

(See rule 114)

OA/~~TA/RA/CP/MA/PT~~ 206.....of ~~2022~~ 1990

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

*Versus*

U.O.I & others Respondent(S)


# INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
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Certified that the file is complete in all respects.

B.C. file ~~boxed~~ out & destroy

Signature of S.O.

pects. 

Signature of Deal. Hand

**GENERAL ADMINISTRATIVE TRIBUNAL**  
**CIRCUIT BENCH, LUCKNOW**

Date of Filing, 28/8/90  
Date of Receipt by Panel, 28/8/90  
Deputy Registrar (J)  
28/8/90

Registration No. 286 of 1989/90 (L)

APPLICANT(S) Shri. Vijay Kumar Lal  
RESPONDENT(S) U.O.

Particulars to be examined

Endorsement 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 case for not making the application in time, been filed?
4. Has the document of authorisation/ Vakalatnama been filed? yes
5. Is the application accompanied by S.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/rolled 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 of Tribunal? No

286/90 (C)

A-2  
A

11-9-90

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

Due to sad demise of Hon'ble  
Justice Kaul, case is adjourned  
to 12-9-90

A.M.

W.C.

W.C.  
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 respon-  
dents 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.

30.11.90

13-12-90

No sitting till 13.12.90.

Hon'ble Mr. Justice K. Nath V.C.  
Hon'ble Mr. K. Chatterjee A.M.  
Notices issued to respondents on

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/

V.C.

sd/

Notice issued

18-9-90

Notices were issued  
on 10.9.90.

Neither reply  
nor any unseamed  
repl. case has been  
taken back  
S P A

OK  
CA filed on 19.12.90  
18/11

Notices issued  
12-12-90

A-3  
①

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

87-13  
②

"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, ~~the~~ 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> ~~be~~ 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.

*francis*

A.M.

*[Signature]*

V.C.

*Shankel*

Lucknow Dated: 5.3.91.

A-6  
2

I. THE CENTRAL ADMINISTRATIVE TRIBUNAL: LUCKNOW BRANCH

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.

AS

~~AY~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

Date of Filing 28/8/89  
Date of Receipt by Post.....

Deputy Registrar (U)

VIJAY KUMAR LAL . . . . . APPLICANT

VERSUS

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

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNALS ACT, 1985

I N D E X

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- |    |  |       |
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| 1. | Application  | 1-6   |
| 2. | Annexure No. 1: Copy of interview letter               | 7     |
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| 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   |

Signature of the  
Applicant

For use in Tribunal's Office

Date of filing  
or

Date of receipt by post  
Registration No.

Signature  
for Registrar.

Filed today  
28/8/90

~~A-1~~ A-3

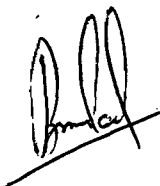
4. Facts of the case:-

(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 opposite party No. 4/<sup>informed</sup>~~advised~~ 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. Prdan, Medical Officer, Central Command, Lucknow is attached herewith as Annexure No. 2 to this application.





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ca

-3-

(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 Admn. 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.

(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

A-9  
B

-4-

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 ~~are~~ 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

*[Handwritten signature]*

A-10  
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-5-

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.




 AM

VERIFICATION

I, Vijay Kumar Lal, son of Sri Puthu Lal Balmiki  
aged about      years resident of Purani Gun Factory Area, R<sup>16</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

  
( SURENDRAH.P. )  
Advocate.

Counsel for the applicant.

18

12/12/1972

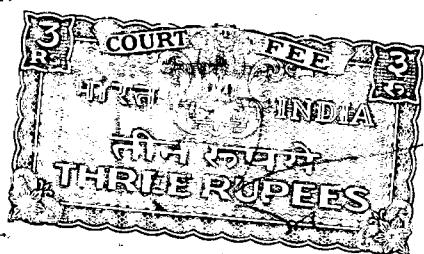
In the Central Administration Tribunal  
Lucknow Bench

ब अदालत श्रीमान  
( बादी अपीलान्त )

महोदय

प्रतिवादी [रिप्लेण्डेंट]

वकालतनामा



Vijay Kumar Das

Union of India (प्रतिवादी रिप्लेण्डेंट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

SURENDRA P.

वकील

व

FAROOQ AHMED

महोदय

एडवोकेट

नाम अदालत	:	:	:
मुकद्दमा नं०	:	:	:
नाम तफरीकत	:	:	:

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटाव या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानो) 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 हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर

*[Signature]*

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... सन् १६ १० ई०

स्वीकृत

In the Central Delimitation Tribunal (2)  
Lucknow Bench (A13)

Vijay Kumar Lal - applicant  
versus

Union of India & others - op. party

Annexure No. 1

रूर भाग : 2422

रुपि. पी.पी.

कमल अस्पताल

नए पत्र

रु. 226002

12 अगस्त 89

505/कम्पली/196

श्री/श्रीमति विजय कुमार लाल S/O  
श्री पदम लाल लालन की पुरानी जन  
संख्या B-15/3 लाल क्षेत्र  
लखनऊ

रिपोर्ट पर हेतु साक्षात्कार

1 आपका नाम और लिंग पर हेतु क्षेत्रीय विकास विभाग का कार्य है आपका  
हस्ता है।

2 आपको सूचित किया जाता है कि आपका साक्षात्कार दिनांक  
22 अगस्त 89 को प्रातः 0900 बजे इस कार्यालय में होगा। आप अपने सन्दर्भ  
प्रमाण पत्र [पाठ्यक्रम प्रमाण पत्र, अनुसूची, आदि] के साथ आएं। आपको  
किसी प्रकार का कोई भत्ता देय नहीं होगा।

रु. 226002  
कमल अस्पताल  
नए पत्र  
रु. 226002

T. C. Chatterjee  
Pr  
1989

(8)

In the Central Administration Tribunal  
Lucknow Bench  
Vijay Kumar Das --- petitioner  
versus  
Union of India and Ors. - respondents  
Annexure no 2

A 14

MEDICAL CERTIFICATE

I hereby certify that I have examined Sh. Vijai Kumar Das a candidate for employment in the Command Hospital Central Command Lucknow, and can not discover that he/she has any communicable or otherwise) special medical condition or other infirmity except \_\_\_\_\_  
\_\_\_\_\_ this a disqualification for employment in the Command Hospital Central Command Lucknow as a messman. 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 Major Medical Officer  
Command Hospital  
Central Command  
Lucknow

Dated: 30/8/85

T.C. Bhattacharya

In the Hon'ble Central Recruitment Board  
Lucknow Bench.

A15

Vijay Kumar Lal --- applicant  
and  
Member of District --- opposite

Annexure No. 3

6  
A-15  
3

TELE MILY : 666

Mukhya Abhiyanta  
Mukhyalaya Madhya Kam  
Chief Engineer  
HQ Central Command  
Lucknow-226002

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

30 Apr 83

Chief Engineers  
Lucknow Zone, Lucknow  
Bareilly Zone, Bareilly  
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 Home Affairs (Department of personnel & Administrative Reforms) 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. Datta

( BL Tanuja )  
AO I  
for Chief Engineer

Encl: One

Copy to:-

ALL C&WE/CE(I)/CE/BSO (I)

ID

EIOB(Adm)

72  
allig



AIG 11

A-26

- 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  
Lucknow Bench. (AIF)

Vijay Kumar Lal --- applicant  
versus

Union of India & others. --- appears (1)

Answer no 4

*[Signature]*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Subject:- REQUEST FOR APPOINTMENT AS A MESSENGER IN COMMAND HOSPITAL  
GENERAL COMMAND, LUCKNOW UNDER RESERVATION LIST A;**

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 MIMATHA ( S.I. DISTRICT)  
P.O. MIMATHA, DISTRICT 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. U/11167/83  
dated 22 August 1983. I belong to very poor scheduled  
Caste ( BALMIKI ) community.

3. My father Shri PUTTU LAL was serving in the Command  
Hospital, Dental Centre, Central Command, Lucknow  
as a civilian Safaiwala. 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:-

<u>Sl.No.</u>	<u>From</u>	<u>To</u>
1.	10 Nov 82	13 Dec. 82
2.	16 Dec 82	10 Feb 83
3.	15 Feb 83	15 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/Com/196 dated 12th August 88  
to appear for the interview on 22 August 89 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 89 and  
was declared fit. My verification forms and character  
certificates were completed and handed over on 1st Sep'  
1989. I was called again on 13th Sep'89 along with  
other to complete the documents.

Contd....2/-

AID 13

26

- 2 -

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 no 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, 1955 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,

END NINE

Dated : 27 Sept. 1959.

*[Signature]*

*[Signature]*

( HON'BLE MEMBER IAI )  
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# UNDER CERTIFICATE OF POSTING 14

(A19)

① The Honourable President-  
Shri R. Venkatā Raman,  
President's Secretariat  
NEW DELHI



② The Honourable Prime Minister  
Shri Rajeev Gandhi  
Prime Ministers Secretariat  
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  
D H Q PO NEW DELHI-II



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

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

In the Honble Central Administrative Tribunal  
Lucknow Bench  
Vijay Kumar Jaiswal --- applicant (2) 18  
Name of Jaiswal as SC --- applicant (A20)  
Annexure No 5

To,

**COMPLAINT**

**FOR PERSONAL ATTENTION PLEASE.**

1. Honble Shri Jai Bilas Paswan  
Shram & Kalyan Mantri, Newdelhi.
2. Honble Shri Ram Dhan, Chairman,  
Schedule Caste and Schedule Tribes Commission,  
Newdelhi.
3. Honble Shri V.P. Singh, Prime Minister of India,  
Newdelhi.
4. The D.G. Medical Services, (DMS-3B), Army Hqs  
Dir. PC Delhi -11.
5. The D.D.M.S. Hq. Central Command Lucknow.
6. The Commandant, Command Hospital, Central Command  
Lucknow.

Subj: Recruitment of S.C./ST to the post of  
Messenger.

Respected sir,

I am constrained to write you as under.

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. 505/Company/196 dtd 12.8.89. (Copy attached).
2. That I was selected and called for Medical Examination on 30.8.89. Maj. P.C. Madan declared me medically fit for Govt service. (Photocopy attached)
3. That I was asked to complete all pre-requisite formalities for appointment on the FORMS supplied by the commandant office which I completed but when I went to submit the same I was ~~rejected~~ repulsed from the office for the reasons best known to the authorities. 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 Prachand whereas one post to be filled up by SC and one by ST Candidate is

(A21) 17  
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Page. 2.

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 care the Ministry of Home Affairs (deptt of personal and Admn Reforms) O.M. No. 22011/2/19-Estt(D) dtl 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. Vijai Raghavan 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 broadcasts 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 the requisite qualification.

For this act of kindness I shall every remain grateful to you.

Thanking you,

Encls. as above( )

dated at Lucknow.

the 20.8.1990.

yours faithfully,

( Vijai Kumar Ial )  
S/o Sri Futtulal Balmiki  
Purani Gun Factory, Lucknow.

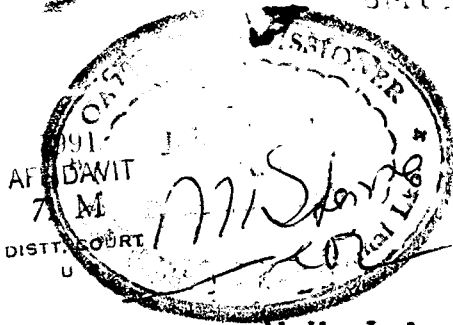
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A22

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.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, L.A.D. Shave, aged about 55 years,  
son of late Shri DK Shave, at present posted  
as Offg. 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  
averements 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

*Filed today*  
*7/2/91*

*M. S. Sharma*  
*7/2/91*

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> were placed in order of merit as under:-

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

M/S Sharma  
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- (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 02 Dec 89 to HQ. Lucknow Sub Area.

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

*Shome*  
*202*

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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 Caste 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 ie. (a) to (c) above were sent for their medical examination and all the three were declared fit for service.

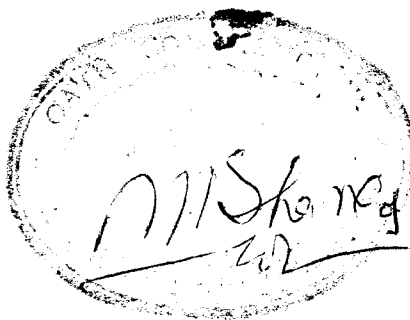
17/1/83  
207

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 ~~asked~~ 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. 221273/PES/M-3(B) 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 01 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 ~~xxxxxxx~~ 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.126016/G(SD) dated 01 Dec 1989 and the same was replied vide letter No.505/ Coy/385 dated 09 Dec 89 . Photostat copies of the said letters <sup>is</sup> ~~are~~ being filed herewith as Annexures C-6 & C-7 ~~respectively~~ ~~xxxx~~ to this affidavit.

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

1771 Sherrif  
202

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.

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

17/1/59  
Shane  
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A-6  
B

-8-

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 ~~xxxx~~ 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. <sup>1</sup>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 of the facts, circumstances and reasons stated in the foregoing paragraphs

M. Sharma  
202

(A) 6  
A20

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

N. N. Sharma  
Deponent.

Lucknow,  
Feb. 1991.

07

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.

N. N. Sharma  
Deponent.

Lucknow,  
Dated: Feb. 91.

07

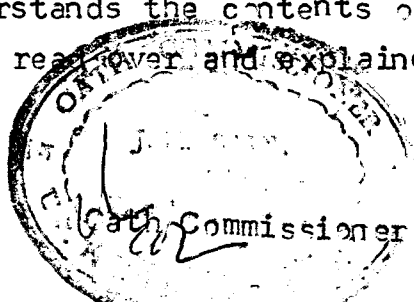
I identify the deponent who has  
signed before me and is also personally  
known to me.

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

N. N. Sharma  
C. N.



Annexure C-1

~~10~~

(A3)

Statement showing details of various

Unit :- Command Hospital Central Command Lucknow

Post	Reservations made by ADMS UP Area vide letter dated								
	23 Aug 34 Roster			13 Aug 35 Roster			27 Jul 36		
	SC	ST	lo.	SC	ST	lo.	SC	ST	
	On Retirement/ death/release etc			On retirement/ death/release etc			On Retirement/ death/release etc		
Messenger ✓	1	-	71 (para 20)	-	-	-	-	-	no amended number here
Tailor	-	-	-	-	(1) @	44 { para 2(a)	-	-	
Boat Repairer	-	-	-	-	-	-	-	-	
Cook	-	-	-	-	-	-	-	-	
Sweeper (Male) ✓	-	-	-	-	-	-	1 ✓	-	
Instrument fitter	-	-	-	-	-	-	-	-	
Mail	-	-	-	-	-	-	-	-	
Hard Sahayika	-	-	-	-	-	-	-	-	
Workmen	-	-	-	-	-	-	-	-	
Female sweeper ✓	-	-	-	-	-	-	1 ✓	-	
Total:-	1	-		-	1		2	-	

Command Hospital  
Central Command  
Lucknow

75 Sep 39

② Filled up by transfer  
under ser Q/5/26 by Shri  
Sri Achilendra Tawar



Telle Mil : 284

REGISTERED/SDS

Headquarters  
U P Area  
Bareilly

28 Jun 89

291973/RBS/M-3 (B)

Command Hospital (CC)  
Lucknow

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 Hossier 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 (1) S T 1 S C 1	43, 46. 44. 45.
(n) Safaiwala	7	S C (2) ✓ Gen (5)	76, and 81. 77, to 80 and 82.

Mr Vijay Singh  
71 800  
100

Hso P. A. P-193

.....2/-

A-6  
12

A-33

177

Appx A  
page 2

3. Please intimate the following particulars to this HQ as soon as a new incumbent is adjusted by Army HQ under the provision of SAO 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 SAO 8/S/76.

244  
251

*De*

( Dev Mitra Gupt )  
Lt Col  
Offg ADMS

OP/ \*

*Ac*

Tele Mil : 234

OP IMMEDIATE/Regd SDS

Headquarters  
U P Area  
Bareilly

07 Sep 89

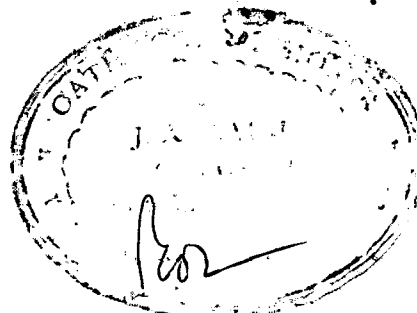
291973/Res/M-3 (B)

Command Hospital (CC)  
Lucknow- 2

RESERVATION : CIVILIAN EMPLOYEES

1. Refer to your letter No 505/coy/121 dated 22 Nov 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 <sup>above</sup> reservations accorded by this HQ vide our letter quoted under ref are hereby cancelled.
6. Oversite is hereby regreted.
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.

( A K Gupta )  
Lt Col  
Offg DADMS  
for ADMS



Dr C-4

14

315

App

दूराव : 2706

मुख्यालय  
मध्य कमान  
लखनऊ-2

335502/2/अन-3 (बी)

13 अक्टूबर 89

कमान महानगर  
मध्य कमान  
लखनऊ-2

आस्था के अन्तर्गत कमान मुख्यालय (मध्य कमान)  
लखनऊ में संदेश वाहक के स्थान पर विभागी  
हेतु प्रार्थना पर

1. श्री विजय कुमार, निरमल, लखनऊ के प्रार्थना  
पर दिनांक 27 सितम्बर 89 की छल प्रार्थना आपको भेजी  
जाती है,

2. आपसे अनुरोध है कि आप अपने कमानदल के  
अन्तर्गत के के साथ इसे आध्यात्मिक शीघ्र वापस करने  
की कृपा करें,

(निर्देश)

(रु के सिंह)

ले. कर्मा

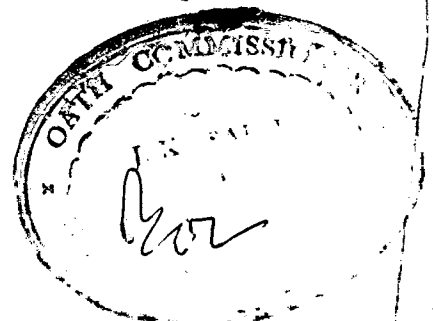
उप सहायक निदेशक (निर्देश) एवं  
कृते उप निदेशक (निर्देश) तथा

प्रार्थना

'र' शाखा - आपको सं. सूची सं. 175212/1/A2 (लख) दिनांक  
09 अक्टूबर 89 के संदर्भ में सूचनाएँ,

(16)

श्री विजय कुमार  
- निरमल -



Annex C-5

15

31

AB

Appx

पूर भाष : 2422

कमाब अस्पताल  
मध्य कमाब  
लम्बड - 2

505/ 80 / 319

3. 20/2/89

मुक्यालय  
मध्य कमाब : चिकित्सा।  
लम्बड - 2

आरक्षण के अंतर्गत कमाब अस्पताल मध्य कमाब लम्बड में  
वैद्य वाहक के स्थान पर नियमित हेतु प्रार्थना पत्र

1 आपके पत्र संख्या 335502/2/एम-3 की दिनांक 13 अक्टूबर 89 संदर्भ में।

2 श्री विजय कुमार का सामाजिक सेवायोजन कार्यालय से अन्य अभ्यर्थियों के साथ चुनि में प्राप्त हुआ था। उस समय इस कार्यालय में मेडिकर के दो रिक्त स्थान भर जाते थे जो कि अनुसूचित जाति के लिए आरक्षण थे।

3 साधारणतः में दो रिक्त स्थानों के लिए सभी अभ्यर्थियों में से तीसरे व्यक्ति का चयन किया गया था, ठीक इस व्यक्ति का केशवता के आधार पर तीसरा स्थान था। स्पष्ट शब्दों में यह सभी को बता दिया गया था कि "जमी आप तीनों की चिकित्सा-परीक्षा होगी है तथा उसमें जो भी अयोग्य पाया जाएगा उसे वहीं तिया जाएगा"। समवाभाव के कारण अन्य सभी कामजी कामनाही पहले ही पूरी कर ली गई थी।

4 चिकित्सा परीक्षा में तीनों व्यक्ति योग्य पाए गए थे इसलिए पुनः दो व्यक्तियों को छोड़ कर इस तीसरे व्यक्ति को उसके समस्त काम लीटा दिए गए थे। इस व्यक्ति के पितावत की है कि जब कोई बच्चा वहीं थी तो उसे वहाँ बुला गया, उसकी चिकित्सा-परीक्षा ली गई तथा अन्य कामज रयों तयार किए गए। इस व्यक्ति का वह तर्क मत है। \* विद्वत्तियों का तो यह प्रवृत्ति नियम है। लेकिन बीकरी तो केवल केशवता के आधार पर रिक्त स्थानों की संख्या के अनुसार दी जाती है। विद्वत्त अछिवाही धरेली के आदेश परिवर्तन के कारण अब केवल एक रिक्त स्थान के लिए एक सर्वश्रेष्ठ उम्मीदवार को ही रखा जा रहा है।

5 अब इस अस्पताल में जोड़ भी रिक्त स्थान बचीं हैं। आपके ऊपर लिखे पत्र के साथ मिली इस व्यक्ति के प्रार्थना-पत्र की मूल प्रति आपकी लौटाई जा रही है। सेवायोजन अधिकारी लम्बड को भी इस बात की सूचना पहले ही भजी जा चुकी है।

प्रति : 11.  
प्रतिलिपी :

"ए" शाखा  
मुक्यालय  
मध्य कमाब  
लम्बड - 2

1 वी० पी० सिंह।  
डेट  
कमाब कमांडर  
कमांडेंट

- सूचनाएं ऊपर लिखे पत्र के संदर्भ में।

Annex C-6

A-6  
16  
AST  
Appx 'G'

Tele : 422

Command Hospital  
Central Command  
Lucknow

505


512/Co y/ 985

of Dec 89

Headquarters  
Lucknow Sub Area  
Lucknow

APPOINTMENT AS A MESSENGER & WASHERMEN 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/Rgs/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  
Offg Coy Commander  
for Commandant



1. The u/m vacancies reserved for SC/ST were released by Asst Director of Medical Services, UP Area, Bareilly (here in after called the appointing authority) vide their letter No. 291973/RSS/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
(j) Mali	2	1	1
Safaiwali (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, Lucknow 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 assented. All the four candidates were interviewed on the same day were placed in order of merit as under :-

- Shri Tara Chand, Educational qualification Intermediate  
Marks secured in the interview - 58 marks.
- Shri Pawan Kumar, Educational qualification Eighth class  
Marks secured in the interview - 44 marks.
- Shri Vijay Kumar Lal (the petitioner)  
Educational qualification Eighth class  
Marks secured in the interview - 40 marks.
- 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/Cpy/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.

Headquarters  
UP Area  
Bareilly

EXHIBIT A

291973/RES/M-3 (B)

28 Jun 89

Command Hospital (CC)  
LucknowRESERVATION 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 (1) S T (1) ✓ S C (2) ✓	43, 46. 44. 45.
(n) Safaiwali	7	S C (2) ✓ Gen (5)	76, and 81. 77 to 80 and 82.

.....2/-



3. Please intimate the following particulars to this HQ as soon as a new incumbent is adjusted by Army HQ under the provision of SAO 8/8/76: 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 SAO 8/8/76.

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251

( Devendra Gupta )  
Lt Col  
Offg ADMS

OP/\*

EXHIBIT B  
A32

Tele : 422

Registered/SDS  
Command Hospital  
Central Command  
Lucknow

505/coy/ 251

25 Sep 89

Headquarters  
Up Area (Med)  
Bareilly

SPECIAL RECRUITMENT DRIVE FOR SC/ST CATEGORIES

1 Refer to your HQ letter No. 291973/Res/M-3(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/M-3(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/M-1 dated 25 Aug 61.

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. are 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, Safawala, F/Sweeper and Tailor i.e. Shri. Tara Chand for the post of Messenger at serial No. 16 of board proceedings, Shri. Sarash for the post of Safawala at serial No. 14, Shri. Mani Nunn for the post of F/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 provisions of SAO 8/S/76 on 01 Sep 89 and has been adjusted against the vacancy notified and reserved for SC candidate vide your HQ letter of even number dated 29 Jun 89. The vacancy of Tailor reserved for ST candidate vide 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 newspapers but still no ST

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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 T-1 refers. It is requested that this SC candidate be appointed in place of all candidates, if otherwise in order.

5. Undermentioned vacancies on retirement were/are notified to your HQ vide our letters as indicated age stretch. Please intimate their reservation for SC/ST, if any, at your earliest possible. Papers/documents for appointment wait 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 as:-

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

i) Male - 2 Due to superannuation of S/Shri Ram Narayan Maht and Ram Astar Maht 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 Shri Bhan Bahadur G. 2 wef 21.3.88 (AN). This vacancy has since been filled up by transfer; hence there is no vacancy.

iii) Ward - 1 Due to premature retirement of Smt Green Ward Sahayika 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 Sahayika.

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

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

ii) Ward Sahayika - 2 Due to premature retirement of Smt Chandra Ward Sahayika and Medical Board out of Smt Shanti Ward Sahayika wef 31 Aug 89 and 29 Aug 89 (AN). These vacancies have not been filled up by transfer under SDO 8/8/76.

Respectfully

6. Original list of candidates approved by the Medical Board is attached for reference. Papers/documents for reservation 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 as:-

(V P Singh)  
Capt  
Coy Commander  
for Commandant

Encl 1. As above.

NOT RECORDED FOR SC/ST

Observations made by ~~AM-3~~ UP Area Video Letter No. 291973/RES/M-3(B)

## Remedy

condition

@ Filled up by trans for  
under 800 9/5/76 by Shis  
800 858110000 Taylor

*[Signature]*  
C-1  
Case # 004

Tele : 2422

Exhibit 'G'

Command Hospital  
Central Command  
Lucknow

505/Coy/395

09 Dec 89

Headquarters  
Lucknow Sub Area  
Lucknow

APPOINTMENT AS A MESSENGER & WAREHOUSE IN CHARGE

1. Refer to your HQ letter No. 1260/GKH(SD) dt 01 Dec 89 and even No. dated 01 Dec 89.
2. ~~Start~~ Names of 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 Safaiwala & 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 ~~have~~ reported in the interview were informed accordingly and their original/photostat 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.

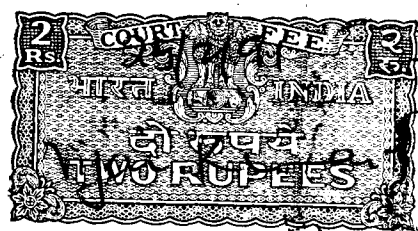
sd/-x x x x x

(RD salm)  
Lt Col  
Offg Coy Cdr  
For Comdt

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BEFORE THE JUDICIAL ADMINISTRATIVE TRIBUNAL: LUCKNOW  
C.A. NO. 286 OF 1990



1991  
AFFIDAVIT  
27  
HIGH COURT  
ALLAHABAD

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

REJOINDER AFFIDAVIT

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

1. That the deponent is the applicant in the above noted case and as such he is fully conversant with the facts of the case.
2. That the deponent ~~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 need 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

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filed today  
25/2/91

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BQ  
25/2/91

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 Tara 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.

RECEIVED  
25/11/91

B(15)  
25/11/91

Handwritten signature

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[Signature]

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.

30.12.2019  
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[Signature]



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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.

Dated: Lucknow

25-2-1991

Deponent

VERIFICATION

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.

Dated: Lucknow

25-2-1991

Deponent

I identify the deponent who has signed before me.

Advocate

Solemnly affirmed before me on 25-2-91, at 7.45 pm 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.

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