

G.A. No. 372/90 CL

Om Prakash Srivastava

Union <sup>vs</sup> of India & others

- ①- Check List-
- ②- Order Sheets
- ③- final order Dt: 11.12.1992
- ④- Copy of Petition
- ⑤- Power
- ⑥- Annexure Support of Petition
- ⑦- Counter Affidavit
- ⑧- Reply Affidavit

A1-A2 ✓

A3-A7 ✓

A8-A13 ✓

A14-A25 ✓

A26

A27-A37 ✓

A38-A59 ✓

A60-A65 ✓

Bench- Copies

⑨ - - - - - B66 - B116

Miscellaneous Papers

To - - - - - C117 - C155  
1- all Papers A - - - - -

we do not / destroyed.

for 18/6/14  
SO(5)-

am

Chopra 4/14/14  
दस्ता  
04-05-93

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Registration No. 372 of 1989 9014

APPLICANT(S) Shri. Sri. Prakash Srivastava

RESPONDENT(S) Union of India & others

21/11/90

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21/11/90

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21/11

Particulars to be examined

Endorsement as to result of examination

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 case 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?

*application*

*yes*

*yes*

*yes*

*application*

*yes*

*impugned order*

*dated January*

*yes*

*yes*

*yes*

*yes*

*yes*

*yes*

*index is*

*Main p*

*NO*

A2

Particulars to be Examined	Endorsement as to result of examination
1. Are the application/duplicate copy/spare copies signed?	yes
2. 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. _____?	Annexure is on both side yes
3. Are the file size envelopes bearing full addresses of the respondents been filed?	yes 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?	N.A.
17. Are the facts of the case mentioned in item no. 6 of the application?	Heu Mo. y
a) Concise?	
b) Under distinct heads?	yes
c) Numbered consecutively?	
d) Typed in double space on one side of the paper?	No
18. Have the particulars for interim order prayed for indicated with reasons?	yes
19. Whether all the remedies have been exhausted.	yes

meshy

① Annexure is on both side of the paper

21.11.90

D.R.

21/11

Put up before the Hon. Bench

for order

21/11/90

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD/C.B. LUCKNOW

B3

O.A. No. 372 OF 19 90(L)

O.P. Srivastava Vs. Union of India

Sl.No.	Date	Office Report	Orders
		<p><i>Notices served</i> <i>8</i> <i>29-11-90</i></p>	<p><u>21.11.90.</u> Hon'ble Mr. Justice K. Nath, V.C. Hon'ble Mr. M.M. Singh, A.M.</p> <p>Heard the learned counsel for the applicant. Issue notice to respondents to show cause why the petition may not be admitted. In particular, they will explain why the applicant has not been called for interview for the ensuing interview from 19th to 21.11.90 when he had been called for interview for the same post held in August, 88 by Annexure 5 and one A.K. Chetwani who possesses the same qualifications as the applicant who is junior to the applicant in the gradation list and is elder in age than the applicant has been called for interview.</p> <p>In the matter of interim relief issue notice and list for orders on 12.12.90 as no Bench of this Tribunal is available at Lucknow in the week commencing 03.12.1990. In the meantime, respondent No. 2 shall permit the applicant to appear at the interview for the post of Chemist and Metallurgists in pursuance of the advertisement contained in Annexure-I, but subject to the further orders of this Tribunal. A copy of the order may be given to the learned counsel for the applicant today.</p>
		<p><i>OK</i> <i>Notices were issued</i> <i>on 29.11.90</i> <i>Neither reply nor</i> <i>any unserved reply</i> <i>could have been returned</i> <i>back.</i> <i>S.F.O.</i></p> <p><i>Later on notice of</i> <i>O.P. No 1 has been</i> <i>returned back without</i> <i>remark</i> <i>S.F.O.</i></p>	<p><i>Ms/</i> <i>12.12.90</i> <i>For Ms Justice K. Nath, V.C.</i> <i>Hon. Mr. K. B. Singh, A.M.</i> <i>Shri R.P. Singh, A.M.</i> <i>of Shri B. Singh on behalf</i> <i>of both the O.P.s and files an</i> <i>application seeking time to</i> <i>file reply. The reply may be</i> <i>filed within 4 weeks, rejoinder</i> <i>within 2 weeks thereafter with</i> <i>before P. R. on 30-1-91</i> <i>for completion of pleadings</i> <i>and fixing a date.</i> <i>Interim orders are</i> <i>made absolute.</i></p>

AS

13/12/91

Hon. Justice O.C.S. v C  
H. Tr. A.B. Lark - AM

On the request of applicant.  
Case is adjourn to 11-3-92 for  
hearing.

L

11-3-92

No sitting of D.B. adj to  
4-5-92

2

4-5-92

Hon. S.N. Prasad (J.M.)

Case called out and read  
time at interval.

The applicant is present  
in person. None records  
on behalf of the respondents. Put  
up again after lunch.

L

Case called out again.

since the matter involves  
in this case require consideration  
by Division Bench, list this  
case for hearing on 25-5-92  
for hearing

L

2/2/92 have been  
argued submitted  
or J. H. P.  
2/2/92  
24/5

(1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH)  
LUCKNOW.

...

O.A. NO 372 1990 (L)

T.A. NO \_\_\_\_\_

Date of Decision \_\_\_\_\_

Om Prakash Srivastava Petitioner.

Advocate for the  
Petitioner(s)

VERSUS

Union of India & others Respondent.

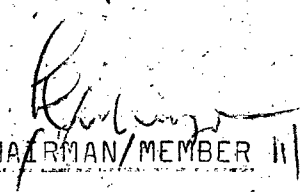
Advocate for the  
Respondents

C O R A M

The Hon'ble Mr. Justice H.C. Srivastava V.C.

The Hon'ble Mr. K. Chagga 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 ~~the~~ their Lordships wish to see the fair copy of the Judgment? ☒

  
VICE-CHAIRMAN/MEMBER 11/11/90

A8

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 372 of 1990(L)

Om Prakash Srivastava . . . . . Applicant

Versus

Union of India & Others . . . . . Respondents

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

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

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

The applicant who is working as Chief Inspector (MET)/Chief Research Assistant(MET) in the Research Design Standards Organisation(R.D.S.O.), Lucknow, in the Railways, applied for selection to the post of Chemists and Metallurgists in response to a notification dated 13.1.1990 issued by U.P.S.C. The posts-5 in all, out of which one was reserved for S.T. candidates were attached to the Railway Board in the Ministry of Railways and formed part of Railway Service Group 'A'(Gazetted); and carried pay scale of Rs. 3000-4500/-. The Qualifications prescribed for the posts were-degree in Metallurgical Engineering or degree in Chemical Engineering from a recognised university covering certain specified fields like Petroleum products, paints and corrosion products etc. and 7 years experience in Industrial or Research and Development Organisation in manufacturing practices, materials specifications etc.

2. According to the applicant, having passed the examination conducted by Indian Institute of Metals, Calcutta in 1981, which awarded him a certificate A.M.I.I.M, which is equivalent to a degree in Metallurgical Engineering and with experience spanning 23 years in the related field, he was

Contd..2/-

:: 2 ::

eligible for the post in all respects, But not withstanding this, the U.P.S.C. did not call him for interview. Aggrieved by this, the applicant has approached the tribunal praying for issuance of direction or order commanding respondent no.2 (U.P.S.C.) to call the applicant for interview for selection to the said post.

3. The case of the applicant is that he fulfills all the conditions regarding qualification, experience etc. for the post of Chemists and Metallurgists, notified by U.P.S.C. and in fact in the year i.e. 1988, he was called for interview for the vacancies notified then, though he was not successful and in these circumstances, the action of the respondents in not calling him for interview for the post does not stand to reason and is arbitrary and is in violation of Articles 14 and 16 of the Constitution. It is alleged by the applicant that persons with lesser qualification and experience who are working in R.D.S.O., Lucknow, namely A.K. Chetwani and Mr. Rastogi were called for interview. He made a representation to the U.P.S.C. pointing out this anomaly, but that had no effect.

4. The respondents have opposed the case and in the counter it is pointed out that mere possession of minimum qualification will not entitle a candidate to be called for interview. Where the number of applications received is large considering the number of vacancies, the U.P.S.C. short lists the candidates on the basis of higher qualification and experience, as it would not be possible to interview all the candidates, who had applied for the post.



:: 3 ::

The practice of short listing the candidates to a reasonable limit has the sanction of rules. Regarding the interview card being sent to one Rastogi and another A.K. Chetwani. It is justified on the ground that both these candidates are having higher qualification and credentials than the applicant, being graduates in Engineering in the specified field. The said Sri Rastogi is B.Sc. in Chemical Technology while Sri Chetwani is A.M.I.E. and both of them passed degree earlier i.e. in 1967 and 1974 respectively, whereas the applicant has passed the examination only in 1981. As regards the total experience, it is pointed out that the applicant passed the A.M.I.I.M. in the year 1981 and as such the total experience he acquired after passing the degree was less than that of the candidates who were called for interview. It is also stated that if a candidate is called for interview in one year that does not automatically mean that he is entitled for interview thereafter. Calling the candidates for interview depends upon number of applications received and the interse-qualifications of the candidates. Those with higher qualification and experience are preferred for interview over those possessing mere minimum qualification or lesser experience. The respondents deny there was any arbitrariness or illegality or discrimination in not calling the applicant for interview, and the practice of short-listing of candidates, adopted by U.P.S.C. has been upheld as valid by Courts of law.

5. So far as the facts of the case are concerned, there is no dispute. Admittedly the applicant did satisfy



Contd..4/-

:: 4 ::

the prescribed conditions of qualifications and experience. In these circumstances the question that arises is whether the applicant was entitled for interview call and was wrongly denied the same; More so when he was called for interview on an earlier occasion; The stand of the respondents is that the applications for the post were short-listed and those with better qualifications and experience were called for interview, as it would not be possible for the U.P.S.C. to call all the candidates for interview and in this process the applicant was edged out. This is the normal practice adopted by the U.P.S.C. and in the notification, calling for application, there is a specific instruction in this regard, and this procedure cannot be called into question. The instructions referred to is contained in the notification (Annexure C.A.2) and the relevant instruction reads as under :-

"All applicants must fulfil the essential requirements of the post and other conditions stipulated in the advertisement. They are advised to satisfy themselves before applying that they possess at least the essential qualifications laid down for various posts. No enquiry asking for advice as to eligibility will be entertained. The prescribed essential qualifications are the minimum and the mere possession of the same does not entitle candidates to be called for interview.

Where the number of the applications received in response to an advertisement is large and it will not be convenient or possible for the Commission to interview all the candidates, the Commission may restrict the number of candidates to a reasonable limit



:: 5 ::

on the basis of either qualification, and experience higher than minimum prescribed in the advertisement or on the basis of experience higher than the minimum prescribed in the advertisement or on the basis of experience in the relevant field, or by holding a screening test."

6. From the above instructions, two aspects can be discerned as significant. That mere satisfaction of essential qualifications will not entitle a candidate to be called for interview, and that the number of candidates to be called for interview may be restricted under certain circumstances. In the instant case the stand of the respondents is that the candidates were short-listed for interview and it is on this account that the applicant was not sent the call letter as there were candidates with better qualifications and experience.

7. Reference may be made to the case of Satyadev Dahya Vs. Union of India (S.L.J.1990-168) wherein the Principal Bench of the Tribunal, placing reliance on the decision of the M.P.High Court in the case of Dal Pratap Singh Vs. State of M.P. (S.L.R.-1980(1) Vol.23-19) held that the Public Service Commission is competent to adopt the criteria for short-listing the candidates to be called for interview and as such short-listing is not arbitrary or illegal. In Jayant Kumar Vs. P.S.C. of M.P., Indore (1979(1) SLR - Vol.20-316) it was held by the High Court that P.S.C. is competent to screen the qualification and experience of the candidates and on the basis of screening the candidates can be selected for calling for interview and that the criteria for screening of candidates was reasonable and there was no hostile

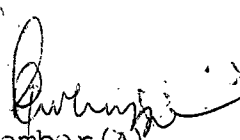

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Contd..6/-

A13

:: 6 ::

discrimination involved. In Om Prakash Vs. State of M.P. a full bench of M.P. High Court held that it was within the jurisdiction and discretion of Public Service Commission to adopt any method it considers appropriate in making selections; The Bench also observed " if there are 3000 applications from eligible applicants, all the 3000 applicants cannot be considered for selection for calling interview and the Service Commission has discretion to eliminate some of them and select only a few candidates who have better qualification and experience. The situation is similar in the instant case. The applicant was eliminated in short-listing and those with better qualifications and experience were called for interview. In these circumstances, it cannot be said that denial of interview to the applicant was arbitrary or illegal. More so when Notification inviting applications for the post, makes specific mention that mere qualifications, will not entitle a candidate to be called for interview. The application has no merit and accordingly it is dismissed. Parties to bear their own costs.

  
Member (A)  
Vice-Chairman

Lucknow Dated: 11/11/1992.

(RKA)

A14

In the Central Administrative Tribunal, Allahabad  
(Lucknow Bench), Lucknow.

Petition No. 372 of 1990 (2,

Om Prakash Srivastava, son of late Bijai Narain,  
Lall, resident of D-520, Sector-D, L.D.A. Colony,  
Kanpur Road, Lucknow employed with R.D.S.O.,  
Lucknow.

.....Applicant

Versus

1. Union of India, through Secretary, Personnel,  
Ministry of Home affairs, New Delhi.
2. Union Public Service Commission, through  
Secretary, Dholpur House, Shahjan Road,  
New Delhi.

.....Respondents

I N D E X

Sl.No.	Descriptions of documents relied upon	Page No.
1-	Petition/application	1 to 10
2-	Annexure No.1	
	Photostat copy of the advertisement no.1 dated 13.1.1990 published in the employment news.	11 to 13

.....2/

A15

2-

- 3- Annexure No. 2  
Photostat copy of the acknowledge Card 14 to 15
- 4- Annexure No. 3  
Photostat copy of ~~letter~~ **ANIM** qualification **letter** 16 to
- 5- Annexure No. 4  
Photostat copy of the experience certificate 17 to
6. Annexure No. 5  
photostat copy of interview letter 18 to 19
7. Annexure No. 6  
photostat copy of experience in the field of fatigue testing and fracture machines sponsored by United Nations Development project at U.K. in the year, 1989. 20 to 21
8. Annexure No. 7  
Photostat copy of the representation to the respondent no.2 dt.9.11.90. 22 to 23
9. Annexure No.8  
Photostat copy of age ~~representation~~ **Certificate** certificate 24 to
10. Affidavit to

-----  
Date:

*[Signature]*  
Signature of the Applicant

For use in Tribunals office:

Date of filing. . . . .

OR

Date of receipt by post. . . . .

Registration No.....

Signature for Registrar

A16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ALLAHABAD  
LUCKNOW BENCH, LUCKNOW.

O. A. No. 372/90 (4)

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing 21/11/90  
Date of Receipt by Post 21/11/90  
Deputy Registrar (J)  
21/11/90

Om Prakash Srivastava, son of late Bijai Narain,  
Lall, resident of D-520, Sector-D, L.D.A. Colony,  
Kanpur Road, Lucknow employed with R.D.S.O.,  
Lucknow.

..... Applicant

Versus

1. Union of India, through Secretary,  
Personnel, Ministry of Home affairs,  
New Delhi.

Union Public Service Commission,  
through Secretary, Dholpur House,  
Shahjan Road, New Delhi.

..... Respondents

Filed today  
21/11/90

DETAILS OF APPLICATION:

1. Particulars of the order against which  
the application is made:

been  
For not having called for interview

....2/

Alf...

for the posts of Chemists and Metallurgists Ministry of Railways Railway Board, for which interviews are being held from 19.11.90 to 21.11.1990 advertised vide advertisement No. 1 dated 13.1.1990 at item no. 19(Ref No. F1/647/89-RV) published in local news paper 'pioneer' and employment news having circulation in Lucknow amongst other places.

2. JURISDICTION OF THE TRIBUNAL

The applicant declares that the subject matter of the order against which he wants re-dressal is within the jurisdiction of the tribunal.

3. LIMITATION:

The applicant further declares that the application is within the limitation period prescribed in section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE:

- (a) That the applicant in pursuance of the advertisement no.1 dated 13.1.1990 published by the Respondent no.2 in the Daily News

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*[Handwritten signature]*



paper called Pioneer and Weekly employment News of 13.1.1990 having circulation in Lucknow applied for the posts of Chemists and Metallurgists, appearing at item no.19/ (Ref. No.F1/647/89-RV) in the said advertisement. This posts falls under Railway Service Group 'A'. The Photostat copy of the advertisement and acknowledge Card of Application are annexed herewith as Enclosure No.1 and 2 to this petition.

(b) . That the qualifications advertised for the posts were as under:-

- (i) Degree in Metallurgical Engineering of a recognised University or equivalent or Degree in Chemical Technology of a recognised University or equivalent covering any one or more of the following fields:-
  - (a) Petroleum Products
  - (b) Paints and Corrosion Production
  - (c) Polymers.
- (ii) 7 years experience in an Industrial or Research and Development Organisation in manufacturing Practices, Industrial applications, materials specifications, properties of

H. K. Mishra

materials and their evaluation in the respective field.

(c) That the applicant who has obtained AMIIM by examination from Indian Institute of Metals, Calcutta is equivalent to Metallurgical Engineering and as such the applicant was fully qualified for being called to interview in terms of advertised qualifications. Besides he has 23 years experience in the field of Metallurgical Engineering as against 7 years required for the aforesaid post. In view of these qualifications the applicant was called for interview for the said post in the year 1988, vide U.P.S.C. letter no.1/423/87-87-RV/R No.14 dated 22.7.1988 though unfortunately could not be selected finally. The photostat copies of AMIIM qualification experience and interview letter for the said post in the year 1988 are annexed herewith as Enclosures No.III IV and V respectively.

(d) That when applicant applied in pursuance present advertised, he had obtained an additional qualification in the field of fatigue testing and fracture mechanics sponsored by United Nations Development Project at U.K. in the year 1989. ~~The~~ *certificate* ~~is~~ *is* annexed as Enclosure VI.

(e) That despite being fully qualified for being

*Adminstr*

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called for interview for the said post, the applicant to his utter surprise and shock has not been called to interview for the said post for which interviews are to be held from 19.11.1990 to 21.11.1990, while lesser qualified and lessor experienced persons have been called to interview. Two such applicants, namely A.K. Chetwani, <sup>who has been same qualifications while only 24 yrs</sup> and Mr. Rastogi from Research <sup>Expans</sup> Design standards organisation, Lucknow have been called to interview for the said posts.

(f) That on learning about not being called for interview while lesser qualified and experienced persons were being called for Interview, as mentioned above, the applicant made a representation to respondent No.2 on 9.11.1990 which was duly received on the said <sup>date</sup> itself. This is annexed as Enclosure No.VII

(g) That in terms of age also the applicant was fully eligible for being called to interview as he <sup>is</sup> entitled for five years age relaxation in view of being Govt. employee. Mr. A.K. Chetwani who has been called to appear for interview is older in the age to the applicant and he has been given the age relaxation of five years applicable to Govt. servants in the terms of the advertisement referred to above. The age of the applicant as borne out by the Higher secondary certificate is 21.6.1947. This is annexed as Enclosure VIII.

*Handwritten signature*

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS

- (i) Because the action of the respondent no. 2 in not calling applicant is arbitrary, and unreasonable.
- (ii) Because the action of the respondent no.2 in not calling the applicant for the said posts violates the constitutional mandate of Articles 14 and 16.
- (iii) Because the action of the respondent no.2 is against the principles of natural justice.
- (iv) Because the action of the respondents is not calling the applicant for interview is otherwise illegal and unconstitutional.

6. DETAILS OF THE REMEDIES EXHAUSTED:

Representation made on 9.11.1990.

(Annexure No.VII).

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

The applicant further declares that he

*Affidavit*

had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court, or any other authority or any other Bench of the Tribunal or any such application writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT:

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

- (a) Issuance of a direction or order, commanding the Respondent No.2 <sup>to</sup> call the applicant for interview for the abovementioned posts as the persons having lesser qualifications and experience have been called to interview being held from 19.11.1990 to 21.11.1990.

9. INTERIM ORDER, IF ANY PRAYED FOR:

That the respondent no.2 may be restrained from declaring the result on the basis of Interviews being held from 19.11.1990 to 21.11.1990 for the posts of Chemists and Metallurgists Ministry of Railways, Railway Board, advertised vide advertisement no.1 dated 13.1.1990 having item

.....8/

*Handwritten signature*

No.19 in the said advertisement.

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:

:Not Applicable-

11. Particulars of Postal order in respect of the Application fees:

(i) Name of issuing post office: G.P.O., Lucknow.

(ii) Date of issue: 19.11.1990

(iii) Postal order No.: 02466623 of Rs.50/-

(iv) Payable at : Lucknow.

12. LIST OF ENCLOSURES:

1. Photostat copy of advertisement no.1 dated 13.1.1990 published in the employment news.
2. Photostat copy of the acknowledge Card.

*Administrative*

3. Photostat copy of Amim qualification ~~experience~~  
~~letter~~.

4. photostat copy of the <sup>Experience Certificate</sup> ~~interview letter~~  
for the post.

5. photostat copy of the <sup>Interview letter issued by</sup> ~~experience certificate~~.  
Respondent no 2 in 1988 for the said posts of  
Chemists and Metallurgists.

6. Photostat copy of experience in the field  
of fatigue testing and fracture machines  
sponsored by United Nations Development  
Project at U.K. in the year 1989.

7. Photostat copy of the representation to the  
respondent no.2 dated 9.11.1990.

8. Photostat copy Age <sup>Certificate</sup> ~~relation~~ of five  
years, applicable to the Govt. servant  
in terms of the advertisement.

verification

I, Om Prakash Srivastava, s/o late Bijai  
Narain Lall aged about 43 years, working as

Objection

A25

10-

Chief Research Assistant(Met) M & C Directorate, R.D.S.O.  
Manak Nagar, Lucknow R/o D-520, Sector-D, L.D.A.Colony  
Kanpur Road, Lucknow do hereby verify that the contents  
of paras 1 to 7, 11, 12 are true to my personal  
knowledge, and paras 8 to 10 believed  
to be true on legal advice and that I have not suppressed  
any material facts.

Lucknow:

Dated: 21.11.1990.

Signature of the Applicant

*Sanjiv Srivastava*  
Advocate  
(Counsel for Applicant)



ब अदालत श्रीमान

[वादी अपीलान्त]

प्रतिवादी [रेस्पाडेन्ट]

महोदय

In the Central Administrative

का वकालतनामा

Tribunal, Lucknow Bench, Lucknow

25  
A26

of Srivastava - Applicant

टिकट

वादी (अपीलान्त)

Union of India & another - Respondents

बनाम

प्रतिवादी (रेस्पाडेन्ट)

सन

पेशी की ता०

१६ ई०

अपनी ओर श्री

Sanjiv Srivastava, Adv.

C-223

Nirala Nagar, Lucknow

वकील

महोदय

एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा ( इकरार ) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरबी व जवाबदेही 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 हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी ( फरीकसानी ) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरबी में एक तरफ 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

Sanjiv Srivastava

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन १६

ई०

स्वीकृत

In the Central Administrative Tribunal Allahabad LEO Bench LEO  
O. P. Srivastava vs Union of India

Annexure - 2

647/89 R I

104



पिन कोड लिखें  
WRITE PIN CODE  
IN ADDRESS

To 9 MAR 1987

Mr. O. P. SRIVASTAVA

D 520, sector D,

LDA Colony,

Kanpur Road,

LUCKNOW

पिन 226000

अभिमत  
आदेश  
संलग्न

O. P. Srivastava. vs Union of India A30

Annexure - No - 3

No 27

# The Indian Institute of Metals

2, SAMBHUNATH PANDIT STREET  
CALCUTTA-20



This is to Certify that

*Shri Om Prakash Srivastava*

whose registration number was 4277 has passed the

Associate Membership Examination of

The Indian Institute of Metals held in

December 1981

*E. I. Prasad*

President

*Controller of Examination*

*Om Prakash Srivastava*  
*Controller of Examination*

O. P. Srivastava vs. Union of India & others.

(17)

A81

Annexure No-4

तार : 'रेल मानक' लखनऊ  
Telegram : 'RAILMANAK' LUCKNOW



टेलीफोन } 50567 & 50017  
Telephones }

भारत सरकार - रेल मंत्रालय

## अनुसंधान अभिकल्प और मानक संगठन

Government of India - Ministry of Railways  
RESEARCH DESIGNS & STANDARDS ORGANISATION

एच संख्या  
Our Reference.....

लखनऊ-226 011-दिनांक  
LUCKNOW-226 011-Date.....

### TO WHOM IT MAY CONCERN

Certified that Shri O.P. Srivastava S/o Late Bijai Narain Lal is working in this Organisation as Chief Inspector(Met)/Chief Research Asstt.(Met) w.e.f. 19.9.1981 on regular basis in the Scale Rs.2000-3200 (RPS) at Basic Pay of Rs.3050/- p.m. His consolidated pay is Rs.4087/- p.m. excluding HRA and CCA.

He worked in the following capacities:-

- i) Junior Chemical & Metallurgical Asstt. in the scale Rs.150-300(A) from 23.6.67 to 5.11.69 in Metallurgical Laboratory, S.E.Railway Kharagpur.
- ii) Junior Research Asstt.(Met) from 6.11.69 to 20.4.73 in the scale Rs.210-425(AS) in M&C Directorate, RDSO, Lucknow.
- iii) Senior Research Asstt.(Met) from 21.4.73 to 18.9.81 in the scale Rs.325-575 (AS)/Rs.550-900 (RS) in M&C Directorate/RDSO/LKO

He has got experience in the field of Physical and Mechanical testing of Railway components, Welding Technology, NDT Field, Fatigue, Wear and Fracture Mechanics testing of Railway Materials.

He has taken Fellowship training in the field of Fatigue and Fracture Mechanics and NDT under United Nations Development Project(UNDP) in U.K. from 18.6.89 to 21.10.89.

He has passed AMIIM Exams of Indian Institute of Metals, Calcutta in December, 1981 which is equivalent to degree in Metallurgy.

*Officer in Charge*  
*attested*  
*O.P. Srivastava*

*Shri*  
31/1/90

निदेशक [ मंत्र. रसा. ]  
Director (M&C)  
अनुसंधान अभिकल्प और मानक संगठन  
Research Designs & Standards Organisation  
रेल मंत्रालय, लखनऊ  
Ministry of Railways, Lucknow

O. P. Srivastava vs Union of India & others Regd. A32

Annexure No-5

य० पी० एस० सी० 26  
U. P. S. C. 26

आयोग को भेजे जाने वाले सभी पत्रों में कृपया इस पत्र की संख्या और तारीख तथा

जित पद के लिए आप उम्मीदवार हैं उसके नाम का उल्लेख करें

In all letters to the Commission, please quote the number and date of this letter and the name of post for which you are a candidate

इस पत्र के द्वारा आप केवल उल्लिखित तारीख की सं० लो० से० आ० के भवन में प्रवेश कर सकते हैं।

सं० लो० से० आ० प्रलेख सं० 26  
रजिस्टर्ड ए० डी०

THIS LETTER ENTITLES YOU TO ENTER THE UPSC BUILDING ON THE SPECIFIED DATE ONLY.

U. P. S. C. Document No. 26  
STERED A. D.

F. NO. 1/423/87/87-P. V/R. No. 104

सं० एक 1/ ( )/ अनुमानक.....  
No. F.1/ ( )/ - R. No. ...104

Sh. O. P. Srivastava,  
Lucknow.

संघ लोक सेवा आयोग,  
धौलपुर हाउस, शाहजहाँ रोड,  
नई दिल्ली-110011, दिनांक.....  
UNION PUBLIC SERVICE COMMISSION  
Dholpur House, Shahjahan Road,  
New Delhi-110011, the .....

22-7-88

सेवा में  
To

विषय : ..... के पद (पदों) पर भर्ती।

subject- Recruitment to the post (s) of

**Chemists & Metallurgists, Ministry of Railways,  
Railway Board. Railway Service, Group 'A' Gazetted;**

महोदय,  
Sir,

मुझे उपर्युक्त पद (पदों) के लिए आपके आवेदन पत्र का सन्दर्भ देने हुए आपसे यह अनुरोध करने का निदेश हुआ है कि आप.....को ..... बजे नई दिल्ली में धौलपुर हाउस, शाहजहाँ रोड, पर स्थित संघ लोक सेवा आयोग के कार्यालय में साक्षात्कार हेतु उपस्थित हो जाएं।

I am directed to refer to your application for the above mentioned post (s), and to request you to present yourself for interview at the Office of the Union Public Service Commission at Dholpur House, Shahjahan Road, New Delhi on ..... at

2. आयोग द्वारा किसी उम्मीदवार को साक्षात्कार हेतु बुला लिए जाने मात्र से इस बात का कोई आश्वासन नहीं मिलता कि नियुक्ति हेतु उसके बुन लिए जाने पर आयोग द्वारा उसकी उच्च प्रारम्भिक वेतन की मांग का समर्थन किया जाएगा। सरकार में पहले से काम करने वाले उम्मीदवार का प्रारम्भिक वेतन सामान्यता विषय से सम्बद्ध नियमों के अनुसार निर्धारित किया जाएगा।

3. The fact that you have been summoned for interview by the Commission does not guarantee that your demand for a higher starting salary will be supported by the Commission, in case you are selected for appointment. The initial pay of a candidate already in Central Government service will be fixed ordinarily in accordance with the rules on the subject.

3. संघ लोक सेवा आयोग साक्षात्कार के लिए बुलाए गए उम्मीदवारों को यात्रा या अन्य कोई व्यय नहीं देता।

लेकिन बाहर से बुलाए गए उम्मीदवारों को वह इस व्यय में, संलग्न टिप्पणी में उल्लिखित सीमा तक अंशदान करता है। इस प्रयोजन के लिए संलग्न दो सादे टी० ए० बिल फार्म भर कर आप आयोग के कार्यालय में जमा करा दें। अंशदान का भुगतान आपको साक्षात्कार की तारीख को ही नकद रूप में कर दिया जाएगा तथा आप इसे आयोग का कार्यालय छोड़ने से पहले खर्चांची से ले लें।

3. The Union Public Service Commission do not defray the travelling or other expenses of candidates summoned for interviews.

Candidates summoned from outstations are, however, paid contribution towards these expenses to the extent mentioned in the enclosed note. For this purpose, you should fill in the two enclosed blank bill forms and hand these over at the Commission's Office. The contribution would be paid in cash on the date of interview itself and you should collect it from the cashier in the Commission's Office before you leave.

\*\* 10-8-1988 at 0915 Hours (Tenth August, 1988 at Nine Fifteen Hours)

In the Central Administrative Tribunal Allahabad Bench LKO

D. P. Srivastava vs Union of India & Others

Annexure No - 6

A33

(20)

CARRIAGE DIRECTORATE

No.MC/PROJ/UNDP

Dated: 29.12.1989

Sub: IND/86/008-Upgrading of R&D capabilities of the RDSO, Lucknow.

Ref: Shri P.N.Pathak, Programme Officer, UNDP, New Delhi's letter No.IND/86/008/01/F of 6.12.1989.

UNDP/CD, New York have forwarded certificates for the following Officers who have satisfactorily completed their training abroad under UNDP Project No.IND/86/008:

1. Dr. S.N.Chakravarty.
- ✓ 2. Mr. O.P.Srivastava.
3. Mr. N.R.Banerjee.
4. Mr. S.Das.

Dir.(MC) is requested to distribute these certificates to the Officers mentioned above, in a manner considered appropriate.

(K.F.L.Wadhwa)  
Director Stds. (Carr) &  
National Project  
Director.

Encl: 4 certificates.

Dir. (MC)

*Mahanta*  
*attested*  
*Sanjiv Srivastava*  
*SK*

1934



United Nations

DEPARTMENT OF TECHNICAL CO-OPERATION FOR DEVELOPMENT

## Certificate of Participation

THIS IS TO CERTIFY THAT

MR. O. P. SRIVASTAVA

completed courses of instruction in the fields of:

FATIGUE TESTING AND FRACTURE MECHANICS

which were sponsored by this Department

*[Signature]*  
Nicky Beredjick  
Deputy to the Under-Secretary-General  
Director, Natural Resources and Energy Division  
Department of Technical Co-operation  
for Development

*[Signature]*  
Hamdan Ben-Aissa  
Director  
Programme Support Division  
Department of Technical Co-operation

in the Central Administrative Tribunal Allahabad 110 Bench 110.  
D.P. Simulations is Union of India 2017

Annexure No - 7

A 35

सं. लो. सं. 134

UPSC-134

क्र. सं. No. 179478

मूल प्रति  
ORIGINAL

Date

दिनांक 01/11/82

सं. सी. वि. व.

श्री  
सं. लोक सेवा आयोग को संबोधित

दस्तावेज 19 / भर्ती एवं कौशल

राज्य का (भा. पो. आ. / बैंक ड्राफ्ट/ भर्ती शुल्क टिकट) फीस/ बिना फीस का एक

पत्र/ आवेदन प्राप्त किया।

Received from Shri O.P. Simulations one letter/

application for the Recruitment Post Examination 19 will fee

(IPOs/Bank Draft/Recit. Fee Stamps) / without fee addressed to the Secretary, Union

Public Service Commission.

P-110 647/89-R-E

को. सी. वि. व.

for Secretary

Union Public Service Commission  
सं. लोक सेवा आयोग  
MGIPF-682UPSC/87-(2000 Bk. 100 O.P. & 100 Dup.)-22-1-82

01/11/82

Administrative

Office Secretary

Confidential



To  
The Secretary,  
UPSC  
New Delhi

Sir,

Sub: Call letter for Chemical and  
Metallurgical Post - Interview  
to be held from 19.11.90 to 21.11.90  
Advt. No. 1, Item 19.  
Ref: 647/89 RV / 104 Dated 27.3.90

-x-

Interview for the Post of Chemical  
and Metallurgical will be held from  
19.11.90 to 21.11.90. The call letters  
to Mr. H.K. Chandra my friend have been sent whereas  
I have not been called for interview  
though I have ~~passed~~ required  
qualification as well as Fellowship  
Training Experience in the Field of  
Fatigue and Fracture mechanics  
Training in UK as well as in the  
field of NDT along with experience of  
in the Metallurgical Engg. Field

I have appeared at  
the interview for the same post  
vide your call letter No. 1/423/57/87  
RV/104 dt 22.7.88. So  
10.8.1988. So it is surprising that  
this time I have not been  
considered. My date of birth is  
21.6.1947 as such my age is  
also within 45 yrs. A copy of  
earlier call letter is also enclosed for  
ready reference.

So I request you to kindly  
consider my case and do the needful  
so that I can appear at the interview.

Yours faithfully

attested

Comptroller

Yours faithfully

9/11/90  
D. P. S. (S. and S.)  
D. P. S. (S. and S.)  
D. P. S. (S. and S.)

ABJ Auxiliary No. 1-5

8410

# HIGHER SECONDARY EXAMINATION

Certified that Omprakash Shivashankar  
 Son/Daughter of Priginarain Gull  
 appearing from/as Chitharanjan Deshbandhu Vigayal whose date of birth  
 is Twenty first day of June One thousand nine hundred and  
forty seven, duly passed the Higher Secondary Examination  
 held in the month of March 1962 and was placed in the Second Division.

CALCUTTA-13,  
27th June, 1962

Deputy Secretary

*J. Sen Gupta*  
Administrator

*A. H. Williams*

A38

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH : ALLAHABAD.

(Circuit Bench Lucknow)

M. P. No. 45/91 (4)

CIVIL MISC. APPLICATION NO.

OF 1991

on behalf of

f. f. 5/3/91

RESPONDENT NO. 2

I N

CA

REGISTRATION NO. 372 OF 1990 M

Om Prakash Srivastava--

--Petitioner

versus

Union of India and others--

--Respondents

To

The Hon'ble the Vice Chairman and his  
companion Members of aforesaid Tribunal..

The humble application of the applicant  
most respectfully sheweth :

1. That full facts have been given in the  
accompanying counter-affidavit.

Filed today  
4/2/91

Mr

Malina

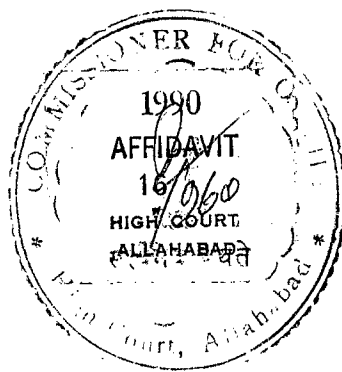
1839  
(2)

2. That on the facts and circumstances stated in the accompanying counteraffidavit it is expedient in the interest of justice that the petition, as against the respondent no.2, may be dismissed with costs.

P R A Y E R

It is, therefore, most respectfully prayed that the Hon'ble <sup>Tribunal</sup> ~~Court~~ may be pleased to <sup>Vacate</sup> reject the <sup>stay order</sup> ~~reliefs~~ sought for and dismiss the petition atleast as against the respondent no.2, with costs. The detailed facts and circumstances have been given in the accompanying counter-affidavit

1839  
( N. B. SINGH )  
SENIOR STANDING COUNSEL  
CENTRAL GOVERNMENT  
CENTRAL ADMINISTRATIVE TRIBUNAL.



A40

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH : ALLAHABAD.

(Circuit Bench, Lucknow)

COUNTER-AFFIDAVIT

ON BEHALF OF RESPONDENT NO.2

I N

REGISTRATION NO. 372 OF 1990

Om Prakash Srivastava--

--Petitioner

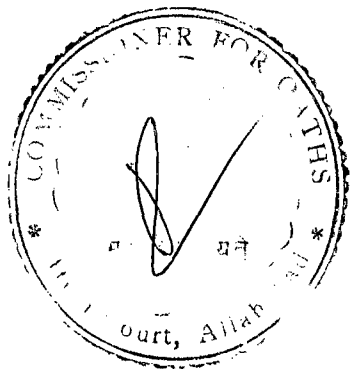
versus

Union of India and others--

--Respondents.

Affidavit of Sri O.P.Kathuria,  
aged about 43 years son of Sri  
Shri  
Shri Narain Kathuria, at present  
Under Secretary, Union Public  
Service Commission, New Delhi.

DEPONENT



I, the deponent, named above, do hereby  
solemnly affirm and state on oath as under :

*(Signature)*

A41

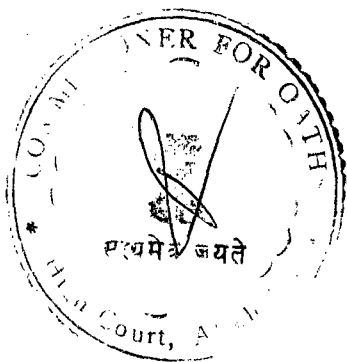
(2)

1. That the deponent, named above, is the Under Secretary, Union Public Service Commission, New Delhi and is authorised to file this counter-affidavit on behalf of respondent no.2, being well acquainted with the facts deposed to below.

2. That the deponent has read the petition alongwith annexures and is now in a position to reply the same.

3. That before giving parawise reply it is necessary to give certain facts for just and proper for decision of the petition.

4. That the prescribed essential qualifications are the minimum and the mere possession of the same does not entitle candidates to be called for interview. Where the number of applications received in response to an advertisement is large and it will not be convenient or possible for the Commission to interview all the candidates, the Commission may restrict the number of candidates to a reasonable limit on the basis of either qualifications and experience higher than the minimum prescribed in the



*Rajiv*

(3)

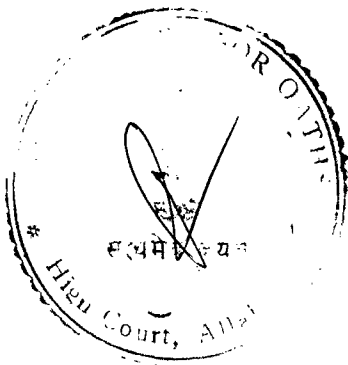
*Or on the basis of experience higher than the minimum prescribed in the advertisement*  
 advertisement or on the basis of experience in the relevant field or by holding a screening test.

5. That it is respectfully stated that Sri Rakesh Rastogi and Sri A.K.Chetwani have got ~~better experience and they~~ have passed B.Sc. Chemical and Technology in 1967, and <sup>passed AMLE in</sup> 1974 ; whereas the petitioner had passed in 1981. Copy of the chart of <sup>the petitioner</sup> Sri Rakesh Rastogi and Sri A.K.Chetwani are enclosed herewith as <sup>CA</sup> Annexures- CA-1-A and CA-2-B respectively to this counter-affidavit.

PARAWISE REPLY

6. That the contents of paragraph 1 of the petition need no reply.

7. That in reply to the contents of paragraph 2 of the petition it is stated that this Hon'ble Tribunal has no jurisdiction to entertain the petition as it is only the Principal Bench, which has got the jurisdiction to entertain it. No cause of action has arisen being territorial jurisdiction of <sup>this</sup> Hon'ble Tribunal. The post was advertised in Delhi and interview took place at Delhi.



*Q. Rastogi*

A43

- 4 -

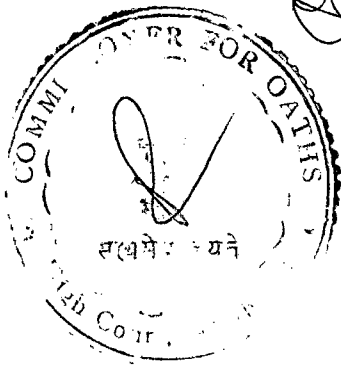
8. That the contents of paragraph 3 of the petition need no reply.

9. That the contents of paragraph 4 (a) of the petition being matter of record, need no reply.

10. That the contents of paragraph 4 (b) of the petition need no reply being matter of records. However, it is stated that the petitioner has not quoted the entire and relevant portion of the advertisement in para under reply. It is necessary to mention here that the prescribed essential qualifications are the minimum and the mere possession of the same does not entitle the candidates to be called for interview. Where the number of ~~xxxxx~~ ~~xxx~~ ~~xx~~ ~~xxxx~~ ~~xxx~~ ~~xx~~ applications received in response to an advertisement is large and it will not be convenient or possible for the Commission to interview all the candidates, the Commission may restrict the number of candidates to a reasonable limit on the basis of either qualifications and experience higher than the minimum prescribed in the advertisement or on the basis of experience higher than the minimum prescribed in the advertisement or on the basis of experience in the relevant field or by holding a screening test. The copy of the advertisement is being filed herewith as Annexure-CA-2 to this affidavit. A copy of instructions

And Additional information is noted as An CH 2 A

*Handwritten signature*





A44

(5)

11. That in reply to the contents of paragraph 4 (c) of the petition it is stated that the petitioner passed the AMIIME in the year 1981 and as such the total experience he acquired after passing the degree was less than that of the candidates who were called for interview for the posts of Chemists and Metallurgists in the Railway Board, Ministry of Railways. In view of this he could not be calledxxx for interview for the said posts. As regards the selection for being called for interview for the posts of Chemists and Metallurgists, Railway Service (File No.F.1/423/87-R-V) it is submitted that the petitioner was within the prescribed criterion adopted by the Commission<sup>at</sup> that time for shortlisting of the candidates for calling for the interview. In this connection, it may be submitted that the criterion for shortlisting of candidates depends among other things on the qualitative nature of the response and the number of candidates applying for the job, and this may differ from case to case and for the same job from year to year. Thus there is a scope for a particular candidate called for interview on an earlier recruitment being called not for interview, in a subsequent identical recruitment, if he applies for the subsequent

*Rollins*



Am

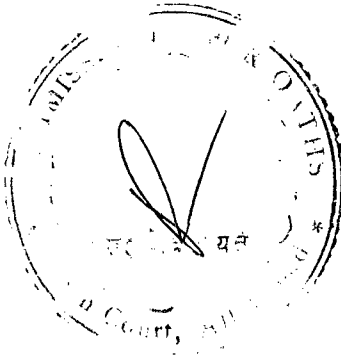
(6)

recruitment also. Calling a particular candidate for interview on an earlier occasion, which is also based on a suitable criterion evolved by the Commission having regard to the response to the Commission's advertisement, does not and should not confer upon him a right to be called for interview in subsequent identical recruitment, since the criterion evolved in a subsequent recruitment may not necessarily be the same having regard to the number of applications received in response to the advertisement.

12. That in reply to the contents of paragraph 4 (d) of the petition it is stated that the <sup>allegations</sup> advertisement in para is to be verified by the petitioner himself as there is nothing before the answering respondent to make any comments.

13; That the contents of paragraph 4 (e) of the petition are not admitted as stated. It is

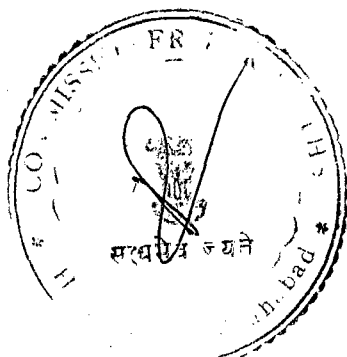
*[Signature]*



A46

(7)

stated that the petitioner has no reason to surprise or shock as the petitioner was correctly not called for interview. It may be stated that Sri A.K.Chetwani , R.No. 65 and Rakesh Rastogi, R.No. 20, who have been called for interview meet the shortlisting criterion adopted by the Commission. It may be seen that both the said candidates have passed their AMIE (Met) Examination/ B.Sc. (Chemical Technology) much earlier to the petitioner. It may be submitted that the practice of shortlisting is not new and has been upheld by the courts in the past. There is no irregularity or illegality merely on the ground that Sri Chetwani and Sri Rastogi were called for interview. Petitioner cannot claim his right to be called for interview on the basis of previous records, in which he was called for interview. Scrutiny was done and petitioner's name was dropped on the basis of merits <sup>and experience in the degree/diploma</sup>. It is not necessary that all candidates should be called for interview. There is no flaw on the part of the answering respondent in not calling the petitioner for interview.



14. That in reply to the contents of paragraph 4 (f) of the petition it is stated that

A47

(8)

the representation received on 9.11.1990 from the petitioner, was duly considered by the answering respondent and the same had been rejected by the Commission. There is nothing ~~wrong~~ wrong on the part of the answering respondent.

15. That in reply to the contents of paragraph 4(g) of the petition it is stated that the question of over-age of the petitioner does not arise at all in the present case. The petitioner was not called for interview as a result of scrutiny of the applications. There is no violation of provisions of Article 14 of the Constitution of India, in calling the other candidates and not the petitioner.

16. That the ~~contents~~ contents of paragraph 5 of the petition are denied as stated. It is submitted that mere possession of minimum qualifications does not entitle a candidate to be called for interview. The Commission has got right to evolve the suitable criteria and procedure for the selection of the best candidates out of those who fulfil the minimum qualifications prescribed in the Recruitment Rules. As the petitioner did not fulfil the prescribed criterion, he was not called for interview. Thus it is clear that the petitioner could not make out any case for interference by this Hon'ble Tribunal under ~~Article 22~~ the provisions of



*Palanis*

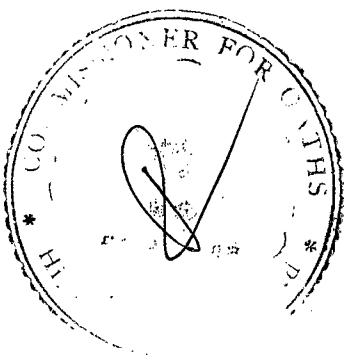
A48

(9)

the Act. The grounds taken in the petition have no force and the petition is liable to be dismissed.

17. That the contents of paragraphs 6 and 7 of the petition need no reply.

18- That the contents of paragraph 8 of the petition are denied as stated. It is stated that the petitioner deserves no interim order from this Hon'ble Tribunal, as the interview had already been closed on 21.11.1990 ; whereas the stay order was presented before respondents on 22.11.90 by that time the members of the interview had left and all proceedings were closed. The petitioner was rightly not called for interview, hence he has got no right to ask for any stay or



19. That the contents of paragraph 9 of the petition are denied as stated. It is stated that the petitioner is not entitled to any reliefs asked for, as he was not eligible to be called for interview and the process of interview had also been closed. The petition deserves to be dismissed with costs,

Aug

(10)

I, the deponent, named above, do hereby solemnly verify as under :

That the contents paragraphs nos. 12 of this affidavit are true to the personal knowledge of the deponent; those of paragraph nos. 36 18


are based on the informations received; those of paragraph nos. 13

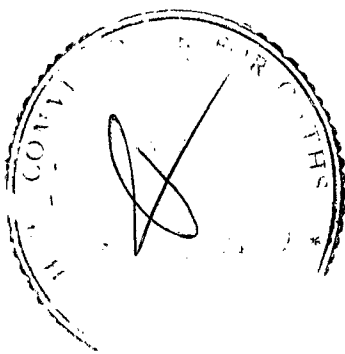
are based on the records and those of paragraph nos. are based on legal advice of the counsel, which all I believe to be true ; that no part of it is false and nothing material has been concealed.

SO HELP ME GOD.

  
DEPONENT

I, V.P.Tripathi, clerk to Sri N. B. Singh, Senior Standing Counsel, Central Government, Central Administrative Tribunal, Allahabad, do hereby declare that the person making this affidavit and alleging himself to be so is known to me from perusal of the documents produced before me.

  
...  
( Clerk )





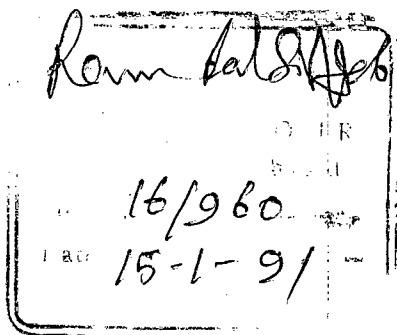
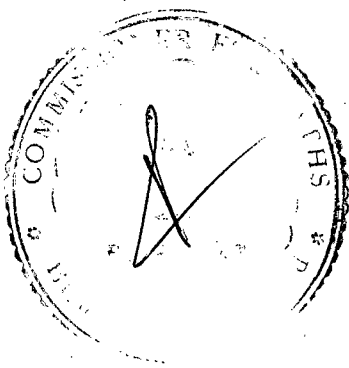
ASD

(11)

Solemnly affirmed before me on the 15<sup>th</sup>  
day of *January*, 1991 by the deponent,  
~~was~~ at 11:00 A.M./P.M. who has been identified by  
the person aforesaid.

I have satisfied myself by examining the  
deponent, who has understood the contents of  
this affidavit after going through the same.

OATH COMMISSIONER



*Callus*

**UNION PUBLIC SERVICE COMMISSION  
APPLICATION FORMAT FOR RECRUITMENT**

Note :- PLEASE FILL IN THE FORM ACCORDING TO 'INSTRUCTIONS TO CANDIDATES' Page No. 30

(A) 1. Adv. No. 1 Item No. 19

2. Name of the post applied for: CHEMISTS & METALLURGISTS

(Indicate discipline where necessary)

3. GEN. CANDIDATES AFFIX  
Rs. 2/- CENTRAL RECRUITMENT  
FEB STAMPS HERE

NO FEE FOR SCST

Note : If fee paid by IPO, indicate name of the Post Office: MANAK NAGAR No. of Postal Orders: 11  
LUCKNOW

H 926789 Date and value: 19.1.90  
H 926790 Rs 8.00  
" CRs 4.00 each)

(B) 1. NAME OF THE CANDIDATE : OM PRAKASH SRIVASTAVA  
(IN BLOCK LETTERS)  
2. POSTAL ADDRESS: D520, Sector D, LDA Colony, Kanpur Road, LUCKNOW-226005.  
3. IF EMPLOYED, INDICATE POSTAL ADDRESS OF THE EMPLOYER: The Director General, RDSO, Manak Nagar, LUCKNOW-226011.

4. SEX: ☒ Male ☐ Female

5. (a) DATE OF BIRTH AS PER MATRIC/HIGHER SECONDARY/  
EQUIVALENT EXAMINATION CERTIFICATE:

2 1 1 Day 0 6 Month 1 9 4 7 Year

(b) AGE ON CLOSING DATE:

4 2 Years 0 7 Months 2 2 Days

6. COMMUNITY:

SC ST OTHERS ☒

If SC indicate your religion: NA

7. EX-SERVICEMAN: NA

(a) If age relaxation availed earlier

8. PHYSICALLY HANDICAPPED:

9. AGE RELAXATION NEEDED:

(See Instruction No. 5)

Post Office for  
ACKNOWLEDGEMENT

(12)

PSI

An C A. T

-7 FEB 1991

DRM  
11/3/90

6/5/3



10. CITIZENSHIP:  
(See instruction No. 1)

Indian

11. PRESENT EMPLOYMENT UNDER:

CENTRAL  
GOVT. ☒

STATE  
GOVT. ☐

AUTONOMOUS  
BODY ☐

PUBLIC  
UNDERTAKING ☐

OTHERS ☐

12. RECOGNISED EDUCATIONAL/OTHER PROFESSIONAL QUALIFICATIONS/TRAINING COURSES ETC. (Enclose a separate sheet, duly authenticated by your signature, if the space below is insufficient)

Level	Exam passed/ degree/Trg. obtained	Division/grade (and % age of marks)	Year of passing degree/diploma/ course/training etc.	Duration of the degree/diploma/ course/training etc.	Board/Univ./ Institution.	Subject	Subjects specified
Higher Secondary	Higher Secondary	Ind 55.6	1962	-	West Bengal Board	Hindi, English, Physics	- Nil -
Intermediate	Intermediate	Ind 48.4	1963	-	U. P. Board	do	- Nil -
Graduate	B. Sc.	Paw 50.9	1965	Two years	Agara University	Physics, Chemistry, Maths	- Nil -
Degree in Mechanical Engineering	AMIIME Part 50.1	1981	2 1/2 years	Indian Institute of Technology, Kharagpur	Mechanical Engineering	NDT	NDT

NOTE: ATTACH SUPPORTING DOCUMENTS FOR SUBJECTS ALSO.

13. DETAILS OF EMPLOYMENT IN CHRONOLOGICAL ORDER: (Enclose a separate sheet, duly authenticated by your signature, if the space below is insufficient).

Office/Inst./ Firm	Post held	Adhoc/Temp. or Permanent	From	To	Total period of each employment in years months & days.	Scale of pay	Nature of duties.
Met. Lab. S.E.R. Kharagpur Met. Ass't.	Jr. Chem & S.E.R. Ass't	Temp.	23.6.67	6.11.69	2 yrs. 4 m 15 days	RS 150-375 (Chs.)	Details
RDSO Lucknow	Jr. Res. Asst (Met)	Permanent	7.11.69	20.4.73	3 yrs 5 m 14 days	RS 210-425 (As)	at
RDSO Lucknow	Sr. Res. Ass't. (Met.)	Permanent	21.4.73	18.9.81	8 yrs 4 m 28 days	RS 330-575 (As)	Annexure I
RDSO Lucknow	Chief Inspector Met.	Temp.	19.9.81	Present	8 yrs 4 m 24 days	RS 650-965 (As)	Annexure II

NOTE: COPIES OF CERTIFICATES AS INDICATED IN INSTRUCTIONS SHOULD BE ATTACHED OTHERWISE THE APPLICATION IS LIABLE TO BE REJECTED.

14. DATE OF COMPLETION OF COMPULSORY ROTATING INTERNSHIP (To be filled in only for medical posts).

Day Month Year

15. Any other relevant information: (Attach extra sheets).

16. Details of Endorsement:

DECLARATION

I hereby declare that all the statements made in this application are true and complete to the best of my knowledge and belief. I understand that action can be taken against me by the Commission, if I am declared by them to be guilty of any type of misconduct mentioned herein.

I have submitted my record of Office/Dept. in writing that I am applying for this selection.

Place

(Signature of candidate)

# SUMMARY

SECRET

File No. 1/647/89-R.V

Name of Post ... Chemists & Metallurgists

1. Roll No. 20..... 2. Whether SC/ST... No..... 3. Name... Rakesh Rastogi.....
4. Date & place of birth... 15.07.1945.....
5. Language(s) known... Hindi English.....
6. Foreign travel.....
7. Educational Institutions attended and Examinations passed.

Examination	Class	Year	Subjects taken	Board/University
High School	First	1959	Hindi English Mathematics Science Biology & Arts	U.P.
Intermediate	Second	1961	Hindi English Maths Chemistry Physics	U.P.
B.Sc.	Second	1964	Physics Chemistry Maths	Lucknow
B.Sc. Chemical Technology	First	1967	Paint Technology	Lucknow

ALL original certificates seen & found in order  
19/11/91

8. Details of published works, research papers etc. -

9. Details of experience

Name of the Office	Name of post	Scale of Pay	From	To
1. Modi Paints & Varnishing Works Modi Nagar.	Chemists	Rs. 350	20.1.68	25.11.69
2. Research & Analysis ISI Lucknow	Senior Assistant Researcher (Chemistry)	Rs. 325	1.12.69	31.3.74
3. "	"	Rs. 550-900	1.6.74	30.10.82
4. "	Chief Research Assistant (Chemistry)	Rs. 550-900	1.11.82	28.11.85
5. "	"	Rs. 2000-3200	29.11.85	29.4.88
6. "	"	"	30.04.88	09.02.90

10. Last pay drawn Rs. 2000-3200

12. Remarks

11. Pay demanded As per rules.

Signature of Dealing Hand

Signature of Section Officer

Ram Lal Singh

16/9/60

15-1-91

# SUMMARY

AN CAT B

(124)

A54

SECRET

File No. P.1/547/89-RV

Name of Post CHEMISTS & METALLURGIST

- Roll No. 65
- Whether SC/ST NO
- Name ARJUN KUMAR GUPTA
- Date & place of birth 1.6.1945
- Language(s) known NOT STATED
- Foreign travel NIL
- Educational Institutions attended and Examinations passed.

Examination	Class	Year	Subjects taken	Board/University
-------------	-------	------	----------------	------------------

H. SCH.	II	1961	-	U.P. BOARD
DIPLOMA	I	1967	Mechanical Engg.	Board. of Tech. Edn.
AMIE SEC. A&B	PASSED	1974	METALLURGICAL ENGG.	THE INSTT. OF ENGRS.

8. Details of published works, research papers etc.

NIL

9. Details of experience

Name of the Office	Name of post	Scale of Pay	From	To
Met. Lab. N. Rly. Lucknow	Tra. JGMA	Rs. 150/-	27.10.69	25.4.70
-do-	JGMA	Rs. 150-300/-	26.4.70	1.7.71
-do-	GMA	Rs. 210-425	2.7.71	30.12.73
RDSO/Rly. Bd. Lucknow	JRA(Met.)	Rs. 425-700	28.3.73	23.3.82
-do-	SRA "	Rs. 550-900	24.3.82	15.8.85
-do-	GRA(M)	Rs. 2000-3500	16.8.85	14.8.87
-do-	GRA(Met)	-do-	7.9.87	to date

10. Last pay drawn

11. Pay demanded

12. Remarks

Accord. to rules

Signature of Dealing Hand

Signature of Section Officer

16/980

15-1-91

16

ASS

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH : ALLAHABAD.

*Circuit Bench, Lucknow*

ANNEXURE- CA-2

I N

REGISTRATION NO. 372 OF 1990

Om Prakash Srivastava--

--Petitioner

versus

Union of India and others--

--Respondents.

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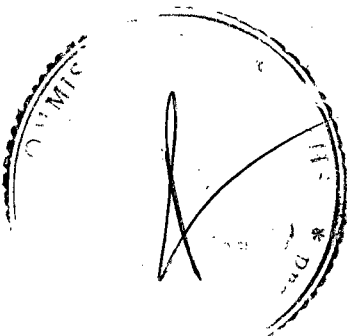
ADVERTISEMENT NO: 1

ITCM NO.: 19

Date of Publication : 13.1.90

Closing date : 12.2.90 (26.2.90) for applicants  
abroad and to those posting applications from  
Andaman and Nicobar Islands, Lakshadweep States /  
Union Territories in the North Eastern region,  
Ladakh division of J & K State, Sikkim, Pangi sub-  
division, Chamba, Lahaul & Spiti districts of  
Himanchal Pradesh.

*Qale*



17

AS4

(2)

NO.F.1/647(98)/89-RV

UNION PUBLIC SERVICE COMMISSION  
INFORMATION FOR CANDIDATES.

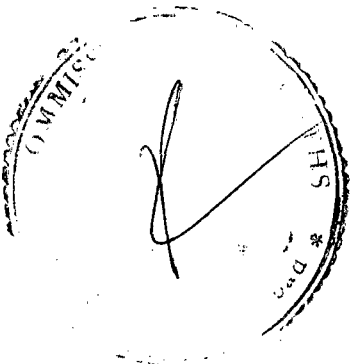
(To be read in conjunction with the Instructions to candidates contained in the application Form).

Recruitment of five Chemists & Metallurgists  
Ministry of Railways, Railway Board,  
Railway Service, Group A Gazetted, Non-  
Ministerial. The posts are permanent.  
Out of five posts one post is reserved for  
Scheduled Tribes candidates and remaining  
four posts are unreserved.

PAY SCALE : Rs.3000-100-3500-125-4500.

Total emoluments excluding CCA & HRA at the  
time of initial appointment will be  
Rs.4020/--p.m. approximately)

2. AGE : Not exceeding 40 years on 12.2.90  
(Not exceeding 45 years for Scheduled Castes and  
Scheduled Tribes candidates. RELAXABLE FOR GOVERN-  
MENT SERVANTS UPTO FIVE YEARS. For age concession  
applicable to some other categories of applicants,  
please see relevant paras of the Instructions



A handwritten signature is located at the bottom right of the page, below the text of the second point.

to Candidates.

3. QUALIFICATIONS: ESSENTIAL

i) Degree in Metallurgical Engineering of a recognised University or equivalent.

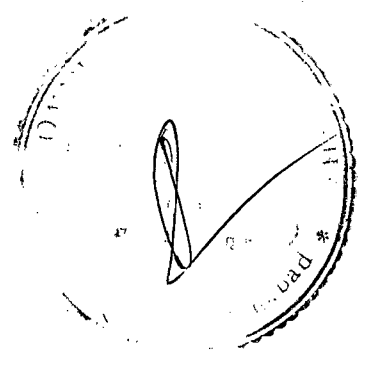
OR

Degree in Chemical Technology of a recognised University or equivalent covering any one or more of the following fields, (a) Petroleum products (b) Paints and Corrosion Production, (c) Polymers.

ii) 7 years experience in an Industrial or Research and Development Organisation in manufacturing practices, industrial application material specifications, properties of materials and their evaluation in the respective field.

NOTE: I (The qualifications are relaxable at Commission's discretion in the case of candidates otherwise well qualified).

NOTE: II (The qualifications regarding experience



*Ravi*

(4)

are relaxable in the case of candidates belonging to Scheduled Tribes in respect of post reserved for them).

4. DUTIES :

To take charge of Railways Chemical and Metallurgical Laboratories and to make necessary Chemical, Metallurgical and Physical tests of Materials and components used by Railways and their interpretation.

5. PROBATION : One year.

6. HEADQUARTERS: In any Indian Railway/Production units of in R.D.S.O. with liability to transfer from one Railway/Production Unit/R.D.S.O. to another .

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TRUE COPY

16/960

15-1-91



Rolling

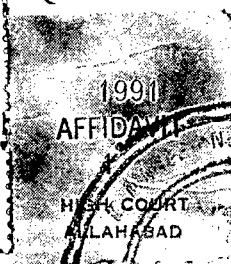
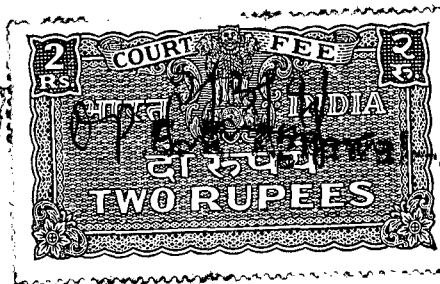




A60

In the Hon'ble Central Administrative Tribunal  
Allahabad ( Lucknow Bench ) Lucknow.

Registration No.372 of 1990



Om Prakash Srivastava ..... Petitioner.

Versus

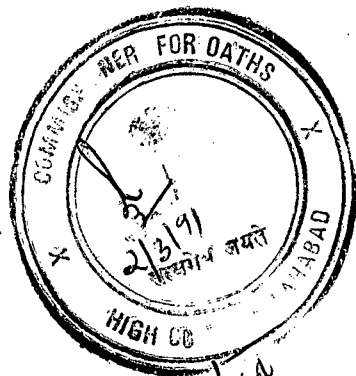
Union of India & others ..... Respondents.

Rejoinder Affidavit on behalf of the petitioner.

I, Om Prakash Srivastava, aged about 44 years,  
son of Late Shri Bijai Narain Lal, resident of  
D-520 Sector 'D' L. D. A. Colony, Kanpur Road,  
Lucknow, do hereby solemnly affirm and state on  
oath as under :-

1. That the deponent has read the counter affidavit  
on behalf of the opposite party no. 2 and has under-  
stood the contents thereof which are being replied  
as under :-

2. That the contents of para 1 to 3 of the counter



*Om Prakash*

A61

( 2 )

affidavit need no comments.

3. That the contents of para 4 of the counter affidavit are not disputed.

4. That the contents of para 5 of the counter affidavit are disputed to the extent that Mr. A. K. Chetwani has got better experience merely because he happened to pass B. Sc. Chemical and Technology in <sup>1974</sup>~~1967~~ while the petitioner passed the same in the year 1981. The petitioner submit that obtaining degree is one thing and actual experience is another which can not be mingled together. Hence the assertions in para under reply that since Shri A. K. Chetwani who obtained degree in <sup>1974</sup>~~1967~~ prior to the petitioner's obtaining in 1981 is better experience in the relevant field is wholly misconceived as experience comes from working in actual field.

5. That the contents of para 6 of the counter affidavit needs no comments.

6. That the contents of para 7 of the counter affidavit is incorrect and misconceived. The cause of action accrued to the petitioner here at Lucknow on account of the fact that the opposite party no.2

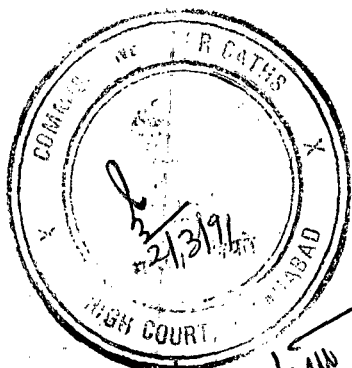


( 3 )

had published its advertisement in a daily newspaper brought out from Lucknow <sup>called</sup> "Pioneer" which has its main circulation in Lucknow itself thus it is incorrect to <sup>is</sup> allege that post was advertised in Delhi only.

7. That the paras 8,9 and 10 of the counter affidavit needs no comments.

8. That the para 11 of the counter affidavit is not admitted as stated. The advertisement has not specified that the experience in the relevant field will be counted only from the date the applicants have obtained the relevant degree and therefore the assertions in para under reply that the total experience of the petitioner after passing the degree was less than that of the candidates who were called for interview for the posts of Chemists and ~~xxxxx~~ Metallurgists in Railway Board Ministry of Railways is uncalled for, misleading and misconceived as such ~~xxx~~ totally untenable. So far as the question of adopting criterion for shortlisting the candidates to be called for interview <sup>is concerned</sup> the petitioner submits that the respondent is bound to disclose the same before the Hon'ble Tribunal so that the Hon'ble Tribunal may be able to judge whether the criterion adopted by the opposite party is free from bias and conforms to



( 4 )

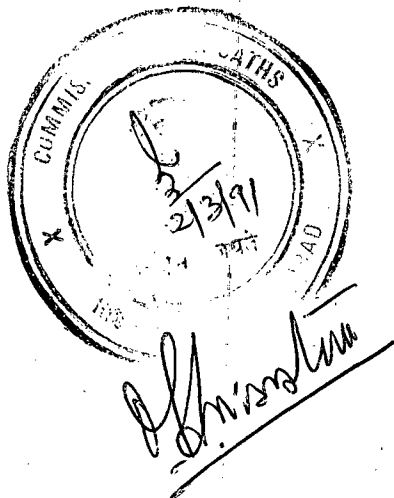
the principles of fair play and justice and has the reasonable <sup>h</sup> nexus with the object sought to be achieved

i. e. calling best candidates for interview once several candidates fulfil eligibility criteria and all can not be interviewed. Rest of the contents of para under reply needs no comments, from the petitioner.

9. That the contents of para 12 are <sup>h</sup> ~~ambiguous~~ and as such incapable of being replied.

10. That in reply to para 13 of the counter affidavit, <sup>h</sup> ~~para 4(e)~~ <sup>of the Petition is</sup> reiterated. The opposite party ought to have disclosed the criterion of shortlisting to the Hon'ble Tribunal so as to permit the Hon'ble Court to judge its reasonableness. Merely obtaining degree prior to the petitioner does not render Shri A. K. Chetwani more experienced in the field and as such better qualified to be called for interview in terms advertisement. The petitioner assets that criterion adopted for calling candidates was unjust and unfair in as much as Shri A.K. Chetwani who is <sup>h</sup> ~~definitely~~ <sup>was called for interview</sup> less experienced in the field, only on the strength that he passed the relevant degree prior to the petitioner.

11. That in reply to the contents of para 14 of the



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( 5 )

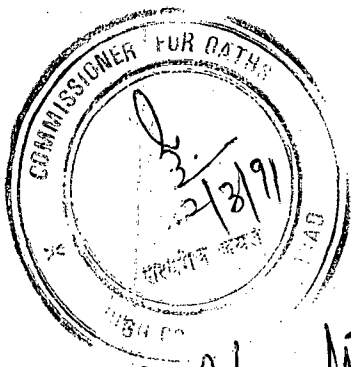
counter affidavit it is stated that the petitioner was never informed about the rejection of the representation.

12. That the contents of para 15 of the counter affidavit needs no comments.

13. That in reply to the contents of para 16 of the counter affidavit the contents of para 5 of the petition are reiterated.

14. That the contents of para 17 of the counter affidavit need no comments.

15. That in reply to para 18 of the counter affidavit it is submitted the Hon'ble Tribunal rightly passed interim orders in favour of the petitioner. Since the order could be passed only on 21. 11. 1990 therefore it could be served only on 22. 11. 1990 at Delhi on opposite party. The Hon'ble Tribunal directed the opposite party to interview the petitioner before 12. 12. 1990 on which date the case was listed for further orders. By not complying the orders of the Hon'ble Tribunal the opposite party has committed contempt of the Hon'ble Tribunal's orders.

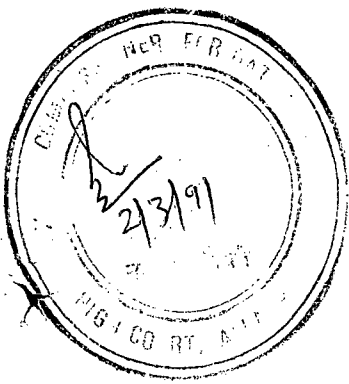


*Pl. Proinstm*

Abt

( 6 )

16. That in reply to para 19 of the counter affidavit it is stated that the petitioner deserves to be allowed by granting to the petitioner all reliefs asked for in the petition.



Lucknow  
dated 2. 3. 1991.

*[Signature]*  
Deponent.

Verification :-

I, the above named deponent do hereby verify that the contents of paras 1 to 9, 11 to 14<sup>2</sup> of this affidavit are true to my personal knowledge and those of paras 10, 15 and 16<sup>2</sup> are believed by me to be true.

Signed and verified this 2<sup>nd</sup> day of ~~February~~<sup>March</sup>, 1991 in ~~Civil Court Compound~~ at Lucknow.

*[Signature]*  
Deponent.

I, identify the deponent who has signed before me.

*[Signature]*  
Oath Commissioner  
High Court  
No. .... 1/144 .....  
Date .... 2/3/91 .....

*[Signature]*  
Sangji Simantani  
Advocate.

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

O.A.NO. 372 of 1990 (L) *154*

Om Prakash Srivastava

...

Applicant.

Versus

Union of India & Others

...

Respondents.

21.11.1990

Hon'ble Mr. Justice K.Nath, V.C.

Hon'ble Mr. M.M.Singh, A.M.

Heard the learned counsel for the applicant.  
Issue notice to respondents to show cause why the petitioner may not be <sup>admitted</sup> ~~admitted~~. In particular, they will explain why the applicant has not been called for interview for the ensuing interview from 19th to 21.11.1990 when he had been called for interview for the same post held in August, 1988 by Annexure-5 and one A.K. Chetwani who possesses the same qualifications as the applicant, is junior to the applicant in the gradation list and elder in age than the applicant has been called for interview.

In the matter of interim relief issue notice and list for orders on 12.12.1990 as no Bench of this Tribunal is available at Lucknow in the week commencing 03.12.1990. In the meantime, respondent No. 2 shall permit the applicant to appear at the interview for the post of Chemist and Metallurgists in pursuance of the advertisement contained in Annexure - I, but subject to the further orders of this Tribunal. A copy of the order may be given to the learned counsel for the applicant today.

Sd/-

A.M.

Sd/-

V.C.

// True Copy //

*21/11/90*  
(Mohd. Umar Khan)  
Court Officer,  
Central Administrative Tribunal,  
Circuit Bench,  
LUCKNOW.

*Checked by*

*Received by*  
*Sanjiv Kumar*  
*21/11/90*

Sl. No. 309

In the Honble Central Administrative  
Lucknow bench Lucknow  
~~Decided on~~  
Writ Petition No 372 of 1990

O. P. Srivastava - - - - - Petitioner  
Versus

Union of India & others - - - - - opp party.

subject issuance of Sanitized Copy. The  
order dated on 11.12.92

Sri

In the above referred case had accepted  
notice for u.o.1 in my capacity as Senior  
Counsel of the Government of India

F.T.  
17/2/93  
~~HK~~

That the case has been decided on 11.12.92  
but still the copy has not been reserved  
in the office of the respondent

Office  
21/2  
17/2

That it appears that the Sanitized Copy  
of the aforesaid order has not been sent  
to the respondent from the office the Honble  
Tribunal

Wherefore it is requested that I  
be supplied the sanitized copy of the order  
dated 11.12.92 for u.o.1 as the same is requi  
for perusal and necessary action if any.

~~Court~~  
Copy issued  
in Feb-93 dated 17.2.93  
R  
24/2/93

Counsel for opp party  
D Ashok. Mijam.  
Adv.  
High Court  
Lucknow