

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOWINDEX SHEETCAUSE TITLE O.A. 64 of 1984 (C)Name of the parties Smt. Manju Lal Applicant.

Versus.

union of India Respondents.Part A.B.C.

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~~Bench copy~~ B1 - B89~~C copy~~ C1 - C2Checked
M

23/6/2011

PTU-

Certs felt that no further action is required to taken and that the case is fit for assignment the record room (D).



CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 64 of 1983 (2)

APPLICANT (s) Smt. Manju Lata

RESPONDENT(s) Union of India and others

| Particulars to be examined | Endorsement as to result of Examination |
|---|--|
| 1. Is the appeal competent ? | |
| 2. (a) Is the application in the prescribed form ? | Yes |
| (b) Is the application in paper book form ? | Yes |
| (c) Have six complete sets of the application been filed ? | Yes. It has been informed that the prevailing practice ^{here} is to take only 2 copies before admission. |
| 3. (a) Is the appeal in time ? | Yes. Vide order dt. 2.5.1988, (Annexure XVII) this tribunal had allowed the applicant to file appn. v/s. 19 is her representation is rejected. Her representation has been rejected vide (Ann. xx) dt. 24.11.88. |
| (b) If not, by how many days it is beyond time ? | X |
| (c) Has sufficient case for not making the application in time, been filed ? | X |
| 4. Has the document of authorisation, Vakalat-nama been filed ? | Yes. |
| 5. Is the application accompanied by B. D. /Postal-Order for Rs. 50/- | Yes. |
| 6. Has the certified copy/copies of the order (s) against which the application is made been filed ? | Yes. |
| 7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? | Yes. |
| (b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? | attested by learned Counsel. |

Particulars to be ExaminedEndorsement as to result of Examination

A2

- (c) Are the documents referred to in (a) above neatly typed in double space ? *yes*
8. Has the index of documents been filed and paging done properly ? *yes*
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? *yes*
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 ? *yes*
12. Are extra copies of the application with Annexures filed ? *Yes*
- (a) Identical with the original ?
- (b) Defective ?
- (c) Wanting in Annexures
- Nos...../Pages Nos..... ?
13. Have file size envelopes bearing full addresses, of the respondents been filed ? *No*
14. Are the given addresses, the registered addresses ? *yes*
15. Do the names of the parties stated in the copies tally with those indicated in the application ? *yes*
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *—*
17. Are the facts of the case mentioned in item No. 6 of the application ? *yes*
- (a) Concise ?
- (b) Under distinct heads ? *✓ (under sub paragraphs)*
- (c) Numbered consecutively ?
- (d) Typed in double space on one side of the paper ? *✓*
18. Have the particulars for interim order prayed for indicated with reasons ? *Para 8, but the same, in my opinion is vague.*
19. Whether all the remedies have been exhausted. *yes*

M. K. Bagchi
 (K. K. Bagchi) 13.3.89
 Private Secretary
 Central Administrative Tribunal
 ALLAHABAD

O A 64/89 (L)

(1)

(187)

(1)

14.3.89

Hon. D.S. Misra, AM.

Hon. D.K. Agarwal, J.M.

Sri R.B. Pandey for applicant is present.

On the request of the learned
counsel for the applicant, adjourned
to 27.3.89 for argument ~~of~~ on
the question of admission.

bt

AM.

J.M.

Hon'ble Mr. D.S. Misra, A.M.

Hon'ble Mr. D.K. Agarwal, J.M.

(2)

27/3/89

~~Heard the learned counsel for the~~
~~applicant.~~ Admit. Issue notice to
the respondents. The respondents are
directed to file counter affidavit within
a month. The applicant may file rejoinder,
if any, within 2 weeks thereafter. List ~~the case~~
~~the case before the Deputy Registrar on~~
on 5.5.89 for ~~hearing~~ the final hearing

J.M.

bt

(sns)

J.M.

A.M.

3.4.89

O/R.

Notice issued to the opposite
Party ^{No 5, 6, 7} by Regd post D.K. Choudhary
take notice on behalf of respondent No 1 & 4 &
also Power Filed.

3/4

24

(2)

(4)

12.7.89

Hon. D.K. Agrawal - Am

(AU)

Sri R.B. Pandey for the applicant.
 Sri V.K. Chaudhry for the respondents.
 No counter affidavit has been filed.
 No justification for further time.
 Fixed 27.9.89 for hearing/exparte
 hearing. Meanwhile, if desired the
 respondents may file counter affidavit
 within 3 weeks hereof. Rejoinder, if any,
 be filed within one week thereafter.

Dep
 Member (J)

(5)

27/9/89

Hon. Justice K. Nath, re.
 Hon. K. Ojha, Am.

The learned counsel for
 the applicant says that he
 he has received a copy of
 the counter but it has not
 been filed. The counsel however
 files a rejoinder whose copy has
 been given to the learned counsel
 for the opposite parties. The
 case be listed for final hearing
 on 28-11-89.

OR
 As directed by the
 Court's order dt. 12.7.89,
 no reply has been filed
 so far.
 Submitted for ex-parte
 hearing
 L
 26/9

(6)

20.11.

No sitting. Adj. to 28.2.90.
 Both the counsel are present.

VC

OR
 Counter has not
 filed by 4th for the reply
 Rejoinder filed
 S.F. order

L
 20/11/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

O.A. No.
724/80

64

1980
2

DATE OF DECISION _____

Smt. Manju Lata

Petitioner

Shri R.B. Pandey

Advocate for the Petitioner(s)

Versus

Union of India and ors

Respondent

Shri V.K. Chaudhary

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice U.C. Srivastava, V.C.

The Hon'ble Mr. A.B. Gorthi, A.M.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether to be circulated to all other Benches ?

.....

Ghanshyam/

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, CIRCUIT BENCH, LUCKNOW.

....

Registration O.A. No. 64 of 1989(L)

Smt. Manju Lata ... Applicant

vs.

Union of India and others .. Respondents

Hon'ble Justice U.C. Srivastava, V.C.

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

(By Hon'ble Mr A.B. Gorthi, A.M.)

This application under section 19 of the Administrative Tribunals Act 1985, has been preferred by Smt. Manju Lata for determination of a seniority on the post of Librarian and consideration for promotion to the post of Transmission Executive with retrospective effect.

2. The applicant joined the All India Radio, Lucknow as a Librarian and has since been promoted to the post of Transmission Executive. She had earlier approached this Tribunal for the determination of her seniority vide O.A. No. 13 of 1988(L) decided by this Tribunal on 2-5-1988. The relevant portion of the judgment in O.A. No.13 of 1988(L) is reproduced below:

" The claim for seniority was rejected as early as 3-12-1981. No further representation was made so far as seniority was concerned. The question of seniority thus became final in 1981. That was long before the Tribunal was established and much more than three years prior to the constitution of the Tribunal. Only when another Librarian, who according to the applicant, was junior to her, was promoted she made a representation on 20-4-1985. As the seniority list had become final by an order of 3-12-1981, this Tribunal has no jurisdiction to her grievance in this regard.

2. So long as the grievance of the applicant, with reference to her seniority cannot be entertained, the claim of the applicant for promotion does not seem to have any merit. Apart from the above, the question of promotion is said to be under consideration of the competent authority upon the representation of the applicant. Nothing said herein will stand in the way of the applicant moving the Tribunal later if her representation is rejected.

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

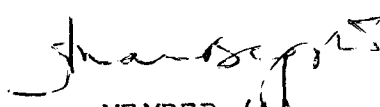
Sd/-
Vice Chairman
2nd May, 1988.

Sd/-
Chairman

"

3. The question of her promotion has obviously been resolved with her promotion to the post of Transmission Executive. The grievance relating to her seniority persists. On this question of seniority, this Tribunal having already pronounced the Judgment, there is, in our view, no scope for the applicant to agitate the same issue once again before us. This is a case where the principle of 'res judicata' squarely applies.

4. The application is, therefore, dismissed without any order as to costs.


MEMBER (A)


VICE CHAIRMAN

(sns)

May 10, 1991.

(10)

(11)

O.A. 64/89 (L)

1.11.90

Due to holiday Adj to 07.01.91.

~~AS~~ AS

(11)

7.1.91

Heard Mr. D.K. Agarwal Jm
Heard Mr. K. Chayya Jm

OR

CA has not been
filed by the reply.
R.A. filed a per
cont's order at 27.9.91.
S.F.O.
L
211 L

On the request of Mr. R.B. Pandey
Commercial appn case is
adjourned to 10.4.91

(12)

10.4.91

Heard Mr. Am

Heard Jm

entitled
L
7/1/91

No Billing Adj to 20.5.91
L

OR

CA/RA have
been exchanged
P.H.
L
165

20.5.91

Heard Mr Justice V.C. Srivastava - VC
Heard Mr. A.B. Gorthi Jm

Argument heard.

Judgement Reserved.

Copy of
order etc
w.K. Ch
21/6/91

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Am

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Case file
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...

main copy.

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW. ✓
ADDITIONAL BENCH AT ~~LUCKNOW~~
Case No. 64 of 1989 (U)
BETWEEN

Smt. Manju Lata ... Applicant
And
Union of India and others ... Respondents

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

For use in tribunals office;
.....
.....

Date of filing - As per endorsement of
OR learned counsel on 10.3.89 but
date of receipt by me
by post on 13.3.1989
Registration no. 64-2-1989 (1)

Signature of the Registrar.
13.3.89
P.S.

Copies received on behalf
of Respondent 1 Toh.
VK Choudhary
Advocate
Lucknow
13/3/89

Filed today
Date
Noted for 14/3/89
D/M

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW

O.A. No. 64 of 1989 (L)

BETWEEN

Smt. Manju Lata

...Applicant

and

Union of India & others

...Respondents

I N D E X

-
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 2. Annexure No. 1
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 3. Annexure No. 2
Copy of application/representation dated 23.9.1981. 32 to 32
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Manju Lata

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14. Annexure No. 13
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19. Annexure No. 18
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on the post of ~~Fransisco~~ Executive
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22. Bank Draft No. ~~72~~ 827833
for Rs 50/00 dt. 10/3/88
23. Vakaltnama _____ 65-
-

Place: Lucknow

Dated: 10/3/88
Raju/-

Through, 

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

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. No. 64 of 1989 (L)

District: Lucknow

BETWEEN

Smt. Manju Lata,
Aged about 37 years,
W/O Sri B.D. Tewari,
R/O A-1119/1, Indira Nagar,
Lucknow.

... Applicant

AND

1. Union of India through Secretary to Govt,
Ministry of Information and Broadcasting,
Central Secretariat, New Delhi.
2. Director General,
All India Radio,
Akash Vani Bhawan,
Parliamentary Street,
New Delhi.
3. Station Director,
All India Radio,
18-Vidhan Sabha Marg,
Lucknow.
4. Station Director,
Door Darshan Kendra,
24-Ashok Marg Chauraha,
Lucknow.
5. Sri H.C. Banwal,
Programme Executive,
All India Radio,
Almora (U.P.),
6. Sri Naresh Kumar,
Transmission Executive,
C/O Director General,
All India Radio,
Akash Vani Bhawan,
Parliamentary Street,
New Delhi.
7. Km. Suman Saxena,
Floor Manager,
Door Darshan Kendra,
24-Ashok Marg Chauraha,
Lucknow.

... Respondents

Manju Lata

Almora
Suman

1412

(2)

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT, 1985.

DETAILS OF APPLICATION:-

1- PARTICULARS OF THE APPLICANT:-

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

2- PARTICULARS OF THE RESPONDENTS:-

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

- (ii) Office Address of the respondents:- As above
- (iii) Address for service of all notices:- As above.

Manju Lata

Attested
Sd/-

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(3)

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

The application on behalf of the applicant is being preferred in nature of direction for determination of seniority on the post of Librarian and consideration of promotion with retrospective effect on the post of Transmission Executive . The matter is related with service condition of the applicant as her representation for the same has been rejected by Opposite Party No. 2 and communicated vide order dated 24.11.1988 by Opposite Party No. 3 (Annex-20).

4- Jurisdiction of the Tribunal:-

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

5- LIMITATION:-

The applicant further declares that the application is within limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985 vide rejection order dated 24.11.1988 (Annexure No. 20).

6- FACTS OF THE CASE:-

The facts of the case are given below:-

(1) That the applicant possesses the degree

Memorandum
Annexure
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of B.Sc. and B.L.Sc. was initially appointed as Librarian under respondent no. 3 against a clear and substantive vacancy in the year 1974 and she joined on 16.10.1974.

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

iii. That it would further pertinent to mention that respondent no. 6&7 have been placed at sl. no. 4&5 respectively in the aforesaid seniority list prepared on 1.7.1981 who are much junior than the applicant meaning thereby that seniority list was wrongly prepared.

iv. That it is further stated that the respondent no. 6 was appointed on the post of Librarian on 2.6.1975 where as the respondent no. 7 also in similar situation was appointed on same post on 25.11.1975 and both the respondents i.e. 6&7 were regularised from the date of their initial joining, while in the case of the applicant the date of regularisation was made w.e.f. 29.10.76 in discriminatory treatment. A photostat copy of the extract of Seniority list dated 1.7.81 is annexed

Manjula
Assistant

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herewith as ANNEXURE No.1 to this application.

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

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

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

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

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

ix. That the respondent no. 3 on dated 20th October, 1981 gave a reply over the representation of the applicant dated 17.10.1981. It is surprising that inspite to decide the matter on merit the said authority under prejudice intention threatened to applicant restrained her legal right that she should not raise unnecessary quarries. In this regard it is further stated that the repeated request

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

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

M. J. K.

Missed

Dr. J. K.

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xi. That the applicant after receiving the reply dated October 20, 1981 further invited the kind attention of respondent no. 3 by making her application dated 22.10.1981. In this application the applicant specifically narrated that the respondent no. 3 being head of the offices of the State Capital Station, are maingaining the combined seniority as such her seniority matter may be decided by said respondent no. 3 within his jurisdiction. A photostat copy of the reply dated 22.10.1981 preferred by respondent no. 3 is also annexed herewith as ANNEXURE No. 9 to this application.

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

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

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

xiv. That the request dated 28.11.1981 was preferred by the applicant to respondent no.3 at that time this office was holding by one Sri Ammek Hanfi. The said Mr. Hanfi on dated 20th November, 1981 after seeing the application of applicant used unparliamentary language very loudly and publicly which resulted

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

xv. That the applicant submitted her reply against the explanation on dated 1.12.1981 and alleged the factual position regarding malafide intention to said Mr. Hanfi but the reply of explanation furnished by the applicant has not been considered and ultimately a warning dated 28.1.1982 was issued against the applicant. It is further stated that prior to warning dated 28.1.1982 the said respondent no. 3 has rejected the application dated 28.11.1981 under malafide intention by giving negative reply in view of a non speaking order. A photostat copy of the reply dated 3rd December 1981 is also annexed herewith as ANNEXURE No. 11 to this application.

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

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Signature

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(12)

witness of the case in arbitrary manner after misusing his power.

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

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

Memorandum

Handwritten signature and initials.

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xix. That in regards the seniority list it is necessary to narrate specifically that none of the seniority list has been circulated by the respondent no. 3 and the applicant was in due hope that her seniority shall be fixed in correct way, many times she made verbal approaches to the authorities for circulation of correct seniority list but none took any response and the grievance of the applicant has not been redressed after much lapse of time, ultimately in the year 1985 the applicant made an approach to the higher authority against the order of Opposite Party No. 3 for redressing her grievance pertaining to correct seniority according to length of service rendered on the post of librarian without any single day break.

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

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

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

xxiii. That the discriminatory treatment of the authorities is hereby proved up to this extent mainly that the applicant has been promoted on the post of Senior Librarian having pay scale of Rs 380-640 (old) where as in similar situation the junior persons have been promoted on the post of Transmission Executive and Floor Manager having pay scale of Rs 425-750 (Old). Thus it is crystal clear that in case of the applicant the authorities acted under arbitrary and also with prejudice intention what ever

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decided is not just and proper and also violating the mandatory provision of Art. 14 and 16 of the Constitution of India. The act of Opposite Party No. 3 promoting to juniors (Opposite Party No. 627) to also illegal where as the representation of the applicant dated 20.4.1985 was pending to Opposite Party No. 2. Thus none of the promotion could be made on the basis of disputed seniority list.

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

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xxv. That the respondent no. 4 in compliance of the order dated 13th August, 1986 issued by respondent no. 3, issued a promotion order to respondent no. 7 for the post of Floor Manager in the alleged pay scale of Rs 425-750 (old) which is also discriminatory after ignoring the rightful claim of the applicant. The said respondent no. 4 after making the compliance of the order of respondent no. 3, promoted the respondent no. 7 and also informed to the respondent no. 3. A photostat copy of the promotion order issued by respondent no. 4 to respondent no. 7 dated 25th August, 1986 is also annexed herewith as ANNEXURE No. 14 to this application.

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

xxvii. That the applicant/^{on}dated 20.4.1985 made an application for determination of seniority before the respondent no. 2 was pending without any decision or disposal. Ultimately applicant came to know that a bunch of cases of transmission executive working in All India Radio and Door Darshan Kendras have been decided

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by Hon'ble Central Administrative Tribunal of its Jabalpur Bench vide case no. TA/104 of 1986 In the said case the Transmission - Executive working in All India Radio and Door Darshan Kendras preferred their cases for obtaining entire seniority and promotion according to length of their services. The Hon'ble Bench of Central Administrative Tribunal, Jabalpur decided the matter in favour of the alleged applicants and adhoc services rendered by the Transmission Executives have been credited. The alleged Transmission Executive have got their respective seniority according to length -- of their services. The Hon'ble bench of Central Tribunal, Jabalpur also directed to the authorities to consider their promotions from the date of their entitlement.

xxviii. That in view of the decision as already alleged by Hon'ble Central Administrative Tribunal, Jabalpur Bench, vide an order dated 28th August, 1987 the respondent no. 2 has issued the promotion order to 117 Transmission Executives for the post of Programme Executives. The promotion order in view of the judgment given by the Hon'ble tribunal were made with retrospective effect i.e. from 18.4.1983. It would not out of place to mention for the kind notice of this Hon'ble

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Tribunal that the respondent no. 6 namely Sri H.C. Sanwal has also been promoted on the post of Programme Executive by giving the benefit of his adhoc services rendered on the post of Transmission Executive. Thus the observation made by the respondent no. 3 in view of Annexure No. 3 of this application does not stand and sustainable in the eyes of law against the applicant. A photostat copy of the order dated 28th August, 1987 issued by respondent no. 2 making promotion of 117 transmission Executives for the post of Programme Executive is also annexed herewith as ANNEXURE No. 15 to this application.

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

xxx. That the applicant in her detail reminder dated 18.9.1987 (Annexure No. 16) specifically disclosed all the legal and factual position by narrating the promotion of respondent

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no. 6&7 and the baseless observations made by respondent no. 3 dated 14th October, 1981 (Annexure No. 3) also explained by narrating the legal position in view of decision already taken by Hon'ble Central Administrative Tribunal of its Jabalpur Bench in case no. TA/104 of 1986. but the said respondent no. 2 took no response and the matter of inter-se-seniority of the applicant was pending. While she is legally entitled to obtain her seniority from the date of joining on the serial no. 4 in the seniority list dated 1.7.1981.

xxxi. That the instant case of the applicant for which this application is being preferred before this Hon'ble tribunal is that the applicant has been deprived deliberately for her seniority according to length of service and the authorities also time to time made wrong decisions which resulted that the applicant has been ignored for her rightful claim of promotion in line. The repeated request, representation preferred by the applicant has not been considered by the respondent no. 2&3. Ultimately in discriminatory treatment also in similar situation the promotion of respondent no. 6&7 have been made for the post of Transmission Executive and Floor Manager respectively. The legal position also have been made clear by virtue of decisions given by Hon'ble Administrative Tribunal of its Jabalpur Bench in similar situation and 117 Transmission

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Executives have been promoted on the post of Programme Executive with retrospective effect i.e. 18.4.1983 by adding their adhoc services for the purposes of seniority. The applicant's case also stands on the same footing and she is entitled for her seniority prior to respondent no. 6&7 along with promotion and other service benefits.

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

xxxi. That the humble applicant after aggrieved about her seniority matter preferred an application to the Hon'ble Central Administrative Tribunal of its circuit bench Lucknow which was registered as O.A. No 13 of 1983 (L). This Hon'ble court was pleased and rejected the matter of seniority by treating the matter as time barred. While the

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representation of the petitioner was pending for decision before Opposite Party No. 2 as said in the application preferred already. The said pending representation of the applicant now therefore had been rejected by Opposite Party No. 2 on dated 4.11.1988 which was communicated to applicant by Opposite Party No. 3 on dated 24.11.1988. A photostat copy of order dated 2.5.1988 passed by the Hon'ble court rejecting the O.A. No. 13 of 1988 (L) is filed herewith as Annexure No. 17 to this application.

xxxiv. That the humble applicant on the basis of order of this Hon'ble tribunal dated 2.5.88 further made a reminder to Opposite Party No. 2 making request that her representation dt. 20.4.85 may be decided. The photostat copy of the reminder dated 11.88.1988 is annexed herewith as ANNEXURE No. 18 to this application.

xxxv. That while the question of applicant's seniority was pending before Opposite Party No. 2 ultimately the Opposite Party No. 3 vide his order dated 5.9.1988 promoted to applicant on the post of Transmission Executive on revised pay scale of Rs 1400-2600. It is further stated that the applicant has submitted his joining report on promoted post on dated 7.9.1988 under protest subject to decision of Seniority Matter pending before Opposite Party No. 2. A photostat copy of promotion order dated 5.9.1988 is filed herewith as ANNEXURE No. 19 to this application.

Memorandum
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xxxvi. That the pending representation/appeal of the applicant has been rejected by Opposite Party No. 2 vide his order dated 4.11.1988 which was communicated to the petitioner by Opposite Party No. 3 vide his letter dated 24.11.1988. It is also stated that the said Opposite Party No. 2 did not consider the matter of seniority according to law and is now of non speaking order the pending matter of the applicant has been rejected. It has already stated by Opposite Party No. 2 and 3 that the continuous adhoc services rendered by the applicant can not be taken in account of her seniority. This view of the authorities is wholly bad and illegal against the Principle of natural justice and violating many decisions of Hon'ble Supreme Court and Hon'ble tribunal. A photostat copy of the Impugned Order of rejection of pending appeal/representation is also filed herewith as ANNEXURE No. 20 to this application.

7- RELIEF SOUGHT:-

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

This Hon'ble tribunal may be pleased to grant the following reliefs;

- (A) To quash the impugned order dated 3.12.1981 (Annexure No.11) and dated 24.11.1988 (Annexure No.20) by declaring its null and void.

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(B) To determine the seniority of the applicant on the post of Librarian w.e.f. her date of joining i.e. 16.10.74 and applicant's be placed on sl. no. 4 in the said seniority list dated 1.7.81 (Annexure No.1) with subsequent benefits of service along with her promotion on the post of Transmission Executive with the retrospective effect prior than the Opposite Parties 6&7 in the interest of justice, on the basis of following amongst other grounds;

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

(ii) Because the applicant is entitled to place her name in the combined seniority list on serial no. 4 above than the respondents no. 6&7.

(iii) Because in all respect the applicant is senior than respondent no. 6 & 7 due to reason that the applicant had submitted her joining report on 16.10.1974 where as the respondent no.6&7 joined initially in the department on 2.6.1975 and 25.11.1975 respectively in similar cadre.

(iv) Because the genuine request of the

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applicant has not been considered by respondent no. 3 inspite of repeated request.

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

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

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

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

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

(x) Because the pending re-presentation of the applicant dated 20.4.1985 (Annexure No.12)

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before respondent no. 2 has also illegally decided by a non speaking order (Annexure No.20).

(xi) Because the respondent no. 2,3&4 in colourable exercise of power acted in discriminatory treatment and in arbitrary manner promoting the respondent no. 6 & 7 and ignoring the applicant which is bad in law.

(xii) Because in similar situation too juniors (i.e. respondent no. 6 & 7) have been promoted on upper post and also in upper pay scale prior than applicant which is bad and discriminatory in violation of Art. 14 of the Constitution of India.

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

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

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(xv) Because the respondent no. 5 with retrospective effect has further been promoted on the post of Programme Executive after providing benefit of his adhoc services rendered in the department. The applicant's case is also based on similar footing. Thus she is entitled for all benefits of promotion under respondents no. 2 & 3 with retrospective effect after deciding the seniority matter in law.

(xvi) Because the respondent no. 3 time to time when promotion of applicant was due, acted under malafide and prejudice intention and the applicant's benefit of promotion and seniority has been denied deliberately against law, for which she was entitled with retrospective effect w.e.f. the date of juniors have been promoted.

(xvii) Because the applicant repeatedly invited the kind attention of respondent no. 2 after reiterating her grievance but not decided her case according to law.

(xviii) Because in view of the decision given by Hon'ble Central Administrative Tribunal of its Jabalpur Bench in case no. TA014 of 1986 the respondent no. 5 as provided the benefit of her adhoc services what ever he had rendered

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on the post of Transmission Executive adhocly.
Thus the contention of respondent no. 283 vide
(Annexure No. 283) is not tenable and the applicant
cannot be suffered adversely for that views.
As such the applicant has a legal right for
promotion and determination of her seniority
w.e.f. the date of joining i.e. 16.10.1974.

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

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

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

(xxii) Because the pending representation
/appeal has been decided by Opposite Party
No. 2 and rejected the same in view of the
non speaking order dated 24.11.1988(Annex. 20).

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8. INTIM ORDER IF PRAYED FOR:-

Pending final decision on the application, the applicant only seeks the decision of seniority on merit but to none.

9- DETAILS OF REMEDY EXHAUSTED:-

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

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

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malafide vide order dated 3rd
December, 1981 (Annexure No.10&11).

- (5) 5th Representation in nature of appeal to higher authorities i.e. respondent no.2 dated 20.4.1985 has been preferred by the applicant again after reiterating factual and legal position.
- (6) Last reminder dated 18.9.1987, 11.8.88 to respondent no. 2 after reiterating legal and factual position when it has come to the knowledge that the respondents 6&7 have been promoted which has been decided and rejected vide order dated 24.11.1988 (Annexure No . 20) by non speaking order.

Hence the alternate remedy has been exhausted by applicant and then to prefer this application before this Hon'ble tribunal.

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

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

11- DETAILS OF INDEX:-

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

Handwritten signature/initials at the bottom left of the page.

12- LIST OF ENCLOSURES:-

Memo of application along with annexures
Postal order of Rs 50/- no.
dated.

13- PARTICULARS OF POSTAL ORDER:-

Postal order No. ~~DD~~ ⁴ 827833 for Rs50/-
dated 10/3/89

VERIFICATION

I, Manju Lata aged about 37 years
W/O B.D.Tewari, working as Transmission Executive
All India Radio, Vidhan Sabha Marg, Lucknow resident
of A/1119/1, Indira Nagar Colony do hereby verify
that the contents of paras 1 to 13 of this application
are true to my personal knowledge and belief, and
that I have no suppressed any material facts.

Place: Lucknow

Dated: 10/3/89

Manju Lata
Signature of applicant

THROUGH

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

Manju Lata
Attested
by
[Signature]

बअदालत श्रीमान

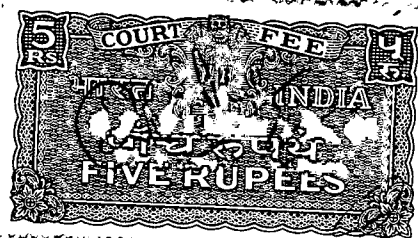
Lawyer Council, Aamli
Tribunal. All- महोदय
Lucknow Bench Lko
का बकालतनामा

वादी (मुद्दे)
मुद्दे (मुद्दालेह)

Smr. Majilal

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vs
Union of India & Ors
बनाम



नं० मुकद्दमा

सन

पेशी की ता०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

R. B. Pandey

वकील

एडवोकेट महोदय

for

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा 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 रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (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 मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह बकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

नाम अदालत
नं० मुकद्दमा
नाम फरीकन

हस्ताक्षर

Majilal

साक्षी (गवाह)

10/3/08

साक्षी (गवाह)

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for

R. B. Pandey

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW
O.A. Registration No. of 1989(L)
ANNEXURE NO.....
Smt. Manju Lata Vs Union of India and others.

Statement of Facts
The facts of the case are as follows:-

On 10.12.1988, the respondent was appointed as a Junior Assistant in the office of the District Collector, Lucknow. The respondent was appointed on a temporary basis for a period of one year.

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Attested by
[Signature]

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

O.A. Registration No. of 1989(L)

Smt. Manju Lata Vs Union of India and others.

ANNEXURE NO.

मेरा में,

केन्द्र निदेशक

आकाशवाणी, लखनऊ

विषय : सम्मिलित वरीयता सूची में सुधार के सम्बन्ध में
महोदय,

मुझे विश्वस्त सूत्रों से हात हुआ है कि 30.10.89 में आकाशवाणी तथा दूरदर्शन केन्द्रों में कार्यरत "प्रोग्राम मैकेटीज", "रट्टडियो-स्क्रीनप्ले", लाइब्रेरियन तथा सीनियर लाइब्रेरियन्स की एक सम्मिलित वरीयता सूची तैयार की गयी है।

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

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

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

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

सहाय्यवादी।

प्राध्विनी

मंजु लता

श्रीमती मंजु लता

लाइब्रेरियन
आकाशवाणी, लखनऊ

दिनांक : 23.9.81

Attested TIC

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW
O.A. Registration No. of 1989(L)
Smt. Manju Lata Vs Union of India and others. ANNEXURE NO. 11/.....

Ann

33

Government of India
All India Radio : Lucknow

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

Dated the 14 OCT 1981

MEMORANDUM

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

Manju Lata

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

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

Alkesh - TC

Shree
Aru

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

O.A. Registration No. of 1989(L)

Smt. Manju Lata Vs Union of India and others.

ANNEXURE NO.... 16...

सेवा में

केन्द्र निदेशक,
आकाशवाणी,
लखनऊ।

34

प्रति,

निवेदन इस प्रकार है कि आपने अपने पत्र संख्या-सलखो-9/4/8
सं[प्रोग्राम] दिनांक 14 अक्टूबर, 1989 के द्वारा मेरी सेवाओं के 29-10-76
के पूर्व नियमित न हो जाने का एक मात्र कारण, की एक ही तन्त्राल को
लाइब्रेरियन के पद पर नियमित होना बताया है।

उक्त तथ्य में निवेदन करना है कि मुझे विचलित करने में बात
होगा है कि की एक ही तन्त्राल की नियुक्ति एक ही से कार्यरत में लिपिक
के पद पर हुई थी, न कि लाइब्रेरियन के पद पर।

लाइब्रेरियन के पद पर अध्यापकों के चयन हेतु न्यूनतम शिक्षा
योग्यता के नियमों को ध्यान में रखा है। कृपया मुझे यह सूचित करने की कृपा
करें कि क्या 9 की एक ही तन्त्राल के लाइब्रेरियन के पद पर नियुक्ति में
पूर्व, लाइब्रेरियन के पद हेतु निर्धारित शिक्षा योग्यता पूर्ण कर ली थी।
यदि हाँ, तो की एक ही तन्त्राल में किस वर्ष तथा कौन सी संस्था में
पुरतन्त्राल विभाग में परीक्षा उत्तीर्ण की थी।

यदि की एक ही तन्त्राल लाइब्रेरियन के पद पर नियुक्ति
में पूर्व, निर्धारित शिक्षा योग्यता नहीं रखते थे, तो उनका लाइब्रेरियन
के पद पर नियुक्ति पूर्णतया उचित एवं सहायक पूर्ण है। इस प्रकार से
उनकी सेवाओं का मेरी सेवाओं के नियमित होने पर कोई प्रभाव नहीं पड़ता

मैं आपको यह भी ज्ञापन दिलाना चाहती हूँ कि मेरी नियुक्ति
में यह उचित नहीं था कि मेरी नियुक्ति की एक ही तन्त्राल
तन्त्राल के तत्वावध में की जा रही है तथा अविद्य में मेरी सेवाओं पर उनकी
सेवाओं का प्रभाव पड़ेगा।

तदर्थ पदों पर नियुक्ति तथ्यस्थी नियमों के अनुसार मुझे कोई
की सूचना दी गई थी नहीं की गयी और न ही मेरी सेवा में कभी बाधित हुई है
ही, दिनांक 22 अक्टूबर, 1989 को मुझे एक आदेश दिया गया कि मुझे
लाइब्रेरियन के तथार्थ पद पर दिनांक 29-10-76 से प्रत्यक्ष नियुक्ति किया जा
रहा है। दिनांक 29-10-76 से प्रभावी यह आदेश मुझे लगभग साढ़े तीन
वर्ष अंतराल प्यो दिया गया 9 इतनी लम्बी अवधि तक इस आदेश को

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वीरवीर रानी के पीछे रहस्य था १

हमारे अतिरिक्त दो हान्नेरियन के तथार्थ पद आकाशवाणी
ठानपुर में दिनांक २-५-७५ को तथा मुरझाई केन्द्र, लखनऊ में दिनांक
२५-११-७५ को दो दो उक्त पदों पर पहले मुझे बरीयता दी गई थी १
जबकि मैं विज्ञापन में दिनांक १६-१०-७५ में कार्यरत थी, और मैंने मुरझाई
लखनऊ के रिजल्ट पद पर तथानान्तर्गत हेतु आवेदन पत्र भी दिया था ।

अतः पीयाव जी ने सादर अनुरोध है कि उपरोक्त तथ्यों पर
पक्षीरता पूर्वक विचार करते मेरी तथ्याओं का समाधान करते हुए मेरी
देवार्थ मेरी योग्यता तिथि दिनांक १६-१०-७५ में नियमित करने की कृपा करें ।
साथ ही साथ मुझे एक सप्ताह के अन्दर वास्तविक तथ्यों में अग्रत कराते हुए
बरीयता मुझे की एक प्रति भी देने की कृपा करें ।

सादर,

अमदीया,

मंजुलता

दिनांक: १७-१०-७५

॥ श्रीमती मंजु लता ॥
लाइब्रेरियन
आकाशवाणी: लखनऊ

Manjula

Received a copy
Aug
17/8

PA to S.D.

Ac.

Alfred

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She

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

O.A. Registration No. of 1989(L) V
ANNEXURE NO.....
Smt. Manju Lata Vs Union of India and others.

86

No. Lko. 1 (3) 66-0

V
Dated 22.7.66

'MEMO'

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

Sd/- ILLEGIBLE
STATION DIRECTOR

Approved
T/C
Smt. Manju Lata

Manju Lata

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW
O.A. Registration No. of 1989(L)
Smt. Manju Lata Vs Union of India and others. ANNEXURE NO. VII

(3)

No. 1(5)/69-S

Dated 15.12.69

OFFICE ORDER

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

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

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

ANALYST TIC
J
an

1/12/69

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

O.A. Registration No. of 1989(L)

Smt. Manju Lata Vs Union of India and others.

ANNEXURE NO.

38

Government of India
All India Radio : Lucknow

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

Dated the

20 OCT 1981

MEMORANDUM

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

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

Received on 21-10-81.

A.A. Wanfee
(A.A. Wanfee)
Station Director

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

Attested PIC
[Signature]

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

O.A. Registration No. of 1989(L)

ANNEXURE NO.

Smt. Manju Lata Vs Union of India and others.

To

The Station Director,
All India Radio,
Lucknow.

Sir,

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

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

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

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

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

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

60 (15)

turned down by the courts and I too will have in option left for me but to take shelter of the law to redress my grievances, if not listened by you.

shall
Hoping that my this representation/ must with your favourable consideration and after rendering justice to me, my name shall be figured against Sl.No. 4 for which kindness I shall be highly obliged.

A time of acknowledgement for this communication is solicited.

Yours faithfully,

Manjoolal
(MANJU LATA)

LIBRARIAN, A.I.R.
LUCKNOW.

Dated : 22/10/81.

COPY received
22/11/81

Alfred T/C
Jue

93/1/81
P.A.S.

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

O.A. Registration No. of 1989(L)

ANNEXURE NO.

Smt. Manju Lata Vs Union of India and others.

Government of India
All India Radio : Lucknow
00000

No. LMO-9(4)/81-8 (Prog.)

Dated the 10th November, 1981

MEMORANDUM

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

W. K. Subee
(A. A. Wankar)
Station Director

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

Annex 1/c
Done

Manju Lata

To
The Station Director,
All India Radio,
Lucknow.

Sir,

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

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

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

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

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

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

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

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

Yours faithfully,
(Smt. Manju Lata)

DATED: 28-11-81

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
O.A. Registration No. of 1989(L)
Smt. Manju Lata Vs Union of India and others.
ANNEXURE NO. 1

Received
28/11/81

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW
O.A. Registration No. of 1989(L)
Smt. Manju Lata Vs Union of India and others. ANNEXURE NO. XI

Government of India
All India Radio : Lucknow
Lucknow

No. LRO-9(4)/01-9(Regd.)

Dated the 2nd December, 1991

MEMORANDUM

Reference is made to representation dated 20-11-91, Smt. Manju Lata, Lucknow, in which it is stated that her case for the fixation of seniority to her husband, who is employed in the Union of India, has not been considered. It is stated that it has not been found possible to consider this case as the relevant points raised by her have been ignored and not considered.

Recommendation of the
Committee

To: Smt. Lata,
Lucknow,
All India Radio,
Lucknow

Y. K. Singh
(Secretary)
Chief Director

Answered - T.C.
J. M.

Manjula

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW
O.A. Registration No.
Smt. Manju Lal

Smt. Manju Lata Vs Union of India and others. ANNEXURE NO. XII of 1989(L)

अथ ३.

॥ श्रीगणेशाय नमः ॥

शापराज्यां.

१५५

भाषा :- हिन्दी, **शाखायापी. मध्य उत्तर प्रदेश ।**
विषय :- प्रागैतिह्यिकी

विषय :- माण्डलिक विद्यापीठ की स्थापना-सूची में सुधार के संबंध में ।
प्रश्न :- माण्डलिक विद्यापीठ की स्थापना-सूची में सुधार के संबंध में ।

मोडर

श्री गणेशाय नमः श्री गणेशाय नमः
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सर्व 1901 में पेट्रु निदेश गांधीवादी नरक दारा

[illegible]

"श्रीशाय-संगीत". "दुष्टिनी-रानी"

1-7-81 को नियार की कई बी। आणश-
 10-74 को दिया था।

बापू १०-७-७५ को तत्समिति बरीयता सुची तैयार की गई थी। आणख
में भेरा नाम उस सूची ८ पर दर्जिया गया है। जो कि भेरे स्तानुसार
१६-१०-७५ को दिया था। स्वयं की नोकरी तैयार करने
बापू १०-७-७५ को तत्समिति बरीयता सुची तैयार की गई थी। आणख
में भेरा नाम उस सूची ८ पर दर्जिया गया है। जो कि भेरे स्तानुसार
१६-१०-७५ को दिया था। स्वयं की नोकरी तैयार करने

16-10-74 को दिवा लख. क्यापि जी नौय हुसर ताहोरियन ताकाश-
वाणी पादपुर सिद्धा पि नाम नृप तं ५ बार हर्गाया यका है तथा कुमारी
सबलीना माहोरियन नृपसर्जन केन्द्र नरनरु पा यका
बार हर्गाया यका है

10 वीम फुस तं० ५ वर हजाराया फला है तथा कुमारी
3 वर हजाराया फला है. ये अपने बीगहाव नाहोयिष्य है
अस्य पाह तय

सुखन तस्तेना नागोदिसन तुलसीरन केन्द्र नरकत पा नाम उज्जा सुषी में क्रम सं०
३ पर दर्शाया गया है। वे अपने लोगदाव नागोदिसन के पह पर मुखले पायी
पह पाइ तब विज्ञान में क्रमः दिनांक २-४-७९

मध्य प्रांत का विभाग में प्रमाण: दिनांक 2-6-73 तथा 25-11-73 को दिये
 हैं। इस तृती है अनुसार ठपत होनी नीय चीति विभाग में मुझे पासी
 प्रमाण है। का प्रमाण को मुझे बरीसता है ही यह है।

1. हल कुली के अनुसार ठप्प होना नीय योपि विधाय में मुझे पासी
 प्रमाण है, कि मुझे बरीयता है की यह है योपि व्याव तंयत
 नीयानी, ठप्प विधाय

श्रीमान्. उक्त विषय पर वर्ष 1981 में हो एक निर्देश मंडीदय

[illegible]

गोपालाजी महाराज द्वारा दिये गये नं. ८७०-२॥५॥७१-सत/प्रोशा/॥
दिनांक ३ दिसम्बर १९८१ द्वारा मुझे इस विषय में जीर सम्पत्ति मिली-पट्टी
जो बना पर दिया गया था। उस समय केन्द्र निदेशन...

1981 द्वारा मुझे हस्त लिख्य में और सम्पी मिला-पट्टी
 एवं मेरे पीछे हस्त लिख्य में हस्त मुद्रा मुद्रा द्वारा जारी
 आमातुसार आपकी सेवा में तत्काल

एक भरे पीछे एक चिन्त में हूँ मुझ मुझ बन्धनार जी फोटी स्टैंड प्रतिनिधि

मामुसार आपनी सेवा में तुल्य संदर्भ हेतु प्रेषित कर रही हूँ।

ASB

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

सादर ।

दिनांक : 20-4-85

भवदीया,
जि. गुलता
शंभु लता

संलग्न :-

लाइब्रेरियन

आकाशवाणी, लखनऊ उत्तर प्रदेश ।

वर्ष 1981 में केन्द्र निदेशक
आकाशवाणी, लखनऊ एवं मेरे
घीब हुर पत्राचार के मुख्य-मुख्य
पत्रों की फोटो स्टैट प्रतिलिपियाँ
[क्रमानुसार]

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

दिनांक : 20-4-1985

भवदीया
जि. गुलता
शंभु लता
लाइब्रेरियन
आकाशवाणी,
लखनऊ 2090

Handwritten signature and date 11/2.

Handwritten signature.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW
O.A. Registration No. of 1989(L)

Smt. Manju Lata Vs Union of India and others.

ANNEXURE NO. XIII

Government of India
All India Radio Lucknow
999999

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

The Director (by name)
Deordarchan Kundra,
57 Airbase Road,
Lucknow.

Dated the 13th August, 1986

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

Sir,

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

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

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

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

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

Yours faithfully,

(G.K. Chaturvedi)
Station Director

Manju Lata
A.K. Chaturvedi
G.K.

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

O.A. Registration No. of 1989(L)
ANNEXURE NO. *XV*.....
Smt. Manju Lata Vs Union of India and others.

Government of India
Directorate General : All India Radio

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

New Delhi,
Dt. August 28, 1987.

ORDER No. 79/87-SI(B)

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

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

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

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

contd.2.

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ANNEXURE-I

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

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

Contd.2/-

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[Signature]

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

Contd.....4/-

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ANNEXURE NO. 1
प्रमाण-पत्र

सेवा में

प्रधान न्यायाधीश
आपाशाखाणी
आपाशाखाणी-अध्वन,
पार्लियामेन्टरी इस्टीट
नई दिल्ली ।

द्वारा : उचित माध्यम ।

विषय :- प्रमाण - पत्र, वारिष्ठता निर्धारण हेतु दिनांक 20.4.85 को प्रेषित
पत्र के संदर्भ में / द्वाप्राधिकार - एक्सीक्यूटिव या क्लोर केनेलर के पद
पर उनिच्छों की पदोन्नति से पहले पदोन्नति के संदर्भ में ।

सबोध,

श्री. आपने उपरोक्त वारिष्ठ-पुस्तकालयाध्यक्ष के पद पर आपाशाखाणी
लखनऊ, उत्तर प्रदेश में कार्यरत हैं तथा श्रीने उचित माध्यम द्वारा आपको प्रेषित
अपने पत्र दिनांक 20.4.85 द्वारा आपसे यह अनुरोध किया था कि, ऐन्ड निदेश
आपाशाखाणी लखनऊ द्वारा दिनांक 1.7.1981 को मुद्रित रूप में तैयार की गई,
प्रोग्रेस-सेरेट्रीट इस्टीटो-एक्सीक्यूटिव, माइग्रिरियन्स सर्व तीनियर माइग्रिरियन्स
की सम्मिलित वारिष्ठता-सूची में मेरा नाम आपाशितकनर कुमारी पर अंकित है तथा
मुझे बहुत समय बाद में, नियुक्त हुए माइग्रिरियन्स को मुझे पहले पदोन्नति दे दी
गई है ।

प्रोवाव की, श्रीने अपने उपरोक्त पत्र दिनांक 20.4.85 द्वारा आपसे
सम्पूर्ण एक्सीक्यूटिव से अवगत कराते हुए यह अनुरोध किया था कि, मुझे, विभाग में,
मेरी सोझाव तिथि अर्थात् 16.10.74 से ही ऐम्प्लॉय करते हुए, उक्त सम्मिलित
वारिष्ठता-सूची में मेरा नाम श्री उनिच्छों से ऊपर अंकित करने सम्बन्धी आदेश
पारित करने की कृपा करें । परन्तु वेद का विषय है कि, अभी तक मेरे उपरोक्त
प्रार्थना-पत्र पर लिये गये किसी भी प्रकार के निर्णय से मुझे नहीं अवगत कराया
गया है ।

प्रोवाव की, पत दो दिन पहले ही मुझे विषयगत सूत्रों से ज्ञात हुआ है
कि, तथा उचित विषयाधारितसम्मिलित वारिष्ठता सूची के क्रमांक 4 तथा 5 पर
नामांकित माइग्रिरियन्स क्रमांक की करीण कुमार सर्व कुमारी सुमन लता तबतेना
कोकि, सेवाओं में मुझे उनिच्छ हैं की "द्वाप्राधिकार-एक्सीक्यूटिव" एवं "क्लोर-
केनेलर" के पद पर पदोन्नति दे दी गई है । पूर्ण उपरोक्त दोनों को माइग्रिरियन्स
आपाशाखाणी लखनऊ में नहीं कार्यरत थे और न ही उनके पदोन्नति आदेश आदि
सार्वजनिक सूचनार्थ आपाशाखाणी लखनऊ के सूचना-पट पर ही लगाये गये अतः

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उक्त पदोन्नति हो जाने की जानकारी मुझे तब ही मिली थी।
हमारे अतिरिक्त, उस पदोन्नतियों की जानकारी तब ही मिली थी व हो पाने
का एक मात्र कारण मुख्य रूप से यह था कि, केन्द्र निदेशक आकाशवाणी
लखनऊ द्वारा आज तक अभी भी वारिष्ठता-सूची तैयार नहीं की गई।
अतः पदोन्नतियों के लिए वारिष्ठता-सूची में उनकी पदताव आयाता है
और नियमानुसार पदोन्नति के उपरान्त संशोधित वारिष्ठता-सूची भर्माचारियों
की जानकारी एवं आपत्ति आमंत्रित करने हेतु तैयार नहीं की जानी चाहिए।

और आश्चर्य का विषय है कि, अभी, जबकि, वारिष्ठता निर्धारण
समस्या में प्रार्थना-पत्र आपके स्तर पर ही विचारार्थ है और उत्तर
निर्णय लिया जाना आवश्यक है तब ऐसा विषय परिस्थितियों में मेरे कानिष्ठों की
पदोन्नति करना क्यों का व्याय है ?

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

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

सुप्रसन्न हूँ कि केन्द्र निदेशक महोदय के पत्र दिनांक 14 अक्टूबर 1981
की एक छोटी टिप्पणी प्रति संलग्न नं० 1 पर संलग्न कर रही हूँ।

श्रीमान जी, मुझे यह भी जानकारी मिली है कि, "तेन्दुल रेडमिनिट-
हेडिब डिप्लोमा" की लखनऊ केव्य के लेस नं० ए.ए/104/86 में, विभाग द्वारा
"सहायक-संयोजक" पर दिये गये सभी तर्कों को निर्णय साधित करते हुए, अपने
निर्णय दिनांक 5.3.87 द्वारा "हायसमिशन-संयोजक" का सहायक
की वारिष्ठता समाप्त करते हुए उन्हें, उक्त "हायसमिशन-संयोजक" के पद पर
योग्यता निर्धारित है। रेगुलर मानते हुए, उन्हें "पे-ग्रेड" अर्थात् 18.4.83
से उनके "पुनियर्त" के पदोन्नति हो जाने के पहले से पदोन्नति दे दी है।

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

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

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

श्रीमान जी, आपने इसी आदेश द्वारा श्री स्व. सी. तान्वाला "प्रान्ताभिज्ञन एक्जीक्यूटिव" आकाशवाणी लखनऊ जिला वि. नाम आपके उक्त पत्र के संलग्नक नं० 1 के इमांक 98 पर अंकित है और जिन्हें केन्द्र निदेशक आकाशवाणी लखनऊ ने अपने पत्र दिनांक 14 अक्टूबर 1981 द्वारा हुये मेरी योगदान तिथि से रेगुलर न कर पाने का एक मात्र कारण बताया है [संलग्नक नं० 1 का अवलोकन करें] को भी उनके प्रान्ताभिज्ञन-एक्जीक्यूटिव के पद पर योगदान तिथि ही रेगुलर यादों हुए दिनांक 18.4.83 [वि. डेट] से कार्यक्रम निष्पादक अलमोड़ा केन्द्र के लिये पदोन्नति कर दी है तथा केन्द्र निदेशक आकाशवाणी लखनऊ ने भी अपने आदेश संख्या संकेतों - 113/87-सत [टी] आर दिनांक 11 अक्तूबर 1987 द्वारा श्री स्व. सी. तान्वाला को पद जारी कर दिये हैं।

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अतः अब स्थिति निम्नलिखित है कि, श्रीमूर्त तान्वाला जिन्हें केन्द्र निदेशक आकाशवाणी लखनऊ द्वारा 14 अक्टूबर 1981 द्वारा प्रान्ताभिज्ञन एक्जीक्यूटिव के से रेगुलर होना बताया था। वे दिनांक 29.10.76 एक्जीक्यूटिव के पद पर अपने योगदान तिथि से