

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOWINDEX SHEETCAUSE TITLE O.A. 119 of 1990 W

Name of the parties

Charu Chandra Joshi

Applicant.

Versus.

Union of India

Respondents.

Part A.B.C.

Sl No.	Description of documents	Page
1.	Order sheet (final) 11-4-90. A1 ✓	
2.	Petition A2 - A15 ✓	
3.	Power A16 ✓	
4.	Annexures A17 - A21 ✓	
	<u>Batch copy</u> B1 - B19	

File P/c been kept / destroyed.

S.C.S.

12/4/90

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

(A)

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. Choudhary,
 Standby Counsel has taken notice.

J.M.

A.M.

11/4/90

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

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

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

A2

APPLICATION UNDER SECTION 19 of THE
ADMINISTRATIVE TRIBUNALS ACT 1985

Charuchandras Joshi

[Signature]
Applicant

-vs-

Union of India and others ... Respondents

I N D E X

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

[Signature]
[Signature]

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.

Charuchandras 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

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

13

3. Annexure no.A-2

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

14 -

4. Annexure no.A-3.

True copy of the legal notice
issued by the Counsel of appli-
cant to the Respondent no.3.

15-17

5. Power.

18

P.T.

Sgt
9/4/90

(V.S. Tripathi)
Advocate.

Lucknow,

Dated: 6-4-90

Charuchandras 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 '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.
4. Director,
Doordarshan Kendra,
24, Ashok Marg, Lucknow

... Respondents

Details of application.

1. Particulars of the order against which the appli-
cation is made.

(i) There is no order against this present
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.

....

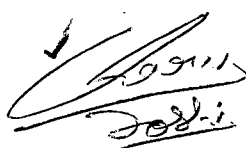
The applicant declares that the subject matter of this application is within the jurisdiction of this Hon'ble Tribunal.

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



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

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

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

A copy of the said letter is being enclosed as ~~(ix)~~ Annexure no.A-1 to this application.

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

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

✓
Joshi

AT

4

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

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

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

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

[Handwritten signature]
Joshi

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

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

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

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

✓
Kasur
Doshi

89 6

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 30-01-90 with the prayer to issue appointment letter to the applicant. But the Respondents have not yet issued the appointment letter to the applicant, hence this this application. A copy of the Legal Notice is being enclosed as Annexure no. A-3 to this application

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

(xiv) That the applicant is an unemployed person and he is facing great monetary hardship and he is also not trying ~~thax~~ 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

✓
J. K. Joshi

APD

7

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

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

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

5. Grounds for relief with legal provisions.

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

✓
Kumar
Joshi

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

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

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

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

[Signature]
Joshi

(A2)

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

[Handwritten signature]
[Handwritten signature]

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

8. Relief(s) sought:

(i) That the Respondents may please be
directed to appoint the applicant on
the post of Helper in the office of the
Respondent no.3 as per result of the selection
/ ~~selection~~ interview made in the month
of May/June 1989.

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

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

✓
[Signature]
Doshi

AMU

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

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

9. Interim order, if any prayed for.

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

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

- N.A. -

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

Postal order no 02 4141/10

dt 9-4-90

[Signature]
Doshi

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).

Haru Joshi
Verification. *Joshi*

I, *Haru Chandra Joshi*
aged about 23 year, son of *Shri J.C. Joshi*
at present ~~xxxxxxx~~ resident of 'A' Block
Indira Nagar Lucknow

do hereby verify that the contents of para 1 to
are true to my personal knowledge and
these of pages 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.

✓ *Haru Joshi*
Applicant

Dated:

Place: Lucknow.

Haru Joshi

ब अदालत श्रीमान

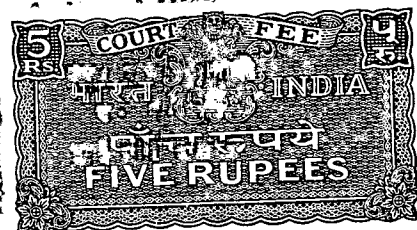
C. A. T.

महोदय

वादी (मुद्दे)

प्रतिवादी (मुदाबलेह)

का वकालतनामा



Charuchandra Joshi

वादी (मुद्दे)

बनाम

Union of India and others

प्रतिवादी (मुदाबलेह)

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 रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर चरुचन्द्र जोशी

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना सन्

Annexure A-1

मुद्रांक ७७७७७७७७

13

भारत सरकार
दूरदर्शन केन्द्र: लखनऊ

संख्या: दू०द०॥लख०॥११५॥हेल्पर/८९-एस/चार

दिनांक ०६.०५.८९

श्री...
..A.133.3/1...
.....

..A.133.3/1...
.....

.....

विषय: दिनांक ३०.५.८९ को हेल्पर के पद हेतु साक्षात्कार

महोदय,

आपका नाम क्षेत्रीय सेवायोजन कार्यालय लखनऊ से
इस केन्द्र पर हेल्पर के पद पर साक्षात्कार हेतु अग्रसारित हुआ है
अतः आप अपनी शैक्षिक योग्यता, जन्म तिथि, अनुभव इत्यादि
के प्रमाण पत्रों की मूल प्रतियों सहित इस कार्यालय में दिनों
३०.५.८९ दिन मंगलवार को प्रातः इस बजे साक्षात्कार हेतु
उपस्थित हों।

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

भावदीय

हस्ताक्षर/-

श्री नाथ

प्रशासनिक अधिकारी

कृते निदेशक

T.C. - [Signature]
[Signature]

[Signature]

Annex A-2

प्रजिकृत डाक द्वारा
अति महत्वपूर्ण

भारत सरकार
दूरदर्शन केन्द्र: लखनऊ

संख्या: दू0द0लखत॥१५॥हेल्पर/89-रस/चार 3/69 दिनांक 06/06/89

ज्ञापन

दिनांक 30/3/89: 8को दूरदर्शन केन्द्र लखनऊ में ..हेल्पर..
पद हेतु हुए साक्षात्कार के संदर्भ में, साक्ष्यांकन प्रपत्र की तीन प्रतियां
इस आशय के एतद्वारा प्रेषित की जा रही हैं कि इनको सम्यकरूप
से भरकर तथा उन पर सत्यापित नवीनतम फोटो ग्राफ चिपका कर अधो-
हस्ताक्षरी को ॥नाम से॥ 2.6.06.89..... तक अथावा उससे
पूर्व लौटा दें ।

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

ह0/-

॥श्री नाथ॥
प्रशासनिक अधिकारी
कृते निदेशक

श्री/श्रीमते/कुमारी.....

.....A133311 2-SI-कार.....

.....कलाश के शक्ति.....

.....

T. C. Bhatnagar
Rohini

Rohini

APR 15

REGD. AD.

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

To : The Director General
Doordarshan,
Mandi House,
NEW DELHI.

Dear Sir,

Under instructions from and on behalf of my clients Sarvashri Raj Kishor, S/o. Sri H.L. Pasi, Laxman Prasad s/o. Sri Bhagwan Deen, 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

[Signature]

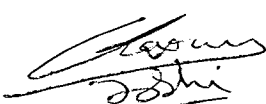
(A70) 16

7. H.C. Pant 8. R.C. Pandey 9.5.89
9. Mohd. Nadeem Siddiqi 20-7.89 10. Mani Kant Tewari-30.7.89
11. Ram Singh-16.8.89 12. Satya Prakash -30.8.89
13. Awadesh Kumer Mishra -29.8.89 14. Lal Singh 2.9.89

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

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

5. That the aforesaid attitude clearly infringe the funds mental 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.



121/17

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.

24xxxAshok MargxxxLucknowxxx

Copy to:-

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

True copy.

F.C. *[Signature]*
[Signature]
[Signature]

[Signature]
[Signature]