

(See rule 114)

OA/TA/RA/CP/MA/PT ...107/90..of 20.....

*Versus*

# INDEX SHEET

Certified that the file is complete in all respects. *2016 file inserted & history*

.....  
Signature of Deal. Hand

OFFICE OF THE ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Form R-1

Registration No. 107 of 1989 (e)

APPLICANT(S) C. P. D. L. P. d

RESPONDENT(S) UOL

Particulars to be examined	Endorsement as to result of examination
1. Is the appeal competent ?	y
2. a) Is the application in the prescribed form ?	y
b) Is the application in paper book form ?	
D c) Have six complete sets of the application been filed ?	y
3. a) Is the appeal in time ?	
b) If not, by how many days it is beyond time ?	
c) Has sufficient case for not taking the application in time, been filed ?	
4. Has the document of authorisation/ Vakalatnamah been filed ?	y
5. Is the application accompanied by B.O./Postal Order for Rs.50/-	y
6. Has the certified copy/copies of the order(s), against which the application is made been filed ?	y
7. a) Have the copies of the documents/referred upon by the applicant and mentioned in the application, been filed ?	y
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	y
c) Are the documents referred to in (a) above neatly typed in double space ?	y
8. Has the index of documents been filed and, being done properly ?	y
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ?	y
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	y

Particulars to be Examined

Endorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ?
12. Are extra copies of the application with Annexures filed ?
  - a) Identical with the Original ?
  - b) Defective ?
  - c) Wanting in Annexures

Nos. \_\_\_\_\_ pages Nos \_\_\_\_\_ ?
13. Have the file size envelopes bearing full addresses of the respondents been filed ?
14. Are the given address the registered address ?
15. Do the names of the parties stated in the copies tally with those indicated in the application ?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
17. Are the facts of the case mentioned in item no. 6 of the application ?
  - a) Concise ?
  - b) Under distinct heads ?
  - c) Numbered consecutively ?
  - d) Typed in double space on one side of the paper ?
18. Have the particulars for interim order prayed for indicated with reasons ?
19. Whether all the remedies have been exhausted.

Yes

Yes

No

Yes

Yes

NA

Yes

Yes

Yes

Yes

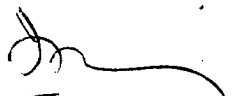
direct/


10/4/90

Hon. Mr. P.S. Habib Mohammed, A.M.,  
 Hon. Mr. J.P. Sharma, J.M.

Shri U.K. Shukla, appear  
 and he wants to place before the  
 Bench, certain matter relevant to  
 the present application.

Put up tomorrow for  
 admission. Shri V.K. Chaudhary,  
 standing counsel has taken notice.

  
 J.M.

  
 A.M.

11/4/90

Hon. Mr. P.S. Habib Mohammed, A.M.,  
 Hon. Mr. J.P. Sharma, J.M.

Shri V.S. Tripathy, appears  
 for the applicant. There are 6 connected  
 applications, in this regard. The case of  
 the applicants is that they were selected  
 as helper, but they are not been  
 appointed. However, they have not made  
 any representation against the grievance,  
 to the Authorities concerned.

The learned counsel for the  
 respondent, Shri V.K. Chaudhary accepted  
 the notice, yesterday on behalf of the  
 respondents and informed the Tribunal  
 that certain relations of the applicants  
 were working in the Doordarshan, so  
 due permission is desired from the Director

General of Doordarshan, Delhi and  
for which the paper has been sent.

It appears that some notice under  
section 29 of G.P.C. has also been  
given on behalf of the applicant  
before coming to this Tribunal. The  
notice can be treated as representative,  
~~and~~ if at all, it has reached the  
respondents and should be disposed  
of within a period of 2 months.

J.P. -  
J.M.

P.H.  
A.M.

Sd

(112)

APPLICATION UNDER SECTION 19 of THE  
ADMINISTRATIVE TRIBUNALS ACT 1985.

MA 107-90(L)

LAKSHMAN PRASAD

.. Applicant लक्ष्मण प्रसाद

-vs-

Union of India and others. ... Respondents

I N D E X

Description of documents relied upon Application	Page No.
---	----------

Signature of applicant लक्ष्मण प्रसाद  
for the use of Tribunal's office.

Filed today

25/4/90

Date of filing

of

Date of Receipt by post

Registration No.

Signature  
for Registrar.

लक्ष्मण प्रसाद

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A. NO. 127 of 1990. (L)

LAKSHAN PRASAD —

Applicant लक्ष्मण प्रसाद

-VS-

Union of India and others ... Respondents

I N D E X.

Serial No.

Particulars

Page No.

1. Application

1 to

12

2. Annexure-A-1

True copy of letter dated 9.5.89

of Respondent no.3 to the applicant ..

13

3. Annexure no.A-2

True copy of letter dated

6.6.1989 of Respondent no.3  
to the applicant

14

4. Annexure no.A-3.

True copy of the legal notice  
issued by the Counsel of appli-  
cant to the Respondent no.3.

15-

17

5. Power.

18

(V. S. Tripathi)  
Advocate.

Lucknow,

Dated:

लक्ष्मण प्रसाद

(45)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

...  
MA 107/90 LS

(Application under Section 19 of the Administrative  
Tribunal Act, 1985).

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✓  
Lakshman Prasad,  
aged about 24 years,  
S/o. Savindan Prasad,  
Villager Roopnagar,  
P.O. Malihabad, Lucknow.

... Applicant नरमोत प्रसाद

-vs-

1. Union of India through the  
Secretary, Ministry of Information  
and Broadcasting, New Delhi.
  2. The Director General,  
Doordarshan, Mandi House,  
New Delhi.
  3. The Director,  
Doordarshan Kendra,  
24, Ashok Marg  
Lucknow.
- .. Respondents

Details of application.

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

(i) There is no order against this present  
application is moved but the applicant  
is aggrieved with his non-appointment

...2

नरमोत प्रसाद



although he was selected in June 1989 on the post of helper in the office of the Respondent no.3.

Persons, who were also selected when the applicant has been given appointment and they are serving on the post of the Helper.

2. Jurisdiction of the Tribunal.

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

....

The applicant declares that the subject matter of this application is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

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

4. Facts of the case:

(i) That 15 posts of Helpers were advertised by the Respondent No.3 to be filled for his office and the applicant's name was sponsored by the Employment

महमद प्रसाद

(10)

Exchange, Lucknow for the said post as is an unemployed person.

(ii) That the applicant is fully eligible for being appointed for the said post as per prescribed rules and requirements.

(iii) That the petitioner was called to attend for interview vide letter dated 9.5.1989 to be held on 26.5.1989 <sup>and 30.5.89</sup> before the Administrative Officer of the Respondent No.3 along with original testimonials and photograph etc.

A copy of the said letter is being enclosed as ~~(ix)~~ Annexure no.A-1 to this application.

(iv) That it was learned that the that he was selected for the said post of Helper in the said selection and as such he was called upon to furnish the photograph and attestation forms in 3 copies which was sent to the applicant. . vide letter dated 6.6.1989 by the office of the Respondent No.3. A copy of the said letter dated 6.6.89 is being enclosed as Annexure no.A-2 to this application

(v) That the applicant is a near relation of an employee named Shri Bhagwancharan.

महामा यहा

(A9)

who is working in the office of the Respondents and as such the appointment letter in pursuance to the selection could not be issued to the applicant, till date.

(vi) That the applicant have fulfilled all the requirement on his part such as submission of attestation forms duly completed in all respects, photographs etc, which was desired by the Department but till date he was not been offered the appointment letter.

(vii) That during the month of July 1989 to September 1989 the following persons named -

1. S/Shri Md. Nadeen Siddique(27.7.89)
2. R.C. Pandey (9.8.89)
3. Manikant Tewari(30.7.89)
4. Ram Singh (16.8.89)
5. Satya Prakash(30.8.89)
6. Avdesh Kumar Mishra(29.8.89)
7. Lalsingh (2.9.89)
8. Radhakishan -

लक्ष्मण प्रसाद

(A10)

(viii) That out of 15 posts only 8 persons named above the previous paragraph were appointed and the remaining 7 posts are still lying vacant and no person is working on the said 7 posts even on ad-hoc basis.

(ix) That the applicant is suffering great a recurring loss due to non-payment of salary and not issuing appointment letter to him on the post of Helper although he has duly selected candidate for the post along with other persons interviewed for the said post, where the other 8 persons were already given appointment letters and are working under the Respondence no.3 during the month of July to September 1989.

(x) That the applicant still not be able to get his salary unless he is offered the appointment order for the post of Helper which is lying vacant and due to lapse on the part of the Respondents, the appointment letters are not being issued to him.

(xi) That the applicant will not be compensated in terms of money in case he is appointed after a

नरेश मोहन प्रसाद

(111)

longlong delay as he will not be paid his salary from the date when the other persons were appointed to the post of Helper who were interviewed and selected along with the applicant.

(xii) That the applicant through his Counsel also sent a legal Notice from Shri Md. Nadeen, Advocate on 3-1-90 with the prayer to issue appointment letter to the applicant. But the Respondents have not yet issued the appointment letter to the applicant, hence this this application. A copy of the Legal Notice is being enclosed as Annexure no. A-3 to this application

(xiii) That the applicant have already waited quite a long period for getting his appointment/ posting letter and he was not he was not being given the said posting letter on the post of Helper under the Respondent no.3.

(xiv) That the applicant is an unemployed person and he is facing great monetary hardship and he is also not trying ~~thax~~ to get any other job as he has already been selected for the post of Helper under the Respondent no.3 as well as it was

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(A12)

-7-

learnt by him that his name has been struck off from the roll of the unemployed persons in the Employment Exchange.

(xv) That the applicant in the matter of his employment only because the relation of an employee who is working in the Department since the other persons who were fully outsiders and most of them even ranked much below in the merit list were offered appointment on the said post.

(xvi) That the action of the Respondents for not offering appointment/posting to the applicant is discriminatory and against the provisions of Article 14 and 16 of the Constitution of India.

5. Grounds for relief with legal provisions.

(a) Because the applicant has not been offered appointment letter even after selection for the post of Helper along with other 14 candidates, who were selected in the interview.

महेश प्रसाद

(113)

(b) Because the applicant was selected and fulfilled all requirements as desired by the Respondent no.3.

(c) Because he has been discriminately treated by the Respondents by not giving appointment letter/posting under the Respondent no.3 when those selected along with him in the interview and selection were given employment under Respondent no.3 as Helper and who are working in the Department Since July 1987.

(d) Because the applicant's appointment appears to be held up because the relation of an employee who is working in the Department since the other persons who were wholly outsiders and most of them even ranked much below in the merit list were offered appointment on the said post.

(d) Because the action of the Respondents for not offering appointment/posting to the applicant is discriminatory and against the provision of Article 14 and 16 of the

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110

(e) Because during the month of July 1989 to September 1989 8 out of 15 persons selected were given appointment letter and they are working under Respondent no.3.

(ff) Because no appointment letter/posting issued to the applicant till date although completed all the formalities required by the Department.

(g) Because 7 vacancies are still existing and not appointed anyone even on adhoc basis.

6. Details of the remedies exhausted.

The applicant verbally made so many times to the authorities and send legal notice but of no avail. There is no statutory remedy under the rules as provided against such omissions on part of the Respondents.

7. Matters not previously filed or pending with any other Court.

The applicant further declare that he had not previously filed any application, writ petition or suit regarding the matter in respect of

निकमल प्रसाद



of with this application has been made, believe the court or any other authority or any other Bench of the Tribunal nor such application, petition or suit is pending before any of them.

8. Relief(s) sought:

(i) That the Respondents may please be directed to appoint the applicant on the post of Helper in the office of the Respondent no.3 as per result of the selection on

/ ~~selection~~ interview made in the month of May/June 1989.

(iii) That the applicant may also be allowed all monetary benefits of the post/salary of the post with effect from the date when the persons interviewed selected along with him were offered appointment.

(iii) That there is lack on the part of the Respondent No.2 and Respondent No.3 be directed to appoint the applicant provisionally with immediate effect on the post of Helper as he is a selected candidate for the said post.

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AK

(iv) That any other relief that this Hon'ble Tribunal deemed fit be awarded to the applicant.

(v) That the cost of these proceedings may also be awarded to the applicant.

9. Interim order, if any prayed for.

That during the pendency of this application Respondent no.3 be very kindly directed to appoint the applicant on the post of Helper provisionally for which he has been selected during pendency of this application or pending approval of the Respondent no.2.

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 stage and if so, he shall attach a self-addressed post card or inland letter, at which intimations regarding the date of hearing could be sent to him.

- N.A. -

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

Postal order No 0244406  
Dt. 2.4.90

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(A17)

12. List of enclosures.

1. True copy of letter dated 9.5.1989 of Resp Agent No.3 to the applicant. (Annexure no. A-1)
2. True copy of letter dated 6.6.1989 of Respondent no 3 to the applicant. (Annexure no. A-2).
3. True copy of the Legal Notice issued by the Counsel of applicant to the Respondent no.3 (Annexure no. A-3).

लक्ष्मण प्रसाद

Verification.

I, Lakshman Prasad

aged about 24 years, son of Gadan Prasad.

at present ~~xxxxxxx~~ resident of Village - Roor Nagar  
P.O. - Mahabadi - Dist. Lucknow.

do hereby verify that the contents of para 1 to

7 are true to my personal knowledge and those of pages 8 to 9 are believed to be true from the information gathered as well as on the basis of legal advice and that I have not suppressed any material fact.

Applicant. लक्ष्मण प्रसाद

Dated:

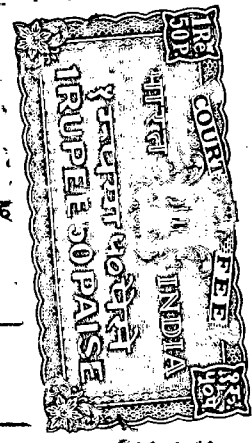
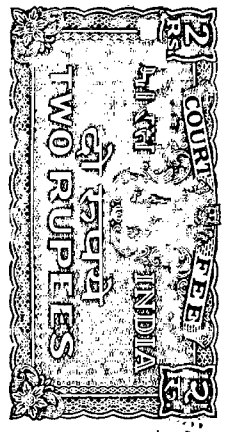
Place: Lucknow.

लक्ष्मण प्रसाद

व. अदालत श्रीमान C-11 T  
वादी (मुद्दे) Ciscut Bench held  
प्रतिवादी (मुद्दे) का वकालतनामा

महोदय  
(A.D.)

Lakshman Prasad — Applicant

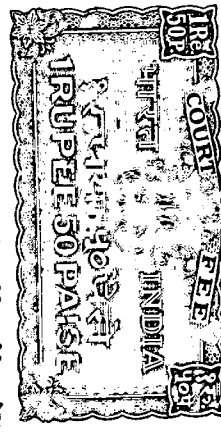


वादी (मुद्दे)

प्रतिवादी (मुद्दे)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०  
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री  
V. S. Tripathi Advocate & C  
A. R. Durrani एडवोकेट

Adv. Bar Association of India वकील महोदय



नाम अदास्त  
नं० मुकद्दमा  
नाम फरीकन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिग्री जारी करावें और रुपया वसूल करें या सुलहनामा या इकवाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लें या पंच नियुक्त करे - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरवार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा और खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Acceptance  
PPD  
Date

हस्ताक्षर लक्ष्मण प्रसाद

साक्षी (गवाह) साक्षी (गवाह)  
दिनांक महीना सन्

भारत सरकार  
दूरदर्शन केन्द्र: लखनऊ

संख्या: ८०८०४/लखत/४५४/हेल्पर/८९-एस/चार

दिनांक ०९.०९.८९  
१-५-

श्री. लक्ष्मण प्रसाद. ९/०. श्री.  
मोहन प्रसाद ग्राम रूपजाट  
पो. माली हावा. ५. १. श्री. लाला

विषय: दिनांक २२.५.८९ को हेल्पर के पद हेतु साक्षात्कार

महोदय,

आपका नाम क्षेत्रीय सेवायोजन कार्यालय लखनऊ से इस केन्द्र पर हेल्पर के पद पर साक्षात्कार हेतु अग्रसारित हुआ है अतः आप अपनी शैक्षिक योग्यता, जन्म तिथि, अनुभव इत्यादि के प्रमाण पत्रों की मूल प्रतियों भेजत इस कार्यालय में दिनोंक 30.5.89 दिन मंगलवार को प्रातः इस बजे साक्षात्कार हेतु उपस्थित हों ।

इस साक्षात्कार में उपस्थित होने के लिये आपको कोई भी यात्रा भत्ता तथा मार्ग व्यय इत्यादि नहीं दिया जाएगा ।

५ त्वदीय

हस्तक्षार/-

ॐ श्री नाथा ॐ  
प्रशासनिक अधिकारी  
कृते निदेशक

T-2  
AP Bond A2

नयमो यथा

भारत सरकार  
दूरदर्शन केन्द्र: लखनऊ

संख्या: दू0द0लखा११५१/हेल्पर/89-एस/चार

दिनांक 06/06/89

ज्ञापन

दिनांक 26.5.89 को दूरदर्शन केन्द्र लखनऊ में ..हेल्पर..  
पद हेतु हुए साक्षात्कार के संदर्भ में, साक्ष्यांकन प्रपत्र की तीन प्रतियां  
इस आशय के स्तद्वारा प्रेषित की जा रही हैं कि इनको सम्यकरूप  
से भरकर तथा उन पर सत्यापित नवीनतम फोटो ग्राफ चिपका कर अधो-  
हस्ताक्षरी को नाम से 26.06.89..... तक अथावा उससे  
पूर्व लौटा दें ।

इन प्रपत्रों को भर कर वापस भोजने का यह अभिप्राय नहीं  
लगाया जाना चाहिये कि इस पद पर आपकी नियुक्ति हेतु चुन लिया  
गया है ।

ह0/-

श्री नाथ  
प्रशासनिक अधिकारी  
कृते निदेशक

श्री/श्रीमती/कुमारी... लक्ष्मण प्रसाद  
श्री/श्रीमती/कुमारी...  
श्री/श्रीमती/कुमारी...  
श्री/श्रीमती/कुमारी...

T-2  
A.P. Dm.  
A2

लक्ष्मण प्रसाद

REGD. AD.

From: Mohd. Nadeem, Advocate,  
Victoriaganj Crossing  
Lucknow.

To : The Director General  
Doordarshan,  
Mandi House,  
NEW DELHI.

Dear Sir,

Under instructions from and on behalf of my clients Sarvashri Raj Kishor, s/o. Sri H.L. Pasi, Laxman Prasad s/o. Sri Bhagwan Deen, Ishar Ali s/o. Sri Haider Ali, Akhlesh Kumar Srivastava, s/o. Sri A.K. Srivastava, Vijai Kumar Charu Chandra s/o. Sri J.C. Joshi and Shri B.C. Pant s/o. Sri S.D. Pant I do hereby serve you with notice to the following effect:-

1. That there were vacancies of Helpers in Doordarshan Kendra, Lucknow, as such names of my clients as well as others were forwarded to the Doordarshan Kendra, Lucknow by the Lucknow Employment Exchange. My clients were interviewed on 30-31-5/89.

2. That out of the candidates who appeared before the selection committee of the Kendra, 14 of them were declared selected are being given below:-

- |                |                             |
|----------------|-----------------------------|
| 1. Raj Kishor  | 2. Laxman Prasad            |
| 3. Ishar Ali   | 4. Akhlesh Kumar Srivastava |
| 5. Vijai Kumar | 6. Charu Chandra            |

मोहम्मद नदीम

7. H.C. Pant 8. B.C. Pandey 9.5.89  
 9. Mohd. Nadeem Siddiqi 20.7.89 10. Mani Kant Tewari-30.7.89  
 11. Ram Singh-16.8.89 12. Satya Prakash -30.8.89  
 13. Awadesh Kumar Mishra -29.8.89 14. Lal Singh 2.9.89

3. That out of the aforesaid 14 persons named and described above at sl. No.8 to 14 were appointed on the dates given in front of them, but my clients though senior to them have not yet been appointed inspite of their personal approaches and representations to the authorities.

4. That it is ~~praxxax~~ crystal clear from the attitude of the department that discrimination in the matter of ~~axxx~~ employment is being practised among the equals rather juniors have been appointed and the seniors have been left for the reasons best known to the high ups of the department.

5. That the aforesaid attitude clearly infringe the fundamental rights of my clients for equal treatment and equal opportunity to the matters of employment as enshrined in the Articles 14 and 16 of the Constitution.

लक्ष्मण प्रसाद



6. That the violation of Articles 14 and 16 of the Constitution gives the cause of action to my clients to approach court of law for redress.

You are, therefore, called upon through this notice to amend and rectify the mistake committed by the department and take my clients in employment within 10 days of the receipt of this notice, failing which my clients will have to approach competent court of law praying for writ of mandamus and other remedies at the risk and cost of the department. It would not be out of place to mention here that the persons shown at sl. No. 1 and 2 belong to Scheduled Castes, as such according to the policy of the Government of India, which has been expressed through departmental notifications they deserve extra facilities to be given. It may be clarified that my clients are entitled to be appointed from the date the juniors were appointed with all consequential benefits.

Sd/- Mohd. Nadeem  
Advocate.

24xxAshok Marg, Lucknow

Copy to:-

The Director, Deor Darshan Kendra  
24, Ashok Marg, Lucknow.

True copy.

T.C  
AR. Dandy

नयमो गृहीत