

FORM NO. 21

(See rule 114)

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

OA/TA/RA/CP/MA/PT 09.109.198f 20.....

.....Aizhar Ale.....Applicant(S)

## Versus

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

## INDEX SHEET

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Certified that the file is complete in all respects.

Certified that the file is complete in all respects. *B.C. file needed A list by*

Signature of S.O.

Signature of Deal. Hand

Frank  
756192

10/9/90

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

Shri V.K. Shukla, appears  
 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 full notice.

J.M.

P.M.

J.M.

A.M.

H

11/4/90

Hon. Mr. P.S. Habib Mohammad, A.M.  
 Hon. Mr. T.P. Sharma, T.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  
 respondent 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  
(See Rule - 4)

APPLICATION UNDER SECTION 19 OF THE  
ADMINISTRATIVE TRIBUNALS ACT 1985

ABDULKALI

... Applicant

-vs-

Union of India and others ... Respondents

I N D E X

Description of documents relied upon Application	Page No.
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ABDULKALI

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

filed today

8/6/90

-----  
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)

Azizur Rehman ... Applicant AshraAli

-vs-

Union of India and others ... Respondents

I N D E X.

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1. Application		1 to 12
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4. Annexure noA-3.	True copy of the legal notice issued by the Counsel of applicant to the Respondent no.3.	15- 17
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(V.S. Tripathi)  
(V.S. Tripathi)  
Advocate.

Lucknow,

Dated:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

A2

(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

Ministry of Information and

Broadcasting, Vidhan Sabha Marg,

Lucknow.

... Applicant.

Azhar Ali

-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

(RB)

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

Ahmad Ali

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 Haider Ali

✓ Aziz Ali

• 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

✓ Ashwani

(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

✓ Agha 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 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 ~~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.

✓ Ashar 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 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.

✓ ASHRAZ ALI

(P)

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

✓ Asif Ali

(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, petition or suit regarding the matter in respect of

✓ Ashraf Ali

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.

✓ Azhar Ali

(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 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. 02 414 108

Dt. 4-4-90

✓ Azeem Ali

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).

✓ Ashraf Ali

Verification.

I, Ashraf Ali

aged about 20 year, son of Shri Hanuman Ali,  
at present resident of No. 126  
in the area of the Old Bazaar, Lucknow  
Madhan Singh Nagar, 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.

✓ Ashraf Ali

Applicant.

Dated:

Place: Lucknow.

## ब अदालत श्रीमान

[घावी] अपीलान्ट

## प्रतिवादी [रेस्पान्डेन्ट]

महोदय

200

## ब्रह्मकालतत्त्वास्था

## बादी अपीलान्ट

नं० मकाना

संन

## पेशी को ताँ०

၅၄၁။

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री V. S. Tripathi, Advocate High Court

A. R. Dreher

John Bar Associates

वकील

..... महोदय

## एडवोकेट

नाम आदालत .....  
मुद्रदसा न० नाम .....  
फरीकेत ..... ब्राह्म

को अपना वकील नियुक्त करके प्रतिज्ञा(इकरार) करता हूं और लिखे देता हूं कि इस मुकद्दमा 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 डिग्री जारी करावें और रूपया बसूल करें या सुलहनामा व इकबालदावा तथा अपीलनिगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या हमारी या विक्षी (फरीकासनी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार हैं और होगी मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या अपने किसी पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे छिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसीलिए वह वकालत नामा लिख दियां प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर ... *Agha Ali*

## साक्षी (गवाह)

• साक्षी (गवाह) ... . . . . .

दिनांक ..... महीना ..... सन् १९८०

स्वीकृत

१०४०

13

forcast on 1/12

415

## भारत सरकार दूरदर्शन केन्द्रः लखनऊ

ਸੰਖਧਾ: ਦ੍ਰੋਦੀਲਖਾਤ੍ਰੀ। ੪੫੫/ਹੈਲਫਰ/੮੯-ਏਸ/ਚਾਰ

दिनांक 06.06.89

मा. 34 वर्ष विव. 59. दिन दिन  
ग्र. 11 वर्ष विव. 11 वर्ष, दिन  
मा. 24 वर्ष विव. 24 वर्ष, दिन  
को 25 वर्ष विव. 25 वर्ष, दिन

महोदय,

आपका नाम द्वौत्रीय सेवायोजन कार्यालय लखानऊ से  
 इस केन्द्र पर हेत्पर के पद पर साहात्कार हेतु अग्रसारित हुआ है  
 अतः आप अपनी इौद्धिक योग्यता, जन्म तिथि, अनुभाव इत्यादि  
 के प्रमाण पत्रों की मूल प्रतियों सहित इस कार्यालय में दिनोंक  
 30.5.89 दिन मंगलबार को प्रातः इस बजे साहात्कार हेतु  
 उपस्थित हों।

इस साइटकार में उपस्थित होने के लिये आपको कोई भाँति यात्रा भूत्ता तथा मार्ग व्यय इत्यादि नहीं दिया जाएगा ।

कावदीय

हस्ताक्षर/-

॥ श्री नारायण ॥  
पृष्ठासनक अधिकारी  
कृते निदेशाक

T.C.  
AR 2/2/68 AD

✓ AZHAR ALI

पंजीकृत डाक द्वारा

## भारत सरकार

## दूरदृश्यानि केन्द्रः लखानऊ

## अति महत्त्वपूर्ण

## अति महत्वपूर्ण

16

दिनांक 06/06/89

## शापन

दिनांक ३०.८.४९.. को दूरदर्शनि केन्द्र लानऊ में ..हेत्पर..  
 पद हेतु हुए साक्षात्कार के संदर्भ में, साक्षात्कार की तीन पुतियाँ  
 इस आवाय के इतद्वारा प्रेषित की जारहो हैं कि इनको सम्यकरूप  
 से भारकर तथा उन पर सत्यापित नवीनतम फौटो ग्राफ चिपका कर अंदा-  
 हस्ताक्षरी को इनाम से २०.८.४९..... तक अंदावा उससे  
 पर्व लौटा दें ।

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

100/-

## ଶ୍ରୀ ନାଥ

पृष्ठात्तर्निक अधिकारी  
कृते निष्पाक

T.C. Abbott

✓ Agha Ar Ali

ANNEXURE NO. A.3

REGD. AD.

From: Mohd. Nadeem, Advocate,  
Victoriaqanji 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, ~~Azhar Ali~~ s/o. Sri Haider Ali,  
Akhlesh Kumar Srivastava, B/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. <del>Azhar</del> Ali	4. Akhlesh Kumar Srivastava
5. Vijai Kumar	6. Charu Chandra

✓ Azhar Ali

8. R.C. Pandey 9.5.89

7. H.C. Pant

9. Mohd. Nadeem Siddiqi  
27.7.89

11. Ram Singh-16.8.89

13. Awadesh Kumar Mishra -29.8.89

10. Mani Kant Tewari-30.7.89

12. Satya Prakash -30.8.89

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 ~~pxxxed~~ crystal clear from the attitude of the department that discrimination in the matter of appx 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 infrig 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.

✓Azhwar

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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

clients will be entitled to sue in the court of law praying for writ of mandamus and other remedies at law.

the risk and cost of the department. It would not be

out of place to mention here that the persons shown

out of place to mention the  
at sl. No. 1 and 2 belong to Scheduled Castes, as such

at sl. No.1 and 2 being  
according to the policy of the Government of India,

according to the policy which has been expressed through departmental notifications

which has been expressed that they deserve extra facilities to be given. It may be

they deserve extra facilities  
clarified that my clients are entitled to be appointed

clarified that my clients are appointed with all  
as on the date the juniors were appointed with all

from the date the juniors were entitled to benefits.

consequential benefits.

Sd/- Mohd. Nadegem

Advocate.

24 x x As b & k x Max x x k x x w x x

Copy to:-

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

True copy.

Ms. B. 1. 1

-Azhwar-