

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 368 of 1990 (L)

Versus

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C. Srivastava, VC)

The applicant who was Cameraman Grade-II in Doordarshan; having been appointed on 10.7.1972, he filed this application against the adverse remarks for the period 1.4.1989 to 31.3.1990 recorded in the character roll of the applicant vide order dated 27.7.90 and has prayed that the adverse portion of the impugned entry contained in enclosure-2 may be quashed and the respondents be directed to ensure proper arrangement of the applicant so that he may sit and perform his duties properly of the Camera-man Grade-I. Number of opportunities were given to the respondents, but they did not file written statement and ultimately an order was passed on 10.7.1992 that they will forfeit their right in case, the same will not be filed within time, even then it was not filed. The application for amendment was allowed. The learned counsel for the respondents who prayed before the Single Member on 28.7.1992 that the case may be referred before the Division Bench arguing the case on behalf of the respondents without there being any written statement.

2. By the amendment, the applicant prayed that

Contd...2/-

AS

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the respondents be directed to pay withheld salary with effect from upto Feb. 1991 date with interest at the rate of 15% interest with all consequential benefit. Which action according to him was unconstitutional and without there being any legal right for the same and without following the procedure followed for withholding salary of an employee.

2. The applicant was promoted to the post of Cameraman Grade-I on 28.3.1985. According to him he was sent to Doordarshan Kendra Panaji in GOA and his work as Cameraman was highly appreciated by the authorities of the Doordarshan Kendra, Panaji, Goa. In the year 1989-90 all of sudden an adverse remark was recorded in the Applicant's character roll, and communicated to the applicant vide Memo dated 27.7.90. According to the applicant the said adverse remarks are recorded with a biased mind and or contradictory.

According to the applicant that for certain reasons the respondents No. 3 i.e. the present Director, Doordarshan, Lucknow has become highly prejudiced with the applicant and the impugned entry is the out come of this prejudice. The facts have been elaborated in the representation dated 27.8.90 which the applicant preferred against the impugned adverse entry. The next promotion to which the applicant could look forward is the post of Vedio Executive and having considered the length of service and unblemished service record, but its sudden adverse remarks stood in his way. He has pointed out that in the leave arrangement of Sri Kulbhushan, Vedio Executive one Sri Rajendra Kaul Cameraman Gr.-II was promoted to work as Vedio

:: 3 ::

Executive ignoring the applicant who is Cameraman Grade-I. The representation against the adverse remarks which was filed by the applicant, was not decided even though much more than 6 months has been expired. The applicant has approached this tribunal against the order dated 27.7.1990. The applicant has approached against the same after the expiry of six months i.e. November, 1990. In the amendment application, it has been pointed out that his salary has also been withheld, even though he demanded the same. It has been pointed out that in order to humiliate the applicant one Sri Kulbhusan Vedio Executive had referred the matter to one Sri Rajendra Kaul Camera Man grade-II to submit report belonging to cameraman grade-I and the said Shri Rajendra Kaul submitted his report against the applicant. The said Sri Kulbhusan Vedio Executive called for explanation from the applicant regarding the absence for 217 days during the year 1990 and 139 days upto May, 1991. Even though there was no delegation of power in his favour. The applicant submitted his reply on 23.7.1991. On 25.7.1991 a warning letter was issued to the applicant in which it has been shown that the applicant was absent on certain dates and was asked to do his duty. 17 days were mentioned in the same and no application was given by applicant which indicates that he was not being allotted his work and he was becoming like irresponsible person. According to the applicant he has always been attending his duty, and the allegation of absence of his duty was not correct. There was no averments that any warning was given to the applicant or any point of time he was apprised that there was sudden discrimination in his work.

Contd...4/-

:: 4 ::

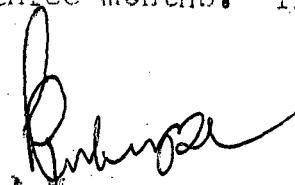
and this was all the most necessary when during the 16 years the applicant did not have any adverse entry and rather his work was appreciated. The adverse entry indicates that although his knowledge of work was good but the application of the officer of his related work was normal and he performed the duty under guidance only and lacks in understanding the T.V. working, and that he has not done any additional commendable work, though he handled the situation as a normal officer, and he can not take independent decision and is unable to weigh pros and cons of alternatives and his capacity in evaluation of performance of sub-ordinates is not good but under pressure he can not handle the situations with team members, and he is an Asthama patient and he can not take strenuous work, that he avoids taking major responsibility work as a Cameraman and Co-ordinator. Thus, practically in respect of every column the adverse remarks were given.

4. It seems that the respondents have deliberately avoided not filing the counter-affidavit. The adverse remarks indicates that there may be some contradiction in the adverse remarks. But before passing the adverse remarks, the applicant should have been appraised for any short coming in down fall in his work; at no point of time any warning was given. The respondents have not explained as to how all of sudden the applicant developed these flaws. As the circumstances for giving the adverse remarks were not given, the adverse remarks are not to be followed. Accordingly, the same are expunged. The salary is concerned, the application in this behalf is allowed. As far as the L

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responents will pay the entire salary to the applicant of which can be withheld only in accordance with law by following the procedure which is prescribed in the matter of Government of India servants. In case the question of absenteeism if any, has not been decided the salary can be not withheld and accordingly, the respondents will pay in case no proceedings has been taken and no decision in accordance with law has been taken. The respondents will pay the salary which has been withheld within a period of two months from the date of the communication of this order, but in case, they decide to hold an enquiry in the matter, that part of the salary which can not be withheld and pay the balance after concluding the enquiry, if any, which is to be concluded within a period of three months. There is no order as to cost.


A.O.P.

6
V.C.

Lucknow Dated 22.10.1992.

(RKA)

A/2

Before the Central Administrative Tribunal, Lucknow.

O.A. No. 368 of 1992

S.K. Verma ... Applicant.

Versus

Union of India & Others ... Respondents

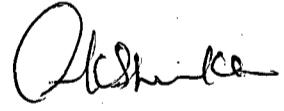
The Applicant in the above case submits as under :

1. That as per Hon'ble Tribunal order dated
13.7.1992, the applicant is filing herewith
2 typed Red Copies for compliance of the
order which is in time.

Wherefore it is prayed that the applicant
be permitted to file the same.

Lucknow.

Dated : 27.7.1992


Counsel for Applicant.

Central Administrative Tribunal
Lucknow-Bench,
Lucknow

CA No. 362/90 (L)

S. K. Verma.

v/s
Union of India & others

①

A1-A2

②

A3-A6

③ - Final Judgment - A7-A11 Dated, 22.10.91

④ Amendment Application: A12-A16

⑤ Petitions with Power - A17-A30

⑥ Abandonment Application - A31-A41

⑦ Applications for the
Payment of Salary with
Affidavit } A48-A56

⑧ Application for Interim Relief - A57-A60
and
incorporation of the order passed

⑨ Annexure Sub of Petition - A61-A65

RTT. 10.

reddacted / destroyed

B66-B95

1/10
SOL

C96-C104

Miscellaneous paper of the Tribunal
Copy

1. 10/10/91
2. 18/10/91

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CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Date of Trial: 19.11.89
Date of Recd: 19.11.89
2/1
Partly Registered

Registration No. 1364 of 1989

APPLICANT(S) : Sh. S. K. Venkatesh

RESPONDENT(S) : Union of India as Attorney

	<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1.	Is the appeal competent ?	✓
2.	a) Is the application in the prescribed form ? b) Is the application in paper book form ? c) Have six complete sets of the application been filed ?	✓ ✓ ✓
3.	a) Is the appeal in time ? 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/ Vakalatnama been filed ?	✓
5.	Is the application accompanied by B.D./Postal Order for Rs.50/-	✓
6.	Has the certified copy/copies of the order(s) against which the application is made been filed ?	✓
7.	a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? c) Are the documents referred to in (a) above neatly typed in double space ?	✓ ✓ ✓
8.	Has the index of documents been filed and paging done properly ?	✓
9.	Have the chronological details of representation made and the outcome of such representation been indicated in the application ?	✓
10.	Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	✓

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2 88

Particulars to be Examined

Endorsement as to result of examination

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

4 sets

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

yes

a) Identical with the Original ?

yes

b) Defective ?

c) Wanting in Annexures

Nos. _____ pages Nos. _____ ?

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

N.A.

14. Are the given address the registered address ?

yes

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

yes

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

yes

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

yes - very

a) Concise ?

yes

b) Under distinct heads ?

c) Numbered consecutively ?

d) Typed in double space on one side of the paper ?

yes

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

yes

19. Whether all the remedies have been exhausted.

yes

dinosh

19.11.90

D.R.

Put up before the Hon'ble Bencher

syw

19.11.90

21.11.90 for orders.

21/11/90

19.11.90

6.91 - case not reached. B.M. to

22.7.91.

22.7.91 Hon Mr. S. N. Prasad J.M. B.O.C.

Mr. Amit Basu for applicant
appears and seeks one year's time
to file rejoinder affidavit. Allowed.
Shri B. P. Chaddha, brief holder of
Shri D. S. Randhawa, learned counsel
for respondent appears,
list this case on 10-9-91
for final hearing.

A

J.M.

22.7.91

Hon Mr. S. N. Prasad J.M.

Mr. A. K. Dixit, brief holder
of Mr. Kapil Deo, for applicant
rejects for adjournment.
None for respondent -

list this case for admission
on 26.8.91

26.8.91
A

J.M.

CA 368/91

26.8.91

No. Slings adj to 11.9.91
J.

AM

⑤

11.9.91

544

Hon'ble Mr. S. M. Prasadi J. M.

OR
No CA filed

None responded on behalf of leave to either of the S. P. A. h
16/9/91
~ parties to the application despite repeated calls 91 - intervals.

Picked up again after break

J.

case called out - Several times at intervals. Sri. A. Ic. Shukla learned concerned for the applicant - has filed M.P. No. 541/91 today. From proposal of record it is found that - notices were issued to respondents on 20.5.91.

Unserved registered letter has not been received back hence the respondents presumed to have been served sufficiently. Merely has been filed by respondents in compliance of order dated 7.5.91

Issue notice to the respondents of M.P. No. 541/91 to file objection if any against this amendment - application within 4 weeks.

J.

list the case for admission/ order on 24.10.91

J. M

OR
Notice issued
20/9/91

19.9.91-

Hon'ble Justice V. C. Srivastava - V.C.
Hon'ble M.R. A. B. Joshi - A.M.

Picked up on date ~~not~~ already a 20.9.91.
filed. ✓ Neither reply nor any unserved regt
order has been given
base.

VC

P.T. 

8

AM

29-6-92

Hon Mr. S. N. Prasad JM

case called out. None respondent
on behalf of the applicant
gives up mandatory leave
coupled with respondent has
sought adjournment on the
ground of illness. In this

case for orders on 4-5-92
and for disposal of M.P.

No. 541/92

✓
JM.

✓

h.5-92 Hon. Mr. Justice V. C. Srivastava - V. C.

(APS)

The applicant has filed this
amendment application and the
amendment sought is allowed. Let
amendment stand within two
weeks. Notices be issued to the
respondent along with amended copy
so that the respondent may file reply
within four weeks. List this case
on 10-7-92 for orders. The stay order, if any
passed earlier shall hold good till the date fixed.

V. C.

GR

Notices issued
on 12-6-92

(12)

A6

O.A. NO. 368 OF 1990(L)

Dated: 10.7.92.

Hon'ble Mr. S.N. Prasad, J.M.

Case called out Shri A.K. Shukla learned counsel for the applicant and Shri V.K. Chaudhary learned counsel for the respondents are present. The learned counsel for applicant has moved amendment application for granting further time to incorporate the amendment as per order dated 4.5.92. Further time of two weeks is allowed to the learned counsel for the applicant to incorporate the amendment as already allowed on 4.5.92. The learned counsel for the respondents seeks and is allowed further time of two weeks to file the counter-affidavit. This is noteworthy that this is an old case and requires speedy disposal and sufficient time has already been granted to the respondents to file the counter-affidavit. In case no counter-affidavit is filed within aforesaid period, the respondents shall forfeit further right to file the counter-affidavit. Rejoinder-affidavit, if any, may be filed within one week thereafter. List this case for hearing/final disposal on 27.7.1992.

D.R.

No amendment has been incorporated by applicant and

No counter has been filed till today.

S.P.O. 8

(rka)

5/1/92
27/7/92

27.7.92 Hon Mr. S. N. Prasad J.M.

J.M.

Submitted

Mr

27/7/92

case called out several times at intervals. Shri A.K. Shukla, learned counsel for the applicant is present. None respondent on behalf of respondents. From the perusal of record it is found that the official concerned has not made endorsement whilst sending the file before the court about the filing of the Counter Affidavit. D.R (J) to see and ensure that office reports are invariably made by the official concerned so that the correct position about filing of counter etc. and about compliance of orders of the previous date may be ~~readily~~ ^{readily} available. Put up again after ~~lunch~~.

D

J.M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH)
LUCKNOW.

Reserved.

D.A. NO 368 OF 1990. 199 (L)

T.A. NO

Date of Decision

S.K. Verma

Petitioner.

Sri A.K. Shukla

Advocate for the
Petitioner(s)

VERSUS

Union of India & Others

Sri V.K. Chaudhary

Respondent.

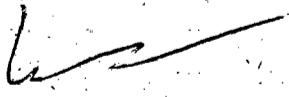
Advocate for the
Respondents

C O R A M

The Hon'ble Mr. Justice U.C. Srivastava, VC

The Hon'ble Mr. K. Obayya, Member(A)

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


VICE-CHAIRMAN/MEMBER

AB

4(18). That as already stated in the petition that owing to arbitrary action the respondents the applicant is being put to the loss and in order to further humiliate the respondent No.3 for the reason even best known to him has stopped paying regular salary to applicant with effect from Feb. 1991.

4(19) That the respondent No.3 has become so much annoyed that applicant is being denied his legitimate claim of his salary owing to filing of the instant petition.

4(20) That inspite of the fact and it is well within knowledge of the respondents and his subordinates that applicant has been attending the office regularly and when ever he could not attend he submitted applications to which till date no objection has been taken by respondents.

4(21) That the applicant was surprised to know that the salary for month Feb. 1991 was not given so he represented the respondent No.3 on 26.3.1991 which is being marked as ANNEXURE NO.A-4 to this application. And he also brought this fact to the pay and account officer I.R.L.C. (Information and Broad Casting Section) same is being filed herewith as ANNEXURE NO.A-5 hereto.

4(22) That it may be pointed out here that in order to humiliate the applicant one Sri Kulbhsan Vide Executive had referred the matter to one Sri Rajendra Kaul Camera Man grade II to submit report belonging to Camera-Man grade I which is apparent from A photocopy of Note Written by said Sri Kulbhusan ANNEXURE NO.A-6 hereto.

4(23) That on the basis of the said note Mr. Kaul submitted therein the applicant was present at Allahabad on 13.6.1991.

4(22) That inspite of aforesaid representation the respondent did not paid any heed, and without any rhyme and reason have till date not paid salary with effect from Feb. 1991 to till date.

AlY

4(25) That it may be mentioned here that Sri Kulbhusan, Video Executive is very influential person for the last over 16 years he has been performing his duties at Lucknow Doordarsan Kendra and what he desires gets done by over powering respondent No.3 as said Sri Kulbhusan has a link with the top executive and respondent No.3 out of fear in order to please said Sri Kulbhusan gets his work done weather it is lawful or inlawful which is apparent that one Camera Man grade-II Rajendra Kaul was given charge of Video Executive by ignoring the claims of Camera Man grade-I. A photocopy showing such type of unlawful work accorded by the respondent No.3 the Rajendra Kaul, as ANNEXURE-No.7 hereto.

4(26) That the said Sri Kulbhusan Video Executive asked for explanation from the application regarding the absence for 217 days during the year 1990 and 139 day upto May 1991, this was received by the applicant on 19.7.1991 and same is indicate the bottom. It was written by him on behalf of respondent No.3 although there was no delegation of power in the manual for respondent No.3 to delegate his power to a person who is incompetent to took after rather the administrative function as Sri Kubhusan to a technical hand thus the respondent No.3 exceeded his jurisdiction by delegating his power to said Sri Kulbhusan strengthens the allegation of the aplicant that respondent No.3 out of fear of said Sri Kulbhusan and under his influence passes illegal order in order to please said Kulbhusan that respondent No.3 misdeeds may not be brought by said Sri Kulbhusan as said Sri. Kulbhusan knows the short coming of respondent No.3. The aforesaid copy issued to the applicant is being filed herewith as ANNEXURE NO.8 hereto.

4(27) That applicant submitted his reply on 23.7.1991

contd..

A15

which is being annexed as ANNEXURE NO.9 hereto.

4(28) That on 25.7.1991 a warning letter was issued to the applicant in which it has been shown that the applicant was absent on certain dates and was asked to do his duty which is being filed herewith as ANNEXURE NO.A-10 hereto. The said letter was received by the applicant in the programme meeting.

4(29) That the applicant 8.7.1991, 10.7.1991, 12.7.1991 represented the respondent No.3 wherein the applicant has very specifically given out that he has been attending his duty in normal circumstances and he was never absent but in order to deprive claims and also in order to strength his mental agony the authorities are upto create an atmosphere which suits to them a phottocopies of the representation is being filed as ANNEXURE NO.11 to 13 to this application.

4(30) That applicant is Camera Man grade-I but he has number of time threatend that he should take over camera man grade-II as he has been revert out there is no written order and on one occassions said Sri Kulbhusan indicated the applicant in a meeting 10.7.1991 passed remark that applicant belongs Camera Man Grade-II thus it appears said Sri Kulbhusan has a consiperacy with the help of respondent No.3 against applicant to given a maximum possible torture all this sordid happening have taken place owing to complex of said Sri Kulbhusan as he has full control over the Doordarsan owing to his long stay at Lucknow and also owing to the weakness and lapses on the part of respondent No.3 said Sri Kulbhusan taken full advantage of the situation he got the things his in favour.

4(31) That applicant has been regularly his attending his duties and when ever his did not bring his identify

Card entered to the premises to attend his duties after taking passes from the gate, and same is in possession of applicant and would show to the Hon'ble Court as and when it is required.

4(32) That the applicant have been denied to attend the programme meeting so that he may not show his presence.

G R O U N D S

- a) Because action of the respondent with holding the salary is arbitrary, unconstitutional.
- b) Because non payment of salary inspite of work is being taken is violative of Articles 14, 16, 51 A(h) to the Constitution of India.
- c) Because respondents have no legal rights to withhold the salary without awarding any punishment.
- d) Because action of the respondent is violative of Article 21 of the Constitution of India.
- e) Because with holding of salary without following the normal procedure or in accordance with due procedure of Law is manifestly illegal and is without jurisdiction.

P R A Y E R

To direct the respondents to pay withhold salary with effect from upto Feb. 1991 date with interest at the rate of 15% interest with all consequents benefit.

Wherefore it is most respectfully prayed that the Hon'ble Tribunal be pleased to permit the applicant to amend his petition as indicated above in the ends of justice.

Lucknow, Dated :

August, 1991

Counsel for the Applicant.

(A1)

In the Hon'ble Central Administrative Tribunal,
Circuit Bench, Lucknow.

Title of the Case No. 368 of 1990 (L)

S.K.Verma ... Applicant

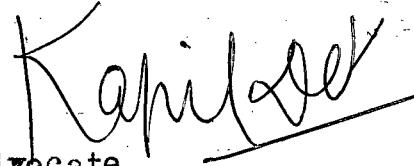
Versus

Union of India and others Opposite Parties

Compilation No.1

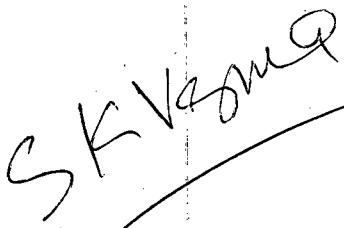
I N D E X

<u>Sl. No.</u>	<u>Description of papers</u>	<u>Page No.</u>
1.	Application	1/10
2.	Enclosure No.2 Impugned adverse entry for 89-90	11/12


Kapilal
Advocate,
Counsel for the Applicant.

Place: Lucknow.

Dated November 16, 1990


SK Verma

A18

In the Hon'ble Central Administrative Tribunal,
Circuit Bench, Lucknow.

Application No. 368 of 1990 (C)

Central Administrative Tribunal
Circuit Bench Lucknow
Date of filing 19.11.90
Date of Receipt by Post
Deputy Registrar (J)

19.11.90

S.K. Verma aged about 54 years son of Sri D.P. Verma,
resident of Flat No. 4, Gulzar Colony, Lucknow.
....Applicant.

Versus

1. Union of India through the Secretary, Ministry
of Broadcasting, New Delhi.
2. The Director General, Doordarshan, Doordarshan
Kendra, New Delhi.
3. Director, Doordarshan, Doordarshan Kendra, Lucknow.
4. Vilayat Jafri, Director Doordarshan Kendra
Lucknow. Opposite Parties.

*Filed today
SSN*

See Verma

Details of the Application

1. Particulars of the order against which application
is made: The application is made against the adverse
remarks for the period 1-4-89 to 31-3-90 recorded in the

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-2-

character roll of the applicant vide letter No. DT/CL/15/8/90 dated 27-7-90 by the opposite party no. 3.

2. Jurisdiction of the Tribunal:

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

3. Limitation: The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act 1985.

4. Facts of the case:

(1) That the applicant was initially appointed as Cameraman Gr.II in the establishment of Doordarshan on 10-7-72. He was subsequently confirmed on this post.

(2) That since the petitioner took over charge on the said post of Cameraman Gr.II he always performed his duties to the entire satisfaction of his superiors and for this reason the petitioner was promoted to the post of Cameraman Gr.1 on ^{was promoted} which post the applicant joined on 28-2-85. Since then the petitioner has been performing the duties of this post to the best of his ability.

Signature

-3-

(3) That the work and conduct of the petitioner on the post of Cameraman Gr. I has been excellent. The petitioner was sent to Doordarshan Kendra Panaji in GOA in connection with the preparation of short film known as ' Climeses of Goa'. During the processing of this film the petitioner performed his duties in an excellent manner and his work was highly appreciated by the authorities of the Doordarshan Kendra, Panaji, Goa. He was also issued a commendatory letter by Sri V.H.Bhamare, Assistant Station Director, Incharge Programme and Cordination, Doordarshan Pajani, Goa on 24-8-90, a copy of which is being enclosed as Enclosure No. 1 to this application.

(4) That, however, the applicant was surprised to know that during the year 1989-90 while he remained posted under the opposite party no.3, an adverse entry was recorded in the applicant's character roll, and communicated to the applicant vide Memo dated 27-7-90, a copy of which is enclosed as Enclosure No. 2 to this application.

(5) That from a perusal of the said adverse remarks it will be seen that they are contradictory on the face of it and have been recorded with a biased mind.

Br

SK Verma

A2/

-4-

(6) That it is material to state here that for the lackes on the part of the applicant as have been indicated in the impugned remarks the applicant was never apprised orally or in writing at any stage.

(7) That the future career of an employee depends on the entries recorded in his character roll and the superior authorities cannot be permitted to spoil the character roll of an employee.

(8) That in case during a particular year the superior authorities find some lackes in the quality of work of his subordinates it is obligatory on the part of the superior authorities to apprise of such lackes to his subordinate orally or in writing and when the employee concerned fails to improve then these defects are recorded in the character roll.

(9) That it is the morale function of the superior authorities to make the entries judiciously without mental reservation and should eschew vagueness. From a perusal of the impugned entry it will be seen that instead of recording the entry with judicious mind it has been recorded with mental reservation with a view to spoil the 17th years unblemished service record of the petitioner.

SIC Vana

h

(10) That it is material to state here that for certain reasons the opposite party no.3, i.e. the present Director, Doordarshan, Lucknow has become highly prejudiced with the petitioner and the impugned entry is the outcome of this prejudiceness. The facts have been elaborated in the representation dated 27.8.90 which the petitioner preferred against the impugned adverse entry, a copy of which is enclosed as Enclosure No.3 to this application.

(11) That the next promotion to which the petitioner could look forward is the post of Vedio Executive and having considered the length of service and unblemished service record the petitioner is entitled for his promotion on the said post. The petitioner is confident that the impugned adverse entry will create hinderance in the petitioner's promotion and it would be expedient in the interest of justice that the opposite parties are directed not to take into consideration the impugned entry if the occasion of the petitioner's promotion arises during the pendency of the application.

Sri Jayaram

(12) That an obvious example of partiality at the hands of the opposite party no.3 is that in the leave arrangement of Sri Kulbhushan, Vedio Executive one sri Rajendra Kaul Cameraman Gr.II was promoted to work as Vedio Executive ignoring the applicant who is Cameraman Gr.I.

(13) That so far as the representation against the adverse entry is concerned the same is still pending for decision and has not been decided so far and it is settled law that the adverse entry against which any representation is pending can not be taken into account while considering the case of promotion or for any service avenues for which the applicant is entitled .

(14) That thus it will be expedient in the interest of justice that during the pendency of the representation the adverse entry of the ~~petitioner~~ ^{applicant} can not be considered against him for the purpose of promotion.

(15) That not only this but it is also ^{to} be mentioned here that the ~~petitioner~~ ^{applicant} was not being paid his due arrears nor his pay fixation has been done by the opp. parties while the Camera-man Grade -I junior to the ^{applicant} ~~petitioner~~ Sri Girdharan has been paid his arrears and his pay has also been fixed. Therefore, this action of the opp. parties is also prejudicial , arbitrary and malafide.

(16) That against this action of the opp. parties , the ^{applicant} ~~petitioner~~ has preferred remedies and the Hon'ble Supreme Court has ordered for making the payment of arrears inspite of that the same has not been paid. This shows the prejudicial attitude of the opp. parties and it is due to this prejudiceness the adverse entry has been recorded against the ~~petitioner~~ ^{applicant}.

(17) That not only this even the applicant has

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as per

not been allotted any room ~~for office~~ status for sitting and performing his duties efficiently and he has been in asked to sit in a Camera-store which is also not fit for office use, which is malafide and arbitrary action of the opposite parties.

5. GROUNDS

- (i) Because from the facts and circumstances stated above it is more than clear that the impugned entry has been given to the petitioner in malafide and colourable exercise of powers.
- (ii) Because the petitioner was never apprised of the shortcomings as mentioned in the impugned entry before awarding the entry, either in writing or orally.
- (iii) Because so far as the representation against the adverse entry is concerned the same is still pending for decision and has not been decided so far and it is settled law that the adverse entry against which any representation is pending can not be taken into account while considering the case of promotion or for any service avenues for which the applicant is entitled
- (iv) Because thus it will be expedient in the interest of justice that during the pendency of the representation the adverse entry of the applicant can not be considered against him for the purpose of promotion.
- (v) Because not only this but it is also ^{to} be

6

mentioned here that the applicant was not being paid his due arrears nor his pay fixation has been done by the opp. parties while the Camera-man Grade-I junior to the applicant Sri Girdharan has been paid his arrears and his pay has also been fixed. Therefore, this action of the opp. parties is also prejudicial, arbitrary and malafide.

(vi) Because against this action of the opp. parties, the applicant has preferred remedies and the Hon'ble Supreme Court has ordered for making the payment of arrears inspite of that the same has not been paid. This shows the prejudicial attitude of the opp. parties and it is due to this prejudiceness the adverse entry has been recorded against the applicant.

(vii) Because not only this even the applicant has not been allotted any room for office status for sitting and performing his duties efficiently and he has been asked to sit in a Camera-store which is very dark and not fit for office use, which is malafide an arbitrary action of the opposite parties.

6. Details of the remedies exhausted:

The applicant submitted representation against the impugned entry on 27-8-90 but it has not been decided so far.

7. Matter not pending with any court etc.

The applicant declares that the matter which is

fr

Sri Girdharan

involved in this application is not pending before any other Bench of the Tribunal.

8. In view of the facts mentioned in para 4 above the applicant prays for the following reliefs:

(a) The adverse portion of the impugned entry contained in enclosure-2 may kindly be quashed and the opposite parties be directed to ensure proper arrangement of the applicant so that he may ~~perfer~~ sit and perform his duties properly of the Camera-man Grade-I or pass such other and further order as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

(b) Direct the Opposite parties to expunge the adverse portion from the entry filed as Enclosure No.2 and the same may not be taken into consideration during the pendency of the application.

(c) Allow the application with costs

9. Interim relief prayed:

The Hon'ble Tribunal may be pleased to direct the opposite parties not to consider the impugned entry (Enclosure-2) during the pendency of the application.

10. The petition is personally presented through Counsel.

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

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(1) Name of the Bank on which drawn :

(2) Name of issuing post office :

(3) Date of issue of Postal order(s) : 15-11-90
No 415963

(4) Post office at which payable.

12- Details of the Index:

An index in duplicate containing the details of the documents to be relied upon is enclosed.

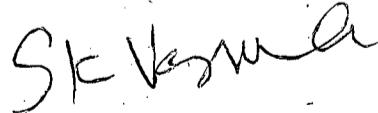
13. List of Enclosures:

(1) Certificate dated 24-8-90 from Doordarshan Panaji- Goa.

(2) Representation against the adverse entry dated 27-8-90.

In Verification

I, S.K. Verma aged about 54 years working as Cameraman Gr.I Doordarshan Kendra, Lucknow, do hereby verify that the contents of paras 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.



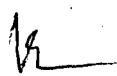
Signature of the applicant

Place : Lucknow

Dated: November , 1990.

To

The Registrar,
Central Administrative Tribunal,
Allahabad.



BHARAT SARKAR
DOORDARSHAN KENDRA
LUCKNOW.

NO: DTCL/15(8)90

Date: 27.7.90

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MEMORANDUM

The following extract is communicated to
Shri S.K.Verma, Cameraman Grade I, from his C.R. for
the period from 1.4.89 to 31.3.90 :-

1. Quality of work output: Normal worker
2. Comment on officer's quality of performance having regard to standard of work and programme objectives and constraints, if any. Normal, His knowledge of work is good but the application of the officer of his related work is normal. Being a cameraman Grade I he should do maximum work on important occasions himself.
3. Leadership qualities : Can performs the duty under guidance only and lacks in understanding the TV working.
4. Management qualities : He manages the subordinates as an normal officer.
5. Initiative and planning ability. He handles the situation as an normal officery, has not done any additional commendable work.
6. Decision making ability: Decision making ability is normal, can not take independent decision and is unable to weigh pros and cons of alternatives, required for ENG/Studios Producti on work.
7. Appraising ability : His capacity in evaluation of performance of sub-ordinates are not good. In putting the staff in major production work, don't use their qualities and short-coming.
8. Inter-personal relations- and team work. Relation with superiors are good and so with subordinates under normal circumstances, but under pressure can not handle the situations with team members.

Encd 4

Contd....2....

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9. State of health : He is an Aesthma patient, can not take strenuous work.

10. General administrative management and initiative : Normal

11. Programme planning and production : Planning good, no production has been done by the officer, since he joined the kendra.

12. Public relation : and general awareness/sense of responsibility.

Good, but avoids taking major responsibility work as a Cameraman and co-ordinator.

He is a good Cameraman but can co-ordinate under supervision and avoid taking major assignments works.

13. Grading : Average

14. Relations with the public/attitude towards scheduled castes/scheduled tribes/weaker sections of society. : Good

Shri S.K.Verma, Cameraman Grade I is hereby advised to overcome the shortcomings pointed out above in order to earn better report in future.

If he wishes to make a representation in this regard the same should be submitted within a month of the receipt of this memo.

Parvez Jafri
(VILAYET JAFRI)
DIRECTOR

Shri S.K.Verma,
Cameraman Grade I
Doordarshan kendra
Lucknow.

Alam Hussain

Qay

Kapil Dev

Advocate (High Court)
Flat No. 3, Shyam Bhawan
83, Court Road, Lucknow.

16/11/80

SK Verma

End-5

Homopoly Central A.T. Lucknow

ब अदालत श्रीमान

महोदय

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[वादी] अपौर्णा

प्रतिवादी



वकालतनामा

मुकदमा नं०

सन्

पेशी क्रीता०

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

बनाम Union of India & others

Kapil Dev, Adv

J. A. Parbhoo, Adv

A. K. Shukla, Adv

33, Cantt Road, Shyam Bhawan Lucknow

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया कमा 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 हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरक मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Accepted
Kapil Dev
गोपनीय
अदालत
अदालत

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना सन् १६ ई०

अदालत

A3/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW.

M.P. No. 541 of 1991

O.A. No. 368 of 1990 (L)

S.K. Verma Applicant.

Vs.

Union of India & another Respondents.

APPLICATION FOR AMENDMENT OF THE PETITION

The applicant in the above noted case respectfully begs to states as under:-

That during the pendency of the above noted petition certain development have taken place which necessitates the applicant to bring all those fact by amending the petition in the following manner:-

1. That after existing para 4(17) the following paras be added.

4(18). That as already stated in the petition that owing to arbitrary action the respondents the applicant is being put to the loss and in order to further humiliate the respondent No.3 for the reason even best

filed today
S.K. Verma
11/9/91

12/9/91. 15 P.M.
g.19

S.K. Verma

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known to him has stopped paying regular salary to the applicant with effect from Feb, 1991.

4(19). That the respondent No.3 has become so much annoyed that applicant is being denied his legitimate claim of his salary owing to filing of the instant petition.

4(20). That inspite of the fact and it is well within knowledge, of the respondents and his subordinates that applicant has been attending the office regularly and when even he could not attend he submitted applications to which till date no objection has been taken by respondents.

4(21). That the applicant was surprised to know that the salary for month Feb, 1991 was not given so he represented the respondent No.3 on 26.3.1991 which is being marked as Annexure No. A-4 to this application. and he also brought this fact to the pay and account officer I.R.L.A. (Information and broadcasting section) same is being filed herewith as Annexure No.A-5 hereto.

4(22). That it may be pointed out here that in

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order to humiliate the applicant one Sri. Kulbhsan

Video Executive had referred the matter to one Sri.

Rajendra Kaul Camera Man grade II to submit report

belonging to Camera Man grade I which is apparent from

A Photocopy of Note written by said Sri. Kulbhusan

Annexure No. A-6 hereto.

4(23). That on the basis of the said note Mr. Kaul submitted therein the applicant was present at Allahabad on 13.6.1991.

4(24). That inspite of aforesaid representation the respondent did not paid any heed, and without any rhyme and reason have till date not paid salary with effect from Feb, 1991 to till date.

4(25). That it may be mentioned here that Sri. Kulbhusan, Video Executive is very influential person

and for the last over 16 years he has been performing

his duties at Lucknow Doordarsan Kendra and what

he desires gets done by over powering respondent

No.3 as said Sri. Kulbhusan has a link with the top

executives and respondent No.3 out of fear in order

SKV/SS

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to please said Sri. Kulbhushan gets his work done weather it is lawful or inlawful which is apparent that one Camera Man grade II Rajendra Kaul was given charge of Video Executive by ignoring the claims of Camera Man grade I. A Phtocopy showing such type of unlawful work accorded by the respondent No.3 the Rajendra Kaul, as Annexure NoA-7 hereto.

4(26). That the said Sri Kulbhushan Video Executive asked for explanation from the applicant regarding theabsence for 217 days during the year 1990 and 139 day upto May,1991 this was received by the applicant on 19.7.1991 and same is indicated the bottom . It was written by him on behalf of respondent No.3 although there was no delegation of power in the manual for respondent No.3 to delegate his power to a person who is incompetent to took after rather the administrative function as Sri. Kubhusan in a technical hand thus the respondent No.3 ~~xxxxx~~ exceeded his jurisdiction by delegating his power to said Sri. Kulbhushan which

was never absent but in

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strengthens the allegation of the applicant that respondent No.3 out of fear of said Sri. Kulbhusan and under his influence passes illegal order in order to please said Kulbhusan that respondent No.3 misdeeds may not be brought by said Sri. Kulbhusan as said Sri. Kulbhusan knows the short coming of respondent No.3. The aforesaid copy issued to the applicant is being filed herewith as Annexure No. 8 hereto. Said Sri Kulbhusan harassed so much which is apparent from the note of applicant which is annexed as Annexure A 8 (1).

4.27. That applicant submitted his reply on 30.7.1991 which is being annexed as Annexure No. 9 hereto.

4.28. That on 25.7.1991 a warning letter was issued to the applicant in which it has been shown that the applicant was absent on certain dates and was asked to do his duty which is being filed herewith as Annexure No. A-10 hereto. The said letter was received by the applicant in the programme meeting.

4(29). That the applicant 8.7.1991, 10.7.1991, 12.7.1991 represented the respondent No.3 wherein the applicant has very specifically given out that he has been attending his duty in normal circumstances and he was never absent but in order to deprive claims and also in order.

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to strengthen his mental agony the ~~respondent~~ authorities are bent upon to create an atmosphere which suits to them a photocopies of the ~~respondent~~ representation is being filed as Annexure No.11 to 13. to this application.

14(30). That applicant is Camera Man grade I but he has number of time threatend that he should take over camera Man grade II as he has been reverted but there is no written order and on one occassions said Sri. Kulbusan indicated the applicant in a meeting 10.7.1991 passed remark that applicant belongs Camera Man Grade II thus it appears said Sri. Kulbhusan has a consiperacy with the help of respondent No.3 against applicant to given a maxium possible torture all this sordid happenings have taken place owing to complex of said Sri. Kulbhusan as he has ful control over the Doordarshan owing to his long stay at Lucknow and also owing to the weakness, and lapses on the part of respondent No.3 said Sri. Kulbhusan taken full advantage of the situation ^{by} ~~he~~ get the things his in favour.

4.31. That applicant has been ~~rem~~ regularly his

SIGNATURE his attending/ duties and when ever his did not bring his

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identity Card entered to the primesses to attend his duties after taking passes from the gate, and same is in possession of applicant and would show to the Hon'ble Court as and when it is required.

4.30. That the applicant have been denied to attend the programme meeting so that he may not show his presence.

2. That after existing grounds followings may kindly be added:-

GROUND S

(a). Because action of the respondent with holding the salary is arbitrary ,uncontiuuiinal.

b). Because non payment of salary inspite of work is being taken is violative of Article 14,16,51 A(h) to the Constitution of India.

(c). Because respondents have no legal rights to with hold the salary without awarding any punishment .

(d). Because action of the respondent is violative of Article 21 of the Consitution of India.

(e). Because with holding of salary without following the normal procedure or in accordance with due process of Law is manifestly illegal and is without jurisdiction.

3. That after existing prayer the following prayer be added as:-

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PRAYER

To direct the respondents to pay with held salary with effect from upto Feb, 1991 date with interest at the rate of 15% interest with all consequentents /benefints.

Wherefore It is respectfully prayed that the Hon'ble Tribunal be pleased to permit the applicant to amend his petition as indicated above in the ands of justice.

Lucknow:Dated:

August,1991.


Counsel for the Applicant.

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SKV

The Collector
DDK Lucknow

A39

Sir

With due respect I have
to say that I am not in
receipt of my salary for
the month of Feb. 1991. It
has, perhaps, been withheld
by the P.A.O. J.R.L.A. Since
I have submitted all the
applications for grant of
leave which I had availed
of. At present I am (face a
hard ship in connection with my
treatment and also feeling handicapped
in providing for my family. So
my family financially.
I am requested kindly to
instruct P.A.O. J.R.L.A. New Delhi
to release my salary without
any further delay because in
case of non receipt of salary
my self along with all the
family members will be made

(P.T.O.)

Amrit Singh
I.P.T.O.

Amrit Singh

ANN. 5

A.Y.O.

To
The Pay & account officer
(RLA. (D/B))
New Delhi,

Sri

My pay for the month
of Feb. 1991 is not yet
received by me
kindly clarify and
please it immedia
tly

Thanking you

Yours faithfully

S. C. Verma

Cameraman &
DDK. Lucknow

RLA No 13124

26/3/1991

Number one
copy

S. C. Verma

ANN-6

AW

true copy

GOVERNMENT OF INDIA
DOURDARSAN KENDRA LUCKNOW.

No. I.V. (Lko) 21 (197) 88.S/A

Dated 3.5.90.

ORDER

During the absence of Shri Kulbhushan, Vede Executive on leave, Shri Rajendra Kaul, Cameraman Grade II will look after the Section.

(Vilayet Jafri)
Director

राजेन्द्र कौल, संस्कृत

Copy to: 1 Shri Rajendra Kaul, Cameraman Grade II

2 Asstt. Station Director,
P.A. to Superintendent Engineer.

Note

For the kind information of all Cameraman Cr II.

Rajendra Kaul
4/5/90

*Mukesh Kumar
J.D.R.*

Sur Nitin

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Note

Sh. Rajinder Singh may please intimate the problem arised during the election of B.A. Allahabad from 12-6-91 to 19-6-91. He is also requested to intimate the deployment of cameramen / cameramen FOI at the OB spot and the hours of duty of each from Camera Section please.

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Sh. kaul.

Sh. K.N. Dubey

Sh. Saxena.

As per note by VEX dated 20.6.91 I draw your kind attention towards the following :-

1. The date 12.6.91 mentioned for tour is incorrect I think you are not aware of the tour order that departure from here was to be made on 13.6.91.
2. Contingency amount was not given to meet out the expenditure to me as a coordinator.
3. The following team members accompanied Shri K.N.Dubey, Shri Anup Misra (Lighting Assistant-Casual)-brother in law of Shri C.K.Dwivedi lighting Assistant, Shri S.K. Verma, Cameraman Grade.I in the morning on 13.6.91 by office transport.
4. No presanction has been taken from electricity board to provide us power to arrange the lighting inside, the election counting pandal and near OB van . As the surveyor should have taken measures & reported regarding power & he did not think the importance of the coverage and its light requirement because he is a very junior man for such assignment . I do not know how he is being sent for such work and if he was doing it why he did not go for the coverage and not even any instructions/guidelines were issued to me in respect of survey. For the power connection, I had to run to arrange it to different officials of electric board and DM/ADM etc. But every body advised to deposit money for the same but the same I got it arranged.

PITO

GOVERNMENT OF INDIA
DOORDARSHAN KENDRA : LUCKNOW

ANNEXURE 8

NO.TV(LKO)21(253)87-S/A

Dated: 5/6/91

AYB

MEMO

It has been observed that Shri Swatantra Kumar Verma, Cameraman Grade-I is often taking leave without getting it sanctioned by the competent authority. It has also been found that Shri Verma is in the habit of absenting from duty without any intimation. In this regard Shri Verma has been given a few memos. Also, Reply of the same is still awaited. As per the records available in this office Shri Verma has not attended office for 217 days during the year 1990 and 139 days upto 20.5.91 in the year 1991. Shri Verma is hereby given an opportunity to explain why the entire period of absence mentioned in the Annexure of this memo should not be treated as wilfull abatention and the absence may be treated as leave without pay with break in service(Dies non.)

Shri Verma's comments/explanation should reach the undersigned within 3 days of receipt of this memo.

BWS
5/6/91
(Kulbhushan)
Video Executive
for Director

Shri S.K.Verma
Cameraman Grade-I
Doordarshan Kendra
Lucknow

Re: John Conrad
Conrad - Cr-
DR do
10/5 -

Samuel

मिला

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AM 5

श्रीमान् शिवाय
प्रदर्शन छेन्द्र
लखनऊ ।

महोदय,

शापम दिनांक 9/7/91 संख्या टी.यी.एल.के.ओ. 21/253/27-
सत/स.डी.डी.ओ. तादृष द्वारा यारी छिया गया जो युद्ध 12/7/91 को प्राप्त
हुआ जिसकी यारी डी.एस.सी. तिथि ते 5 दिन के अन्दर उत्तर माँगा गया है जो
कि 14/7/92 अन्तिम तिथि है ।

इस विषय में गोरा निवेदन है कि यदि यह 9/7/91 को लिया
गया था तो तमने 'पारम्परी' का छोड़ने के बारे में उत्तीर्ण दिन मुझे दिया जाता ।

अब यदि कुछ विवरण हुआ तो युद्ध सौधी फरार दिया जाएगा ।
यह विवेद या बारम्परी माना जा सकता है ।

मेरा बारम्परी लिये पुका हूँ कि मेरे तात्पुरता का अतिथि
दिया जा रहा है मेरे बदलाव नारिमा के विवरित कार्य दिया जा रहा है ।

मेरा अब डी.डी.ओ. महोदय को ही अपनी दीमुक्त उपस्थिति दिया
जाना । इसीके बावजूद उन्होंने द्वारा अत्यधिक रूप प्रतात्म पर रोपित छिया
जा रहा है ।

इसी अवधि तिथियों से इसी अत्यधिक पर आधारित है उन्हें मै तात्पुरता
नहीं हूँ जैसे अपने कार्य पर निर्विका रूप है ज्ञाता हूँ कि लिये तात्पुरता की ज्ञात्यज्ञ-
ता डी.एस.सी. को है ।

मुझे एक बार अपने कार्य पर उपस्थित रहने वी सुनना डी.डी.ओ.
तात्पुरता को के दिया जाना ताकि महोदय से ऐसे अत्यधिक सुनना गये हैं ज्यारे ज्ञापन न
दे लें ।

दिनांक 12/7/91

प्राप्ति
S. K. K. M. A. 12/7/91
सत.के. वर्ग ।
किंगरामेन ग्रेड-।
दूरदर्शन केन्द्र - लखनऊ ।

Recd. Programme on 29/7/91
in the meeting at 11 A.M. at
Ministry of
भारत सरकार a job might
दूरदर्शन के लिए लखनऊ तक
be given to
explain
with

सं० टीवीएस/वक्ता/स्त्रके, ANN-10

दिनांक: 25/7/91

कार्यालय स्थापन

AM 6

श्री ऋषितंत्र कुमार दर्मा, छायाकार-ग्रेणी-। दिनांक १०.७.१९।
ते अपनी ड्यूटी पर उपरिधित नहीं है और न ही इच्छाने अनुभाग
दारा आवश्यित कार्य किया है। इसका विवरण इस प्रकार है।

1. 7. 91 - अनुपस्थित समाचार छायांकन से

2. 7. 91 - अनुपस्थित "इस समताह प्रदेश में" छायांकन नहीं किया

6. 7. 91 - अनुपस्थित स्टुडियो "ए" में रिकार्डिंग नहीं की ।

8. 7. 91 - अनुपस्थित स्टुडियो "ए" में रिकार्डिंग नहीं की ।

9. 7. 91 - अनुपस्थित "आजकल" छायांकन नहीं किया ।

10. 7. 91 - अनुपस्थित

11. 7. 91 - अनुपस्थित समाचार छायांकन के लिए सीतापुर नहीं गये

12. 7. 91 - अनुपस्थित समाचार, छायांकन से

13. 7. 91 - अनुपस्थित "रथयान्त्रा" छायांकन से

15. 7. 91 - अनुपस्थित स्टुडियो "ए" में रिकार्डिंग से ।

16. 7. 91 - अनुपस्थित समाचार छायांकन से ।

17. 7. 91 - कार्यक्रम सभा के बाद अनुपस्थित ।

18. 7. 91 - अनुपस्थित विदेश कार्यक्रम ईमेंहर्म । छायांकन से ।

19. 7. 91 - अनुपस्थित विदेश कार्यक्रम ईमेंहर्म । छायांकन से ।

21. 7. 91 - अनुपस्थित समाचार छायांकन से ।

22. 7. 91 - अनुपस्थित समाचार छायांकन से ।

24. 7. 91 - अनुपस्थित समाचार छायांकन से ।

श्री स्वतंत्र कुमार वर्मा, छायाकारण श्रेणी-। अनुपस्थित रहने का कोई प्रार्थना पत्र विभाग को नहीं दिया है। इस प्रकार के व्यवहार से यह स्पष्ट है कि श्री एस.के.वर्मा अपना अन्वित कार्य नहीं कर रहे हैं और वह एक गैर जिम्मेदार अधिकारी की तरह व्यवहार कर रहे हैं। वह सरकारी दायित्वों के लियमें एवं नवार्ददों का श्री एस.के.वर्मा ने उल्लंघन करके कार्यालय को अवश्यक कार्यवाही करने देतु बाध्य किया है। उन के कार्य न करने से सरकारी कार्य गुणात्मक रूप से नहीं हो पा रहा है। श्री.वर्मा को एक बार मुनः संयेत किया जाता है कि वह अपनी निर्धारित ड्यूटी पूरी रूप से करे

ਕੁਲਮੁਣਾਣ
ਦੀਡਿਧੇ ਛਕੜੇ ਕੁਟੁਮਿਵ
ਕਰੇ ਨਿਦੇਸ਼ਕ

श्री इदांत्र कुमार वर्मा
जायाकार श्रेणी - ।
दूरदर्जन के न्दू, लखनऊ

प्रतिलिपि:- निदेशक महाराजा के मुद्रनार्थ ।

सेवा में

निदेशक
दूरदर्शन केन्द्र
लखनऊ ।

(AM)

महोदय

दिनांक 9/7/91 को श्रद्धानक भैरवी त्रिवित खराब हो गई । तो भैरव जी कुलभूषण धैरस को सुधित कर उट्टी लेकर अस्पताल गया था । जिसकी तुलना कार्यक्रम सभा में भी बहुचा दी थी । किन्तु भैरव आकर देखा कि मुझे अनुपस्थित दृश्य प्राप्ति गया है जो भी शूष्य जी ने आकर अनुपस्थित लिखा है स.स.डी.एस। और यह बहु शूष्य गया कि उस जी भी वर्मा की अनुपस्थिति किसने लगाई जब कि यह बताकर अस्पताल गए थे इस प्रकार भी शूष्य निर्दिष्टा पूर्वक और स्टड छोड़ द्वारा कि मुझे नहीं मालूम कि यह आता है या नहीं आता । जबकि मैं वहीं गीर्वांडिंग में आज दिनांक 10/7/91 के भेठा हुआ था । जो कि उन्हें इस तरह की गैर चुम्बेदाराना घात नहीं देहना चाहिए था । ज्योर्ध्वे कि यह एक ताक्षम अधिकारी है जब कि तभी मुझे दूसरे में उपस्थित पाते हैं - कथा यह मुझे नहीं देख पाते हैं । यह घात यहीं हास्यस्थित और और चुम्बेदाराना है । यह घात को ग्रेनजर श्रेष्ठ रखा थार । यह आगे इसलिए प्रत्युत कर रहा है ताकि भविष्य में अपनी दुनियाँ तथा द्विष्टिगत दुनियाँ से मेरा अद्वितीय न कर सके ।

दिनांक 10/7/91

प्रार्थी
S. C. S. 10/7/91
[स.स.डी.एस।]
मेरा ग्रेन-ग्रेड ।
दूरदर्शन केन्द्र - लखनऊ ।

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow.

• • • •

AY8

M. P. No. 229/91 (L)

Title of the Case No. OA No. 368(L) of 1990

f.f. 7-5.91

Versus

Union of India and others. - - - - Opp. Parties.

• • • • •

Application for the payment of salary

The petitioner/Applicant most respectfully begs to state as follows :-

That for the facts, circumstances and reasons as disclosed in the accompanying supplementary affidavit, it respectfully prayed that this Hon'ble Court may be pleased to direct the opposite parties to pay the salary and other dues of the petitioner for the month of February and March- 1991 and onward regularly, or pass such other and further order which this Hon'ble Tribunal may deem fit and proper in the interest of natural justice.

Lucknow: Dated:

ADVOCATE

April 26, 1991.

COUNSEL FOR THE APPLICANT.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow.

AM9

Title of the Case No. OA No. 368(L) of 1990

Versus

Union of India and Others. - - - - Opp. Parties.

.....

Supplementary Affidavit

I, S.K. Verma aged about 54 years, Son of Sri D.P. Verma, R/O Flat No.4, Gulzar Colony, Lucknow, do solemnly affirm and state on oath as under :-

- 1- That the deponent is the applicant in the above noted case and hence he is well conversant with the facts of the case deposed here as under.
- 2- That everything was going on well but all of a sudden the opposite parties have stopped the payment of salary with effect from February- 91 and onward without showing any reason and as such the petitioner is being harassed by the malafide and arbitrary actions of the opposite parties.

A50

3- That when the petitioner came from his Bank, he came to know that the opposite parties have not remitted the payment of his salary to his Account which is operated with the State Bank of India, Ashok Marg Branch, Lucknow, the petitioner immediately moved an application to the immediate authorities of the petitioner for the remittance of the salary of the petitioner along with a letter to the Bank. A true photostat copies of the applications are being filed as Annexures S-1, S-2 and S-3 to this affidavit.

4- That the opposite parties did not pay any heed to the request of the petitioner he again reminded vide his letters/ applications but the opposite parties have not cared about the payment and are avoiding to pay the salary along other dues of the deponent.

5- That the deponent 's family has come to the stage of starvation as he is being deprived of his livelihood for more than 3 months without any payment of salary and as such it would be in the interest of justice that the opp. parties be directed to pay the salary of the petitioner regularly month to month so that the petitioner may not suffer irreparable loss and injury.

SIC Krgma

Lucknow: Dated:

April 28, 1991.

... DEPONENT

AS1

Verification

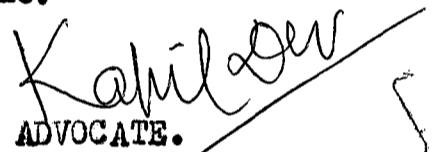
I, the deponent named above do hereby verify that the contents of para 1 to 5 of this affidavit are true to my personal knowledge. Nothing material has been concealed and no part of it is false. So help me God.



Lucknow: Dated: DEPONENT

April 23, 1991.

I, identify the deponent who has signed/ put his thumb impression before me.


.... ADVOCATE.


Solemnly affirmed before me on 23 April 1991 at a.m./p.m. by the deponent who has been identified by Sri Gulab Chand, Clerk of Sri Kapil Dev, Advocate, High Court Lucknow Bench, Lucknow.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read over to him and explained by me.

... OATH COMMISSIONER.

The Administrative Office

A52

DDK : Lucknow

Sir,

I had given a representation regarding my salary for the month of Feb. 91 & onward was stopped.

As I and my family is starving and finding difficulties therefore it is requested again that D.R.L.A may kindly be intimated to release my pay.

Hoping to be excused for
The trouble

Thanking you
Yours faithfully

SK. Verma
Cameraman
DDK Lucknow

SK Verma
A.T.C.

Kapil Das

Advocate High Court

Flat No. 1, 1st floor
1st Court Road, Lucknow.

23/4/91

Annexure S-2

Re: number

A53

The Pay & Account Officer
IRLA. (S/B Section)
NEW DELHI

Sir,

I am hereby attaching the Bank
letter addressed to Doordarshan Kendra Lucknow
regarding remittance of Rs 10, 220/- which
is not received as per Bank record
dated 11/10 - PB/SB/3 alt. 13.6.90

Therefore it is requested that
my pay for the month of Feb 1991 &
onwards may kindly be released
as I and my family is fund of difficulty
for bread & butter.

Thanking you

Yours faithfully

S K Verma
Cameraman for
Doordarshan Lucknow

IRLA No 13124

S K Verma

A.T.C.

W

Kapil Das

Address: 10th Courts
Flat No. 5, Bhavam Chowk
83, Faizabad, Lucknow.

26/1/91

P. Remind

To

Annexure S-3

The Director
Door gardian
Lucknow

ASY

Sir

Since Feb 1991 my salary
is withheld while I have
submitted all leave applications
etc and regarding my L.T.C
Advance - The State bank
has already intimated of
non receipt of any cheque
The copy is attached in
proof. It is again
therefore to get my salaries
requested to be released
and obliged

Thanking you

Yours faithfully

S. K. Verma

Camp 501

Subd. A.T.C
Khalil Deo
(10000/- Court)
Flat No. 3, Shyam Bhawan
32, Ganti, Road, Lucknow.

26/4/91

16/4/91

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

A55

M.P. No. 540 of 1991.

O.A. Case No. 368 of 1991(L)

S.K. VermaAPPLICANT.

Versus

Union of India & others.Respondents/ Opp. Parties.

APPLICATION FOR IMPLEADMENT

The applicant respectfully submits .

1. That for the facts and reasons given in the
amendment application it is desirable that One Shri.
Kulbhushan ,Video Executive, Doordarshan Kendra,24 Ashok
Marg, Lucknow be impleaded as respondent No.3 as
certain allegation have been stated against him in the
accompanying application and the applicant is victim of
said Sri. Kulbhushan ,Video Executive.

Wherefore it is prayed that Sri. Kulbhushan

Filed today
S.KV
11/9/91

---2---

AS6

Video Executive, Doordarshan, Kendra, 24, Ashok Marg,

Lucknow be added/ impleaded as respondent No.3

Lucknow: Dated:

11 Sept, 1991.

A.K.Shukla
(A.K. Shukla),
Advocate,
Counsel for the Applicant.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT
BENCH, LUCKNOW.

M.P.NO. 590 of 1991. A57

In:re:

O.A. No. 368 (L) of 1990

24.10.91

S.K. VermaApplicant.

Versus

Union of India & others. Respondents.

Application for Interim relief.

The petitioner / Applicant respectfully

Read & Apprech
Verma
19-9-91
A.T. S
SK Verma
19/9/91

begs to states as under:-

1. That the applicant is performing his duties regularly.
2. That inspite of the fact that no punishment has been awarded. Thus with holding of salary without any justified reasons is violative of Article 51-A(h) and 300-A to the Constitution of India.

Wherefore it is most respectfully prayed that the respondents be directed to pay the withheld salary and to continue to pay him ^{Salary} regularly without without ~~interruption~~ interrupction.

Lucknow: Dated:
19th Sept, 1991.

Alchur
Counsel for the Applicant.

Hon'ble Vice Chairman,
Central Administrative Tribunal,
Circuit Bench, Lucknow.

AS8

My Lord,

F.F. 28.2.92

Subject:- Request for listing of application
in C.A. No.368 of 1990(L)

.....

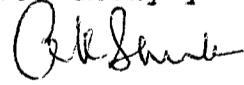
The above matter was taken up on 13.12.1991
and after hearing the counsel for the applicant the
Hon'ble Court was pleased to admit it and had also
passed on interim order on the same day but owing to
some mistake it could not be incorporated in the paper
book. The matter is urgent so it may kindly be taken on
18 or 20.12.1991 in the ends of justice.

Wherefore, it is respectfully prayed that the
Hon'ble Tribunal be pleased to take the case on 20.12.1991.

Lucknow Dated:

(8.12.91)

Obediently yours,



(A.K. Shukla),
Advocate.

A59

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
(Lucknow).

M.P. No. of 1991

In:re:

C.A. 368 of 1990(L)

S. K. Verma Applicant.

Vs.

Union of India & Others Respondents

Application for incorporating of the order passed
on 13.12.1991 by Hon'ble Vice Chairman Mr. Justice

U.C. Srivastava.

The applicant in the above noted case
respectfully begs to state :-

1. That the matter came up for consideration
on 13.12.1991 for admission and for interim relief.
2. That the Hon'ble Tribunal was pleased to Admit
it and was also pleased to pass a conditional order
to the effect that in case the petitioner is working

he will be paid his salary regularly.

A60

3. That when the applicant approached the office of the Hon'ble Tribunal at Circuit Bench on 16.12.1991 for obtaining the copy of the interim order, but was told that there is no such order.

4. That it appears that by some mistake the steno overheard it and that is why it could not be incorporated.

5. That on 13.12.1991 the applicant was himself present when his lordship was pleased to dictate ^{W.H.} the interim order ~~which~~ passing orders on admission.

6. That under the circumstances it is desirable that the order which could not be incorporated may kindly be ordered to be incorporated.

Wherefore, it is respectfully prayed that the the Hon'ble Tribunal be pleased to incorporate the order in the ends of justice after summoning the record.

Lucknow: Dated:
18 Dec, 1991.

Alka
Counsel for the Applicant.

A6)

In the Hon'ble Central Administrative Tribunal,
Circuit Bench, Lucknow.

Title of the Case No. 368 of 1990 (L)

S.K.Verma Applicant

Versus

Union of India and others Respondent

Compilation No. 2

I N D D E X

<u>S1. No.</u>	<u>Description of documents</u>	<u>Page No.</u>
----------------	---------------------------------	-----------------

1.	Enclosure No.1: Certificate dated 24-8-90	
2.	Enclosure No.3: Representation dt. 27-8-90	

Kanil De
Advocate,
Counsel for the Applicant.

Place: Lucknow.

Dated November 16, 1990

S.K.Verma

Endorsement

AB2

TO WHOM IT MAY CONCERN

A Short film on 'Glimses of Goa' made by shri S.K.Verma, Camerman Gr.I was excellent production-well conceived backed with excellent camera work.

During my tenure of tour to Doordarshan Panaji- Goa, I found Sri S.K. Verma, Camerman Gr.I, very sincere & harding working, He takes lot of initiative in a creative work. He is found very cordial with everyone including his Juniors & Seniors. His total behaviour, Attitude and approach is realy worth commendable, which is essential in media like Television where the team sprit and leadership qualities are must which he had rightly demonstrated. I was rather astonished to see his zeal& initiative while doing a creative job, when he went in rains to ~~in~~ filming of a short film "Pavsa~~le~~ Goan" during the moonson.

I wish him every success in personal as well as creative work.

63 24/8/90

(V.H.BHAMARE.)

Assit. Station Director.
Incharge programmes and coordination
Doordarshan kendra : Panaji

GOA

गारन सरकार
GOVT OF INDIA
दूरदर्शन केन्द्र -
DOORDARSHAN KENDRA
पानजी, पणजी - 403 001.
DINHQ PANAJI 403 001

SKV

Attested
Kapil Dev
Kapil Dev
Advocate (High Court)
Flat No. 3, Shyam Bhawan
83, Cantt. Road, Lucknow

16/11/90

is baseless Since I have Linedup don the VV, IP Coverages and mostly I have done myself. Not only this most of the G, B&G in Gannasanathan and Stadium such as Indra Gandhi memorial Hockey tournaments were lined up by me and Camera work was also done by me for which the Directorate of Doordarshan New Delhi appreciated time to time. The question of my not doing commendable work does not arise and I was never warned. When the VEX was on leave the charge of VEX was given surprisingly given to cameraman Bhati Gr II not to me (documentary evidence attached here with) which hurt me. The simple reason for giving charge to me a camera man Gr II inspite of me (Gr I) available is due to the personal grudge of the Director DDK Lucknow with me. In the case of the house where I am now living on rent in Lucknow, the house owner Smt Agila Begum is known to be Director and she is ~~never~~ utilising the influence of the Director to get the house Vacated by me due to which personal differences between me and the Director DDK Lucknow is started I may also to intimate here that Sri, S.P. Agarwal, DEP who was suspending and D.S. Ram Engineering executive-Assistant now transferred who are also known to me for last several years. The Director D.D.K Lucknow always ask me not to talk to them. I do not understand the reason for such things. These are all the main reasons in the mind of the Director Lucknow to give me adverse remarks in the G.R.

I am an asthian / allerge patient my disease is increased with in a year due to continuous torture, harra bera and humiliation and tension give n by VEX & Director mixing my personal / Domestic problems with office. In such circumstance I may die also due to the tension created in office.

5. In column No12 it is remarked that I can work under supervision only. This is very vague. Every employee of every Doordarshan Kendra has to work under day to day supervision of their superiors as per rule.

6. I always evaluated the performances of the subordinates while putting them in any major production work for which always appreciated and never got any adverse comments. As stated in the column No7 which is wrong. I understand that the Director and VEX of DDK lucknow have the knowledge of mine personal problems in which they are ~~intentioning~~ interfering unnecessarily and making it an official issue. I feel the adverse CR of mine is a result of this.

GK Verma

And now I am afraid about my future carrier under this biased Director and videoexecutive of DDK Lucknow. Moreover the superiors of the Directorate of Doordarshan New Delhi also have knowledge regarding my Personal domestic and official problems.

problems.

7. I personally do not ~~feel~~ feel that I am an 'average' worker as stated in column No. 13. I have standing experience of various DB'S important coverages and V.V.I.P. coverages etc.

A Certificate from ASD Programmes & co-ordination DDK Panaji Goa is also attached here with for your kind knowledge Sir)

I therefore request your kindly expunge the adverse remarks issued to me vide memo No. D.T.C.L./15(8)90 dated 27-7-90 delivered to me on 23-8-90 while I am on tour to DDK Goa after more than three months passed which is biassed vague, baseless, false and invalid too.

More over it could have been delivered to me in Lucknow only as other papers were being send to me by the worthy, Hon'ble Director /Vox at my house during my illness while I was on medical leave. Hoping your kind sympathetic consideration and you will kindly expunge the adverse remarked from my CR. For justice I shall be highly obliged.

Thanking you in anticipation.

yours faithfully,

(S.K.Verma)
Camerman Gr. I
D.D.K. LUCKNOW
on tour to DDK Goa.

Dated: 27-8-90

Copy for information
To Director General
Doordarshan
Lalitpur, Lucknow

K. Verma

Kapil Deo
Advocate (High Court)
Flat No. 3, Shyam Bhawan
B3, Connaught Road, Lucknow

CB/MLP

Enclosure No 3

To,
The Director General
Doordarshan, *Doordarshan*
Mandi House, New Delhi.

Ab3

Reference: Memorandum No D.T.CL/15(8)90 dated 27.7.90
an extract of my C.R. for the Period from 1.4.89 to 31 March90

Respected Sir,

I have been working in Doordarshan for ~~times~~ about 19 years. The Director Doordarshan kendra Lucknow had sent an extract of C.R. for the year 1.4.1989-31 March 1990 in which adverse remarks have been given against me. I am very much sorry to know that for about 18 years of my service in Doordarshan kendra every Director of Doordarshan kendra were happy and very much satisfied with my work and behaviour except the Director and a vex of Doordarshan Lucknow. I had been promoted in 1985 as I am goodworker.

Mostly I co-ordinated the Camera Section.

I do not understand why the Director and vex of D.D.K. Lucknow are not satisfied with my way of functioning.

I am already aged about 54 years and on the verge of retirement. Such remarks are putting in me in lot of tension and my B.P. is raised & prone for heart attack and I am developing other deseases also due the tension. :-

I sincerely request you Sir ,to kindly intervene into this matter and expunge the adverse remarks reported in the C.R. and favoured.

I am here by submitting to your kind notice the following column wise reply in respect of my C.R. extract for your sympathetic decision .

1. At the outset I refuse all the alleged charges which are put against me regarding my work during the period 1.4.89 to 31.3.90. There was not a single official memo given to me during this period for my short commiss etc. There was no any advice or warning given to me for my so called short commiss mentioned in the extract of my C.R. . This can be checked up from official records.

2. I would like to bring to your attention Contradictory remarks of the reporting authority in column 2 as it has been mentioned that I have a good Knowledge of work and in column 3 it is stated that I lack him in understanding T.V. working.

3. In column No. 4&6 I have been called a normal worker at the sometime it is mentioned that I can not take independent decisions. I have not done any commendable work , I would like to bring in your kind notice that a normal worker

U