

(See rule 114)

OA/TA/RA/CP/MA/PT 0A 109/90 of 20.....

.....Applicant(S)

Versus

U-o-g Respondent(S)

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1	Final order dt. 11-4-90	1
2	Petition	2 to 13
3	Power	14
4	Annexures	15 to 19

Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

10/9/90

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

Shri V.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 filed notice.



J.M.



A.M.

H

11/4/90

Hon. Mr. P.S. Habib Mohammad, 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 applicant 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 relation of the applicant
 are working in the Doordarshan, so due
 permission is desired from the Director General

FORM 1

(See Rule - 4)

APPLICATION UNDER SECTION 19 of THE
ADMINISTRATIVE TRIBUNALS ACT 1985

ABDUL KARIM ALV

.. Applicant

-vs-

Union of India and others ... Respondents

I N D E X

Description of documents relied upon
Application

Page No.

AB *ABDUL KARIM ALV*

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

Filed today

Sgt

4/4/90

Date of filing

of

Date of Receipt by post

Registration No.

Signature
for Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO. 109 of 1990. (L)

Azhar Ali ... Applicant *Azhar Ali*

-vs-

Union of India and others ... Respondents

I N D E X.

Serial No. Particulars Page No.

- | | | |
|--|------|----|
| 1. Application | 1 to | 12 |
| 2. <u>Annexure-A-1</u>
True copy of letter dated 9.5.89
of Respondent no.3 to the applicant .. | — | 13 |
| 3. <u>Annexure no.A-2</u>
True copy of letter dated
6.6.1989 of Respondent no.3
to the applicant | — | 14 |
| 4. <u>Annexure no.A-3.</u>
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:

(A2)

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

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

Azhar Ali
aged about 20 years
S/o. Haider Ali
C/o. Haider Ali, Driver
in the office of the Field Publicity
X Ministry of Information and
Broadcasting, Vidhan Sabha Marg,
Lucknow.

Azhar Ali
... Applicant.

-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

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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

Ashraf Ali

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 ^{and 30.5.89} 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 Haider Ali

✓ ABHAR ALI

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 -

✓ Asha Ali

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(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

✓ Azhar Ali

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 30-1-90 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 ~~tax~~ 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

✓ *Ahmad Ali*



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.

✓ Akhatar Ali

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

(c) Because he has been discreminately treated by the Respondents by not giving appointment letter/posting under the Respondent no.3 when those selected along with him in the inverview and selection were given employment under Respondent no.3 as Helper and who are working in the Department Since July 1989.

(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 discreminatory and against the provision of Article 14 and 16 of the

✓ Ashraf Ali

AB

(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 4 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

✓ ABHADALI

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.

✓ Azhar Ali

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(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 intimate 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 # . 02 414 108

Dt . 4-4-90

✓ Azhar Ali

(A13)

12. List of enclosures.

1. True copy of letter dated 9.5.1989 of Respondent 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).

✓ Azhar Ali

Verification.

I, Azhar Ali

aged about 20 years, son of Shri Hriday Shri.
at present ~~xxxxxxx~~ resident of ~~xxxxxxx~~
in the name of the ~~xxxxxxx~~ (Pahar), Ring 268
Madham Sahas Marg, Calcutta

do hereby verify that the contents of para 1 to 7

are true to my personal knowledge and
those of paras 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.

✓ Azhar Ali
Applicant.

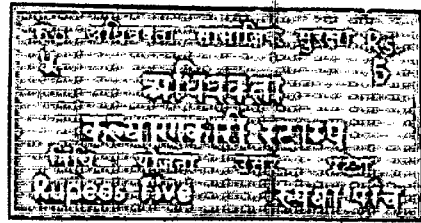
Dated:

Place: Lucknow.

ब अदालत श्रीमान

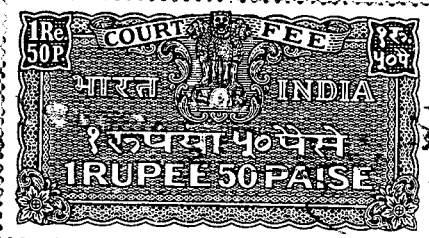
[घादी] अपीलान्त

प्रतिवादी [रेस्पान्डेंट]



महोदय

वकालतनामा



वादी अपीलान्त

AZAHAR Ali vs. ...

प्रतिवादी (रेस्पान्डेंट)

नं० मुकदमा

सन्

पेशी को ता०

१६ ई०

उपर लिखे मुकदमा में अपनी ओर से श्री

V. S. Tripalhi, Advocate H/6

A. R. Dunde

वकील

महोदय

एडवोकेट

Association

को अपना वकील नियुक्त करके प्रतिज्ञा(इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया बसूल करें या सुलहनामा व इकबालदावा तथा अपीलनिगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या अपने किसी पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसको जिम्मेदारी मेरे वकील पर नहीं होगी इसीलिए वह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर ... Azhar Ali

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६

ई०

स्वीकृत

भारत सरकार
दूरदर्शन केन्द्र: लखनऊ

संख्या: दू०द०ल०११५१/हेल्पर/८९-एस/चार

दिनांक ०६.०६.८९

श्री... ३५ ज... ..
... ..
... ..
... ..

विषय: दिनांक ३०.५.८९ को हेल्पर के पद हेतु साक्षात्कार

महोदय,

आपका नाम क्षेत्रीय सेवायोजन कार्यालय लखनऊ से
इस केन्द्र पर हेल्पर के पद पर साक्षात्कार हेतु भर्त्ता किया है
अतः आप अपनी शैक्षिक योग्यता, जन्म तिथि, अनुभव इत्यादि
के प्रमाण पत्रों की मूल प्रतियों सहित इस कार्यालय में दिनों
३०.५.८९ 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।

भावदीय

हस्ताक्षर/-

श्री नाथ
प्रशासनिक अधिकारी
कृते निदेशक

T.C.
AR

✓ Asha Ali

पंजीकृत डाक द्वारा
अति महत्वपूर्ण

दिनांक 06/06/89

दिनांक. 30.5.89.. को दूरदर्शन केन्द्र लखानऊ में ..हेल्पर..

पद हेतु हुए साक्षात्कार के संदर्भ में, साक्षात्कार प्रपत्र की तीन प्रतियां .
 इस आशय के एतद्वारा प्रेषित की जा रही हैं कि इनको सम्यकरूप
 से धारकर तथा उन पर सत्यापित नवीनतम फोटो ग्राफ चिपका कर अधो-
 हस्ताक्षरी को नाम से २८/६/८९..... तक अथवा 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।

॥ श्री नाथ ॥

प्रशासनिक अधिकारी
कृते निदेशक

श्री/श्रमतो/कुमारी. ...
...
...
...
...
.....

T.C
Arund.

✓ Ash Ali

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, ~~AZ~~har 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. AZ har Ali | 4. Akhlesh Kumar Srivastava |
| 5. Vijai Kumar | 6. Charu Chandra |

✓ Azhar Ali

7. H.C. Pant

8. R.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 ~~xxxxxx~~ 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.

Azhar Ali

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, Door Darshan Kendra
24, Ashok Marg, Lucknow.

True copy.

MA D. A.

Azhur A