

## FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow BENCH

OA/TA/RA/CP/MA/PT 286 of 2020, 1990

V. K. Lal.....Applicant(S)

Versus

U.O.I. &amp; others.....Respondent(S)

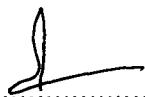
## INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
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	R. R.	A36 - A39

Certified that the file is complete in all respects.

B.C. file beded out &amp; duty

Signature of S.O.



Signature of Deal, Hand

## GENERAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

Circuit Bench, Lucknow  
Date of Filing . . . . . 28/8/90  
Date of Receipt by Panel . . . . . 28/8/90

711  
Deputy Registrar (P)

Registration No. 286 of 1989-90 (L)

SAC  
28/8

APPLICANT(s) Shri Viraj Kumar Lal

RESPONDENT(s) U.O.G.

Particulars to be examinedEndorsement as to result of examination

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 ? *yes*

3. a) Is the appeal in time ?  
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 / Jakalatnama been filed ? *yes*

5. Is the application accompanied by S.O./ 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 ? *No*

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

28/9/90 (E)

A-2  
A

11-9-90

~~Hon'ble Justice K. Nath V.C.  
" M.M. Singh A.M.~~

Due to sick absence of Hon'ble Justice Nath, case is adjourned  
to 12-9-90

A.PT.

V.C.

W.

B.O.C

12.09.1990

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

Hon'ble Mr. M.M. Singh, A.M.

Issue notice to the respondents why this petition be not admitted and list for admission on 30.11.90 when the respondents shall produce the record of the selection referred to in paras 4(3) & 4(4) of the application. The case is likely to be disposed up finally on the date fixed.

Sd/-  
A.M.

Sd/-  
V.C.

3-11-90  
No sitting adj. to 13.12.90.  
Hon'ble Mr. Justice K. Nath V.C.  
Hon'ble Mr. K. Chawla A.M.  
Notices issued to resopnts on

Notice issued

18-9-90

18.9.90 to show cause are presumed served  
No reply has been filed.

ADMIT.

Issue notice counter may be filed within 04 weeks, rejoinder within 2 weeks thereafter. List before D.R. on 07.2.91 for fixing a date after completion of record if possible.

Sd/  
A.M.  
Sd/

Sd/  
V.C.

Notices issued on 10.9.90.

Neither reply  
nor any unsworn  
rep. has been  
taken back

S.P.A

OK  
Captured 19.12.90  
19.12.90  
19.12.90  
Notices issued  
19.12.90

A-3  
10

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. NO. 286/1990

V.K. Lal

Applicant.

versus

Union of India & others

Respondents.

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

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

The applicant has prayed that a direction may be issued to the opposite parties to appoint him immediately on the post of Messenger. The applicant is a Member of Scheduled Caste community. It appears that 3 posts of Messengers fell vacant in the office of the Commandant, Command Hospital, Central Command, Lucknow. The Employment Exchange sponsored the names of certain candidates including that of the applicant for the same. In the selection, the applicant was also selected and his name was placed at No. 3. He was, like others, to undergo medical examination, which he passed successfully. It appears that before appointment two posts were cancelled. The applicant says that the opposite parties are not inclined to appoint him and they are going to make fresh selection. In this connection reliance has been made on the Ministry of Home Affairs (Department of Personnel & Administrative Reforms) O.M. No. 22011/2/19-Estt (D) dated 8.2.1983, reference has been made to para 4 of the same which reads as under:

16

"Once a person is declared successful according to the merit list of selected candidates, which is based on the declared number of vacancies, the appointing authority has the responsibility to appoint him even if the number of vacancies undergoes a change, after his name has been included in the list of selected candidates. Thus, where selected candidates are awaiting appointment recruitment should either be postponed till all the selected candidates are accommodated or alternatively intake for the next recruitment reduced by the number of candidates already awaiting appointment and the candidates awaiting appointment should be given appointments first, before starting appointments from a fresh list from a subsequent requirement or examination."

From the above it is clear that the applicant, although his name is included in the selected applicants' list, could be appointed prior to appointment of any person whose name finds place in the subsequent selection. This is precisely what the applicant has prayed for. The opposite parties have not come forward with the case that, ~~like~~ as the posts have been cancelled, his name also goes out of list and he cannot be considered. Accordingly, the applicant is entitled to the relief prayed for and as such a direction <sup>is</sup> issued to the opposite parties to consider the name of the applicant for appointment before any other person is appointed in the subsequent selection in terms of para 4 of the D.M. referred to above. In the circumstances of the case, there is no order as to costs.

*transcript*  
A.M.

*l*  
V.C.

*Shorkeel*

Lucknow Dated: 5.3.91.

P-6  
/ 20

I. THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Vijay Kumar Lal, son of Sri Puthulal Balmiki, resident of Purani Gun Factory area, sadar, Lucknow.

• • • applicant

versus

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. The General Officer Commanding-in-Chief, Central Command, Lucknow.
3. The Deputy Director, Medical Services, Headquarters Central Command, Lucknow.
4. The Commandant, Command Hospital, Central Command, Lucknow.

• • • Opp. Parties

DETAILS OF APPLICATION

1. Particulars of the order against which the application is made:

Seeking a direction to appoint the applicant on the post of messenger.

2. Jurisdiction of the Tribunal:

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

3. Limitation:

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

BY (AJ)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow, U.P., BEING  
Circuit Bench, Lucknow

Date of Filing 28.1.89  
Date of Receipt by Post.....

Deputy Registrar (J)

VIJAY KUMAR LAL . . . . . APPLICANT SSW  
28/8/89

VERSUS

UNION OF INDIA & OTHERS . . . . . OPP. PARTIES

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE

TRIBUNAL ACT, 1985

I N D E X

Sl. No.	Descriptions of documents relied upon	Page No.
1.	Application	1-6
2.	Annexure No. 1: Copy of interview letter	7
3.	Annexure No. 2: Copy of medical certificate	8
4.	Annexure No. 3: Copy of O.M. dated 8-2-1983	9-11
5.	Annexure No. 4: Copy of representation dated 27 sep.89	12-15
6.	Annexure No. 5: Copy of representation dated 20-8-90	16-17
7.	Power	-18

filed today  
SSW  
28/8/90

Signature of the  
Applicant

For use in Tribunal's Office

Date of filing

or

Date of receipt by post  
Registration No.

Signature  
for Registrar.

~~SECRET~~ R+

4. Facts of the case:-

(1) That the applicant is a Scheduled Caste Candidate. His qualification is 8th Standard. He got his name registered in the Year 1983 with the Employment Exchange Lucknow and the Registration No. is U/11157/83.

(2) That there were 3 posts of Messengers fell vacant in the office of opposite party No.4, the informed opposite party No. 4/~~selected from~~ the Employment Exchange Lucknow, to sponsor certain names for selection and accordingly about 100 candidates were sponsored by the Employment Exchange.

(3) That the applicant was called for interview vide letter dated 12th August 1989 by the opposite party No.4 as his name was also sponsored by the Employment Exchange. A copy of the interview letter is being annexed herewith as Annexure No. 1 to this application.

(4) That the selection took place on 22nd August 1989 before a selection Board specially constituted for this purpose, consisting of Lt. Col. P.C. Mohanti, Lt. Col. Vijai Raghavan and Lt. Col A.V. Singh (3 member Board). The applicant alongwith other candidates appeared before the Board and a select list was prepared by the Board. The applicant was selected and he was asked to undergo a medical Examination by an army Doctor, on 30-8-89. On 30-8-89 the applicant was declared medically fit for Government Job. a photocopy of the medical Certificate issued by Maj. P.C. Nandan, Medical Officer, Central Command, Lucknow is attached herewith as Annexure No. 2 to this application.



(5) That the applicant submitted the medical Certificate on the same very day i.e. on 30-8-89 and the applicant was given certain forms such as Attestation Forms, character Certificates etc. which too the applicant completed to hand over to the opposite party No. 4 on 1st September 1989.

(6) That on 1st September 1989 the applicant was asked to come on 13th September 1989 to join duty. Accordingly the applicant attended the office of the opposite party No.4 on 13th September 1989, he was repulsed from the office for the reasons best known to the authorities.

(7) That later on the applicant came to know that one Sri Tara Chand was appointed by the opposite party No. 4 out of the select list of the candidates. Therefore, there remains 2 vacancies and the select list is still in existence.

(8) That the applicant has reasons to believe that the opposite parties are going to oblige other caste candidates and that is why they did not even care the Ministry of Home Affairs (Department of Personal and Admin. Reforms) O.M. No. 22011/2/19-Estt (D) dated 8-2-1983 wherein the Rules for select list has been laid down. A copy of the O.M. No. 22011/2/19-Estt(D) dated 8-2-1983 is being annexed herewith as Annexure No. 3 to this application.

*Bomali*

(9) That immediately the applicant sent a representation on 27th September 1989 to the opposite parties besides several others under certificate of posting. A copy of the representation alongwith the certificate of posting is annexed herewith as Annexure No. 4 to this application.

(10) That again the applicant sent another

representation on 20-8-1990 through registered post. These representations are still pending but no action has yet been taken by the opposite parties. A copy of the representation dated 20-8-90 is being annexed herewith as Annexure No. 5 to this application.

5. Grounds for relief with legal provisions:-

- (1) Because the applicant was duly selected by a Selection Board and his name is in the select list.
- (2) Because the petitioner was asked to appear for a medical test and the applicant was declared medically fit for Government Job.
- (3) Because the applicant was asked to complete the pre-requisite formalities for appointment and the applicant completed the same.
- (4) Because the applicant is a Scheduled Caste candidate and the selection was made for the appointment of Scheduled Caste and Scheduled Tribe Candidates.
- (5) Because the opposite parties have not followed the ~~xx~~ directions contained in the O.M. No. 22011/2/19-Estt (D) dated 8-2-1983.
- (6) Because all the representations of the applicant is pending.

6. Details of the remedies exhausted:

Representation dated 27 September 89 and representation dated 20/8/90, which were moved by the applicant is still pending.

7. Matters not previously filed or pending with any other court:-

The applicant had not previously filed any

application, writ petition or suit regarding the matter before any court.

8. Reliefs sought:

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

(1) This Hon'ble Tribunal may kindly be pleased to issue a direction to the opposite parties to appoint the applicant immediately on the post of Messenger.

(2) Any other relief which this Hon'ble Tribunal deems just and proper be also passed.

9. Interim Order, if any prayed for: No

10. In the event of application being sent by registered post, it may be stated whether the applicant desires to have oral hearing at the admission state and if so, he shall attach a self-addressed postcard or Inland letter, at which intimation regarding the date of hearing could be sent to him.

11. Particulars of Bank Draft/Postal Order filed in respect of the application fee.

12. List of enclosures:-



1. Copy of interview letter dated 12/8/89 as Annexure No.1.
2. Photostat copy of Medical Certificate as Annexure No.2.
3. Copy of Office Memorandum dated 8/2/83 as Annexure No. 3
4. Copy of representation dated 27 Sep 89 as Annexure No.4
5. Copy of representation dated 20-8-90 as Annexure No.5.

VERIFICATION

I, Vijay Kumar Lal, son of Sri Puthu Lal Balmiki aged about 21 years resident of Purani Gun Factory Area, 2<sup>1</sup>/<sub>3</sub> Sadar, Lucknow, do hereby verify that the contents of paras 1 to 12 are true to my personal knowledge. I have not suppressed any material fact.

  
Dated: Lucknow  
1990

  
Signature of the  
applicant

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

AM 12

In the Central Ministry of India 1920

Lucknow Bench

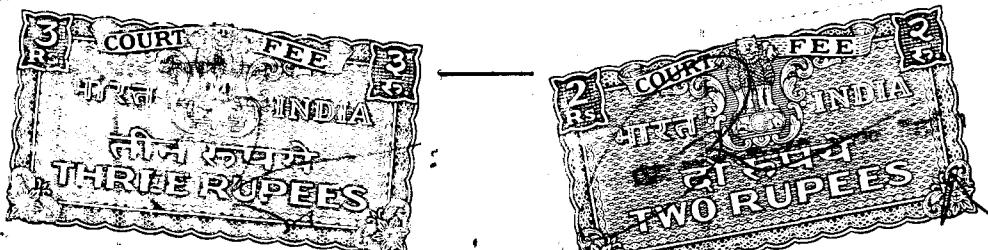
ब अदालत श्रीमान

( बादी अपीलान्ट )

प्रतिवादी [रेप्पारेंज]

महोदय

**वकालतनामा**



Vijay Kumar Jain

कानूनी वकालतनामा (प्रतिवादी रेस्पांडेंट)

नं० मुकद्दमा सन् पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

SURJAN D. RAY: P.  
FAROOQ AHMAD

वकील

महोदय

एडवोकेट

कानूनी वकालतनामा	नं०	मुकद्दमा	नं०
प्रतिवादी	नं०	उपर्युक्त	नं०

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 पैरबी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटाव या हमारी ओर से डिगरी जारी करावें और रूपया बसूल करें 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 रूपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया 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 पैरबी में एक तरफा मेरे खिलाफ फेसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह) ... ... ... ... ... ... ... ... ... ... ... ...

दिनांक ... ... ... ... ... ... ... ... ... ... ... ... ... ... ...

महीना ... ... ... ... ... ... ... ... ... ... ... ... ... ...

सन् १६ ई०

हस्ताक्षर

In the Central Delimitation Tribunal  
Delhi Bench (2)  
A13

Vijay Kumar Lal - applicant  
Venus

Union of India & others - Opp. party

Annexure No 1

पुर संख्या : 2422

उपर्युक्त  
क्षेत्र नम्बर  
मध्य उपाय  
दल्लूड - 226002  
12 अक्टूबर 89

505/छन्दपुरी/196

श्री/श्रीमति विजय कुमार लाल 5/0  
श्री पद्मलाल कुमारी पुरानी 5/0  
पुरानी 5-16/3 लैलूड  
लैलूड

रिक्त पढ़ हेतु साक्षात्कार

1 आपका वास अपर लिंगे पढ़ हेतु हार्दिय ऐटार्डेप्स टार्फिले ऐ प्राप्त  
हुआ है।

2 आपको दूर्घित किया जाता है कि आपका साक्षात्कार दिनांक  
22 अक्टूबर 89 को प्रातः 0900 बजे इस दार्त्ता के लिए है। आप अपेक्षा सक्रिय  
प्रमाण पत्र विपाटशीला प्रमाण पत्र, अनुमति, वार्ता, विवरण आदि शापद्धा  
किसी प्रकार का फौहं सत्ता देव दर्शी नहीं होता।

लैलूड  
दृष्टि द्वारा दर्शाया गया है।

- T. C. collector

प्र  
1989

(8)

In the Central Administrative Tribunal  
between Bhopal  
Vijay Kumar Lal - - Bhopal  
22nd

Government of India and the - - of Park

Number no 2

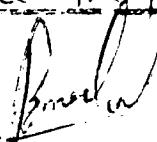


#### MEDICAL CERTIFICATE

I hereby certify that I have examined Sh. Vijay Kumar Lal a civilian Government in the Central Hospital, Central Command Bhopal, and can not discover that he is (uncommandable or otherwise) equal to the discharge of his duty except \_\_\_\_\_  
which is not a disqualification  
for appointment in the Central Hospital Central  
Command Bhopal as Member. His/Her age is  
according to his/her own statement 28 yrs 8 months years and  
by appearance about 28 years.

Identification marks:-

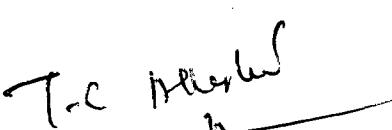
1. A mole over the posterior aspect of left shoulder
2. A mole in front of the neck



Signature of individual

Signature of Medical Officer  
Central Hospital  
Central Command  
Bhopal

Dated: 30/8/85

  
T.C. Marks

In the Name of Regional Command - Central  
Indian Army  
Ref: B15

Vijay Kumar Lal --- applicant

Rank: <sup>Warrant</sup> Naik  
Name of Devalakar - SP Rank

Annexure No. 3

6  
A2  
A3

TELE MILY : 666

Mukhya Abhiyanta  
Mukhyalaya Madhya Kans  
Chief Engineer  
HQ Central Command  
Lucknow-226012

910126/1/Pol/171/EIC(I)

30 Apr 83

Chief Engineers

Lucknow Zone, Lucknow  
Barailly Zone, Barailly  
Jabalpur Zone, Jabalpur

VALIDITY PERIOD OF LIST OF SELECTED CANDIDATES  
PREPARED ON THE BASIS OF DIRECT RECRUITMENT  
DEPARTMENTAL COMPETITIVE EXAMINATION

1. A copy of Ministry of Homo Affairs (Department of personnel & Administrative Réforms) OM No 22011/2/79-Estt(D) dated 08 Feb 83, received under E-in-C's Br Army HQ New Delhi letter No 90241/Policy EIC dated 19 Apr 83 on the above subject is forwarded herewith for guidance and necessary action.

R.L.D...

( BL Tancja )

AO I

for Chief Engineer

Encl: One

Copy to:-

All Cswc/CE(I)/CE/BSO (I)

ID

EIOB(Adm)

7/2  
T. A. W.

A16

A-2  
M

- 2 -

the next examination should take into account the number of persons already on the list of selected candidates awaiting appointment. Thus, there would be no limit on the period of validity of the list of selected candidates prepared to the extent of declared vacancies, either by the method of direct recruitment or through a Departmental Competitive Examination.

4. Once a person is declared successful according to the merit list of selected candidates, which is based on the declared number of vacancies, the appointing authority has the responsibility to appoint him even if the number of vacancies undergoes a change, after his name has been included in the list of selected candidates. Thus, where selected candidates are awaiting appointment, recruitment should either be postponed till all the selected candidates are accommodated or alternatively intake for the next recruitment reduced by the number of candidates already awaiting appointment and the candidates awaiting appointment should be given appointments first, before starting appointments from a fresh list from a subsequent recruitment or examination.

5. Ministry of Finance etc, are requested to bring the above instructions to the notice of all the appointing authorities under them for information and guidance.

In the Central Administrative Tribunal, 12  
between Bench.

(A17)

Vijay Kumar Lal -... applied  
very

to the Central Admin. -... applied (1)

Answered not

(A17)

20

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Subject:- REQUEST FOR APPOINTMENT AS A MESSENGER IN GOVT. SD HOSPITAL  
CENTRAL COMMAND, LUCKNOW UNDER RESERVATION - INDIA;

Respected Sir,

Most humbly and respectfully I beg to lay down few words for your kind and favourable consideration and urgent action please:-

2. I am a resident of Village KILM THA ( A.I.B. - PFR )  
P.O. KILM THA, DISTT LUCKNOW. I have passed VIII  
class examination, my date of birth is 1st December  
1960. I have registered my name in the Employment  
Exchange, Lucknow under registration No. 0/11189/83  
dated 22 August 1983. I belong to very poor 'scheduled  
Caste ( BAIKIKI ) community.

3. My father Shri RUTTU LAL was serving in the Command  
Hospital, Dental Centre, Central Command, Lucknow  
as a civilian Sepaiwala. He has been retired from  
the service on 30th Jun 1985 on attaining the age  
of superannuation. I have worked as a Casual Messenger  
in Geological Survey of India Lucknow during the  
following periods:-

Sl. No.	From	To
1.	10 Nov 82	13 Dec. 82
2.	16 Dec 82	10 Feb 83
3.	15 Feb 83	18 Jun 83

4. My name for the post of Messenger was sponsored  
by the Employment Exchange to the Command Hospital,  
Central Command, Lucknow. I was informed under CH (CC)  
Lucknow letter No. 505/Co/198 dated 12th August 88  
to appear for the interview on 22 August 88 along with  
others. I was selected for the post of Messenger on  
the same day.

5. I was sent for medical examination on 30th Aug 88 and  
was declared fit. My verification forms and character  
certificate were completed and handed over on 1st Sep'  
1988. I was called again on 12th Sep'88 along with  
other to complete the documents.

13  
RJD

26

- 3 -

6. But as bad luck would have it, I was told that there is no vacancy o-f Messenger in Command hospital, Central Command, Lucknow. This decision came to me as a bolt from the blues.

In this connection, I beg to say that when there was an vacancy then why I was selected for the post of Messenger. Why I was sent for medical examination. Why my verification roll was got completed by me and deposited in their office. I smell a rat-into all this affairs. It goes to prove that a red tapism is going on in the appoint of Messenger in the Command Hospital, Central Command, Lucknow.

7. My father was working in the Command Dental Centre, Lucknow and he was retired on 30th June, 1983 as a Safaiwala. Being a Scheduled Caste (BALWIKI) community and a son of the retired employee of Command Hospital, Central Command, and experienced in the professional job, I should have been given the chance of Messenger. But to my great misfortune a great-injustice has been done to me.

8. In view of the above, I pray your honour to have mercy on my miserable plight and appoint me as a Messenger under quota o-f reservation so that I may save my family from acute starvation.

9. Hoping to grant my request and thanking your honour in anticipation.

Yours faithfully,

Encl. NINE

Dated : 27 Sept. 1989.

O/C

Vikram Singh

( M.JAI SINGH JAI )  
P.C. 17771  
V.I. 17 - 410014,  
A.I.E. T.C. 00-01-17  
L-23.

T.C. alias  
M. T. S.

UNDER CERTIFICATE OF POSTING

A19

① The Honourable President  
Shri R. Venkata Raman,  
President's Secretariate  
NEW DELHI



② The Honourable Prime Minister  
Shri Rajiv Gandhi  
Prime Minister's Secretariate  
NEW DELHI

③ The Honourable Defence Minister  
Shri K. C. Pant  
Ministry of Defence  
NEW DELHI

④ The Director General of  
Medical Services  
(DGMS-3B)  
Army Headquarters  
DHQ PO NEW DELHI-11



⑤ The D D M S  
HQ, Central Command  
NEW DELHI

⑥ The A D M S  
HQ, U.P. Area  
BAREILLY

Indo-Sarac Central Admnistrative Board  
Liberia Beach 185  
Vegetation land --- appear ②  
was  
Name of Indi and etc --- appear A 20  
Principe no 5 A 20

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A20

10

Brinsekose nr 5

### COMPLAINT

Schedule Caste and Schedule Tribes Commission,  
FOR PERSONAL ATTENTION ON Newdelhi.  
PLEASE.

200

1. Honble Shri Ram Bhai Patel  
Shram & Kalyan Mantri, Newdelhi.
2. Honble Shri Ram Dutt, Chairman,  
Schedule Caste and Schedule Tribes Commission,  
CN Newdelhi.
3. Honble Shri V. P. Singh, Prime Minister of India,  
Newdelhi.
4. The D. G. Medical Services, (DMS-3B), Army HQs  
DHQ. PC Delhi -11.
5. The D. D. M. S. HQ. Central Command Lucknow.
6. The Commandant, Command Hospital, Central Command  
Lucknow.

Subj: Requirement of S.C./S.T. to the M.L.C. of  
Metropolis.

Respected sir,

I am constrained to write you at once,

1. That for three posts of messengers, candidates were called from the Local employment exchange, Lucknow & about 100 candidates from Exchange were sponsored and I was called for Interview vide Shri P. P. Singh Ident. & Company Commander Letter No. 305/Company/196 dtd 12.8.89. (Copy attached).
2. That I was selected and called for Medical Examination on 30.8.89. Maj. PC Kadian declared me medically fit for Govt service. (Photocopy attached).
3. That I was asked to complete all pre-requisite formalities for appointment on the EDIMS supplied by the commandant office which I completed but when I went to submit the same I was ~~intoxicated~~ repulsed from the office for the reasons best known to the authority. To my mind, perhaps I was repulsed because I could not oblige the office. Out of three vacancies, only one has been filled up by one Shri Thakur and whereas One post to be filled up by SC and One by ST Candidate is

(A2)

17

still vacant. I have reasons to believe that they are going to oblige the other caste candidates and that is why they did not even create the Ministry of Home Affairs (deptt of personal and Admin Reforms) O.M. No. 22011/2/19-Estt(D) dti 8.2.1983 where in the Rules for Select List has been laid down.

4. That I was selected by the selection Board consisting of Lt. Col. PC Mohanti, Lt. Col. Ujai Raghuvan and Lt. Col A. V. Singh (3 member Board) and Medically declared fit by Dr. Maj. PC Madan of the Command Hospital, the reasons for not giving me appointment or keeping my name on the select list is a mystery and has not been made known to me still today despite repeated requests orally as well as in writing.
5. That the vacancies are still vacant but I am being refused the job because I belong to the schedule caste community and Govt is every day making broadcast to the Nation that they are granting concessions to the depressed class of society for their upliftment.

P R A Y E R.

Wherefore, it is respectfully prayed that your goodself may please be kind enough to enquire the matter and oblige me by directing the Commandant office authorities to favour me by giving me my legitimate claim and appoint me as messenger when the post is vacant and I am a Select candidate and fulfill all the requisite qualification. For this act of kindness I shall every remain grateful to you.

Thanking you,

*T. C.*  
*all the time*

Encls. as above( )

dated at Lucknow.

the 90.8.1990.

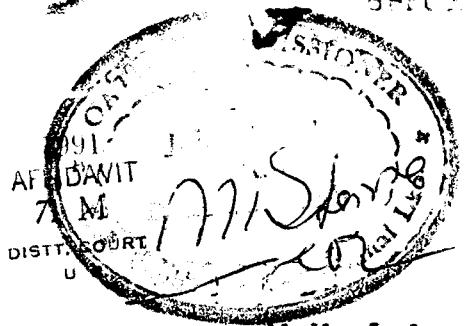
yours faithfully,

*B. J. Kumar Lal*  
( B. J. Kumar Lal )  
S/o Sri Puttulal Balmiki  
Purenji Gun Factory, Lucknow.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

C.A. NO. 286 of 1990(L)



V. K. Lal

.. Applicant

-versus-

Union of India and others ... Opposite parties

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES.

Colonel

I, A.D. Bhave, aged about 55 years, son of late Shri DK Bhave, at present posted as Offc. Sr. Registrar & OC Troops, in the office of the Command Hospital, Central Command, Lucknow do hereby solemnly affirm and state as follows:

1. That the deponent has been authorised to file this counter affidavit on behalf of all the opposite parties.
2. That the deponent is well conversant with the facts of the case and the facts deposed to herein under in reply thereof.
3. That before giving parawise reply to the averments made in the application certain facts and circumstances which are relevant as stated herein under:-

(a) That there were 3 vacancies of the post of Messenger (one for ST and two for SC) were lying vacant in the Command Hospital

~~PA~~ A22

*filed today*

*SS*  
*7/12/91*

*D. K. Shinde*  
*7/12*

Lucknow. A photostat copy of statement showing details of various vacancies reserved for SC/ST dated 25 Sept 89 is being filed herewith as Annexure-C-1 to this affidavit.

(b) All the vacancies released for filling up through Employment Exchange vide AD MS UP Area, Bareilly (appointing authority) letter No.291973/RES/M-3(B) dated 29 June 1989 were cancelled vide their letter of even Number dated 07 Sept 89.

Photostat copies of the above letters are being filed herewith as Annexures C-2 and C-3 to this affidavit, respectively. Thus only one vacancy for a SC candidate was left for filling up for which the candidate standing on the top of the merit list was considered and appointed.

(c) That accordingly local employment exchange was requested to sponsor names of suitable candidates for all the above posts including one ST candidates.

(d) That the Employment Exchange Lucknow sponsored 20 candidates for the post of messenger out of which only four candidates reported for interview on 22 Aug. 1989 and 16 of them absented. All the four candidates were interviewed on the same day <sup>and</sup> <sub>^</sub> were placed in order of merit as under:-

(a) Shri Tara Chand, Educational qualification -Intermediate, Marks secured in the interview - 58 marks.

M/S/one  
202

(b) Shri Pawan Kumar,  
Education - 8th Class - Marks obtained 44 - II

(c) Sri Vijay Kumar Lal  
Education: 8th class  
Marks obtained - 40 - III

(d) Sri Chander Mohan  
Education - 10th class  
Marks obtained - 30 - IV

(e) That all the first 3 candidates ie (a) to (c)  
were sent for their medical examination and all the  
three were declared medically fit.

(f) That Shri Tara Chand standing at the top of  
the merit list was considered for the post of  
messenger. The remaining three candidates including  
the applicant were informed for their non-selection  
and their relevant certificate/testimonials were  
returned to them. The appointing authority issued  
appointment offer to Shri Tara Chand for the post  
of messenger being on the top of the merit list.

(g) That the applicant was neither asked to join  
duty nor he ever reported in the Hospital for duty.

(h) That the petition of the petitioner received  
in the office of the deponent from HQ. Lucknow Sub Area  
was replied vide letter No.505/Coy/385 dated 09 Dec 89  
to HQ. Lucknow Sub Area.

4. That the contents of para 1 to 3 of the  
application need no comments.

*777 Show  
202*

5. That the contents of para 4(1) of the application need no comments.

6. That in reply to the contents of para 4(2) of the application it is submitted that the Employment Exchange sponsored 20 Scheduled Cast candidates for the post of Messenger and not 100 candidates as alleged by the applicant. No suitable Scheduled ~~Cast~~ Tribes candidates were available from local Employment Exchange.

7. That the contents of para 4(3) of the application need no comments.

8. That in reply to the contents of para 4(4) of the application it is submitted that out of 20 candidates sponsored by Employment Exchange, only 4 candidates reported for interview on 22 August, 1982. All the four candidates were interviewed on the same day and were placed in order of merit as under:-

(a) Shri Tara Chand - Educational qualification - Intermediate	Marks obtained - 58 out of 100 .. I
(b) Sri Pawan Kumar - Education - 8th Class - Marks obtained - 44	II
(c) Sri Vijay Kumar Lal Education - 8th class - Marks obtained	- 40 III
(d) Sri Chander Mohan Education - 10th Class Marks obtained	- 30 IV

The first 3 candidates i.e. (a) to (c) above were

AB6  
4  
A25  
sent for their medical examination and all the three were declared fit for service.

A2b  
A2c

9. That the contents of para 4(5) of the application need no comments.

10. That in reply to the contents of para 4(6) of the application it is submitted that the applicant was not issued with any appointment letter and was never ~~so~~ asked to join duty on 13th Sept. 1989 nor did he come to the Hospital on the said date to join duty. Thus the question of his having been repulsed from the office does not arise.

11. That in reply to the contents of para 4(7) of the application it is submitted that the appointing authority later on cancelled all the vacancies released by them vide their letter No. 291973/PES/M-3(P) dated 29 June 1989 vide their letter of even No. dated 07 Sept 89 (Annexures C-2 & C-3 refers), which included two vacancies of Messenger one each for SC and ST candidate. Thus only one vacancy of Messenger for SC candidate remained to be filled up through the Employment Exchange. This vacancy was filled up by appointing Shri Tara Chand standing on the top of the merit list.

12. That in reply to the contents of para 4(8) of the application it is submitted that the relaxation of the Cabinet Ban was for Scheduled Caste and Scheduled Tribes candidates only and, therefore, the question of appointment of candidates from other castes does not arise.



13. That in reply to the contents of para 4(9) of the application it is submitted that the representation dated 27 Sept 89 addressed to the Hospital was received from HQ. Central Command Lucknow vide their letter No.325502/2/M-3(B) dated 13 Oct 89 for comments and return. The comments on the same were offered vide Command Hospital letter No.505/Coy/319 dated 31 Oct 89. Photostat copies of the said letters are being filed herewith as Annexures C.4 & C-5 to this affidavit, respectively.

14. That in reply to the contents of para 4(10) of the application it is submitted that the representation dated 20 Aug. 1989 from the ~~xxxxxx~~ applicant stated to have been sent to the office of the deponent was not received. However, a copy of the representation dated 27 Sept 1989 was received through HQ. Lucknow Sub Area vide their letter No.12601C/G(SD) dated 01 Dec 1989 and the same was replied vide letter No.505/Coy/285 dated 09 Dec 89. Photostat copies of the said letters, ~~is~~ are being filed herewith as Annexures C-6 & C-7 respectively ~~xxda~~ to this affidavit.

15. That in reply to the contents of para 5(1) of the application it is submitted that the applicant

12/12/89  
Sheriff

was placed 3rd in the merit list. Since only one vacancy was to be filled up, candidate standing at the top of the merit list was appointed and all the remaining three candidates were informed accordingly. Their educational certificates and other testimonials were returned to them.

16. That in reply to the contents of para 5(2& 3) of the application it is submitted that since initially (before cancellation of vacancies) two vacancies for scheduled caste candidates were to be filled up by Scheduled caste candidates, first 3 candidates in the merit list were sent for medical examination. Subsequently on cancellation of one vacancy, only one vacancy remained and the same was filled up by the scheduled caste candidate standing on the top of the merit list.

17. That in reply to the contents of para 5(4) of the application it is submitted that the selection was made out the scheduled <sup>caste</sup> candidates only and not from the scheduled tribe candidates as stated by the applicant.

18. That in reply to the contents of para 5(5) of the application it is submitted that the office of the deponent has followed the directions of the appointing authority.

Shane 19. That the contents of para 5(6) of the

application ~~xxxxxx~~ are incorrect as stated, hence denied and in reply it is submitted that no representation of the applicant is pending in the office of the deponent.

20. That the contents of para 6 of the application are incorrect as stated, hence denied and in reply it is submitted that no representation of the applicant is pending in the office ~~xx~~ of the answering deponent.

21. That the contents of para 7 of the application need no comments.

22. That in reply to the contents of para 8 ~~xx~~ of the application it is submitted that there is no vacancy of Messenger now in the office of the deponent.

23. That the contents of para 9 to 12 of the application need no comments.

24. That the grounds taken by the applicant are not tenable in the eyes of law and the applicant is not entitled to get any relief sought by him.

25. That in view ~~sof~~ of the facts, circumstances and reasons stated in the foregoing paragraphs

DJShane  
cc

-9-

the application filed by the applicant is liable to be dismissed with costs to the R opposite parties .

1711 Shaw  
Depoent.

Lucknow,

Feb. 1991.

### Verification.

I, the above named deponent do hereby verify that the contents of para 1 & 2 of the affidavit are true to my personal knowledge, those of paragraphs 3 to 23 of the affidavit are believed to be true on the basis of information gathered and office records and those of paragraphs 24 & 25 are believed to be true on the basis of legal advice. No part of this affidavit is false and nothing material fact has been concealed.

Alvin Sharpe  
Deponent. 7/17

Lucknow,

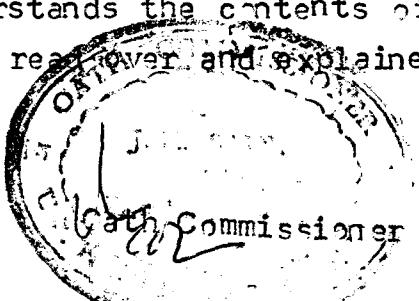
Dated: Feb. 91.

I identify the deponent who has signed before me and is also personally known to me.

(VK Chaudhari)  
Addl Standing Counsel for Central Govt  
(Counsel for the Cpn. parties)

Solemnly affirmed before me by the  
deponent this day 1991 at am/pm  
who has been identified by Shri VK Chaudhari, Advocate  
High Court, Lucknow Bench, Lucknow.

I have satisfied myself by ~~examining~~ examining the deponent that he understands the contents of this affidavit which have been read over and explained to him by me.



Annexure C-1

~~10~~  
A31

Statement showing details of various

Unit :- Command Hospital Central Command Lucknow

Reservations made by AMIS UP Area vide letter I  
dated

	<u>26 Aug 84 Roster</u> sG ST No. On Retirement/ death/release etc	<u>13 Aug 85 Roster</u> sG ST No. On retirement/ death/release etc	<u>27 Jul 85</u> sG ST On Retire death/rel no onward number seen
Messenger✓	1 - 71 (Par) 200	- - -	- - -
Tailor	- - -	- 1 @ 44 { Par 2(3)	- -
Boot Repaire	- - -	- - -	- -
Cook	- - -	- - -	- -
Sweeper(Male)✓	- - -	- - -	1 ✓ -
Instr. hospital	- - -	- - -	- -
Att.	- - -	- - -	- -
Mard Sahayika	- - -	- - -	- -
Turner	- - -	- - -	- -
Final Sweeper✓	- - -	- - -	1 ✓ -
<b>Total:</b>	<b>1 -</b>	<b>- 1</b>	<b>2 -</b>

Command Hospital  
Central Command  
Lucknow

75 Sep 85

① Filled up by train for  
under SGS 8/5/85 by 8h  
Sikhi Sahibvi Tailor

Headquarters  
UP Area  
Bareilly

291973/RES/X-3 (B)

20 Jun 89

Command Hospital (CC)  
Lucknow

Opp. E

171

RESERVATION CIVILIAN EMPLOYEES

1. Refer to your letter No 505/Coy/171 dated 26 Jun 89.

2. The details of reservation accorded by this HQ are given as per following :-

<u>Post/Trade</u>	<u>No of Vacancy</u>	<u>Will be filled by the candidate</u>	<u>As per 100 point Roster No</u>
(a) Boot Repairer	1	SC ✓	1
(b) Cook	1	SC ✓	26.
(c) Chowkidar	1	Gen	40
(d) Mazdoor	1	Gen	79
(e) Sweeper	1	SC ✓	45
(f) Instructor in Cane work	1	Gen	43
(g) Instructor in Hossier work	1	SC ✓	1
(h) Tailor	2	SC ✓ (i) Gen (i)	56 57
(j) Ward Sahayika	14	SC (3) ✓ Gen (11)	11, 16 and 21. 10, 12 to 15, 17 to 20, and 22, 23.
(k) Washerman	31	SC (7) ✓ ST (2) ✓ Physically Handicapped - 67 (i) Gen 21	56, 61, 66, 71, 76, 81, and 86. 64, and 84. 57 to 60, 62 to 63, 65, 68 to 70, 72 to 75, 77 to 80 and 82 to 83, and 85.
(l) Messenger	6	ST (1) ✓ SC (1) ✓ Gen (4)	24. 26 25, 27 to 29.
(m) Mali	4	Gen (4) ST (1) SC (1)	43, 46. 44. 45.
(n) Safaiwali	7	SC (2) ✓ Gen (5) ✓	76, and 81. 77 to 80 and 82.

Mr. Virendra Singh  
S/o Smt. Smt. Smt.  
11/11/1989

.....2/-

Dear

3. Please intimate the following particulars to this HQ as soon as a new incumbent is adjusted by Army HQ under the provision of SAG 8/S/76. On their rejoining duties or else by which date the vacancy would lapse if not filled up through recruitment:-

- (a) Point against which reservation accorded.
- (b) Name of the person posted/recruited through employment exchange.
- (c) Category
- (d) Date of TOS.
- (e) Whether SC/ST/Ex-Servicemen/handicapped/general.
- (f) Reference under ~~which~~ which vacancy released or individual adjusted under the provisions of SAG 8/S/76.

24/2  
25/1  
( Dev Mitra Gupt )  
Lt Col  
Offg ADMS

OP/\*

200

Tele Mil : 284

Am C-3

OP IMMEDIATE/ Regd SDS

Headquarters  
U P Area  
Bareilly

APP

B

291973/RES/M-3 (B)

07 Sep 89

171

Command Hospital (CC)  
Lucknow- 2

172

RESERVATION : CIVILIAN EMPLOYEES

173

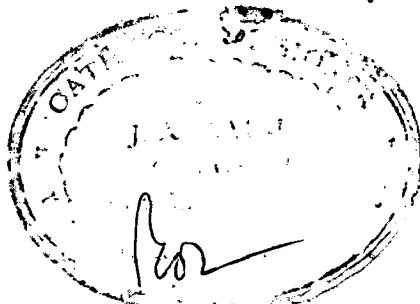
1. Refer to your letter No 505/Coy/120 dated 22 Jun 88 addsd to HQ Lucknow Sub Area with Copy to HQ Central Command and this HQ received under your letter No 505/Coy/171 dated 26 Jun 89, and our letter No 291973/RES/M- 3 (B) dated 29 Jun 89.
2. It is intimated that ~~various~~ reservations for various vac arising out of adoption of new PE was given by this HQ vide our letter quoted under reference, which ~~is not in order~~.
3. This HQ is according~~to~~ reservations for only those vacancies which is due to death, retirement, release/discharge and posting out due to compassionate grounds, after notification of vacancy to Army HQ Org-4 and copy to concerned HQ for reservation.
4. Vacancies which are created due to adoption of new PE are required to be notified to Army HQ Org-4 for their adjustment out of surplus and def under their jurisdictions.
5. In view of the reservations accorded by this HQ vide our letter quoted under ref are hereby cancelled.
6. Oversight is hereby regretted.
7. In this connection your attention is invited to HQ Central Comd letter No 334601/1/M-3 (B) dt 19 Oct 88 addsd to your unit amongst others.

Q.V.

11/12/89  
OP/\*

251

( A K Gupta )  
Lt Col  
Offg DADMS  
for ADMS



Dr C-4

ट्रॉमार्क: 2706

मुख्यालय  
सर्वे कमान  
लखनऊ-2

335502/2/202-3 (वी)

13 अक्टूबर 89

कमान/अधिकारी  
सर्वे कमान  
लखनऊ-2

आरती के अन्तर्गत कमान मुख्यालय (सर्वे कमान)  
लखनऊ ने संदेश वालक के स्थान पर विभाजि  
ट्टे प्राप्ति पत्र

1. मी. मिशन मुख्यालय, नियमन, लखनऊ के प्रधान  
पत्र दिनांक 27 सितम्बर 89 की शुल्क प्राप्ति आपको भेजी  
गयी है,

2. आपले अनुरोध है कि आप अपने कमान द्वारा  
अन्तर्व्य के लिए इसे शोधाते शोध विभाग नहीं  
नहीं करें।

(क्रमांक)

(र के संदर्भ)  
ले. कमान

उप सदायक विभाग विभाग  
कुले उप सदायक विभाग

प्राप्ति

‘र’ शाखा - आपके सक सुनी सं. 175212/11A2 (सं.) द्वारा  
09 अक्टूबर 89 के संदर्भ के संदर्भ

(16)

संदर्भ

— प्राप्ति विभाग



पुर मास्त्र : 2422

कमाल उत्तराखण्ड  
मुद्रा बाब  
लखड़ - 2

3. 25/10/2023

55/ ३० / ३१९

मुक्त यात्रा  
मुद्रा कमाल : विभिन्ना।  
लखड़ - 2ग्राम के उत्तरांश कमाल उत्तराखण्ड मुद्रा बाबा लखड़ में  
देवी वाले के राम पर विद्युत देव बाबा पर।1 इसपर दस लंब्या 335502/2/एम-3 ई। दिवांग 13 अक्टूबर 89  
में सुन्दरी में।2 श्री विष्णु कुमार एवं बामार्थ लेवायोजना लार्यालय के अन्य अध्यार्थियों ने  
साथ मूलि भें प्राप्त हुआ था। उस समय इस लार्यालय में भेसेंजर ने दो रिक्त स्थाव  
में राहे थे जो फि अवृत्तित आति ने लिए ग्रामका थे।3 साधारण में दो रिक्त स्थावर्मों ने लिए सभी अध्यार्थियों में से तीव्र  
विद्युतियों वा घटन दिया था, उन्होंने इस व्यक्ति के लेवंडा के ग्राम पर  
तीव्रता स्थावर था। ट्रैक्ट लंब्यों में यह सभी दो बता दिया था फि "सभी  
आप तीव्रों की विभिन्ना-परीका होती है तथा उनमें जो भी अवोग्य पाया  
जाएगा उसे बहीं तिया जाएगा"। सभ्यामाव ने ग्राम अन्य सभी लागवी लार्यालयी  
परमे ही पूरी कर तीव्र बहु थीं।4 विभिन्ना परीका में तीव्रों व्यक्ति दोनों दो विविध प्रकार के इसलिए पूर्ण दो  
व्यक्तियों को जोड़ दें इस तीसरे व्यक्ति को उनके समस्त फायदे हीटा दिए गए थे।  
इस व्यक्ति के लियायत की दो व्यक्ति लोह बवड बहीं थीं तो उसे दोनों दुबा था,  
उसकी विभिन्ना-परीका ही जहां उसे उन्होंने तयार किए गए। इस व्यक्ति  
का घट तर्फ बतता है। \* विद्युतियों का तो यह प्रवृत्तित विषय है। लेविंग बीठरी  
तो लेवल लेवंडा के ग्राम पर रिक्त स्थावरों की जम्हरा है ग्राम की जाती है।  
विद्युतित उपर्याकी खरेती के लेवल वरिवर्तन के ग्राम अन्य लेवल एक व्यक्ति स्थावर के  
लिए एक सर्ववैष्टि उभीदतार भी ही रहा जा रहा है।5 अब इस उत्तराखण्ड में लोह सभी रिक्त स्थावर बहीं हैं। इसपर अब लिखे  
पर के साथ लिखी इस व्यक्ति के ग्राम-पत्र की शूत ग्रामी लोटाई जा रही  
है। लेवायोजना उपर्याकी लखड़ ने भी इस दाता की सुविधा लहरे ही भेजी जा  
रही है।

। वी० वी० सिंह ।

दृष्ट्य  
मुपर्याकी लमा० कर  
क्षेत्री भारती

संतुष्टि : ।।।

\* ए० लाल्हा  
मुक्त यात्रा  
मुद्रा कमाल  
लखड़ - 2

- सुविधा के दृष्ट्य लिखे पर के संहर्म में।

*Anwar C-6*

~~1-6~~

*A6*

*'G'*

*Appx*

Tele : 422

Command Hospital  
Central Command  
Lucknow

505  
500/Coy/395

Dec 89

Headquarters  
Lucknow Sub Area  
Lucknow

APPOINTMENT AS A MESSENGER & WASHERMAN IN CH (CC)

- 1 Refer to your HQ letter No. 126016/G (SD) dated 01 Dec 89 and even number dated 01 Dec 89.
- 2 Names of S/shri Vinod Kumar and Vijai Kumar Lal were sponsored by local employment exchange alongwith many others for various Gp 'D' posts.
- 3 All the vacancies for SC/ST (except one each for Messenger, Safaiwala & Female Sweeper) were cancelled by ADMS UP Area vide their letter No. 291973/Reg/M-3 (B) dated 07 Sep 89. Hence, all the candidates who reported in the interview were informed accordingly and their original/photo stat copies of certificates of education/experience were returned to them.
- 4 There is no vacancy now for filling up through local employment exchange, in this hospital.

*R D Saini*

Lt Col

Officer Commanding  
for Commandant



CA 206/90/67

RAJ

A32

OBJECTION ON THE PETITION OF SHRI VIJAY KUMAR LAL FILED IN  
THE CENTRAL GOVT. EMPLOYEE TRIBUNAL, CIRCUIT BENCH, LUCKNOW

1. The u/m vacancies reserved for SC/ST were released by Asst Director of Medical services in JP area, Bareilly (here in after called the appointing authority) vide their letter No. 291973/RS/1-3(B) dated 29 Jun 89 :-

(attached as exhibit 'A')

	No. of Vacancies	Reserved for	SC	ST
(a) Boot Repairer	1		1	-
(b) Cook	1		1	-
(c) Safaiwala	1		1	-
(d) Instr Messery Work	1		1	-
(e) Tailor	1		1	-
(f) Ward Sahayika	3		3	-
(g) Washerman	9		7	2
(h) Messengers	2		1	1
(i) Mali	2		1	1
Safaiwala (K)	2		2	-

2. Accordingly local employment exchange was requested to sponsor names of suitable candidates for all the above posts.

3. The Employment Exchange Lखnow sponsored 20 candidates for the post of messenger out of which only four candidates reported for interview on 22 Aug 89 and 16 of them presented. All the four candidates were interviewed on the same day were placed in order of merit as under :-

- (a) Shri Tara Chand, Educational qualification Intermediate Marks secured in the interview - 58 marks.
- (b) Shri Pawan Kumar, Educational qualification Eighth class Marks secured in the interview - 44 marks.
- (c) Shri Vijay Kumar Lal (the petitioner)  
Educational qualification Eighth class  
Marks secured in the interview - 40 marks.
- (d) Shri Chandra Mohan Educational qualification tenth class  
Marks secured in the interview - 39 marks.

Three candidates against (a), (b) and (c) were sent for medical examination and all of three were declared medically fit.

4. Board proceeding in respect of all the candidates interviewed for the posts shown in para 1 above were submitted to appointing authority vide this hospital letter No 305/Ody/251 dated 25 Sep 89 for issue of appointment offer to the first senior most candidate on the merit list for the post of messenger, safaiwala, female sweeper and tailor. Shri Tara Chand standing at the top of the merit list was considered for the post of messenger. The remaining three candidates Shri Pawan Kumar, Shri Vijay Kumar Lal (the petitioner) and Shri Chandra Mohan were informed for their non-selection and their relevant certificate/testimonials were returned to them. The appointing authority issued appointment offer to Shri Tara Chand for the post of messenger being on the top of the merit list.

A-7  
3

REGISTERED/SDS

Headquarters  
U P Area  
Bareilly

X23 450

EXHIBIT A

291973/RES/4-3 (B)

28 Jun 89

Command Hospital (CC)  
Lucknow

171

RESERVATION CIVILIAN EMPLOYEES

1. Refer to your letter No 505/Coy/171 dated 26 Jun 89.

2. The details of reservation accorded by this HQ are given as per following :-

<u>Post/Trade</u>	<u>No of Vacancy</u>	<u>Will be filled by the candidate</u>	<u>As per 100 point Roster No</u>
(a) Boot Repairer	1	S C ✓	1
(b) Cook	1	S C ✓	26
(c) Chowkidar	1	Gen	40
(d) Mazdoor	1	Gen	79
(e) Sweeper	1	S C ✓	45
(f) Instructor in Cane work	1	Gen	43
(g) Instructor in Mossier work	1	S C ✓	1
(h) Tailor	2	S C ✓ (1) Gen (1)	56 57
(j) Ward Sahayika	14	S C (3) ✓ Gen (11)	11, 16 and 21. 10, 12 to 15, 17 to 20, and 22, 23.
(k) washerman	31	S C (7) ✓ S T (2) ✓ Physically Handicapped - 67 (1) Gen 21	56, 61, 66, 71, 76 81, and 86. 64, and 84. 57 to 60, 62 to 63, 65, 68 to 70, 72 to 75, 77 to 80 and 82 to 83, and 85.
(l) Messenger	6	S T (1) ✓ S C (1) ✓ Gen (4)	24 ✓ 26 25, 27 to 29.
(m) Mali	4	Gen (4)	43, 46.
(n) Safaiwali	7	S T (1) ✓ S C (2) ✓ Gen (5)	44. 45. 76, and 81. 77 to 80 and 82.

.....2/-

~~AB~~

(177)

(AB)

3. Please intimate the following particulars to this HQ as soon as a new incumbent is adjusted by Army HQ under the provision of SAG 8/S/76. On their rejoining duties or else by which date the vacancy would lapse if not filled up through recruitment:-

- (a) Point against which reservation accorded.
- (b) Name of the person posted/recruited through employment exchange.
- (c) Category
- (d) Date of TOS.
- (e) Whether SC/ST/Ex-servicemen/handicapped/general.
- (f) Reference under ~~which~~ which vacancy released or individual adjusted under the provisions of SAG 8/S/76.

251

22

( Dev Mitra Gupt )  
Lt Col  
Offg ADMS

OP/\*

Tele : 422

Registered/199  
Command Hospital  
Central Command  
Lucknow

503/copy/ 251

25 Sep 89

Headquarters  
Up Area (Med)  
Bareilly

SD PM AL RECRUITMENT DRIVE FOR SC/ST CATEGORIES

1 Refer to your HQ letter No. 291973/Res/Mo3(B) dated 7 Sep 89.

2 As board proceedings for recruitment of various posts have already been completed as per instructions contained in your HQ letter No. 291973/Res/Mo3(B) dated 29 Jun 89, the same forwarded herewith along with undermentioned documents for each candidate selected, for issue of appointment offer to them for their appointment please :-

- a) Medical certificate of fitness
- b) Original certificates of education / experience / with copies thereof
- c) Certificate of marital status / nationality / experience / civil / military pension.
- d) Family details
- e) Two character vouching certificates from two different gazetted officers
- f) Attestation form
- g) Appx 'A' to your HQ letter No. 291971/1/Mo1 dated 25 Aug 81.

3 A statement showing various reservations made for SC/ST categories by your Headquarters has been prepared and annexed as appx 'A' to this letter. It clearly depicts vacancies reserved both on account of death/retirement/ release etc and 'adoption' of new P.D. separately.

4 In case, it is still held that only the vacancies caused due to death/ retirement/superannuation/release etc ('and NOT adoption of new P.D. etc to be filled up, you are requested to please issue appointment offer accordingly to the first senior-most candidate on the merit list as per attached Board Proceedings for the posts of Messenger, Safaiwala, P/sweeper and Tailor i.e. Shri. Tari Chint for the post of Messenger at serial No. 16 of board proceedings, Shri. Sarosh for the post of Safaiwala at serial No. 14, Shri. Mati Munni for the post of P/sweeper at serial No. 7 and Shri. Pyare Lal for the post of Tailor at serial No. 7 of the board proceedings concerned. Here it is submitted that out of two vacancies of tailors reported one has been filled up by transfer under the proviso of S.A.O 8/8/76 on 01 Sep 89 and has been adjusted against the vacancy not filled and reserved for a SC candidate v/d your HQ letter of even number dated 29 Jun 89. The vacancy of Tailor reserved for ST candidate v/d your HQ even number dated 13 Aug 85 still remains unfilled. Local employment exchange has intimated that no ST candidates for the post of Tailor are available with them. This vacancy was also advertised in local news papers but still no

A33

21.

candidates turned up for interview. However, a SC candidate is available and has been interviewed and found suitable. Serial No. 7 of the Board proceedings for the post of Tech. refers. It is requested that this SC candidate be appointed in place of 1st candidate, if otherwise in order.

5. Undermentioned vacancies on retirement were/are notified to your HQ vide our letters as indicated e.g. as per. Please intimate their reservation for SC/ST, if any, at your earliest possible. Papers/documents for appointment what for reserved posts of SC/ST, if any, may please be taken out of the attached board proceedings. Keeping this in view, this office is forwarding all necessary papers/documents of all the candidates interviewed so far for various posts:-

(On security of information lines)

a) Our letter No. 505/Coy/128 dated 12 Jul 88 (copy attached for ready reference)

i) Male - 2 Due to superannuation of S/Shre. Ram Narayan Hail and Ram Autar Male wef 30.6.88 (AN). Out of these two vacancies, one vacancy has been filled up by transfer under the provisions of SDO 8/8/76.

Therefore one vacancy of male still remains unfilled.

ii) Cook - 1 Due to medical board out of Shre. Bhim Bahadur (B) wef 21.3.88 (AN). This vacancy has since been filled up by transfer; hence there is no vacancy.

iii) Ward - 1 Suhayka Suhayka wef 30.6.88 (AN). This has not been filled up by transfer under SDO 8/8/76.

Therefore there is a vacancy of Ward Suhayka.

b) Our letter No. 505/Coy/403 dated 13 Aug 89 (copy attached for ready reference)

i) Messenger - 1 Due to superannuation of Shri Gurjan Singh Messenger wef 31 Aug 89. This has not been filled up by transfer under SDO 8/8/76.

ii) Ward Suhayka - 2 Due to premature retirement of Smt Chandi Devi Ward Suhayka and Medical Board out of Smt Chandi Devi Ward Suhayka wef 31.7.88 (AN) and 29 Aug 89 (AN). These vacancies have not been filled up by transfer under SDO 8/8/76.

Respectfully

6. Original batch of documents forwarded by the previous Board members are also forwarded in duplicate for perusal & remarks. It is requested that same be forwarded to your office immediately without any delay.

(V P Singh)  
Capt  
Coy Commander  
for Commandant

Enc 1. As above.

U.T. - Concerned to add Central Command Licences

Post	Observations made by Area UP Area V100 Letter No. 201973/R/SC/N-303 )			Reference
	dated	27 Jul 39 Roster	29 Jul 39 Roster	
23. Wg SC Roster	13 Jul 39 Roster	15 Jul 39 Roster	29 Jul 39 Roster	15 Jul 39 Roster
24. Retirement/Death/Release etc	On retirement/Death/Release etc	On retirement/Death/Release etc	On retirement/Death/Release etc	On retirement/Death/Release etc
1. Messenger ✓	1 - 71 (Par)	-	-	24, 26 ✓
2. Teller	-	1 (C) 44 (Par)	-	8 ✓
3. Driver	-	-	-	✓
4. Driver	-	-	-	✓
5. Driver	-	-	-	✓
6. Driver	-	-	-	✓
7. I.	-	-	-	1 ✓
8.	-	-	-	1 ✓
9. Wnd. Driver	-	-	-	3 ✓
10. Vehicle Driver ✓	-	-	-	✓
11. Driver	1 -	-	-	2 ✓
				76 ✓
				2 ✓
				76, 81
				2 ✓
				19 4

Central Regional  
Central Command  
Licences

② Filled up by force for  
under 9th Oct 1936 by  
S12 ASL Licences. Tabor

W. H. W.

10/10/39  
C. E. S. 1939  
9/4/39/39/39

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 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Tele : 2422

Command Hospital  
Central Command  
Lucknow

505/Coy/395

09 Dec 89

Headquarters  
Lucknow Sub Area  
Lucknow

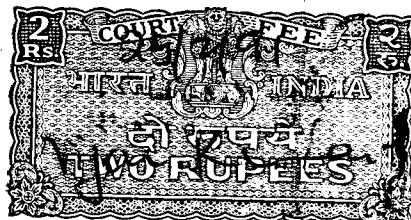
REJOINTMENT as AN ASST ENGINEER IN CC (CC)

1. Refer to your HQ letter No. 1260b/ADM(SD) dt 01 Dec 89 and even No. dated 01 Dec 89.
2. ~~Names~~ Names of s/shri Vinod Kumar and Vijay Kumar Lal were sponsored by local employment exchange alongwith many others for various Gp 'D' posts.
3. All the vacancies for SC/ST (except one each for Messenger Dafaiwala & Female Sweeper) were cancelled by ADM's UP Area vide their letter No. 291973/Res/M-3(B) dated 07 Sep 89. Hence, all the candidates who ~~reported~~ reported in the interview were informed accordingly and their original/photo stat copies of certificates of education/experience were returned to them.
4. There is no vacancy now for filling up through local employment exchange, in this hospital.

sd/-x x x x x

(RD saini)  
Lt Col  
Offg Coy Cdr  
For Comdt

C. & A. I.C. 286 C.R. 1990



1991

## AFFIDAVIT

27

HIGH COURT  
ALAHABAD

Vijay Kumar Lal . . . . . Applicant  
versus  
Union of India and others . . . . . Opp. Parties

J. C. LIDDELL AND IDA VIDA

I, Vijay Kumar Lal, aged about 30 years, son of Sri Puttu Lal Balwiki, resident of Purani Gun Factory Area, Sadar, Lucknow, do hereby solemnly affirm and state on oath as under:-

1. That the defendant is the applicant in the above noted case and as such he is fully conversant with the facts of the case.
2. That the defendant ~~is~~ had gone through the counter affidavit filed by the opposite parties and has understood its contents. The parawise replies are as under :-
3. That the contents of para 1 to 3 of the Counter Affidavit needs no reply.
4. That the contents of para 3(a) of the counter affidavit needs no reply.
5. That the contents of para 3(b) of the counter affidavit are denied. It is further submitted that there were 3 vacancies of messenger and the respondents has to be filled these posts.
6. That in reply to the contents of para 3(c) of the counter affidavit, it is submitted that the

respondents wrote to the Employment Exchange mentioning therein that there were 3 posts of messengers to be filled.

7. That the contents of para 3(d) and 3(e) of the counter affidavit needs no reply.
8. That in reply to the contents of para 3(f) of the counter affidavit only this much is admitted that Sri Rama Chand was given appointment.
9. That the contents of para 3(g) of the counter affidavit are denied.
10. That the contents of para 3(h) needs no reply.
11. That the contents of para 4 and 5 of the counter affidavit needs no reply.
12. That the contents of para 6 of the counter affidavit are denied and in reply the contents of para 4(2) of the application are reiterated as correct.
13. That the contents of para 7, 8 & 9 of the counter affidavit needs no reply.
14. That the contents of para 10 of the counter affidavit are denied and in reply the contents of para 4(b) of the application are reiterated as correct.
15. That the contents of para 11 of the counter affidavit are denied and in reply the contents of para 4(7) of the application are reiterated as correct.

16. That the contents of para 12 of the counter affidavit are denied and in reply the contents of para 4(8) of the application are reiterated as correct. It is further submitted that the respondents are bound to follow the directions contained in Annexure No. 3 to the application.

17. That the contents of para 13 and 14 of the counter affidavit are denied and in reply the contents of para 4(9) and 4(10) of the application are reiterated as correct.

18. That in reply to the contents of para 15 it is submitted that the name of the applicant is in the select list and all the formalities were completed and the applicant was medically fit. Therefore the opposite parties are bound to appoint the petitioner on the basis of the directions contained in Annexure No. 3 to the application.

19. That the contents of para 16 of the counter affidavit are denied and in reply the the contents of para 5(2) and 5(3) of the application are reiterated as correct.

20. That the contents of para 17 of the affidavit are denied and in reply the contents of para 5(4) of the application are reiterated as correct.

21. That the contents of para 18, 19 & 20 of the counter affidavit are denied and in reply the contents of para 5(5), 5(6) and para 6 of the application are reiterated as correct.

22. That the contents of para 21 needs no reply.

(A-5)

23. That the contents of para 22 of the counter affidavit are denied, and in reply the contents of para 8 of the application are reiterated as correct. It is further submitted that there are vacancies in the officers of the respondents. The select list is in existence and the respondents are bound to appoint the applicant as per the directions contained in Annexure No. 3 to the application.

24. That the contents of para 23 needs no reply.

25. That the contents of para 24&25 of the counter affidavit are denied. The grounds taken in the application by the applicant have got legal force, and the application has got merits. The same is liable to be allowed with costs.

*(Signature)*  
Deponent

Dated: Lucknow

25-2-91, 1991

Verbalization

I, the above named deponent do hereby verify that the contents of paras 1 to 25 of this affidavit are true to my knowledge. No part of it is false and nothing material has been concealed. So help me God.

*(Signature)*  
Deponent

Dated: Lucknow

25-2-1991

I identify the deponent who has signed before me.

*(Signature)*  
Advocate

Solemnly affirmed before me on 25-2-91,  
31/PM 7.45 by the deponent who is  
identified by Sri Surendran.P.

Advocate, High Court, Lucknow.

I have satisfied in examining the  
deponent who understands its contents  
which have been readout and explained by me.

*(Signature)*  
B.C. 572191  
Court Attendant  
Lucknow Bench  
No. 120127  
25-2-91