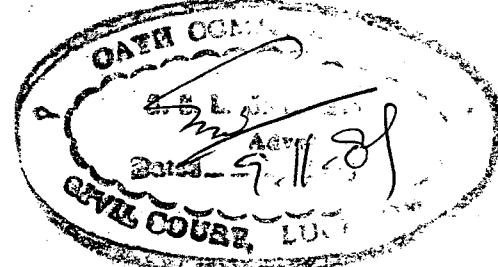
प्रतिलिपि निम्नलिखित वो सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषितः-

११ लेहरा अनुभाग — (८१)

१२१ बीजक अनुभाग

१३१ स्थापना अनुभाग- (२)

१४१



प्रशासनिक अधिकारी (विव० श्र० ०१)
लौला

Annexe X
A

M. P. Sharma
Advocate,

केन्द्रीय औषधि अनुसंधान संस्थान
प्रशासनिक तथा औद्योगिक अनुसंधान परिषद् ।

छत्तीर मजिल पेलेस,
लखनऊ

सं ५१०६४/८०-स्थापना । । ।

दिनांक : ३०. ११. ८७

कार्यालय शापन

इस कार्यालय के समसंबंधिक कार्यालय शापन दिनांक ५. ११. ८७ के अनुक्रम में, निदेशक, केन्द्रीय औषधि अनुसंधान संस्थान, लखनऊ श्री/श्रीमती/कु- गोपीनाथ प्रदान तदर्थ अवर वर्ग लिपिक वेतनमान ₹० ९५०-२०-११५० द०८०-२५-१५०० के कार्यकाल को पूर्व उल्लिखित शर्तों पर तीन माह के लिए बदाने का सहृ अनुमोदन प्रदान करते हैं जो दिनांक १. ११. ८७ से दिनांक ३१. १२. ८७ तक प्रभावी रहेगा ।

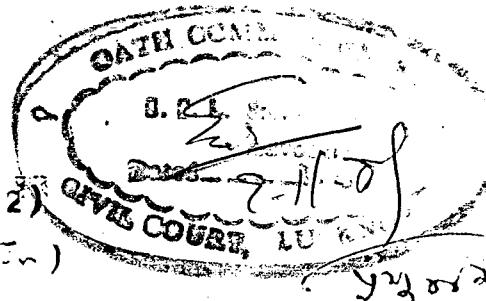
श्री गोपीनाथ प्रदान
निदेशक
केन्द्रीय औषधि अनुसंधान संस्थान
लखनऊ-४५०००१

१०
११

प्रधुम लाल छाबड़ा ।
प्रशासनिक अधिकारी । वि० श्र०

प्रतिलिपि निम्नलिखित तो सूचनाएँ एवं तात्परक कार्यवाही हेतु प्रेफितः-

- ११ लेहा अनुभाग
- १२ बीजक अनुभाग
- १३ स्थापना अनुभाग-(2)
- १४ उद्योगिक (गोपनी)



प्रशासनिक अधिकारी । वि० श्र०

१२.११.८७

Annexure

M. P. Sharma
Advocate,

10/10/1981

केन्द्रीय औषधि अनुसंधान संस्थान
प्रशासनिक तथा औद्योगिक अनुसंधान परिषद् ।

सं ५१०६४/८०-स्थापना ११४

उत्तर मण्डिल पेलेस,
लखनऊ

दिनांक : ३०-११-८१

कार्यालय प्राप्ति

10/11/81

इस कार्यालय के समसंबंधीक कार्यालय ग्रापन दिनांक
के अनुक्रम में, निदेशक, केन्द्रीय औषधि अनुसंधान संस्थान, लखनऊ
श्री/श्रीमती/कु ० ३०८१

तर्द्य अवर वर्ग लिपिक वेतनमान ₹० ९५०-२०-११५० द०८०-२५-१५००
के कार्यकाल को पूर्व उल्लिखित शर्तों पर तीन माह के लिए बढ़ावे, का सहर्ष
अनुमोदन प्रदान करते हैं जो दिनांक १०/११/८१ से दिनांक १०/१२/८१ तक प्रभावी रहेगा ।

प्रधुम लाल छाबड़ा ।

प्रशासनिक अधिकारी । विभ० श्र० ०

१०/११/८१

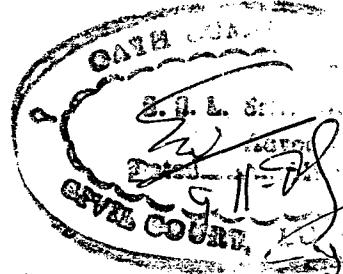
प्रतिलिपि निम्नलिखित तो रूपन्तर एवं बावरयक कार्यवाही हेतु प्रेषितः-

११४ लेहा अनुभाग

१२४ बीजक अनुभाग

१३४ स्थापना अनुभाग (२)

१४४ इलाया (११७) अनुभाग



प्रशासनिक अधिकारी । विभ० श्र० ०

१०/११/८१

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL
BENCH, ALLAHABAD, (CIRCUIT BENCH), LUCKNOW.

O.A.No. 103/89 (L).

Mrs. Rama Dhawan & Others.

...Applicants.

Versus

Council of Scientific and
Industrial Research, and others. ... Opp. Parties.

.....

Statement L&
COUNTER AFFIDAVIT OF OPPOSITE PARTY NO. 2.

I, V.P.Bakshi, son of late Sri K.P.Bakshi,
aged about 54 years, Controller of Administration,
Central Drugs Research Institute, Lucknow, do hereby
state as under:-

1. That the deponent is the Controller of Administration in the Central Drugs Research Institute, Lucknow and represents opposite party no. 1 and 2 in the present application. He is well acquainted with the facts of the case and is duly authorised by the respondent no. 1 and 2 to file this counter affidavit.
2. That before giving the parawise reply to the contents of the application, the deponent has been advised to bring certain material facts on record.
3. That the Council of Scientific and Industrial Research hereinafter referred to as C.S.I.R.

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14/5/89
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M.C.W.

is a Society, registered under the Registration of Societies Act of 1860 and one of the main functions of the Society is to establish or develop various Institutes for carrying on basic and applied Scientific Research.

4. That to achieve this object the C.S.I.R. has established a large number of Institutes/Laboratories spread over the Country and the Central Drugs Research Institute is one of the Units of C.S.I.R.. It shall be referred hereinafter as C.D.R.I..

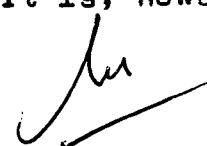
5. That in addition to its own Programme of research, the C.D.R.I. as well as the other Units of C.S.I.R. undertake research work under various Projects and Scheme sponsored by various bodies in the Country as well as outside the Country.

6. That one of the sponsored Scheme was the NICDAP Scheme.

7. That the funds for working of the Scheme including expenses of employment of personnel were to be borne by the sponsors of the Scheme and the employment was to be for the purpose and duration of the Scheme. Those who were recruited for the Scheme were not the regular employees of C.D.R.I..

PARAWISE REPLY.

8. That the contents of paragraph 1 of the application are admitted to the extent that the applicants at present are working as Lower Division Clerks in the C.D.R.I., Lucknow. It is, however,



submitted that originally these applicants had not been appointed to the cadre of C.D.R.I. Staff but were appointed under the NICDAP Scheme which was sponsored by the Department of Science and Technology. This Scheme was sanctioned and allotted to C.D.R.I. through letter dated 29th September, 1977. It was the sponsor who had provided funds for salaries, documents, equipment and operating cost. The C.D.R.I. was not concerned with the funding of this Project. These funds were made available to the C.D.R.I. as the Scheme Progressed from year to year.

9. That the contents of paragraph 2 of the application do not require any comments.

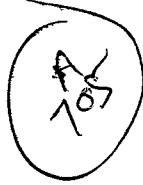
10. That the contents of Paragraph 3 of the application do not require any comments except that the application is not maintainable. Annexure A-15 is only a Provisional Seniority list drawn after absorption of the Scheme Staff and Annexure No.16 is the rejection of representation of one of the applicants U.K.Tewari dated 23.12.1988 which was obviously prior to the issue of Annexure No. A-15. There is no reference in Annexure No. A-16 to the rejection of any representation made by the applicants No.1 and 2 Mrs. Rama Dhawan and Kamlesh Kumar Misra.





11. That the contents of Paragraph 4 of the application are admitted.
12. That the contents of Paragraph 5 of the application are not admitted.
13. That the contents of Paragraph 6 of the application are not admitted as stated and are being replied to with reference to the sub-paragraphs.
14. That the contents of Paragraph 6 (i) of the application are not admitted. The applicants were not appointed to the cadre of Lower Division Clerks of C.D.R.I.. They were recruited against the posts sanctioned for NICDAP Scheme which had been given to C.D.R.I. as a Project under the Department of Science and Technology, contained in Annexure No.1. The nature of appointment of the applicants would be clear from the appointment letters Annexures A-1 to A-3 which are identical. Paragraph 2 of the appointment letter provides that the appointment is under the NICDAP Scheme. Paragraph 5 clearly provides that the appointment will be temporary in the said Scheme for the duration of the Scheme and he/she will have no right for absorption in the regular cadre of the Institute. The appointment was also subject to willingness to accept the offer of appointment on the aforesaid terms and conditions. The appointment was, therefore, contractual and no condition or terms

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could be interpreted to make the applicant, employees of C.D.R.I.. The probation mentioned in Paragraph 4 of the appointment letters was the Probation on the temporary employment under the Scheme. If their work during this period of probation was not found satisfactory, his or her services in the Scheme could be terminated at any time without notice. After the completion of the period of probation, the services could be terminated by either side by one month's notice or pay in lieu thereof. The mere completion of the period of probation does not mean that the applicants became permanent or temporary employees of the C.D.R.I.. There could be no permanancy in respect of services which related to the duration of the Scheme which had been sponsored by another Agency who also funded the Project.

15. That the contents of paragraph 6 (2) of the application are not admitted as stated. The question of there being Rules for employment based on contract did not arise. They were just temporary employees recruited for the Scheme on specific terms and conditions contained in the letters of appointment.

16. That the contents of paragraph 6 (3) of the application need no comments except that the completion of period of probation could refer only

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to the nature of appointment which was temporary and for the Scheme.

17. That the contents of Sub-paragraph 4 of paragraph 6 do not require any comments except that both the joining and completion of probationary period was in respect of employment in the Scheme on a temporary post.

18. That the contents of paragraph 6 (5) of the application are denied. In the first instance, as already stated, the period of probation could be referable to the terms and conditions of the appointment letter. Completion of probation only conferred a right on the applicants to continue on the temporary posts of the Scheme which were not terminable without one month's notice. The question of confirmation does not arise as the posts were not permanent and the Scheme could be woundup any time. The employees of the Scheme were not regular employees of C.D.R.I.. Moreover without a confirmation order having been passed by the competent authority, there could be no deemed confirmation.

19. That the contents of paragraph 6(6) of the application are not admitted as stated. It is, however, not denied that the applicants continued as Lower Division Clerks in the Scheme since 1983.

✓ J.W.

20. That the contents of paragraph 6(7) of the application do not require any comments.

21. That the contents of paragraph 6(8) of the application are not disputed but the allegation is correct only in respect of regular employees of C.D.R.I..

22. That the contents of paragraph 6(9) of the application are denied. Originally they had no seniority amongst the regular staff of the C.D.R.I.. The NICDAP Scheme had been existing for a long time although the funds for the Scheme were provided on year to year basis. The employees of the Scheme who had been in service for several years in the Scheme clamoured for service benefits akin to the service benefits of the regular employees of C.D.R.I.. The matter was referred to the Director-General, C.S.I.R. to give relief to the employees who had been working for some years in the NICDAP Scheme. The Director-General, C.S.I.R. agreed to give some benefits to such employees who existed as employees under the Scheme and, consequently, the C.S.I.R. issued a Memo. dated 29th June, 1988 in respect of such staff as was actually in position on the date of issue of these orders. A copy of the said Memo. dated 29.06.88 is being filed herewith as Annexure No.CA-1 to this counter affidavit. Paragraph 4 of this letter provides as under:-



Para:4

" In the case of non-technical staff, their seniority vis-a-vis other similar regular staff will be counted from the date of issue of these orders."

It was further provided that the vacant posts in the scheme shall be abolished and it is only when the Sponsorer Department discontinued financing the Scheme, that the employees of the Scheme could be adjusted against the likely comparable vacancies, that may arise on the regular strength of the laboratories in future. Consequently, there was no question of giving seniority to the applicants with reference to a date prior to 29.6.1988.

(23) That the contents of paragraph 6(10) of the application are not admitted as stated. Respondents No.3 to 12 were regular employees of the C.D.R.I. and were recruited by following the proper recruitment procedure. They were originally casual workers of the C.D.R.I. They were thereafter appointed as adhoc employees of C.D.R.I. Respondent no.3 was appointed against an open advertised post in 1985. Other respondents were absorbed against regular posts of C.D.R.I. in Jan, 1988. They were not employed in the Scheme.

(24) That the contents of paragraph 6(ii) of the application are denied. The applicants were governed by terms and conditions of the appointment in the NICDAP Scheme sponsored by an outside Agency. Their appointment was contractual and not on the cadre of C.D.R.I.. For purposes of seniority and for some benefits the cut off date as

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provided for in Annexure No. CAI) was 29.6.1988. In fact prior to that date the question of seniority inter-se of the applicants and respondents no.3 to 12 did not arise as they belonged to two different categories. The applicants were employed in the sponsored Scheme while as respondents no.3 to 12 were regular employees of the C.D.R.I. There was consequently no question of seniority inter-se prior to issue of Annexure No.CAI). The principle of length of continuous service did not apply in such cases and no benefit of seniority could be claimed in respect of the period spent by the applicants as employees of a sponsored Scheme.

(25) That the contents of paragraph 6(12) of the application do not require any comments.

(26) That the contents of paragraph 6(13) of the application do not require any comments except that respondents nos. 3 to 12 were senior to the applicants on the basis of Annexure No. CAI.

(27) That in regard to the contents of paragraph 6(14) of the application, the receipt of the representation is accepted. The claim made by the applicants was not acceptable as they were not on the cadre of C.D.R.I. but to give them relief it was provided by Annexure No. CAI that they shall be given

J.W.

seniority and benefits of regular employees w.e.f. 29.6.1988. The applicants, therefore, could not be placed as senior to respondents no. 3 to 12.

(28) That the contents of paragraph 6(15) of the application are denied. The seniority of respondents no. 3 to 12 is not based on their adhoc services but with effect from the dates they joined as LDC on regular sanctioned posts. Posts were sanctioned for the respondents.

(29) That the contents of paragraph 6(16) of the application are denied. The applicants cannot be deemed to have been confirmed. They were employed on contract basis as mentioned in the appointment letters for the purposes of Scheme only and, consequently there can be no deemed confirmation on the posts of scheme which could be woundup any time.

(30) That the contents of paragraph 6(17) of the application do not require any comments.

(31) That the contents of paragraph 6(18) of the application do not require any comments.

(32) That the contents of paragraph 6(19) of the application are misconceived and are not admitted. The date of joining indicated in respect of the applicants refers to their joining on the basis of appointment letters, Annexure A-1 to A-3 in the NICDAP Scheme. It does not refer to their having joined the regular cadre of the C.D.R.I.

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(33) That the contents of paragraph 6(20) of the application are denied. There was no illegality and arbitrariness in placing the applicants below the respondents no. 3 to 12. In fact it was a concession granted to the applicants to grant them the benefits of their long association with sponsored Scheme. They could not be given benefit with reference to a date prior to the date of issue of Annexure No. CAI C.S.I.R. is not a State under Article 12 of the Constitution and, consequently, the question of violation of the provisions of Articles 14, 16 or 311 of the Constitution does not arise.

(34) That the contents of paragraph 6(21) of the application are not admitted as stated. Only limited benefits have been extended to the applicants. They would acquire Institutes' posts only after the funding of NICDAP Scheme from the Department of Science and Technology stopped and after these employees are adjusted against C.D.R.I. posts.

(35) That the contents of paragraph 6(22) of the application are denied. The services of the applicants rendered under the sponsored Scheme which could be woundup any time and the contractual nature of their appointment makes it clear that this period cannot be counted for the purposes of seniority.

(36) That the contents of paragraph 6(23) of the application are denied. There was not arbitrariness

lw

illegality or violation of Principles of determination of seniority for any post. As already mentioned, the Provisions of Articles 14, 16 and 311 of the Constitution do not apply.

(37) That the contents of paragraph 7 of the application are not admitted in so far as no rules applicable to the applicants provided for representations.

(38) That the contents of paragraph 8 of the application require no comments.

(39) That the contents of paragraph 9 of the application are denied. The applicants are not entitled to any relief.

(40) That the grounds (A), (B), (C), (E), (F) and (G) mentioned in the application are denied with reference to the submissions made hereinbefore in this reply.

(41) That the contents of paragraph 10 of the application are denied. The applicants are not entitled to any interim relief.

(42) That the contents of paragraphs 11, 12 and 13 of the application do not require any comments.

DATED 4.9.94

PLACE: Lucknow

Am
(V.P. BAKSHI)
CONTROLLER OF ADMINISTRATION
FOR OPPOSITE PARTY NO.2
Am 18/9/94

AP
JG

: 13 :

VERIFICATION

I, V.P.Bakshi, Controller of Administration, Central Drug Research Institute, Lucknow, do hereby verify that the contents of paragraphs 1 to 42 of this counter are true to my knowledge based on record available in the office. No part of it is false and nothing material has been concealed. So help me God.

Signed and verified this 4th day of Sept. 1990
at Lucknow

LUCKNOW: DATED
4. 9 , 1990

(V.P.BAKSHI)
CONTROLLER OF ADMINISTRATION
FOR OPPOSITE PARTY NO.2

I identify the deponent who has signed before
me.

Hanifa Shabir
ADVOCATE

C-1289 Andheri West
Mumbai

ANUSANDHAN BHAVAN
RAFI MARG,

No. 14(6)/84-E.II

New Delhi-1, the 29th June 1988.

To,

The Director,
Central Drug Research Institute,
LUCKNOWE1
20/6
APW
20.6.88Subject: Absorption of Scheme staff on the regular
strength of Laboratory/Institute. MCDAP

Sir,

With reference to your letter No. 5/88/81-Estt(I) dated 9/10/87 on the above subject, I am directed to inform you that after careful consideration of your above proposal, DGSIR in concurrence with the Financial Adviser has been pleased to approve the absorption of the staff along with post actually in position as on date in the MCDAP. Schemes in the Laboratory system on the following terms and conditions:-

1. Such staff actually in position will be treated as regular-temporary staff of CDRI, LUCKNOW with immediate effect provided their original appointment in the Schemes was made as per rules applicable for regular appointments;
2. Scientific and Technical staff will be eligible to count Scheme service for the purpose of their assessment under the New Recruitment and Assessment Scheme etc. of the CSIR and their assessment will be done along with similarly placed regular staff in the Laboratory/Institute;
3. Being regular-temporary employee of CDRI, Lucknow these employees will be eligible to all the service benefits/service conditions as are applicable to the regular staff of CSIR;
4. In the case of non-technical staff, their seniority vis-a-vis other similar regular staff will be counted from the date of issue of these orders;
5. The post lying vacant under these schemes as on the date of issue of these orders will stand abolished and will not be allowed to be operated under any circumstances;

Contd... P.2/-...

6.

In the event of any future vacancy occurring amongst absorbed staff, the same will also stand abolished;

7.

The grant being received from the Department of Science and Technology/Department of Scientific and Industrial Research for running of these Schemes will be treated as receipt of CSIR and operated as such, so long as these Schemes continued to be financed by the above Departments. As and when either of these Departments discontinue financing either of the Schemes, staff of such schemes now being absorbed on regular strength of the Laboratory will be adjusted against the likely comparable vacancies that may arise on the regular strength of the Laboratory in future.

A list of filled up and vacant posts existing in the above Scheme is enclosed herewith.

Yours faithfully,

J.P. Khanna

(J.P. KHANNA)
DEPUTY SECRETARY

Encl: As above.

Copy to:

1. Sr. F&AO, CDRI, Lucknow
2. Sr. F&AO(Finance), CSIR
3. Sr. F&AO(Budget), CSIR

J.P. Khanna 2/6
(J.P. KHANNA)
DEPUTY SECRETARY

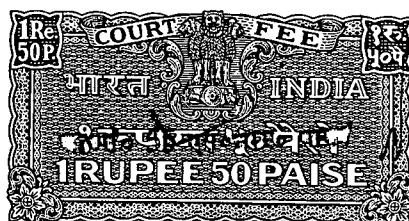
~~STATE GOVERNMENT OF NODER-SURVEY~~
VACANT POSTS OF NODER-SURVEY

No.	NAME OF THE POSTS	SANCTIONED POSTS	NUMBER OF POSTS FILED UP	VACANT POSTS
		3		
1.	Scientist-3	2	1	4
2.	Scientist-C	4	2	5
3.	Scientist-3	7	3	5
4.	SPV/SDA	8	2	2
5.	JTO/JDA/KDA/ Project Reader/Mechanic Ass't.	9	7	2
6.	Project Ass'tant	3	1	2
7.	Assistant Librarian	2	1	1
8.	Stenographer	1	1	1
9.	Refrigeration Mechanic/	4	2	2
10.	Jr. Librarian	4	1	1
11.	Cataloguer	1	1	1
12.	Libracy Clerk	5	5	1
13.	Photocopy Operator	2	2	1
14.	Binding Ass't.	1	1	1
15.	Driver	2	1	1
	JRS	29		

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,

LUCKNOW.

अदालत
बादी
प्रतिवादी



होदय

Regd. Case No. 103/89(L)

Smt. Rama Dhawan & others

बादी (मुद्दा)

वनाम

Council of Scientific & Industrial
Research, New Delhi & others

प्रतिवादी (मुहालेह)

नं० मुकदमा सन् १९ ऊपर लिखे मुकदमा में अपनी ओर से

पेशी की ता० १९ ई०

Smt. Hari Har Saran, Advocate &
Smt. R.S. Srivastava & Sanjiv Singh, Advocate

एडवोकेट

महोदय

को अपना वकील नियुक्त करके (इकरार) करता हूँ और लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया बसूल करें या सुलहनामा या इकबाल दोवा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रूपया अपने या मारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें। वकील महोदय द्वारा की गई वह कायंवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी रुकीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूँगा। अगर मुकदमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी में वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आगे।

B. Bhawal
हस्ताक्षर निरेश्वर 6/90
छान्दोप शोष्णि अनुसंधान संस्थान
लखनऊ

Accepted
R. S. Srivastava
Advocate

साक्षी (गवाह) साक्षी (गवाह)

दिनांक

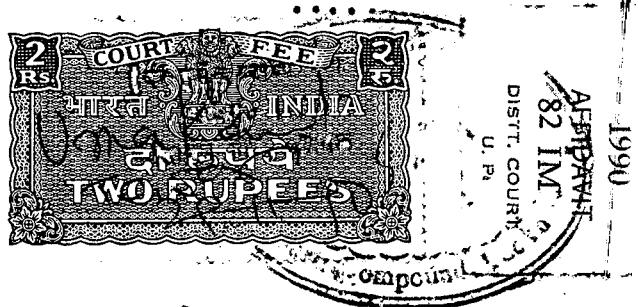
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW.

O.A. NO. 103/1989 (L)



Smt. Rama Dhawan and Others. Applicants.

Versus

C.D.R.I. and others. Opp. Parties.

R.A. ON BEHALF OF THE APPLICANTS.

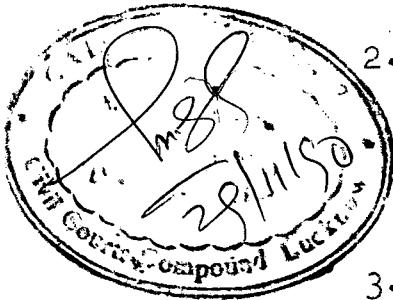
I, Uma Kant Tewari aged about 31 years son of R.K. Tewari R/o 364/42, Saadat ganj, Lucknow do hereby solemnly affirm and state on oath as under :-

filed today

Sd/-

12/12/91

1. That deponent is one of the applicant in the above noted case and is well acquainted with the facts of the aforesaid case. He has also been authorised by others ~~two~~ ² petitioners to ~~swear~~ on their behalf.
2. That the deponent has read the contents of C.A. filed by opp. party No. 2 and understand the same. He is making reply parawise as under:-
3. Para 1 & 2 need no comments .
4. That in reply to para no. 1 to 7 ~~it~~ is submitted that N.I.C. DAP Scheme is also under the Central of C.D.R.I.
5. That in reply to para 8 it is submitted that C.D.R.I. vide order dated 10.6.83 called the



Swami

Contd... 2/-

applicants for interview on the post of Lower Division Clerks and after selection all the applicants were appointed. Photocopy of three orders dt. 10.6.83 are enclosed herewith as Annexure No. 1 to 3 to this R.A.. It further appears from Annexure No. 1 to 3 that there is no mention about particular appointment in NICDAD as alleged.

6. Para 9 need no comment .
7. That in reply to para no. 10 it is submitted that on the basis of this provisional List the Opp. Party No. 1 & 2 are promoting to the Junior persons, hence the alleged list has been challenged on the ground of its illegallity.
8. Para 11 need no comments.
9. That in reply to para no. 12 & 13 the contents of para no. 5 & 6 of the application are reiterated.
10. That in reply to para no. 14 of the C.A. it is submitted that as per Annexure No. 1 to 3 of this affidavit, it is clear that CDRI has made recruitment of the applicant and there is no mention with regards to other ~~3~~ Cadre . Even when the N.I.C. DAP Scheme was given fully to the C.D.R.I., in that case the applicants

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are entitled to full benefit of their past services under the C.D.R.I. It is further submitted that terms and conditions of applicants services are & were better to these private opp. parties. It is also submitted that there is no provision to extend the period of probation which have been satisfactorily completed by each applicants and they are deemed to be confined.

12. That the contents of para no. 15 are incorrect and denied. The applicant are entitled to avail the benefit of their past services under CDRI.

13. That in reply to para 16 & 17 & 18 the applicant will argue the point by pointing it ~~out~~ the effect of completion of Probationing Period.

14. That in reply to para 19, 20, & 21 of the C.A. it is submitted that the applicants are entitled to avail the benefit of their past services rendered by them since 1983 in preference and priority of private employees.

14. That in reply to para no. 22 it is submitted that Annexure C.A.I. is totally discriminatory and without jurisdiction. In this Annexure C.A. I double standard has been ~~provided~~ provided with regards to the employees who were similarly proceed hence the same is ultravires to the constitution.



exact -

15. That in reply to para no. 23 to 28 it is submitted that alleged private parties are junior to the applicants on the basis of length of continuous service.
16. That in reply to para no. 29 to 42, It is submitted that the applicants were also selected by departmental Selection Committee of the C.D.R.I. on regular lions in terms of Ann. No. 1 to 3 of this affidavit. The alleged terms will not effect the legal ² ~~xxxix~~ position and right of the applicant to be placed above these pricane parties in the seniority list the alleged Ann. No. C.A. I is illegal and ultravires. The application is maintainable and be allowed with cost.

Dated: 29-11-90
Lucknow.

Deponent.

2000

VERIFICATION

I, the above named deponent do hereby verify that the contents of para 1 to 16 are correct to my best of knowledge. Signed and verified at this 29.11.90 at Lucknow.

DEPONENT,

Seal

82/14
B/200 App by Umakant
Demanded before me in office
Identified
1. No Shri
2. Mr. S. S.
3. Independent
of this App
Retained by
Guru M. P. Shastri
Advocate
150/200
M. S. Set
28/11/1901
Date - Commission

I know the ~~debut~~
who has ~~been~~
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CENTRAL DRUG RESEARCH INSTITUTE
(Council of Scientific & Industrial Research)

Annex
Chattar Manzil
Palace, Lucknow

No. 5 (06)/80-L-I

Dated: 10-6-83

MEMORANDUM

Subject :- Interview

Sh. Uma Kant Tewari is hereby required to appear for interview at 9.30 A.M./ 10.30 A.M. on 23-6-83 (is likely to be continued on next day also) in the Institute for the post of Lower Division Clerk in the scale of Rs. 260 - 400 plus the usual allowances admissible to Council Servants of similar status and pay stationed at Lucknow. He/she should bring with him/her original certificates testimonials, etc. for verification on his/her claims regarding date of birth, qualifications, experience etc. mentioned by him/her in his/her applications for the said post. In case, he/she had migrated to India from Pakistan after 18th July, 1948, he/she is required to produce a documentary proof in original regarding Indian Citizenship at the time of interview without which he/she will not be eligible for interview.

He/she may also produce a 'No Objection Certificate' from his/her present employer at the time of interview without which he/she will not be eligible for interview.

No travelling allowance will be admissible.

To be read by
for Administrative Officer
C. SEC'DNQ. QESTR. INSTITUTE
LUCKNOW.

Sh. Uma Kant Tewari,
Typist,
Medical Mycology Division,
C.D.R.I., Lucknow.

Signature

28/11/83

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CENTRAL DRUG RESEARCH INSTITUTE Annex
(Council of Scientific & Industrial Research)

Chattar Manzil
Palace, Lucknow

No.5 (106) / 80 - E-1

Dated: 10 - 6 - 83

MEMORANDUM

Subject :- Interview

Mrs. Rama Dhaswan is hereby required to appear for interview at 9.30 A.M./
10 A.M. on 23-6-83 (is likely to be continued on next day also) in this Institute for the post of LDC / Store & Purchase Assistant in the scale of Rs. 260 - 450 plus the usual allowances admissible to Council Servants of similar status and pay stationed at Lucknow. He/She should bring with him/her original certificates testimonials, etc. for verification on his/her claims regarding date of birth, qualifications, experience etc. mentioned by him/her in his/her applications for the said post. In case, he/she had migrated to India from Pakistan after 18th July, 1948, he/she is required to produce a documentary proof in original regarding Indian Citizenship at the time of interview without which he/she will not be eligible for interview.

He/she may also produce a 'No Objection Certificate' from his/her present employer at the time of interview without which he/she will not be eligible for interview.

No travelling allowance will be admissible.

In presence
for Administrative Officer
CENSITATION OFFICER
Central Drug Research Institute
LUCKNOW.

Mrs. Rama Dhaswan,
Typist,
Documentation & Library Services,
C.D.R.I., Lucknow.

Dear

28/6/83
28/6/83

CENTRAL DRUG RESEARCH INSTITUTE
(Council of Scientific & Industrial Research)

Chattar Manzil
Palace, Lucknow

No. 56 (O.G.3)/80-EV

Dated: 10-6-83

MEMORANDUM

Subject: Interview

M/s. Kamlesh Kumar Misra is hereby required to appear for interview at 9.30 A.M./ P.M. on 23.6.83 (is likely to be continued on next day also) in this Institute for the post of Lower Division Clerk in the scale of R.P. 260/- p.m. plus the usual allowances admissible to Council Servants of similar status and pay stationed at Lucknow. He/She should bring with him/her original certificates, testimonials, etc. for verification of his/her claims regarding date of birth, qualifications, experience etc. mentioned by him/her in his/her applications for the said post. In case, he/she had migrated to India from Pakistan after 18th July, 1948, he/she is required to produce a documentary proof in original regarding Indian Citizenship at the time of interview without which he/she will not be eligible for interview.

He/she may also produce a 'No Objection' Certificate from his/her present employer at the time of interview without which he/she will not be eligible for interview.

No travelling allowance will be admissible.

Dr. S. P. Dube
Dr. S. P. Dube
Administrative Officer
COLLECTION OFFICER
Central Research Institute
LUCKNOW.

M/s. Kamlesh Kumar Misra,
M.D.B.

11th Section,
D.P.H., Lucknow.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

Review Petition No. 639/92

In re
O.A. No. 103 of 1989

Sri Dilip Kumar and others

Applicants.

In re

Smt. Dhawan & others

Applicants.

versus

C.S.I.R. and others

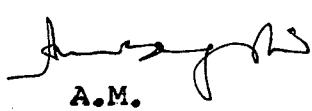
Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member,

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

This review application has been filed against our judgment and order dated 30.6.92 allowing the O.A. in terms it was allowed by the respondents to the said O.A. The case was heard and disposed of after hearing the counsel for the parties and all the relevant facts were taken into account. The scope of a review application is limited and it does not mean reconsideration or re rehearing of the arguments. In our opinion, there is no error and much less an error apparent on the part of the record in the judgment.

Accordingly the review application is rejected.


A.M.


V.C.

Lucknow: Dated 24th November 1992

Shakeel/

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL.

(Lucknow Bench)

Circuit

Date of J.

Date of Rec.

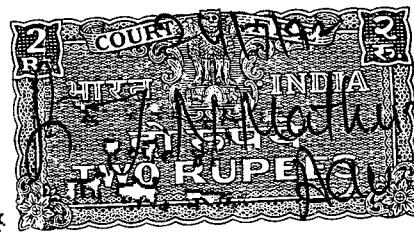
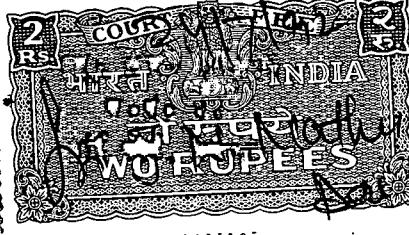
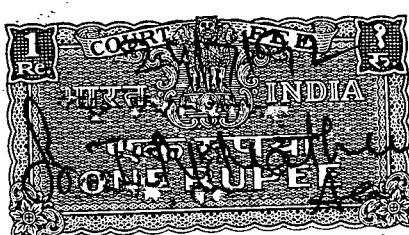
24/7/92

21/7/92
Copy Registered

C.M. APPLICATION NO. 638/92 OF 1992.

In re:

APPLICATION FOR REVIEW 639 OF 1992.



Shri Dilip Kumar and others.

....Applicants.

In re:

O.A. No. 103 of 1989.

Smt. Rama Dhawan & others.

....~~Respondents~~
Applicants.

Versus

Council of Scientific & Industrial Research, New Delhi & others.

....Respondents.

APPLICATION FOR STAY.

For the facts and circumstances mentioned in the accompanying affidavit it is most respectfully prayed that the judgment and order of the Hon'ble Central Administrative Tribunal dated 30.6.1992 in O.A. No. 103 of 1989 (Smt. Rama Dhawan & others. Vs. Council of Scientific & Industrial Research New Delhi and others) may kindly be stayed till the disposal of the above noted review petition.

Lucknow, Dated.

July , 1992.

(J. N. MATHUR)

Advocate.

COUNSEL FOR THE APPLICANTS.

File today
on 24.7.92
✓

J. N. Mathur

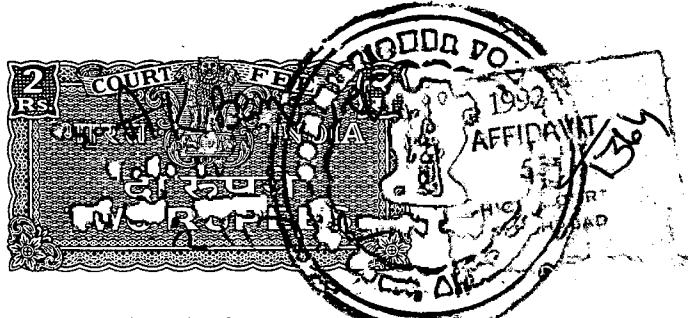
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IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
(Lucknow Bench)

C.M.APPLICATION NO. 638 OF 1992.

In re:

APPLICATION FOR REVIEW OF 1992.



Shri Dilip Kumar and others.

.....Applicants.

In re:

O.A. NO. 103 of 1989.

Smt. Rama Dhawan & others.

.....Applicants.

Versus

Council of Scientific & Industrial Research, New Delhi & others.

.....Respondents.

A F F I D A V I T

I, Arun Kumar Banerjee, son of Sri S.Banerjee, aged about 31 years, Lower Division Clerk, Central Drug Research Institute, Lucknow, the deponent do hereby solemnly affirm and state on oath as under:-



1. That the deponent is the opposite party No. 10 in the O.A. No. 103 of 1989 and is well acquainted with the facts deposed to hereunder. He has been authorised on behalf of respondents No. 3,4,6,7,8,9,11 and 12 to file the present affidavit on their behalf.

2. That the dispute between the parties is that whether a period of service of the applicants in the

arunbanerjee

National Information Centre for Drugs and Pharmaceuticals, which was only a temporary scheme and was conducted by C.D.R.I. could be counted towards their seniority and whether the benefit of such service would be given to the applicants in such a manner that they would be made senior to the respondents No. 3,4,6,7,8,9,11 and 12 who had been directly appointed in the C.D.R.I.

3. That the case of the applicants in the claim petition was that their appointment was under a particular temporary Scheme sponsored by the National Information Centre for Drugs and Pharmaceuticals which was run under the AEGIS of the C.D.R.I. The funds of the Scheme were provided by the department of Science and Technology Government of India and the C.D.R.I. was only an agency for implementation of the Scheme.



4. That after the scheme came to an end, the Council of Scientific and Industrial Research was pleased to require the Central Drug Research Institute to absorb the applicants in the service of the C.D.R.I. as Lower Division Clerks and it was directed that their seniority would be counted from the date of the absorption. (29th June, 1988) that the applicants came in the staff of the C.D.R.I. and prior to that they were employees, not of C.D.R.I. but of the NICDAP Scheme. The respondents No. 3,4, and 6 to 12, on the other hand were directly

overruled

appointed as Lower Division Clerks in the service of the C.D.R.I. and their seniority was fixed from the date of their appointment in the C.D.R.I. By the judgment and order dated 30.6.1992 this Hon'ble Tribunal has held that the services of the applicants rendered by them in the NICDAP Scheme would be counted towards their seniority in the C.D.R.I.

5. That it is most respectfully submitted that the Hon'ble Tribunal has not considered that the services in a scheme sponsored by the Central Government cannot be counted towards the seniority in the C.D.R.I. This is not the case of the applicants that they were continuously employees of the C.D.R.I. but had been rendering the earlier services prior to their absorption in an officiating capacity. Thus the applicants would not be entitled to the period of their service in the NICDAP Scheme to be counted as service in the C.D.R.I.

6. That it would, therefore, be expedient in the interest of justice if this Hon'ble Tribunal may kindly be pleased to stay the operation of the judgment and order dated 30.6.1992 passed in O.A. No. 103 of 1989 (Smt. Rama Dhawan & others. Vs. Council of Scientific & Industrial Research, New Delhi & others) during the pendency of the review application.

Lucknow, Dated.

July 24, 1992.

anil bawajee
DEPONENT.

I, the deponent above named do hereby verify
that the contents of paras
of this affidavit are true to my own knowledge, contents
of paras are true to my best
belief on the basis of records, while the contents of
paras are believed by me
to be true on the basis of legal advice. No part of this
affidavit is false and nothing material has been
concealed. So help me God.

anil bhanji
DEPONENT.



I identify the deponent above named who has
signed this affidavit before me.

Ashap. Lal
of Mr. P. N. Mathur
Advocate.

solemnly affirmed before me on 24.7.82

I am by
at.....the deponent who is identified by
Sri Ashap. Lal, Advocate, High Court,

Central Administrative Tribunal, Lucknow
Bench, Lucknow.

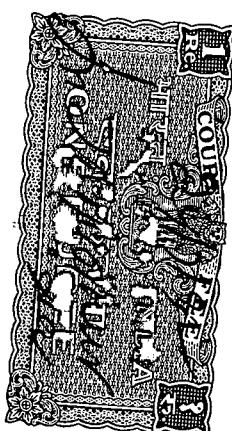
I have satisfied myself by examining the
deponent that he has understood the contents
of this affidavit which have been read over
and explained by me.

I. I. Sharan Lal
A. T. M. COMMISSIONED
High Court, Allahabad
Lucknow
55/1364
24.7.82

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL.

(Lucknow Bench) No. 638/92

APPLICATION FOR REVIEW OF JUDGMENT
AND ORDER DATED 30.6.1992 ON
BEHALF OF RESPONDENTS 3,4,&6 to 12.



1. Shri Dilip Kumar, Lower Division Clerk, Central Drug Research Institute, Lucknow.
2. Shri Tej Singh, Lower Division Clerk, Central Drug Research Institute, Lucknow.
3. Mrs. Kunjumul Varghees Lower Division Clerk, Central Drug Research Institute, Lucknow.
4. Shri Dilip Kumar Khare, Lower Division Clerk, Central Drug Research Institute, Lucknow.
5. Shri Mahendra Kumar, Lower Division Clerk, Central Drug Research Institute, Lucknow.
6. Shri Shiv Lal Gupta, Lower Division Clerk, Central Drug Research Institute, Lucknow.
7. Shri Arun Kumar Banerjee, Lower Division Clerk, Central Drug Research Institute, Lucknow.
8. Shri Ganga Din Yadav, Lower Division Clerk, Central Drug Research Institute, Lucknow.

2. Km. Aparna, Lower Division Clerk,
Central Drug Research Institute,
Lucknow.

....Applicants.

In re:

O.A. No. 103 of 1989.

Smt. Rama Dhawan & others.

....Applicants.

Versus

Council of Scientific & Industrial
Research, New Delhi & others.

....Respondents.

The applicants above named most respectfully submit
as under:-

1. That the dispute between the parties is that
whether a period of service of the applicants in the
National Information Centre for Drugs and Pharmaceuticals,
which was only a temporary scheme and was conducted by
C.D.R.I. could be counted towards their seniority and
whether the benefit of such service would be given to
the applicants in such a manner that they would be made
senior to the respondents No. 3, 4, 6, 7, 8, 9, ~~11~~¹⁰ and 12 who
had been directly appointed in the C.D.R.I.

2. That the case of the applicants in the claim
petition was that their appointment was under a particular
temporary scheme sponsored by the National Information
Centre for Drugs and Pharmaceuticals which was run under
the AEGIS of the C.D.R.I. The funds of the Scheme were
provided by the department of Science and Technology
Government of India and the C.D.R.I. was only an agency

for implementation of the Scheme.

3. That after the scheme came to an end, the Council of Scientific and Industrial Research was pleased to require the Central Drug Research Institute to absorb the applicants in the service of the C.D.R.I. as Lower Division Clerks and it was directed that their seniority would be counted from the date of the absorption. This was done because it was from the date of absorption (29th June, 1988) that the applicants came in the staff of the C.D.R.I. and prior to that they were employees, not of C.D.R.I. but of the NICDAP scheme. The respondents No. 3, 4 and 6 to 12, on the other hand were directly appointed as Lower Division Clerks in the service of the C.D.R.I. and their seniority was fixed from the date of their appointment in the C.D.R.I. By the judgment and order dated 30.6.1992 this Hon'ble Tribunal has held that the services of the applicants rendered by them in the NICDAP scheme would be counted towards their seniority in the C.D.R.I.

4. That it is most respectfully submitted that the Hon'ble Tribunal has not considered that the services in a scheme sponsored by the Central Government cannot be counted towards the seniority in the C.D.R.I. This is not the case of the applicants that they were continuously employees of the C.D.R.I. but had been rendering the earlier services prior to their absorption in an

officiating capacity. Thus the applicants would not be entitled to the period of their service in the NICDAP scheme to be counted as service in the C.D.R.I.

5. That the present review petition is, therefore, being filed on the following:

-G R O U N D S-

- A. Because the Hon'ble Tribunal has not considered the fact that the applicants' services rendered by them in the NICDAP scheme which was sponsored by the department of Science and Technology Government of India, cannot be counted towards their service as Lower Division Clerks in the Central Drug and Research Institute.
- B. Because the applicants had not rendered service in the C.D.R.I. prior to their absorption on 29.6.1988, but the services rendered by them had been in the NICDAP scheme sponsored by the department of Science and Technology Government of India.
- C. Because the respondents in the Original Application had been appointed in the C.D.R.I. itself and their date of appointment is prior to the date of entry of the applicants in the C.D.R.I. The respondents therefore, cannot be placed lower than the applicants in the seniority list.

WHEREFORE, it is most respectfully prayed that the

Hon'ble Tribunal may kindly be pleased to review its judgment and order dated 30.6.1992 in O.A. No. 103 of 1989 (Smt. Rama Dhawan & others V. Council of Scientific & Industrial Research, New Delhi & others) and dismiss the above noted original application.

Lucknow, Dated.

July , 1992.

J.N. Mathur
(J.N. MATHUR)
Advocate.
COUNSEL FOR THE APPLICANTS.

THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH
LUCKNOW

O.A. No. 103 of 1989

Smt. Rama Dhawan & Others ... Applicants

Vs.

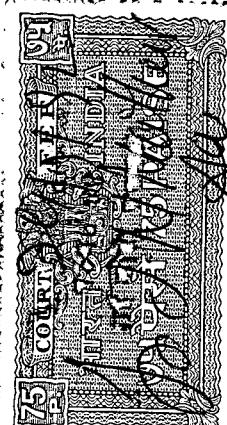
Council of Scientific & Industrial ... Respondents.
Research, New Delhi & others

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.E. Gorthi, A.M.

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

The instant dispute in this application is between two sets of non-technical staff of Central Drug Research Institute (short C.D.R.I.) regarding scrutiny of following regularisation or absorption. The dispute is between employees directly appointed on probation by C.D.R.I. as L.D.C. under a scheme sponsored by Department of Science and Technology, Government of India sanctioned and allotted to C.D.R.I. managed and implemented by it and which was rather carrying out a part of its function and subsequently appointed casual worker, later on made ad-hoc and then regularised prior to regularisation of employees recruited under scheme as L.D.C.

The applicant, if not all them, some of them were appointed in April 1983 after written test and typewriting test and interview for Lower Division Clerk in National Information Centre for Drugs and Pharmaceuticals (short I.C.D.P.) on a probation period of one year liable to be extended or curtailed under stipulations that they were liable to be transferred to any of the Laboratory Institute under the control of Council for Scientific & Industrial



...2

Research (G.S.I.R.) of which C.D.R.I. is one of the unit and that the appointment will be temporary in the scheme for the duration of scheme and that they would have no right for absorption in the regular cadre of the institute and that services were terminable on one months notice by either side. It is to be noticed that when examined or interviewed notices which were issued by C.D.R.I., it was not mentioned that they were being interviewed for a scheme.

3. The respondents No. 3 to 12 were engaged as casual workers in C.D.R.I. and thereafter appointed as ad hoc employee, Respondent No.3 was appointed against an open advertised post in 1985 while others were absorbed against regular posts in January, 1986. The applicants were demanding service benefits. The other employees of C.D.R.I. and ultimately Director General agreed to it. As a result of same C.S.I.R. issued a memo dated 29th June, 1988 in respect of such staff for their absorption with posts as was actually in position on the date of issue of the said order regarding non-technical staff to which applicants also belonged it provided that their scrutiny vis-a-vis other similar regular staff will be counted from the date of issue of these orders. It was further provided that vacant posts in the scheme shall be abolished and it is only when the sponsorer department discontinued financing the scheme, the employees of the scheme could be adjusted against likely comparable vacancies that may arise on the regular strength of the Laboratories in future.

4. For the scientific and technical staff, the said decision contained in the letter dated 29th June, 1988 referred to above provided that they will be eligible to count scheme service for the purpose of their

assessment under the new Recruitment and Assessment Scheme etc. of C.S.I.R. and their assessment will be done along with similarly placed regular staff in the Laboratory/Institute.

5. According to the respondents the applicants are bound by the terms of contract and the benefit admissible to scientific staff is not admissible to them and both technical and non-technical staff who seems to have been absorbed with posts apparently by taking over of the scheme, the vacant post under which stood abolished by C.D.R.I. can not be placed on the same par. It is thus to be noticed that the applicant who were in employment of C.D.R.I. as typist temporarily after due selection were posted in a temporary scheme and had completed their probationary period satisfactorily. The question as a result of merger of scheme with main organisation or transfer of post itself to the main organisation, the employees who had satisfactorily completed their period of probation would be deemed to be confined with effect from the same date or in any view would legally entitled to claim fee entire period towards seniority.

6. The applicants who under the terms of their appointment as L.D.C. had no right as such to claim subscription in the C.D.R.I. after completion of probationary period which they did but they came to be absorbed in the C.D.R.I. along with their post in the scheme and thereby they become fulfilled employee of the institute 'wholly'. Thus the temporary typist in institute after due selection for the post of L.D.C. were appointed as such under a scheme managed by C.D.R.I. as it was one of its unit and occupied posts of said unit having been taken over by C.D.R.I. absorbing all of these persons as its

replies

regular/temporary employee as such in normal course they will be entitled to count entire period of service as regular service. The question is as to whether the unilateral condition or the rider put in by the employer could defeat the normal rule or the rights flowing out of it by delimiting and curtailing it for one set of employees though not for the other. It is true that technical and non technical staff can be classified into two distinct class and their pay scales, duties, functions, responsibilities may be different. But this difference existed from before that is before absorption or inclusion into regular service to any member of staff who had already been regularised.

7. But there appears to be no justifiable rationale or reasonableness in giving post benefit of service in the matter of scrutiny to the technical staff and denying the same to non-technical staff. Even in the matter of contract including service contract or grant and conferment of such benefit the 'State' is not free to do the same arbitrarily and rule of Law governs its activity (See Rammanna Daya Ram Shetty Vs. International Air Port Authority of India (1979) 3 S.C. 489). The discrimination as so done is unreasonable, arbitrary and consequently hit by Article 14 of the Constitution of India and the condition No.4 in the absorption letter regarding the starting point of scrutiny can be sustained and is to be read ~~as~~ as non existent. The result will be that normal rule and in this particular case the period of continuous service would be counted towards service vis-a-vis similar non-technical employees who started as casual labour and then appointed on ad hoc basis whereafter regularised as temporary employee.

8. Accordingly, this scrutiny test - Annexure 15 is quashed and the respondents are directed to prepare it expeditiously say within 3 months in accordance with Law in the light of observations made above taking the date of appointment in scheme as L.D.C. and giving benefit of the entire period to them if there was no break. No order as to costs.

Sd/-
MEMBER (A)

Sd/-
VICE-CHAIRMAN

Lucknow
Dated 30 Jan 92

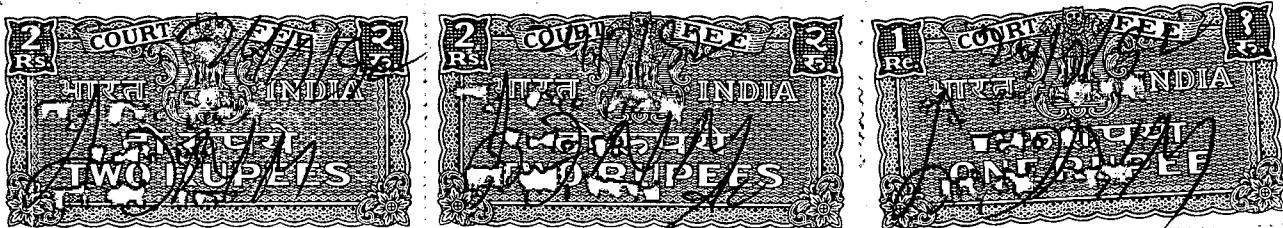
Certified Copy

10/1/92
Judicial Section
C. A. T.
LUCKNOW.

On the Central Administrative Tribunal
Circuit Bench, Lucknow
अदालत श्रीमान
वादी (मुद्रा)
प्रतिवादी (मुद्राबलेह)

बकालतनामा

DA. NO 1.



Rama Dhawan and Others.

वादी (मुद्रा)

Counsel for Scientific & Industrial Research.
New Delhi & Others
वनाम
प्रतिवादी (मुद्राबलेह) EPP.

नं० मुकदमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे अभियोग में अपनी ओर से Shri J. N. Malher एडवोकेट

को अपना वकील नियुक्त दरके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं
इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व
जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें हमारी
ओर से ढिगरी जारी करावें और रूपया वसूल करें या सुलहनामा या इकबाल दावा
तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें
और तस्वीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विपक्ष
(फरीकसानी) का दाखिल किया रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती)
रसीद से लेवें या वंच नियुक्त करें—वकील महोदय द्वारा की गई वह कार्यवाही
हमको सर्वथा स्वीकार है और होयी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी
पर स्वयं या अपने किसी पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी
में एक तरफा मेरे खिलाफ फैसला हो जाता है तो उसकी जिम्मेदारी मेरे वकील
पर न होगी। इसलिये यह बकालतनामा लिख दिया कि प्रमाण रहे और समय
पर काम आवे।

① S. L. Gupta ⑧ K. B. Borghese ② Deepti Banerjee
③ Prakash Kumar ⑨ Deep Singh ④ D. K. Khare
माला (गवाह) ⑤ G. D. Yadav ⑥ D. K. Sen
⑦ Partha Sarathi Accepted
LKO. Dated

COUNSEL FOR.....

Accepted
Deepti Banerjee
Partha Sarathi