

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CA No 309/90

E CA 309/90 OF

THE PARTIES

P.S. Yadav

Applicant

Versus

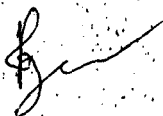
U.O. I 804

Respondent

Part A, B & C

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er action is required to taken and that the case is fit for consignment
 cided) File B/C created out/ destroyed.



29/11/13

Signature of the
Dealing Assistant

Central Administrative Tribunal

Lucknow Bench

INDEX SHEET

Cause Title 304/90 of 1993

Name of the Parties P. S. Yadav Applicant

Versus

U. C. I. Respondents.

Part A E C.

Sl. No.

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A₃₃ to A₃₈

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W. S.

A₃₉ to A₄₃

Bench copy

Petition, Annexure, Bench to B79

W. S.

1- Notice, order, copy 44 to 45

C. etc

Office copy of notice

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 309 of 1989/90 (L)

APPLICANT(S) Shri Pawan Singh Yadav

RESPONDENT(S) State (C.C. H.C.)

12/9/90
12/9

Particulars to be examined

Endorsement as to result of examination

- | | | |
|-----|--|-----------------------|
| 1. | Is the <u>application</u> <u>appeal</u> 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 <u>application</u> <u>appeal</u> in time ? | yes |
| | b) If not, by how many days it is beyond time? | |
| | c) Has sufficient case for not making the application in time, been filed? | yes |
| 4. | Has the document of authorisation/ Vakalatnama been filed ? | yes |
| 5. | Is the application accompanied by B.D./Postal Order for Rs.50/- | yes 50/- Postal Order |
| 6. | Has the certified copy/copies of the order(s) against which the application is made been filed? | yes |
| 7. | a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? | yes |
| | b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? | yes |
| | c) Are the documents referred to in (a) above neatly typed in double sapce ? | yes |
| 8. | Has the index of documents been filed and paging done properly ? | yes |
| 9. | Have the chronological details of representation made and the out come of such representation been indicated in the application? | yes |
| 10. | Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal? | no |

12

Particulars to be Examined

Endorsement as to result of examination

13. Are the application/duplicate copy/spare copies signed ?
14. Are extra copies of the application with Annexures filed ?
- a) Identical with the Original ?
- b) Defective ?
- c) Wanting in Annexures
- Nos. _____ pages Nos _____ ?

yes

yes

yes

x

15. Have the file size envelopes bearing full addresses of the respondents been filed ?

N. A.

16. Are the given address the registered address ?

yes

17. Do the names of the parties stated in the copies tally with those indicated in the application ?

yes

18. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?

N. A.

19. Are the facts of the case mentioned in item no. 6 of the application ?

yes item No 4

- a) Concise ?
- b) Under distinct heads ?
- c) Numbered consecutively ?
- d) Typed in double space on one side of the paper ?

yes

yes

20. Have the particulars for interim order prayed for indicated with reasons ?

yes

21. Whether all the remedies have been exhausted.

yes

disposal

Registered
Part of the
case
referred
to Bench on 2/10/90
12-9

12/9

(A3)

309/90 (2)

1)

8.10.90

No setting over to 6.11.90

2

6.11.90

Hon'ble Mr M.V. Prasadkar. AM.
" Mr. D.K. Agrawal. J.M.

Due to resolution of Bar
Association case is adjourned
to 28.11.90

3,

28.11.90

Hon Mr. Justice K. Nath. VC
Hon Mr. M. M. Singh AM

Applicant counsel is not present
Case ~~is~~ adjourned to 7.1.91 for
admission

M + L
AM

VC

4

7.1.91

Hon Mr. D.K. Agrawal, J.M.
Hon Mr. K. Chavla, AM

None for the applicant.

Received the application. ADM 7.

Issue notice. Counter may be
filed within 8 weeks. By order
within 8 weeks thereafter. List
for hearing on 8.4.91

or
Noted & issued
10/11/91

1

1

Dr
J.M

O A 309/91 L

(AH)

(9)

18.12.91
D.R.

Both the parties are
absent. Applicant
to file Rejoinder
by 11/3/92.

(10)

11.3.92
D.R.

Both the parties are
absent Applicant
to file Rejoinder
by 26/5/92.

(11)

26.5.92
D.R.

Both the parties
are absent today.
Applicant to file
Rejoinder by 20/8/92.

(12)

20.8.92
D.R.

Both the parties are
absent. Applicant to
file rejoinder
by 28-10-92

20/8/92

due to Autumn
vacation case
is shifted on
8.1.93

S.P.O.

8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

D.A. NO

305/90

199

(L)

I.A. NO

199

(TL)

Date of Deceasion

P. S. Yadav

Petitioner.

Advocate for the
Petitioner(s)

V E R S U S

Union of India

Respondent.

Advocate for the
Respondents

C O R A M

Hon'ble Mr.

Justice V C Swarshar, V C

Hon'ble Mr.

K. Sengupta, J

1. Whether Reporter of local papers may be allowed to see the Judgment . ✓
2. To be referred to the reporter or not ? ✓
3. Whether their Lord Ships wish to see the fair copy of the Judgement ? ✓
4. Whether to be circulated to other benches ? ✓

Vice-Chairman / Member

AG

posts of Nursing Attendants out of which 12 posts have been filled on regular basis and one post on adhoc basis and Shri S.K. Srivastava who was at serial No. 1 in the panel has been appointed on adhoc basis. In the panel dated 28.8.87 the name of the applicant was placed for appointment on monthly contract basis, in which the name of the applicant was placed.

3. No document has been placed on record by the respondents in which it was stated apart from bald statement made in the counter affidavit. Apparently the vacancies of Nursing Attendants were existing and they were advertised in the News Paper and interview was held. When vacancies were there, there was no occasion to terminate the appointment of the applicant. Even ^{if} the life of the panel exhausted, and the name of the applicant was included as adhoc employee, he was to continue till regular appointment was made and he could have also been considered for regular appointment because he was also selected. It appears that the averments made by the applicant are not without force that in order to accommodate certain ^{another} person, process was adopted. In case the vacancies are available, the applicant will be allowed to continue and his case will also be considered for regularisation, and he will be given precedence over others who have been subsequently appointed.

4. Application stands disposed of as above with no order as to Costs.

Adm. Member.

Vice Chairman.

Shakeel/-

Lucknow: Dated: 23.2.93.

(A2)

In the Central Government Treasury, attached
to the Central Government.

... of 1990

12/9/90

7/1/90

8/1/90
12/9

Prer Singh Yadav, aged 27 years son of
Sri B.S. Yadav, resident of 10, ...
C. No. ...

... applied to

Versus

1. ... of ... through ... Secretary
Government of ... Ministry of ...
... letter, ...
2. Director General Government ... Scheme
... ..
3. Deputy Director General Government ... Scheme,
... ..

... respondents.

DETAILS OF APPLICATION

1. Particulars of the order ...

... :-

The application is given the following

order:-

- | | |
|-----------------------|-----|
| (1) Order No. | ... |
| (2) Date | ... |
| (3) Issued by | ... |
| (4) Subject in brief: | ... |

That the respondent no.2 is ...

... ..

Noted for 8-10-90
Pratima Devi
(A.W.)
12-9-90

प्रमोद सिंह यादव

(A8)

2.

and his services have been terminated i.e.f..
10.9.1989 without any notice or order and without
assigning any reason thereof.

2. Jurisdiction: i.e.f.. Arbitration

The applicant declares that the subject matter
of the order against him does not fall under
the jurisdiction of the Arbitration.

3. Jurisdiction: i.e.f.. Arbitration

The applicant further declares that the applicant
is within the jurisdiction prescribed in section 21 of
the Administrative Tribunal Act, 1985.

4. Facts of the case:-

(1) There are six posts of Nursing Attender
in Group-D Category in the Government Health
Department, Government of India, which were
created in 1987. The posts were filled up from the suitable
candidates sponsored by the Government of India. The
possessions of the posts were filled up from the posts plus
one year experience and not more than 25 years of
age.

(2) The Government of India sponsored the posts of Nursing Attender
in Group-D Category in the Government Health
Department, Government of India, which were
created in 1987. The posts were filled up from the suitable
candidates sponsored by the Government of India. The
possessions of the posts were filled up from the posts plus
one year experience and not more than 25 years of
age.

(3) The Government of India sponsored the posts of Nursing Attender
in Group-D Category in the Government Health
Department, Government of India, which were
created in 1987. The posts were filled up from the suitable
candidates sponsored by the Government of India.

प्रतिनिधि मादव

:14:

27. That the applicant could not get another job due to overage. He is dependent of freedom fighter even after he is a victim of discrimination.

28. That the respondent no.3 has terminated the services of the applicant, to fill the existing vacancy from his own cadres.

5. Grounds for Relief under Reg. 2 Provisions.

(i) Because the impugned order passed by the respondent no.3 terminating the services of the applicant w.e.f. 10.8.1989 without any order or notice or assigning any reason thereof is illegal and void.

(ii) Because the impugned order of termination of the services of the applicant w.e.f. 10.8.1989 is highly arbitrary, discriminatory, and is in gross violation of the right of equality, enshrined in articles 14 and 16 of the Constitution of India.

(iii) Because 6 posts of Assistant Attendant are still lying vacant under C.O.D.O. rule, even after the services of the applicant have been terminated in discriminatory and arbitrary manner without any order or notice. He is entitled to assigning any reason.

(iv) Because the similarly situated person of the same selected first dated 28.8.1987 still enjoying service, has been continuing to work as Assistant Attendant under C.O.D.O. rule without any

प्रति रीति दाख

September, 1987 he has started working as 'Tiranga
stender' under C.G.H.S., India. But the
services of the applicant have been terminated
by the order of the Government of India. He has
been assigned by reason of his services above
six posts of 'Tiranga stender' in service
of the Government of India.

(v) Because the applicant could not get
a better job due to overage. He is dependent
of Freedom fighter even when his services
have been terminated as a disciplinary
order by the Government of India. He has
no work to assign by reason.

(vi) Because the 4 children of the applicant selected
in 1985 working as a student only
as applied to on a study basis. They have been
registered in the 6th grade. He is
working under C.G.H.S. India. Even when
the services of the applicant have been terminated
i.e., 10.9.1989. He has not any fresh
appointment order has been issued. After
10.9.1989 his services have been registered
through he has worked as 'Tiranga stender'
under C.G.H.S. India. He has been assigned
to the 6th grade.

(vii) Because the 4 children of the applicant have been
reverted to their substantive post. He is
dependent even when the services of the applicant
have been terminated as a disciplinary
order by the Government of India. He has
no work to assign by reason.

प्रमोद मादक

(A19)

13.

(viii) Because the representation ~~of~~² of the applicant are still pending for disposal before the respondent no.2 no action has been communicated to the applicant till this date.

(ix) Because the case of the applicant is genuine and the impugned order of termination ^{of} the services of the applicant is visiting ~~him~~ him with evil consequences.

6. Details of the remedies exhausted.

That the applicant declares that he has availed of all the remedies available to him under the relevant service rules etc. He has preferred his 1st representation to the respondent no.3 on 26.12.1989 which is still pending for disposal before the respondent. no.3.

7. Whether the matter is pending or the same was filed previously:-

The applicant further declares that he had not previously filed any petition, writ petition or suit regarding the matter in respect of which this petition has been made before any court or any other authority, or any other person or arbitrator or for any such petition, writ petition or suit is pending before any of them.

8. Reliefs sought

~~13~~ In view of the facts mentioned in para-4 of the petition this Hon'ble Tribunal may be pleased to:-

प्रतिनिधि भाव

A21

15

submitted to the office of the Registrar.

11. Particulars of Bank Draft/Post order in respect of the above mentioned order.

- 1. Number of Post order - 415902
- 2. Name of the Issuing Post Office - ~~H.C.~~ ⁿ P.O. Lucknow
- 3. Date of issue of post order - ~~14.2.90~~ ⁿ 12-9-90
- 4. Post Office to which payable - ~~General~~ ⁿ General Post Office, ⁿ Allahabad.

12. List of Enclosures:-

Post order/Bank Draft is accompanied by 12 documents as per serial numbers 1 to 12 as under:-

In verification:-

I, Pratima Devi, son of Mr. S. V. Das, resident of 10, Main Road, Lucknow, do hereby verify that the contents of serials 1 to 12 are true to my personal knowledge and belief and I have not suppressed any material facts.

Place:- Lucknow.

Date:- 10.2.1990

प्रतिमा देवी

Pratima Devi
(Advocate)

To

The Registrar
Central Government Probation
Lucknow (General Branch).

In The Central Administrative Tribunal, Allahabad
Lucknow Circuit Bench.

Application No. — — — of 1990

Frem Singh Yadav — Applicant

vs.

Union of India & others. — Opp. Parties.

Crossed Postal Order

(A 22) 16

बअदालत श्रीमान

In The Central Administrative Tribunal, Allahabad
Lucknow Circuit Bench

महोदय

कादी (मुद्दई) Applicant
मुद्दई (मुद्दालेह)

का

वकालतनामा

Application No. 1990

Prem Singh Yadav

Applicant

Union of India बनाम Others

प्रतिवादी (रेस्पॉन्डेन्ट) Opp. Party

नं० मुद्दमा

सन

पेशी की ता०

१९

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Km. Pratima Devi Advocate

Rajesh Kumar Tripathi Advocate वकील

Raghav Prasad Tripathi Advocate एडवोकेट महोदय
R/o 195/34 'Kha' Jagat Narayan Road, Lucknow.

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानो) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी 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 न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted-

Pratima Devi
(Advocate)

हस्ताक्षर Prem Singh Yadav

साक्षी (गवाह)

साक्षी (गवाह)

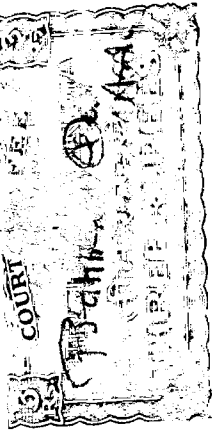
Rajesh Kumar Tripathi
(Advocate)

दिनांक

महीना

सन् १९

ई०



नाम फरीकन

In The Central Administrative Tribunal, Allahabad
Lucknow Circuit Bench.

Application No. — — — of 1990

Prem Singh Yadav — Applicant

vs.

Union of India & others. — Opp. Parties.

Crossed Postal Order

A 23

(18)

इन दी सेन्दन एगिनिस्टेटिव दीबुनल ईलाहाबाद लजानऊ सॉर्टिड बेंच
अप्लीकेशन नं०-----90

प्रेम सिंह यादव---

अप्लीकान्ट

बनाम

यूनियन आफ इंडिया तथा अन्य---

अपोजीटरीज

अवेग्नर नं०- 1

सं०3-32/87-के०स०स्वा०यो०/लजानऊ/34-47

भारत सरकार

केन्द्रीय सरकार स्वास्थ्य योजना

9-ए राणा प्रतापमार्ग लजानऊ

दिनांक 20-8-87

कार्यालय आपन

विषय:- केन्द्रीय सरकार स्वास्थ्य योजना लजानऊ में नर्सिंग अटैण्डेन्ट
के पद पर भारती हेतु ।

केन्द्रीय सरकार स्वास्थ्य योजना लजानऊ ने उपरोक्त पद पर
भारती हेतु सार्वजनिक दिनांक 28-8-87 को प्रातः 10:30 बजे

केन्द्रीय सरकार स्वास्थ्य योजना 9-ए राणा प्रताप मार्ग लजानऊमें होगी

अतः श्री प्रेम सिंह यादव से अनुरोध है कि वह उपरोक्त

तिथि स्थान व समय पर सार्वजनिक हेतु उपस्थित हो। तथा

अपने साथ सभी मूल प्रमाण पत्र जन्म तिथि प्रमाण पत्र अनुसूचित

जाति अनुसूचित जन जाति, शैक्षणिक योग्यता एवं अनुभव प्रमाण पत्र

भी अवश्य साथ लावे।

सार्वजनिक हेतु आने जाने को कोई गति व्यवधाना भात

देय न होगा।

हस्ताक्षर

मुख्य चिकित्सा अधिकारी

केन्द्रीय सरकार स्वास्थ्य योजना

लजानऊ

सेवा में

श्री प्रेम सिंह यादव

पुत्र श्री वी०एस०यादव 10 अल रोड के लजानऊ

प्रेम सिंह यादव

Attest
T.C.
Pr. Adv.

इन दी सेन्ट्रल एडमिनिस्ट्रेटिव डीबुन्स इलाहाबाद लखनऊ सर्किट बैच

अप्लीकेशन नं०-----90

प्रेम सिंह यादव---

पीटीशनर

बनाम

यूनियन आफ इंडिया तथा अन्य---

अपोजीट

-अपोजीट नं०-2-

सेवा में

सेवायोजन अधिकारी

सेवायोजन कार्यालय लखनऊ

विषय:- सेवायोजन कार्यालय द्वारा प्रेषित केन्द्रीय स्वास्थ्य योजना लखनऊ में 28-8-87 को चयन होने पर भी निम्नलिखित न मिली के संबंध में

महोदय

सविनय निवेदन सूचित करते हुये श्रीमान जी आवश्यक कार्यवाही हेतु निवेदन है:-

1-यह कि प्रार्थी का नाम आपके कार्यालय द्वारा 4-8-86 को सी० जी०एच०एस० लखनऊ में नर्सिंग अटेंडेंट पद हेतु भेजा गया था जिसका साक्षात्कार लगभग एक वर्ष बाद 28-8-87 को-हुनस हुआ था।

2-यह कि उपरोक्त साक्षात्कार द्वारा तीन उम्मीदवार को चयन हुआ। जिसमें एक को उसकी पहुँच के कारण नौकरी दे दी गयी लेकिन मेरा नाम चयन सूची में होने के बावजूद भी आज तक निम्नलिखित पत्र नहीं मिली।

3-यह कि आज तक निम्नलिखित न देने का कारण पक्षापात तथा मनमानी है जिसका स्पष्ट उदाहरण इस कार्यालय में इसी पद हेतु अगवार में जगह निकालकर 5-1-88 को साक्षात्कार तथा तुरंत निम्नलिखित का प्रयत्न जो आपके कार्यालय में हस्तक्षेप मस से स्थापित हो गयी लेकिन हम दो उम्मीदवार को 28-8-86 को आपके कार्यालय द्वारा भेजे मस जाने पर चयन हेतु आज तक निम्नलिखित न देना है जबकि जगह खाली है। तथा उन जगहों पर

प्रेम सिंह यादव

Attestd
T.C.
Me. Ad.

A25

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-2-

द्वार का काम करने वाले लोग ही लगे है।

4- यह कि उपरोक्त कार्यालय जगहे होने पर भी नियुक्ति न देकर मेरे यत्न को रद्द करने की साजिश कर रहा है जो सरासर अन्याय है।

5- अतएव श्रीमान जी से निवेदन है कि उपरोक्त कार्यालय के मनमाने अत्याचारों पर हस्तक्षेप करने नियुक्ति दिलाने की कृपा करें।

दि 0 18-4-88

आपका आशीर्वादी
प्रेम सिंह यादव

पुत्र श्री अश्विन सिंह यादव

सत्य प्रतिलिपि

Attested
T.C.
Pr. Adm.

प्रेम सिंह यादव

(21)

इन दी सेन्ट्रल एग्जिनिस्ट्रेटिव ट्रीबुनल इलाहाबाद लुआनऊ सर्किट
वेब

अप्लीकेशन नं०-----90

प्रेम सिंह यादव ---

पीटीशनर

बनाम

यूनिन ऑफ इंडिया तथा अन्य---

अपोजीट

अनेग्जर सं०-3

सेवा में

मुख्य चिकित्सा अधिकारी
केन्द्रीय सरकार स्वास्थ्य योजना
लुआनऊ

महोदय

सविनय निवेदन है कि प्रार्थी का नाम सेवायोजन
कार्यालय लुआनऊ से आपके कार्यालय में वर्ष 1986 से भोजा था।
जिसका साक्षात्कार 28-8-87 को लिया गया था जिसमें से एक
उम्मीदवार आपके कार्यालय में नौकरी कर रहा है। लेकिन मुझे
उत्तीर्ण होने पर भी आज तक नौकरी नहीं दी गई। जब कि इसी
पद हेतु आपके कार्यालय में सितम्बर 87 में जगह निकालकर जनवरी
88 में साक्षात्कार लिया जो सेवायोजन कार्यालय में बटकर दिया
गया है। मुझे आज तक नौकरी नहीं दी गई जबकि आपके कार्यालय
में कुछ लोग काफी दिनों से सीधे भर्ती करा कर भी कार्य कर
रहे हैं।

अतएव श्रीमानजी से निवेदन है कि उचित कार्यवाही
कर प्रार्थी को रोजगार दें और सेवायोजन कार्यालय लुआनऊ
में मेरा नाम आपके कार्यालय में भोजने के बाद नौकरी पर न लगा
कर मेरा कार्डरद्द कर दिया गया है।

प्रार्थी

हउरे म सिंह यादव

प्रतिलिपि
प्रवर्तन अधिकारी सेवायोजन
कार्यालय लुआनऊ

10 नं० अटल रोड दिलपुरा केन्ट
लुआनऊ

सत्य प्रतिलिपि

प्रेम सिंह यादव

Attest
T.C.
P. N. Singh

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11/12/21/2021

Attested
T.C.
P.N. Reddy

1. Mr. Prasad Singh Yadav / 10 ...

(24)

A29

इन दी सेन्दल एजामिनेटिवटिव ट्रीबुनल इलाहाबाद लजानऊ सॉर्टे
बैंच

अप्लीकेशन ---90

प्रे म सिंह यादव ---

अप्लीकेशन

अनाम

यूनियन आफ इंडिया तथा अन्य---

अप्लीकेशन

अमेगजर नं०-5

सेवा में

श्रीमान उप निदेशक

सी०जी०एच०एस०

लजानऊ

विषय:- नौकरी ज्वाइन करने हेतु

महोदय

आपके पत्र संख्या 3-32 /88सी०जी०एच०एस०

लजानऊ/2711 दिनांक 9-3-89 के अनुसार मे आज दिनांक

16-3-89 को पूर्वाह्न कार्य करने हेतु उपस्थित हो गया।

अतः श्रीमान से निवेदन हे कि प्रार्थी को कार्यभार
ग्रहण करने को अनुमति प्रदान करने की कृपा करें।

महान दया होगी ।

दिनांक 16-3-89

आपका आशाकारी

ह० प्रेम सिंह यादव

सत्य प्रतिलिपि

प्रेम सिंह यादव

Attested
T.C.
P.M. Adw.

A30

(25)

In the Central Administrative Tribunal Lucknow Bench

Application No. of 1989

Prem Singh Yadav ... Applicant

Versus

Union of India and others ... Respondents.

Annexure no.6

No.3-32/89 C.G.H.S. /1ko/2088-91

Govt. of India

Central Govt. Health Scheme

9-1 Rama Pratap Marg, Lucknow

Dated 29.3.89

Office Order

Sh. Prem Singh Yadav, is hereby appointed as Nursing Attendant on monthly wage contract basis under central Govt. Health Scheme, Lucknow at a pay of Rs.750/- P.M. plus other allowances viz. H.R., C.A., and D.A. as admissible 11.6.89 or till the reversion of Adhoc Dresser to their substantive post of Nursing Att. which ever is earlier.

Sd. Dr. R. P. Pandey

Dy. Director

Central Govt. Health Scheme
Lucknow.

To

Sh. Prem Singh Yadav, with instructions to report for duty to M.O./C CGHS Disp.no.2.

Copy to

1. Account section CGHS Lucknow.
2. P.O. CGHS, L.H.O.S. & New Delhi.
3. M.O./C C.G.H.S. Disp.no.2 for information.

Sd. R. P. Pandey

Dy. Director Central Govt.
Health Scheme Lucknow.

जम ५१६२१६५

Attended
T.C.
P.M. Pandey

(A31)
(26)

In the Central Administrative Tribunal 11th Bench
Lucknow Circuit Bench

Application No. _____/1990

Prem Singh Yadav ... Applicant
Versus

Union of India and others ... Respondents.

Annexure no.7

No.3-90/89-CCHS,/Lko/5-8

Govt. of India

Central Govt. Health Scheme,

9-A Ram Pratap Marg, Lucknow. Dated 3.4.1989

Office order

In pursuance of this office order no.3-32/88-CCHS
/Lko/3088-91 dated 29.3.89 Sh. Prem Singh Yadav,
nursing Att. is hereby/ relieved/transferred of his
duties from this office w.e.f. 3.4.89 (17) with
instructions to report MOTU, CCHS Disp.no.2 for duties
on 4.4.89 at 7.00 A.M.

MOTU CCHS Disp.no.2 is requested to sent
his joining report accordingly.

Sd.Dr.R.P.Pande
Dy. Director
Central Govt. Health
Scheme Lucknow.

To

Sd. Prem Singh Yadav, M.O. CCHS, Lko

Copy to

1. MOTU CCHS Disp no.2
2. Accounts section CCHS Lko
3. O S CCHS Lko.

Dy. Director
Central Govt. Health Scheme Lko

True copy

प्रम सिंह यादव

Attested
T.C.
P.S. Adv.

A32
(27)

इन दी सेन्ट्रल एडमिनिस्ट्रिटेव ट्रीबुनल इलाहाबाद लुटानऊ सर्किट
बेंच

अप्लीकेशन नं०-----90

प्रेम सिंह यादव ---

पीटीशनर

बनाम

यूनियन आफ इंडिया तथा अन्य---

अपोजीटरीज

अने गजर सं०-8

उपनिष्ठाक

केन्द्रीय स्वायत्त कार्यलय

9-ए राना प्रताप मार्ग लुटानऊ

द्वारा उचित माध्यम

आपके कार्यलय फा संख्या 3-32/88/सी०जी०एच०एल०
/यू०डब्लू /3088-9/दिनांक 29-1-89 के प्रार्थना में अपन
अपना कार्यभार ओज्जाटाल्य संख्या-2 में लेताल लिया है।
सूचना सेवा में प्रेषित है।

सहान्यवाद

प्रार्थी

ह० प्रेम सिंह यादव

एन०ए० दिनांक 4-4-89

सत्य प्रसिलिपि

प्रेम सिंह यादव

AH added
T.C.
P.S. Adr.

In the Central Administrative Tribunal Lucknow Bench

Application No. _____ of 1990
 Prem Singh Yadav ... Applicant
 Versus
 Union of India and others ... Respondents.

Annexure no.9

No.3-32/89-CCHS/Lko/696.99

Govt. of India, Central Govt.

Health Scheme, 9-4 Raza Pratap Marg, Lucknow.

Dated 12.6.89

office order

Sh. Prem Singh Yadav is hereby appointed as Nursing attendant on monthly wages contract basis under Central Govt. Health Scheme, Lucknow at a pay of Rs.750/- p.m. plus other allowances viz. HRA, CC and DA as admissible under rules for a period of 89 days w.e.f. 13.6.89 to 9.9.89 or till the reversion of ad-hoc dresser to their substantive post of Nursing Att. which ever is earlier.

Sd. Dr. R. P. Pande
 Dy. Director Central
 Govt. Health Scheme
 Lucknow.

To

Sh. Prem Singh with instruction to report to
 MOIC CCHS Disp.no.2 for duties.

Copy to

1. Accounts section CCHS Lko
2. MOIC CCHS Disp.no.2 for information
3. P.O. LMS and New Delhi

/
 Dy. Director
 Central Govt. Health Scheme
 Lko.

Handwritten:
 12/7/89
 A.H. S. S.
 T.C.
 P.M. Adv.

ABY

29

इन की तैयारी एडमिनिस्ट्रेटिव डीबुनल इलाहाबाद लैंग्वेज सर्विस
बेंच

अप्लीकेशन नं०-----90

प्रेम सिंह यादव ---

अप्लीकान्ट

बनाम

यूनिन आफ इंडिया तथा अन्य---

अपोजीटरीज

अनेजर नं०-19

सेवा में

श्रीमान उपनिबंधक महोदय/

के०स०स्वा० यो० कार्यालय

9-ए राता प्रतापमार्ग लखनऊ

द्वारा उचित माध्यम

आपके कार्यालय पत्र सं० -3-32 -89 सी०जी०एच०एस०
एल०डब्ल्यू० 1/696-99 गवर्नमेन्ट आफ इंडिया दिनांक 12-6-89
के अनुसार प्रार्थी ने अपना कार्यभार औस०संख्या=2 में संभाल
लिया है। सूचना सेवा में प्रेषित है।

सहान्यवाद

ह० प्रेम सिंह यादव

एन०ए० औस०संख्या-2

दिनांक 13-6-89

सत्य-प्रतिनिधि

प्रेम सिंह यादव

Attested
T.C.
Pm Adw.

A35

(30)

इन दो सैन्ट्रल एडमिनिस्ट्रेटिव डीबुनल लडा नु लॉक टैच

अप्लीकेशन नं०-----90

प्रेम सिंह यादव ---

अप्लीकान्ट

बनाम

यूनियन आफ इंडिया तथा अन्य

रेस्पॉडेंट

अनेकुर १०-११

सेवा मे

उप निदेशक
केन्द्रीय सरकार स्वास्थ्य योजना
१-ए राणा प्रताप मार्ग लखनऊ

विषय:- नॉर्निंग अटेंडेन्ट पद पर दिनांक 16 मई= मार्च 1989

से 9 सितम्बर 1989 तक कार्यरत कर्मचारों को आगे नियुक्ति
हेतु प्रार्थना पत्र

महोदय

श्रीमान जी का ध्यान उपरोक्त विषय पर अवर्जित
करते हुए निवेदन है कि प्रार्थी आपके नियुक्ति प्रस्ताव पत्र संख्या
3-32/89-साजी एच एस/लखनऊ/2711 दिनांक 9 मार्च 1989 में
निहित शर्तों के आधार पर दिनांक 16 मई मार्च 1989
से 9 सितम्बर 1989 तक कार्यरत रहा। दिनांक 11 सितम्बर
1989 को प्रार्थी ने उन्हीं शर्तों के आधार पर कार्यकाल बढ़ाने
हेतु प्रार्थना पत्र प्रस्तुति किया जिसके अनुसार एक दिन छोड़कर
प्रार्थी की नियुक्ति पत्र मिलना अपेक्षित था लेकिन तबसे
प्रार्थी को आरवाहन ही दिये जाते रहे है जिसके परिणाम स्वरूप
दो महीने का समय बीत चुका है और जार पर बेनारा की हालत
में भूखामरी तक की नौबत आ पहुँची है। जबकि प्रार्थी
के साथ ही दिनांक 28 अगस्त 1987 को अनित उम्मीदवार
श्री संजय श्रीवास्तव को तो नियुक्ति था सितम्बर 1987 में दे
दी गयी थी तथा वह अब भी आपके कार्यालय में लगे हुये है।
इसके विपरीत पर्याप्त जगह आजी होने के बावजूद प्रार्थी को
लगभग डेढ़ वर्ष देर से नौकरी देने केबाद अब फिर स्पष्ट हो
रहा है कि कुछ लोग अपने उम्मीदवारों को नौकरी पर लगाने के

प्रेम सिंह यादव
Attested
T.C.
P.S. Adw.

(31)

। लये प्रार्थी को नौकरी से निकलवाने का प्रयत्न कर रहे है।

असम्भव= अतएव श्रीमान जी को तथ्यों को ध्यान में
रखाकर न्याय करते हुये प्रार्थी को न्युक्ति पत्र देने की कृपा
करें ताकि प्रार्थी अपने पारिवारिक भारण पोषण कर सके।
यदि श्रीमान जी ने प्रार्थी की प्रार्थना पर ध्यान देकर शीघ्र
ही न्याय नहीं किया तो प्रार्थी न्याय पाने हेतु न्यायालय
की शरण लेने को विवश होगा। अतएव उचित न्याय
देने की कृपा करें प्रार्थी का जीवन आभारी रहेगा।

प्रार्थी

दिनांक 1 दिसम्बर 1989 60 प्रेम सिंह यादव

10 अटल रोड दिलकुशा कैंट

श्रीमान

प्रतिनिधि निदेशक केन्द्रीय सरकार स्वास्थ्य योजना निर्माण
भावन नई दिल्ली को भी उचित कार्यवाही हेतु निवेदन के साथ
प्रेषित।

॥ प्रेम सिंह यादव ॥

---सत्य प्रतिनिधि---

प्रेम सिंह यादव

Attested
P.C.
P.M. Adv.

A37

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इन दी सैन्ट्रल एडमिनिस्ट्रेटिव डीबुनल इलाहाबाद लगानऊ सर्किट
बैंच

अप्लीकेशन ---- 90

प्रे म सिंह यादव ----

अप्लीकान्ट

बनाम

यूनियन आफ इंडिया तथा अन्य---

अपोजीट

अपेसर नं०-12

सेवा में

उप निदेशक

केन्द्रीय सरकार स्वास्थ्य योजना

9-ए राणा प्रताप मार्ग लगानऊ

विषय:- नौकरी पर वापसी हेतु प्रार्थना पत्र

महोदय

प्रार्थी सविनय निवेदन के साथ श्रीमान जी का ध्यान
दिनांक 11 सितम्बर 1989 तथा दिनांक 1989 के प्रार्थना
पत्रों की ओर आकर्षित करते हुये पुनः निवेदन करता है कि जब तक
तक प्रार्थी को नौकरी पर वापस नहीं लिया गया है
और न ही हस्तक्षेप कोई जवाब दिया गया है जबकि नर्सिंग
अटेंडेंट पद की लगातार सात जगह तीन साल से खाली है।
इन्हीं से एक जगह पर चयन के बाद ही प्रार्थी से सूची में वरिष्ठ
श्री राजय की नियुक्ति हो गई थी। रोजा छः जगह वर्ग
1989 तक खाली रही और श्री विनोद कुमार को बिना
किसी चयन के नौकरी पर लगाये रखा गया तथा चयनित
उम्मीदवार प्रार्थी को कुछ लोगों की मिली भागत के कारण
छेह साल बाद नौकरी दी गई तथा उनकी लाजिशों के परिणाम
स्वरूप छः माह तक काम करने के बाद पूर्व उपनिदेशक के सेवा
निवृत्त होने के बाद जैसे ही आप 1 सितम्बर 1989 से उपनिदेश-
-शक जने पुनः वही लोग दिनांक 9 नवम्बर 1989 के बाद
निवृत्त पत्र देने में स्कावट बनकर तन्त्रिय हो गये हैं क्योंकि
इन्होंने अपने उम्मीदवारों को ही नौकरी दिशानी है। श्री विनोद

जेम सिंहादव
Heshtad
T.C.
Paw Adh.

कुमार जी कि राधोश्याम के नजदिक रिश्तेदार है और अडिक्टर के कार पर काम करते थे लगभग दो साल तक अनधिकृत रूप से काम करने के बाद जब हकदारी जाबित होने लगी तो उनके द्वारा मुकदमा दायर कराया गया। इसी प्रकार यहाँ के अन्य सब कर्मचारी तथा अधिकांश निम्न अपने अपने उम्मीदवारों को विभिन्न तराकों से लगा चुके हैं तथा कोशिश कर रहे हैं कि जिसका विवरण यहाँ नहीं दिया जा रहा है।

अतः श्रीमान जी से विनम्र निवेदन है कि उपरोक्त तथ्योंको ध्यान में रखाकर समुचित कार्यवाही करें तथा प्रार्थना को पुनः नौकरी पर वापस लेने की कृपा करें और प्रार्थना की नौकरी को निहित स्थायी तत्वों की साजिश से बचाने की कृपा करें।

प्रार्थना

हOअस्प-ट

दिनांक दिनाम्बर 1989

प्रेम सिंह यादव

प्रतिलिपि- निदेशक केन्द्रीय सरकार स्वास्थ्य योजना निर्माण भावन नई दिल्ली को भी उचित कार्यवाही हेतु निवेदन के साथ प्रेषित।

प्रेम सिंह यादव

-सत्य प्रतिलिपि-

प्रेम सिंह यादव

Attested
P.C.
P.M. Adw.

(A39)

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

Written Statement on behalf of Respondents

In

O.A.No.309 of 1990 (2)

P.S.Yadav.....Applicant.

Versus

Union of India & others.....Respondents.

I, Dr.V.Verma aged about 51 years son of Shri R.N.
Verma Deputy Director, Central Government Health Scheme, 9-A,
Rana Pratap Marg, Lucknow, do hereby state as under:-

1. That the deponent has read the application filed by
Shri P.S.Yadav and has understood the contents thereof.
2. That the deponent is well conversant with the facts
of the case deposed hereinafter and is filing this written
statement on behalf of all the respondents.
3. That the contents of para 1 of the application are
admitted. It is, however, clarified that the applicant's
services stood terminated on 9-9-89 in terms of the contract
appointment dated 12-6-89 (Annexure No.9 of the application)
4. That the contents of para 2 & 3 need no comments.
5. That reply to para 4(i) it is stated that there are
13 sanctioned posts of Nursing Attendants under Central
Government Health Scheme (C.G.H.S.), Lucknow out of which
12 posts have been filled on regular basis and one post on

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ad hoc basis. All the above candidates were sponsored by the Employment Exchange, Lucknow.

6. That in reply to para 4 (ii) it is stated that the Recruitment Committee constituted for the selection of one regular and 3 ad hoc Nursing Attendants approved a penal of 6 candidates on 9-8-86 as under :-

ix	1. Shri Madan Kumar Rawat....	Reserved Category
	2. " Munna Lal	
	3. " Chandra Kumar	
	4. " Ashok Kumar Bajpai	General category
	5. " Gajraj Yadav	
	6. " Arun Kumar Verma	

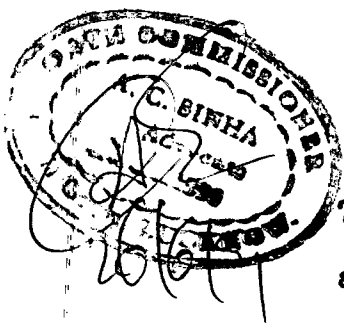
All the above candidates were regularised except Shri Munna Lal, Shri Gajraj Yadav was appointed in compliance to the orders of the Labour Court.

On 28-8-87 another penal for appointment of Nursing Attendants on monthly wage contract basis from the list of candidates sponsored by Employment Exchange, Lucknow on 4-7-86 was prepared by the Recruitment Committee in the order of merit.

1. Shri Sanjay Kumar Srivastava
2. " Ashutosh Kumar
3. " Prem Singh Yadav (Applicant)

7. That the contents of para 4 (iii) and 4 (iv) are admitted.

8. That in reply to para 4 (5) it is stated that Shri Sanjay Kumar Srivastava was appointed on the post of Nursing Attendant on ad hoc basis from the penal drawn for the purpose on 28-8-87 as his name was at the top in the penal



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and the other two candidates were appointed on monthly wage contract basis.

9. That the allegations levelled in para 4 (6) are baseless and hence denied.

10. That in reply to para 4 (7) to 4 (10) it is stated that the vacancies of Nursing Attendants were advertised in the newspaper and interview of the candidates was held on 5-1-1988. But for the recruitment process was given up on receipt of the letter from Regional Employment Exchange against such advertisement. Shri Gajraj Yadav was appointed as Nursing Attendant from 1985 Select List in compliance with the orders of the Labour Court.

11. That the contents of para 11 need no comments.

12. That the contents of para 12 to 18 are admitted.

13. That in reply to para 19 it is stated that after 89 days the services of the applicant stood automatically terminated in accordance with the terms of his appointment letter dated 12-6-89 (Annexure No.9 of the application). It is, however, re-iterated that there are 13 sanctioned posts of Nursing Attendants out of which 12 posts have been filled on regular basis and one post on adhoc basis. Shri Sanjay Srivastava, who was at serial No.1 of the penal was appointed on adhoc basis.

14. That in reply to para 20 it is stated that there is no vacant post of Nursing Attendant at present. The applicant was appointed for 89 days, after which his services stood terminated. No representation as alleged in the answering paragraph was received.

15. That in reply to para 22 & 21 it is stated that no representation dated 26-12-1989 was received from the

M. S.

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applicant. It is, however, admitted that no appointment letter has been issued to him after 9-9-1989.

16. That the contents of para 23 need no comments.

17. That in reply to para 24, submissions made in paras 14 & 15 above are re-iterated.

18. That in reply to para 25 it is stated that all the 13 sanctioned posts of Nursing Attendants have been filled. 12 on regular basis and one on adhoc basis. Now there is no vacant post of Nursing Attendant.

19. That the contents of para 26 are admitted. It is, however, stated that Sanjay Srivastava who was at serial No.1 of the penal was appointed on adhoc basis.

20. That the contents of para 27 need no comments.

21. That the contents of para 28 are denied. No appointment on the post of Nursing Attendant was made after 9-9-1989.

22. That comments on various sub paras of para 5 are furnished below in seriatum :-

5(iii):- Contents denied. There are no vacant posts of Nursing Attendant at present. The appointment of the applicant stood terminated according to the terms and conditions contained in his appointment order.

5(iv):- Contents denied. Shri Sanjay Srivastava who was at serial No.1 of the penal was appointed on the vacant post of Nursing Attendant on adhoc basis. Now there is no vacant post of Nursing Attendant.

5(v):- Need no comments.

5(vi):- Contents denied. All the 13 posts of Nursing Attendant have been filled up and there is no vacant post.

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6. June 30/5/91
For Respondents.

-: VERIFICATION :-



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Signature of Respondent.

Lucknow.

Dated; - 30th May 1991

[illegible]

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW.

D.A.NO. 309 of 1990 (L)

P.S. Yadav Applicant
Versus
Union of India Respondents

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

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

Dated: 7.01.1991.

None for the applicant. Perused the application.
Admit. Issue notice counter may be filed within 8 weeks
Rejoinder within two weeks thereafter. List for hearing
on 8.04.1991.

Sd/-
A.M.

Sd/-
J.M.

// True Copy //

Checked
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R.S.M.

15/1/91
Mohd. Umar Khan
Court Officer,
Central Administrative Tribunal,
Circuit Bench,
LUCKNOW.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

16/11/91

Regd. A/D
23-A, Thornhill Road
Allahabad. 211 001

Registration O.A. No. 309 of 1990 (L)

No. CAT/Alld/Jud C-11A-65

.....
Prem Singh Yadav

Applicant(s)

Versus

.....
Union of India

Respondent(s)

- ① Union of India through its Secretary, Govt of India
Ministry of Health and Family Welfare, New Delhi
- ② Director General Govt of India Health Scheme
D.G. H S. New Delhi
- ③ Dy. Director Central Government Health Scheme
Dy. Dir. Rana Pratap Marg, Lucknow

Please take notice that the applicant above named has presented an Application a copy of whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 8 Day of 4/1/91. For. Counter may be filed within 8 weeks Rejoinder within 8 weeks.

If, no appearance is made on your behalf, your pleader of ny sone one duly authorised to Act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this Day of 1990.

For Deputy Registrar
(Judicial)

Conf Copy of with Petitioner.