

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

Cause Title O.A. 209 of 1989 (C)

Name of the parties M. L. Kurool Applicant.

Versus

Union of India Respondents.

Part A, B, C

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Bench copy 01 - 044

Check
OK 24/6/2011

Certified that no further action is required to take and that the case fit
for transmission to the record room. (D)

20/6/2011
Raj

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

21-8-29

Registration No. 29 of 1989(L)

APPLICANT(S) Mohan Lal Kureel

RESPONDENT(S) Union of India

| <u>Particulars to be examined</u> | <u>Endorsement as to result of examination</u> |
|---|--|
| 1. Is the appeal competent ? | Yes |
| 2. a) Is the application in the prescribed form ? | Yes |
| b) Is the application in paper book form ? | Yes |
| c) Have six complete sets of the application been filed ? | Five sets have been filed. |
| 3. a) Is the appeal in time ? | Yes |
| b) If not, by how many days it is beyond time ? | No |
| c) Has sufficient cause for not making the application in time, been filed ? | Yes |
| 4. Has the document of authorisation/ Vakalatnama 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 ? | Yes |
| c) Are the documents referred to in (a) above neatly typed in double space ? | Yes |
| 8. Has the index of documents been filed and paginated properly ? | Yes |
| 9. Have the chronological details of representation made and the outcome of such representation 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 |

2 8

(12)

particulars to be Examined

Endorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ? yes

12. Are extra copies of the application with Annexures filed ?
a) Identical with the Original ? yes
b) Defective ? no
c) Wanting in Annexures
Nos. _____ pages Nos. _____ ? no

13. Have the file size envelopes bearing full addresses of the respondents been filed ? yes

14. Are the given address the registered address ? 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 ? yes

17. Are the facts of the case mentioned in item no. 6 of the application ?
a) Concise ? yes
b) Under distinct heads ? yes
c) Numbered consecutively ? yes
d) Typed in double space on one side of the paper ? yes

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

19. Whether all the remedies have been exhausted. yes

dinesh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET A3

REGISTRATION No. 209 of 1980 (L)

APPELLANT
APPLICANT

Mohan Lal Kureel

DEFENDANT
RESPONDENT

Union of India & others

C
trial
number
of order
and date

Brief Order, Mentioning Reference
if necessary

How copy
li
with
of cl

22.9.89

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

Shri P.N. Bajpai counsel for the applicant
heard.

Admit.

Issue notice to respondents to file counter
affidavit within 6 weeks to which the
applicant may file rejoinder affidavit
within two weeks thereafter.

List on 4.12.89 for orders/hearing as the
case may be.

J.M.
rrm/

4/12/89.

Hon. Justice K. Nath, VC
Hon. K. T. Ramam, AM.

On application for time to file
Counts the Opposing Parties are
given four weeks time. The
applicant may file rejoinder
within two weeks thereafter
and the case be listed for
final hearing on 15/1/90.

W.C.

AM.

VC.

C-7
J.M. Es. G. S.
27/11/89

SK
Notices were
issued on 27.9.89.
Neither reply
nor any unsway
repd. Copy has
been return back
so far.

Submitted for
order

OB
No reply till
27/11/89

(AU)

In the Central Administrative Tribunal

Additional Bench- Allahabad

Circuit Bench - Lucknow.

Registration no. 29 of 1989(L)

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 21.8.89

Date of Receipt by Post

Deputy Registrar(J)

Mohan Lal Kureel

... Applicant

Vs.

Union of India & Others Respondent

COMPILATION - A

COMPILATION- B

J. B. Kapoor
COUNSEL FOR THE
APPLICANT.

16, Bnaronji Road,
Lucknow.

Dated: 7.8.1989

Filed to day
Filed for 22-9-89
R. Kapoor
21-8-89

Attn: Mr. G. M.

(P.S)

In the Central Administrative Tribunal

Additional Bench - Allahabad

Circuit Bench - Lucknow.

Registration no.

209 of 1989(C)

Mohan Lal Kureel

... Applicant.

Vs.

The Union of India & Others ... Respondents.

COMPIRATION - A

| Sl. no. | Description of documents | Page nos. |
|------------|--|-----------|
| 1. | Application u/s 19 of Central Administrative Tribunal Act. | : 1 - 10 |
| 2. | Impugned orders | : Nil |
| 3. | Power | : 11 |
| 4. | | |

Lucknow

मोहनलाल कुरेल

Dated: 7.8.89

Applicant.



(P)

In the Central Administrative Tribunal
Additional Bench - Allahabad
Circuit Bench - Lucknow.

Registration no. 209 of 1989(L)

PARTIES NAME

Mohan Lal Kurse, aged about 39 years, s/o
Sri Late Churai, R/O Mohalla East Birhana,
Near Ballu Dass Kothi - Lucknow.

.... Applicant

Vs.

1. The Union of India, Ministry of Health & Family Welfare, through the secretary of the Department, New Delhi.
2. The Director, of Central Govt. Health Scheme, Nirman Bhawan, New Delhi.
3. The Dy. Director, Central Govt. Health Services, Rana Pratap Marg, Lucknow.

... Opp. parties.

Mr. M. S. D.

Dated: 7.8.89

Applicant.

J. M. S. D.

(AP)

In the Central Administrative Tribunal
Additional Bench - Allahabad
Circuit Bench - Lucknow.

Mohan Lal Kureel , aged about 39 years, S/O
Sri Late Churai , R/O Mohalla East Birhan,
Near Ballu Dass Kothi- Lucknow.

... Petitioner.

vs.

1. The Union of India , Ministry of Health & Family Welfare, through the Secretary of the Department, New Delhi.
2. The Director, of Central Govt. Health Scheme, Nirman Bhawan, New Delhi.
3. The Dy. Director, Central Govt. Health Services, Rana Pratap Marg, Lucknow.

... Opp. Parties.

DETAILS OF APPLICATION

1. Particulars of the Applicant.
 - (i) Name of the Applicant :Mohan Lal Kureel
 - (ii) Name of Father/ Husband :Late Churai -
 - (iii) Designation & Office in which employed :Packer-Office of Dy. Director, Central Govt. Health Scheme Services, Lucknow.
 - (iv) Office Address :As above.
 - (v) Address for service of all notices :As above.

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2. JURISDICTION OF THE TRIBUNAL

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

3. LIMITATION

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

4. FACTS OF THE CASE

(i) The facts of the case are given below:-

that the applicant was appointed on the post of Packer in the office of the O.P.No.3 by the then Chief Medical Officer, now known as Dy. Director, Central Govt. Health Scheme Lucknow. on 17.3.1979. He has been confirmed as such in the year 1981-82.

(ii) That the work and conduct of the petitioner remained always satisfactory and there is no complaint against him from any corner. The Character Roll is blotless.

(iii) that the petitioner is a scheduled cast candidate. He was appointed in the quota reserved for S.C. Candidate. He is entitled to get the benefit of the quota reserved for S.C. candidates in the matter of ~~selection~~ Promotion on the post of Class 3rd Cadre.

(iv) That the 15% posts of clerical cadre are reserved for class 4th employees

TRANSCR. S. J. S.

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who are high school and have 5 years experience on the post of class 4th employees. The Educational qualification of the Applicant is High school and he has knowledge of Typing. He has experience of more than 9 years services in the class 4th cadre. The knowledge of typing is essential for the post of typist. The applicant is qualified in all respects.

(v) That there is a G.O. dated 27.11.72 in which the procedure is given for promotion of the schedule caste candidates. The criteria is seniority subject to rejection on unfit. The promotion will be made by the selection committee on the basis of the service record and there is no need of any written test or interview. The G.O. is published in the 'Brochures' on reservation for schedule cast and schedule tribes in services Six Addition 1982- at Page -205. The copy of the G.O. is filed herewith as Annexure-1 to this Application.

(vi) That the O.P.No.3 had given the promotion to 3 candidates since 1984 on the post of clerk, on regular basis. Besides these 3 candidates the promotion has been given on adhoc basis to 3 persons. All the six promoted candidates are general candidates. The quota reserved for S.C. candidates has not been taken into consideration at the time of promoting these persons.

(vii) That the examination was held for the post of class 3rd in the year 1984, in which the applicant was also permitted to appear, but he was knowingly declared as failed as the

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then O.P.No.3 was interested in promotion of general candidates. The Applicant again appeared in the examination held in the year 1985, but he was declared as failed again.

(viii) That the applicant alone was eligible and competent Schedule Caste candidate in the Office of the O.P.No.3 amongst the Schedule class candidates to get the promotion.

(Vix) That the applicant was entitled to get one post out of 3 in the year 1984, being the schedule caste candidate. There was no question of any competition as the applicant was only candidate for the posts reserved for S.C. candidates. The similar position was in the year 1985, but the Petitioner has been ignored, due to the reasons known to the Opp. parties concerned.

(x) That there is a G.O. dated 30.9.83 in which the directions have been issued to promote the S.C. candidates on adhoc basis, if they are notfound fit in the examination, and they may be given 5 chances to appear in the examination. The copy of G.O. has been issued alongwi-th the letter dated 1.12.83 issued by the under Secretary, Ministry of health and family welfare The letter & G.O. isfiled herewith as Annexurs-2 to this Petition.

(Xi) That the Govt. orders issued from time to time on the subject have been violated in case of the applicant.

(xii) That according to the Govt. orders
the first post may be given to the S.C. candi-

(P)

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candidate and the 4th post will go to the Schedule Tribe candidate. It is also provided that if the suitable candidate of reserved quota are not available, the posts will not be filledup by promotion/ appointment of general candidates. The postswill carry forward in the subsequent years, The relevant G.O. is filed herewith as Annexure-3 to this Petition.

(Xiii) That the Applicant moved an application to the O.P.No.3 on 3.4.87 in which the request was made to give the promotion to the applicant on the post of clerk, on the basis of seniority- cum fitness. Nothing has been done. The copy of the Application Annexure-4 to this Petition.

(xiv) That the petitioner is regularly requesting to the Opp. parties for getting the promotion but no fruitful result has come out. - The applicant is filing herewith application dated 16.4.87, 17.1.89, 23.6.89, and 13.7.89 as Annexures-5,6,7, & 8 to the Application.

(Xv) That the post of S.C. candidate is being carried forward upto now, but it could not be filledup by giving the promotion to Application. The reasons are known to the applicant.

(DVI) That the O.P. 3 constituted a Departmental Selection Committee in the year 1987 in which one candidate has been given the regular appointment who was declared successful in the examination held in the year 1985. The Committee has further come

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to the conclusion that the post of S.C. candidates will be filledup at an early date. Now more than 2 years have been passed but the posts has not been filledup uptill now.

(XVII) That the discrimination has been done with the applicant and the provisions of Art.14 & 16 of the Constitution of India have been violated.

(XVIII) That the position of the applicant can not be withheld in any manner. The post is still in existence, & the applicant is entitled to get this post.

(XIX) That the O.P.No.3 wants to fillup the post by Direct recruitment and he had already requested to the Staff Selection Commission Allahabad to send the name for appointment.

(XX) That the applicant will suffer a great irreparable loss if the post will be filledup by direct recruitment. There will be no post for promotion of the Applicant in future.

(XXI) That the applicant further wants to point out that he is senior most class 4th employee in the office of the O.P.No.3. In this way he is also entitled to get the promotion against the post for general candidates.

(XXII) That the applicant has already been harrassed much but he may not be harrassed further by giving the appointment to the directly recruited candidates.

~~RESPECTUOUS~~

~~XXXII~~5. Grounds for Reliefs with legal provisions

(i) That the applicant is fully qualified for getting the promotion on the post of clerk or any other class 3rd post under the Opp. parties.

(ii) That the applicant is a schedule cast candidate and is entitled to get the benefit of quota reserved for S.C. candidate in the matter of promotion.

(iii) That the applicant is senior most class 4th employee in the office of the O.P.No. 3. He is entitled to get the promotion on the posts reserved for S.C. Candidates and also against the general posts.

(iv) That the provisions of Art. 14 & 16 of the constitution of India have been violated. The discrimination has been done by giving the promotion to the juniors.

(v) That the Govt. orders issued from time to time for the benefit of the S.C. candidates have been violated, and have not been followed in considering the promotion of the applicant.

(vi) That the posts reserved for S.C. candidate is still in existence and the applicant deserves for promotion on that post.

(vii) That the O.P.No.3 has promoted 6 persons since 1984 amongs the class 4th employees, but the S.C. candidates have not been promoted.

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(viii) That the O.P.No.3 could not fillup the posts by direct recruitment, as it relates as promotional post.

(ix) That according to the Govt. order the post will go to the S.C. candidates and the same post is being carried forward upto till now.

(x) That there will be no post for the applicant if the post will be filledup by direct recruitment.

(xi) That the directions are liable to be issued to the O.P.No.3 not to fillup the post by direct recruitment.

6. DETAILS OF THE REMEDIES EXHAUSTED

(i) That the applicant has moved several application to the Opp. parties for getting the promotion on the class 3rd post. The applications are Annexures -4 to 8, of this application. Now no departmental remedy is available.

(ii) WHETHER THE MATTER IS PENDING OR THE SAME WAS FILED PREVIOUSLY

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other branch of the Tribunal.

8. RELIEFS SOUGHT

In view of the facts mentioned in para 4 above the applicant prays for the following reliefs:-

(a) That the the applicant may be declared entitled to get the promotion on the class

STAMPS 53M

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3rd post in the quota reserved for class
4th employees, being senior most in the class
4th cadre without any further delay.

- (b) That the applicant may be declared entitled to get the promotion on the class 3rd post in the quota reserved for S.C. candidates
- (c) That the applicant may be ordered to be promoted on the class 3rd post, w.e.f. the date fixed by this Hon'ble Tribunal and the consequential benefits may also be allowed.
- (d) That the cost of the application may be awarded to the applicant.
- (e) That any other relief which this Hon'ble Tribunal deems fit and proper may be awarded to the applicant.

9. INTERIM ORDER IF PRAYED FOR

Pending final decision on the application the applicant seeks issue of the following interim order:-

(a) That the Opp. parties may be directed not to fillup the posts of S.C. candidates by direct recruitment, during the pendency of application.

10. PARTICULARS OF BANK DRAFT/POST ORDER
IN RESPECT OF THE APPLICATION FEE:

| | | |
|-----|----------------------------------|---------------------------|
| (a) | Number of Indian Postal Order(s) | DD 798349 4 |
| (b) | Name of the issuing post office | 9-8-89 Anandabad, L.R. |
| (c) | Date of issue of postal Order(s) | 9-8-89 |
| (d) | Post Office at which payable. | G.P.O. L.R. / Deed. |

Dated: 7.8.89

10.

(A6)

VERIFICATION.

I, Mohan Lal Kureel aged about 39 years
S/O Late Churai, working as Packer, under the
O.P. No.3 do hereby verify that the contents of
paras 1 to 9 are true to my personal knowledge
& belief, & that I have not suppressed any
material facts.

Signed and verified today this the
7th day of August, 1989, at Lucknow.

Place- Lucknow.

Dated: 7.8.1989

मोहन लाल कुरेल
Applicant.

ब अदालत श्रीमान् In the Central Administration Tribunal
महोदय
कृदी अपीलान्ट Circuit and Sub Court
प्रतिवादी रेस्पाइन्ट न्यायालय
श्री

M. L. Harrel

The Union of

बनाम

प्रतिवादी (रेस्पाडन्ट)

नं० मुकद्दमा सन् वेशी की ता० १६ फू०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री प्रयाग नारायण बाजपेई ऐडबोकेट एवं श्री कार्तिकेय बाजपेई ऐडबोकेट भैरो जी रोड, लखनऊ महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी सें यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिये यह बकालतनामा लिख दिया प्रमाण रहे और समय पर काम आये ।

हस्ताक्षर मानुषालंगुरील

साक्षी (गवाह) साक्षी (गवाह)

दिनांक १५ महीना ८ सन् १९४९ ई०

Accepted.

~~0.13000~~
16-8-89

A18

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

O. A. No. of 1989 (L)

Mohan Lal Kureel, ... Petitioner.
Versus
The Union of India. & others .. Opp. Parties.

Complaint-B

| S. No. | Particulars of papers | Page No. | Annex No. |
|--------|------------------------------|----------|-----------|
| 1. | Rakkhan G. O. D. 27.11.72 | 1-2 | 1 |
| 2. | Letter Dated 1.12.83 | 3-4 | 2 |
| 3. | Procedure of Rosters | 5-7 | 3 |
| 4. | Appln. D. 3.4.87 | 6 | 4 |
| 5. | Appln. D. 13.7.89 | 7-8 | 5 |
| 6. | Appln. D. 23.6.89 | 9 | 6 |
| 7. | Appln. Dated 18.1.89 | 10 | 7 |
| 8. | Appln. D. 16.4.87 | 11 | 8 |
| 9. | Vakalatnama | 12 | |

Dated :- 14.8.89.

M. Bajpai
(P.N.Bajpai)
Advocate
Counsel for the
petitioner.

In the Central Administrative Tribunal Adalat
Mahan Adalat, Crescent Beach Lucknow
The Land of Lucknow vs.
Appellants
Answerer
P.M.

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Department of Personnel O.M. No. 27/2/71-Estt.(SCT), dated 27th November, 1972 to all Ministries etc.

Subject:—Reservations for Scheduled Castes and Scheduled Tribes in posts filled by promotion—Promotions on the basis of seniority subject to fitness.

The undersigned is directed to refer to para 2-C of the Ministry of Home Affairs O.M. No. 1/12/67-Ests.(C) dated the 11th July 1968 according to which there is no reservation for Scheduled Castes and Scheduled Tribes in appointments made by promotion on the basis of seniority subject to fitness, although cases involving supersession of Scheduled Castes and Scheduled Tribes officers in Class I and Class II appointments are required to be submitted for prior approval to the Minister or Deputy Minister concerned and cases of supersession in Class III and Class IV appointments have to be reported within a month to the Minister or Deputy Minister concerned for information.

2. The policy in regard to reservations for Scheduled Castes and Scheduled Tribes officers in posts filled by promotion on the basis of seniority subject to fitness has now been reviewed and it has been decided, in supersession of the orders contained in the aforesaid para 2-C of the O.M. dated 11th July, 1968, that there will be reservation at 15% for Scheduled Castes and 7½% for Scheduled Tribes in promotions made on the basis of seniority subject to fitness, in appointments to all Class I, Class II, Class III and Class IV posts in grades or services in which the element of direct recruitment, if any, does not exceed 50 per cent.

3. The procedure to be followed where promotions are made on the basis of seniority subject to fitness has been laid down in paragraph 1B of Ministry of Home Affairs O.M. No. 1/9/58-RPS, dated the 16th May, 1959, which provides that in such cases a decision has to be taken on the suitability of each individual officer for such promotion although there is no need for a comparative evaluation of their respective merits and that a decision on the fitness or the unfitness of an officer for promotion should be taken by the Departmental Promotion Committee instead of by an individual officer. While, therefore, referring proposals to the Departmental Promotion Committee for promotion on the basis of seniority subject to fitness in respect of vacancies expected to arise during a year, the following procedure may be followed to give effect to the decision mentioned in paragraph 2 above:—

- (i) A separate 40-point roster to determine the number of reserved vacancies in a year should be followed on the lines of the roster prescribed in Annexure I to the Ministry of Home Affairs O.M. No. 1/11/69-Est. (SCT), dated the 22nd April, 1970, in which points 1, 8, 14, 22, 28 and 36 are reserved for Scheduled Castes and points 4, 17 and 31 are reserved for Scheduled Tribes.
- (ii) Wherever according to the points in the roster there are any vacancies reserved for Scheduled Castes and Scheduled Tribes, separate lists should be drawn up of the eligible Scheduled Castes or the Scheduled Tribes officers, as the case may be, arranged in order of their *inter-se* seniority in the main list.
- (iii) The Scheduled Castes and Scheduled Tribes officers should be adjudged by the Departmental Promotion Committee separately in regard to their fitness.
- (iv) When the Select Lists of officers in the general category and those belonging to Scheduled Castes and Scheduled Tribes have been prepared by the Departmental Promotion Committee, these should be merged into a combined Select List in which the names of all the selected officers, general as well as those belonging to Scheduled Castes and Scheduled Tribes, are arranged in the order of their *inter-se* seniority in the original seniority list of the category or grade from which the promotion is being made. This combined select list should thereafter be followed for making promotions in vacancies as and when they arise during the year.
- (v) The select list thus prepared would normally be operative for a period of one year, but this period may be extended by six months to enable

~~27/2/71-Estt.~~

True copy
Attest'd.

J. M. P. P. B.
16-8-89

Signature _____
Designation _____

such of the officers included therein, as could not be appointed to the higher posts during the normal period of one year, to be appointed during the extended period.

(vi) If the number of eligible candidates belonging to Scheduled Castes/Scheduled Tribes found fit for promotion falls short of the number of vacancies reserved for either of them during the year, the extent of such shortfall should be reported to this Department along with proposals, if any, for dereservation of vacancies in respect of which the shortfall has occurred. If on a scrutiny of the data furnished in this regard, any dereservation is agreed to by this Department, the vacancy so dereserved may be filled up by another candidate included in the combined select list subject to the instructions contained in the Ministry of Home Affairs O.M. No. 27/25/68-Est.(SCT) dated the 25th March, 1970, in respect of carry-forward of such reserved vacancy for the subsequent three recruitment years and exchange of vacancies between Scheduled Castes and Scheduled Tribes in the last year to which the reserved vacancies are carried forward.

4. The above instructions take effect from the date of issue of these orders except where a Select List, if any, for promotion by seniority subject to fitness has already been prepared by a Departmental Promotion Committee and approved by the appropriate authority before the date of issue of these orders.

5. The Ministry of Finance, etc. are requested kindly to bring the above decisions to the notice of all Attached and Subordinate Offices under them and semi-Government and Autonomous Bodies with which they are administratively concerned.

6. In so far as officers serving under Indian Audit & Accounts Department are concerned, separate orders will issue in due course.

Department of Personnel & Administrative Reforms O.M. No. 10/41/73-Estt.(SCT), dated 20th July, 1974 to all Ministries etc.

Subject:—Reservations for Scheduled Castes and Scheduled Tribes in posts filled by promotion—Promotions by selection to Class II, within Class II and upto the lowest rung of Class I.

The question whether the scheme of reservations for candidates belonging to Scheduled Castes and Scheduled Tribes in promotions by selection should be extended to posts in Class II services and beyond, and if so to what extent, has been under the consideration of Government. It has now been decided, in supersession of the orders contained in paragraph 2B(a) of the Ministry of Home Affairs O.M. No. 1/12/67-Estt.(C) dated the 11th July, 1968 that there will be reservations at 15% and 7½% of the vacancies for Scheduled Castes and Scheduled Tribes respectively in promotions made by selection from Class III to Class II, within Class II and from Class II to the lowest rung or category in Class I, in grades or services in which the element of direct recruitment, if any, does not exceed 50%.

2. The following instructions will apply to the filling up of vacancies reserved for Scheduled Castes and Scheduled Tribes in terms of the instructions contained in this Office Memorandum:—

- (i) Selection against vacancies reserved for Scheduled Castes and Scheduled Tribes will be made only from among those Scheduled Castes/Scheduled Tribes officers who are within the normal zone of consideration.
- (ii) If candidates from Scheduled Castes and Scheduled Tribes obtain on the basis of merit with due regard to seniority, on the same basis as others, less number of vacancies than that reserved for them, the difference should be made up by selecting candidates of these communities who are in the zone of consideration irrespective of merit but who are considered fit for promotion.
- (iii) A Select List should then be prepared in which the names of all the selected officers, general as well as those belonging to Scheduled Castes

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R. M. S.
14-8-89

In the Central Administrative Tribunal Addl. Bench
Alshabadi, Circuit Bench Lucknow
Moham Idr Kureel _____ Appellant
The Union of India _____ Respondent
Answer No 2

No. A. 14019/2/83-SC/ST Cell
Government Of India
Ministry of Health & Family Welfare,
New Delhi, the 1st Dec. 83.

OFFICE MEMORANDUM

Subject:- Ad hoc promotion-consideration of cases of SC/ST
employees further clarification.

The undersigned is directed to refer to this Ministry's
O.M. of even number dated the 4th May, 1983 forwarding a copy
of the Deptt. of P.E.A.R.O.M. No. 36011/14/83-Rstt(SCT) dated the
30th April 1983 on the above subject and to say that further
clarification has been received from Deptt. of P.E.A.R. vide
their O.M. No. 36011/14083 Rstt. (SCT) dated herewith for
information and necessary action.

Sd/-

(J.C.Dutt)

Under Secretary to the
Govt. of India.

To,

All Offices/Sections/Desks/Cells in the Ministry of
Health & Family Welfare.

P.E.A.R. Ministry of Health & Family Welfare Dte.
C.H.S./General Section(150 Copies).

True copy
Attest'd.
P. M. Dutt
16-8-83

In the Central Administrative Tribunal Adalat Bhawan
Alshabab, Circuit Bench Lucknow
Mahan Lal Kureel

vs.

The Union of India

Applicant
Appellee

Amritpal

A22

Copy of O.M. NO 36011/14/83-Rmtt(SCR) dated 30. th Sept.
1983 from Deptt. of P.M.O. regarding ad-hoc promotion considera-
tion of cases of scheduled caste/scheduled tribes employees
further clarification.

The undersigned is directed to refer to the Department
of Personnel & A.R.O.M. No. 36011/14/83-Rmtt(SCR) Dtd. 30.4.83 on
the subject mentioned above. A doubt has arisen from which
scheduled castes/scheduled tribes candidates should be located
for ad-hoc promotion.

2. It has now been decided that the Sc/St candidates who
are within the number of actual vacancies should be considered
in accordance with their general seniority on the principle of
seniority cum-fitness and if they are not adjudged unfit, they
should all be promoted on ad-hoc basis. If however, the number
of Sc/St candidates found fit within the range of actual
vacancies is less than the no. vacancies identified as following
to their share then should be located by going down the seniority
list but within 5 times the numbers of vacancies, subject of
course, to their eligibility and fitness.

3. Ministry of Finance etc. required to bring the contents of
this O.M. to the notice of all their attached and subordinate
offices.

4. Hindi version is enclosed.

11/27/1983/205

True copy
Attest
P. M. O.
16-8-83

In the Central Administrative Tribunal Adalat Bhawan
 Alshabab, Crescent Beach Road
 Mohan Lal Kherel _____ Appellant
 The Union of India _____ vs. _____ Appellee
Answer No. 3

CHAPTER 4

ROSTERS

4.1 Model rosters

To give proper effect to the reservations prescribed, every appointing authority should treat vacancies as 'reserved' or 'unreserved' according to a model roster each of 40/100 points, as described below—

| (i) Direct recruitment made on an all-India basis: | MHA OM No. 1/11/ 64-Est- (SCT), dt. 22-4-76, Dept. of Person- nel & A.R. O.M.S. No. |
|--|--|
| (a) by open competition i.e. through the UPSC or by means of open competitive test held by any other authority—as in the roster consisting of 40 points as given in Appendix 1. (For reservation of 15 per cent for SC and 7½ per cent for S.T.) | 1/3/72, Est- (SCT) dated 12-3-1973, and No. 1/3/72. Est- (SCT) dated 15-5-1974. |
| (b) otherwise than by open competition—as in roster consisting of 40 points as given in Appendix 2. (For reservation of 16 2/3 per cent for SC and 7½ per cent for S.T.) | |
| (ii) Direct recruitment to Group C & D (Class III & IV) posts normally attracting candidates from a locality or a region—according to a roster consisting of 100 points as given in Appendix 3. (For percentages of reservation fixed generally in proportion to the population of Scheduled Castes and Scheduled Tribes in the respective States/Union Territories) | |
| (iii) Promotions to which reservations apply—[para 2.1 (iii)] according to a <i>separate</i> roster on the same pattern as in Appendix 1. (For reservation of 15 per cent for SC and 7½ per cent for S.T.) (For percentages of reservation fixed generally in proportion to the population of Scheduled Castes and Scheduled Tribes in the respective States/Union Territories). | Deptt. of Person- nel & A.R. O.M. No. 16/3/73. |

4.2 The actual number of vacancies to be reserved for Scheduled Castes and Scheduled Tribes in any recruitment

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ded. by
DOP&AR.
M. No.
36012/
3/78-
Est-
(SCT)
dated
9-2-82

should be determined on the basis of the points in the roster and also taking into account the reservations brought forward from the previous year the total number of reservations should not exceed 50 per cent of the total number of vacancies filled in that year.

MHA O.M. 4.3 Maintenance of rosters

No.

31/10/63-SCT The rosters for posts filled by direct recruitment will be maintained as follows:—

(1), dated
27-3-63
and 2-5-63.

- (i) A common roster should be maintained for permanent appointments and temporary appointments likely to become permanent or to continue indefinitely.
- (ii) A separate roster should be maintained for purely temporary appointments of 45 days or more but which have no chance whatever of becoming permanent or continuing indefinitely.
- (iii) A temporary post included in the roster at the time of initial appointment when converted into a permanent post later will not after such conversion be shown again in that roster but will be treated as reserved or unreserved according to the point at which it fell when it was initially filled.
- (iv) Permanent vacancies which occur due to death, retirement, resignation or for any other reason and which are also physical vacancies will be shown in the roster at (i) above and reservation determined accordingly.

4.4 The roster will be maintained in a register* in the form given in Appendix 4. Detailed instructions for maintenance of roster are given in Appendix 5. A hypothetical illustration of a roster is given in Appendix 6.

Depar-
ment
of Per-
sonnel

O.M. No.
8/8/71-Est. 4.5 The Liaison Officers nominated in the Ministries/ Departments and in offices under the Heads of Departments (SCT) will conduct annual inspection of rosters in the respective offices under their charge. The proforma for inspection of dated
22-4-71.

*for details please see appendices 4, 5, 6, and 7 of the Brochure.

STED (SCT) by ATC

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Approved
14-8-89

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ANNEXURE I

Model Roster for posts filled by direct recruitment on all India basis by open competition.

| Point in the Roster | Whether unreserved or reserved for | Point in the Roster | Whether unreserved or reserved for |
|----------------------|------------------------------------|----------------------|------------------------------------|
| 1. Scheduled Castes | | 21. Scheduled Tribes | |
| 2. Unreserved | | 22. Unreserved | |
| 3. Unreserved | | 23. Unreserved | |
| 4. Scheduled Tribes | | 24. Unreserved | |
| 5. Unreserved | | 25. Scheduled Castes | |
| 6. Unreserved | | 26. Unreserved | |
| 7. Unreserved | | 27. Unreserved | |
| 8. Unreserved | | 28. Unreserved | |
| 9. Scheduled Castes | | 29. Unreserved | |
| 10. Unreserved | | 30. Unreserved | |
| 11. Unreserved | | 31. Unreserved | |
| 12. Unreserved | | 32. Unreserved | |
| 13. Unreserved | | 33. Scheduled Castes | |
| 14. Unreserved | | 34. Unreserved | |
| 15. Unreserved | | 35. Unreserved | |
| 16. Unreserved | | 36. Unreserved | |
| 17. Scheduled Castes | | 37. Unreserved | |
| 18. Unreserved | | 38. Unreserved | |
| 19. Unreserved | | 39. Unreserved | |
| 20. Unreserved | | 40. Unreserved | |

NOTE.— If there are only two vacancies to be filled on a particular occasion, not more than one may be treated as reserved and if there be only one vacancy, it should be treated as unreserved. If, on this account a reserved point is treated as unreserved, the reservation may be carried forward to the subsequent two recruitment years.

STT 27 OCT 1972

True copy
Attested
P. M. Rao
M-089

A26

In the Central Administrative Tribunal Addl: Bench
 Allahabad, Circuit Bench Lucknow
 Mohan Lal Kureel _____ vs. _____ Applicant
 The Union of India _____ vs. _____ App. party
Answer to by

सेवा में,

मुख्य चिकित्सा अधिकारी,
 केन्द्रीय सरकार स्वास्थ्य योजना,
 9-ए, राणा प्रताप मार्ग, लखनऊ।

महोदय,

विशेष स्वर्णों से यह जात हुआ है कि आपके अधीनस्थ के ० स० स्वास्थ्य यो०, लखनऊ में अवर शेषी लिपिक के कुछ पद रिक्त हैं जिनमें से एक पद अनुसूचित जाति वर्ग के लिए भी आरक्षित है और वे पद विभागीय वर्ग "ब" कर्मचारियों में से पदोन्नति के माध्यम से भरे जाने हैं।

मैं अनुसूचित जाति वर्ग का सदस्य हूँ। आपके अधीनस्थ पेकर पद पर दिनांक १७ मार्च, १९७९ से नियमित कर्मचारी के स्वर्ण में कार्यरत हूँ। मैं एक स्थायी कर्मचारी हूँ। यहाँ पर कार्यरत अनुसूचित जाति वर्ग के "ब" शेषी के कर्मचारियों में सबसे वरिष्ठ एवं योग्य हूँ। मेरी शैक्षिक योग्यता हाई स्कूल है। हिन्दी टक्कड़ का ज्ञान है।

अतः विनम्र निवेदन है कि अवर शेषी लिपिक के उपरोक्त पद पर प्रार्थी को वरिष्ठता व योग्यता क्रम सीनियरिटी कम-फिटनेस आधार पर प्रो-नत किया जाए।

प्रार्थी आपका अभारी होगा।

दिनांक- ३ अप्रैल, १९८७।

प्रार्थी,

श्रीहर लाल द्वयील
 १ मोहन लाल कुरील १
 केन्द्रीय सरकार स्वास्थ्य योजना,
 लखनऊ।

True copy
 Attest
 O. M. K.
 14-8-89

A27

In the Central Administrative Tribunal Adalat Bhawan
 Allahabad, Circuit Bench Lucknow
 Mohan Lal Kherel vs. Appellant
 The Union of India vs. Appellee
 Date 15-01-2019
 Case No. 1501/2019

सेवा पै.

उप निदेशक,
 केन्द्रीय सरकार स्वास्थ्य बोर्डा,
 9-ए, राणा पूताल मार्ग, लखनऊ

विषय:- अनुचित जाति बर्ग के कोटे के अन्तर्गत अवृत्ति
 विवरण पद पर पदार्पण

महोदय,

मैं उपनी पदार्पण के सम्बन्ध में आपको कह दिया हूँ कि आपको 23-6-89 के पूर्खी
 कानून में विस्तृत विवरण दे द्यु कि आपको अधीनस्थि० वर्ष 1984
 से कृत छः बर्गों के सामान्य भेंटी के कमिकारियों की पदार्पण
 अवृत्ति पैदी लिपिक के प्रदाने पर की गयी है। मैं उन समस्त कमिकारियों
 से बरिष्ठ स्थान रहने के साथ - साथ अनुचित जाति का बरिष्ठ
 बर्गों कमिकारी ही कैलांस्काल्यार्थी लखनऊ में अनुचित जाति बर्गों
 के कोटे में विभागीय पदार्पण होता भी जाने वाले अवृत्ति पैदी
 लिपिक के कह कद रिवत जाने के बाबजूद मेरी पदार्पण नहीं
 की गयी है और न ही आज तक कोई मेरे पूर्खी अवृत्ति का उत्तर
 ही दिया गया है। जबकि इस सम्बन्ध में आपको दिनांक 3-4-87
 16-4-87, 12-1-89 एवं 23-6-89 के पूर्खी कानून दे द्यु हैं
 अर्थात् दुर्भी अवश्य आपको भी मेरी पदार्पण नहीं को जारी हो दें।

विशिष्ट स्थान से यह प्राप्त हुआ है कि वर्ष 1987 में
 विभागीय प्रार्पण के समिति द्वारा भी अनुचित जाति के कोटे
 की भरने का पूरताव पास किया गया था - जैसा कि तत्कालीन
 द्रुत विकिला अधिकारी डॉ पी० ए० शॉ ने ज्ञाप्त किया था
 कि अनुचित जाति के पद को भरने के लिये शैक्षिक ही कठिन हो जायेगा
 जिसके अपार्वत एसी कोई भी कार्यकारी नहीं को गयी जिसके मेरी
 पदार्पण से संबंधी।

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बतः आप्ते पुनः निवेदन है कि मेरी पदोन्नति अनुचित जाति के लिए रिक्त लहर शेणी लिपिक पद पर अतिरिक्त की जाए और लगड़ारी घटन आये गे, इलाला बाद को आप हारा गाल हो मैं भेजे गए सीधी भलो औ उभ्यधी का नाम मैंने का पत्र बाप्त लिया जाए उधासि उस पत्र को भिरस्त किए जाने के पत्र कमड़ारी घटन आये गे इलाला बाद उनी लिहा जाए तथा मिस्त्राकित को भेरे पुराधी पत्र को अग्राहित किया जावे किसी गुद्धे अमुचित द्वाय मिल सके। यदि इस पत्र को प्राप्ति से 10 दिन के अन्दर मेरी प्राप्तेवक्तु हि जूधी की जाती तो मैं द्वाया कम्पवैद्य रण लेने की बाध्यही

॥ मेरे लाल हरील ॥

केंद्रीय सरकार का सभ्य योजना, दिल्ली।

पुतिलिपि:- निम्नांडित ले उचित प्राप्ति की तारा अवश्यक नहीं की वाशा में पुष्टि एवं अंग्रेज पुतिया समाज का पुर्णपता।

सूचिकोशः ४

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In the Central Administrative Tribunal Addl. Bench
Alshabook, Crescent Beach chakwal
Muhammad Iqbal Kureel vs. The Governor of Sindh
Answer to the application
of the party

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1993-1994 学年第一学期

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WILSON'S BIRD BOOK

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जो भ्रष्टाचार का अधिकार विद्या वार्षिक दी देव कर्म भेजा जाएगा वे
जो अन्यायाचार विद्या वार्षिक दी देव कर्म भेजा जाएगा वे

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संग्रह ३
लारीव २३/६/८९

परिवर्तन विद्या का विवरण देता है। विद्या का विवरण देता है।

प्राची. शोदर्वाला या (C)

A30

In the Central Administrative Tribunal Add'l Bench
 Allahabad, Circuit Bench Lucknow
 Mohan Lal Kureel vs Appellant
 The Governor of Bihar vs Appellee
 Answer to

लेखा में,

श्रीमान उप निदेशक
 केन्द्रीय सरकार स्वास्थ्य योजना
 १९८६, राणा पृथिवी मार्ग
 लखनऊ।

महोदय,

सर्विनय निवेदन है कि प्रार्थी आपके अधीन स्कूल के पद पर लगभग 10 वर्ष से कार्य कर रहा है। अनुसूचित जाति के सदस्य प्रार्थी हाई स्कूल पास होने के साथ हिन्दी टाईप आदि जानता है। प्रार्थी ने विभागीय लिपिक जो कि चतुर्थ श्रेणी कर्मचारियों में से होने थे अपना प्रार्थना पत्र दिया था लेकिन प्रार्थी प्रोन्नति नहीं ही गई जबकि उनमें से एक पद अनुसूचित जाति के सदस्य हारा ही भरा जाना था लेकिन मेरा प्रार्थनापत्र होते हुए भी दिनांक 21-4-87 को समिति ने वह पद समान्य सदस्य हारा भर लिया।

तटिकालीन मुख्य चिकित्साधिकारी महोदय ने इस सम्बन्ध में बताया कि अनुसूचित जाति के पद को भरने के लिए जल्दी ही परीक्षा कराई जाएगी लेकिन दो साल बीत गये और अभी तक कोई परीक्षा नहीं ली गई।

अतः श्रीमान जी से निवेदन है कि अनुसूचित जाति के पद को भरने के लिए श्रीमुख्य ही अनुसूचित जाति की विभागीय परीक्षा लेने की कृपा करें ताकि प्रार्थी उसमें सम्मिलित हो सके और लिपिक होने का मौका मिल सके।

प्रार्थी -

माहेन लाल कुरील

मोहन लाल कुरील

माहेन

माहेन लाल कुरील

माहेन

दिनांक 17-1-89

Central Govt. of India
 General Directorate of Posts
 Lucknow

कुरील लाल माहेन

True Copy

Starred

16-08-91

In the Central Administrative Tribunal Addl: Bench
 Alsholok, Crescent Beach Andheri
 Mokar Kol Kureel _____ vs. _____ Applicant (A3)
 The Union of India _____ vs. _____ App. party
 Answer No. 8

सेवा में,

मुख्य विधिता वैधिकारी/वधवा, डी०षी०सी०,
 विभागीय प्रांन्नति समिति।
 केन्द्रीय सत्कार स्थान बोर्ड।
 लखनऊ।

विषय:- अवर कोई नियमित पद पर प्रोमोशन के सम्बन्ध में।

महोदय,

मैंने दिनांक 3 अप्रैल, 1987 को उदाहोत विधिक एवं द्वार्थनावाद वापले प्रस्तुत किया था जिसके द्वारा वापसे यह निवेदन किया था कि वापके विधीनस्थ विवत अवर कोई नियमित पदों में से जो वन्नुकील जाति वर्ग के लिए वाराण्श स्थान है उसे लिए वेरा नाम विवार किया जाव वरन्तु उभी तरफ उस पर कोई कार्रवाली नहीं की गई है वोटर न दिए गुणे सूचित किया गया है।

उपरान्त विधिक एवं द्वार्थनावाद को विशिष्ट सूत्रों से यह जात हुआ है कि दिनांक 21 अप्रैल, 1987 को विभागीय प्रांन्नति समिति को बैठक वापकी उधारक्षता में सम्बन्ध हो रही है। अतः निवेदन है कि वृषभा भेरी प्रोन्नति एवं अवर कोई नियमित पद हेतु की जाए।

समुचितन्यावध की उत्थापा में,

प्राप्ति

38

म. 16/4/87

दिनांक- 16-4-1987

भवदीय,

मानन लोल अंग्रेज
 १ महिन लाल बुरील।

केन्द्रीय सत्कार स्थान बोर्ड।
 लखनऊ।

प्रतिलिपि:-

1. डा० सी०षी०सी०सिंह, सदस्य विभागीय प्रांन्नति समिति, वे०स०स्था०ष००, लखनऊ।
2. डा० जे०बे०, जैन, सदस्य, वि०षु००००, के०स०स्था०ष००, लखनऊ।
3. डा० जे०बे०, जैन, सदस्य वि०षु००००, के०स०स्था०ष००, लखनऊ।
4. डा० एस० बुवतीर्ण, सदस्य वि०षु००००, के०स०स्था०ष००, लखनऊ।

True copy
 Attest
 16/4/87

लाल बुरील 16/4/87

SL No 20

A32

In the Hon'ble High Court of Central Administrative
Tribunal, Circuit Bench, Lucknow.

C.M. Appln, No. 153 of 1990 (L) ✓

Union of India & others ... Opp. parties

Inre:

O.A. No. 209 of 1989 (L)

Mohan Lal Kuril ... Applicant.

Vs.

Union of India & others ... Opp. Parties.

APPLICATION FOR CONDONATION OF DELAY

The opp. parties abovenamed begs to state as under :-

1. That the counter affidavit to the application could not be filed within time as relevant information was not available.

PT
16/3/90
2. That filing of the counter affidavit is necessary in the interest of justice.

3. That the counter affidavit is now ready and is being filed herewith.

Wherefore, it is most respectfully prayed that delay in filing the counter affidavit may be condoned and the same may be ~~brought~~ accepted and brought on the record.

Lucknow : Dated

March 16, 1990

Counsel for the Opp. parties.

133

Before the Central Administrative Tribunal,
Circuit Bench, Lucknow.

Counter Affidavit on behalf of
opposite party No. 1, 2 and 3

In re:

W.A. No. 209 of 1989 (L)

Mohan Lal Kuril ... Applicant.

Vs.

Union of India & others ... Opp. Parties.

I, Dr. SITESH CHANDRA DUTTA aged about,
53 years, son of Late Girindra C. Dutta
working as Deputy Director, Central Government,
Health Scheme, Rana Pratap Marg, Lucknow, the
deponent do hereby solemnly affirm and state
on oath as under :-

1. That the deponent is Deputy Director, Central Government, Rana Pratap Marg, Lucknow, and as such he is fully conversant with the facts deposed to hereinafter.
2. That the deponent has read the application filed by the applicant and has fully understood the contents thereof.

S. Dutta
Dy. Director
C.G.H.S., Lucknow

PZM

- 2 -

3. That the contents of paragraphs 1 to 3 of the application need no reply.

4. That the contents of paragraph 4(i) to (iv) of the application need no reply accept that as per recruitment rules the post of L.D.C. to be filled up 90% from direct recruitment and 10% by promotion from Class -4 employees based on departmental examination. It is wrong to state that 15% ~~reserved~~ reservation has been made in L.D.C. category for promotion of Class-4 employees.

5. That in reply to the contents of paragraph 4 (v) of the application, it is submitted that ~~the~~ as per Govt. Order annexed with the application as Annexure-1 by the applicant, the ~~Scheduled Castes~~ quota ~~is~~ for scheduled caste in promotion is 15% minning thereby that in 10% reserved for promotion from amongst Class-4 employees the quota of scheduled caste is 15%. A true copy of the relevant rules is being annexed herewith as Annexure A-1 to this counter affidavit.

6. That the contents of paragraph 4 (vi) of the application are as stated not admitted. Under the provisions of Recruitment Rules out of 17 sanctioned post of L.D.C. in the year 1984, 2 posts were filled by promotion based on departmental examination from Class-4 employees as per recruitment rules of the post and 3rd candidate senior most of the panel of 1985 who was working as ad-hoc L.D.C. was regularised on 21.4.1987. The petitioner ~~q~~ appeared in the examination but could not qualified the departmental test.

Dy. Director
C.G.H.S., Lucknow

7. That the contents of paragraph 4(vii) of the application are wrong hence denied. Infact there were only 17 post of L.D.C. sanctioned in the year 1984. According to service rules only 10% posts were reserved for promotion. 10% of 17 posts amounted to 1.7 as such only 2 posts were to be filled up by promotion through departmental examination. The quota of scheduled caste was 15% of 2 posts which was negligible and one post could not be reserved for scheduled caste candidate. However the applicant was allowed to appear in the examination as he could compete in general category but he could not do so.

8. That the contents of paragraph 4 (viii) of the application as stated not admitted. However, it is submitted that when ever the vacancy for ~~sehd~~ scheduled caste candidate will be available, the applicant ~~has~~ will be given chance to appear in the examination in accordance with the service rule.

9. That the contents of paragraph 4 (ix) of the application are also not admitted. Infact ~~that~~ as stated above in ~~para~~ preceeding para were existing for promotion by departmental examination the year 1984 not 3 posts as mentioned by him. As per recruitment rules, the departmental examination was required.

10. That in reply to the contents of paragraph 4 (x) of the ~~ur~~ application, it is submitted that the G.O. dated 30.9.1983 as annexure no. 3 by the petitioner

Dy. I. [Signature]
G.G.S., Lucknow

not applicable in the subject case as there were only 2 posts to be filled by Group-'D' employees based on departmental examination not on the principles of seniority cum fitness and G.O. under reference not directs so. It is further submitted that as soon as the post ~~is~~ for scheduled caste quota will be available, the applicant will be given chance in accordance with the service rules.

11. That the contents of paragraph 4 (xi) of the application are wrong hence denied.

12. That the contents of paragraph 4 (xii) of the application are wrong hence denied. It is further submitted that the Annexure No. 3 produced by the applicant has been amended and 100 points roster is maintained where point no. 2 reserved for schedule caste not 1st as stated in application.

13. That in reply to the contents of paragraph 4 (xiii), ~~xxii~~ (xiv) and (xv) of the application, it is stated that as already submitted in foregoing paras ~~the~~^{the} post is available of 10% quota which may be filled from Group-'D' employees as at present there are 21 posts sanctioned out of which 10% posts have been filled from Group 'D'. It is further submitted that the promotion can not be made other wise then ~~in~~ in accordance with the service rules.

S. J. S.
Dy. Director
C.G.S., Lucknow

14. That in reply to the contents of paragraph 4 (xvi) of the application, it is submitted that as per provisions of recruitment rules and decision

APR

- 5 -

of D.P.C. on 30.8.1989 10% quota of departmental candidates filled from group 'D' employees so^o question of departmental candidate of Scheduled Caste category does not arise till the vacancy of the 10% quota^{under} available.

15. That the contents of paragraph 4 (xvii) of the application are denied. It is submitted that the provisions of Article 14 and 16 of the Constitution of India have not been violated and no discrimination has been done with the petitioner as alleged.

16. That the contents of paragraph 4 (xviii) of the application are denied. It is submitted that the post is not available at present as stated above.

17. That in reply to the contents of paragraph 4 (xix) of the application, it is submitted that as per recruitment rules 90% posts of L.D.C. are to be filled ~~up~~ from direct recruitment for which competent authority is Staff Selection Committee. The posts reserved for Scheduled Caste/Scheduled Tribe candidates were to be filled from direct recruitment ~~so~~ under "Special recruitment Drive for Scheduled Caste/Scheduled Tribe as per instructions of Government which has been filled from them on recommendations of Staff Selection Committee.


Dy. Director
CGHS, Lucknow

18. That the contents of paragraph 4 (xx) of the application are not admitted. The applicant will not suffer any loss as stated by him and presumption of future also not correct.

178

19. That the contents of paragraph 4 (xxi) of the application next to above which is wrongly been figured as 4 (xxi) instead of (xxii) are denied. As stated above the case is liable to be dismissed with costs. It is also submitted that the applicant neither qualified the test of L.D.C. nor ~~the~~ ^{other} post of Group-C are available to suit his qualification exists in the office of the respondent no. 3.

20. That the contents of paragraph ~~is of~~ 5 (1) to (xi) of the application are not admitted. None of the grounds tenable in law. The writ petition has no force and the same is liable to be dismissed with costs.

21. That in reply to the contents of paragraph 6 (i) of the application, it is submitted that the applicant can not be given promotion without passing departmental examination as provided in the service and rules/also without availability of the posts.

22. That the contents of paragraph 7 of the application need no reply.

23. That in reply to the contents of paragraph 8 of the application, it is submitted that none of the reliefs are liable to be granted. The application devoid of merits and is liable to be rejected with costs.


Dy. Director
C.S.I.S., Lucknow

24. That in view of the above mentioned facts and reasons, the applicant is not entitled for any reliefs.

(A29)

25. That the contents of paragraph 10 of the application need no reply.

Lucknow : Dated

Dec. 4th, 1989


Deponent.

Dy. Director

 C.G.S. Lucknow

I, the abovenamed deponent do hereby verify that the contents of paras 1 and 2 are true to my own knowledge, those of paras 3 & 22 and 25 are based on ~~legal~~ records which I believed to be true and those of paras 23 and 24 are based on legal advice. No part of it is false and nothing material has been concealed.

Lucknow : Dated

Dec. 4th, 1989


Deponent.

Dy. Director

 I identify the deponent who has signed before me.

2410

THE CHINESE TREATY POSITION
IN THE CHINESE-AMERICAN TRADE
DISPUTE.

2.
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5.
6.
7.

L.R.C. - - General Central Services Class-III Non-Gazetted Minister 21 Rs. 260-6-330-18-35 Selection 18-25 6-336-8-366-13-8-396-10-400.

Notification No.3.4-130/73-CGHS Dated 19.2.74

Annexure C - 1

CHURCH NURSE - Non-Ministerial Reg. #35-6400

Grade - I
Date - 10-10-1980
Page No. - 1
Serial No. - 30-335-00
Not Applicable
Year -

Grade - I
Year - 2013

difference: One very
different fence.

✓
Sax

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Educational Qualification:- Two Years 90% by direct recruitment Class IV 10% by experience Class III Not Applicable. D.P.C. Yes.

Age :- Relaxable upto 40 years (45 years for scheduled Caste/scheduled Tribe employees) for departmental candidates.

rendered five years of service in that grade.

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100% by direct recte.

Not Applicable

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(P.W.D.)

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

C.M. 173/90(L)

O. A. No. 209 (1) of 1989

F.F. :- 3.8.90

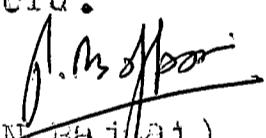
Mohan Lal Kureel Applicant.

Versus

The Union of India & others ... Opp. Parties.

In the above noted application the rejoinder affidavit is filed herewith. The copy has already been served on the Opp. parties. It may be taken on record.

Dated :- 21.3.90

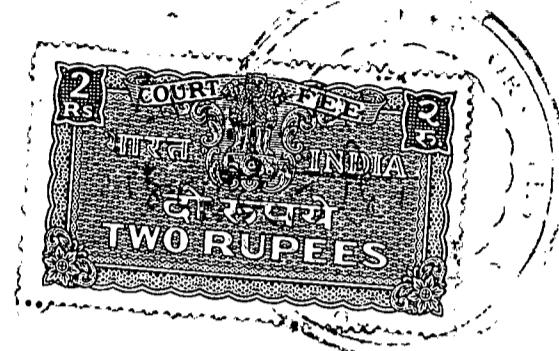
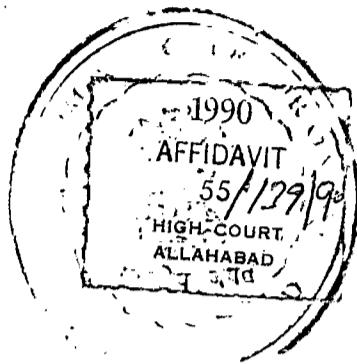

(P.N. Bajaj)
Advocate
Counsel for the
applicant.

Filed today
Sd/-
21/3/90

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

O. A. No. 209-(L) of 1989

F. C 3-8-90



Mohan Lal Kureel ... Applicant.

• • •

Applicant.

Versus

The Union of India & others ... Opp. Parties.

Rejoinder Affidavit.

I, Mohan Lal Kureel aged about 39 years,
son of Sri Late Churai R/o mohalla East Birhana
Near Balloo Das Kothi Lucknow do hereby solemn-
ly affirm as under :-

1. That the contents of para 1 to 3 of the C.A. needs no reply.
2. That the contents of para 4 of the C.A. are admitted with modification that the quota is now 15 % and not 10% as alleged in para under reply.
3. That the contents of para 5 of the C.A. are argumentative and will be argued at the time of arguments.
4. That the contents of para 6 of the C.A. are denied. The contents of para 4 (vi) of the petition are reiterated. The petitioner being senior most in the cadre of Class Ivth

ଶ୍ରୀରାମପ୍ରକାଶ

2.

ADM

was entitled to get the adhoc promotion. There was no necessity of any examination for adhoc promotion. The discrimination has been done with the petitioner in the matter of promotion of juniors. The deponent was knowingly declared as failed in the examination of 1985.

5. That the contents of para 7 of the C.A. are denied. The deponent was entitled to get the benefit of quota reserved for S.C. candidate. The deponent was knowingly declared as failed due to the mala/fide intention. Further the contents of para 4 (VIII) of the Application are reiterated.

6. That the contents of para 8 of the C.A. are denied. The deponent was only candidate of reserved quota to get the promotion but the quota has been denied.

7. That the contents of para 9 of the C.A. are denied. The contents of para 4 (IX) of the application are reiterated. The Opp. parties have tried to misguide the Hon'ble Tribunal through the contents of para under reply. Three promotions were made in the year 1984.

8. That the contents of para 10 of the C.A. are denied. The contents of Para 4 (X) of the application are reiterated. The Arbitrary promotion were made and the seniority of the deponent was ignored.

9. That the contents of para 11 of the

Discreetly

18/14

C.A. are denied. The contents of para 4 (xi) of the Application are reiterated.

10. That the contents of para 12 of the C.A. are denied. The contents of para 4 (xii) of the Application are reiterated. The Roster referred in para under reply has not been filed alongwith the C.A. , hence proper reply is not possible.

11. That the contents of para 13 of the C.A. are denied. The contents of para 4 (xiii, ~~xxx~~ xiv , xv) of the application are reiterated. The deponent is not claiming the promotion against the services rules.

12. That the contents of para 14 of the C.A are denied. The contents of para 4 (xvi) of the Application are reiterated. The quota is not complete. The Petitioner is entitled to get the benefit of the quota reserved for the S.C. candidates.

13. That the contents of para 15 of the C.A. are denied. The contents of para 4 (xvii) of the Application are reiterated. The provisions of Art. 14 & 16 of the Constitution of India have been violated.

14. That the contents of para 16 of the C.A. are denied. The contents of para 4 (xviii) of the application are reiterated. The post was vacant but no selection was made.

15. That the contents of para 17 of the C.A. are denied. The contents of para 4 (xix) of the Application are reiterated. The Departmental

21/Encl 13/201

Ref

4.

Selection Committee did not consider the quota reserved for the S.C. candidates.

16. That the contents of para 18 of the C.A. are denied. The deponent will suffer a great irreparable loss. Further the contents of para 4 (xx) of the Application are reiterated.

17. That the contents of para 19 of the C.A. are denied. The Petition is liable to be allowed with cost. As already stated above the deponent was knowingly declared as failed.

18. That the contents of para 20 of the C.A. are denied. The application is liable to be allowed on the basis of the grounds taken in the application.

19. That the contents of para 21 of the C.A. are denied. The deponent was actually passed, but he has been declared as failed knowingly.

20. That the contents of para 22 of the C.A. needs no reply.

21. That the contents of para 23 of the C.A. are denied. The deponent is entitled to get the reliefs claimed. The application is liable to be allowed with cost.

22. That the contents of para 24 of the C.A. are denied. The deponent is entitled to get the reliefs claimed.

23. That the contents of para 25 of the C.A. needs no reply.

Dated:

27/10/2011 25/10/2011

Deponent.

5.

pk

Verification.

I, the above named deponent do hereby verify that the contents of paras 1 to 6, 12, & 19 of the R.A. are true to my knowledge and the contents of paras 7 to 11, 13 to 18 and 20 to 23 of the R.A. are true to my belief. Nothing material has been concealed and no part of it is false, so help me God.

Signed and verified today this the 15.3.90 in the Court Compound at Lucknow.

Dated: 15.3.1990

~~Deponent~~
Deponent.

I identify the deponent who has signed before me.

~~P.N. Bajpai~~
(P.N. Bajpai)
Advocate.

Solemnly affirmed before me on 15.3.90 at 9.40 A.M. / P.M. By Sri Mohan Lal Kureel, the above named deponent who is identified by Sri P.N. Bajpai, Advocate, High Court of Judicature at Allahabad, (Lucknow Bench) Lucknow.

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

Shyam Narayan
Commissioner
Allahabad
Court, Lucknow
Bench

55/129
157-3/90

In the Central Administrative Tribunal Allahabad.

O.A. Circuit Bench Lucknow
No. 209 of 1989 (L)

Mohan Lal Kureel Petitioners
Appellant
Applicant

VERSUS

Union of India and Others Respondent
Opposit Party

I/we Rep. no 1 to 3
I M QUDDUSI, Advocate High Court, Lucknow
SHRI Advocate High Court, Lucknow
to appear, act and plead for me / us in the above matter and to conduct/prosecute and defend the same in all interlocutory or miscellaneous proceedings connected with the same or with any decree or order passed therein, appeals and or other proceedings there from and also in proceedings for review of judgment and for leave to appeal to Supreme Court and to obtain return of any documents filed therein, or receive any money which may be payable to me / us.

2. I / We further authorise him to appoint and instruct any other legal practitioner authorising him to exercise the powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so.

3. I/We hereby authorised him/them on my/our behalf to enter into a compromise in the above matter, to execute any decree order therein, to appeal from any decree / order therein and to appeal, to act, add to plead in such appeal or in any appeal preferred by any other party from any decree / order therein.

4. I/We agree that if/we fail to pay the fees agreed upon or to give due instruction at all stages he / they is are at liberty to retire from the case and recover all amount due to him / them and retain all my/our monies till such are paid.

5. And I / we, the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my own acts, as if done by me / us to all intents and purposes.

Executed by me/ us this day of 19 at

Executant's are personally known to me he has / they

have / signed

before me

Signature

By Director
Central Govt. Scheme

Satisfied as to the identity of executant's signature/s.

(where the executant/s is / are illiterate blind or unacquainted with the language of vakalat)

Certified that the content were explained to the executant/s in my presence in the language known to him / them who appear/s perfectly to understand the same and has / have signed in my presence.

Accepted

4/12/89
[Signature] (I. M. Qudsi)
Advocate

Additional Standing Counsel

Central Government

High Court, Allahabad, Lucknow Bench
Counsel for Applicant/Respondents

No.

Registered A/D

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Old Residency
Lucknow - 226 001

(Registration No. of 193)

No.CAT/LKO/Jud/CD/

dated _____

APPLICANT(S)

VERSUS

RESPONDENT(S)

Please take notice that the applicant above named
has prescribed an application a copy whereof is enclosed
herewith which has been registered in this Tribunal and has
fixed _____ day of _____ 198 .

for Oral hearing

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

Given under my hand and the seal of the Tribunal
this _____ day of _____ 198 .

dinesh/

For DEPUTY REGISTRAR

Ram Agarwal

QC

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. No. 209 of 1989 (L)

M.L. Kureel

.....

Applicant.

versus

Union of India & ors

.....

Respondents.

22.9.1989

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

Shri P.N. Bajpai counsel for the applicant heard.

Admit.

Issue notice to respondents to file counter affidavit within six weeks to which the applicant may file rejoinder affidavit within two weeks thereafter.

List on 4.12.1989 for orders/hearing as the case may be.

Sd/-

Judicial Member

checked
29/9/89

11 True Copy 11

Deputy Registrar

Central Administrative Tribunal

Circuit Bench,

Lucknow

27/9/89

xxm

Central Administrative Tribunal
Circuit Bench Lucknow.
O.A. NO. 209 of 1989 (L)

(B13)

M.L.Kureel Applicant/petitioner
Versus
Union of India Respondents

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

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

Dated: 5.7.91.

Learned counsel for the applicant states
that the applicant has now been promoted
and the relief ~~xxxxx~~ claimed by him has
been granted and as such the application has
become infructuous.

Clearly
The application is dismissed as
infructuous.

A.M.

V.C.

// True copy //

R.S.M.

ALD
Section Officer
Central Administrative Tribunal
Circuit Bench
LUCKNOW

Central Administrative Tribunal
Circuit Bench Lucknow.
O.A.NO.209 of 1989(L)

BAU

M.L.Kureel Applicant/petitioner
Versus
Union of India Respondents

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

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

Dated: 5.7.91.



Learned counsel for the applicant states
that the applicant has now been promoted
and the relief ~~maxif~~ claimed by him has
been granted and as such the application has
become infructuous.

The application is dismissed as
infructuous.

checked by

A.M.

V.C.

// True copy //

R.S.M.

AKD
Section Officer
Central Administrative Tribunal
Circuit Bench
LUCKNOW