

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

INDEX SHEET

CAUSE TITLE O.A. 120 of 1990 (U)

Name of the parties

Niraj Kumar

Applicant.

Versus.

Union of India

Respondents.

Part A.B.C.

No.	Description of documents	Page
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1.	order sheet (Final)	A1 ✓
2.	petition	A2 - 15 ✓
3.	Answer	A28 - A16 ✓
4.	Annexures	A17 - A21 ✓

~~Book copy~~ B1 - B19

1 - Answer - A22

File B/ worked out / registered

Q
SOL

10/4/20

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

Shri V.K. Shukla, appears
 and he wants to place ~~case~~ in place
 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.P.

J.M.

J.P.

A.M.

11/4/20

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

Shri U.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 respon-
 dent, Shri V.K. Chaudhary, accepted the notice,
 yesterday on behalf of the respondent
 and informed the Tribunal that certain
 relation of the applicant are working
 in the Doordarshan, so due permission.

FORM -I
(See Rule - 4)

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT 1985

(A2)

VISAY KUMAR

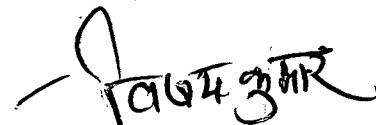
... Applicant

-vs-

Union of India and others ... Respondents

I N D E X

Description of documents relied upon, Page No.
Application



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)

(A3)

... Applicant

-vs-

Union of India and others ... Respondents

I.N.D.E.X.

Serial No.	Particulars	Page No.
1. Application		1 to 11
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 applicant to the Respondent no.3.	15 — 15
5. Power.		18

V.S. Trpathi
(V.S. Trpathi)
Advocate.

Lucknow,

Dated: 6-4-90

(AU)

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

✓ 196434R

(AS)

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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

1964/312

Exchange, Lucknow for the said post as is an un-
employed 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 before the Administrative
Officer of the Respondent No.3 along with original
testimonial's 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 Shusheela Devi.

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(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

1/ *प्रगति*

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(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 Respondent 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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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 30-6-90 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 ~~try~~ 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

1962/3/12

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.

Parvgnir

(a)

(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

1964 Act

(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 9 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

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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 interview made in the month

/ ~~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.

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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 intimation regarding the date of hearing could be sent to him.

- N.A. -

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

✓ 140729/12

(A15)

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 ~~present~~ resident of 549/149 Bava Banda
Alambagh Lucknow

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

Nijay Kumar
Applicant.

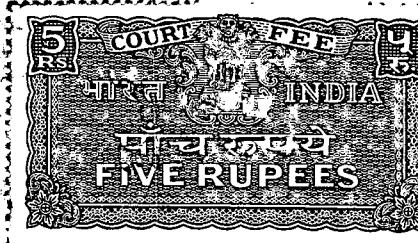
Dated: 6-4-90

Place: Lucknow.

वादी (मुद्दे)
प्रतिवादी (मुद्दाबलेह)

का वकालतनामा

Vijay Kumar



वादी (मुद्दे)

वनाम

Union of India 80th प्रतिवादी (मुद्दाबलेह)

नं० मुकदमा सन् १९ पेशी की ता० १९ ई०
ऊपर लिखे मुकदमा में अपनी ओर से श्री

V.S. Tripathi Advocate High Court बड़बोकेट

वकील

महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकदमा 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 स्पष्ट 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 मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विपत्ति (फरीकसानी) का दाखिल किया रूपया अपने या हमारे हस्ताक्षर-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 परीकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी से एक छाफा मेरे खिलाफ फैसला हो जाता है उसकी जिन्में दारी सिर्ग वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साच्ची (गवाह) ६० साच्ची (गवाह)
दिनांक महीना सन्
.....

विजयकुमार

(A17)

भारत सरकार
दूरदर्शन केन्द्र: लखनऊ

संख्या: दू०८०४८८८४। ४५४/हेत्यर/८९-एस/चार

७-५-
दिनांक २६-०५-८९

श्री... विजय कुमार.....
ज्ञेन्द्र इयापा/। लक्ष्मण वरणा
... अंतिम अवधि रप्रेसन कं...
.....

विषय: दिनांक ३०.५.८९ को हेत्यर के पद हेतु साक्षात्कार

महोदय,

आपका नाम द्वितीय सेवायोजन कार्यालय लखनऊ से
इस केन्द्र पर हेत्यर के पद पर साक्षात्कार हेतु अग्रसारित हुआ है
अतः आप अपनी इकौड़िक योग्यता, जन्म तिर्थि, अनुभाव इत्यादि
के प्रमाण पत्रों की मूल प्रतियों सहित इस कार्यालय में दिनोंक
३०.५.८९ दिन मंगलवार को प्रातः इस बजे साक्षात्कार हेतु
उपस्थित हों।

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

भावदीय

हस्ताक्षर/-
श्री नाशा
प्रशासनिक अधिकारी
कृते निदेशाक

विजय कुमार

T. C. Bhowmik
Signature

Annexure A-2

14

ਪੰਜੀਕੂਤ ਡਾਕ ਦਾਰਾ ਅਤਿ ਮਹਤਵਪੂਰਣ

130

भारत सरकार

दूरदृश्यन केन्द्रः लखानऊ

संख्या: दू०द०४८८०/४५४/हैल्पर/८९-एस/चार

दिनांक 06/06/89

झापन

दिनांक ३०-०८-४९. को दूरदर्शन केन्द्र लखानऊ में ..हेल्पर.. पद हेतु हुए साक्षात्कार के संदर्भ में, साक्षात्कार की तीन प्रतियाँ इस आवाय के एतद्वारा दृष्टिकोण की जा रही हैं कि इनको सम्यकरूप से भारकर तथा उन पर सत्यापित नवीनतम फौटो ग्राफ चिपका कर अंदाहस्ताकारी को नाम से २६-६-४९..... तक अधावा उससे 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।

₹0/-

श्री नाथ

શ્રી/શ્રીતો/કુમારો... ફિલ્માય કુમાર...
મહેન્દે. ૫૪૭) . નં. ઘડા વરા...
દાંસાન. બાગ. ૧૮૩૮નાં...
.....

• ପିଲାପାତ୍ରିନ୍

6143
T.C. Allard
Sally
Dow

REGD. AD.

(A9)

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 Sanvashri 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 30-31-5/89.
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

16143/89

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. 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 ~~pxxxed~~ crystal clear from the attitude of the department that discrimination in the matter of ~~pxxx~~ 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 infringes 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.

1964312

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.

24xxAshokxMargxLxxxx

Copy to:-

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

True copy.

19/2/2012
T. D. M.
M. N.

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

VAKALATNAMA

C. A. T.

In the Hon'ble High Court of Judicature at Allahabad, *Circuit Bench*
At Lucknow Bench

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

Veres

.....*Censor of Sanc*..... Defent./Respt./Accused

KNOW ALL to whom these presents shall come that I/We.....*VS*.....
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 hereby 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 until 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.....*July*.....19*90*

Accepted subject to the terms of fees.

Alam

Advocate

Client

R. Chaudhary
Director D.D.Ltee
Jr. Ofc

Client