

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOWINDEX SHEETCAUSE TITLE O.A. 120 of 1990 (4)

Name of the parties \_\_\_\_\_

Rajay Kumar

Applicant.

Versus.

Union of India

Respondents.

Part A.B.C.

Sr No.	Description of documents	Page
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- |    |                     |                     |
|----|---------------------|---------------------|
| 1. | order sheet (final) | A1 ✓                |
| 2. | petition            | A2 - 15 ✓           |
| 3. | lower               | <del>A3</del> A16 ✓ |
| 4. | annexures           | A17 - A21 ✓         |

~~Best copy~~ B1 - B19

1 - lower - A22

File B/ weeded out / destroyed

198  
Seth

12/4/90

Hon. Mr. P.S. Habib Mohammed, AM.  
Hon. Mr. J.P. Sharma, J-M

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

Put up tomorrow for admission. Shri V.K. Chaudhary, standing Counsel has taken notice.

J. M.

A.M.

11/4/90

Hon. Mr. P.S. Habib Mohammed, AM.  
Hon. Mr. J.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 representation against the grievance, to the authorities concerned.

The learned counsel for the respondents, Shri V.K. Chaudhary, accepted the notice, yesterday on behalf of the respondents and informed the Tribunal that certain relation of the applicant are working in the Boardarsha, so due permission.

FORM -I  
(See Rule - 4)

(A2)

APPLICATION UNDER SECTION 19 of THE  
ADMINISTRATIVE TRIBUNALS ACT 1985

VISAY KUMAR

.. Applicant

-VS-

Union of India and others ... Respondents

I N D E X

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

*Tabu ZHR*

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. 120 of 1990. (L)

... 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 - 1)
5. Power. 18

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

Lucknow,

Dated: 6-4-90

(PM) 1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

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

---

Vijay Kumar  
aged about 23 years,  
S/o. Vishwanath  
R/o. 549/149 Bara Barha  
Alambagh, Lucknow.

... Applicant

-vs-

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

Details of application.

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

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

... 2

✓ 1964 34R

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

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(A6)

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-3-

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 <sup>and 30.5.89</sup> 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 Shushela Devi

विषय अन्तर्

(A2) 4

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 -

✓ विजय कुमार



AA 5

(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

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491 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

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(A10) 7

learnt by him that his name has been struck of 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.

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(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

1972 2412

(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 7 vacancies are still existing and not appointed anyone even on adhoc basis.

6. Details of the remedies exhausted.

The applicant verbally made <sup>request</sup> 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

विजय कुमार

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.

1964 BTR

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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.

✓ दिनांक १५/१२/२०१२

AIS

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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.

I, Nijay Kumar  
aged about 23 year, son of Vishwanath  
at present ~~xxxxxx~~ resident of 549/149 Bara Barha  
Alambagh 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.

Nijay Kumar  
Applicant.

Dated: 6.4.90

Place: Lucknow.



व अदालत आमान

C. A. T.

महोदय

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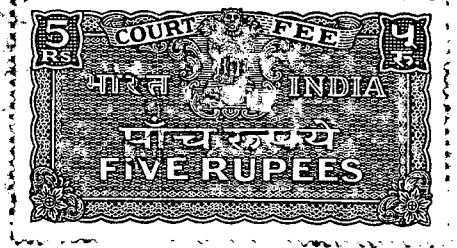
वादी (मुद्दे)

प्रतिवादी (मुद्दे)

का

वकालतनामा

Vijay Kumar



वादी (मुद्दे)

वनाम

Union of India 80th प्रतिवादी (मुद्दे)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

V. S. Tripathi Advocate High Court स्टुडेंट्स 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 लें 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 पेशी स्वयं या किसी अपने परिचार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक चरफा 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

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना सन्

Vijay Kumar

भारत सरकार  
दूरदर्शन केन्द्र: लखनऊ

संख्या: दू०द०लख०॥५॥हेल्पर/८९-एस/चार

९-५-  
दिनांक २६-०५-८९

श्री. विजय कुमार.....  
जन्म ३०.०५.१९५१. लखनऊ.  
आलयमवाज. लखनऊ.....

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 प्रतियाँ 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

विजय कुमार

T.C. Singh  
D. Singh

पंजीकृत डाक द्वारा  
अति महत्वपूर्ण

19/8

भारत सरकार  
दूरदर्शन केन्द्र: लखनऊ

संख्या: दू०द०॥लख०॥१५॥/हेल्पर/८९-एस/चार

दिनांक 06/06/89

ज्ञापन

दिनांक 30-05-89 को दूरदर्शन केन्द्र लखनऊ में ..हेल्पर..  
पद हेतु हुए साक्षात्कार के संदर्भ में, साक्ष्यांकन प्रपत्र की तीन प्रतियां  
इस आशय के स्तद्वारा प्रेषित की जा रही हैं कि इनको सम्यकरूप  
से भरकर तथा उन पर सत्यापित नवीनतम फोटो ग्राफ चिपका कर अधो-  
हस्ताक्षरी को ॥नाम से॥ 26-6-89..... 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 ।

ह०/-

॥श्री नाथ॥  
प्रशासनिक अधिकारी  
कृते निदेशक

श्री/श्रीमती/कुमारी.. विजय कुमार  
म० न० 549/1 क० लख० वरहा  
..अखिल बाग ..लखनऊ.....  
.....

विजय कुमार

T.C. [Signature]  
[Signature]  
[Signature]

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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 Door-darshan Kendra, Lucknow, as such names of my clients as well as others were forwarded to the Door-darshan Kendra, Lucknow by the Lucknow Employment Exchange. My clients were interviewed on 30-31-5/89.

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

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

Signature

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7. H.C. Pant 8. B.C. Pandey 9.5.89  
9. Mohd. Madeem 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 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. 3 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 ~~xxx~~ 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.

- विजय कुमार

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(A21)

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.

24xxAshok Marg, Lucknowxx

Copy to:-

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

True copy.

विषय उम्मीद  
Tel. Office  
[Signature]

O.A.N. 120/90 (C)

A/22

# VAKALATNAMA

C. A. T.

In the Hon'ble High Court of Judicature at Allahabad,

At

Lucknow Bench

Circuit Bench

Lucknow

.....Vijay Kumar..... Plff./Applt./Petitioner/Complainant  
Verses

.....Union of India..... Defent./Respt./Accused

KNOW ALL to whom these presents shall come that I/We.....Do.....  
the above-named.....do hereby appoint

Shri V. K. CHAUDHARI, Advocate, .....

.....High Court, Lucknow Bench

(hereinafter called the advocate/s) to be my/our Advocate in the above-noted case and authorised him :—

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents, to admit &/or deny the documents of opposite parties.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive moneys, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause,

To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority/herby conferred upon the Advocate whenever he may think fit to do so & to sign the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all hearings & will inform the Advocate for appearances when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case untill the same is paid up. The fee settled is only for the above case and above Court I/we hereby agree that once the fees is paid. I/we will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this.....10.....day of.....4.....1990

Accepted subject to the terms of fees.

Client

Client

Advocate

  
Director D.D & Treas  
Jr of PS