

Administrative tribunal

Lükkwü Dendit

1993 5.A277/90 (L)

Entitled F. R. Neasey, applicant.

W. G. & others.

• Respondents

Description of Documents

Page

Check list —

Order Sheet — A 3 to A 4

Final Judgment: A-

Petition Copy 1A-12 to A-25

Annexure A-6c to A-6u (Am to A-15, A-16)

Power 1 26,434 A8

Counter Affidavits

Rejoinder Affidavit Pro 3570 A-48

1000 A.D.

8/ File 2, A76 to A80

~~100~~ - other factors

to (7)

C++ File

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(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

27/8/90

27/8/90

Registration No. 271 of 1989 (L)

27/8

APPLICANT(S) Shri K. K. Narang and others

RESPONDENT(S) V. C. 9.

<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 ?	No
3. a) Is the appeal in time ?	yes
b) If not, by how many days it is beyond time ?	
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 paging done 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

	<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11.	Are the application/duplicate copy/spare copies signed?	yes
12.	Are extra copies of the application with Annexures filed?	No
	a) Identical with the Original?	
	b) Defective?	
	c) Wanting in Annexures	
	Nos. _____ pages Nos. _____ ?	
13.	Have the file size envelopes bearing full addresses of the respondents been filed?	N.A.
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?	yes
	a) Concise?	
	b) Under distinct heads?	
	c) Numbered consecutively?	
	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

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27/8

Put up before
ben on
11/8/2011
for order
on 29.8.2011
27.8.2011

29.8.1990

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

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Heard. Admit. Issue notice to the respondents. Counter affidavit may be filed within eight weeks hereof. Rejoinder affidavit may be filed within two weeks thereafter.

See
Original adu
An
main petition

As regards the interim prayer, the appointment to the post of Jr. Chemist made hereinafter shall remain subject to the decision of the Tribunal so far it affects the right of the petitioner in this case. Listed for hearing on 25.10.1990 on interim matter. The application for permission for Joint application is allowed.

Sd/-

A.M.

Sd/-

J.M.

Notice Issued

10-9-90

rrm/

25.10.90

No sitting Adu to 19.12.90

19.12.90

No sitting Adu to 11.1.91

11.1.91

No sitting Adu to 6.3.91

6/3/91

Non. Mr. Justice K. Srivastava, J.C.
Non. Mr. A.B. Tewari, A.M.
Appealant Mr. Smt. K. K. Pranay is present in person. Smt. V. K. Chanchary makes appearance on behalf of respondents 1&2 & requests for and is allowed three weeks time to file a counter within which time the appellant may also file rejoinder with a copy to respondent

No. 3. List the case for orders on 3/4/91 in the matter of interim orders.

C.A. filed
26/1

OR
Dr. D. Chander ties power & C.A.
No R.A. filed

S. Po.

1/4/91

A.M.

V.C.

22.10.91.

Sh: A.S. Tiwari Party Counsel of Sri A. Mannan
u D. Chandra Counsel for respondents

On the prayer of learned party counsel
for applicant, may be listed for
direction on 16.12.91.

(S.N. Prasad)

Judl. Number

(Kausat Kumar)

Vice Chairman

16.12.91

No Siting adj to 21.1.92

or

Subplementary
Answer
Sited.

21.1.92.

No Siting of D.B. adj to
18.2.92

or

18.2.92

No Siting of D.B. adj
to 16.3.92

or

16.3.92

Hon. Mr. Justice V.C. Srivastava - V.C.

(DPS)

The Case is ripe for hearing.
Let the case may be listed on
6.7.92 for hearing.

or
written stat
filed
22/7/91 or

V.C.

6.7.92

No Siting of D.B.
adj to 1.8.92

or

1.8.92

No Siting of D.B. adj to
28.8.92

or

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL

BUCKNOW BENCH

LUCKNOW

Original Application No. 277 of 1990

K.K. Narang and others

Applicants.

versus

Union of India & others

Respondents.

Shri A. Mannan

Counsel for Applicants.

Dr. D. Chandra

Counsel for Respondents.

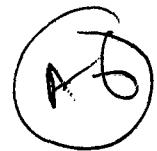
Counsel:

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member.

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

The applicants who were working as Assistant Chemists in the pay scale of Rs 2000-3500 Group B Gazetted, and are posted in the Chemical Division, Northern Region of Geological Survey of India, Lucknow, and they have been working for the last 10 to 12 years. The applicants have approached the Tribunal praying that the selection for the post of Chemist (Junior) made by the Union Public Service Commission may be quashed and fresh selection may be made. This prayer has been made by the applicants because they have been excluded from the selection, because their applications were entertained and later on they were excluded from the interview process and the candidates who were ineligible and junior to them were allowed to participate in the interview and were selected.

2. The applicants have stated that as Assistant Chemists the applicants have experience of conducting the work of Chemical Analysis. The U.P.S.C. on 15.7.89



advertised 14 posts of Chemist (Junior) Group A Gazetted in the scale of Rs 2200-4000 and essential qualification required for the post, according to the advertisement was 1) M.Sc in Chemistry, 2) three years experience of working in the Chemical Analysis of Rock, Ores and Minerals. The applicants fulfilled the qualification and the last date for application being 14th August, 1989, they applied for the same. The other persons who were working on the post of Senior Technical Assistants in the scale of Rs 1640-2900 also applied for the same. According to the applicants they have no experience of conducting chemical analysis independently in rocks, Ores and minerals or in the field of geology and their job was to assist the analyst such as petitioners/applicants. Screening took place by the U.P.S.C. and the U.P.S.C. for the purposes of selection, took into consideration those who had total 7 years experience of any grade either of independent Chemical Analysis of rocks and minerals or those who had assisted in the job of analysis as Junior Technical Assistant or Senior Technical Assistant in the grade of Rs 1400-2300 and 1640-2900 respectively. The applicants have given instances of those who had 6 years or more experience and were in the higher grade of Rs 2000-3500 were eliminated and those who worked on lower posts, were called for the selection. The applicants submitted representations against the same. Their representations bore no fruit and that is why they have approached this Tribunal.



3. The applicants have challenged the entire process on the ground that the same is contrary to the conditions mentioned in the advertisement and they have been equated with unequal in violation of Articles 14 and 16 and they have been discriminated by the arbitrary action of the U.P.S.C. and that it was a direct selection from open market and academic qualification should have been the criterion for screening and if experience is to be taken into account the experience of equal status must have been taken into consideration, not of experience of higher and lower status together.

4. The respondents have opposed the application and have stated that the selection of the candidates was made in accordance with the essential qualification and the large number of applications were received which were reduced by short listing and the applicants were not fulfilling the criterion adopted by the Commission. The instructions provided that mere possession of the minimum qualification would not be a qualification to be called for interview, and as such there was no option but to restrict the number of candidates for interview to a reasonable limit by shortlisting, i.e. on the basis of qualifications and experience higher than the minimum prescribed for the posts. Out of 874 candidates, 145 General candidates possessed the essential qualification, due to short listing 55 general candidates were found

(Signature)

suitable and the applicants were not found suitable and that is why they were not called. According to the respondents, under the essential qualification(iii), about three years experience was required in a laboratory concerned with utilisation of ores and minerals and the essential qualifications(iii) did not specify the required experience at any particular level and the whole experience was taken for deciding the eligibility of the candidates. The experience conditions were applied to all the candidates. It has been stated by the applicants that several candidates, who were not called in interview in the earlier selection in this but they were called for/selection due to ~~marx~~ illegal criteria of short listing of candidates.

5. Shri A. Manna, learned counsel for the applicants contended that the post was for Junior Chemist and the essential qualifications were to be read together and one could not be detached from the other.

6. The question for consideration in this case is although it is in order to short listing that whenever the number of candidates is large, it is always open for the respondents/authorities to short list the candidates not to call each and every candidate but to adopt this criteria but this criteria cannot go against the essential qualifications or terms of advertisement., unless itself earlier essential qualification/ is changed/or corrigendum is issued. The minimum qualification prescribed about 3 years experience and no corrigendum was issued regarding the

said qualification. In the absence of any corrigendum, to the said advertisement, experience could not have been changed by the respondents, nor adopt short listing criteria and the same would have tantamounted/breach of the terms of advertisement which would have been a different matter though for about three years they would have fixed norms of not less than 3 years but 3 years could not have been made 7 years to exclude those who have 3 years experience. In the case of Dr. Vinay Ram Pal Vs. State of Jammu and Kashmir(1984) 1 SCC, 160, the minimum eligibility condition as required in the advertisement inviting applications for admission should be the basis of selection of candidates who applied in response to that advertisement. The selection of eligible candidate was refused on the ground of failure to satisfy government order while others were selected on the basis of the advertisement. No reference to the order was made in advertisement nor was any allegation that advertisement was erroneously issued ignoring the order. No corrigendum was issued to the advertisement before selection. It was held that denial of admission was discriminatory and unjustified. In Jit Singh and others Vs. State of Punjab and others A.I.R. 1979, SC page 1034, the age of eligibility was reduced. The court held that it was not permissible for the State Government to reduce the requirement of continuous service from six years to four years for the purposes of eligibility for promotion to the Punjab Police Service because rule-14 as it stood at the relevant period of time when promotions

A/C

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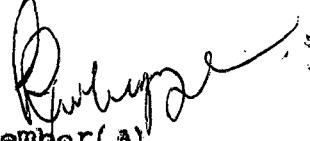
of respondents were made, did not permit any relaxation of the nature ordered by State Government in 1963 or 1965. In Umesh Chandra Shukla vs. Union of India and others, A.I.R. 1985, SC page 1351, under the orders of the High Court in writ petition, the names of the candidates who had not initially secured the minimum qualifying marks by resorting to device of moderation by increasing minimum qualifying marks being improper the list prepared by the High Court after adding moderation marks was struck down.

7. In the instant case, the qualification as prescribed could not have been changed which could have been done only in the manner, the same were prescribed. The reducing of period of experiences for the purposes of short listing amounts to change of essential qualification also even no corrigendum to advertisement was issued and as such, there could not have been any change in the essential qualification.

8. It is because of this change the applicants have been deprived of consideration of their names. The result will be that their cases have got to be considered but this matter has become very old and the result will be that those who have already been given higher promotion will be disturbed and the same would tantamount to unsettle the settled state of affairs, if the applicants are promoted subsequently.

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9. The respondents will consider their cases by holding a supplementary selection through U.P.S.C. and in case they are found eligible, they will be promoted ~~im~~ nationally with effect from the date others were promoted. As far as possible the process may be completed within six months. With these observations the application stands disposed of finally. No order as to costs.


Member (A)


Vice-Chairman

Lucknow Dated: 4/3/1993

Shakeel/-

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing ... 27/8/90
Date of Receipt by Post.....

Deputy Registrar (J)

27/8/90

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW

O.A. No. 277 of 1990(L).

K.K. Narang & others

... Applicants

Versus

Union of India & others

... Respondents

I N D E X

1. Memo of application 1-11
2. Bank Draft/Postal order No. 02 L14774
Dated 27.8.90 for Rs 50/- only.
3. Vakalatnama

Filed today
Asit
27/8

Place: Lucknow

Dated: 27.8.90

Raju/-

Asit Kumar Chaturvedi
(Asit Kumar Chaturvedi)
Advocate,
Counsel for the applicants

Noted for 29.8.90
on permission granted
by Hon'ble Judge
Member: Mr. D. V. Agarwal
Asit Kumar Chaturvedi
Advocate
27/8/90

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW

O.A.No. of 1990 (L)

(A.S)

1. K.K.Narang,
Aged about 35 years,
Son of Sri S.L.Narang,
Resident of 554 Ka/538, Arjun Nagar,
Alambagh, Lucknow.
2. A.K.Singh,
Aged about 36 years,
Son of Late Sri B.Singh,
Resident of M.M 299 Sector D,
Aliaganj, Lucknow.
3. Dr. Mohd. Ishaq,
Aged about 38 years,
Son of Sri (Late) Deen Mohammad,
Resident of 280/93 Bluntsquare,
Lucknow.
4. Dr. D.D.Upreti,
Aged about 37 years,
Son of Sri K.D.Upreti,
Resident of Ram Chandra Ka Hata,
Sadar Bazar, Lucknow.
5. Dr. Rajan Singh,
Aged about 38 years,
Son of Sri Diwan Singh,
Resident of L-IV/5, Sector L,
Aliaganj, Lucknow.
6. Dr. V.P.Singh,
Aged about 32 years,
Son of Sri Rajendra Singh,
Resident of MS-94 Sector D,
Aliaganj, Lucknow.

Karan Singh

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7. Jai Raj Gupta,
Aged about 32 years,
Son of Late Sri Dr. R.C. Gupta,
Resident of 16, Puri Tola, P.O. Chowk,
Lucknow-226003

... Applicants

Versus

1. Union of India, Ministry of Steel and Mines, through its Secretary, Department of Mines, Shastri Bhawan, New Delhi.
2. Director General, Geological Survey of India, 27-Jawahar Lal Nehru Road, Calcutta.
3. Union Public Service Commission, through its Secretary, Shahjehan Road, Dholpur House, New Delhi-110011.

... Respondents

APPLICATION UNDER SECTION 19
OF THE TRIBUNALS ACT, 1985.

DETAILS OF APPLICATION

1. Particular of the order against which the application is made;

There is no such particular order against which application is made. This application is being preferred before this Hon'ble Tribunal against the selection held by the Union Public Service Commission for the post of Chemist (Junior).

2. Jurisdiction of the Tribunal;

All the applicants are posted at Lucknow in the Geological Survey of India, Chemical Division Northern Region, Lucknow hence this Tribunal has Jurisdiction.

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3. Limitation;

The applicants further declare that the application is within the limitation period prescribed in section 21 of the Administrative Tribunals Act, 1985 also when on 9.7.1990 the petitioners were excluded by the Union Public Service Commission from consideration for appointment for the post of Chemist (Junior) in the Geological Survey of India, cause of action accrued to the petitioner.

4. Facts of the case;

The facts of the case are as under;

1) That all the petitioners are working as Assistant Chemists in the pay scale of Rs 2000-3500 Group B Gazetted, and all of them are posted at present in the Chemical Division, Northern Region, Geological Survey of India, Lucknow. The length of service of the petitioners at this post is evident from the dates of their initial appointment/ joining, those are;

1-	29.9.1980
2-	12.8.1983
3-	24.9.1983
4-	21.7.1983
5-	27.7.1983
6-	1.2.1984 &
7-	4.6.1983 respectively.

They were initially appointed on this very post of Assistant Chemist and they still continued.

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2) That it is evident from the dates mentioned above that all the petitioners have more than 6 years experience on the post of Assistant Chemist.

3) That as Assistant Chemist they have experience of conducting the work of Chemical Analysis which is very relevant for the facts and circumstances coming hereinafter.

4) That the Union Public Service Commission the Opposite Party No. 3 through an advertisement dated 15th July, 1989 advertised 14 posts of Chemist (Junior) Group A Gazetted (Nine General, 5 reserved) which carries higher scale of Rs2200-4000. The essential qualifications required for this post according to advertisement dated 15.7.1989 were M.Sc. in Chemistry, 3 years experience of work in the Chemical Analysis of Rock, Ores and Minerals etc.

5) That all the petitioners possessing the required qualification mentioned above applied for the same. The last date of the application was 14th August, 1989 and they applied with the information through the departmental heads.

6) That for the same post several persons who were working on the post of Senior Technical Assistant under the petitioners in the scale of Rs 1640-2900 group C also applied for the same. Actually they themselves had no experience of

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conducting chemical analysis independently in the rocks, Ores and minerals or in the field of geology rather their jobs essentially were and are to assist the analyst such as the petitioners.

7) That for the purposes of selection for the post of Chemist(Junior) in the scale of Rs 2200-4000, the post which was advertised in the advertisement referred above, the Union Public Service Commission carried out a screening/weeding process before calling the candidates for selection and for this weeding out process or screening before selection the Commission adopted the method which was contrary to the advertisement.

8) That they had taken those for selection after consideration who had total 7 years experience of any grade either of independent Chemical Analysis of rocks and minerals or those who have assisted in the job of analysis as Junior Technical Assistant or Senior Technical Assistant in the grade of Rs 1400-2300 and 1640-2900, respectively. Mrs. Alpana Deshmukh's case was considered due to her combined experience as Junior Technical Assistant and Senior Technical Asstt.. Similarly Mrs. Swapna Chakrabarty was considered for her joint experience as Junior Technical Asstt. and Senior Technical Asstt. and Assistant Chemist for few years. S/Sri A.K. Srivastava, N.K. Tiwari, Pratima Tewari, Dilip Banerjee etc. were appointed as Assistant Chemist much later than petitioners but were also given interview calls due to their combined experience of Senior Technical Assistant and Assistant Chemist in grades of Rs 1640-2900 and 2000-3500, respectively. Result was that a large number of persons such as petitioners all of whom have about 6 years or more experience in the said analysis work and were in the higher grade of Rs 2000-3500 were eliminated and those who were working on the much →

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lower post in the scale of Rs 1640-2900 were called for the selection.

9) That the petitioners having come to know that they are being eliminated and they have not been called for the interview, they protested submitted representation to the Opposite Party No. 1,2 & 3 on 12.7.1990 and 3.8.1990. However, the Opposite Party No. 1,2 was not the direct authority as the selection was being conducted by the Union Public Service Commission, and demanded that they should not be excluded from consideration for selection for the post of Chemist (Junior) in the scale of Rs 2200-4000. Here it may also be necessary to point out that the petitioners apart from the experience of about or more than 6 years on the post of Assistant Chemist have the following academic qualifications;

1-	M.Sc.
2-	M.Sc.
3-	M.Sc. M.Phil. Ph.D.
4-	M.Sc. Ph.D.
5-	M.Sc. Ph.D.
6-	M.Sc. Ph.D.
7-	M.Sc. respectively.

This also indicate the superior academic qualifications of the petitioners.

10) That none of the petitioners were called for interview while those who were called were

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S/Sri Alpana Desh Mukh, G.C.Srivastava, Subir Dutta etc. who were only senior Technical Assistants in the scale of Rs 1640-2900 working below the petitioners and under the petitioners but all of them were called for selection due to departmental expert Mr. Yudhishthir involved in screening as he was interested in G.C. Srivastava who was in the Senior Technical Assistant cadre and for whom he has been violating all the prescribed Govt. norms and directives and whose discriminatory and bias nature can be seen from the Director General, Geological Survey of India, letter nos 475/8 (2)/DG dated 16.12.87 and 693/6(2)/DG dated 5.5.88 and 19/8/(2)/DG dated 1.2.90 and 103/8(2)/DG dated 16.5.90. For instance he has been favouring and forwarding G.C. Srivastava's name in all the training programmes meant for the officers of Group B and above of the department ever since 1986 till date ignoring the interest of the deserving officers and as such the whole criterion for selection by the Union Public Service Commission was manipulated. Firstly the screening process of the selection was based upon 7 years experience which was contrary to the advertisement and then secondly persons lower in grade and rank were called and persons higher in grade and rank having direct experience of analysis and better academic qualification were eliminated from the consideration.

11) That these senior Technical Assistants also do not have direct experience of analysis in rocks and minerals rather they only assist the analyst in analysis work. While the persons who are holding the post of Assistant Chemist, they

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have direct experience of above analysis work and all of them have experience of much more than 3 years of experience required in the advertisement.

12) That the whole process of screening or weeding out adopted by the Union Public Service Commission was unfair, arbitrary and discriminatory. The experience of lower post in the lower cadre and of inferior nature was counted and weighed against the experience of the petitioner which was of the higher nature and in this manner the commission attempted first to equalise the unequal. The Senior Technical Assistants could not be equalised with the Assistant Chemist such as the petitioners and once by equating them the petitioners have been eliminated even from consideration.

13) That in the following cases, the applicants who should not have been considered due to various bars in the advertisement have been called for the interview e.g. Prashant Pur Kayasth was over-age but he was called for the interview. Other example of irregularity known to us is that while Mr. M.P. Singh Sengar was called although he was only M.Sc. and of lesser experience than Dr. Mahabir Singh who was M.Sc. and Ph.D. with more experience but Dr. Mahabir Singh was not called for.

14) That the petitioner no. 1 had 3 years experience even of working in the class I services

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of the Govt. of India as Junior Scientific Officer on deputation with National Research Laboratory for conservation of cultural property, Lucknow in the pay scale of Rs 2200-4000, but he was not called for interview.

- 15) That actually in calling for the selection and interview no criterion was followed by the Union Public Service Commission and only to eliminate the petitioners who are in the scale of Rs 2000-3500 as Assistant Chemist, the 7 years experience was asserted and required though that too was not followed.
- 16) That the representations made by the petitioners were not considered, selection and interview held and the list was submitted.
- 17) That the entire selection for the post of Chemist (Junior) was a farce of it. In calling the persons even advertisement was not followed and the conditions laid down in advertisement were not adhered to.

5. Ground for relief with legal provisions;

- i) Because the commission adopted the criterion of experience which was contrary to the conditions mentioned in the advertisement that was wholly arbitrary and illegal.

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ii) Because the petitioners have been equated with unequals in violation of their fundamental rights guaranteed under Arts. 14 and 16 of the Constitution of India.

iii) Because the petitioners have been discriminated and arbitrarily eliminated from the consideration at least for which they are entitled.

iv) Because by way of elimination from consideration the petitioners have been penalised.

v) Because the Union Public Service Commission acted in arbitrary fashion to equate the unequals and those eliminated are men of higher experience and qualifications such as the petitioners from consideration.

vi) Because it was a direct selection from open market and the academic qualification should have been the criterion for screening and if experience is to be taken in to account the experience of equal status must have been taken into consideration not of experience of higher and lower status together.

6. Details of remedy exhausted;

The applicants declare that they have availed all the remedies available to them under the relevant

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service rules etc. The petitioners made representations which are referred above but without any affect and now representations became infructuous as the selection had already been conducted and petitioners have been eliminated from consideration.

7. The matter is not previously filed or pending with any other court;

The applicants further declare that they had not previously filed any application, writ petition or suit regarding the matter in respect of this application has been made before any court or any other authority or any other bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Relief sought;

In view of the above facts and grounds mentioned in para 4 & 5 of this application, the applicants pray for following reliefs;

(A) That this Hon'ble Tribunal may be pleased to quash the entire selection for the post of Chemist (Junior), made by the Union Public Service Commission with all consequential benefits and to hold a selection afresh with new departmental representatives.

(B) That any other and further relief which this Hon'ble Court deems fit and proper

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may also be awarded in favour of the petitioners along with cost.

9. Interim relief if any prayed for;

Pending final decision, on the application the applicant seeks the following interim reliefs;

That on the basis of facts and circumstances grounds mentioned in the application along with its annexures, it is most respectfully prayed that the selection conducted by the Union Public Service Commission for the post of Junior Chemist in the department of Geological Survey of India from 9.7.1990 to 16.7.1990 may not be given effect to pending decision of the application in the interest of justice.

10. The humble applicants want oral hearing through their counsel.

11. Particulars of the postal order;

Postal order No. 02414774

Dated 27-8-90 for Rs, 50/- only.

VERIFICATION

I, K.K.Narang, Aged about 35 years, Son of Sri S.L.Narang, Resident of 554 Ka/530, Arjun Nagar, Lucknow, working as Assistant Chemist in the Geological Survey of India, Lucknow, Applicant no. 1, also doing pairvi on behalf of

k.k.narang

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the other applicants, do hereby verify that the contents of paragraphs 1 to 11 are true to my personal knowledge except para-6 which is true on the basis of legal advice received and that I have not suppressed any material facts. I am also doing pairvi on behalf of all the petitioners/applicants.

Application is being provided vide notification no. A-A.T.11019/44/87 dated 11th October, 1988.

Asit Kumar Chaturvedi

Signature of the applicant
No. 1 on behalf of all the
applicants.

Place: Lucknow

Dated: 24.8.90
27

Asit Kumar Chaturvedi
(Asit Kumar Chaturvedi)
Advocate,
Counsel for the applicants.

ब अदालत श्रीमान

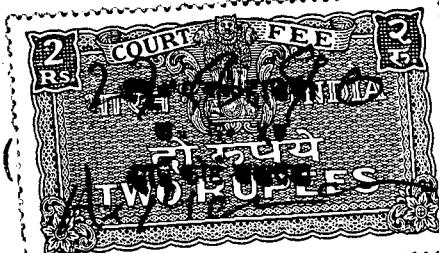
[वादी] अपीलान्ट

प्रतिवादी [रेस्पान्डेन्ट]

Central Administrative Tribunal

Lucknow Bench, Lko. महोदय

कावकालतनामा



K. K. Narang and ors

Union of India and ors बनाम प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं०

सन्

पेशी की तो

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

A. Chauhan
Adv. Chaturvedi

वकील

महोदय

एडवोकेट

ताम अदालत
मुकदमा नं० ताम
फैसला

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता है और लिखे देता है कि इस मुकदमा 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 रूपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वशा स्वीकार है और होगी मैं यह भी स्वीकार करता है कि हर पेशी पर स्वयं या किसी अपने पंरोकार को भेजता रहूँगा औपर मुकदमा अदालत पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

K. K. Narang
27/10/1951

साक्षी (गवाह)

साक्षी (गवाह)

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दिनांक

महीना

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R 9/1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO.3.

In
O.A.NO.277 of 1990(L)

Shri K.K.Narang & Others.....Applicant

Versus

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

I, Narinder Singh, aged about 40 years, son of Shri
D. a. Singh....., Under Secretary, Union
Public Service Commission, Shahjahan Road, New Delhi, do
hereby solemnly affirm and State as under:-

*Filed today
S. K. S.
26/2/91*

1. That the deponent has read the application filed by
Shri K.K.Narang and has understood the contents thereof.

2. That the deponent is well conversant with the facts of
the case deposed hereinafter.

3. That the deponent is competent to swear this affidavit
on behalf of Respondent No.3.

4. That the contents of paras 1 to 3 of the application
are formal and need no comments.

5. That the contents of paras 4.1 to 4.3 need no comments.

6. That in reply to para 4.4 it is admitted that on the
basis of requisition sent by Respondents No.1 and 2, 14 posts

Contd... 2/-

for



of Chemist (Jr.) (Out of which 5 post were reserved for SC/ST) were advertised by Respondent No.3. The qualifications prescribed were the following:-

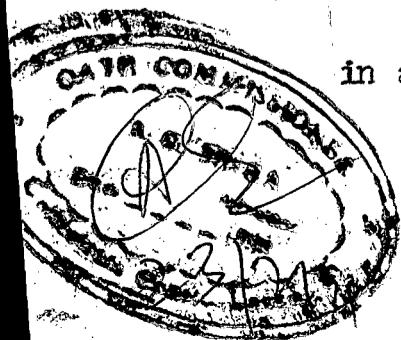
The Essential:-

- (i) M.Sc. in Chemistry or Applied Chemistry from a recognised University or equivalent.
- (ii) Training in all aspects in inorganic analysis including modern Instrumental analysis methods.
- (iii) About 3 years experience in a laboratory concerned with utilisation of ores and minerals.

(The posts were advertised on 15-7-89 with the closing date as 14-8-89).

7. That the contents of para 4.5 are formal and are not denied.
8. That in reply to paras 4.6 to 4.8 it is stated that the posts advertised by the Commission have to be filled up by method of direct recruitment under which all the applications received in response to the advertisement are scrutinised. Since this is a direct recruitment from an open field no weightage is given to the seniority of the candidates in their respective Departments. The selection of the candidates for interview is made on the basis of the experience gained by them in addition to the essential academic qualification.

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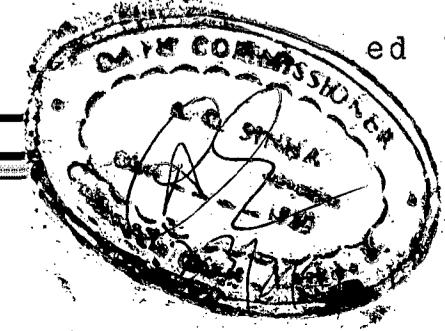


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Since number of applications was large, the Commission had no option but to restrict the number of candidates for interview to a reasonable limit by shortlisting i.e. on the basis of qualifications and experience higher than the minimum prescribed for the posts. This was done in accordance with the following provision which invariably exists in the instructions to the candidates. "The prescribed EQs are minimum and mere possession of the same does not entitle candidates to be called for interview. Where the number of applications received in response to an advertisement is large and it will not be convenient or possible for the Commission to interview all those candidates, the Commission may restrict the number of candidates for interview to a reasonable limit on the basis of qualifications and experience higher than the minimum prescribed in the advertisement or by holding a Screening Test". Accordingly, out of 874 candidates, 145 General candidates possessed the essential qualifications prescribed in the advertisement. Since, this number of candidates was large for 9 unreserved posts, shortlisting was adopted and 55 General candidates were found suitable to be called for the interview. The petitioners were, however, not found suitable to be called for interview.

9. That in reply to para 4.9 it is stated that the representations received from the applicants were duly considered by the Commission. The applicants were not found suitable

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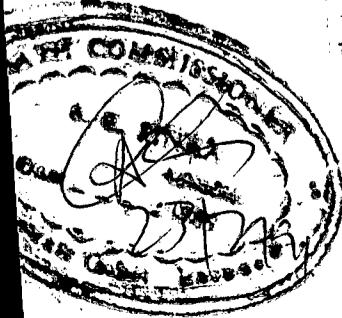
(30)

to be called for the interview.

10. That in reply to para 4.10 it is admitted that the petitioners were not called for interview as they did not fulfil the essential requirement of the shortlisting criterion adopted by the Commission. It is denied that the candidates who are called for interviews were due to the Departmental Officer Mr. Yudhishter.

11. That in reply to paras 4.11 and 4.12 it is stated that under the Essential Qualifications (iii), about three years experience was required in a laboratory concerned with utilisation of ores and minerals. Since, essential qualifications (iii) did not specify the required experience at any particular level/grade, the whole relevant experience was taken into consideration for deciding the eligibility of candidates. Even the candidates who possessed relevant experience in the private organisations might be selected for interview, if they possessed the essential qualification. The experience conditions were applied uniformly to all the candidates irrespective of their departmental status or the status of a private organisation. The selection of candidates for interview by the Commission was fair and judicious and no discrimination was made in the case of the applicants.

12. That in reply to para 4.13 it is denied that over-aged candidates were called for interview. It is also denied that the candidate who possessed less length of experience was



Contd... 5/-

(3)

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called for interview whereas candidates having more were not called for interview.

13. That in reply to para 4.14 it is stated that keeping in view the nature of experience required under Essential Qualifications (iii), Shri K.K.Narang was found not suitable to be called for interview.

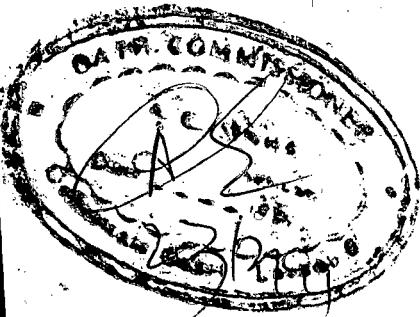
14. That in reply to paras 4.15 to 4.17 it is stated that their representations were duly considered by the Commission and no direct correspondence is made with the candidates. It is further denied that no candidates who did not fulfil the requirement of advertisement or the short-listing criterion adopted by the Commission, were called for interview.

15. That the comments on the GROUNDS FOR RELIEF WITH LEGAL PROVISIONS spelled out in para 5 of the application are furnished below in seriatum :-

5.1:- As already mentioned in the foregoing paras the mere possession of minimum qualification as advertised by the Commission will not entitle a candidate to claim for his selection for interview and this has been made clear in the instructions issued to the candidates who applied for this post.

5.2 to 5.4 :- The applicants did not possess required experience to be called for interview. Hence, no Fundamental Rights were violated by the Commission and the applicants were not

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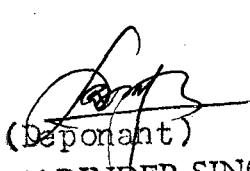


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discriminated or arbitrarily eliminated from consideration for selection of eligible candidates. Their candidature was judiciously rejected as they were not fulfilling the requirement of the short-listing criterion adopted by the Commission.

5.5 & 5.6:- As already mentioned that while deciding the eligibility of the candidates, the entire length of relevant experience gained by the candidates in various organisations was taken into consideration.

16. That the contents of paras 6 and 7 need no comments.
17. That as explained in the foregoing paragraphs, the short-listing criterion was applied universally and judiciously to all the candidates relating to general category and no discrimination was made to any candidates in that respect. As such the relief sought for in para 8 and interim relief prayed for in para 9 of the application are not admissible, the application lacks merit and is liable to be dismissed.
18. That the contents of paras 10 and 11 need no comments.


(Deponent)
(NARINDER SINGH)
Under Secretary
Union Public Service Commission
Dholpur House, New Delhi-1.



Contd...7/-

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-2 VERIFICATION :-

I, Narinder Singh Son of Shri. Dalip Singh.....
age 40 years working as Under Secretary, Union Public Service
Commission, Dholpur House, Shahjahan Road, New Delhi do hereby
verify that the contents of paras 1 to 3 of this affidavit are
true to my personal knowledge and belief and those of paras 4
to 18 are based on records & legal advice and that I have not
suppressed any material facts. So help me God.

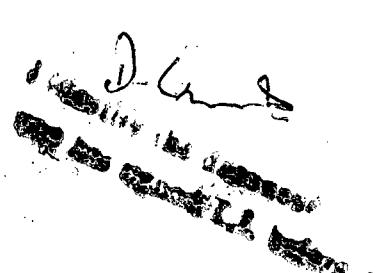

Deponent.

(NARINDER SINGH)

Under Secretary
Union Public Service Commission
Dholpur House, New Delhi-1.

CM
12/00 A
Narinder Singh
Dr. D. Chandru
A.A.





ब अदालत श्रीमान

(बादी अपीलान्ट)

प्रतिवादी [रेस्पाइट]

Central Admnistrative Tribunal

श्री (Civil Bench, Lucknow)

महोदय

वकालतनामा

टिकट

बादी (अपीलान्ट)

k. k. Narang & others v/s. Union of India (प्रतिवादी रेस्पाइट)

नं० मुकद्दमा ०. A. २७ सन् १९९० पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा से अपनी ओर से श्री Dr. Jyesh Chander

Addl. Cen. Govt. Standing Counsel वकील
महोदय
एडवोकेट

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 ज्ञावादेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या सौंदाव या हमारी ओर से डिमरी जारी करावें और रुपया बसूल करे या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया दमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे लिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

मुकद्दमा नं० तकरीकत
मान्यता

साक्षी (गवाह)

साक्षी (गवाह)
Union Public Service Commission
Dilip Kumar, New Delhi-1, दिनांक
सन् १९९०

स्वीकृत

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD,
LUCKNOW BENCH, LUCKNOW.

ABBS

SUPPLEMENTORY COUNTER-AFFIDAVIT ON BEHALF OF RESPONDENTS NO. 2.

In

O.A. No. 277 of 1990(L)

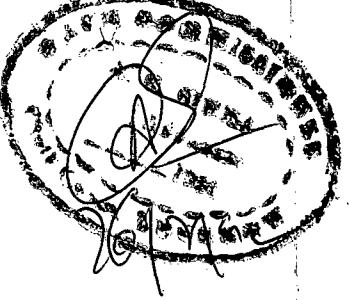
K.K.Narang & othersApplicants

Versus

Union of India & othersRespondents.

Suraj Parkash,
I,aged about 52 years
son of Late Shri Chanan Ram, Regional Administrative Officer,
Geological Survey of India, Northern Region, Aliganj Complex,
Lucknow do hereby solemnly affirm and state as under :-

*Filed today
SPB
9/4/92*



1. That the deponent has read the rejoinder-affidavit filed by the applicants in the above case and has understood the contents thereof.
2. That the deponent is well conversant with the facts of the case deposed hereinafter and is filing this Supplementary Counter-affidavit on behalf of respondents No. 2.
3. That certain points have been raised in the rejoinder-affidavit which in the interest of justice need clarification from the respondent No. 2 as indicated hereinafter.
4. That it is clarified that in all recruitment cases, where

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Suraj

Union Public Commission has to be consulted for making selection on direct recruitment basis, it is the function of the U.P.S.C. for choosing candidates for interviews and making selections etc. Since the selection is within the purview of the Commission, the Geological Survey of India, though it has also been made one of the respondents, was a formal party in the case and hence no comments were called for from them. However, if any mistake has been made inadvertently and without any locus stands in the matter it cannot be categorised as admission.

5. That with regard to para 6 of the Rejoinder-affidavit it is stated that the provisions of Sections 91 and 92 of the Evidence Act are not applicable to the present case.

Section 91 of the Indian Evidence Act, provides that "when the terms of a contract, or of a grant, or of any other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in the proof of the terms of such contract, grant or other disposition of property or of such matter except the document itself, or secondary evidence is admissible under the provision hereinbefore contained." The said section is not applicable to the present case as the above provisions relate to evidence in terms of contracts, grants and other dispositions of property reduced to form of document.

Provisions of Section 92 of the Indian Evidence Act are also not applicable to the present case. Section 92 provides that when the terms of any such contract, grant or other disposition of property or any matter required by law to be reduced to the form of a document, have been proved according to the last section (Sec. 91), no evidence of any oral agreement or statement shall be admitted, as between the parties to any such instrument

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or their representative in interest, for the purpose of contradictory, varying, adding to, or subtracting from, its terms.

It is, however, respectfully submitted that through the Supplementary Counter-affidavit, the deponent had sought to amend the submissions made in para 7 of his main Counter-affidavit, as the deponent had no locus standi to furnish any comments on the matter which relates to the Union Public Commission especially when the deponent is not in a position to know the length of experience of all the other candidates and the short listing criteria adopted by the Commission. It was an omission and mistake of facts on the part of the deponent made inadvertently and without any malintention. The submissions made in the previous Supplementary Counter-affidavit are bonafide and deserve to be taken on record.

Abasal
Deponent.

-: VERIFICATION :-

I, the deponent above named do hereby verify that the contents of paras 1 and 2 are to my knowledge which I believed to be true and that of paras 4 to 5 are based on records and legal advise. Nothing has been concealed. So help me God.

Abasal
Deponent.

I identify the deponent who signed before me.

D. G. V. V.
(Advocate).

CML
Singh Balbir
Dr. D. Chh
P. S. S. S.
D. G. V. V.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

D.A. No. 277 of 1990 (L)

SUPPLEMENTARY WRITTEN STATEMENT ON BEHALF OF RESPONDENT NO. 3.

Shri K.K. Narang & others Applicant.

Versus

Union of India & others Respondent.

Most respectfully sheweth as under :-

1. That it is necessary in the interest of justice to clarify certain points raised by the applicant in his rejoinder-affidavit in the above case.
2. That in reply to para 3 of the rejoinder-affidavit it is clarified that the post of Chemist (Jr.) was advertised in 1981 and 1987 with the same essential qualifications and the applicant No. 1 was called for interview in 1981 and the applicants No. 2, 3, 4 & 5 were called for interview in 1987. It is, however, denied that the applicants referred to above were arbitrarily and illegally excluded from the selection to be held in pursuance of the advertisement 1989. Their candidature was considered and was rejected judiciously as they were not fulfilling the essential requirements of the short-listing criterion adopted by the Commission. Since the applicants were not eligible according to the short-listing criterion adopted by the Commission, they have not been called for interview. As stated

*Filed today
SJK
22/11/92*

DXA

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in the Counter-affidavit, the Commission have not discriminated in applying the short-listing criterion as required under the prevailing circumstances.

3. That with regard to para 5 it is clarified that the essential qualification (iii) does not stipulate experience at any particular level/grade; it merely states "3 years experience in a laboratory concerned with utilisation of ores and minerals". It does not stipulate specifically experience of independent analysis, or experience of having assisted in the job of analysis. Since specific level of experience was not stipulated, total experience in the field was taken into consideration. The experience conditions were applied uniformly to all the candidates irrespective of their departmental status and the status of the respective organisations. A screening test is held by the Commission only in those cases where no workable short-listing criterion is available. In this instance, a judicious short-listing criterion was available and adopted. The selection of the candidates for interview was fair and judicious and no discrimination was made in the case of applicants.

4. That with regard to para 6, it is denied that the representations submitted by the candidates were not considered by the Commission judiciously. The representations were considered and disposed of according to the procedure of the Commission. As stated in the foregoing paras no discrimination was made in the case of the applicants and the selection of the candidates for interview was fair and judicious on the enhanced criterion of 7 years' experience in a laboratory concerned with utilisation of

ores and minerals.

5. That with regard to para 7, it is submitted that short-listing criterion is applied keeping in view the number of candidates, number of posts and the changed circumstances in the recruitment exercise. As already denied in the counter-affidavit submitted by the respondent, no candidate ~~who~~ was called for interview due to the influence of the Departmental Officer Mr. YUDHISHTER. This is a baseless allegation, not supported by any evidence.

6. That with regard ^{to} para 8, it is stated that the whole relevant experience was taken into consideration and no discrimination was made as E.Q.(iii) does not require experience at any particular level/grade. The experience conditions were applied uniformly to all the candidates irrespective of their departmental status and the status of their respective organisations.

7. That with regard to para 9, it is denied that any overaged candidate was called for interview. Shri Prashant Purkayasth is a displaced person from erstwhile East Pakistan and has been given age relaxation accordingly. It is also denied that the candidates who possessed less length of experience were called for interview whereas candidates with more length of experience were not called for interview.

8. That with regard to paras 10 and 11, it is stated that relevant experience rendered by Shri K.K.Narang in a laboratory concerned with utilisation of ores and minerals was taken into consideration while deciding his eligibility and he was not found eligible to be called for interview as per short-listing criterion

(Signature)

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adopted. No candidate who was having less length of experience as adopted under the short-listing criterion was called for interview. The whole relevant experience was taken into consideration and the candidates who were called for interview possessed the length of experience as required under the short-listing criterion adopted. Screening test is conducted by the Commission where it is considered necessary. In this case, since a workable short-listing criterion was available, it was accordingly applied and selection was made from among the candidates called for interview.

9. That with regard to para 13 it is submitted that the short-listing criterion was applied uniformly and judiciously to all the candidates who had applied for the post relating to the general category and no discrimination was made to any candidate.

(Signature)

For Respondent No. 3.

(NARINDER SINGH)

Under Secretary

-: VERIFICATION : Indian Public Service Commission
Government of India, New Delhi-1

I, the above named respondent do hereby verify that the contents of paras 1 of this Supplementary Written Statement are true to my personal knowledge and those of paras 2-4 are believed by me to be true based on records and as per legal advise of my counsel. That nothing material facts has been concealed and no part of it is false.

Signed and verified this the
within the court compound at Lucknow.

day of / 199

(NARINDER SINGH)
Under Secretary
Indian Public Service Commission

Dated:-

Thru 2

I identify the respondent who signed
before me. (Signature)

(Advocate)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH LUCKNOW

MP 10. S/6 OF 1991 (L)

APPLICATION FOR FILING SUPPLEMENTARY COUNTER AFFIDAVIT

By Respondents

In

O. No 277 of 1990 (L)

KK Nerang & Others.....Applicant

Versus

Union of India & Others.....Respondents

To,

The Hon'ble V. Chairman and his Companion

members of the aforesaid Hon'ble Tribunal

The Respondents do hereby name most respectfully sheweth:-

That for the aforesaid circumstances narrated in the

accompanying supplemental Counter-Affidavit it is necessary in the

interest of justice that the same may be taken on record.

PR/R

Wherefore is respectfully prayed that in the interest of

justice the accompanying supplementary counter affidavit may kindly

be taken on record.

Dated 3-8-91

D. (Dinesh)

(Dr Dinesh Chandra)
Counsel for Respondent No 2

30/8/91

Filed today
by
30/8/91

In the Central Administrative Tribunal at Allahabad

Circuit Bench, Lucknow.

A.J.S.

Supplementary Counter-affidavit on behalf of Respondent No. 2

In

D.A. 277 of 1990 (L)

1991
Affidavit
50 M
District Court
U.P.
K.K. Narang and Others. Applicants
Versus
Union of India and Others. Respondents

I, Suraj Prabhu, aged about 51 years, Regional Administrative Officer, NR2 Geological Survey of India, son of Late Shri. Chanan Ram do hereby sole, affirm and state as under:-

1. That the deponent has read the application filed by Shri. K.K. Narang and Others and has understood the contents thereof. He is well conversant with the facts of the case deposited herinafter and is filing this counter-affidavit on behalf of Respondent No. 2.
2. That in para 7 the counter-affidavit which was in reply to para 4.10 of the claim Pition, uncalled for submissions were accidentally inadvertently made. The deponent was ignorant about the length of experience of other candidates and the short listing criterian add by the Union Public Service Commission. It is, therefore, necessary, in the interest of justice, that the contents of para 7, Counter-affidavit filed by the deponent may be read as under:-
7. That the contents of para 4.10 relate to Respondent 3 viz. Union Public Service Commission who may make necessary submissions in this regard. In all recruitment

Ansar

R.M.

ceases whatever UPSC has to be consulted for making selection on direct recruitment basis, it is left to the UPSC for choosing candidates or interview and making selection etc. Accordingly a panel of the candidates who were to be called for interview was drawn by the Commission and the selection was made therefrom by the Commission which was the competent authority for the purpose.

R.M.
Deponent

Verification

I, the deponent, named do hereby verify that the contents of para ~~1~~ is/are to my personal knowledge and those of para 2 are based on records legal advice which I believe to be true. No part of it is false anything has been concealed. So help me God.

R.M.
Deponent

I identify the depon who has signed before before me

D. Singh
Advocate. 20/0/91

25 Dec. 1991 S. D. Kishore
Deponent
Date 25 Dec. 1991
Time 10 AM

I have read and understood the
contents of the document and
I declare that the same has been
read and understood by me.

D. Singh
28/8/91

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

MISC. APPLICATION NO. 304

3/4
304

OF 1991.

On behalf Respondents.

In

Case No. 277 of 1990(2)

K.K. Narang & others.....Applicant.

Versus

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

APPLICATION FOR CONDONATION OF DELAY

The respondents respectfully beg to submit as under :-

1. That the Counter-affidavit on behalf of the respondents could not be filed within the time allotted by the Hon'ble Tribunal on account of the fact that after receipt of the parawise comments from the respondents, the draft-reply was sent to the department for vetting.

2. That the approved Counter-affidavit has been received and is being filed without any further loss of time.

3. That the delay in filing the Counter-affidavit is bonafide and not deliberate and is liable to be condoned.

WHEREFORE, it is prayed that the delay in filing the Counter affidavit may be condoned and the same may be brought on record for which the respondents shall ever remain grateful as in duty bound.

Lucknow.

Dated:

J. G. S.
(DR. DINESH CHANDRA),
Counsel for the Respondents.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH LUCKNOW

Counter-affidavit on behalf of Respondent No 2

In re

D.A. No 277 of 1990 (L)

K K Narang & Others.....Applicant

Versus

Union of India & Ors.....Respondents

.....

I, Suraj Prakash, aged about 51 years, son of Late
Shri Chanan Ram, RAO, Northern Region, Geological Survey of
India, Lucknow do hereby solemnly affirm and state as under:-

1. That the deponent has read the application filed by

Shri KK Narang and Ors and has understood the contents

thereof. He is well conversant with the facts of the case

deposed hereinafter and is filing this Counter-affidavit on

behalf of Respondent No 2.

2. That the contents of paras 1 to 3 need no comments.

3. That the contents of paras 4.1 to 4.5 are admitted.

4. That the contents of para 4.6 need no comments.

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5. That the contents of paras 4.7 and 4.8 need no comments, as the Union Public Service Commission is the competent authority to call for interview and select the candidates. Further comments may be made by the Union Public Service Commission.
6. That the contents of para 4.9 are admitted.
7. That the contents of para 4.10 relate to Respondent No 3 viz Union Public Service Commission who may make necessary submission in this regard. Interview was conducted by the Union Public Service Commission who was the competent authority for the purpose. It may however be submitted that the petitioners were not called for interview though they had the requisite qualifications and experience whereas the departmental candidates with less qualification and experience were called for interview and some of them were selected.
8. That the contents of para 4.11 are admitted to the extent that the Assistant Chemist who had applied for the post of Chem(Jr) have got three years experience. Rest of the contents need no comments.
9. That the contents of paras 4.12 to 4.17 need no comments.
10. That the contents of various paragraphs of para 5 relate to the Union Public Service Commission who was a competent authority to call the candidates for interview and conduct the same for making selection. Thus the Union Public Service Commission may make necessary submissions with regard to Para 5.

Rogar

11. That the contents of paras 6 and 7 need no comments.
12. That the contents of paras 8 & 9 relate to Respondent No 3 who may make necessary submission in this regard.
13. That the contents of paras 10 and 11 need no comments.

Lucknow

Abdul
Deponent

Dated: 20-4-91

Verification

I, the deponent named above do hereby verify that the contents of paras 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 are true to my personal knowledge and those of paras 12 & 13 are believed to be true by me based on record and legal advice. No part of it is false and nothing has been concealed. So help me God.

Lucknow

Abdul
Deponent

Dated: 20-4-91

Identify the deponent who has signed before me.

J. Chaturvedi
Advocate

ANNUAL CHARTERED ACCOUNTANT
AT THE CHAMBERS OF
THE COURT OF APPEAL

Scanned by
After Ludo

Arif

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH
LUCKNOW

O.A. No. 227 of 1990 (L)

Filed today
K.K. Narang and others ... Petitioners
Versus
Union of India and others ... Opp-Parties

3

Filed Today
Atit Kumar Chaturvedi
Adv
3/4/91

Rejoinder to the Counter Affidavit
on behalf of respondent no.3

I, K.K. Narang, aged about 35 years, son of Shri S.L. Narang, resident of 554 Ka/530 Arjun Nagar, Alambagh, district Lucknow, states on oath as under :-

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2. Sent 3/4/91

Adv

1. That the deponent is the petitioner No. 1 and is doing 'Pairvi' on behalf of other petitioners, as such fully conversant with the facts and circumstances of the case.
2. That the contents of paragraphs 1 to 5 of the counter affidavit need no comments.

K. Narang

3. That in reply to the contents of para 6 of the counter affidavit, it is stated that the post of Chemist(Junior) was also advertised earlier in the year 1981 and 1987 with the same qualification which has been stated in the para under reply. The applicants no.1 applied in pursuance of the advertisement of 1981 and was called for interview. In pursuance of 1987 advertisement the applicants no.1,3,4 and 5 applied for the post of Chemist (Junior) and the said applicants were called for interview by the opposite party no.3. The applicants as referred above were eligible to be called for selection held in pursuance of the advertisement of 1981-1987 but were arbitrarily and illegally excluded for the selection to be held in pursuance of the advertisement, 1989.

4. That the contents of para 7 of the counter affidavit need no comment.

5. That the contents of para 8 of the counter affidavit are denied and contents of para 4.6 to 4.8 of the application are reiterated as correct. It is stated that the purpose of recruitment from open field is ^{for} the best possible person. The opposite party no.3 has simply counted the number of years of experience in the laboratory without taking into consideration the capacity

Kuldeep Singh

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and the nature of work performed in the laboratory. The opposite party no.3 in the selection of 1981 and 1987 short listed the number of candidates on the criteria of experience in independent capacity in laboratory concerned with ores and minerals. The experience in the laboratory in the capacity of Assistant Chemist was preferred and thereafter the experience on the post of Senior Technical Assistant and Junior Technical Assistant was taken into consideration. But the experience on the post of Senior Technical Assistant and Junior Technical Assistant was not preferred until and unless the candidates with experience on the post of Assistant Chemist were called. The criteria for short listing the candidates in the selection under challenged was changed arbitrarily and illegally from the criteria which was adopted in the selection of 1981 and 1987. This fact is evident from the fact that the candidates called in the earlier selection have not been called in the selection of 1989. The criteria adopted in the short listing of candidates in the impugned selection has led to the equalisation of unequal as such it is bad and illegal. The short listing of candidates should have been done by the respondent no.3 after holding the screening test and not on the basis of experience in any capacity in laboratory concerned with utilisation of ores

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- 4 -

and minerals. The criteria of short listing the candidates adopted by the respondent no.3 will gives blanket power to the respondent no.3 as experience in the capacity of Lab Assistant can also be said to be an experience in laboratory concerned with the utilisation of ores and minerals. The applicants were arbitrarily and illegally ~~ever~~ not called for interview.

6. That the contents of para 9 of the counter affidavit are denied and contents of para 4.9 of the application are reiterated as correct. It is stated that the representation received by the applicants was not duly considered by the commission otherwise the same ~~be~~ could not be ~~be~~ rejected. However, no rejection order have been communicated to the petitioners till date. The candidates with higher qualification and experience on higher post have been sacrificed in favour of the candidates with lower qualification and experience on lower posts. As such the respondent no.3 has equalised the unequal.

7. That the contents of para 10 of the counter affidavit are vehemently denied and contents of para 4.10 of the application are reiterated as correct. It is stated that the criteria adopted of short listing of the candidates by the respondent no.3 in the impugned selection

Kiran

was neither proper nor judicious but was contrary adopted for the short listing of the candidates for the post of Chemist (Junior) in 1981 and 1987. According to the Government of India the experience in different grades for different posts which is evident from the letter dated 21st March, 1985 and various other advertisement but in the impugned selection experience in different grades and different posts have been equated arbitrarily and illegally. A copy of the Government of India circular is annexed as Annexure No.R-1 to this affidavit. In 1981 and 1987 selection the applicants referred in para 3 were called for interview for the post of Chemist (Junior) but the candidates with experience as Junior Technical Assistant and Senior Technical Assistant such as S/Shri A.K.Srivastava, P.Purkayastha, D.P.Agnihotri, G.C.Srivastava, Jai Narain Kumbhar, A.K.Goel and several others, were not called for interview but in the impugned selection they were called for selection due to illegal change in criteria for short listing of candidates. As such the applicants have been deprived of the interview call letters in comparison to the inferior candidates. The departmental officer Shri ^{Yudhishthir} Ydihsthar was associated with respondent no.3 in the impugned selection as ^{Yudhishthir} an expert in profession. Shri ^{Yudhishthir} Ydihsthar should have raised objection before respondent no.3 regarding change of criteria in short listing of

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candidates but his silence over arbitrary and illegal change justifies his support and collaboration to the illegal action of opposite party no.3. Shri ~~Yudhisthira~~ is fully aware of different nature and weightage of experience on the post of Junior Technical Assistant, Senior Technical Assistant as Assistant Chemist but yet he did not objected before respondent no.3 and as such the unequals have equalised. The respondent no.3 should have adopted the same criteria of short listing the candidates which was adopted in the selection of 1981 and 1987.

8. That the contents of para 11 of the counter affidavit are denied and contents of para 4.11 and 4.12 of the application are reiterated as correct. It is stated that the 3 years experience in a laboratory concerned with utilisation of ores and minerals implies the experience of analysis of ores and minerals by merely being associated with the laboratory dealing with ores and minerals and not doing any analytical working, ~~analytical~~ work, which will not be counted as relevant experience. The Junior Technical Assistants and Senior Technical Assistants does not do any independant analysis, but they only assess the analyst such as Assistant Chemist and Chemist (Junior) or Chemist (Senior) in Geological Survey of India under opposite party no.2. The

Verma

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- 7 -

experience gained by Junior Technical Assistant and Senior Technical Assistant is not counted as an experience as analyst. The mere association of persons in any capacity in laboratory concerned with utilisation of ores and minerals can not be counted in the length of experience in that very specialised and sophisticated ~~fixed~~ field. The association of Senior Technical Assistants and Junior Technical Assistants in laboratory are not counted towards the performance of the laboratory. As such candidates having experience as Junior Technical Assistant and Senior Technical Assistant can not be said to be fulfilling the requirement of the qualification in accordance with the advertisement. The respondent no.3 has ~~equated~~ ^{equated} the experience of Junior Technical Assistant and Senior Technical Assistant with those of Assistant Chemist. The qualification & experience for entry into different cadre is different such as for the post of Junior Technical Assistant, the qualification is B.Sc. whereas for Senior Technical Assistant, the qualification is M.Sc. but for the post of Assistant Chemist, the qualification is M.Sc. + 2 years experience. The selection of Junior Technical Assistant and Senior Technical Assistant is done at local level whereas the recruitment for the post of Assistant Chemist is done by the respondent no.3. The applicants were selected from open field directly as Assistant Chemist as such they were

Kumar



higher in merit to those who were already serving as Junior Technical Assistant and Senior Technical Assistant. In Geological Survey of India, Junior Technical Assistants and Senior Technical Assistants are helping hands and are not considered analyst whereas Assistant Chemist are independent Chemical Analyst of ores and minerals, as such first preference should have been given to Assistant Chemist or candidates with experience as analyst instead of the candidates who were helping hands. The criteria adopted by the respondent no.3 is unfair, unjust, unreasonable, arbitrary and illegal as such violative of Article 14 and 16 of the Constitution of India.

9. That the contents of para12 of the counter affidavit are denied and contents of para 4.13 of the application are reiterated as correct.

Shri It is stated that the date of birth of/Prashant Purkayasth is 26th August, 1948 which is evident from the seniority list of the Geological Survey of India. As such Shri Prashant Purkayasth has over age and he is not entitled to be called for interview. Dr.Mahabir Singh and Shri M.P.Singh Sengar joined Custom and Central Excise Department on 9th May, 1978 and 1st January, 1980 respectively whereas they joined respondent no.2 on 31st March, 1983 and 31st May, 1983, respectively. Thus

Prashant

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- 9 -

Dr. Mahabir Singh has more experience to Mr. M. P. Singh Sengar. Dr. Mahabir Singh is also higher in academic qualification to Mr. M. P. Singh Sengar but yet Mr. M. P. Singh Sengar was called for interview and Dr. Mahabir Singh was not called for interview. The above referred details are as per gradation list of respondent no. 2, Assistant Chemist.

10. That the contents of para 13 of the counter affidavit are denied and contents of para 4.14 of the application are reiterated as correct. It is stated that Mr. K. K. Narang, the applicant no. 1 has more than 10 years of experience as analyst out of which about 7 years experience as Assistant Chemist in respondent no. 2 and remaining 3 years experience of working on deputation as Junior Scientific Officer in National Research Laboratory for Conservation of Cultural Property, Lucknow. The applicant no. 1 have been denied call letter despite distinguish^{ed} experience and merit. However, applicant no. 1 was called for interview of 1981-1987 selection. The applicant no. 1 was excluded in the impugned selection due to the change in the criteria of short listing the candidates. The said change in criteria is arbitrary and illegal.

K. K. Narang

11. That the contents of paras 14 and 15 of the counter affidavit are denied and contents of

para 4.15 to 4.17 and para 15 of the application are reiterated as correct. It is stated that the applicants were denied call letters arbitrarily and illegally and also due to violation of column 10 (ii) of the "Application Form for Recruitment by Selection" of the impugned selection of Union Public Service Commission, A copy of the same is annexed as Annexure No.R-2 to this affidavit, for example Mrs. Alpana Deshmukh and Mrs. Swapna Chakraborty obtained their essential educational qualification in 1985, and as such their maximum experience after obtaining essential educational qualification prescribed for the post can not be more than 4 years. Yet they were called for the interview, whereas the petitioners having more than 6 years relevant experience as Assistant Chemist have been denied interview call. The candidates with inferior qualification and experience were called for selection. The arbitrary and illegal act of the respondent no.3 was due to arbitrary and illegal change of criteria of short listing the candidates. Infact respondent no.3 should have conducted screening test for short listing the candidates. The complete selection was done on the basis of interview only as such it opens flood gate for arbitrary and illegal selection. The grounds are tenable in the eyes of law.

12. That the contents of paras 16 and 18 of the counter affidavit need no reply.

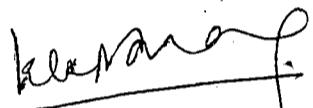
Keval Patel

R.S.D

13. That the contents of para 17 of the counter affidavit are vehemently denied. The applicants are entitled for the relief claimed in the paras 8 and 9 of the application. The Hon'ble Court may be pleased to direct the respondent no.3 to specifically states before the Hon'ble Tribunal the criteria adopted by the respondent no.3 in short listing the candidates for the post of Chemist (Junior) in 1981 and 1987 and also in the impugned selection. The application is full of merit and deserves to be allowed with cost.

Dated: Lucknow:

March 31, 1991



Deponent

Verification

I, K.K.Narang, aged about 35 years, son of Shri S.L.Narang, resident of 654 Ka/530 Arjun Nagar, Alambagh, district Lucknow, do hereby verify that the contents of paras 1 to 13 of the affidavit are true to my own knowledge. Nothing is wrong in it and nothing material has been concealed, so help me God.

Dated: Lucknow:

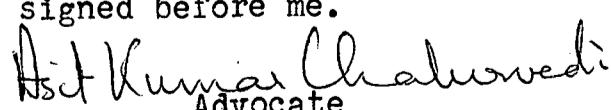
March 31, 1991



Deponent

I know the above named deponent, identify him and he has signed before me.

Dated: Lucknow
31-3-91


Asit Kumar Chakravarti
Advocate

No. F.2-4/85-NRLC
Government of India,
Department of Culture,
National Research Laboratory for
Conservation of Cultural Property,
C-257, Nirala Nagar, Lucknow-226007.

Dated the 21st March, 1985.

VACANCY CIRCULAR

Subject: Filling up of the post of Junior Scientific Officers in the National Research Laboratory for Conservation of Cultural Property, Lucknow in the pay scale of Rs.700-1300, on transfer on deputation basis.

I have the honour to say that 2 posts of Junior Scientific Officers in the pay scale of Rs.700-1300 in the National Research Laboratory for Conservation of Cultural Property, Lucknow, a subordinate office under the administrative control of the Department of Culture, Government of India, are required to be filled by transfer on deputation of persons holding analogous posts or with 3 and 5 years service in the posts in the pay scales of Rs.650-1200 and Rs.550-900 or equivalent respectively in the Central Government Offices and possessing the qualifications and experience as mentioned below. The posts are at present sanctioned upto 28th February, 1966 and may be continued further.

Essential: i) At least 2nd class M.Sc. in Chemistry from a recognised University or equivalent.

ii) 3 years' practical experience of using modern analytical equipments like emission spectrograph, atomic absorption spectro-photometer etc. for physico-chemical analysis.

Desirable: i) Practical experience in Conservation Laboratory.
ii) Knowledge of foreign language like French, German, Italian etc.

The selected candidates will be appointed on deputation present/basis for a period of one year at/ The pay of Officers selected will be governed by the provisions of the Ministry of Finance, Department of Expenditure O.M. No.10(24)-E-III/60 dated 4th May, 1961 as amended from time to time.

The Ministry of Education & culture etc. are requested that the posts may be circulated in the Ministry/Departments and their attached and subordinate offices and particulars of suitable candidates may be forwarded to this office in the prescribed proforma attached, alongwith the upto date C.R. Dossiers and certificate that the particulars furnished by the officer are correct and that no disciplinary case is pending or contemplated against the officers, so as to reach this office latest by 30th April, 1985.

३ जूल १९७१
(I.K. BHATNAGAR)
Senior Scientific Officer
FOR PROJECT OFFICER

To all the Ministries/
Departments of the Govt. of India.

Keystone

संघ लोक सेवा आयोग
UNION PUBLIC SERVICE COMMISSIONसंघ द्वारा भर्ती के लिए आवेदन पत्र
APPLICATION FORM FOR RECRUITMENT BY SELECTIONसं. लें. से. आ-21
U.P.S.C.-21केन्द्रीय भर्ती शुल्क
टिकट यहां लगाएं
Affix Central
Recd. Fee
Stamp here.

टेट: (i) सभी उत्तर शब्दों में दिए जाएं रेखा या बिन्दु के द्वारा नहीं। कोई कालम खाली न छोड़ जाए।

NOTE: All Answers must be given in words and not by dashes and dots. No columns should be left blank.

(ii) उम्पेदवारों द्वारा आवेदन पत्र के विभिन्न कलमों में भर्ती जाने वाली कोड संख्याएं अनुबन्धों में दी गई हैं। जहां कहीं सूचना कोड संख्याओं में देने अपेक्षित है तब उक्त कोड संख्याएं भरी जाएं। ऐसे कलमों में कोड के अलावा दो या सूचना पर विवार नहीं किया जाएगा।

Code Numbers to be filled in by the candidates in various columns of the application form are given in the Annexures. Wherever information is required to be given in Code Nos., appropriate Code Nos. may be filled in. Information given in such columns, otherwise, than in Codes, will not be taken into consideration.

1. (क) पदका नाम (a) Name of the Post	
(ख) विज्ञापन संख्या (b) Advertisement No.	
(ग) पद संख्या (c) Item No.	
(घ) पद संख्या (यदि उसी पद संख्या में विभिन्न योग्यताओं/अनुभव के पद हों, तभी भर जाए)(d) Post No. (To be filled if, under the same Item No. there are posts requiring different qualifications/experience)	
2. (क) शुल्क के भुगतान की विधि—लिखित पोस्टल आर्डर के लिए 1, भारतीय मिशन रसोद के लिए 2, केन्द्रीय भर्ती शुल्क टिकट के लिए 5। (a) Mode of payment of Fee— Write 1 for Postal Order, 2 for Indian Mission Receipt, 5 for Central Recd. fee stamp.	<input type="text"/>
(ख) शुल्क का विवरण/(b) Details of Fee	

डिप्लायर/भारतीय मिशन* का नाम Name of Post Office/ Indian Mission*	पोस्टल आर्डर/भारतीय मिशन* रसीद की संख्या अथवा इस परामर्श के दालिने पर केन्द्रीय भर्ती शुल्क टिकट विपक्ष दें No. of Postal Order/Receipt from Indian Mission* or affix Central recd. fee stamp on the top right hand corner of this form.	मूल्य VALUE		केवल कार्यालय के प्रयोग के लिए For Office use only
		रु. Rs.	पै. P.	
<i>Verma</i>				फाइल सं. File No.
				एफ. 1/ F. 1/ /च. /R
				अनुमतिमानक Roll No.
				शुल्क की जांच की गई Fee checked
				शुल्क अलग किया गया Fee removed
				कुल राशि/Total Amount.....

पोस्टल आर्डरों की कुल संख्या/Total No. of Postal Orders.....

कुल राशि/Total Amount.....

*जो लड्गा न हो, उसे कट दे।

*Delete, whichever is inapplicable.

6. (क) जाति—निम्नानुसूचित जाति के लिए 1, अनुसूचित जनजाति के लिए 2, अन्य के लिए 3।

(a) Community—Write 1 if Scheduled Caste, 2 if Scheduled Tribe, 3 if Others.

(यदि अनुसूचित जाति या अनुसूचित जनजाति के हों तो अपने दावे के समर्थन में प्रमाण पत्र संलग्न करें।)

(If SC or ST, enclose a copy of the certificate in support of your claim)



(ख) यदि आप अनुसूचित जाति के हों, तो अपना धर्म लिखिए।

(b) State your Religion if you belong to Scheduled Caste.

(ग) यदि आप शारीरिक रूप से विकलांग हो तो 2 लिखिये, यदि नहीं हो 1 लिखिये। [यदि शारीरिक रूप से विकलांग हो तो, शारीरिक प्रपत्र में चिकित्सा प्रमाणपत्र की एक प्रतीक्षियि संलग्न करें जो कि अनुरोध करने पर भेज दिया जायेगा।]

(c) Write 2 if physically handicapped, 1 if not. (If physically handicapped enclose a copy of Medical Certificate in the prescribed proforma which will be supplied on demand.)

7. (क) स्थायी घर का पूरा पता (दिसम्बर, राज्य/संघ राज्य क्षेत्र का नाम और पिन कोड सम्मिलित हो।)

(a) Permanent Home Address in full (including name of District, State/Union Territory and Pin Code)

(ख) नागरिकता कोड
(b) Citizenship Code

कोड सं/Code No.

(कृपया अनुबन्ध II देखें/Please see Annexure II)

8. जन्म की तारीख (ईसी सन् के अनुसार) को मैट्रिक/हाईर सेकेण्टरी या समकक्ष

प्रमाण पत्र में दर्ज हो, अर्थात् 6 जुलाई 1948 को इस प्रकार लिखें :

--	--

दिन/Day

--	--

मास/Month

--	--

वर्ष/Year

जैसे

0	6
---	---

0	7
---	---

19	4	8
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8. (क) मान्यता प्राप्त शैक्षिक योग्यताएं / (a) Recognised Educational Qualifications:

स्तर Level	उत्तीर्ण की गयी परीक्षा/ प्राप्त की गयी डिग्री Examination Passed/Degree obtained	क्लास या डिवीजन या मेड** Class or Div. or Grade**	उत्तीर्ण करने का वर्ष Year of Passing	बोर्ड/विश्वविद्यालय/संस्थान Board/Univ./ Institution	विषय Subject
हाई स्कूल High School					
इंटर/पूर्व विश्वविद्यालय प्रमाण पत्र Inter/P.U.C.					
स्नातक Graduate					
स्नातकोत्तर Post-Graduate					

**जिन प्रमाण पत्रों/डिग्रियों आदि में क्लास या डिवीजन या मेड न दर्शाया गया हो, वहां प्राप्त अंकों का प्रतिशत लिखिए।

**WHERE THE CERTIFICATES/DEGREES ETC. DO NOT INDICATE CLASS OR DIVISION OR GRADE, PERCENTAGE OF MARKS SHOULD BE INDICATED.

(व) अपने येजगार से संबद्ध तारोंखावर विवरण दीजिए। यदि नंबे का स्थान पर्याप्त नहीं है तो येजगार के विवरण को एक अलग कागड़ पर अपने हताक्षर से उपरिलिपि करके संलग्न करें।

(b) *Details of Employment, in chronological order* Enclose a separate sheet, duly authenticated by your signature, if the space below is insufficient.

कार्यालय/संस्थान/फर्म Office/Instt./Firm	*घटित पद Post held	से From	तक To	वेतनमान और अन्तिम मूल वेतन Scale of Pay and last Basic pay	कार्य का स्वरूप Nature of Duties

*कपणा कोष्ठकों में दर्शाइये—(ए) यदि तर्थ, (बी) यदि अस्थायी, (क्ष) यदि म्यायिवन औंग (फै) यदि स्थायी।

*Please indicate in brackets—(A) if Ad-hoc, (T) if Temporary, (Q) if Quasi-Permanent and (P) if Permanent.

(ग) वर्तमान रोजगार के बारे में अतिरिक्त विवाद

(c) Additional details about present Employment

(i) कृपया लिखें— '1' यदि केन्द्र सरकार की सेवा में है, '2' यदि राज्य सरकार की सेवा में है, और '3' यदि सरकारी सेवा में नहीं है।

Please write—‘1’ if in Central Government Service, ‘2’ if in State Government Service and ‘3’ if not in Government Service.

(खायत संगठनों/सरकारी उपक्रमों की सेवा सरकारी सेवा नहीं है)

(Service in Autonomous Organisations/Government Undertakings is not Government Service)

(ii) क्या आपका वेतनमान परिशोधित है यदि 'हाँ, तो वेतनमान लागू होने की तरीख लिखिए और परिशोधन पर्यंत वेतनमान भी लिखिए।

Are you in Revised Scale of Pay if 'Yes', give the date from which the revision took place and also indicate the pre-revised scale.

— दिन/Day — माह/Month — वर्ष/Year —

(iii) कुल परिविधियाँ/ Total emoluments

₹/Rs. ₹/Rs./Per Month

11. यदि आप चुन लिए जाते हैं तो/If selected—

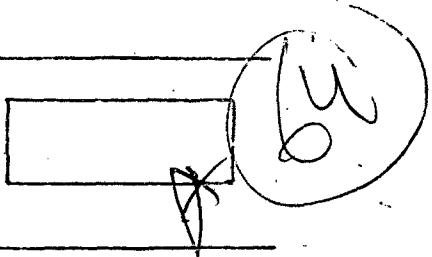
(क) क्या आप वेतनमान का न्यूट्रल प्रारम्भिक वेतन स्थिरकर करने/सरकारी कर्मचारियों के स्थिर नियमों के अनुसार नियम वेतन स्थिरकर करने के इच्छा हैं? यदि नहीं, तो आपको क्या न्यूट्रल वेतन स्थिरकर्त्व है।

(a) Are you willing to accept the minimum of the Pay scale/fixation of pay according to rules for Govt. Servants? If not, what is the minimum Pay acceptable to you?

₹/Rs. वार्षिक/Per Month

(ख) आप पट का कार्यधार संभासने के लिए किसना नेटिस लाहौरे?

(b) What notice would you require for joining the post?



(d) यदि आपको कभी सेवा से बखास्त किया गया, हटाया गया या अनिवार्यतः सेवा-निवृत्त किया गया?

(a) Have you ever been dismissed, removed or compulsorily retired from service?

(b) यदि 'हाँ', के विवरण दीजिए।

(b) If 'Yes' give details.

17. (क) पिता का नाम/यदि विवाहित मरीज़ हो, तो पति का नाम

(a) Father's name/Husband's name, if a married woman

(छ) उनका वर्तमान पता (यदि जीवित न हो तो अन्तिम पता)

(b) His present Postal address (if dead, give last address)

18. संलग्नकों का विवरण/Details of enclosures :

1.

4.

2.

5.

3.

6.

घोषणा/DECLARATION

“मैं एतद्वारा घोषित करता हूँ कि जहाँ तक मेरी जानकारी और विधास है, इस आवेदन-पत्र से यिहा गया सभी विवरण सच्चा, पूरा और सही है। मैंने चयन द्वारा भवी के लिए उम्मीदवारों को अनुदेता” का पैरा 11 पढ़ लिया है और मैं जानता हूँ कि यह उसमें बताए गए किसी भी प्रकार के कदाचर वा मैं दोनों पाया गया तो आयोग द्वारा मेरे विवेद कार्रवाई की जा सकती है।

I hereby declare that all statements made in this application are true, complete and correct to the best of my knowledge and belief. I have read para 11 of the “Instructions to Candidates for recruitment by selection” and understand that action can be taken against me by the Commission, if I am declared guilty of any type of misconduct mentioned therein.

“मैंने स्थित रूप में अपने कार्यालय/विभाग के अध्यक्ष को सूचित कर दिया है कि मैं इस चयन के लिए आवेदन कर रहा हूँ।

I have informed my Head of Office/Department in writing that I am applying for this Selection.

स्थान

Place.....

तिथि

Date.....

**उम्मीदवार के हस्ताक्षर

Signature of Candidate.....

*यदि लागू न हो, तो इस चार्क्य को कट दे।

* Strike off this sentence, if not applicable.

**जिस आवेदन-पत्र पर उम्मीदवार के हस्ताक्षर नहीं होंगे वह रद्द किया जा सकता है।

**Application not signed by the candidate is liable to be rejected.

Before the Central Administrative Tribunal,

Lucknow.

C.A. No. 277 of 1990 (L)

K.K. Narang and others

....Applicants.

versus

Union of India and others ...Opposite Parties.

Rejoinder ~~Affidavit~~ to the Supplementary
Counter Affidavit on behalf of the
Respondent Number 2.

I, Dr. Mohammad Ishaq, Assistant Chemist,
Geological Survey of India, Lucknow, aged about
39 years, son of Late Din Mohammad, do hereby
solemnly affirm and state on oath as under :-

1. That the deponent is one of the applicants in the above noted case, as such he is fully conversant with the facts and circumstances stated hereinafter.
2. That the contents of paragraph number 1 of the Supplementary Counter Affidavit need no reply.
3. That the contents of paragraphs number 2 of the supplementary Counter Affidavit are vehemently denied. No party can be permitted to withdraw its statement made in the counter affidavit, nor can be permitted to resile from its earlier statement. The averments in the supplementary counter affidavit are wholly unwarranted and uncalled for.
4. That the substitution of paragraph 7 of the earlier counter affidavit cannot be permitted. In the earlier counter affidavit in paragraph No. 7 it has been admitted by the opposite parties and the deponent of the earlier counter affidavit, Sri

Filed today

DR
10/12/91

Mohd. Ishaq

contd....2

(b)

Suraj Prakash, that the departmental candidates of lesser experience and lesser qualifications than the petitioners were called for interview, Shri Suraj Prakash being a senior officer of the department having access to the record ought to be fully acquainted with the qualifications and experience of the departmental candidates when he made the averments in paragraph number 7 of the earlier counter affidavit. This is admission of the fact and the opposite party cannot be permitted to withdraw that admission of fact after a long time of the filing of the first counter affidavit.

5. Moreover, the averments made in para 7 of the earlier counter affidavit are in complete conformity with the following facts and records known to Respondent No. 2 and cannot be said to have been made accidentally and inadvertently.

- (a) Out of 55 general candidates, called for interview, most of them were from Geological Survey of India whose experience and qualifications are with Respondent No. 2.
- (b) Junior Technical Assistant and Senior Technical Assistant of Geological Survey of India in the pay scales of Rs. 1400-2600 and Rs. 1640-2900/- p.m. respectively have no direct experience of utilization/analysis of ores and minerals, because they are only assisting hands to the chemists. Consequently their association with the laboratory for the same purpose is not

Moral Jyoti

(3)

counted towards the performance of that laboratory as is evident from quarterly, Half yearly and Annual performance reports of Chemical Laboratories of Geological Survey of India of any year prior to filing of this petition. Further, Annexure No. S1 which is a copy of norms of quantum of analytical work to be done by per chemist per month fixed in the chemical Laboratories of Geological Survey of India is applicable only to Assistant Chemist and above and not to the Junior Technical Assistants and Senior Technical Assistants, as they are only assisting hands and as such they do not fulfill the essential Qualifications No. (iii) of the advertisement. Moreover the qualification, experience and mode of selection of Junior Technical Assistant and Senior Technical Assistants and Assistant Chemist is different. Hence giving of equal weightage to all the cadres is totally illegal. This fact was in full knowledge of the Representative of Respondent No. 2 who was expected to highlight this fact before Union Public Service Commission during his long association with Union Public Service Commission as departmental expert. But he did not do so.

(c) It is well established as per annexures S2, S3, S4 and S5 which are the copies of many such advertisements of Government of India that experience in different grades/pay scales carries different weight. As such the

Mehdi, IAS

(b)

experience of an Assistant Chemist in the pay scale of Rs. 2000-3500 p.m. is superior by eight years to that of Junior Technical Assistant and by three years superior to that of Senior Technical Assistant. This fact was fully known to Union Public Service Commission and Respondent No. 2, but was not applied in the case of petitioners while shortlisting the applications. This resulted into the weeding out of many highly qualified and highly experienced candidates such as the petitioners in preference to lower merit candidates.

(d) It was the adoption of illegal and arbitrary reversal of shortlisting criteria which has resulted into a very ambiguous and ridiculous situation to the detriment of petitioners. In the previous selection of 1987 viz. F-1/154/87 -R III which was just for three posts of Chemist (Junior) in Geological Survey of India by Union Public Service Commission, the petitioners such as K.K. Narang, Dr. Mohd. Ishaq, Dr. D.D. Upreti, Dr. Rajan Singh were called for interview because of their superior qualifications and experience while most of the candidates now called for interview were weeded out. But in this selection which was for much higher number of posts that is 14, it were the petitioners who were weeded out and those not found suitable in the 1987 selection were given interview calls. This shows the absurdity of shortlisting criterion adopted by Union Public Service Commission with which Respondent No. 2 is fully acquainted because in

Mohd. Ishaq

every selection for the post of Chemist (Junior) in Geological Survey of India through Union Public Service Commission, Representative of Respondent No. 2 is always associated with Union Public Service Commission at different stages of selection process. It is thus evident from the above mentioned facts that no well established norm was followed and petitioners were illegally and deliberately excluded from the list of ~~second~~ candidates to be called for interview to accomodate lesser qualified and lesser experienced candidates than the petitioners and that too in the very presence and very knowledge of Representative of Respondent No. 2. This is an important fact which cannot be and has not been denied. Now it is ^{an} ~~an~~ admitted fact between the parties. This being an admitted fact, the same cannot be permitted to be withdrawn or substituted by another elusive or evasive paragraph now suggested in the supplementary counter affidavit. Hence, the deponent is advised to state that the supplementary counter affidavit cannot be taken on record.

6. THAT the deponent is further advised to state that under section 91 and 92 of the Evidence Act, the deponent and the opposite parties cannot be permitted to lead the evidence contrary to their averments made in the first counter affidavit. Hence, the supplementary counter affidavit is liable to be rejected.

Dated: 07/12/91
Lucknow.

Mohd. Ishaw/
Deponent.

VERIFICATION

I, the deponent above named, so hereby verify that the contents of paragraph Numbers 1 to 4 of the affidavit are true to the best of my personal knowledge and belief, the contents of paragraph numbers 5 and 6 are based on legal knowledge and advice believed by the deponent to be true. No part of it is false, nothing incriminating material has been concealed, so help me GOD.

Mohd. Ishaq

Deponent

I identify the deponent, who has signed before me.

Advocate

Solemnly affirmed before me on this

day of 1991 at a.m./p.m. by Dr. Mohammad Ishaq, the deponent, who has been identified by

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

Annexure NO.51
In effect from 1.1.83



Table - I

Quantum of Analytical Work:

Type of Analysis:

		No. of Samples	Multiplication Factor
A:	<u>Wet Chemical:</u>		
	1. Detailed Analysis:		Per Chemist per month
	a) Silicate rock (15 radicals)	5	0.20
	b) Clay/clayer limestone	10	0.10
	c) Carbonate minerals (12 radicals)	15	0.70
	2. Limestones: A.I., R_2O_3 , CaO , MgO , LOI	50	0.02
	3. Limestones: SiO_2 , Al_2O_3 , Fe_2O_3 , CaO , MgO , LOI	35	0.03
	4. Bauxite/Laterite: SiO_2 , Al_2O_3 , Fe_2O_3 , TiO_2 , L.O.I.	35	0.03
	5. Iron Ore: Fe only	150	0.007
	6. Iron Ore: SiO_2 , Al_2O_3 , Fe Pands	25	0.04
	7. Mn-Ore-Fe, Mn	50	0.02
	8. -do- SiO_2 , Al_2O_3 , Fe, Mn, MnO_2 , P, S, CaO , MgO	8	0.125
	9. Chromo Ore: Fe, Cr	50	0.02
	10. Phosphrite - P_2O_5	60	0.016
	11. Copper Ore: Cu only by short iodide by Classical	125	0.008
	12. Polymetallic sulphides: Cu, Pb, Zn	20	0.05
	13. Barytes - BaO , SO_3 only BaO	20 40	0.05 0.025
	14. Tungsten Ore: -W (Colorimetric)	50	0.02
	15. -do- W (Gravimetric)	15	0.07
	16. Pyrites S	60	0.016
B:	<u>FLAME ASSAY: - Au</u>	25	0.013
C:	<u>Water: Partial:</u> pH, Cond. HO_3 , CO_3 , Total hardness, Cl. -Complete: pH, Cond. HO_3 , CO_3 , T-hardness Cl, TDS, SiO_2 , SO_4 , $Mg-MD_3$, Ca, Na, K, B, F, Total Fe (15 radicals).	150 10	0.007 0.1
D:	Coal/Graphite-proximate analysis	50	0.02
E:	Rapid Ecological (Visual colorimetry) As- Hg/W/Sbeach Cu, Pb, Zn Cu, Pb, Zn, Ni, Co and Cd	200 100 300 200	0.005 0.01 0.007 0.01
F:	AAS Semi quantitative: Cu, Pb, Zn, Ni, Co, Cd	600	0.003
G:	AAS quantitative: Cu, Pb, Zn, Ni, Co, Cd (Rocks) Ni, Co in laterite Cu, Pb, Zn, Ni, Co in ores/cores Mn ore - Fe and Mn Hg in soil/rock/mineral	200 300 250 100 50	0.01 0.007 0.008 0.01 0.02
H:	Emission Spectrography: Semi-quantitative analysis up to 15 elements For more than 15 elements multiplication factor to increase by 20 %.	400	0.008

Mohd. Iswag

No. F.2-4/85-NRLC
 Government of India,
 Department of Culture,
 National Research Laboratory for
 Conservation of Cultural Property,
 C-257, Nirala Nagar, Lucknow-226007.

11
 15
 X

Dated the 21st March, 1985.

VACANCY CIRCULAR

OSR
spotted
✓

Subject: Filling up of the post of Junior Scientific Officers in the National Research Laboratory for Conservation of Cultural Property, Lucknow in the pay scale of Rs.700-1300, on transfer on deputation basis.

I have the honour to say that 2 post of Junior Scientific Officers in the pay scale of Rs.700-1300 in the National Research Laboratory for Conservation of Cultural Property, Lucknow, a subordinate office under the administrative control of the Department of Culture, Government of India, are required to be filled by transfer on deputation of persons holding analogous posts or with 3 and 5 years service in the posts in the pay scales of Rs.650-1200 and Rs.550-900 or equivalent respectively in the Central Government Offices and possessing the qualifications and experience as mentioned below. The posts are at present sanctioned upto 28th February, 1985 and will continue further.

Essential: i) At least 2nd class M.Sc. in Chemistry from a recognised University or equivalent.
 ii) 3 years practical experience of using modern analytical equipments like emission spectrograph, atomic absorption spectro-photometer etc. for physico-chemical analysis.

OR

3 years research experience on conservation and analysis of Cultural property of metals etc.

Desirable: i) Practical experience in Conservation Laboratory.
 ii) Knowledge of foreign language like French, German, Italian etc.

The selected candidates will be appointed on deputation basis for a period of one year at/ The pay of Officers selected will be governed by the provisions of the Ministry of Finance, Department of Expenditure O.M. No.10(24)-E-III/60 dated 4th May, 1961 as amended from time to time.

The Ministry of Education & culture etc. are requested that the posts may be circulated in the Ministry/Departments and their attached and subordinate offices and particulars of suitable candidates may be forwarded to this office in the prescribed proforma attached, alongwith the upto date C.R. Dossiers and certificate that the particulars furnished by the officer are correct and that no disciplinary case is pending or contemplated against the officers, so as to reach this office latest by 30th April, 1985.

SP-3 21/3/1985
 (I.K. BHATNAGAR)
 Senior Scientific Officer

FOR PROJECT OFFICER

To all the Ministries/
 Departments of the Govt. of India.

Mohd. Ishtay

ATM

No. F.1-1/91-Estt.
Government of India**Minorities Commission**Lok Nayak Bhavan, 5th Floor,
Khan Market, New Delhi-110 003

Filling up of the Post of Section Officer in the Minorities Commission on deputation basis.

Services of a suitable Officer are required for filling up the Post of Section Officer in the pay scale of Rs. 2000-60-2300-EB-75-3200-100-3500/- on deputation basis in the Minorities Commission, Ministry of Welfare.

2. The appointment and the pay of the selected Officer will be regulated in accordance with Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) Office Memorandum No. 2/12/87-Estt. (Pay-II) dated 29.4.1988 as amended from time to time. The eligibility conditions, qualifications, experience etc., required for the post of Section Officer are mentioned in Annexure-I.
3. The above vacancy may be circulated and the applications as in Annexure-II, of the suitable officers who are eligible and whose services can be spared if selected, may please be forwarded alongwith their upto-date C.R. Dossiers and Vigilance clearance to the undersigned latest by 30.11.1991. Candidates once selected will not be allowed to withdraw subsequently.

Under Secretary

ANNEXURE-I

1. Designation: Section Officer
2. Classification: General Central Services Group 'B' (Gazetted)
3. Scale of pay : Rs. 2000-60-2300-EB-75-3200-100-3500/-
4. Eligibility Conditions : Officers under the Central/State Govts. (i) holding analogous posts or equivalent on regular basis.

OR

- (ii) Assistants of CSS with three years regular service in posts in the scale of Rs. 1640-2900 or equivalent or
- (iii) Assistant with eight year regular service in post in the scale of Rs. 1400-2600 or equivalent and having experience in Administration/Establishment/Vigilance/Stores/General Service.

Essential Qualifications:

- (1) Graduate from recognised University or equivalent.
- (2) Working knowledge of Hindi or Urdu or Punjabi.

Desirable

Thorough knowledge of Government rules and regulations.

5. Place of duty : Minorities Commission, 5th Floor, Lok Nayak Bhawan, Khan Market, New Delhi-110 003.

6. Period of Deputation: Ordinarily not exceeding 3 years

ANNEXURE-II

Name of Ministry/Department/Office _____

1. Name of the Officer : _____
2. Date of Birth : _____
3. Present post held and since when : _____
4. Scale of pay and present Basic Pay : _____
5. Date of next increment : _____
6. Service it which belongs : _____
7. Educational Qualifications and other Special qualifications : _____
8. Whether belong to SC/ST : _____
9. Details of service : _____

Sl.No.	Name of Office	Post held with scale of pay	From	To	Date of appointment
--------	----------------	-----------------------------	------	----	---------------------

Signature of the candidate with

full address & Telephone No. _____

It is certified that the particulars forwarded by Shri/Smt./Kum. _____ have been verified from the relevant records and found correct.

Signature of the forwarding authority
(with office seal)

No. _____
Date _____
Station _____
davp 430 (30) 91

EN 32/39

Mohd. Aswag

Ministry of Science & Technology

Dept. of Science & Technology

Department of Science & Technology invites applications for a post of Junior Analyst on transfer on deputation basis. The particulars of the post are as follows:-

1. Name of the post : JUNIOR ANALYST
2. Scale of pay : Rs. 2000-60-2300-EB-75-3200-100-3500.
3. Mode of appointment : Transfer on deputation/Transfer basis, initially for a period of one year which may be extended upto 3 years.
4. Eligibility: Officers under the Central Government:

(a) (i) holding analogous posts on regular basis or
 (ii) with 3 years regular service in posts in the scale of pay of Rs. 1640-2900/- or equivalent or



OFFICE OF THE COMMISSIONER OF POLICE: DELHI

Applications are invited for one post of Computer Operator (Inspector) in Delhi Police to be filled by transfer on deputation for a period of one year in the first instance. The post belongs to Group 'C' (Non-Gazetted) (Technical). The post carries scale of pay of Rs. 2000-3200/. The Essential as well as Desirable qualifications for the post is as under :-

Qualifications

ESSENTIAL

- 1) Master's Degree in Statistics/Physics/Computer Applications or Maths/Operation Research/Business Admin. or Economics/Commerce with one paper in Statistics
- 2) Degree in Engineering/Computer Science of a recognised University or equivalent.
- 3) Must possess 3 months training in console operation from any organisation of repute.

(iii) with 8 years regular service in posts in the scale of pay of Rs. 1400-2600/- or equivalent.

and
 Degree in Engineering/Technology of a recognised University or equivalent.

(ii) 2 years' experience of scrutiny and analysis of proposals/programmes related to development of Science and Technology and monitoring their implementation.

NOTE: The pay of the officer selected will be regulated in accordance with the Ministry of Finance's O.M. No. 10/24/UE-II/60, dated the 4th May, 1961, as amended from time to time.

Applications in the following proforma (in duplicate) may please be sent to the Under-Secretary, Department of Science and Technology, Technology Bhawan, New Mehrauli Road, New Delhi-110016 so as to reach not later than 20th August, 1990. The applications should be sent through proper channel along with the complete C.R. Dossiers of the officials concerned. Any application which is not in order may be rejected.

PROFORMA

1. Name (in block letters)
2. Father's name
3. (a) Permanent address
 (b) Present address
4. Date of birth
5. Academic Qualifications
6. Details of experience
7. Pay scale in which working at present and the position held at present and whether on regular/ad-hoc basis.
8. Whether permanent or Temporary
9. Whether belongs to SC/ST
10. Minimum joining time required

Date :

Place :

(SIGNATURE OF THE CANDIDATE)

Qualifications

Essential : M.Sc. Biophysics/Biochemistry/Chemistry First Class.
Desirable : Research experience in Organic synthesis/Spectroscopy/Enzymology/Protein Chemistry/Molecular Immunology. For S.R.F. and R.A., research experience is essential as per CSIR rules. For J.R.F., the candidate should have qualified in the combined test of CSIR and UGC. Further the J.R.F. may get registered in this University for a Ph.D. degree.

Applications on plain paper, giving details of qualifications (High School onward) and research experience with a list of publications, if any, and the relevant reprints, may be sent directly to Dr. Dinkar Sahal, Dept. of Biophysics, University of Delhi, South Campus, Benito Juarez Road, New Delhi-110021, so as to reach here within 15 days of publication of this advertisement.



SOUTH CAMPUS DELHI UNIVERSITY

SOUTH CAMPUS



Scientist wanted for research in a C.S.I.R. Project entitled "Peptide Models and Protein Phosphorylation" under the supervision of Dr. Dinkar Sahal. Appointment may be made as a J.R.F., S.R.F. or R.A. (with appropriate emoluments as per CSIR rules), depending on the qualifications and experience of the selected person.

Qualifications :

Essential : M.Sc. Biophysics/Biochemistry/Chemistry First Class.

PART II
 (TO BE FILLED BY THE EMPLOYER)

Certified that above mentioned particulars are correct.

Station : _____ Signature of Head of _____
 Date : _____ Officer/Department _____
 OR _____ Designation _____
 davy 514/1290 EN 15/59

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. Number 277 of 1990 (L)

K.K. Narang and others

...Applicants

Versus

Union of India and others

... Respondents

SUPPLEMENTARY REJOINDER AFFIDAVIT
TO THE SUPPLEMENTARY WRITTEN STATEMENT
ON BEHALF OF THE RESPONDENT NUMBER 3.

I, K.K. Narang, aged about 37 years, son of Sri S.L. Narang, resident of 554 KA/53 A, Arjun Nagar, Alambagh, Lucknow, do hereby solemnly affirm and state as under:-

1. That the deponent is the Applicant in the above mentioned O.A. Number 277 of 1990, as such he is fully conversant with the facts and circumstances of the case. He has also read the Supplementary and written statement understood the contents thereof. He is conversant with the facts and circumstances stated hereinafter.
2. That the contents of paragraph number 1 of the Supplementary Written Statement are denied.
3. That in reply to the contents of paragraph

K.K. Narang



number 2 of the Supplementary Written Statement it may be pointed out that it is the adoption of absurd, irrational and illegal shortlisting criterion which was instrumental in weeding out of the petitioners and inclusion of persons inferior in qualification and inferior in nature of experience. The experience component contained in Essential Qualification (iii) of the advertisement was arbitrarily interpreted in violation of established norms of giving different weightages to different levels/grades of experiences (see annexures no. WS-1 & WS-2).

As has been admitted by the respondent no. 3, the petitioners no. 1, 3, 4 & 5 were found superior to be called for interview in 1987 selection when the no. of posts for general candidates was just one while most of the other candidates now called for interview were found inferior to the petitioners and were not given interview call. But now when the number of posts for general candidates were much higher i.e. Nine, it were the petitioners who were declared inferior and were excluded while those not called for interview in 1987 selection were given interview calls. It does not fall to any rational logic that when the petitioners were superior to the most of the other candidates in earlier selection of 1987 for just one post, how can they be declared as inferior to the same set of candidates when the number of posts was increased to nine in the impugned selection. The petitioners deserved priority over other candidates and must have been called for interview, more so when the number of posts were increased to 9.

4. That the contents of paragraph number 3 of the supplementary written statement are denied. The

Ch. Mohan S.

independent experience of Analysis is certainly superior to the experience of analysis under some superior Analyst. The applicants had superior position in the field of Analysis of Ores and Minerals than ~~many~~ others, who were called for the interview and who excluded the Applicants. The advertisement was wrongly interpreted and misconstrued to suit few favourites. The scale might have not been mentioned in the advertisement, but the grade and status and the capacity in which experience has been acquired is always material in the weeding out process. Thus the criteria adopted by the Union Public Service Commission is arbitrary and faulty. A Lab assistant cannot be brought to steal a march over a Chemist, for the so-called reason that the grades were not mentioned in the advertisement. The laws and the rules and criterias are to be reasonably interpreted. [redacted] [redacted]

5. That the contents of paragraph number 4 of the supplementary Written Statement are denied.

6. That the contents of paragraph numbers 5 and 6 of the Supplementary Written Statement are denied. The shortlisting of criteria of weeding out process should also be rational and reasonable, specially in the scientific and technical field, the nature of experience and the status of it both are material, not only the length of service. The uniformity was not maintained by the Commission in the matter of earlier selection and later selection. In the earlier selection the Applicants were eligible when seats for general candidates was just 1 but when number of seats was increased to 9, applicants were excluded from the consideration.

W.K. Maro

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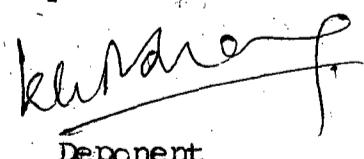
7. That the contents of paragraph numbers 7, 8 & 9 of the Supplementary Written Statement are denied and the contents of paragraph numbers 9, 10, 11, 12 and 13 of the Rejoinder Affidavit are reiterated as correct. It may, however, be pointed out

(i) that age relaxation for displaced persons from erstwhile East Pakistan is admissible only at the time of entry into the Govt. service. Sri Prashant Purkayastha entered the Govt. service about 15 years ago and as such did not deserve the age relaxation.

(ii) the non consideration of experience of Sri K.K. Narang, petitioner No. 1 for 3 years as Jr. Scientific Officer in the pay scale of Rs. 2200 - 4000 on transfer on deputation to National Research Laboratory for conservation of Cultural Property, Lucknow is totally unjustified as he was doing the same type of work of Chemical Analysis.

(iii) that relevant experience of a candidate should be counted after he or she has acquired the minimum essential educational qualifications i.e. M.Sc. or equivalent. But this rule too was ignored in several cases as mentioned in para 11 of the Rejoinder Affidavit to respondent no. 3.

In the light of above facts and clarifications it is quite clear that the whole exercise of shortlisting and selection was very crude, absurd and false and the impugned selection deserves to be quashed.


Deponent

Verifications

I, the deponent above named, do hereby verify that the contents of paragraph numbers are true to my own knowledge., the contents of

ASB
A

- 5 -

paragraph numbers

are based on records and the contents of
paragraph numbers are based on legal
knowledge and advice, believed by the deponent to
be true. No part of it is false, nothing
incriminating material has been concealed, so help
me GOD.

K.K.Narang
Deponent

I identify the deponent, who has
signed before me.

Advocate

Solemnly affirmed before me on this
day of ^{October} September 1992 at a.m./p.m. by
Sri K.K.Narang, the deponent, who has been
identified by

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

Annexure No. 1155-1

Ministry of Science & Technology

Dept. of Science & Technology

Department of Science & Technology invites applications for a post of Junior Analyst on transfer on deputation basis. The particulars of the post are as follows:

1. Name of the post : JUNIOR ANALYST
2. Scale of pay : Rs 2000-60-2300-E.B-75-3200-100-3500
3. Mode of appointment : Transfer on deputation/Transfer basis, initially for a period of one year which may be extended upto 3 years.
4. Eligibility: Officers under the Central Government:

(a) (i) holding analogous posts on regular basis or

(ii) with 3 years regular service in posts in the scale of pay of Rs. 1640-2900/- or equivalent or



**OFFICE OF THE COMMISSIONER
OF POLICE: DELHI**

Applications are invited for one post of Computer Operator (Inspector) In-Debit Police to be filled by transfer on deputation for a period of one year in the first instance. The post belongs to Group 'C' (Non-Gazetted) (IT/Technical).

The post carries scale of pay of Rs. 2000-3200. The Essential as well as Desirable qualifications for the post is as under:

Qualifications

1. Master's Degree in Statistics/Physical Computer Applications or Maths/Operations Research/Business Admin. or Economics/Commerce with one paper in Statistics
2. Degree in Engineering/Computer Science of a recognised University or equivalent.
3. Must possess 3 months training in console operation from any organisation of repute.

(a) with 9 years regular service in posts in the scale of pay of Rs 1400-3600/- or equivalent

and

(b) (i) Possessing Masters' Degree in Science/Mathematics/Statistics or Degree in Engineering/Technology of a recognised University or equivalent.

(ii) 2 years' experience of scrutiny and analysis of proposals/programmes related to development of Science and Technology and monitoring their implementation.

NOTE: The pay of the officer selected will be regulated in accordance with the Ministry of Finance's O.M. No 10124/1/E-11/160, dated the 4th May, 1961, as amended from time to time.

Applications in the following proforma (in duplicate) may please be sent to the Under Secretary, Department of Science and Technology, Technology Bhawan, New Mathura Road, New Delhi-110165 so as to reach not later than 20th August, 1990. The applications should be sent through proper channel along with the complete C.R. Dossiers of the officials concerned. Any application which is not in order may be rejected.

PROFORMA

1. Name (in block letters)
2. Father's name
3. (a) Permanent address
4. Date of birth
5. Academic Qualifications
6. Details of experience
7. Pay scale in which working at present and the position held at present and whether on regular/fac basis.
8. Whether permanent or Temporary
9. Whether belongs to SC/ST
10. Minimum joining time required

Date:

Place:

(SIGNATURE OF THE CANDIDATE)

PART B

(TO BE FILLED BY THE EMPLOYER)

Certified that above mentioned particulars are correct

Station : _____

Date : _____

OR

Signature of Head of

Office/Department _____

Designation _____

EN 1559

**SOUTH CAMPUS
UNIVERSITY
DELHI**



**SOUTH CAMPUS
UNIVERSITY
DELHI**

Scientist wanted for research in a C.S.I.R. Project entitled "Peptide Models and Protein Phosphorylation" under the supervision of Dr. Dinkar Sahai. Appointment may be made as a JRF/ SRF or RA (with appropriate emoluments as per CSIR rules), depending on the qualifications and experience of the selected person.

Qualifications :

Essential M.Sc. Biophysics/ Biochemistry/Chemistry First Class.

Desirable : Research experience in Organic synthesis/Spectroscopy/ Enzymology/Protein Chemistry/ Molecular Immunology.

For S.R.F. and R.A., research experience is essential as per CSIR rules. For J.R.F., the candidate should have qualified in the combined test of CSIR and UGC. Further the J.R.F. may be registered in this University for a Ph.D. degree.

Applications on plain paper, giving details of qualifications (High School onward) and research experience with a list of publications, if any, and the relevant reprints, may be sent directly to Dr. Dinkar Sahai, Dept. of Biophysics, University of Delhi, South Campus, Benito Juarez Road, New Delhi-110021, so as to reach here within 15 days of publication of this advertisement.



UPSC

Dholpur House, Shahjahan Road
New Delhi

Preparation of panel for filling up of the posts of Reprographic Machine Operator in the office of Union Public Service Commission on transfer on deputation basis

It is proposed to prepare a panel to fill up the posts of Reprographic Machine Operator in the office of Union Public Service Commission on transfer on deputation in the scale of pay of Rs. 260-6-290-EB-326-8-366-EB-8-390-10-400 (pre-revised) Rs. 950-20-1150-EB-25-1500 (revised) as per the details at Annexure-II

2. Applications in the prescribed proforma as in Annexure-II from eligible and interested officials who can be relieved immediately on selection may kindly be forwarded to the undersigned alongwith their complete and up-to-date CRs by 8-7-81.

3. Application received after the time limit or incomplete in any respect or those not accompanied by the complete and up-to-date CRs, will not be considered. The selected officials will not be permitted to withdraw their candidature later on.

4. It may also be certified that the particulars given by the candidate in his application are correct and also that neither any vigilance nor any disciplinary case is either pending or contemplated against him/her.

Y R. Gandhi
Under Secretary (Admn)
Union Public Service Commission

ANNEXURE-I

1. Name of post: Reprographic Machine Operator
2. Classification: General Central Service Group 'C' Non-Gazetted, Non-Central
3. Scale of pay: Rs. 260-6-290-EB-326-8-366-EB-8-390-10-400 (pre-revised)
Rs. 950-20-1150-EB-25-1500 (revised)
4. Method of recruitment: Transfer on Deputation
5. Eligibility conditions: Persons under Central Government.
6. (i) holding analogous posts on regular basis, or
(ii) with five years' regular service in the posts in the scale of pay of Rs. 800-15-1010-EB-20-1150, or equivalent, or
(iii) with seven years' regular service in posts in the scale of pay of Rs. 775-12-955-EB-14-1025, and
7. (a) possessing the following qualifications:
i. M. Phil. in Education or equivalent from a recognised Board/University
ii. Shall possess knowledge of operation of Photocopier Machine.
7. (b) The candidate shall have to undergo a Trade Test.
8. Period of deputation: Period of deputation including period of deputation in the same cadre post held immediately preceding this appointment in the same or any other organisation/department or Central Government shall ordinarily not exceed 3 years.
9. Pay & Allowances: The selected officers will draw pay & allowances in accordance with the provisions contained in the Ministry of Personnel, Public Grievances & Pensions (Dept. of Personnel & Training) OM No. 2/12/87-Estt. dated 29.4.88 as amended from time to time.

ANNEXURE-II

1. Name of applicant
2. Date of Birth
3. Date of retirement
4. Educational and other qualifications
5. Details of experience in the subject field of selection
6. Details of service
 - i) Name of post
 - ii) Name of Employer
 - iii) Post held From To
 - iv) Nature of appointment i.e. regular/ad hoc
7. Date of return from ex cadre post held, if any
8. Whether belong to SC/ST community
9. Any other item

(Signature of applicant)

CERTIFICATE TO BE FURNISHED BY THE EMPLOYER/HEAD OF OFFICE FORWARDING AUTHORITY

Certified that the particulars furnished by Shri/Smt/Km _____ are correct and he/she possesses educational qualifications and experience mentioned above. There is no vigilance/disciplinary case either pending or contemplated against him/her. The up-to-date CR dossier in respect of Shri/Smt/Km _____ is enclosed herewith.

Place
Date

Signature
Name & Designation

davp 560 (9) 91

EN7/27



**NATIONAL INSTITUTE OF
MENTAL HEALTH AND
NEURO SCIENCES**

POST BAG NO. 2900, HOSUR ROAD, BANGALORE - 560 029

ADVERTISEMENT

Applications are invited from Indian Nationals upto 20th June, 1991 for filling up the following vacancies:-

- I. NON-COURSE SENIOR RESIDENTS IN PSYCHIATRY (Tenure post for 3 years)

No. of posts	6
Qualification	M.D in Psychological Medicine of Bangalore University or equivalent qualification.
- II. NEUROANESTHESIA (Tenure post for 3 years)

No. of posts	2
Qualification	M.D in Anaesthesia or equivalent qualification
- III. NEURORADIOLOGY (Tenure post for 3 years)

No. of post	1
Qualification	M.D in Radiodiagnosis or equivalent qualification
PAY SCALE	The Senior Residents will be paid Rs. 3,150/-, Rs. 3,250/- and Rs. 3,350/- in the first, second and

(Signature)

To,

The Deputy Registrar
C.A.T, Lucknow Bench

(24)

Sir,

Under signed applicant wants to certify
Copy of petition, Counter of Judgment of
Case No. 277/90 (K.K. Narang vs G.S.G) D/o
16-4-93 for which applicant is filing present
order, worth Rs 52/- only here with.

Copy prepared

& issued

on 27/8/93 Lucknow

24-8-93

MS (Adv)

(Km. Usman Ali (Adv))

7/1
SS

No. of pages of Judgment - 07 pages
Counter A. - 07
Petition - $\frac{13}{27}$ pages

Received
MS (Adv)

27/8/93

To

The Central Administrative Tribunal.
Lucknow Bench
Lucknow.

Lko.
dt. 11.1.90

Sub: Change in the date of hearing

Ref: O.A. NO. 277/90(L), K.K. Narang vs V.O.I.

Sir,

My case referred above was listed for today for hearing. As it ~~is~~ has been informed today that there will be no sitting of the bench, the above case ~~was~~ ^{has been} listed for 15/3/90.

As I shall not be present on that day, it is to request you that I may please be allotted any date in the first week of March i.e. 4th, 5th or 6th March (as the dates allotted to many other cases).

Thanking you

Yours faithfully
K.K. Narang
(K.K. Narang)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

No. CNT/1/ld/Jud/ 5059-61 dated the

16-9-90

Registration No. O. No. 777 of 1990 (L)

K.K. DAWANG & OTHERS

APPLICANT

VERSUS

UNION OF INDIA & OTHERS

RESPONDENT

1. UNION OF INDIA MINISTRY OF METAL AND MINES THROUGH ITS SECRETARY DEPARTMENT OF MINES, SASTRI BHAVAN, NEW DELHI.
2. DIRECTOR AND GENERAL GEOLOGIST, SURVEY OF INDIA 27, JAWAHAR LAL NEHRU ROAD, Q.D.B. CALCUTTA.
3. UNION PUBLIC SERVICE COMMISSION THROUGH ITS SECRETARY, SHAHIDMANI ROAD, TOLPUR MUSSE, NEW DELHI- 110011.

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed the day of 16 1990 for the hearing of the said application.

If no appearance is made on your behalf by yourself or your pleaser 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 16 1990.

DEPUTY REGISTRAR

ENCL: COPY OF PETITION WITH COURT'S ORDER DATED 29.8.90.

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

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O.L. NO.277 of 1990 (L)

K.K. Narang & Others Applicant.

Union of India & Others Versus (Mines) Respondents.

29.8.1990

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

Hon'ble Mr. K. Obayya, A.M.

Heard. Admit. Issue notice to the respondents.
C. A.

~~Counter affidavit~~ may be filed within eight weeks

R.A.
hereof. ~~Rejoinder affidavit~~ may be filed within two weeks thereafter.

As regards the interim prayer, the appointment to the post of Jr. Chemist made hereinafter shall remain subject to the decision of the Tribunal so far it affects the right of the petitioner in this case.

Listed for hearing on 25.10.1990 on interim matter.

The application for permission for Joint application is allowed.

checked
5/4/90
5/9/90

Sd/-

A.M.

Sd/-

J.M.

11 True Copy 11

17/10/90

rrm/

Deputy Registrar
Central Administrative Tribunal
Circuit Bench,
Lucknow, U.P.,
Lucknow

IN THE HON'BLE CENTRAL ADMNISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW

~~201~~ Misc P An. No. 532 of 1990 (L)

In Re

O.A. No. 277 of 1990 (L)

K.K. Narang & others ... Applicants

Versus

Union of India & others ... Respondents

Application for permission for joint application.

1. That all the applicants are working as Assistant Chemist in the pay scale of 2000-3500 Group B Gazetted and are posted at present in Chemical Division, Northern Region, Geological Survey of India, Lucknow.

2. That the applicants are aggrieved by the selection held by the Union Public Service Commission for the post of Chemist (Junior).

Therefore, it is most respectfully prayed that for the reasons stated above and in the original application the Hon'ble Tribunal may be pleased to allow the applicants to file a joint application in the interest of justice.

Place: Lucknow

Dated: 29.8.90

Asit Kumar Chaturvedi

Advocate,
Counsel for the applicants

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129
IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW

~~Civil~~ MiscP An. No. 532 of 1990 (L)

In Re

O.A.No. 277 of 1990(L)

K.K.Narang & others ...Applicants

Versus

Union of India & others ... Respondents

Application for permission for joint application.

1. That all the applicants are working as Assistant Chemist in the pay scale of Rs 2000-3500 Group B Gazetted and are posted at present in Chemical Division, Northern Region, Geological Survey of India, Lucknow.

2. That the applicants are aggrieved by the selection held by the Union Public Service Commission for the post of Chemist (Junior).

Therefore, it is most respectfully prayed that for the reasons stated above and in the original application the Hon'ble Tribunal may be pleased to allow the applicants to file a joint application in the interest of justice.

P.T.
SSR
29/8

Place: Lucknow

Dated : 29.8.90

Abit Kumar Chaturvedi
Advocate,
Counsel for the applicants

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

✓ 30
7

O.A. NO.277 of 199 (L)

K.K. Narang and others **Applicant.**
versus
Union of India & Others **Respondents.**

29.8.1990

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

Hon'ble Mr. K. Chayya, A.M.

Heard. Admit. Issue notice to the respondents.

Counter Affidavit may be filed within eight weeks hereof.

Rejoinder affidavit within two weeks thereafter.

As regards the interim p'r. The appointment to the post of Jr. Chemist made hereinabove shall remain subject to the decision of the Tribunal far it affects the right of the petitioner in this case, listed for hearing on

25.10.1990 on interim matter. application for permission for Joint application is allo

checked by

30/8/90

Sd/-

Sd/-

A.M.

J.M.

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30.8.90

Deputy
Central Admin. Tribunal
Lucknow

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Received copy
K.K. Narang
30/8/90
K. Chayya
30/8/90
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K. Chayya
30/8/90

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

8

O.A. NO.277 of 1990 (L)

K.K. Narang and others **Applicant.**
Versus
Union of India & Others **Respondents.**
29.8.1990

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

Hon'ble Mr. K. Obayya, A.M.

Heard. Admit. Issue notice to the respondents.

Counter Affidavit may be filed within eight weeks hereof.

Rejoinder affidavit within two weeks thereafter.

As regards the interim prayer. The appointment to the post of Jr. Chemist made hereinafter shall remain subject to the decision of the Tribunal so far it affects the right of the petitioner in this case. Listed for hearing on 25.10.1990 on interim matter. The application for permission for Joint application is allowed.

Checked by

L.P.G.P.
copy in
R.S.

Sd/-

A.M.

Sd/-

J.M.

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RKM/

Deputy Regist.
Central Administrative Tribunal
Lucknow Bench,
Lucknow

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7/1 30.8.90

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

(32)

(7)

O.A. NO.277 of 1990 (L)

K.K. Narang and others

.....

Applicant.

Versus

Union of India & Others

.....

Respondents.

29.8.1990

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

Hon'ble Mr. K. Chayya, A.M.

Heard, Admit, Issue notice to the respondents.

Counter Affidavit may be filed within eight weeks hereof.

Rajoinder affidavit within two weeks thereafter.

As regards the interim prayer. The appointment to the post of Jr. Chemist made hereinafter shall remain subject to the decision of the Tribunal so far it affects the right of the petitioner in this case. Disted for hearing on 25.10.1990 on interim matter. The application for permission for Joint application is allowed.

Checked by

20/9/90
A.M.

Ref

Sd/-

A.M.

Sd/-

J.M.

11 True Copy 11

ccm/

30.8.90
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Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow