

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

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

Lakshman Prasad.....Applicant(S)

Versus

U.S.G......Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects. *6/6/71, needed A history*

..... *Royer* B-C-F-1
Signature of S.O.

Signature of Deal. Hand

~~Frank~~
25/07/12

OFFICIAL ADMINISTRATIVE TRIBUNAL

SIR COLA, LUCKNOW

C.R. 1

Registration No. 107 of 1969 (4)

APPLICANT(S)

~~C. P. D. L. Pd~~

REPRESENTATIVE

COLParticulars to be examinedEndorsement as to result of examination

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

Particulars to be ExaminedEndorsement as to result of examination

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

12. Are extra copies of the application with Annexures filed ? *Ys*

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 ? *No*

14. Are the given address the registered address ? *Yp*

15. Do the names of the parties stated in the copies tally with those indicated in the application ? *Yp*

16. Are the translations certified to be true or supported by an affidavit affirming that they are true ? *NA*

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 ? *Ys*

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

19. Whether all the remedies have been exhausted. *Yp*

direct/

(A1)

(A3)

CA. 107/90(C)

10/4/90

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

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

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

Dr.

Dr
J.M.

PM
Ass.

11/4/90

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

Shri U.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 U.K. Chaudhary accepted the notice, yesterday on behalf of the respondents and informed the Tribunal that certain relatives of the applicants were working in the Doordarshan, so due permission is desired from the Director.

General's of Doordarshan, Delhi and
for which the paper has been sent.
It appears that some notice under
Section 29 of C.P.C. has also been
given on behalf of the applicant
before coming to this tribunal. The
notice can be treated as representation
and if at all, it has reached the
respondents and should be disposed of
of within a period of 2 months.

Sd

J. M.
J. M.

P.H.
A. M.

FORM - I
(Schedule - 4) (A1)

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT 1985.

CA 107-90(4)

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

Prasada

25/1/85
Date of filing

of

Date of Receipt by post

Registration No.

Signature
for Registrar.

Prasada

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW
O.A. NO. 167 of 1990. (L)

LAKSHAN PRASAD — .. Applicant लक्षण प्रसाद

-VS-

Union of India and others ... Respondents

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4. <u>Annexure no.A-3</u> True copy of the legal notice issued by the Counsel of applicant to the Respondent no.3.	15-	17
5. Power.	-	18

~~V. S. Bapatla~~
(V. S. Bapatla)
Advocate.

Lucknow,

Dated:

નાના પ્રસાદ

(A6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

...
C.A. 107/90 C.S

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

Lakshman Dasad,
aged about 24 years,
S/o. Govind Dasad,
Village Roopnagar,
P.O. Malihabad, Lucknow.

... Applicant (निर्मल प्रभु)

-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

निर्मल प्रभु

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

মুক্তি প্রতিক্রিয়া

(P)

Exchange, Lucknow for the said post as is an un-
employed 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 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
~~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 Ramgopal,

M&HOT YHTC

who is working in the office of the Respondents and as such the appointment letter in pursuant 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 -

मध्यमित्र २८-११-८९

(AO)

(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 Response 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

मृगलय यात्रा

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 application. A copy of the Legal Notice is being enclosed as Annexure no.A-3to this application.

(xiii) That the applicant have already waited quite a long period for getting his appointment/ posting letter and 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 ~~thex~~ 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

RECORDED

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 outsider 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.

मात्र यहाँ

(AU)

(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 1982.

(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

MEET 4 H 14

(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

मानव प्रधार

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 /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.

REHUT SHIR

(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 on 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 intimation 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 02416106
Dt. 24.9.0

M&HOT 4H16

(AII)

12. List of enclosures.

1. True copy of letter dated 9.5.1989 of Respident 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). मिशन शिव

Verification.

I, Lakshman Prasad
aged about 24 years, son of Gadan Prasad
at present ~~present~~ resident of Village - Ropnager
P.O - Malihabad - Distt. 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. मिशन शिव

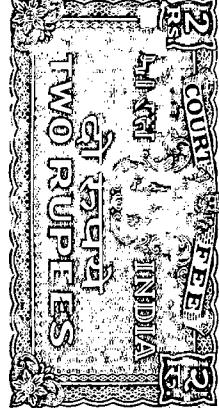
Dated:

Place: Lucknow.

मिशन शिव

द. अदालत श्रामन ७-१-१
वादी (मुद्दे) *Circuit Bench Held* महादेव
प्रतिवादी (मुद्दाबलेह) का वकालतनामा (ख) 

Lakshman Preved — Appellant



मुद्दा 1

वादी (मुद्दे)

प्रतिवादी (मुद्दाबलेह)

नं० मुकदमा सन् १९ पेशी की ता० १९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

V.S. Tatyekhli Advocate for C *A. R. Preved* एडवोकेट

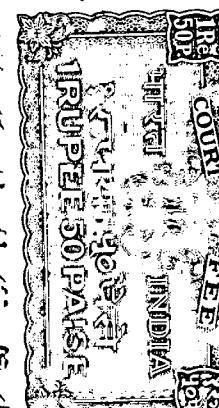
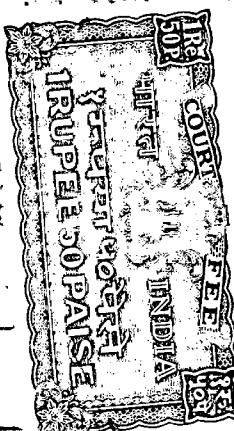
Advocates Association of India वकील

महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ औं लिखे देता हूँ इस मुकदमा 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 डिगर जारी करावें और रूपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विपच (फरीकसानी) का दाखिल किया रूपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें 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 पशी स्वयं या किसी अपने प्रेरकार को भी जिता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफ भी गिरावक फेसला हो जाता है उसकी जिम्मेदारी जोरी वकील धरने होगी। इसलिए यह वकालतनामा लिखा दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर लक्ष्मण प्रसाद

‘साच्ची (गवाह) ‘साच्ची (गवाह)
दिनांक महीना सन्



भारत सरकार
दूरदर्शन केन्द्रः लखनऊ

संख्या: दू०८०४८४४४५४५४/हेत्पर/८९-एस/चार

दिनांक ३०.५.८९

१-५-

श्री. ल. द. म. ण. प. स. ा. द. ३०/०५/८९
श्री. द. न. प. स. ा. द. ब. त. भ. र. स. प. ण. ा. ८
श्री. भ. ा. त. ि. ह. ा. व. ा. ५. १. श्री. ल. ख. ा. द.

विषय: दिनांक ३०.५.८९ को हेत्पर के पद हेतु साक्षात्कार

महोदय,

आपका नाम श्रीमती श्रीमती लखनऊ से
इस केन्द्र पर हेत्पर के पद पर साक्षात्कार हेतु अग्रसारित हुआ है
अतः आप अपनी शैक्षिक योग्यता, जन्म तिथि, अनुभाव इत्यादि
के प्रमाण पत्रों की मूल प्रतियों लाभत इस कार्यालय में दिनोंक
३०.५.८९ दिन मैंगलबार को प्रातः इस बजे साक्षात्कार हेतु
उपस्थित हों ।

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

श्रीमती

हस्ताक्षर/-
श्री नाशा
प्रशासनिक अधिकारी
कृते निदेशाक

T. e
AP BUREAU

ल. द. म. ण. प. स. ा. द.

14-
Address No - A-2

भारत सरकार

दूरदृश्यनि केन्द्रः लखानऊ

ਪੰਜੀਕੂਤ ਡਾਕ ਟਾਰਾ

ੴ ਸਖਧਾ: ਦ੍ਰਿੰਦੀ ਲਖਤ੍ਰੀ । ੫੫ /ਹੇਲਿੰਗਰ/ 89-ਏਸ/ਚਾਰ

दिनांक 06/06/89

शापन

दिनांक १६. ८. १९ को दूरदर्शन केन्द्र लखानऊ में ..हेत्पर..

पद हेतु हुए साक्षात्कार के संदर्भ में, साक्षात्कार प्रृपत्र की तीन प्रतियाँ इस आश्रय के इतद्वारा प्रेषित की जा रही हैं कि इनको सम्यकरूप से भारकर तथा उन पर सत्यापित नवीनतम फौटो ग्राफ चिपका कर अधा-हस्ताक्षारी को नाम से ३६०६०४१..... तक जधावा उसे पूर्व लौटा दें ।

इन प्रपत्रों को भार कर वापस भोजने का यह अभिप्राय नहीं
लगाया जाना चाहिए कि इस पद पर आपको नियुक्ति हेतु चुन लिया
गया है ।

20/-

४ श्री नाथ ४

શ્રો/શ્રીમતી/કુમારી... જાણમણાં પૂર્ણાં
ડીલોઝી. ડોન્ડને. પૂર્ણાં....
ગુણાં. રસ્પાનીગા. પો. ઓઝાલદાલાં
ડીલો. લાલતરડ....

T-l
AF. Due
Ad

નિકાલ પત્રા

REGD. AD.

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

To : The Director General
Door Darshan,
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, Isher 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 R.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. Isher Ali	4. Akhlesh Kumar Srivastava
5. Vijai Kumar	6. Charu Chandra

मोहम्मद नादीम

7. H.C. Pant 8. P.C. Pandey 3.5.89
 9. Mohd. Nadeem Siddiqi 10. Mani Kant Tewari 30.7.89
 20.7.89
 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 ~~xxx~~ crystal clear from the attitude of the department that discrimination in the matter of ~~xxx~~ 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 infringes 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.

महाराष्ट्र याचिक

-3-

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. Nadem
Advocate.

24xxAshok MargxxLakshmanxx

Copy to:-

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

True copy.

T. C
A.R. Daudy

27/10/1916