

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 119 of 1990 (W)

Name of the parties _____

Charu Chandra Tokhi _____ Applicant.

Versus.

Union of India _____ Respondents.

Part A.B.C.

S. No.	Description of documents	Page
1.	order sheet (Final) 11-4-90. A1	A2 - A15
2.	Petition	A16
3.	Answer	A17 - A21
4.	Annexures	

Barat copy A1 - A19

Felt P/C舞ecked out/destroyed

20(5)

mr

10/4/90 Hon. Mr. P.S. Habib Mohammed, A.M.
Hon. Mr. T.P. Sharma, J.M.

Shri U.K. Shukla, appears
and he wants to place before the
Bench, certain matter relevant to
the present application.

Put up tomorrow for
admission. Shri V.K. Chaudhary,
Standby counsel has taken notice.

sd

J.

J.M.

A.M.

11/4/90

Hon. Mr. P.S. Habib Mohammed, A.M.
Hon. Mr. T.P. Sharma, J.M.

Shri U.S. Tripathy, appears
for the applicant. There are 6 connected
application, in this regard. The case of
the applicant is that they were selected
as helper, but they are not been appointed.
However, they have not made any represent-
ation against the gravaee, to the Authorities
concerned.

The learned counsel for the respo-
ndents, Shri V.K. Chaudhary, accepted the notice
yesterday on behalf of the respondents and
informed the Tribunal that certain relation
of the applicants are working in Doordarshan
so due permission is desired from the Director General

FORM 1
(See Rule - 4)

(X2)

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT 1985

Charuchandra Joshi

charu
... Applicant

-vs-

Union of India and others ... Respondents

I N D E X

Description of documents relied upon Application	Page No.
---	----------

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

Date of filing

of

Date of Receipt by post

Registration No.

Signature
for Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A. NO. 119 of 1990.

Charuchandra Joshi *Applicant*

-vs-

Union of India and others ... Respondents

I.N.D.E.X.

Serial No.	Particulars	Page No.
------------	-------------	----------

1. Application	1 to 12
----------------	---------

2. Annexure-A-1	13
-----------------	----

True copy of letter dated 9.5.89
of Respondent no.3 to the applicant ..

3. Annexure no.A-2	14 -
--------------------	------

True copy of letter dated
6.6.1989 of Respondent no.3
to the applicant

4. Annexure no.A-3.	15-1).
---------------------	--------

True copy of the legal notice
issued by the Counsel of applicant
to the Respondent no.3.

F.T.
Sgd/ 9/4/90

5. Power.	18.
-----------	-----

S. Tripathi
(V. S. Tripathi)
Advocate.

Lucknow,

Dated: 6-4-90

V. S. Tripathi
Joshi

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

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

Charuchandra Joshi
aged about 23 years
S/o Shri J.C. Joshi
No. 133/1 ^{near} 'A' Block,
Indiranagar, Lucknow

... Applicant



-vs-

1. Union of India through the
Secretary, Ministry of Information
and Broadcasting, New Delhi.
2. The Director General
Doordarshan,
Mandi House,
New Delhi.
3. Director,
Doordarshan Kendra,
24, Ashok Marg, Lucknow
4. Director, ... Respondents

Details of application.

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

- (i) There is no order against this person
application is moved but the applicant is
aggrieved with his non-appointment

...2



although he was selected in June 1989 on the post of helper in the office of the Respondent no.3.

Persons, who were also selected when the applicant has been given appointment and they are serving on the post of the Helper.

2. Jurisdiction of the Tribunal.

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

The applicant declares that the subject matter of this application is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

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

4. Facts of the case:

(i) That 15 posts of Helpers were advertised by the Respondent No.3 to be filled for his office and the applicant's name was sponsored by the Employment

2
PS
29/11/2011
Sohi

Exchange, Lucknow for the said post as is an unemployed person.

(ii) That the applicant is fully eligible for being appointed for the said post as per prescribed rules and requirements.

(iii) That the petitioner was called to attend for interview vide letter dated 9.5.1989 to be ~~and 30.5.89~~ held on 26.5.1989 before the Administrative Officer of the Respondent No.3 along with original testimonials and photograph etc.

A copy of the said letter is being enclosed as ~~Annexure~~ ~~A-1~~ to this application.

(iv) That it was learned that the that he was selected for the said post of Helper in the said selection and as such he was called upon to furnish the photograph and attestation forms in 3 copies which was sent to the applicant. vide letter dated 6.6.1989 by the office of the Respondent No.3. A copy of the said letter dated 6.6.89 is being enclosed as Annexure no.A-2 to this application

(v) That the applicant is a near relation of an employee named Shri J.C.Joshi

✓ Raous
J.C.Joshi

4
R7

who is working in the office of the Respondents and as such the appointment letter in pursuant to the selection could not be issued to the applicant, till date.

(vi) That the applicant have fulfilled all the requirement on his part such as submission of attestation forms duly completed in all respects, photographs etc, which was desired by the Department but till date he was not been offered the appointment letter.

(vii) That during the month of July 1989 to September 1989 the following persons named -

1. S/Shri Md. Nadeen Siddique (27.7.89)
2. R.C. Pandey (9.8.89)
3. Manikant Tewari (30.7.89)
4. Ram Singh (16.8.89)
5. Satya Prakash (30.8.89)
6. Avdesh Kumar Mishra (29.8.89)
7. Lalsingh (2.9.89)
8. Radhakishan -

✓
Karan
Doshi

Ad

25

(viii) That out of 15, posts only 8 persons named above the previous paragraph were appointed and the remaining 7 posts are still lying vacant and no person is working on the said 7 posts even on ad-hoc basis.

(ix) That the applicant is suffering great a recurring loss due to non-payment of salary and not issuing appointment letter to him on the post of Helper although he has duly selected candidate for the post along with other persons interviewed for the said post, where the other 8 persons were already given appointment letters and are working under the Responce no.3 during the month of July to September 1989.

(x) That the applicant still not be able to get his salary unless he is offered the appointment order for the post of Helper which is lying vacant and due to lapse on the part of the Respondents, the appointment letters are not being issued to him.

(xi) That the applicant will not be compensated in terms of money in case he is appointed after a

✓ Sharad
Sohini

longlong delay as he will not be paid his salary from the date when the other persons were appointed to the post of Helper who were interviewed and selected along with the applicant.

(xii) That the applicant through his Counsel also sent a legal Notice from Shri Md. Nadeen, Advocate on 30-06-90 with the prayer to issue appointment letter to the applicant. But the Respondents have not yet issued the appointment letter to the applicant, hence this application. A copy of the Legal Notice is being enclosed as Annexure no. A-3 to this application

(xiii) That the applicant have already waited quite a long period for getting his appointment/ posting letter and he was not being given the said posting letter on the post of Helper under the Respondent no. 3.

(xiv) That the applicant is an unemployed person and he is facing great monetary hardship and he is also not trying ~~thex~~ to get any other job as he has already been selected for the post of Helper under the Respondent no. 3 as well as it was

*Varun
Doshi*

learnt by him that his name has been struck off from the roll of the unemployed persons in the Employment Exchange.

(xv) That the applicant in the matter of his employment only because the relation of an employee who is working in the Department since the other persons who were fully outsider and most of them even ranked much below in the merit list were offered appointment on the said post.

(xvi) That the action of the Respondents for not offering appointment/posting to the applicant is discriminatory and against the provisions of Article 14 and 16 of the Constitution of India.

5. Grounds for relief with legal provisions.

(a) Because the applicant has not been offered appointment letter even after selection for the post of Helper along with other 14 candidates, who were selected in the interview.

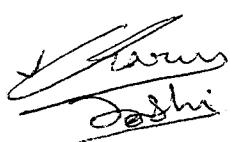
✓
Rajesh
Deshi

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

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

(d) Because the applicant's appointment appears to be held up because the relation of an employee who is working in the Department since the other persons who were wholly outsiders and most of them even ranked much below in the merit list were offered appointment on the said post.

(d) Because the action of the Respondents for not offering appointment/posting to the applicant is discriminatory and against the provision of Article 14 and 16 of the


K. Narayan
Doshi

(AN)

9-

(e) Because during the month of July 1989 to September 1989 8 out of 15 persons selected were given appointment letter and they are working under Respondent no. 3.

(ff) Because no appointment letter/posting issued to the applicant till date although completed all the formalities required by the Department.

(g) Because 4 vacancies are still existing and not appointed anyone even on adhoc basis.

6. Details of the remedies exhausted.

The applicant verbally made so many times to the authorities and send legal notice but of no avail. There is no statutory remedy under the rules as provided against such omissions on part of the Respondents.

7. Matters not previously filed or pending with any other Court.

The applicant further declare that he had not previously filed any application, writ petition or suit regarding the matter in respect of



-10-

of with this application has been made, believe the court or any other authority or any other Bench of the Tribunal nor such application, / petition or suit is pending before any of them.

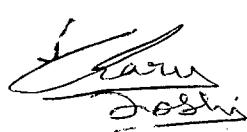
8. Relief(s) sought:

(i) That the Respondents may please be directed to appoint the applicant on the post of Helper in the office of the Respondent no.3 as per result of the selection on

/ selection interview made in the month of May/June 1989.

(iii) That the applicant may also be allowed all monetary benefits of the post/salary of the post with effect from the date when the persons interviewed selected along with him were offered appointment.

(iii) That there is lack on the part of the Respondent No.2 and Respondent No.3 be directed to appoint the applicant provisionally with immediate effect on the post of Helper as he is a selected candidate for the said post.


Karm
Doshi

(iv) That any other relief that this Hon'ble Tribunal deemed fit be awarded to the applicant.

(v) That the cost of these proceedings may also be awarded to the applicant.

9. Interim order, if any, prayed for.

That during the pendency of this application Respondent no.3 be very kindly directed to appoint the applicant on the post of Helper provisionally for which he has been selected during pendency of this application or pending approval of the Respondent no.2.

10. In the event of application being sent by registered post, it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self-addressed post card or inland letter, at which intimation regarding the date of hearing could be sent to him.

- N.A. -

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

Postal order no 02 414116

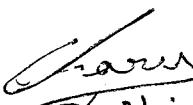
At 9-4-90


K. S. Joshi

AIS

12. List of enclosures.

1. True-copy of letter dated 9.5.1989 of Respondent No.3 to the applicant. (Annexure no.A-1)
2. True-copy of letter dated 6.6.1989 of Respondent No.3 to the applicant. (Annexure no.A-2).
3. True copy of the Legal Notice issued by the Counsel of applicant to the Respondent no.3 (Annexure no.A-3).


Verification, 
Kavinder Joshi

I, Kavinder Joshi
aged about 23 year, son of Shri J.C. Joshi
at present resident of 'A' Block

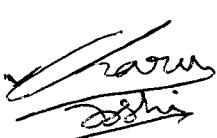
Indira Nagar Lucknow

do hereby verify that the contents of para 1 to
are true to my personal knowledge and
those of paras to are believed to be true
from the information gathered as well as on the
basis of legal advice and that I have not suppressed
any material fact.


Applicant
Kavinder Joshi

Dated:

Place: Lucknow.


Kavinder
Joshi

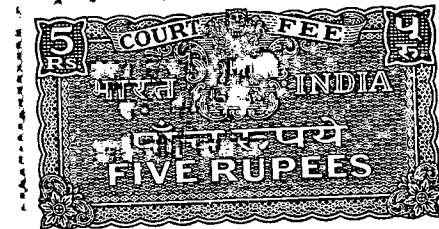
ब अदालत श्रीमान

C. A. T.

महोदय

वादी (मुद्दे)
प्रतिवादी (मुद्दाबलेह)

का वकालतनामा



Charuchandra Joshi

वादी (मुद्दे)

बनाम

Union of India and others

प्रतिवादी (मुद्दाबलेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

V. S. Tripathi Advocate High Court एडवोकेट

वकील

महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताच्चर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रूपया अपने या हमारे हस्ताच्चर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पशी स्वयं या किसी अपने पेरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिन्मे-दारी मेरी वकील पर न होगी । इसलिए यह वकालतनामा दिया दिया कि प्रमाण रहे और समय पर काम आवे ।

हस्ताच्चर चौथे दस्तखती

साक्षी (गवाह)..... साक्षी (गवाह).....
दिनांक..... महीना..... सन्.....

Annexure A-1

भारत सरकार
दूरदर्शन केन्द्रः लखनऊ

संख्या: द०००४५८४१५५/हेल्पर/८९-एस/चार

दिनांक २६.०५.८९

मेरी... अमृत... अमृत... अमृत...

..A1333.1.1..వ్యక్తిగతి..(ఎల్లప్పుడూ)

.....
C 2473

विष्णुविद्यालय: दिनांक 30.5.89 को हेल्पर के पद हेतु साझा आवेदन

महोदय,

आपका नाम छोत्रीय सेवायोजन कायर्लिय लखानऊ से
 इस केन्द्र पर हेल्पर के पद पर साक्षात्कार हेतु अग्रसारित हुआ है
 अतः आप अपनी शैक्षिक योग्यता, जन्म तिथि, अनुभाव इत्यादि
 के पुमाण पत्रों की मूल प्रतियों सहित इस कायर्लिय में दिनोंक
 30.5.89 दिन मंगलवार को प्रातः इस बजे साक्षात्कार हेतु
 उपस्थित हों ।

इस साहात्कार में उपस्थित होने के लिये आपको कोई भी यात्रा भात्ता तथा मार्ग व्यय इत्यादि नहीं दिया जाएगा ।

ଫାକ୍ଟ୍ରିୟ

हस्ताक्षर/-

श्री नाशा

प्रशासनिक अधिकारी

कृते निदेशाक

T. C. - D. M. & S.
D. M. & S.

Agour
John

Annex A-2

• भारत सरकार

पंजीकृत डाक द्वारा अति महत्वपूर्ण

ਦੁਰਦੱਸ਼ਨ ਕੇਨਟ੍ਰੋ: ਲਖਾਨਊ

ਸੋਖਿਆ: ਫ੍ਰੋਂਡਾਂ ਲਈ 15/ਹੇਲਿਕ/89-ਏਸ/ਚਾਰ 8/6/89 ਦਿਨਾਂਕ 06/06/89

क्षापन

दिनांक ३०/३१/०५: ४को दूरदृश्यनि केन्द्र लखानऊ में ..हेल्पर..

पद हेतु हुए साक्षात्कार के संदर्भ में, साक्षायांकन प्रृष्ठ की तीन प्रतियाँ
इस आवाय के एतद्वारा प्रेषित की जा रही हैं कि इनको सम्यकरूप
से भारकर तथा उन पर सत्यापित नवीनतम फौटो ग्राफ चिपका कर अधा-
हस्ताक्षरी को नाम से २६.०६.८९..... तक अधावा उसे
पर्व लौटा दें ।

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

८०/-

ଓঞ্জী নাথ

प्रशासनिक अधिकारी कृते निदेशक

प्री/प्रभाती/कुमारी.....

• A 1333111 2-51 5972

..... ଏବାର ଦେବାର 2129

T. C. Rothery
~~John Rothery~~

C. L. Evans
John

APR

15

REGD. AD.

From: Mohd. Nadeem, Advocate,
Victoriaganj Crossing
Lucknow.

To : The Director General
Door Darshan,
Mandi House,
NEW DELHI.

Dear Sir,

Under instructions from and on behalf of my clients Sarvashri Raj Kishor, s/o. Sri H.L. Pasi, Laxman Prasad s/o. Sri Bhagwan Deen, Ishar Ali s/o. Sri Haider Ali, Akhlesh Kumar Srivastava, s/o. Sri A.K. Srivastava, Vijai Kumar Charu Chandra s/o. Sri J.C. Joshi and Shri R.C. Pant s/o. Sri S.D. Pant I do hereby serve you with notice to the following effect:-

1. That there were vacancies of Helpers in Doordarshan Kendra, Lucknow, as such names of my clients as well as others were forwarded to the Doordarshan Kendra, Lucknow by the Lucknow Employment Exchange. My clients were interviewed on 30-31-5/39.

2. That out of the candidates who appeared before the selection committee of the Kendra, 14 of them were declared selected are being given below:-

1. Raj Kishor	2. Laxman Prasad
3. Ishar Ali	4. Akhlesh Kumar Srivastava
5. Vijai Kumar	6. Charu Chandra

W

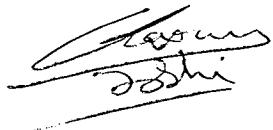
✓ Laxman
Prasad

7. H.C. Pant 8. R.C. Pandey 9.5.89
9. Mohd. Nadeem Siddiqi 10. Mani Kant Tewari 30.7.89
20.7.89
11. Ram Singh 16.8.89 12. Satya Prakash 30.8.89
13. Awadesh Kumar Mishra 29.8.89 14. Lal Singh 2.9.89

3. That out of the aforesaid 14 persons named and described above at sl. No.8 to 14 were appointed on the dates given in front of them, but my clients though senior to them have not yet been appointed inspite of their personal approaches and representations to the authorities.

4. That it is ~~praxx~~ crystal clear from the attitude of the department that discrimination in the matter of ~~appx~~ employment is being practised among the equals ~~appx~~ juniors have been appointed and the seniors have been left for the reasons best known to the high ups of the department.

5. That the aforesaid attitude clearly infrig the fundamental rights of my clients for equal treatment and equal opportunity to the matters of employment as enshrined in the Articles 14 and 16 of the Constitution.


Kamal
Joshi

6. That the violation of articles 14 and 16 of the Constitution gives the cause of action to my clients to approach court of law for redress.

You are, therefore, called upon through this notice to amend and rectify the mistake committed by the department and take my clients in employment within 10 days of the receipt of this notice, failing which my clients will have to approach competent court of law praying for writ of mandamus and other remedies at the risk and cost of the department. It would not be out of place to mention here that the persons shown at sl. No. 1 and 2 belong to Scheduled Castes, as such according to the policy of the Government of India, which has been expressed through departmental notifications they deserve extra facilities to be given. It may be clarified that my clients are entitled to be appointed from the date the juniors were appointed with all consequential benefits.

Sd/- Mohd. Nadeem
Advocate.

24xxAshokxMargxxLxxxx

Copy to:-

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

True copy.

A.C. Mohd
P. D. Bar

Baru
Doshi