

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

## INDEX SHEET

CAUSE TITLE C.A. 130 of 1990 (U)

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

Deepak Kumar

Applicant.

Versus.

Station Director All India Radio

Respondents.

## Part A.B.C.

Sl. No.	Description of documents	Page
1.	check list	A1-A2 ✓
2.	order sheet	A3-A4 ✓
3.	Judgment - 05-7-91	A5-A10 ✓
4.	Petition	A11 - A23 ✓
5.	Power	A24 ✓
6.	Annexures	A25 - A38 ✓
7.	Affidavit	A39 - A52 ✓
8.	C.A. / M.P. No 13/91	A53 - A66 ✓
	1 - notice / order / copy	A67 to A68.
	<del>Best copy</del>	<del>B1 - B54</del>
	<del>C copy</del>	<del>C1 - C2</del>

File B/c. needed and / or destroyed.

Ref  
20150

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal  
Circuit Bench  
Date of Filing 16-4-90  
Date of Receipt  
Deputy Registrar(J)

Registration No. 130 of 1989 (L)

APPLICANT(S) Deepan Kumar  
RESPONDENT(S) G.O.L.

Particulars to be examined	Endorsement as to result of examination
1. Is the appeal competent ?	Yes
2. a) Is the application in the prescribed form ?	Yes
b) Is the application in paper book form ?	Yes
c) Have six complete sets of the application been filed ?	Yes
3. a) Is the appeal in time ?	Yes
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 ?	Yes
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	Yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	Yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes
c) Are the documents referred to in (a) above neatly typed in double space ?	Yes
8. Has the index of documents been filed and paging done properly ?	Yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application?	Yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?	No

Particulars to be Examined

Endorsement as to result of examination

- Are the application/duplicate copy/spare copies signed? *Yp*
12. Are extra copies of the application with Annexures filed? *Yp*
- a) Identical with the Original ?
- b) Defective ?
- c) Wanting in Annexures
- Nos. \_\_\_\_\_ pages Nos \_\_\_\_\_ ?
13. Have the file size envelopes bearing full addresses of the respondents been filed? *No*
14. Are the given address the registered address? *Yp*
15. Do the names of the parties stated in the copies tally with those indicated in the application? *Yp*
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true? *No*
17. Are the facts of the case mentioned in item no. 6 of the application? *Yp*
- a) Concise?
- b) Under distinct heads?
- c) Numbered consecutively?
- d) Typed in double space on one side of the paper?
18. Have the particulars for interim order prayed for indicated with reasons? *Yp*
19. Whether all the remedies have been exhausted? *Yp*

dinesh/

(A3)

26/4/90

Hon. Mr. D.K. Agrawal, J.M.  
Hon. Mr. K. Ojha, A.M.

Shri AKHILASH SAHAI, for the applicant. The application is not in the format as required under the Tribunal's Rule. Let it be brought under the format the provision of Act.

Let it for admission on

4/5/90

SL

  
A.M.

Dec  
J.M.

4-5-90


Hon Mr. Justice K. Nath, re.  
Hon Mr K. Ojha, AM.

OK  
The L/c for the applicant has not compliance, the Court's order dt. 26.4.90  
S. J. A.

3/5/90

Issue notice to show cause why the application be not admitted and list for admission on 17/7/90 on which date the opposite parties shall produce ~~proof~~ record.

or  
noted  
on  
16/5/90

  
Affidavit copy was not in File 2

A.M.


  
V.C.

17-7-90

NO sitting adj. to 3/8/90.

3-8-90

NO sitting. Adj. to 13-9-90

  
OR

13-9-90.

Hon. Justice K. Nath, V.C.  
Hon. Mr. M. M. Singh, A.M.

Admit.  
hit before the D.R(J) on 25.8.90  
to fix a date if possible.  
A.M. V.C.

Notices were issued on 16-5-90.  
Neither reply nor any unsumed reply. Cases have been return back.

SJA. 2  
11/9

See original order on main petition.

No reply filed  
L  
24/4



8-1-91 Hon Mr. D.K. Agarwal, J.M.  
Hon Mr. K. G. Singh, B.M.

(FNU)

13.12.90  
D.R.

Shri Akhlesh Sadani for applicant  
Shri V.K. Chandhori appears for  
O.P. and wants time to file  
Counter within the course of  
the day. Let it be filed.  
Rejoinder may be filed within  
3 weeks list for hearing  
on 18-4-91

Do A.M.

Dec  
J.M.

Mr. Akhlesh  
Shahai Ed.  
Counsel for the  
applicant is  
present today.  
O.P. is not present.  
Ed. Counsel for  
the applicant  
states that O.P.  
will not file  
C.A. in this case  
and sufficient  
opportunity has  
already been  
given to Respon-  
dents. List it  
before the Hon.  
Bench on 8.1.91

16/1/91

OR

CA filed duly  
Served on the applicant  
but no R.A. has been  
filed.

S.F.H. L  
11/1/91

18.4.91 No sitting held to 2.7.91.

to a  
a/12/91

Received  
O.P. name  
V.K. Chandhori  
11/1/91, B.M.

Recd File & Refd  
M. P. 12 (48) 88-5/2  
in District Court

Chandhori  
Counsel for O.P.  
2/8/91

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

CIRCUIT BENCH

LUCKNOW

O.A. 130/90(L)

Deepak Kumar

Applicant

versus

Union of India & others

Respondents.

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

Hon. Mr. A.B.Gorthi, A.M.

(Hon. Mr. Justice U.C.S., V.C.)

The applicant who was appointed on the permanent post of Engineering Assistant on the basis of a selection held on 5th May, 1987 by a Selection Committee, has challenged termination order dated 24.12.1988 terminating his services in pursuance of the proviso at serial Nos. 3 and 4 of the Offer of Appointment. Offer of appointment, which is on record, indicates that the post was temporary till further orders, and that his services can be terminated without assigning any reasons under Central Civil Services(Temporary Services) Rules, 1965 and on being appointed he will be on probation of two years which period can be reduced or extended and during the probationary period his services can be terminated without assigning any reasons. The applicant was first posted on the North Zone under Director, Doordarshan Kendra Punjab, on his request

Ab

he was transferred from Jallandur vide order dated 27.7.1988 and was posted at Almora. As per allegation, at Almora, the applicant became ill and it also became ~~difficult~~ difficult for him to continue Postgraduate diploma in Computer Education. He applied for study leave for 90 days and was allowed vide order dated 27.8.88 w.o.f. 6.9.88 to 3.12.88 with a specific order to suffice 4.12.88 and 5.12.88 being weekly rest and ~~was~~ <sup>permanently</sup> required to join on 6.12.88. He was granted <sup>permanently</sup> to join leave station and after availing the holiday on 2.9.88 and 3rd and 4th weekly off and 5th compensatory off he came to Lucknow. But in view of his ailment he had to go to the hospital and he was advised to get himself admitted. As per allegation he gave information to the Station Director <sup>at</sup> All India Radio ~~Almora~~ on 6.9.88. It has been admitted in the counter affidavit in which it has been stated that vide telegram dt. 6.9.88 it was intimated that he has been hospitalised w.e.f. 6.9.88, (wrongly mentioned as 90 in the counter, by respondent No. 1). The applicant was discharged but advised 42 days bed rest. The applicant pursued his study and after his discharge he informed through registered post on 10.0.88 alongwith a medical certificate of the doctor who treated him in the hospital as outdoor patient. The applicant was required to obtain a certificate from C.M.O. from the District hospital in proper form, otherwise disciplinary action was to be taken under C.C.S(C.C.A) Rules and submit the same within 15 days. The applicant received the letter on 29.8.88 and submitted a reply stating thereto that in case such a certificate is required the proforma may be sent to enable him to comply with the said

requirement. The respondent No. 1 has stated that a specimen copy of the proforma medical certificate was sent on 12.10.88 and the applicant was advised to obtain medical certificate from C.M.O. from Lucknow and he was also advised to obtain a certificate regarding information completion of computer course. He was also advised to give a declaration that he was not doing any course and without written permission he cannot pursue any type of studies.

It appears that even though such letters were sent a memo was sent on 6.10.88 stating that as required the medical certificate in proforma has not been received and office will proceed with the disciplinary action. On 25.10.88 the applicant submitted the information which he says was required from him after checking the record the copy of the certificate already submitted. The applicant was again hospitalized on that very date and was discharged on 7.11.88 and was advised to take rest for 6 weeks. After obtaining the required certificate from C.M.O. Lucknow, he submitted on 15.11.88, he submitted the same on 16.11.88. As per allegation the applicant was discharged on 7.11.88 and was given the outdoor for checkup and he accordingly visited the hospital on 17.11.88, 29.11.88 and again on 8.12.88 and thereafter again on 17.12.1988. During this period he was served with the termination notice dated 24.12.88 mentioning therein that he was not entitled for any pay and allowances for the period of notice. The applicant submitted an appeal /a review application against the termination order to the Chief Engineer, North Zone, New Delhi who is the Head of Department and appointing authority but he was advised that he should

98

take up the matter with the respondent No. 1 vide letter dated 29.7.89 received on 8.8.89. The applicant requested respondent No. 1 to intimate order received by respondent No. 3 and 4 and on 21.10.89 the respondent No. 1 communicated the gist of the order said to have been passed and as per allegation his representation dated 9.1.91 was not considered but the one which was sent on 18.9.89 was considered. In the counter affidavit by respondent 1 it has been stated that no study leave was granted to the applicant and only condition on BCL sanctioned which was sanctioned on 31.8.88, the intimation of which was given to the applicant verbally. In response to this cancellation he applied for leave with the condition that he will resume duty on 6.9.88 and it was Station Director appointing authority and Chief Engineer was the recruiting authority. It has also been stated by the affidavit that the applicant had obtained the certificate from a Consultant physician and not from the C.M.O. who is the competent authority.

The question that has been conveyed by the learned counsel for the applicant that his service could have been terminated only by the appointing authority and not by the respondent No. 1 who was not his appointing authority. Offer of appointment to the applicant was given by the Chief Engineer Northern Zone, All India Radio and in pursuance of the same the applicant was posted at Door-darshan Kendra Jalandhar where he joined. The applicant was transferred under the orders of Chief Engineer, his Northern Zone, Almora on representation which was one of the Stations in the northern zone like Jalandhar. The applicant has also filed document indicating that for

OK

(A9)

such post advertisement was subsequently issued by the Chief Engineer, Northern Zone. These facts indicate that it was the Chief Engineer who was the appointing authority. The Station Director All India Radio who transferred the applicant, could not be the appointing authority and consequently the termination order has been passed by the authority who is lower than the appointing authority and the termination order is liable to be quashed on this ground alone. Even the version of the respondent No. 1 that the leave was cancelled orally which was granted in writing obviously, is not correct, although the respondent No. 1 has vaguely asserted this fact but it is regrettable that an officer will not come to the extent of saying such thing. An official order which is passed in writing can be cancelled only in writing and not orally. It is true that the applicant was on probation and he was a temporary employee, he was governed under C.C.S. rules under which notice or salary in lieu thereof is given. In the instant case neither notice, nor salary was given and thus the termination order is violative of the C.C.S. rules. A reference may be made to the case of Kusum Gupta vs. Haryana State Small Industries (1986) 3 SCC 506) in which the facts stated above will indicate that the order of termination was passed as a result of annoyance or by way of punishment. Medical certificate was demanded by the respondent No. 1 in the prescribed proforma and the prescribed proforma was despatched from the office on 12.10.88 which was received by the applicant on 21.10.88 and even prior to the sending of the proforma and even before that the respondent No. 1 vide his

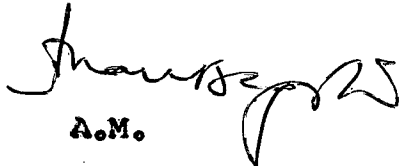
which case the termination order was held invalid as no notice or salary in lieu thereof was given.

lu

A10

letter dated 6.10.88 threatened that in case a medical certificate in prescribed form will not be received on due date the disciplinary proceedings against the applicant will be taken. The facts indicated above show that instead of taking disciplinary action it was the penal action taken against the applicant. Undoubtedly probationer's services can be terminated without assigning any reason, no such order can be arbitrarily passed as an arbitrary order is violative of Article 311 of the Constitution of India. In the instant case it has not been stated that post has been abolished but the applicant has proceeded on leave and without enquiry his services were terminated. The termination order being penal in nature and without giving an opportunity of hearing is violative of Article 311 of the Constitution of India. The termination order dated 24.12.88 is quashed and the application is allowed. The applicant will be deemed in service from the date of termination with all consequential benefits.

No order as to costs.

  
A.M.

  
V.C.

Shakeel/

Lucknow Dt. 5.7.91.

16-4-88

(All)

Deputy Registrar (J)

Before the Central Administrative Tribunals, Allahabad

(Circuit Bench)

Sitting at Lucknow.

C.A.T. Case No. 130 890. (L)

Deepak Kumar-----Petitioner

Versus

Station Director, All India Radio  
and others. ....Opposite parties.

INDEX

S.No.	Description of Documents relied upon.	Page No.
1.	Claim Petition	1-11
2.	Vakalatnama	12
3.	Documents ( <u>Compilation No.1</u> ) Impugned Orders.	
(a)	Termination Notice No.AIM-1(2)Tech/- 88-S/26460 dated 24.12.1988	1
(b)	Appellate Order No.12(43)/88-S/10340 dated 24.10.89	2
4.	Documents ( <u>Compilation no.2</u> )	
(i)	Appointment order no.A-13/II/(i)/86- E.P.C. dated nil.	1-3
(ii)	Letter no.A-13/II(i)/88-EPC dated 27.7.1988.	4
(iii)	Letter no.AIM-12/48/88-S/23327 dated 27.8.1988	5
(iv)	Petitioner's letter dated 10.9.88 sent from Lucknow.	6

contd...2/-

Noted for  
25/4/90  
A.K. Le  
25/4/90

f.T.  
Suf  
16/4/90



A12

~~XXXXXXXXXXXXXXXXXXXX~~

- (v) Opposite party no.2 letter no.AIM-12 (48)/88-S/24038 dated 21.9.88. 7
- (vi) Reply by the petitioner dated 3.10.88 8
- (vii) Memorandum no.AIM-12(48)/88-S/24410 dated 6.10.88 9
- (viii) Opposite party no.2 letter no.AIM-12 (48)/88 -S 24652 dated 12.10.88 10
- (ix) Submission of Medical Certificate by Regd.letter dated 16.11.88 11-12
- (x) Prescription showing of the attending of Hospital on the dates. 13-14
- (xi) Review/Representation/Appeal dated 9.1.1989 15-16
- (xii) Petitioner's letter dated 23.8.89 17

Iucknow:

Dated: March 11, 1990  
April

(Deepak Kumar)  
Applicant.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, DELHI (1)

(CIRCUIT BENCH)  
SITTING AT LUCKNOW

C.A.T. Case No. 130 /090 (L)

Deepak Kumar, aged about 26 years, S/o Sri B.B. Saxena,  
resident of 18, Din Dayal Road, Asharfabad, Lucknow.

..... Petitioner.

VERGES

1. Station Director, All India Radio, Almorah.
2. Station Engineer, All India Radio, Almorah.
3. Chief Engineer, North Zone, } Govt. of India, Akashvani
4. Director Engineer, North Zone, } & Door Darshan, Jamnagar  
House, Shahjahan Road,  
New Delhi- 110011.

Claim Petition Under Section 19 of the  
Central Administration Tribunal Act against the  
order of termination No. AIM-1(2) Tech/88-3/26460  
dated 24.12.1988 and the order passed on Represen-  
tation dated 24.10.89.

The Petitioner begs to state as under :-

1. That the Petitioner was appointed on the basis of selection held on 5th May, 1987 by the Selection Committee constituted by the opposite party no.3 vide letter No. A-13/II/(1)/86-E.P.C. dated nil in the scale of Rs. 1400-40-1600-50-2300-EB-60-2600 on the regular and permanent post of Engineering Assistant and was also posted by opposite party no.3 on the North Zone under the Director, Doordarshan Kendra, Punjab and  
contd....2/-

Appointment  
order paper  
No.1 in  
compilation 2

AMU

the conditions of appointment were as are contained in paras two to sixteen of the Appointment order.

Paper no.2 in  
compilation  
no.2

2. That as the Petitioner was unable to continue at Jullundhar because of certain unavoidable reasons hence he requested opposite party no.3 for the change of his station and this request was allowed vide No.A-13/II(1)/88-E.P.C. dated 27.7.1988 and it was also intimated that the place of posting has been changed from Doordarshan Kendra Jullundhar to All India Radio, Almorah under opposite party no.1.
3. That in compliance of the order of posting at Almorah by opposite party no.3 the Petitioner joined at Almorah on the post of Engineering Assistant under opposite party no.1 on August 1988
4. That as the Petitioner was from plains and always resided in plains and before he could acclimatised with the climate surroundings and atmosphere of the Hill Area he because of irregular fooding and lodging at Almorah became seriously ill and it also became difficult to continue his Post-Graduate Diploma in Computer Application in telecommunication then ~~from~~ there he applied for study leave for the purpose vide application dated 25.5.1988 for 90 days.
5. That the study leave applied for was allowed vide No.ALMO-12/48/88-S/23327 dated 27.8.88 Ninety days W.e.f. 6.9.88 to 3.12.88 with a specific order to suffix 4.12.88 and 5.12.88 being weekly rest and was required to join on 6.12.88. The Petitioner

Paper no.3 of  
compilation  
no.2

comtd...3/-

*[Handwritten signature]*

115

also obtained permission to leave station and the address during leave was a-s given in the array of parties

6. That the petitioner because of his continuous hill sickness and illness availed Gazetted Holiday leave on 2.9.1988 being Janmeashtimi, 3rd and 4th Sept.88 weekly off and on 5th Sept.88 compensatory off and came to Lucknow with the intention of taking rest before starting his studies for which leave was already sanctioned.
7. That unfortunately because of the strains at Almorah after joining there and due to not getting proper and regular diet and required rest and because of the strains while coming to Lucknow, he apprehended of some serious ailment and the petitioner went to Balrampur Hospital at Lucknow, for getting himself checked up and if necessary then for some treatment, on 4.9.1988 and after complete check up on 5.9.88 the petitioner was advised by Dr. P.N.Awasthi, Senior Consultant Physician Balrampur Hospital, Lucknow for taking admission in the Hospital as an in-door patient for treatment and petitioner informed about these happenings at Lucknow on 6.9.1988 to the opposite party no.1.
8. That on 6.9.1988 after having the course of medicine and ~~check up~~ complete check up he was discharged but petitioner was advised complete bed Rest for 42 days and was also required under the follow up instructions for follow up check after every ten days in Room no.29 of the Hospital.
9. That during the illness and bed rest as and when the petitioner became somewhat fit during that period he also pursued his studies for which he obtained leave.

contd...4/-

A/6

10. That after discharge the petitioner informed opposite party no.2 by Registered Letter dated 10.9.1988 from Lucknow about the happenings at Lucknow from 6.9.88 to 10.9.1988 alongwith the Medical Certificate issued by the Doctor who treated the petitioner in the hospital and as an outdoor patient.

Paper no.4  
of Compilation  
no.2.

11. That after receiving the letter dated 10.9.1988 the opposite party no.2 vide telegram which was sent to Lucknow required the petitioner to report for duty immediately with a threatening or to face action under CCS rules. This telegram was received at Lucknow Telegraph office on 14.9.1988 and was delivered there after and the confirmation letter signed on 12.9.1988 was received thereafter. Which was also sent to Lucknow address.

12. That after the aforesaid telegram and confirmation letter the opposite party no.2 vide No.AIM-12(48) 88-8/24038 dated 21.9.1988 which was despatched on 23.9.1988 under registered letter No.9099 <sup>at Lucknow</sup> ~~Lucknow~~ acknowledging the registered letter dated 10.9.1988 sent by the petitioner from Lucknow and although the Medical Certificate submitted by the petitioner according to opposite party no.2 was not found as per rules, as such the petitioner was required to obtain medical certificate from Chief Medical Officer, Lucknow and was required to submit the same within 15 days of issue of the letter in question failing which it was threatened that action will be taken under the Rules. The petitioner received the letter in question on 23.9.1988 and submitted its reply on 3.10.1988 wherein he

Paper no.5 of  
compilation 2.

Paper no.6 of  
compilation 2.

contd...5/-

*[Handwritten signature]*

APX

requested that in case if such a certificate<sup>is</sup> at all required then the required ~~for~~ proforma of the form to be filled be sent to enable the petitioner to comply with the requirement.

Paper no.7 of compilation 2. 13. That before the expiry of 15 days from the date of the letter referred to above the opposite party no.2 despatch another Memorandum No.AIM.-12(48)/88-S/24410 dated 6.10.1988 at Lucknow saying that as the required medical certificate on prescribed proforma from Chief Medical Officer, Lucknow has not been received on due date hence the office is proceeding with Disciplinary Action against the petitioner as per CCS(CCA) Rule-11.

Paper no.8 of compilation no.2 14. That thereafter the opposite party no.2 vide letter No.AIM-12(83) 88-S/24652 dated 12.10.1988, which was received by the petitioner on 21.10.1988, sent the required proforma and by this letter the petitioner was also required to submit in writing that he is not pursuing any Computer Course for which study leave was granted to him by the opposite parties.

Paper no.9 of compilation no.2 15. That on 25.10.1988 the petitioner submitted the required information after checking the required proforma as supplied besides the copies of the certificate already submitted. The petitioner who was still continuing with the ailment because of mental tension and strains so he was again admitted in the Hospital on 25.10.1988 and was discharged on 7.11.1988 and was advised to take absolute bed rest for six weeks and after obtaining the required certificate from the Chief Medical Officer, Lucknow on 15.11.1988 submitted the same under registered cover on 16.11.1988.

contd...6/-

AK-6/1

AWD

16. That although the petitioner was discharged on 7.11.1988 but he was required to come to the Outdoor for his check up after one week and the petitioner was regularly checked up as advised as an Outdoor patient on 17.11.1988, thereafter on 29.11.1988 again on 8.12.88 and lastly on 17.12.1988.

Paper no.10  
of compila-  
tion no.2

17. That while the petitioner was undergoing treatment at Lucknow Hospital, he was served with a termination notice No.AIM-1(2) Tech./88-S/26460 dated 24.12.1988 starting therein that he is not entitled for any pay or allowances for the period of notice and the notice has been issued by the opposite party no.1.

Paper no.13  
of compila-  
tion no.1

18. That the termination order was passed without considering the registered letters dated 16.11.1988 letter dated 6.12.1988, the application for further leave and registration letter dated 21.12.1988 by which reminder was sent for grant of leave as nothing was heard on the leave application dated 6.12.1988 and the petitioner was not informed in any manner that his further leave application was rejected or is under consideration nor any intimation from opposite party no.1 that no further leave can be granted.

19. That the petitioner on receiving the impugned termination order when he was still undergoing medical treatment as an outdoor patient under the same Doctor who has treated him as and when necessary as indoor patient and remained under his treatment upto second week of January, 1989.

20. That thereafter the petitioner submitted an appeal/ Review Petition to the Opposite Party no.3 who is the Head of the Department and the appointing authority of the petitioner stating therein the aforesaid facts in

contd...7/-

Paper NO 11 A  
Compilation NO 2

brief vide Registered Postal Receipt no.1364 dated 9.1.89 and thereafter sent several reminders dated 15.2.1989, 29.3.1989 and personal meeting on 5.6.1989 and 13.6.1989 and thereafter on 17.7.1989 but the opposite parties no.3 & 4 instead of deciding the matter vide letter No.A-34/14(EA) -/89/EPC dated 28.7.1989 advised the petitioner to take up the matter again with the opposite party no.1 and this letter was received by the petitioner on 8.8.89-

Paper no. 1 of  
compilation  
no.2

21. That after receiving the aforesaid letter when petitioner did not receive any order from opposite party no.1 thereon on 23.8.89 the petitioner requested opposite party no.1 to <sup>submit</sup> ~~submit~~ the order received by him from opposite parties no. 3 & 4.

Paper no. 2 of  
compilation  
no.1.

22. That thereafter the opposite party no.1 vide no.AIM-12(43)/88-S/10340 dated 24.10.89 communicated the gist of the order alleged to have been passed and it appears that the mind has not been applied to the facts stated in the Representation/Review dated 9.1.90 as provided in the Rules but it appears that some representation dated 18.8.89 alleged to have been sent by the petitioners has only been considered in passing the impugned order and when the fact is that petitioner never submitted any representation dated 18.8.89.

23. That as the petitioner aggrieved from the termination order dated 24.12.88 as well as by the order dated 24.10.89 hence the present petition on the following :-

G R O U N D S

A. Because the petitioner was already granted study leave when the proceedings for alleged absence from duty were stated on 12.9.1988 as such the termination order as well as the order confirming the termination on

contd...8/-



the basis of Absence from duty is not only without jurisdiction against the provision of law and rules but is also by an Authority who is not competent to pass the impugned order of termination when no intimation of cancellation of leave or not granting further leave was ever sent by opposite parties 1 & 2 under whom the petitioner was working after his posting by opposite party no.3.

- B. Because in the entire correspondence with the petitioner starting from 12.9.1988 upto the date on which termination order was passed are without authority of law as no letter or intimation was sent<sup>or</sup> received by the petitioner from opposite parties cancelling the leave order granted vide ALM-12-48(88-S/23327 dated 27.8.88, <sup>from 3.9.90</sup> Leave upto 5.12.1988 and thereafter when further leave application dated 6.12.1988 was sent well within time and nothing was heard for a fortnight then by registered reminder also it was requested to extend the leave but till today no orders have been passed by the opposite parties and during this period passing of termination order is against the Rules on the ground of absence from duty when actually the petitioner was not absent from duty, hence the termination order is without jurisdiction and against the law.
- C. Because sanctioned leave has not been cancelled in any manner, hence p-roceedings on the basis of absence from duty are not only wholly mala fide and arbitrary but is also against the established norms and Rule as such the termination ~~under~~ <sup>under</sup> order Rule 5(1) on the basis of letter No.A-13/11(i)88-EPC dated 27.7.1988 is wholly without applying the mind to the facts of the case as

contd...9/-

there are no proviso to the condition at serial no.3 and 4 in the aforesaid letter.

- D. Because there is an error ~~of~~ apparent on the face of the record in as much a-s that the petitioner was appointed by opposite party no.3 after being selected by the Selection Committee alongwith several others after successfully standing in the merit after Viva-voce, as stated in the petition hence the opposite party no.1 is not competent to pass order of termination in question as he is subordinate to opposite parties nos. 3 & 4.
- E. Because the termination order is not only against the Rules but is due to <sup>incorrect information</sup> ~~the~~ because it is said that the petitioner was absent without leave from the office which fact is incorrect on record and the impugned order itself is in violation of Rule 5(b) of Central Civil Service(Temporary) Service Rules 1965 under which the termination notice has been given.
- F. Because the Appeal/Representation was sent to opposite parties nos.3 & 4 who are the Appellate Authority as well as the Appointing authority but the appeal representation has not been ~~decided~~ by opposite party no.3 & 4 after affording an supporting in person as claimed by the petitioner.
24. That the present petition is within limitation as the last impugned order was passed on 24.10.89 and received by the petitioner at Lucknow on 30.10.89 and a period of one year will expire on 29.10.90.
25. That the required postal order worth Rs.50/= being postal order no. B 02449373 dated 11.4.90 is affixed on

contd....10/-

*[Handwritten signature]*

422

-10-

the petition as a fee for the claim petition.

26. That the petitioner is now left with no <sup>other</sup> alternative and efficacious remedy and the alternative remedy ~~was~~ available to him has already been availed with no positive result and the cause of action has accrued firstly on 24.12.88 i.e., the day on which the termination order was passed and thereafter on 9.1.89 i.e., when the appeal was filed and thereafter on several dates as stated in the petition reminders were sent for the disposal of the appeal and lastly on 24.10.89 when information deciding the appeal/representation by opposite party no.1 and this information was received on 30.10.89. The cause of action accrued within the territorial jurisdiction of the Tribunal as the termination order was served at Lucknow and the Appellate order was also sent to Lucknow and was received at Lucknow as stated in the body of the petition.

Wherefore, it is prayed that this Hon'ble Tribunal be pleased to quash the Termination order No.AIM-1(i)Tech-88-S/26460 dated 24.12.1988 along with the order No.AIM-12-(43)/55-S/10343 dated 24.10.89 and direct the opposite party to treat the petitioner in continuous service with all service benefits which he would have been entitled if he could have continued in service as before and after allowing the petition the opposite parties be also directed to decide the matters relating to payment of the salary and allowances for the period during the pendency of claim petition till he <sup>is</sup> allowed to join then duties within the time fixed by the Tribunal.

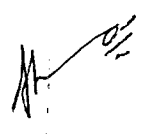
contd....11/-

A25

The petition be allowed with cost against the opposite parties.

Lucknow:

Dated:

  
Petitioner.

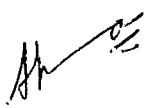
VERIFICATION

I, Deepak Kumar S/o Sri B.B.Saxena aged about 26 yrs. who was working as Engineering Assistant in the Office of Station Director, A.I.R., Almorah r/o 18, Deen Dayal Road, Asherfabad, Lucknow, do hereby verify that the contents of paras 1 to 22, 24, 25 & 26 of the petition~~er~~ are true to my own knowledge and those of para~~s~~ 23 ~~to 26~~ <sup>which are sub paras</sup> of the petition are believed by me to be true.

Nothing material has been concealed so help me GOD.

Signed and verified this day on 11. 4 90 in the Chamber of my Advocate at Naubasta, Lucknow.

Lucknow: 11. 4 90  
Dated:

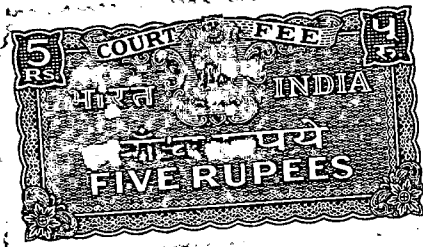
  
Petitioner.

बअदालत श्रीमान Justice Central Admnistrative Tribunal महोदय

वादी (मुद्दै)  
मुद्दै (मुद्दालेह)

का

वकालतनामा



Jelpat Kumar

४

Station Director AIR Ambala

बनाम

प्रतिवादी (रिस्पान्डेन्ट)

नं० मुकद्दमा

सन

पेशी की ता०

१९

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Akhilish Sahai

Shri Akhila Kishor Raja Dini Dayal Naubala, Lucknow

वकील

एडवोकेट

महोदय

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही 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 तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानो) 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 हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे 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 १९

ई०

(A25)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
( Circuit Bench)

SITTING AT LUCKNOW

C.A.T. Case No. .. /1989

Deepak Kumar

...

Petitioner

V/s

Station Director, All India Radio,  
Almerah.

Opposite parties.

Schedule - I

1. The photo copy of termination order No. AM-1-(2)  
Tecl/88-S/26460 dated 24.12.88 referred to in para  
17 of the petition.
2. Copy of Appeal <sup>only</sup> dated 24.12.89 through registered  
A.D. letter.

LUCKNOW :

Dated.

PETITIONER

GOVERNMENT OF INDIA  
ALL INDIA RADIO : ALMORA  
\*\*\*\*\*

REGISTERED/A.D.

12

No:ALM-1(2)Tech./88-S/ 26,460

Dated: 24.12.88

OFFICE - ORDER

In pursuance of the proviso at S.No. 3 & 4 of the offer of appointment No. A-13/11(1) 88-EPC dated: 27.7.88 to Sh. Deepak Kumar for the post of Engineering Assistant issued by the Chief Engineer(North Zone), Akashvani & Doordarshan, Jam Nagar House, Shahjahan Road, New Delhi, I, Suhas Chaudhury, Station Director hereby terminate forthwith the services of Shri Deepak Kumar, Engineering Assistant and direct that he shall not be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of notice at the same rates at which he was drawing them immediately before the termination of his service, or, as the case may be, for the period by which such notice falls short of one month.

Shri Deepak Kumar,  
Engineering Assistant,  
18, Din Dayal Road,  
Asharfabad,  
Lucknow - 226003.

( SUHAS CHAUDHURY )  
STATION DIRECTOR

SIGNATURE OF APPOINTING AUTHORITY:

Copy to: The Chief Engineer (North Zone), Akashvani & Doordarshan  
Jam Nagar House, Shahjahan Road, New Delhi - 110011.  
with reference to this officer warning No:  
ALM-12(48) 88-S/25099 dated 31.10.88 & memo No:  
ALM-12(48) 88-S/25208 dated: 4.11.88 with the request  
that the vacant post may kindly be filled up at an  
early date.

2. Bill Clerk in duplicate.
3. Steno to S.D., AIR, Almora.
4. Steno to S.E., AIR, Almora.
5. Copy to his personal file.

STATION DIRECTOR

*certified that the photocopy is the  
true photocopy of the copy received  
by me.*

(A27) 13

Regd. A/D

GOVERNMENT OF INDIA  
ALL INDIA RADIO:::ALMORA

NO. ALM-12(43)/88-S | 10, 340

Dated:- 24.10.89

Subject:- Representation of Shri Deepak Kumar, reg.  
termination of services as Engineering Assistant.

.....

Representation of Shri Deepak Kumar dated 18.9.89 has been considered by Chief Engineer (NZ), All India Radio & Doordarshan, New Delhi and the orders issued by the Appointing Authority Viz: Termination of Services of Shri Deepak Kumar from the post of Engineering Assistant at All India Radio, Almora, has been found in order.

*B.B. Sharma*  
( B.B. SHARMA )  
STATION ENGINEER

Shri Deepak Kumar,  
18, Deen Dayal Road,  
Ashrafabad,  
Lucknow-226003.

*certified that the photocopy is the  
true photocopy of the copy received  
by me.*

*M. A.*



BEFORE THE GENERAL ADMINISTRATIVE TRIBUNAL, ALLIENADO

( Chamber Council )

HEARD AT LUSKOW

Case No. ... /60

Deputy Minister

...

Procurator

V/O

Section Director All Mexico Radio, Alvarado

Specialist

Decisions - IV

1. Appointment order referred to in para 2.
2. Change of station request allowed referred to in para 2.
3. Down allowing order referred to in para 2.
4. Medical Certificate & Prescription referred to in para 7 and 8.
5. Letter sent by Procurator from 0.9.00 to 13.12.03 from  
Opposition party No. 1 & 2 referred to in para 7, 10.15.
6. Medical Certificate
7. Letter dated 13.12.03 to 23.12.03 to opposition  
Party No. 1 for copy and appeal referred to in  
para 13. Memoandum WAK

LUSKOW :

Decd.

DEFINITION

1/12/82  
A22

भारत सरकार  
कार्यालय मुख्य अभियन्ता उत्तरी क्षेत्र  
आकाशवाणी एवं दूरदर्शन

पंजीकृत डाक द्वारा

संख्या - ए-13/11/81/26-ई.पी.सी./

जामनगर हाउस, शाहजहाँ रोड,  
नई दिल्ली - 110011.  
दिनांक:-

उम्मीदवार का नाम और पता संख्या

कार्यालय जहाँ के लिए उम्मीद-  
वार नामित किया गया है

100.25042.54  
Sh. Deepak Kumar,  
18 Din Dayal Road,  
Asherabad, Lucknow-226003.

U.R. The Director,  
Doordarshan Kendra,  
Jalandhar,  
Punjab

विषय:- उत्तरी क्षेत्र में इंजीनियरी सहायकों की नियुक्ति ।

गहोदग,

आकाशवाणी/ दूरदर्शन उत्तरी क्षेत्र में इंजीनियरी सहायक के पद के लिए हुए  
जांच परीक्षण एवं इंटरव्यू के संदर्भ में, मुख्य अभियन्ता उत्तरी क्षेत्र चयन वृद्धि की सिफा-  
रिशों के आधार पर आपको निम्नलिखित शर्तों पर उपर्युक्त कार्यालय में नियुक्ति के लिए  
नामित करते हैं :-

1. <sup>2300</sup>रु 1400-40-1600-50<sup>2300</sup>द.रो.-60-2600/- के वेतनमान वाला या पद सामान्य  
केन्द्रीय सिविल सेवा, वर्ग -3, अराजपणित, अलिमिटेड वर्गीय पद है । उपर्युक्त  
वेतनमान के अन्तर्गत आपको 1400/- रु प्रतिमाह प्रारम्भिक वेतन दिया जाएगा ।  
समय-समय पर विभिन्न भत्तों के नियमन हेतु जारी नियमों एवं आदेशों में  
निर्धारित शर्तों के अधीन आपको स्वीकार्य दरों पर विभिन्न भत्ते भी दिए  
जाएंगे ।
2. आपकी नियुक्ति आगामी आदेशों से पूर्णतः अस्थायी है ।
3. केन्द्रीय सिविल सेवा अस्थायी सेवा नियम, 1975 के अनुसार आपकी सेवाएं  
बिना कोई कारण बताए किसी भी पक्ष की ओर से एक माह का नोटिस देने  
पर समाप्त की जा सकती है । किन्तु, नियुक्ति प्राधिकारी को उम्मीदवार  
को एक माह की नोटिस-अवधि या उसकी आंशिक अवधि के लिए देश वेतन एवं  
भत्तों के बराबर की राशि का धुगतान करके उसकी सेवा निर्धारित अवधि से  
पहले भी समाप्त करने का अधिकार है ।
4. नियुक्ति हो जाने की स्थिति में आप दो वर्ष परीवीक्षाधीन रहेंगे और यह  
अवधि सक्षम प्राधिकारी के विवेक पर धटाई-बढ़ाई भी जा सकती है । परीवीक्षा  
काल में आपकी सेवाएं बिना कोई नोटिस दिए या बिना कोई कारण बताए  
समाप्त की जा सकती है ।

.....2/-

16 (A29)

संबंधित मुख्यालय के ड्यूटी के लिए रिपोर्ट करते समय आपको निम्नलिखित प्रमाण-पत्र प्रस्तुत करने होंगे ताकि कार्यालय/अध्यापक आपको विधिकार नियोक्ता पत्र दे सकें :-

1. शैक्षणिक एवं अन्य तकनीकी योग्यताओं के प्रमाण-पत्र.
2. आय संबंधी प्रमाण-पत्र.
3. अनुसूचित जाति / अनुसूचित जनजाति, विकलांग अथवा भूतपूर्व सैनिक संवर्ग के समर्थन में निर्धारित फार्म में प्रमाण-पत्र.
4. उपर्युक्त पैरा "8" से संबंधित वचनबंध ।
5. सिविल सर्जन/ मुख्य चिकित्सा अधिकारी से सरकारी सेवा हेतु स्वस्थता प्रमाण - पत्र ।

12. ☒ आपकी कोई धोखा या सूचना असत्य सिद्ध हुई या आपके द्वारा कोई सच्य जान बूझ कर छिपाया गया सिद्ध हुआ तो आपकी सेवा से हटा दिया जाएगा और सरकार आपके विरुद्ध यथावश्यक कार्रवाई करेगी ।

13. यदि भविष्य में आकाशवाणी एवं दूरदर्शन के लिए किसी निगम का गठन किया जाता है तो आपकी कभी भी कहीं भी बदली की जा सकती है और आप उस निगम के कार्यवाहियों के लिए निर्धारित सेवा शर्तों के अधीन की जाएंगे ।

14. ☒ यदि आप कभी धर्म परिवर्तन करते हैं तो तत्काल इस कार्यालय को सूचित करें ।

15. यदि आपको उपर्युक्त शर्तों पर आपना यह निष्पक्षित प्रस्ताव स्वीकार्य हो तो आप उपर पैरा - 11 में दिए गए प्रमाण-पत्रों सहित उपरिलिखित कार्यालय में इस पत्र के जारी होने के दो सप्ताह के अन्दर ड्यूटी के लिए रिपोर्ट करेंगे । अन्यथा समझा जाएगा कि आप इस निष्पक्षित में दिलचस्पी नहीं रखते और आपका नाम चयन सूची में से निकाल दिया जाएगा ।

16. इस पत्र में उल्लिखित नाम और पते के ऊपर कोड नम्बर दिया गया है । जो कार्यालय में या अपनी तैनाती के कार्यालय से पत्र-व्यवहार करते समय वह कोड नम्बर अवश्य लिखें ।

भवदीय

*Certified that the photocopy is the true photocopy of the copy received by me.*

*[Signature]*

*[Signature]*  
 §ओ.पी. भदटी §  
 उप-निदेशक §कार्मिक§  
 कृते मुख्य अभियन्ता §उ०क्ष०§

177  
#39  
430  
REGISTERED.

GOVERNMENT OF INDIA  
OFFICE OF THE CHIEF ENGINEER (NORTH ZONE)  
AKASHVANI & DOORDARSHAN

JAMNAGAR HOUSE: SHAHJAHAN ROAD  
NEW DELHI-110011.

No. A-13/11(1)/88/LPC/

Dated the, 27.7.1988

Shri Deepak Kumar,  
18, Din Dayal Road,  
Asherfabad,  
LUCKNOW-226003.

SUBJECT:- Appointment of Engineering Assistants in  
Northern Zone of Akashvani & Doordarshan.

.....  
& Dear Sir,

This has reference to this office letter of even number dated 15.10.1987 vide which offer of appointment for the post of Engineering Assistant at Doordarshan Kendra, Jalandhar was sent to you.

Your place of posting has since been changed from Doordarshan Kendra, Jalandhar to All India Radio, Almora. Other terms and conditions of the offer of appointment will remain unchanged. You are requested to report for duty to the Station Engineer, All India Radio, Almora within 15 days of the issue of this letter, failing which it will be presumed that you are not interested in the offer and your name will be dropped from the panel without making any further reference to you.

Yours faithfully,

*[Signature]*

(O.P. BHATTI)  
DEPUTY DIRECTOR ENGINEERING,  
for CHIEF ENGINEER (N.Z.)

*Certified that the photocopy is the true  
photocopy of the copy received by me.*

*[Signature]*

भारत सरकार  
आकाशवाणी : अल्मोड़ा

18  
481

अर्जि- 128408/88-100/23324

दिनांक 27.9.88

ज्ञापन

श्री दीपक कुमार ..... प्रार्थना पत्र दिनांक 25.9.88 ..... के अनुसार  
उनकी निम्नलिखित अवकाश स्वीकृत किया गया :-

- 1- अर्जित अवकाश ..... दिन दिनांक ..... से ..... तक
- 2- अतिरिक्त मासगृहनिर्वाह 20 ..... दिन दिनांक 6.9.88 ..... से 3.12.88 ..... तक
- 3- ..... दिनांक ..... से ..... तक
- 4- ..... दिनांक ..... से ..... तक
- 5- 12.88 (अर्जित अवकाश) ..... और अवकाश के पश्चात् 4.12.88

प्रमाणित किया जाता है कि श्री दीपक कुमार अवकाशोपरांत अपने  
उसी पद पर वापस आये और उपरोक्त अवकाश की अवधि उनकी वार्षिक वेतन-सूचि  
के अंतर्गत मान्य की जायेगी।

उनकी सलाह दी जाती है कि छुट्टी जाने से पहले वे अवकाश-पत्र  
अपने दे दें। उपरोक्त अवकाश इस तारीख पर स्वीकृत हुआ है कि यदि कर्मचारी  
कभी सलह कात में छुट्टी रद्द करने की आवश्यकता पड़े तो उपरोक्त छुट्टियों की  
रकम किया जा सकेगा है। तथा उनकी अवकाश के बीच में ही अपनी छुट्टी पर  
अपनी अवकाश उपस्थित होना होगा।  
श्री दीपक कुमार अर्जित अवकाशकालिक यात्रा ..... वर्ष

अर्जित ..... की छुट भी प्राप्त करने की अनुमति दी जाती है।

दिन अर्जित अवकाश व ..... दिन अर्जित अवकाश

अपने खाते में अवशेष है।

श्री दीपक कुमार, अर्जित  
आकाशवाणी,  
अल्मोड़ा

श्री दीपक कुमार  
केन्द्र-केन्द्र-सिद्धिक  
केन्द्र-अधिन्याय

प्रतिलिपि लेखा-भाग, आकाशवाणी, अल्मोड़ा

2. विल-तर्क को प्रतिलिपि
3. विल-तर्क को, केन्द्र-अधिन्याय को सूचनाई प्रेषित।

Certified that the photocopy is the  
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FORM 4  
(See Rule 19)

MEDICAL CERTIFICATE FOR LEAVE OR EXTENSION OF LEAVE OR COMMUTATION OF LEAVE

18  
432

Signature of the Government servant.....

I, Dr. P. N. AWASTHI, after careful personal examination of the case hereby certify that Shri/Srimati/Kumari. DEEPAK. KUMAR..... whose signature is given above, is suffering from. ~~SOLY & E. NERVA~~ and I consider that a period of absence from duty of... 8 weeks... with effect from 06.09.1988... is absolutely necessary for the restoration of his/her health.

Authorised Medical Attendant  
..... Hospital/Dispensary  
..... Registered Medical

(P. N. Awasthi, M.D.)  
Senior, Consultant Physician,  
Balrampur Hospital, Lucknow.

Note:- The nature and probable duration of the illness should be specified.

Note 2:- This Form should be adhered to as closely as possible and should be filled in after the signature of the Government servant has been taken. The certifying officer is not at liberty to certify that the Government servant requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Civil Surgeon or Staff Surgeon to decide the question of his/her fitness for service.

Note 3:- Should a second medical opinion be required, the authority competent to grant leave should arrange for the second medical examination to be made at the earliest possible date by a medical officer not below the rank of a Civil Surgeon or Staff Surgeon, who shall express an opinion both as regards the facts of illness and as regards the necessity for the amount of leave recommended and for this purpose he may either require the Government servant to appear before himself or before a medical officer nominated by himself.

Note 4:- No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant.

*Certified that the photocopy is the true photocopy of the copy ~~original~~ send.*

*by me.*

*[Signature]*

1  
LOWER LIMIT OF TOTAL  
AL. INDIA RADIO:AL/CWA

20  
REGISTERED 4/10  
A33

10.A.12(46)/17-1/ - 24,410

Dated: 6.10.59

MEMORANDUM  
\*\*\*\*\*

With reference to this office memo of even No. Dated 21.9.59,  
the requisite medical certificate on prescribed proforma from C.M.O.,  
Distt. Hospital, Lucknow has not <sup>been</sup> received on due date from you.  
The office is proceeding with disciplinary action against you as per  
C.C.S.(C.C.A.) rule 11.

Sd/- Deep K. Kumar,  
Engineering Assistant,  
13, Bin Jayal Road,  
Ashrafiabad,  
Lucknow-226005.

*S. Chandra*  
(SUNAS CHANDHURI)  
STATION DIRECTOR

*Certified that photocopy is the true  
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me.*

*M. S.*

भारत सरकार  
आकाशवाणी-अल्मोड़ा

पंजीकृत

सं०- अल्मोड़ा-12888-एल. / -24,652

दिनांक: 12.10.88

-:ज्ञापन:-

श्री दीपक कुमार, अभियांत्रिकी सहायक को पुनः उनके दिनांक 3.10.88 के अन्तर्देशीय पत्र के सम्बन्ध में निर्देश दिया जाता है कि वे संलग्न प्रारूप पर मुख्याधिकारिता अधिकारी के हस्ताक्षर एवं मुहर सहित अधिकृतता प्रमाण पत्र इस कार्यालय की भिजवायें एवं एक प्रमाण पत्र <sup>Shia</sup> कम्प्यूटर कालेज, लखनऊ से इस प्रकार का भिजवायें कि श्री कुमार उक्त कालेज से किसी प्रकार का कम्प्यूटर कोर्स नहीं कर रहे हैं एवं अपना सम्बन्ध पूर्णतया कालेज एवं कोर्स से समाप्त कर लिया है। इसके अतिरिक्त श्री दीपक कुमार तकतेना, अभियांत्रिकी सहायक स्वयं भी लिखित रूप में यह उद्घोषणा करें कि वह सिया कम्प्यूटर कालेज, लखनऊ या अन्य किसी माध्यम से किसी प्रकार की पढ़ाई/पाठ्यक्रम जारी नहीं किये हुए है।

यहाँ श्री दीपक कुमार को यह बताया जाता है कि आकाशवाणी में अभियांत्रिकी सहायक की नियुक्ति के पश्चात् वह इस कार्यालय की अनुमति के बिना किसी भी प्रकार से न तो पढ़ाई जारी रख सकते हैं व न ही किसी प्रकार का पेशेवर पाठ्यक्रम जारी रख सकते हैं। अधिकृतता प्रमाण पत्र एवं उपरोक्त दो उद्घोषणाएँ इस कार्यालय को दिनांक 27.10.88 से पूर्व प्राप्त हो जाने आवश्यक हैं।

भारत गूगल मार्ग  
केन्द्र अभियन्ता

श्री दीपक कुमार,  
अभियांत्रिकी सहायक,  
18, दीन दयाल मार्ग,  
अशरफाबाद,  
लखनऊ- 226003

Encl- As above

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by me.



श्री. 50  
मुख्य चिकित्सा अधिकारी  
लखनऊ ।

हे.बा.में,

स्टेशन डॉक्टर,

आल इंडिया रेडियो अलमोडा ।

संख्या ई-7/88

दिनांक नवम्बर 15, 1988

महोदय,

आप के पत्र संख्या एएलएम/ 12 "48" 88-एम/20208 दिनांक 4-11-88 के संदर्भ में सूचित करना है कि श्री दीपक कुमार अपने स्वास्थ्य परीक्षा हेतु आज भोरे सवेरा उपस्थित हुये । परीक्षणोपरान्त श्री दीपक कुमार अपने कार्य हेतु फिट पाये गये । वर्तमान में स्थिति बीमारी के कोई लक्षण इनमें सिद्धमान नहीं है । मूल चिकित्सा प्रमाण पत्र जारी किये जा रहे हैं ।

संलग्नक: - उपरोक्तानुसार 1

1. निदेश

1. ए.एन.ओ.क. 15/11/88

मुख्य चिकित्सा अधिकारी  
लखनऊ ।

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true photocopy of the copy send by me*

*M. S.*

MEDICAL CERTIFICATE FOR LEAVE OR EXTENSION OF LEAVE OR COMMUTATION  
OF LEAVESignature of the Government servant .....  
25.10.87

I, Dr. N. V. Singh after careful personal examination of the case hereby certify that Shri Dr. P. K. Singh whose signature is given above, is suffering from hypertension and I consider that a period of absence from duty of two months with effect from 01.11.1987 is absolutely necessary for the restoration of his health.

Authorised Medical Attendant....  
Hospital/Diagnosary or other  
Registered Medical Practitioner.  
Senior, Consultant Physician,  
Balrampur Hospital, Lucknow.

Note:

That nature and probable duration of the illness should be specified.

Note 2:- This Form should be adhered to as closely as possible and should be filled in after the signature of the Government servant has been taken. The certifying officer is not at liberty to certify that the Government servant require a change from or to a particular locality, or that he is not fit to proceed to a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application should go before a Civil Surgeon or Staff Surgeon to decide the question of his/her fitness for service.

Note: 3 Should a second medical opinion required, the authority competent to grant leave should arrange for the second medical examination to be made at the earliest possible date by a medical Officer not below the rank of Civil Surgeon or Staff Surgeon, who shall express an opinion both as regards the facts of illness and as regards the necessity for the amount of leave recommended and appear before or before a medical Officer nominated by himself.

Note: 4 No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant.

*Certified that the photocopy is  
the true photocopy of the copy  
sent by me.*

*Dr. N. V. Singh*

24  
A37

The Chief Engineer (NZ),  
Govt. of India,  
Akashwani & Doordarshan,  
Jamnagar House, Shahjahan Road,  
New Delhi-110011.

Sub: Deepak Kumar Eng. Asstt. AIR/NZ (Code No. 100.25042.54 ). Review petition under Rule 5(2) as amended by notification dated 3.11.78 against termination service of Temp. Govt. servant under Sub Rule (1) of Rule 5 dated 24.12.88

Respected Sir,

The applicant was appointed on being selected by you vide No. A-13/11/1/86 FPC dated nil. The applicant was sent to AIR/Almora under your order No. A-13/11(1)/88/FPC dated 27.7.88 and the applicant in pursuance to it joined on 10.8.88 and submitted his joining report. The applicant vide No. ALM/12//48/88-S/23327 dated 27.8.88 was granted leave by the Station Director/AIR Almora w.e.f. 06.09.88 to 05.12.88.

That while the applicant was at Lucknow, he became so severely ill that under medical advice he was required to be admitted twice in the Balrampur hospital which is a District Hospital of Lucknow and on Doctor's advice I could not go to Almora as on 07.11.88 I was advised absolute bed rest for six weeks. The intimation of it was sent by registered post on 16.11.88 intimating the station Director about the ailment and all required medical certificates with the request that the Doctor has advised me not to strain till I recupe my health fully and I was required to get my self checked up every ten days.

That on 17.12.88 the Doctor ~~XXXX~~ has further advised me rest for at least for three weeks more and this fact was also intimated to the station Director on 21.12.88 through registered post requesting him to allow me the leave admissable to me as under compelling circumstances I am unable to reach Almora after expiry of leave for the reasons which were beyond my control.

That it appears, after receiving the aforesaid letter the Station Director with bias and prejudice, illegally and ~~and~~ against the provisions of law terminated my services when I was not fit to join and he has no right or authority to terminate my services as my absence was bonafide

(contd..2.)

and it was beyond my control to report for duty after the expiry of my leave.

It is therefore, requested that as the orders of termination on the face of it is by an authority who has neither appointed me nor is my appointing authority and the order has been passed and issued when I was medically not fit to resume duty. As such, it is requested that after annulling the order of termination the station Director, Almora be directed to allow me to resume duty at an early date. I further request you to kindly give me an opportunity to be heard in person.

Yours faithfully,

Dated: 02.01.39.

D.A. Photostat copies  
of relevant documents.

(4)

(DEEPAK KUMAR )  
Engg. Asstt.  
18-Desh Dayal Road,  
Asherabad,  
LUCKNOW-226003.

Copy to:-

Station Director, All India Radio,  
Almora for favour of information.

*Deepak*

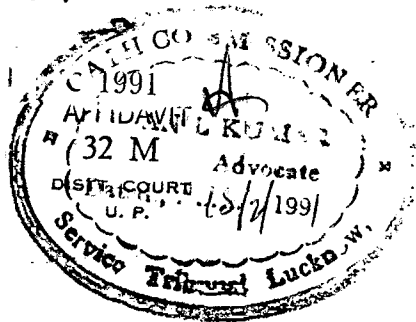
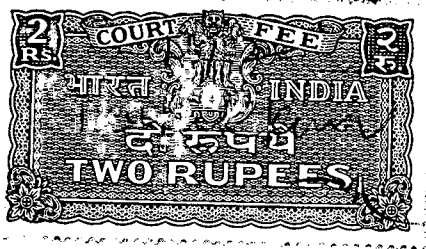
(DEEPAK KUMAR )

*Certified that the photocopy is  
the true photocopy of the copy  
Send by me.*

*At*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH LUCKNOW

O.A. NO. 130 of 1990 (L)



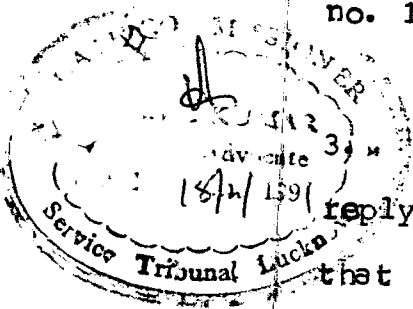
Deepak Kumar.....Applicant.

Vs

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

I, Deepak Kumar aged about 28 years s/o Sri B.B. Saxena  
r/o 18, Deendayal Road Asharfabad, Lucknow do hereby  
solemnly affirm and state as under:

1. That the contents of paras 1, 3 and 6 need no reply.
2. That in reply to para 4 of the Counter Affidavit replying para 1 of the Original Application it is stated that the Petitioner was appointed by Opposite party no. 3 vide paper no. 1 of compilation 2 and not by Opposite party no. 1 on 20.8.88.



That in reply to para 5 of the Counter Affidavit replying para 2 of the Original Application it is submitted that the Petitioner was ~~originally~~ appointed and posted by opposite party no. 3 and was posted to Jalandher and, thereafter transferred under the orders of the opposite party no. 3 and the Petitioner submitted his joining report on 10th August 1988 in compliance to the letter of opposite party no. 3 no. A-13/II (I)/88 EPC dated 27.7.88 and ~~other~~ giving ~~the~~ joining report ~~was~~ <sup>giving it</sup> ~~was~~ <sup>the</sup> posting order was issued on 20.8.88 vide no.

(440)

AIM-1 (2) T/88/5/23280 dated 20.8.88. The opposite party no. 3 was also informed of the compliance report as required by him in his letter no. A-13/11 (1)/86-EPC dated 27.7.88 by opposite party No 1

4. That in reply to para 7 of the Counter Affidavit replying para 4 of the Original Application it is stated that so far as the Petitioner is concerned his Appointing Authority is opposite party no. 3 after being declared selected and was never appointed by opposite party no. 1. The opposite party no. 3 is not only a Recruiting Authority <sup>also</sup> but is the appointing Authority and the letter of appointment was issued by one Sri. C.P. Bhatti, Dy. Director (Establishment) and was issued on behalf of opposite party no. 3 and opposite party no. 1 & 2 are much subordinate to opposite party no. 3. It is not correct to say that the resignation of Sri Nihal Ahmad was received after the Petitioner applied for leave or was granted leave or was allowed out Station Leave on 31st August 1988. It is also relevant to mention that when the Petitioner was relieved then besides the Petitioner there were 16 other Engineering Assistants at Almora and if the resignation of Nihal Ahmad would have been subsequent to the sanction of leave to the petitioner or after the date he was relieved by the Authorities then it would have been correct to say that because of sudden resignation of Nihal Ahmad there was an exigency of recalling the Petitioner from leave who was granted <sup>Extra ordinary Leave for Completion of</sup> Study ~~leave~~ as is evident from his application for leave dated 25th August 1988. The opposite party no. 1 was also informed by separate application dated 25.8.88 that ~~he is~~ as he is already undergoing the Course of Post Graduate Diploma in Computer Applications sponsored by UGC from the session of December 1987 to November



(A-11)

1988 and in the application for leave he requested for leave for the purpose from 6th September to 3 December 1988 and on this application the leave was granted vide No. AIM 12 /48/88-AS/23327 dated 27.8.88 and the order granting leave is paper no. 3 of the compilation no. 2. It is wrong to say that the Petitioner was <sup>either</sup> informed verbally or ever intimated in writing by any one till he left Almorah on his sanction leave i.e., after sanction of weekly off on 2nd September 1988. Gazetted Holiday on 3rd September 1988 weekly off on 4th September by the appropriate Authorities, and thereafter there was no question of receiving any information as on reaching Lucknow on 1st September 1988 as already stated in the petition ~~he became~~ <sup>unwell and on reaching Lucknow he became seriously ill</sup> ~~well~~. It is totally incorrect to say that the Petitioner <sup>ever applied for</sup> ~~was allowed~~ any casual leave for 4 days as stated in the Counter Affidavit. The Application for station leave and for granting aforesaid leave will reveal the truth.

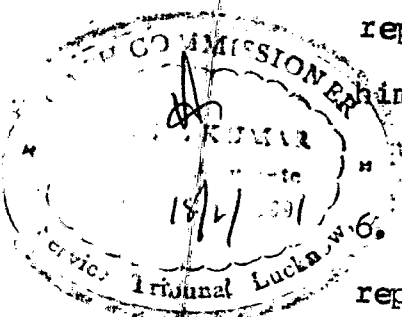
That in reply to para 8 of the Counter Affidavit replying paras 5 and 6 of the Original Application it is stated that the Extraordinary Leave ~~which~~ <sup>was</sup> granted for the purposes of completing the Post Graduate studies <sup>and</sup> ~~was~~ allowed on the conditions mentioned therein and, there was no condition in the leave order that Station Leave was granted with the condition that he will take over charge on 6.9.88 even though he due to any calamity may not be able to reach Almorah <sup>on 6.9.88</sup> as there were no need for it because the Petitioner's Extraordinary Leave itself was with effect from 6.9.88 to 5.12.88 as is mentioned in the leave order. The opposite parties never informed the cancellation of leave and the telegram has not stated anything about any order of the cancellation of leave. The contents of telegram dated

A42

12.9.88 were as below:

"ABSENCE FROM DUTY BEING VIEWED SERIOUSLY REPORT FOR DUTY IMMEDIATELY OTHERWISE ACTION UNDER CCS RULES. NO REMINDER WILL BE ISSUED ANY FURTHER FOR THIS"

The Telegram was received by the Petitioner after 15th September 1988 and by that time the Petitioner has already submitted the intimation to the opposite parties no. 1 and 2 i.e., by letter under certificate of posting and by Telegram on 6.9.88 and 15.9.88 respectively the telegram was received at Almorah on 16.9.88 and the letter sent to opposite parties no. 1 and 2 on 6.9.88 was also received there and inspite of these timely intimations the aforesaid telegram was sent by opposite parties no. 1 and 2. The telegram <sup>✓ sent by opposite parties</sup> was not for cancelling the extraordinary leave from 6.9.88 to 4.12.88 but was for taking action under CCS Rules if the Petitioner failed to report for duty when he was already under leave granted to him.



That in reply to para 9 of the Counter Affidavit replying para 7 it is submitted that the telegram was sent on 15.9.88 and not on 16.9.90 and the hospitalisation <sup>✓ of the petitioner</sup> was on 6.9.88 and not 6.9.90.

7. That in reply to para 10 of the Counter Affidavit replying para 8 of the Original Application it is stated that it was never <sup>✓ ordered</sup> ~~advised~~ by respondent no. 1 that the Medical Certificates submitted by the Applicant has not been found as per Rules before he received ~~that~~ letter paper no. 5 of compilation no. 2 which was issued by the opposite parties no. 1 and 2 ignoring the fact that the Petitioner who was admitted in the Hospital as Indoor Patient had already sub-

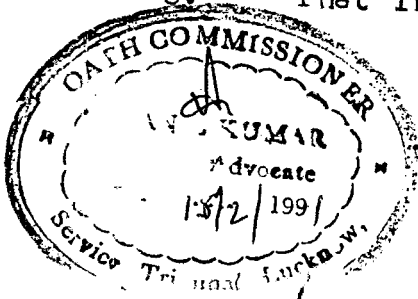


A13

mitted the certificates issued to him by the Hospital Authority. The opposite parties nos 1 & 2 without giving any opportunity to submit the certificates as required by Rules ~~was~~ threatened that disciplinary action under CCS (COA RULE NO. 11) will be taken against him although the Petitioner in compliance to the letter sent by opposite parties nos 1 & 2 and after receiving the required proformas, ~~and~~ after his discharge from Hospital on 7.12.88 reported to the CMO Lucknow along with the prescription and certificates who ~~ordered~~ that he will submit the report to the Authorities and asked the Petitioner to appear on 15.11.88 and on that date <sup>Chief Medical Officer Lucknow only</sup> handed over the letter dated 15.11.88 for sending to opposite parties no. 1 & 2. But <sup>as</sup> the Petitioner was advised by the Doctor, who treated the Petitioner in the Hospital twice when he was Indoor Patient to regularly visit the Hospital for his complete check up and final treatment as is evident from the paper no. 9 and paper no. 10 of compilation no. 2 which will show that the Petitioner went regularly to the Hospital out door for complete check up and on 17.12.88 ~~as~~ the Doctor again prescribed certain medicines and also advised to visit the out door patient room no. 29 of the Hospital after 3 weeks for issuing fitness certificate but before the treatment could be completed and could report for duty his services were terminated on the ground of absence from duty by opposite party no. 1 who was neither the Appointing Authority nor the Recruiting Authority and is much Junior to the recruiting and appointing authority. The Petitioner has never been informed by the opposite parties no. 1 & 2 that after discharge from the Hospital on 7.11.88 <sup>whether</sup> the CMO Lucknow has reported that he never suffered from the ailment for which he was treated in the Balrampur Hospital as Indoor Patient firstly on 6.9.88 and thereafter from 25.10.88 to 7.11.88; but in the letter dated 15.11.88 the Chief Medical Officer in his letter has stated that on 15.11.88 there were no sign of the ailment for which he was treated in the Hospital.

8. That in reply to para 11 of the Counter Affidavit

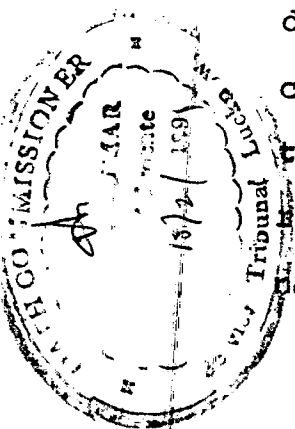
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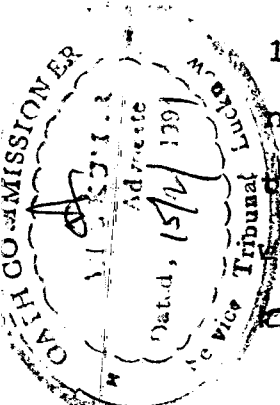
replying paras 9 to 13 of the Original Application it is stated that it is not correct to say that the telegram dated 15th September 1988 was submitted after receiving the telegram on 12.9.88. The registered letter of 10th September 1988 intimating the ailment of the Petitioner might have reached on 19.9.88 along with the discharge certificates of the Medical Superintendent, <sup>but already before it an intimation dated 6.9.88 was sent</sup> Balrampur Hospital, Lucknow. The letter dated 21.9.88 which was dispatched on 23.9.88 under Regd. letter no. 9099 and was received on 28.9.88 and its reply was sent on 3.10.88 and a request for sending the proformas was made so that the needful can be done in this regard as desired by opposite parties no. 1 and 2. The letter dated 6.10.88 was not for absence from duty or for not obeying the Office Orders Instructions issued. <sup>The letter</sup> But <sup>was</sup> for not receiving the certificate on prescribed proforma from CMO Lucknow on which ground <sup>opposite party not</sup> he <sup>was</sup> to proceed with disciplinary proceedings against <sup>petitioner</sup> ~~them~~ under CCS (COA Rule 11) ~~when~~ The Proforma was sent after 6.10.88 by opposite parties and after receiving the proformas the Petitioner who was seriously ailing and was admitted again in the Hospital on 25.10.88 and <sup>after</sup> being discharged on 7.11.88 from the Hospital he went to the CMO Lucknow with the proformas and certificates and the CMO Lucknow in compliance to it issued letter dated <sup>on the date when he was asked to appear and</sup> 15.11.88 <sup>no time 24/11/88</sup> the requirement of proformas asked vide letter dated 6.10.88 were compiled with after they were received and as such there could not be any cause for proceeding with any disciplinary action against the Petitioner. The required certificate was sent as soon as it was obtained from CMO, Iko. to the opposite party no. 1 and 2 and the Petitioner was under regular post illness check-up till 17.12.88. Hence, he could not join the duty and the Petitioner is not aware that the



AUS

CMO Lucknow has submitted any report, Contrary to the certificates by Senior Medical Officer Balrampur Lucknow who treated the Petitioner as an indoor patient and also treated after his discharge as an outdoor patient.

9. That in reply to para 12 ~~sixth~~ replying para 14 of the Original Application it is stated that when the letter dated 12th October 1988 was received <sup>When</sup> the Applicant was already admitted in the Balrampur Hospital and the ~~teaching~~ <sup>intimation was</sup> ~~intimation~~ <sup>teaching</sup> had already sent to the opposite party no. 3 and ~~that~~ <sup>the</sup> teaching had already <sup>been</sup> over by that time and only <sup>appearing in</sup> ~~examination~~ <sup>examination</sup> was left which was to commence shortly and when after 12.10.88 after discharge when he was allowed to move then in compliance to the letter No. Almorah AIMN/12/48-88-GI/25206 dated 4.11.88 by which the proformas were sent to the Petitioner who after his discharge from Hospital went to the CMO, Lucknow, who gave a letter which was sent to opposite party no. 3 along with application dated 16.11.88 by which the Petitioner intimated that only <sup>appearing</sup> ~~in~~ examination for the 'Post Graduate Diploma Course' is to commence shortly and <sup>the petitioner is advised</sup> ~~he is not required~~ to strain much at least for 6 weeks more by the Doctor who treated ~~me~~ in the Hospital and also ~~was~~ advised again to take the diet and medicines which were prescribed by him regularly and to report for full check up thereafter, hence, request was made to allow to avail the leave already sanctioned. There was no question of non-continuation of ~~Studies of~~ Computer Course as the teaching was already over much before and only examination was to be held. In the Application dated 16.11.88 the Petitioner clearly indicated that he is not continuing the course but is waiting only for his examination. Since the leave was granted on the basis of application dated 25.8.88 which clearly mentions that he is to complete his course which he had already started before joining the services and as such



A416

the Extraordinary Leave was granted only for the specific purpose.

10. That in reply to para 13 of the Counter Affidavit replying para 15 of the Original Application it is stated that on the Petitioner's request for his transfer from Jalandher to anywhere in U.P. he was not allowed any transfer expenses as he had sought his Transfer for completing Post Graduate Course and requested the Authorities for facilitating the completion of the studies which were beneficial for discharge of efficient duties in the services as such, he was posted at Almora and that is why he applied for Study Leave for preparation and appearing in Examination as stated in his application which was granted. The opposite party no. 1 & 2 could not say that his transfer from Jalandher to Almora was not on the ground as stated by the Petitioner. The leave order dated 27.8.88 is as is provided in the Rules and no special condition was imposed in it. ~~There is no~~ order withdrawing the grant of leave either on 31.8.88 ~~was passed~~ or thereafter <sup>was passed</sup> till the services were terminated and even if some order has been passed then it was never intimated to the Petitioner till this date or before starting the proceedings under Central Civil Services Rules. The registered letter dated 12.9.88 in confirmation of the Telegram also do not indicate that the leave has been cancelled.

11. That in reply to para 14 of the Counter Affidavit replying paras 16 and 17 of the Original Application it is stated that the CMO Lucknow in his letter dated 15.11.88 has stated that there ~~was~~ are no sign of the illness present on 15.11.88 with which he was suffering but has not stated that the required rest advised by the Doctor of the Hospital was not necessary and the Petitioner is able to discharge his duties in the Hill Station where there is no proper place of

.....9/



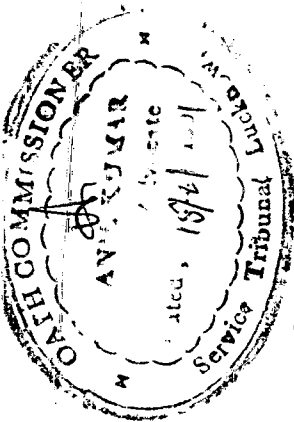
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residence for him nor there is any proper fooding for him and the ailment with which the Petitioner has suffered will not recur again in those conditions unless fully cured.

12. That in reply to para 15 of the Counter Affidavit replying para 18 of the Original Application it is stated that the Senior Consultant Balrampur Hospital Lucknow was also the Medical Officer Incharge of the Ward under whose treatment and check up ~~of~~ the Petitioner was in the Hospital when he was admitted as indoor patient. As such, the certificate was issued to the Petitioner ~~for~~ by the Hospital under his signature. It is further stated that in view of the fact that the applications dated 25.8.88 clearly mentioned that the Petitioner wanted study leave which was granted to him and the permission is implied. When he was asked to discontinue his studies then the studies were already over. And, only examinations remained to be held so there was no question of discontinuation of studies and it is incorrect to say that there was non-compliance of the orders because after the course was completed and classes were over then there was no question of discontinuing studies. ~~This~~ This fact was intimated in the letter dated 25.10.88 which was received on ~~28x2x88~~ 28.10.88 and when the letter dated 10.11.88 was received the applicant complied it what was required by the letter. Hence, it is not correct to say that the applicant did not comply with office instructions and as such, the warning which was issued was not on correct facts but due to prejudices and bias of opposite party no. 1 and 2 who in the colourful exercise of power decided the issue without affording any opportunity when the charges i.e., absence from duty was wrongly concluded. Because there is no question of disassociation from

4410

Academic Course when everything was already over long ago and only examination was to be held. And before 17th Nov. 1988 the compliance report was submitted and the Medical Certificate was sent. The Petitioner who was already granted extra-ordinary leave under Fundamental Rule 32 to 6th December 1988 as such, there was no necessity of requesting for grant of Medical Leave or any other leave as no application for grant of Medical leave was ever submitted by the Petitioner. The Chief Medical Officer in his letter has only stated that now there is no further sign of the ailment with which the Petitioner was suffering on the day when he examined him. The Petitioner never informed that he is continuing his studies but intimated that now the examination remains which is going to be held very shortly and also intimated that attending the classes has already been completed before ~~the~~ <sup>the</sup> ~~so~~ so there is no question of continuing of any class <sup>The Extra ordinary leave was required for of the course for appearing in the</sup> studies. ~~one~~ <sup>the</sup> preparation ~~for the~~ examination was required ~~and for the purpose of preparation the extra-ordinary leave was~~ ~~granted for which it is~~ granted on the specific statement fact i.e., ~~that~~ for completing the Post Graduate Diploma in Computer Applications <sup>Course</sup> by appearing in the examination as such, what transpired after the grant of leave that the completing of the Diploma Course was not allowed <sup>and</sup> ~~he~~ was not being considered fit to be retained as Engineering Assistant <sup>has not</sup> been stated either in any of the letters sent by the opposite parties no. 1 and 2 who passed <sup>illegal</sup> Termination Order without holding the enquiry and without giving any opportunity in the enquiry, if any, held by them. From the Termination Order it appears that the charges against the Petitioner is Absence from duty which cast a stigma and under the circumstances of the case could not be a valid charge <sup>in view of the admitted facts</sup>. It is also not known



449

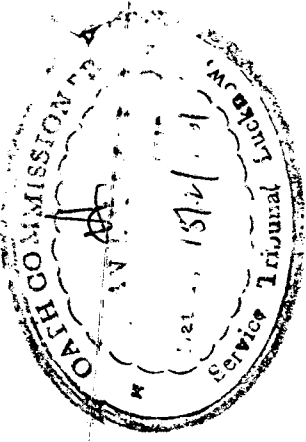
whether the reply submitted to the opposite party no. 3 was in fact considered in any manner as the Petitioner who applied for the completion of the Diploma Course and for preparation of the examination.

13. That in reply to para 12 of the Counter Affidavit replying para 19 of the Original Application it is stated <sup>the facts of study leave were mentioned in</sup> that <sup>and in case the application</sup> in the applications for leave <sup>are</sup> produced before the Tribunal then it will be evident that what is the subject of applications for leave and other application? There is neither any <sup>oral</sup> cancellation order on 31.8.88 nor thereafter any intimation oral or in writing was ever sent by opposite party no. 1 and 2 nor it was <sup>ever</sup> received <sup>by the defendant and there was no cancellation order on 31.8.88</sup> and, There was never any application for casual leave and only study leave application and application for permission ~~was~~ to leave station was there when the Petitioner left the station. The Petitioner was neither appointed nor recruited by opposite party no. 1 nor the opposite party no. 1 is the Appointing Authority of the rank of the Petitioner under the Rules.

14. That in reply to para 18 of the Counter Affidavit it is stated that in view of the admitted fact that only one number shift i.e., Night Shift, was in operation and there were at least 15 Engineering Assistant at Almorah for manning one number Shift (night shift) <sup>which only</sup> was <sup>and allowed</sup> (in operation. It is further stated that the application by which compensatory off and other off were asked for <sup>will</sup> show the prayer for station leave. Since Nihal Ahmad had already resigned before the applicant applied for leave and before the date the leave was sanctioned. So, there could not be such urgency because of the resignation of Nihal Ahmad and there could not

be such urgency of work and Public interest that the study leave already granted for the preparation of the course and for examination is to be cancelled when admittedly the Petitioner was also ailing from diseases found by the doctor who checked him and admitted him in the hospital twice from time to time. And, there is no order by the Competent Authorities so far cancelling or refusing the leave already granted. And, even if there is any order even then the same has not been intimated or communicated to the Petitioner.

15. That in reply to para 19 of the Counter Affidavit it is stated that neither opposite party no. 1 who illegally and without jurisdiction passed the Termination Order nor opposite party no. 1 before him the appeal was preferred ever afforded any opportunity even though personal hearing was also asked for. It is stated that under Rule 5 Termination could be passed by Appointing Authority if there are no charges against the Petitioner and if there are charges against the Petitioner then the order simplicitor could not be passed by an officer who is not a Competent Authority to pass the order and that too, without holding any enquiry and affording any opportunity. In view of the fact that rule 5 2(A) was amended by notification dated 3rd November 1978 <sup>and as such</sup> <sup>order of</sup> the passing of termination of service of Temporary servants under rule <sup>5</sup> sub-rule 1 & 5 can only be passed by the Appointing Authority and unless and until it is established by any Rule that the Station Director who is much subordinate to the opposite party no. 3 is in any manner is the Appointing Authority of the post held by the Petitioner till then he could ~~be~~ not be competent to pass the Termination Order.

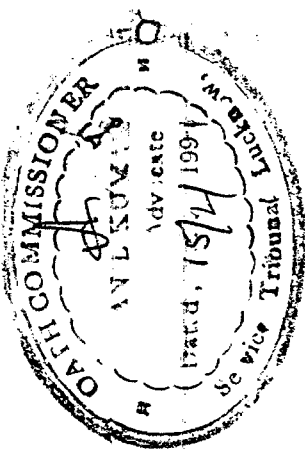




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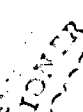
16. That in reply to para 20 of the Counter Affidavit it is stated that order of appointment was never given by the Station Director, but <sup>what</sup> was given by the Station Director <sup>The Joining order and he was</sup> required to submit the compliance of the order dated 27th July 1988 issued by opposite party no. 3 who was the Head of the Department as well as the Appointing Authority and was also Disciplinary Authority under the Rule.

17. That in reply to para 21 of the Counter Affidavit it is submitted that the Medical Certificates submitted by the Petitioner's ~~which~~ <sup>which</sup> relates to ~~his~~ admission and discharge from the Hospital and the prescriptions by <sup>The Same</sup> Medical Attendant who prescribed medicines for follow up, check up and <sup>petitioner</sup> the regularly took the medicines then how it was cheating to the Government is not known and the Chief Medical Officer Lucknow in his certificate has nowhere indicated that the Doctors who have admitted the Petitioner <sup>from Sept 1988 and thereafter in Oct 1988</sup> and have treated the Petitioner in the Hospital <sup>Vendor patient as in Oct 1988 and for the discharge</sup> and as outdoor patient <sup>had</sup> not <sup>suffered with</sup> the ailment at any time and the CMO Lucknow has also not indicated or stated that the Petitioner was not admitted in the Hospital for the treatment of the ailment. There were no two types of certificates. The certificates are of Doctor P.N. Awasthi who was Senior Medical Officer and Government Consulting Physician of Balrampur Hospital, who always treated the Petitioner from 4th September to December 1988 and whenever the Petitioner because of seriousness of the ailment became seriously ill then he was admitted for the treatment and thereafter was advised to pursue the treatment in the manner as prescribed by him. In the present case there was neither any enquiry by the Appointing Authority or by opposite party no. 1 about the illness of the Petitioner, as such, <sup>The fact of illness presumed</sup> it can not be ~~said~~ to be incorrect nor opposite.



*[Handwritten signature]*

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who is identical  
clerk to Sri ...



11-1-20  
18/2/21  
(ANIL KUMAR)  
Oath Commissioners  
Service Tribunal, Lko

  
DEPONENT

LUCKNOW: DATED: 18.2.91

  
DEPONENT

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

M.P. No. 13/91(L)

O.A. No.130 of 1990 (L)

Deepak Kumar

... Applicant

-versus-

Union of India and others

.. Respondents

APPLICATION FOR CONDONATION OF DELAY.

.....

The Respondents beg to submit as under:

1. That due to certain administrative reasons and for the facts that certain information could not be collected in order to prepare the counter, the counter affidavit could not be filed on the date specified by this Hon'ble Tribunal.
2. That the delay in filing the counter affidavit is liable to be condoned in the interest of justice.
3. That it is, therefore, most humbly prayed that the accompanying affidavit may be taken on record and the delay in filing the same may be condoned.



(VK Chaudhari)  
Addl Standing Counsel for Central Govt  
(Counsel for ~~xxxxxxx~~  
Respondents)

Lucknow,

Dated: 8.1.91

Do  
Filed today  
8/1/91

132

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.A. NO. 130 of 1990 (L)

Deepak Kumar

... Applicant

-versus-

Union of India and others

... Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.

1990  
AFFIDAVIT  
35 M  
DIST. COURT  
U. P.

I, B.N. Pandey, ~~Station~~ aged about 53 years  
son of Late Basudeo Pandey a

at present posted as Station Director, Government of  
India, All India Radio, Almora do hereby solemnly  
affirm and state as under:-

1. That the deponent is the Respondent no.1 in the above noted application and he has been authorised to file this counter affidavit by all other Respondents on behalf of all Respondents.
2. That the deponent has read and understood the contents of application filed by the petitioner as well as the facts deposed to hereinunder reply thereof.
3. That the deponent is well conversant with the facts of the case.

*[Handwritten signatures and dates]*  
22/9/90  
22/9/90

A55

4. That in reply to the contents of para 1 of the application it is submitted that the applicant , an Ex-Engineering Assistant was appointed vide Station Director, All India Radio, Almora Memo No.ALM-1(2)Tech/88-5/23280 dated 20.8.88 as per New Delhi office Memo No.A-13/11(1/88-EPC dated 27.7.1988 on the purely temporary capacity as per condition no.2 laid down in the offer of appointment and the probation of a period of two years from the date of appointment.

5. That in reply to the contents of para 2 of the applicat on it is submitted that the applicant was earlier nominated to the office of the Director, Doordarshan Kendra, Jullundhur but his own request his posting place was changed to All India Radio, Almora vide Chief Engineer (North Zone) AIR and Doordarshan New Delhi Memo No.A-13/11(1)/88-EPC dated 27.7.88.

6. That in reply to the contents of para-3 of the applicat on it is submitted that the applicant joined as Engineering Assistant at the office of the Respondent no.1.

That in reply to the contents of para 4 of the application it is submitted that the Respondent no.3 is a recruiting authority and not appointing

*[Handwritten signature]*

ASG

authority like a UPSC/SSC etc. Please see the condition No.7 of offer of appointment ~~that~~ in which it has been clearly indicated that the applicant can be posted and transferred anywhere in North Zone. (Almora and Jallundhar are situated in Northern Zone). If the applicant feels any difficulties regarding family circumstances and others he should not have accepted the offer of his appointment and intimated to the concerned authorities and due to urgency of work the department is not bound for the applicant's Post Graduate's telecommunication course. He has applied for extra ordinary leave of 90 days from 6th September 1988 to 3rd December 1988 with suffix 2 days weekby offs on 4 & 5 December 1988. The E.O.L. was sanctioned subject to the condition that he can be called back for duty under ~~exercises~~ <sup>exigencies</sup> of services. All of a sudden the resignation of one Shri Nehal Ahmed, Engineering Assistant and shortage of technical staff the E.O.L. of the applicant has been postponed till 15th September, 1988 and verbally intimated to the applicant by dealing Assistant (Noting on page No2 dated 31.8.88). Then the applicant applied for 4 days casual leave with permission to leave the station. Casual leave was sanctioned received in the office on 1.9.88 after r diary and he had already left the station.

20/9/88

AST

8. That in reply to the contents of para 5 & 6 of the application it was is submitted that Extra Ordinary Leave was allowed subject to the condition and <sup>this was</sup> informed <sup>to</sup> him verbally. Then he applied station leave due to urgency of work in Lucknow with the condition that he took over his charge on 6.9.88 again and intimated by telegram dated 12.9.88 that the E.O.L. sanctioned for 6.9.88 to 4.12.88 has been cancelled.

9. That in reply to the contents of para 7 of the application it is submitted that the applicant intimated to the Respondent no.1 that he has been hospitalised w.e.f. 6.9.90 at Lucknow vide telegram dated 16.9.90.

10. That the contents of para 8 of the application are ~~an~~ incorrect as stated, hence denied and in reply it is submitted that the Respondent no.1 advised the applicant that medical certificate submitted by the applicant has not been found as per rules and he should obtain a certificate from C.M.O. District Hospital Lucknow on the proper proforma, otherwise disciplinary action will be taken as per CCS(CCA) Rules 11 and again reminded him vide office Memo No. ALM-12(48)/88-S/24410 dated 6.10.88 with intimation to Chief Engineer(North Zone) New Delhi.

11.

That in reply to the contents of para 9, 10,

22/9/12

ASB

-5-

11, 12 & 13 of the application it is submitted that in response to office M telegram dated 12.9.88 onenShri Basant , c/o. Sri Deepak kumar intimated telegraphically on 15th September 1988 that the applicant was been hospitalised. A registered letter dated 10.9.88 was received in the office of the Respondent no.1 on 19.9.88 from the applicant along with a medical certificate from Belrampur Hospital, Lucknow. The applicant was advised to submit a fresh medical certificate from CMO District Hospital, Lucknow within 15 days from 21.9.88 ie. the date of issue of letter. But no medical certificate was received by the Respondent no.1 till 6th October 1988 and the applicant was informed by Registered letter dated 6.10 .88 that the office of the Respondent no.1 is proceeding with disciplinary action against him as per CCS(CCA) Rules.11.

12. That in reply to the contents of para 14 of the application it is submitted that in response to the letter dated 21.9.88, the applicant requested to the Respondent no.1 for a specimen copy of medical certificate proforma which was sent by the office on 12th October 1988 and he was also again advised to obtain medical certificate from CMO , District Hospital, Lucknow . The applicant was advised to obtain a certificate from Shiva Computer College, Lucknow regarding non-continuation of a computer course and submit the same by 27.10.88.



159

-6-

The applicant was also advised to give a declaration that he is not continuing any type of Academic/ professional course after joining AIR. He was also informed that without the written permission of the Respondent no.1 he cannot pursue any type of studies.

13. That in reply to the contents of para 15 of the application it is submitted that a telegram dated 25.10.88 from the applicant intimating that he has been hospitalised was received in the office of the Respondent no.1 on 26 October 1988 and a detailed reply dated 25.10.88 was also received by the office on 28.10.88. A medical certificate obtained from Senior Consultant of Balrampur Hospi al was also ~~received~~ received by the office of the Respondent no.1 along with letter dated 25.10.88. The applicant in his letter mentioned that the doctor has advised him to take rest. He also intimated that since 90 days leave was sanctioned to him for continuation of study therefore he is preparing for the computer course examination also. He has also claimed that to enable him to continue the course, this posting from Jallundur was changed to Almora on this ground. The above contention of the applicant is denied and it is submitted that the leave sanctioned vide office order dated 28.8.88 was conditional and was withdrawn on 31.8.88 and

16.10.88

20.8.88

and intimated to the applicant ~~and~~ in writing  
vide Registered letter dated 12.9.88.

14. That the contents of para 16 & 17 of the  
application are incorrect as stated, hence denied  
and in reply it is submitted that CMO Lucknow vide his  
letter dated 15.11.88 declared that the applicant  
was fit for duty as ~~xxxxxxxxxx~~ the CMO has clearly  
stated that there is no sign of quotted disease in the  
present.

15. That the contents of para 18 of the  
application are incorrect as stated, hence denied and  
in reply it is submitted that the applicant has not  
complied the ~~xxx~~ instructions as seen from the following  
points:-

(a) That rather than obtaining a certificate from  
CMO, District Hospital, Lucknow the applicant  
obtained a certficzte from a consultant physician  
of Balrampur Hospital, Lucknow.

(b) That without the written permission of  
the Respondent no.1 and inspite of written advice  
to him to discontinue the computer course, the  
applicant continued with the study which is  
violation of the CCS Conduct Rules.

That the applicant did not comply with office  
instructions and therefore a warning was issued to him  
vide letter No1ALM-12(48)/88-S/25099 dated 31.10.88.

wherein he was told to disassociate himself from academic/professional course being pursued by him and send a compliance report in this regard by 10th November 1988 failing which action as deemed fit will be taken under the C.C.S. Rules. Since the medical certificate submitted by the applicant vide his letter dated 25.10.88 was not obtained from Chief Medical officer, District Hospital, Lucknow, he was, therefore, asked to ~~him~~ appear before CMO before 17th November 1988 vide registered letter dated 4th November 1988. In this letter the applicant was intimated that during the period of medical leave applied for he was once again warned not to pursue any type of academic/professional course. Vide letter dated 16th November 1988, the applicant forwarded a letter obtained from CMO, Lucknow regarding his medical check up and also another medical certificate from Senior consultant physician, Balarampur Hospital, Lucknow. As per CMO, Lucknow letter dated 15.11.1988, the applicant was examined by CMO and was found fit for duty and was not suffering from any type of disease detailed by Senior consultant physician, Balarampur Hospital, Lucknow in his report dated 7.11.88. The applicant again intimated that he is continuing for post Graduation diploma course in computer.



462

as discussed above, therefore he was not being considered fit to be retained as Engineering Assistant. So his service terminated (who was on probation) with effect from 24.12.88 and a detailed reply the applicant's representation dated 18.8.89 has been sent to the applicant with intimation to Chief Engineer(North Zone) AIR & Doordarshan, New Delhi vide office Memo No. ALM-12(43)88-S/10340 dated 24.10.1989.

17. That in reply to the grounds 'A' of the application it is submitted that no study leave was granted to the applicant. Only condition of E.O.L. was sanctioned to him and had been cancelled on 31.8.1989 with intimation to the applicant verbally. In response to this cancellation he applied for station leave permission and ensure him to the office for resuming his duty on 6.9.89.

The Station Director, AIR, Almora was his appointing authority and Chief Engineer(North Zone) is only recruiting authority like S.S.C./UPSC. He was under probation and new recruit.

18. That in reply to the contents of grounds-B of the application it is submitted that the nature of duty of the petitioner was shift duty and only one number shift (night shift) was in operation. This is

20/8/89

A64

wrong to say that he was not intimidated, because if it is not true, what was the necessity of the applicant to take the C.Off from 2.9.88 to 5.9.88. Due to urgency of work and in public interest the competent authority can grant/refuse and cancelled the leave. So in the urgency of the work his leave had been cancelled on 31.8.90.

19. That in reply to the grounds -C of the application it is submitted that as per Chief Engineer (North Zone) AIR and Doordarshan, New Delhi No.A-13/11(1)/86-EPC, dated 27.7.90 and the services of the applicant has been terminated by Station Director, AIR, Almora (appointing authority of the applicant) to give him full chance under temporary service rule 5 (sl no.384 of the condition of offer of appointment).

20. That in reply to the contents of Grounds-D of the application it is submitted that it is not true that the appointing authority was party no.3 when the order of appointment was given by Station Director, AIR, Almora and as per recruitment rule and disciplinary proceeding rule the Head of the

16/10/90

22/11/90

office is the appointing authority case of disciplinary proceeding.

21. That in reply to the contents of Grounds-E of the application it is submitted that as <sup>clear from</sup> ~~seen~~ the medical certificates submitted by the applicant he was cheating ~~the~~ Government. Two types of certificates presented by Senior consultant Physician, Balarampur Hospital Lucknow and CMO, Lucknow, In the case of Government servant the CMO is the competent authority in the contradictory cases and if the appointing authority is not satisfied the case ~~is~~ can be forwarded to medical Board.

*RE 11/10/89*  
22. That in reply to the contents of para -F of the grounds it is submitted that the appellate authority was satisfied with the appointing authority. So he <sup>directed</sup> ~~was order to~~ this office of the deponent for intimating the ~~and~~ results of facts regarding his representation vide Chief Engineer (North Zone ) AIR & Doordarshan, New Delhi letter No.A/34/14(EA)/89/ERC dated 19.9.88, by which his representation was considered & rejected.

*22.9.89*  
23. That in reply to the contents of para 24 to 26 of the application it is submitted that in view of the facts and circumstances stated above, the relief sought by the applicant is not entitled to get any relief.

166

24. That in view of the facts, reasons and circumstances stated in the foregoing paragraphs, the application filed by the applicant is liable to be dismissed with costs to the opposite parties.

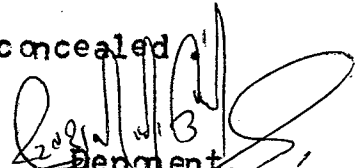
  
Deponent.

Lucknow,

Dated: 16<sup>th</sup> Sept. 1990.

Verification.

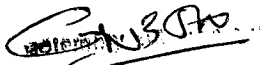
I, the above named deponent do hereby verify that the contents of paragraphs 1 to 3 are true to my personal knowledge, those of paragraphs 4 to 22 are believed to be true by me on the basis of records and information gathered and those of paragraphs 23 & 24 are also believed by me to be true on the basis of legal advice. No part of this affidavit is false and nothing material has been concealed.

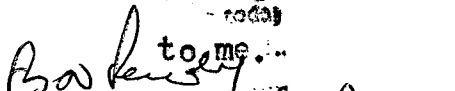
  
Deponent.


Lucknow,

Dated: 16<sup>th</sup> Sept. 1990.

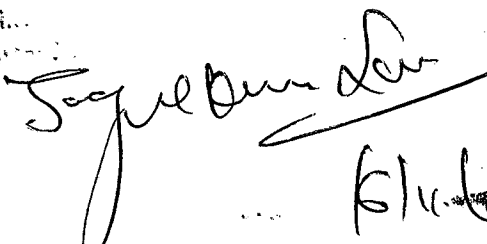
I identify the deponent who has signed before me and is also personally known

  
at 53a  
C

  
to me  
VK Chaudhary

  
16/11/90  
(VK Chaudhary)

Addl Standing Counsel for  
Central Govt.  
(Counsel for opposite parties)

  
K. G. O.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW.

Registered A/D

Chardi Bhawan  
Opp. Residency  
Lucknow.

Registration No. 130/90(L)

199

No. CAT/Alld/Jud/

Dated:

Dated: 11-5-90

Deepak Kumar

APPLICANT(S)

VERSUS

Station Director All India Radio

RESPONDENT(S)

① Station Director, All India Radio Almora

② Station Engineer All India Radio Almora

Please take notice that the applicant above named has represented an application a copy of whereof is enclosed herewith has been fixed registered in this Tribunal and the Tribunal has fixed 17-7-90 day 1990. FOR Admission

If, no appearance is made on your behalf, your pleader or by some one duly authorised to Act and Plead on your behalf in the said application. It will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 11 day of 5 1990.

AKD  
FOR DEPUTY REGISTRAR  
(JUDICIAL)

① Chief Engineer, North Zone Govt. of India  
Akaswari and Doodharsan, Jamnagar House  
Shahjahan Road New Delhi

② Director Engineer North Zone Govt. of India  
Akaswari and Doodharsan Jamnagar House  
Saahwahan Rd. New Delhi

Encl- Copy of Petition with- courts order dated 4-5-90 P.S. of the Court.

CENTRAL ADMINISTRATIVE TRIBUNAL

CAJOUR BENCH NOTICE

O.A. NO.119 of 1929 (12)

Regali Kumar

.....

Applicant.

V.C.

Union of India & Others

.....

Respondents.

Subscribed

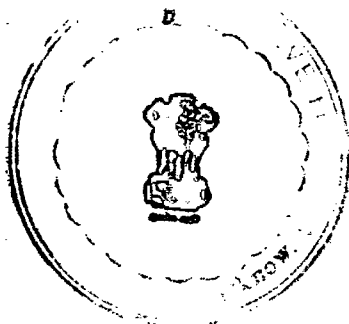
Hon'ble Mr. Justice H. Mah. V.C.

For the Union of India

Notice to show cause why the application

is not admitted and list for admission on 17.7.1929

on which date the opposite parties shall produce record.



CC/-

CC/-

Adm.

V.C.

// See Copy //

checked  
Sd/-  
8/5/40

✓

Deputy Registrar  
Central Administrative Tribunal  
Lucknow Bench.  
Lucknow

Central Administrative Tribunal  
New Delhi

Cause Title Cent. 47/91 of 1993

Name of the Parties Lalit Kumar Applicant

Versus

Ex B. B. Pandey, Secy. to Dir. Respondents  
& others.

Part A. P.C.

Sl. No.	Description of documents	Page
1.	Check List	
2.	Order Sheet.	A1
3.	Judgement/Dismissal on MS-92 on back of A1	
4.	Petit on Copy	A2 A3 F
5.	Annexure	
6.	Power	A28
7.	Counter Affidavit.	A30 A39
8.	Rejoinder Affidavit.	
	Application for dropping cost. Proceeding A29	
	Order for withdrawal of 1/5/92 - A40 A45	
	B - File	

B - File B 40 B 75

C - File C 76 C 78

For Bk. no. withdrawal / intrajud.

*Sign*  
20/5/92

(A)

Can - 47181

2.11.92

No S.M. adj to 5.2.92

5.2.92

No S.M. adj to 3.3.92

3.3.92

Hon. Mr Justice V.C. Gorman, VC  
Hon. Mr A.D. Gormley, AM

Issue notice to show cause  
as to why the proceedings of  
contempt of court be not  
initiated for not complying  
the order dated 5.7.91 passed  
in O.A. No. 130/90 filed  
by the applicant by which termination  
was ordered was quashed and it  
was directed that the applicant  
be deemed in service with all  
consequential benefits. It will  
be open for the respondents to  
appear personally or through some  
advocate. The question of  
personal appearance will  
be considered on next date.  
but on 27.4.92 for order

Decd AM  
ap/la  
13/3/92

J  
JMS

les  
VR

OR  
Notices issued  
18/3

27.4.92

Contemner not present.  
No S.M. adj to  
1.5.92

L

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD  
(CIRCUIT BENCH)  
LUCKNOW

CONTEMPT CASE NO. 47(MP) OF 1991  
In re  
O. A. NO. 130/90 (L)

Application under Section 17 of the Administrative Tribunal Act

Deepak Kumar.

.....Petitioner.

V


Sri B.B. Pandey, Station Director, All India Radio, Almorah, &  
others. ....Opposite Parties.

INDEX

Sl. No.	Contents	Page No.
1.	Copy of Petition under Section 17.	1-10
2.	Annexure-A/1	11-16
3.	Annexure-A/2	17/1-17/4
4.	Annexure-A/3	18
5.	Annexure-A/4	19
6.	Annexure-A/5	20
7.	Affidavit	21-22
8.	Vacalatnama	23

LUCKNOW:

DATED: 17.12.91

  
(AKHILESH SAHAI)  
(ADVOCATE)  
(COUNSEL FOR THE PETITIONER)

FORM 1

Application under Section 17 of the Administrative Tribunal Act

Before the Central Administrative Tribunal Allahabad  
(Circuit Bench)

Lucknow Bench Lucknow

Contempt Case No. 47 (MP) of 1991 (L)

In re

O. A. No. 130/90 (L)

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing 17/12/91  
Date of Receipt by Past.....

Deputy Registrar (J)

Deepak Kumar, aged about 27 years, son of Sri B.B. Saxena, r/o  
18, Deen Dayal Road, Asharfabad, Lucknow.

.....Petitioner.

V

1. Sri B.B. Pandey, Station Director, All India Radio, Almorah.
2. Sri K.K. Sharma, Station Engineer, All India Radio, Almorah.
3. Sri R.K. Gupta, Chief Engineer, North Zone,
4. Sri Ayodhya Prasad, Director Engineer, North Zone.

} Government  
of India,  
Akashwani  
& Door  
Darshan,  
Jamnagar,  
House,  
Shahjahan  
Road,  
New Delhi-  
110 011.

.....Opp. Parties.

DETAILS OF APPLICATION:

1. Particulars of the Order against which the Contempt  
Application u/s 17 is filed.

THE COURT'S ORDER DATED 5.7.1991 RECEIVED BY THE  
PETITIONER ON 9.7.1991 PASSED BY HON'BLE MR JUSTICE  
U C SRIVASTAV, VC AND HON'BLE MR A B GORTHY A M, IN  
O. A. CASE NO. 130/90 (L).



2. Jurisdiction of the Tribunal:

The Petitioner declares that the subject matter and the Order against which he wants redressal is within the Jurisdiction of the Tribunal as all Orders have been communicated to Opposite Parties from Lucknow.

~~The Petitioner begs to state as under~~

3. Limitation:

That the present Petition is within limitation as the Tribunal's Order passed on 5.7.1991 was communicated by the Petitioner from Lucknow on 15.7.1991 to the Opposite Parties by Registered Post and a period of one year will expire on 14.7.1992.

The Petitioner begs to state as under:

4. Facts of the Case:

4. (i) That the Petitioner was appointed vide Appointment Order No. A-13/11/I/86-EPC dated nil as Engineering Assistant in the scale of Rs. 1400-40-1600-50-2300-EB-60-2800 on the regular and permanent Post and after the posting under the Director Door Darshan Kendra Punjab, he was transferred from there to All India Radio, Almorah vide No. A-13/II-(I)/88 EPC dated 27.7.1988 and there he joined his duty on 10.8.1988.

17/12/91  
128  
17/12/91  
17/12/91

AS

4. (ii) That while the Petitioner was at Almorah, then he applied for study leave, in the Post Graduate Diploma Course in Computer Applications, ~~which~~ in the Telecommunication which ~~2~~ was allowed and he was also allowed proper study leave and while he was at Lucknow during the granted leave in connection with the studies then he became ill and was admitted to Balrampur Hospital, Lucknow twice and while he was undergoing treatment, then without cancellation of granted leave his services were terminated.

4. (iii). That from being aggrieved by the illegal Order of termination, the Applicant filed O.A. No. 130 of 1990 (L) Deepak Kumar V Union of India and others challenging the illegal Termination Order. In the case after filing of Counter Affidavit and Rejoinder Affidavit, the case was heard on 2nd July 1991 by Hon'ble Mr Justice UC Srivastava VC and Hon'ble Mr A B Gorthi A M. The Judgment in the case was delivered on 5.7.1991 by the Hon'ble Tribunal, by which the Court quashed the Termination Order as according to the Tribunal it was arbitrarily passed, and it was also held that the Termination Order is violative of Article 311 of the Constitution of India. It was also held that the Termination Order being penal in nature and has



19

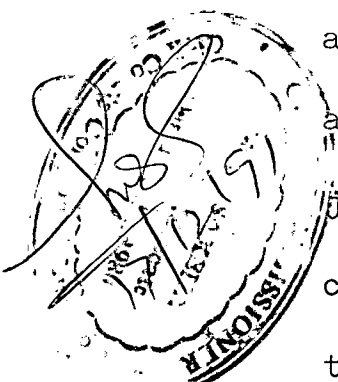


46

been passed without giving any opportunity of hearing and is violative of Article 311 of the Constitution of India. It was also ordered that the Applicant will be deemed to be in service from the date of Termination and will also be entitled to all consequential benefits from the date of his Termination. The Photocopy of the Order is filed as Annexure-A-1 to this Petition.

5(i). That the Petitioner after receiving the Judgment from the Tribunal on 9.7.1991 sent the copy of the Judgment to all the Opposite Parties through registered letter on 15.7.1991 vide registered letters No. C-8317 to C-8320 to Opposite Parties No. 1 to 4. One of the copies of the letters sent to all the Opposite Parties is filed as Annexure A-2 to this Petition.

5. (ii). That thereafter after waiting for sometime the Petitioner went to Almorah and wanted to know that what has been done by the Opposite Parties No. 1 and 2 as such, he met the Opposite Parties No. 1 and 2 there also. The Petitioner submitted his Joining Report to them on 24.7.1991. The Photocopy of the letter which was served at Almorah in the Office of Opposite Parties No. 1 and 2 is



1

filed as Annexure A-3 to this Petition.

5. (iii). That at Almorah when the Petitioner met Opposite Parties then <sup>the</sup> Petitioner was advised to see Opposite Parties No. 3 and 4 and to know from them as such he was asked to meet the Opposite Parties No. 3 and 4 at Delhi, then the Petitioner met the Opposite Parties No. 3 and 4 on 12.8.1991 and also again submitted an Application that the certified copy of the Judgment has already been sent and as no reply has been received so far, as such he has come to know what has been done in compliance of the Tribunal's Order. The Petitioner when received no satisfactory reply, he again submitted an Application in the Office of Opposite Parties No. 3 and 4. The Photocopy of the Application is filed as Annexure-A-4 to this Petition.

5. (iv). That after returning from the Office of the Opposite Parties No. 3 and 4 the Petitioner received a letter No. B 17/13/DK/90-EBC dated 14/16th August 1991, from the Office of Opposite Party No. 3, which is an acknowledgement of Annexure No. A-4 and in it the Petitioner was again required to contact Opposite Party No. 1, the



AS

Station Director Almorah for ~~getting~~ the required compliance.

5. (v). That on receiving the letter referred to above, the Petitioner on 20.8.1991 again submitted a letter drawing the attention of Opposite Party No. 1 and 2 in compliance to the letter received from the Office of Opposite Party No. 3 and 4 and also sent the copy of this letter received from Opposite Party No. 3 and 4 which was in reply to their letter Annexure A-4. The Photocopy of the letter is filed as Annexure-A-5.

5. (vi). That thereafter from the Office of the Opposite Party No. 1 and 2, the Petitioner received telegraphic message ALM-1 (6)/91-5/2902 dated 09.09.1991, which indicates that as if some Appointment Letter has been issued by them in compliance to the letter of Opposite Party No. 3 and 4 referred to above but the same has been cancelled because of some letter received by Opposite Party No. 1 and 2 from the Opposite Party No. 3 and 4. But the actual letter of appointment was not received by the Petitioner till today.

5. (vii). That thereafter, the Petitioner is continuously

17/12/91

12

writing the letter to Opposite Parties i.e., on 12.9.1991, and 19.10.1991, but the same has not been acknowledged, <sup>the</sup> now, so far, nor the Order passed by the Tribunal has been complied with and to the Petitioner's information so far, neither any Appeal or Review against the Tribunal Order has been filed by the Opposite Parties nor any <sup>re-instatement</sup> ~~appointment~~ Order has been issued or sent to the Petitioner. The <sup>the</sup> Petitioner, who has not been paid any salary from August 1988 and is out of service from December 1988, and after Tribunal's Judgment is running from pillar to post for the compliance of Tribunal's Order but because of the attitude of Opposite Parties is still with no result so far.

5. (viii). That the Opposite Parties are intentionally not complying the Order passed by the Tribunal which was to be complied with as early as possible as is required by the Tribunal nor the awarded consequential benefits from the date of the Termination has been paid so far.

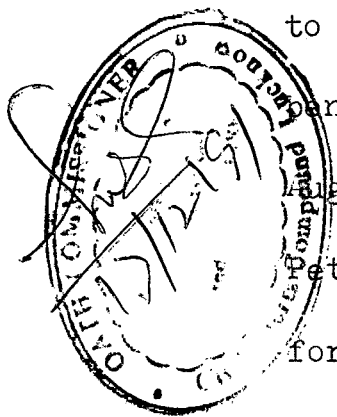
5. (ix). That in spite of the Petitioner's meeting with the Opposite Parties on 24.7.1991 and on 12.8.1991 and sending them several letters requiring them to comply the Tribunal's Order has not yielded any result

17/12/91

APC

so far as such, it appears that they are giving deaf ear to the Order passed.

5. (x). That the reasonable period required for the compliance of the Order has already expired and now the Petitioner is still out of employment even after the Tribunal's Order and the Opposite Parties have not even allowed the Petitioner to join and ~~the~~ order to compensate the consequential benefits, which has also been allowed from August 1988 has not been paid hence, the Petitioner is compelled to move the Petition for contempt on the following grounds:



:GROUNDS:

A. Because, the Opposite Parties conduct after the passing of the Tribunal's Order which was passed in the presence of their Advocate and after its due communication on 15th July 1991, and in spite of personal meetings with the Opposite Parties No. 1 and 2 on 24.7.1991 and with Opposite Parties No. 3 and 4 on 12.8.1991 and <sup>even</sup> after sending several reminders does not inspire them to comply the Court's Order as such, it appears that they don't want to comply with the Order of the Tribunal and the same has not complied

*[Handwritten signature]*

A21

so far, even after serving the copy of the Order and even after writing several letters bringing to their notice that the Order has not been complied with which amounts to willfully disobeying the Order of Tribunal as well as the direction passed in the Judgment and they are also not complying the assurances given by them when the Petitioner met with them at Almorah and at Delhi as such, they have committed willful disobedience of the Order and are liable to be punished for contempt.

- B. Because, the Opposite Parties are not only very well aware of the Tribunal's Order dated 5.7.1991 but they also know what they have been required by the Order passed by the Tribunal<sup>1e</sup> to reinstate the Petitioner and to pay all the consequential benefits and it is also established that the Opposite Parties for the reasons best known to them had not complied with the Court's Order so far, as such, they have committed the contempt willfully.

- C. Because, the action and conduct of the Opposite Parties from the date of the serving of the Order

✓ a.

112

is such that will tantamount to diminish the prestige and status of the Tribunal's Order, in the eyes of Law, and others and in case, the Opposite Parties are not punished, then the passing of the Order by the Tribunal will become a mockery in the eye of Law.

Wherefore, it is prayed that this Hon'ble Tribunal be pleased to issue a Notice to Opposite Parties to appear in person and show cause before punishing them for committing the contempt of Court's Order as they have not only intentionally failed to obey the Court's Order in violation of their assurances given by them while the Petitioner met them at Almorah and at Delhi after the passing and serving of the Tribunal's Order in the case and have been also not paid the consequential benefits for which also the Order has been passed by the Tribunal. As such, the Opposite Parties are liable to be punished for committing the contempt of Court's Order dated 5.7.1991 as they have intentionally flouted the Tribunal's Order.

Lucknow:



Dated: 17th December 1991

(PETITIONER)

O.A. 130/90(L)

Deepak Kumar

Applicant

versus

Union of India & others

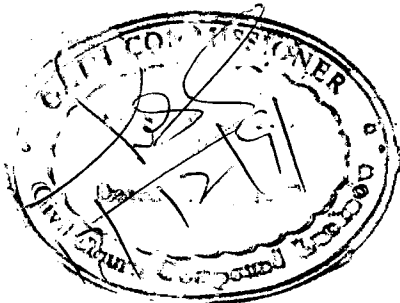
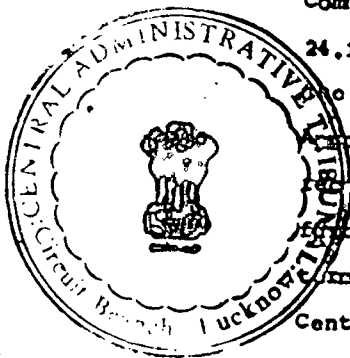
Respondents.

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

Hon. Mr. A.B. Gorthi, A.M.

(Hon. Mr. Justice U.C.S., V.C.)

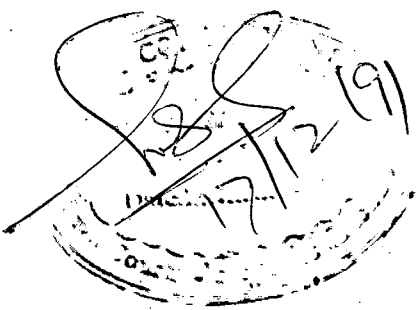
The applicant who was appointed on the permanent post of Engineering Assistant on the basis of a selection held on 5th May, 1987 by a Selection Committee, has challenged termination order dated 24.12.1988 terminating his services in pursuance of the proviso at serial Nos. 3 and 4 of the Offer of Appointment. Offer of appointment, which is on record, indicates that the post was temporary till further orders, and that his services can be terminated without assigning any reasons under Central Civil Services (Temporary Services) Rules, 1965 and on being appointed he will be on probation of two years which period can be reduced or extended and during the probationary period his services can be terminated without assigning any reasons. The applicant was first posted on the North Zone under Director, Doordarshan Kendra Punjab, on his request





12/11/91

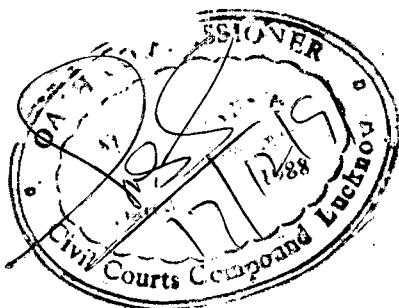
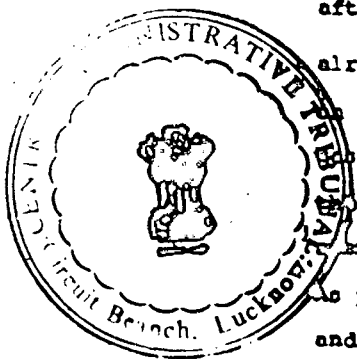
he was transferred from Jalandhar vide order dated 27.7.1988 and was posted at Almora. As per allegation, at Almora, the applicant became ill and it also became ~~it was~~ difficult for him to continue Postgraduate diploma in Computer Education. He applied for study leave for 90 days and was allowed vide order dated 27.8.88 w.e.f. 6.9.88 to 3.12.88 with a specific order to suffice 4.12.88 and 5.12.88 being weekly rest and ~~was~~ <sup>permitted</sup> required to join on 6.12.88. He was granted <sup>permitted</sup> to join ~~him~~ station and after availing the holiday on 2.9.88 and 3rd and 4th weekly off and 5th compensatory off he came to Lucknow. But in view of his ailment he had to go to the hospital and he was advised to get himself admitted. As per allegation he gave information to the Station Director <sup>N</sup> All India Radio ~~Almora~~ on 6.9.88. It has been admitted in the counter affidavit in which it has been stated that vide telegram dt. 6.9.88 it was intimated that he has been hospitalised w.e.f. 6.9.88, (wrongly mentioned as 90 in the counter, by Respondent No. 1). The applicant was discharged but advised 42 days bed rest. The applicant pursued his study and after his discharge he informed through registered post on 10.0.88 alongwith a medical certificate from the doctor who treated him in the hospital as outdoor patient. The applicant was required to obtain a certificate from C.M.O. from the District hospital in proper form, otherwise disciplinary action was to be taken under C.C.S(C.C.A) Rules and submit the same within 15 days. The applicant received the letter on 29.8.88 and submitted a reply stating thereto that in case such a certificate is required the proforma may be sent to enable him to comply with the said



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ALS

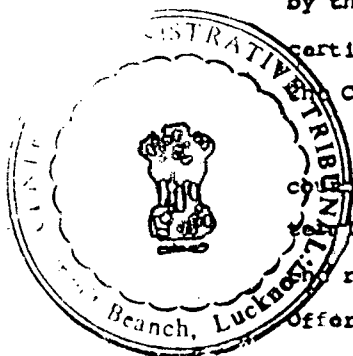
requirement. The respondent No. 1 has stated that a specimen copy of the proforma medical certificate was sent on 12.10.88 and the applicant was advised to obtain medical certificate from C.M.O. from Lucknow and he was also advised to obtain a certificate regarding information completion of computer course. He was also advised to give a declaration that he was not doing any course and without written permission he cannot pursue any type of studies.

It appears that even though such letters were sent a memo was sent on 6.10.88 stating that as required the medical certificate in proforma has not been received and office will proceed with the disciplinary action. On 25.10.88 the applicant submitted the information which he says was required from him after checking the record the copy of the certificate already submitted. The applicant was again hospitalised on that very date and was discharged on 7.11.88 and was advised to take rest for 6 weeks. After obtaining the required certificate from C.M.O. Lucknow, he submitted on 15.11.88, he submitted the same on 16.11.88. As per allegation the applicant was discharged on 7.11.88 and was given the outdoor for checkup and he accordingly visited the hospital on 17.11.88, 29.11.88 and again on 8.12.88 and thereafter again on 17.12.1988. During this period he was served with the termination notice dated 24.12.88 mentioning therein that he was not entitled for any pay and allowances for the period of notice. The applicant submitted an appeal /a review application against the termination order to the Chief Engineer, North Zone, New Delhi who is the Head of Department and appointing authority but he was advised that he should



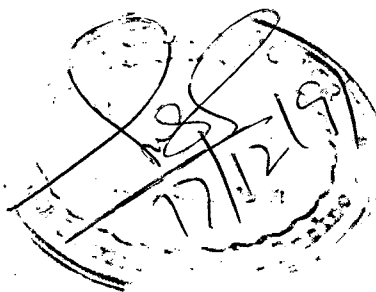
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A16

takeup the matter with the respondent No. 1 vide letter dated 29.7.89 received on 8.8.89. The applicant requested respondent No. 1 to intimate order received by respondent No. 3 and 4 and on 21.10.89 the respondent No. 1 communicated the gist of the order said to have been passed and as per allegation his representation dated 9.1.91 was not considered but the one which was sent on 18.9.89 was considered. In the counter affidavit by respondent 1 it has been stated that no study leave was granted to the applicant and only condition on ECL sanctioned which was sanctioned on 31.8.88, the intimation of which was given to the applicant verbally. In response to this cancellation he applied for leave with the condition that he will resume duty on 6.9.88 and it was Station Director appointing authority and Chief Engineer was the recruiting authority. It has also been stated by the affidavit that the applicant had obtained the certificate from a Consultant physician and not from C.D.O. who is the competent authority.



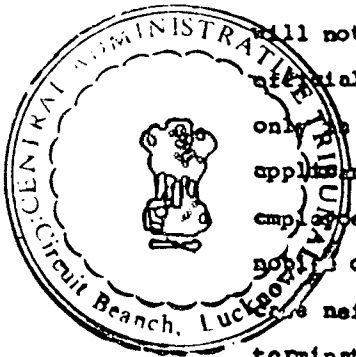
The question that has been conveyed by the learned counsel for the applicant that his service could have been terminated only by the appointing authority and not by respondent No. 1 who was not his appointing authority.

Offer of appointment to the applicant was given by the Chief Engineer Northern Zone, All India Radio and in pursuance of the same the applicant was posted at Door-darshan Kendra Jalandhar where he joined. The applicant was transferred under the orders of Chief Engineer, Northern Zone, Almora on his representation which was one of the Station in the northern zone like Jalandhar. The applicant has also filed document indicating that for

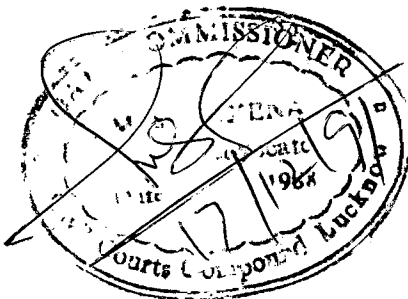


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such post advertisement was subsequently issued by the Chief Engineer, Northern Zone. These facts indicate that it was the Chief Engineer who was the appointing authority. The Station Director All India Radio who transferred the applicant, could not be the appointing authority and consequently the termination order has been passed by the authority who is lower than the appointing authority and the termination order is liable to be quashed on this ground alone. Even the version of the respondent No. 1 that the leave was cancelled orally which was granted in writing obviously, is not correct, although the respondent No. 1 has vaguely asserted this fact but it is regrettable that an officer will not come to the extent of saying such thing. An official order which is passed in writing can be cancelled only in writing and not orally. It is true that the applicant was on probation and he was a temporary employee, he was governed under C.C.S. rules under which notice or salary in lieu thereof is given. In the instant case neither notice, nor salary was given and thus the termination order is violative of the C.C.S. rules. A reference may be made to the case of Karam Gupta vs. Haryana State Small Industries (1986) 3 SCC 506 in which the facts stated above will indicate that the order of termination was passed as a result of annoyance or by way of punishment. Medical certificate was demanded by the respondent No. 1 in the prescribed proforma and the prescribed proforma was despatched from the office on 12.10.88 which was received by the applicant on 21.10.88 and even prior to the sending of the proforma and even before that the respondent No. 1 vide his



which case the termination order was held invalid as no notice or salary in lieu thereof was given.



AIB 16

letter dated 6.10.88 threatened that in case a medical certificate in prescribed form will not be rxn received on due date the disciplinary proceedings against the applicant will be taken. The facts indicated above show that instead of taking disciplinary action it was the penal action taken against the applicant. Undoubtedly probationer's services can be terminated without assigning any reason, no such order can be arbitrarily passed as an arbitrary order is violative of Article 311 of the Constitution of India. In the instant case it has not been stated that post has been abolished but the applicant has proceeded on leave and without enquiry his services were terminated. The termination order being penal in nature and without giving an opportunity of hearing is violative of Article 311 of the Constitution of India. The termination order dated 24.12.88 is quashed and the application is allowed. The applicant will be deemed in service from the date of termination with all consequential benefits. No order as to costs.



A.M.

V.C.

Shakeel/

Lucknow Dt. 5.7.91.

Attested  
True copy  
Section Officer 9/7/91  
Control Administrative Tribunal  
Circuit Bench  
LUCKNOW

C.T.C.

9/7/91

Photo  
True copy

17/12/91

LETTER NO. 100/1  
PERSONNEL SECTION  
TELETYPE ENGINEER A I F  
AIRMOB  
DATE 15-10-91

Annexure

A/2

A/9

17/11

Sms: 40 JNELL  
STAMP AFFIXED Rs. 3.00

STATION ENGINEER  
AIR ALMORA

SUB: D.A CASE NO. 130(L) 90 DEEPAK KUMAR Vs STATION  
DIRECTOR AIR ALMORA AND OTHERS DECIDED ON 5-7-91  
BY C.A.T ALLHABAD CIRCUIT BENCH LUCKNOW.

Sir,

As my services were terminated when I was on E.O.L  
by Station Director AIR Almora against the order  
of termination the aforesaid petition was filed.  
The Administrative Tribunal allowed the petition  
and termination order dated 24-12-88 has been  
quashed and petition was allowed and it was also  
ordered that applicant will be deemed to be in  
services from the date of termination with all  
consequential benefits. I am enclosing a true  
photocopy of the certified copy recieved by me  
from the Administrative Tribunal on 9-7-91.

It is therefore requested that neccessary  
order reinstating me in service with all  
consequential benefits be allowed at an early date  
by issuing a posting order. I shall be personally  
obllicted.

Thanking you

Yours faithfully

D.A : True photocopy of  
certified copy of  
judgement of 5-7-91.

15/11/91  
DEEPAK KUMAR  
E.A

18, DEEN DAYAL ROAD  
ASHERFABAD  
LUCKNOW 226003

True Photocopy.  
15/11/91



LUCKNOW G.P.O.  
REG. NO 8317 / 25743096  
TO: D E ASKASHVANI AND DOOR  
N DELHI  
DATE : 15-07-91

Part 4  
Annexure A/2  
17/2 AWO

Gms: 30 /NULL  
STAMP AFFIXED Rs. 8.00

To  
DIRECTOR ENGINEER  
AKASHVANI & DOOR DARSHAN  
JAMNAGAR HOUSE,  
SHAHJAHAN ROAD  
NEW DELHI 110011

SUB: D.A CASE NO. 130(L) 90 DEEPAK KUMAR Vs STATION  
DIRECTOR AIR ALMORA AND OTHERS DECIDED ON 5-7-91  
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As my services were terminated when I was on E.O.L  
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It is therefore requested that neccassary  
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by issuing a posting order. I shall be personally  
obliged.

Thanking you

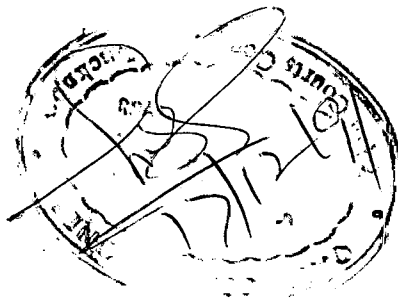
Yours faithfully

D.A : True photocopy of  
certified copy of  
judgement of 5-7-91.

15/7/91  
DEEPAK KUMAR  
E.A

18, DEEN DAYAL ROAD  
ASHERFABAD  
LUCKNOW 226003

True photocopy  
1-1



LUCKNOW S.F.O.  
REGD. NO. 8012 / 25749086  
TOWN H. ANSHVANI AND DOOR  
N DELHI  
DATE 15-07-91

Part of  
Annexure  
A/2  
17/3  
A21

Gms: 30 /NULL  
STAMP AFFIXED Rs. 8.00

To,  
CHIEF ENGINEER  
(NORTH ZONE)  
AKASHVANI & DOOR DARSHAN  
JAMNAGAR HOUSE,  
SHAHJAHAN ROAD  
NEW DELHI 110011

SUB: O.A CASE NO. 130(L) 90 DEEPAK KUMAR Vs STATION  
DIRECTOR AIR ALMORA AND OTHERS DECIDED ON 5-7-91  
BY C.A.T ALLHABAD CIRCUIT BENCH LUCKNOW.

Sir,

As my services were terminated when I was on E.O.L  
by Station Director AIR Almora against the order  
of termination the aforesaid petition was filed.  
The Administrative Tribunal allowed the petition  
and termination order dated 24-12-88 has been  
quashed and petition was allowed and it was also  
ordered that applicant will be deemed to be in  
services from the date of termination with all  
consiquential benefits. I am enclosing a true  
photocopy of the certified copy recieved by me  
from the Administrative Tribunal on 9-7-91.

It is therefore requested that neccassary  
order reinstating me in service with all  
consiquential benefits be allowed at an early date  
by issuing a posting order. I shall be personally  
obliliged.

Thanking you

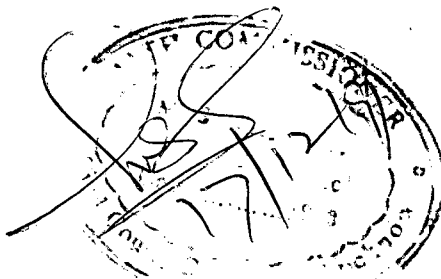
Yours faithfully

D.A : True photocopy of  
certified copy of  
judgement of 5-7-91.

15/7/91  
DEEPAK KUMAR  
E.A

18, DEEN DAYAL ROAD  
ASHERFABAD  
LUCKNOW 226003

true photocopy  
1-0





LUCKNOW S.P.O.  
REGD. NO. 115 / 1974-1975  
TO: STATION DIRECTOR AIR A  
ALMORA  
DATE: 15-07-91

Part of Answer  
A12  
17/4/91

Page: 00 / NULL  
STAMP AFFIXED At: 8.00

To,  
STATION DIRECTOR  
AIR ALMORA

SUB: O.A CASE NO. 130(L) 90 DEEPAK KUMAR Vs STATION  
DIRECTOR AIR ALMORA AND OTHERS DECIDED ON 5-7-91  
BY C.A.T ALLHABAD CIRCUIT BENCH LUCKNOW.

Sir,

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by Station Director AIR Almora against the order  
of termination the aforesaid petition was filed.  
The Administrative Tribunal allowed the petition  
and termination order dated 24-12-88 has been  
quashed and petition was allowed and it was also  
ordered that applicant will be deemed to be in  
services from the date of termination with all  
consiquential benefits. I am enclosing a true  
photocopy of the certified copy recieved by me  
from the Administrative Tribunal on 9-7-91.

It is therefore requested that neccassary  
order reinstating me in service with all  
consiquential benefits be allowed at an early date  
by issuing a posting order. I shall be personally  
obliliged.

Thanking you

Yours faithfully

D.A : True photocopy of  
certified copy of  
judgement of 5-7-91.

15/7/91  
DEEPAK KUMAR  
E.A

18, DEEN DAYAL ROAD  
ASHERFABAD  
LUCKNOW 226003

true photocopy  
15/7/91



To,

THE STATION ENGINEER

ALL INDIA RADIO

ALMORA.

SUB: JOINING IN PURSUENCE TO CAT ORDER DATED  
517191 IN PETITION 130(4)-90 DEEPAK KUMAR  
Vs STATION DIRECTOR & OTHERS.

Sir,

On receiving the certified copy of the order  
in the aforesaid case, I sent you a true photo - static  
copy of the certified copy for perusal by  
registered post on 16/7/91 for issuing the  
joining order to me and also to make all  
the payments as ordered by the Tribunal.

As no reply was received so far,  
hence I am giving my joining in pursuence  
to the CAT order dated 517191. Kindly do the  
needfull at the earliest.

Thanking you.

Yours faithfully.

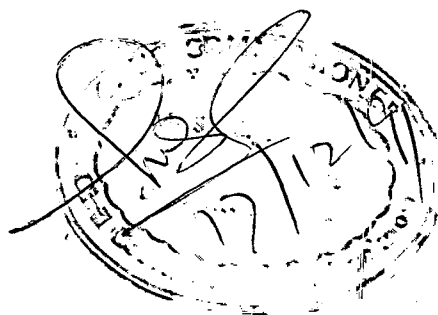
DATE - 24/7/91

PLACE - ALMORA.

pt-  
24.7.91

True photocopy.  
/

24/7/91  
(DEEPAK KUMAR)  
E.A.



To

The Chief Engineer ( N. Zone ),  
Akashwani & Doordarshan,  
Jamnagar House,  
Shahjahan Road,  
NEW DELHI.

Sub : Joining in response to CAT order dated  
5.7.1991 in petition No. 130(L)/90 - Deepak  
Kumar Vs. Station Director & others.

Sir,

On receiving the certified copy of the  
order in the aforesaid case, I sent you a true  
photostat copy of the certified copy for perusal by  
registered post on 16.7.1991 for issuing the joining  
order to me and also to make all the payments as  
ordered by the Tribunal.

I may also bring to your kind notice that  
the special education leave granted to me was <sup>utilized</sup> awarded  
for the purpose of completing POST GRADUATE DIPLOMA  
IN COMPUTER APPLICATION and in which I passed my  
examination with 84 % having been First in the merit  
list which can be an asset to the Department.

As no reply was received so far, hence I  
am coming in person in pursuance to the CAT order  
dated 5.7.1991.

Kindly do the needful at the earliest.

Thanking you,

Yours faithfully,

Dated: 12/8/91

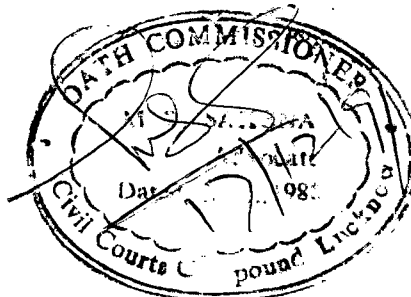
Place : NEW DELHI

( DEEPAK KUMAR )

G. A

18, DIN DAYAL ROAD  
ASHOK PABITRA  
LUCKNOW - 226003.

True photocopy



12/8/91  
M. 1979  
PA to DE (1991)

Station Director,  
All India Radio,  
Almora.

Sir,

Sub: Joining in pursuance to CAT order dated 05-7-91  
in petition No. 130(L)-90 Deepak Kumar Vs.  
Station Director and others.

In pursuance to the above order, I sent a copy of the Judgment on 16-7-91 when nothing was heard from you then I reported for duty on 24-07-91 (F.N.). I was not allowed to join by you on the ground of absence of the Chief Engineer's (NZ) directions and was verbally asked to contact Chief Engineer (NZ) New Delhi for orders. Accordingly I met personally with the Chief Engineer/ Director Engineering on 12-08-91. They verbally told me that all decisions are to be taken by Station Director, A.I.R., Almora which has been confirmed in writing by them vide letter no. B-17/13/DK/90-EPC dated 19.8.91. An electrostat copy of the same is enclosed for your information and necessary action at the earliest as more than 1½ month has already passed away.

It is requested to kindly intimate me as to on what date I am to report for duty at Almora.

Thanking you.

Yours faithfully,

D.A. : One.

( Deepak Kumar )  
E.A.

Copy to : Chief Engineer (N.Z.), Akashvani & Doordarshan,  
Jamnagar House, Shahjahan Road, New Delhi, in  
reference to his letter no. B-17/13/DK/90 EPC  
dated 14/16-8-91 for information and necessary  
action please.

Dated: 20.8.1991

( Deepak Kumar )  
E.A.

18, Din Dayal Road,  
Asharfabad,  
Lucknow - 226003.

U.P.C



ONE PACKET

to

CHIEF ENGINEER (N.Z.)

AKASHVANI & DOORDARSHAN

JAMNAGAR HOUSE,

SHAHJAHAN ROAD

NEW DELHI - 110011.

बोमा नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य  
Amount of Stamps affixed

एक रजिस्ट्री

Received a Registered

पानेवाले का नाम

Addressed to

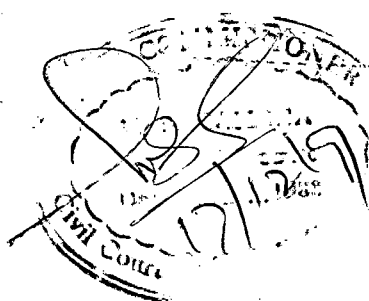
चानक/No.

1418

तारीख माहिर  
Date Stamp

पानेवाले का हस्ताक्षर  
Signature of Receiving Officer

True photocopy



FORM 1

APPLICATION UNDER SECTION 17 OF THE ADMINISTRATIVE  
TRIBUNAL ACT  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALHABAD  
(CIRCUIT BENCH)  
LUCKNOW BENCH LUCKNOW  
CONTEMPT CASE NO. (MP) OF 1991  
In re  
O. A. NO. 130/90 (L)



Deepak Kumar.

.....Petitioner.

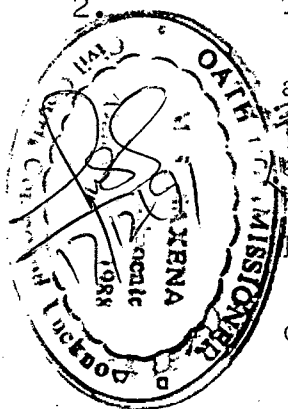
V

Sri B.B. Pandey, Station Director, All India Radio, Almorah, &  
others. ....Opposite Parties.

AFFIDAVIT

I, Sri Deepak Kumar aged about 27 years son of  
Sri B.B. Saxena, resident of 18, Deen Dayal Road, Asharfabad,  
Lucknow, do hereby solemnly affirm and state on oath as under:

1. That the Deponent is the Petitioner himself in the  
above noted case and, as such, he is fully well  
conversant with the facts of the case.
2. That the contents of paras 1 to 5 (x) of the  
accompanying Petition are true to my own knowledge on the  
basis of documents and those of contents of paras from A to C of the  
Petition are believed by me to be true on the basis  
of legal advice.



23  
A27

3. That the Annexure No. A/1 to A/5 are the true photocopies of the copies which are in possession of the Deponent.

Lucknow:

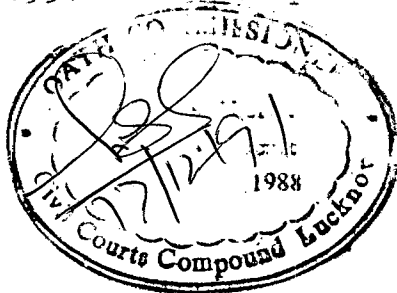
Dated: 17-12-91

(DEPONENT)

VERIFICATION

I, the above named Deponent do hereby verify that the contents of paras 1 to 3 of this Affidavit are true to my own knowledge and no part of it has been concealed so far. So help me God.

Signed and verified on this 17th day of December, 1991 in the compound of High Court, Lucknow.



(DEPONENT)

I identify the Deponent who has signed before me.

deponent appeared before me in office to get  
by Sri D. P. Singh  
is identified by Shri...  
to Shri...  
I have satisfied myself by examining the  
deponent that he understands the contents of  
his affidavit which has been read out and  
retained by me. fee charged Rs. 150/-

(AKHILESH SAHAI)  
(ADVOCATE)

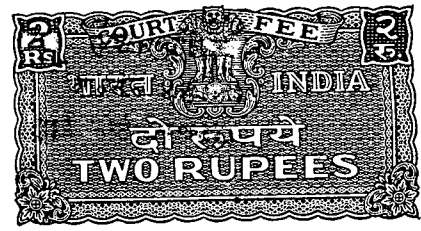
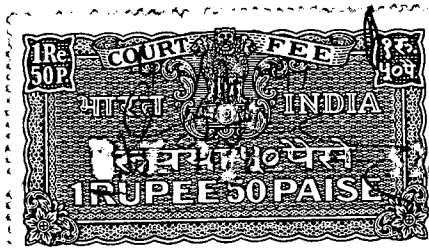
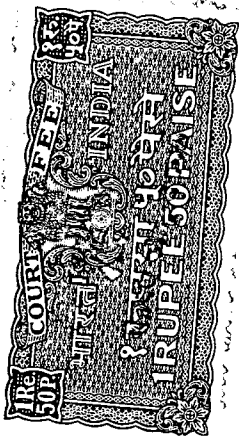
Cath. Commissioner.

ब अदालत श्रीमान  
( वादो अपीलान्ट )  
प्रतिवादी-रेस्पाडेन्ट

महोदय

ACE

श्री Deepak Kumar का बकालतनामा



वादो (अपीलान्ट)

Deepak Kumar

वनाम Sri B. Pandey

(प्रतिवादी रेस्पाडेन्ट)

सं० मुकद्दमा

सम्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Achillesh Sahai

Advocate

वकील

व

महोदय

एडवोकेट

नाम अदालत  
मुकद्दमा नं०  
नाम फरीकन

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 पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटाव या हमारी ओर से डिमरी 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 करे मुकद्दमा उठावे या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसफी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह बकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर

DEEPAK KUMAR

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

19

महीना

सन् १९१६

एडवोकेट

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BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

Contempt Petition No.47 of 1991(L)

in re: OA No.130/90(L)

Deepak Kumar

.. Petitioner

-versus-

B.B. Pandey and others

.. Opposite parties

APPLICATION FOR DROPPING THE CONTEMPT PROCEEDINGS

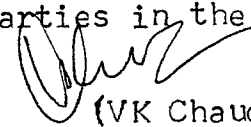
F1  
1/15

The Opposite parties most humbly submit as  
under:-

For the facts, reasons and circumstances  
stated in the ~~xxx~~ accompanying affidavit, it is  
expedient in the interest of justice that the  
Contempt proceedings in the above mentioned case  
may very kindly be dropped against the opposite  
parties.

P R A Y E R.

Wherefore it is most humbly prayed  
that this Hon'ble Court may be pleased to  
drop the contempt proceedings in the above mentioned  
case against the opposite parties in the ends of justice.

  
(VK Chaudhari)  
Addl. Standing Counsel for Central Govt  
(Counsel for the Opp. parties)

Lucknow,

Dated: | April 1992.



Hb

Before the Hon'ble Central Administrative Tribunal,  
Lucknow Bench.

Contempt Pet.No.47 of 1991(L).

In re:

O.A.No.130-90 (L).

--

Deepak Kumar.

-----Petitioner

Versus

B.B.Pandey and others.

-----Opp-parties

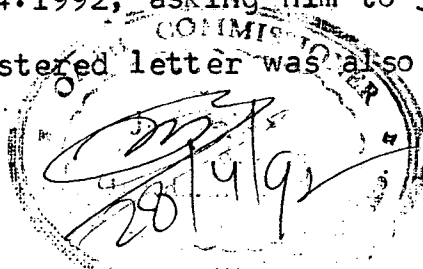
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Counter Affidavit on behalf of  
Opposite Party No.2.

I, K.K.Sharma, aged about 52 years, son of  
Sri Sant Ram, at present posted as Station Engineer,  
All India Radio, Centre Almora, do hereby solemnly  
affirm and state as under :-

1. That the deponent is opposite party No.2  
in the above proceedings and is well conversant  
with the facts of the case.

2. That the opposite parties are ready to  
reinstate the petitioner in compliance of the  
judgment of this Hon'ble Tribunal. In this regard  
an Express Telegram has sent to the petitioner  
on 16.4.1992, asking him to join duties immediately.  
A registered letter was also sent to the petitioner



in this regard. True copy of the office copy of the said Telegram is being enclosed herewith as Annexure No.C-1 to this affidavit.

3. That as soon as the petitioner reports for duty he will be given charge of the post and other consequential benefits will be given thereafter within reasonable time in accordance with Rules.

4. That the petitioner has not allowed to join duties earlier because of the fact that it has proposed to file an special leave petition against the judgment of this Hon'ble C.A.T. and in this regard necessary approval was being taken from the authorities.

5. That however in the meantime the deponent was continuously making efforts for getting the orders of this Hon'ble C.A.T. implemented. In this regard, he issued letter dated 15.10.1991, 30.10.1991, 15.11.1991, 15.2.1992 and 24.3.1992. True copies of the aforesaid letters are being enclosed as Annexures No.C-2 to C-6 to this counter affidavit.

6. That from the perusal of the above enclosed letters, it would be clear that the deponent was himself was very keen in implementing the orders of this Hon'ble C.A.T. but it could not be implemented as matter regarding filing S.L.P. was under consideration.

Kishan Kumar

20/4/92

JOINT COMMISSIONER

7. That the deponent and other opposite parties are law abiding citizens having full faith in judicial system. They never even dreamt for disobeying the orders of this Hon'ble C.A.T.

8. That the delay in implementing the judgment is highly regretted and the opposite parties tenders unconditional apology for the same and leaves themselves on the mercy of this Hon'ble Tribunal.

9. That it is, therefore, expedient in the interest of justice that the Contempt proceedings may very kindly be dropped against the opposite party.

Lucknow, dated,  
28.4.1992

*Musham Khan*  
Deponent.

Verification.

I, the deponent abovenamed do hereby verify that the contents of paras 1 to 8 of this affidavit are true to my own knowledge <sup>and those of para 9 are believed to be true</sup> and no part of it is false and nothing material has been concealed so help me God.

Signed and verified this 28<sup>th</sup> day of April, 1992  
at Lucknow.

*Musham Khan*  
Deponent.

I identify the deponent who has signed before me.

*K.K. Sharma*

Advocate.

*28/4/92*  
28/4/92

4  
A33

Annexure C-1

C-1

STATE

EXPRESS Issued

TELEGRAM

SHRI DEEPAK KUMAR,  
ENGINEERING ASSISTANT,  
18-DEENDAYAL ROAD,  
ASHARFABAD, LUCKNOW.

Issued/निगमित

JOIN DUTY IMMEDIATELY (.)

AKASHVANI

Not to be telegraphed:—

NO: ALM-1(6)/91-S/

Dated:- 16-4-92

(KRISHAN KUMAR)  
STATION ENGINEER

GOVERNMENT OF INDIA  
ALL INDIA RADIO: ALMORA

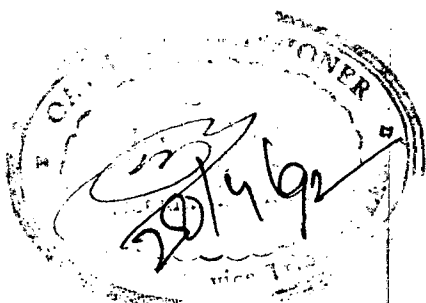
NO: ALM-1(6)/91-S/914 15.16

Dated:- 16-4-92

Post copy in confirmation to:-

- 1) Shri Deepak Kumar, Engineering Asstt. 18-Deendayal Narg, Asharfabad, Lucknow for kind information & necessary action.
- 2) The Chief Engineer (Sh. P.V.Isaac, DDE, by name), (NZ), Jannagar House, Shahajahan Road, New Delhi w.r. to your post copy no. B-17/13/DK/90-91/EPC dated 10-4-92 & for kind information.
- 3) The Director General (Shri P.K.Verma, DDA(E), by name), All India Radio, Akashvani Bhavan, Sansad Marg, New Delhi for kind information.

Krishan Kumar



Krishan Kumar  
Station Engineer

Annexure - C-2  
C-2

5  
✓  
RBY  
Regd.

GOVERNMENT OF INDIA  
ALL INDIA RADIO:ALMORA

No. Alm.1(6)/91-S/

Dated: 15.10.91

The Director General  
(Sh. Laxmi Narain, DDA by Name),  
All India Radio,  
Sansad Marg,  
New Delhi-110001

Issued

Subject: Legal opinion in OA No. 150 of 90(L) filed by  
Sh. Deepak Kumar before CAT Lucknow.

Referenc: This office Telegram No. Alm.1(6)/91-S/2902 dt  
9.9.91 & your letter no. D-17/15/DK/90/EP1/  
dt. 26.8.91.

Sir,

Kindly refer to this office telegram & letters mention  
above. 90 Days for CAT case in favour of Sh. Deepak Kumar have  
been passed on 4.10.91. SLP permission has not been received  
so far this station has no other alternative except to ask Sh.  
Deepak Kumar EA, to join his duty again you are requested to  
kindly give further instructions in this case at the earliest.

Yours faithfully

( K. K. SHARMA )

STATION ENGINEER

Copy to,

The Chief engineer (NZ), (Sh. Ayodhya prasad, B.E. by  
Name), All India Radio & Doordarshan Jannagar house,  
Shah Jahan Road, New Delhi-110001 with the request to  
send further instructions in this regard that this office  
has not been received any permission from D.G. office  
within the period of 90 days from the dt. of CAT case  
decisions dt. 5.7.91.

Kushan Kumar

Kushan Kumar  
20/10/91  
STATION ENGINEER  
19

6  
A35

Annexure C-3

C-3

11/11/91

भारत सरकार  
कार्यालय: मुख्य अभियन्ता ३०६०॥  
आकाशवाणी एवं दूरदर्शन

जामनगर हाउस, शाहजहाँ रोड  
नई दिल्ली-110011.

क्र० : ए-19/16॥2॥सी/91-ईपीसी

दिनांक 30.10.91

श्री के.के. शर्मा  
केन्द्र अभियन्ता  
आकाशवाणी  
अल्मोड़ा

विषय : दीपक कुमार द्वारा लखनऊ "सी.ए.टी." में ओ.ए.न० 90॥एल॥ के 130 के  
अन्तर्गत कानूनी सलाह हेतु मुकदमा दर्ज

संदर्भ : आपके कार्यालय की तार संख्या अल्मोड़ा 1॥6॥/91-एत/2902, दिनांक 9.9.91  
एवं हमारे कार्यालय के पत्र संख्या बी-17/13/डीके/90॥ईपीसी, दिनांक 26.8.91

अण्डके कार्यालय के पत्र संख्या अल्मोड़ा 1॥6॥/91-एत, दिनांक 15.10.91  
को कि महानिदेशालय को लिखा जा चुका है और उस पत्र की प्रतिलिपि इस कार्यालय  
को दी गई है। उसके संदर्भ में मुझे कहना है कि आप महानिदेशालय के निर्देशानुसार  
आगे की कार्रवाई करें।

संलग्न : उपरोक्त पत्र

अभिमान प्रम  
॥अयोध्या प्रसाद॥  
निदेशक ॥अभि०॥

प्रतिलिपि प्रेषित :-

1. महानिदेशालय आकाशवाणी ॥नामत: श्री लक्ष्मी नारायण, उपनिदेशक ॥प्रशा०॥  
आकाशवाणी भवन, संतद मार्ग, नई दिल्ली। इस अग्रपत्र अनुरोध के साथ कि  
महानिदेशालय अपने निर्णय से आकाशवाणी अल्मोड़ा को अवगत कराएं।

कृते मुख्य अभियन्ता ३०६०॥

7  
A36

SEAM 26/171

Annexure C-4

C-4

पंजीकृत

भारत सरकार  
आकाशवाणी: अल्मोड़ा

Issued/निगमित

पत्रांक: अल्मोड़ा-1868/91-एत/3584 दिनांक: 15.11.91

दिनांक: 15.11.91

महानिदेशक,

नाम से श्री लक्ष्मी नारायण, उपनिदेशक १ प्रशां०१,  
आकाशवाणी मधुन,  
सतद मार्ग, नई दिल्ली,

विषय: दीपक कुमार द्वारा लखनऊ "सो. ए. टी." में ऑ. ए. न. 90  
लस० के 130 के अन्तर्गत कानूनी सहाह हेतु मुकदमा दर्ज।

संदर्भ:-

इस कार्यालय के तार सं. अल्मोड़ा-1868/91/एत/2902 दिनांक:  
9.9.91 एवं मधुन १३०१, आकाशवाणी एवं दूरदर्शन दिल्ली  
पत्रांक सं. बी-17/13/डी. के/90/ई. पी. टी. दिनांक: 26.8.91  
और ए-19/1682/सी./91-ई. पी. टी. दिनांक: 30.10.91.

श्रीमान जी,

इस कार्यालय के तार सं. अल्मोड़ा-1868/91/एत/3584 दिनांक 15.10-  
91 एवं ए-19/1682/सी./91-ई. पी. टी. दिनांक 30.10.91 के उपरोक्त विषय  
से सम्बन्धित संदर्भ में अतिशोध निर्णय लेने की कृपा की जाये, क्योंकि के. प्र. अ. द्वारा  
दो मई 90 दिन की सीमा व्यतीत हो चुकी है। एवं इस कार्यालय के समक्ष  
श्री दीपक कुमार, अभियान्त्रिकी सहायक को बदल पुनः तमासोजित करने के  
तिवाय कोई दूसरा रास्ता नहीं है।

अतः आपसे नम्र निवेदन है कि उपरोक्त पर तत्काल कार्यवाही की जाये।

भवदीय,

१ के० के० शर्मा १  
केन्द्र अभियन्ता

Uashram 11/11/91 प्रतिलिपि:

मुख्य अभियन्ता १ उ. क्षे. १, आकाशवाणी एवं दूरदर्शन, जामनगर  
मिवात, शाहजहाँ मार्ग, नई दिल्ली को उनके सं. ए-19/1682/सी./91-ई.  
पी. टी./ दिनांक: 30.10.91 के संदर्भ में आवश्यक कार्यवाही हेतु प्रेषित।

दीपक कुमार

केन्द्र अभियन्ता

10/11/91

8  
137

Annexure C-5  
C-5

भारत सरकार  
आकाशवाणी : प्रलोड्डा  
=====

प्रतीक

पत्रांक: प्रलोड्डा 0-166/91-एम/

दिनांक: 15.2.92

प्रतिनिदेशक,  
नाम मे: श्री लक्ष्मी नारायण, उपनिदेशक प्रजा. प्र.  
आकाशवाणी भवन,  
रीसद मार्ग,  
नई दिल्ली.

विषय: दीपक कुमार द्वारा लखनऊ सी.ए.टी. में प्रो.ए.नं. 90  
1992 के 120 के अन्तर्गत कानूनी सलाह हेतु मुकदमा दर्ज ।

प्रति,  
इस कार्यालय के द्वारे सं० प्रलोड्डा 0-166/91-एम/3584 दिनांक:-  
15.10.91 एवं ए.-19/166/2/91-ई.पी.सी. दिनांक 30.10.91 तथा  
पत्रांक: दिनांक 15.11.91 जो उपरोक्त विषय पर है का अवलोकन करें ।  
वांछित सूचना अभी तक इस कार्यालय को प्राप्त नहीं हुई है, कृपया निर्णय  
ले प्रजिलन्ध्र प्रवक्ता कराने का कष्ट करें ताकि अग्रिम कार्यवाही की जा सके ।

कृपया उसे भी सूचित करें ।

भवदीय,

के.के. शर्मा  
केन्द्र: अभियन्ता

Muslim Khan  
प्रतिलिपि :-

मुख्य अभियन्ता 300509 आकाशवाणी एवं दूरदर्शन, जामनगर  
कोटा, ग्राहकेंद्र मार्ग, नई दिल्ली को इस कार्यालय पत्रांक यही दिनांक:-  
15.11.92 के अन्तर्ग में आवश्यक कार्यवाही हेतु प्रेषित ।

20/4/92

कुलदीप कुमार  
केन्द्र: अभियन्ता



9  
A38

*Annexure C-6*

Issued/14/1/92 *C-6*

REGD.

GOVERNMENT OF INDIA  
ALL INDIA RADIO: ALMORA

No. Alme1/6/91-S/6147 to 6200 Dated: 24.8.92

The Director General,  
( By Name Sh. Laxmi Narain , DDA)  
Akashvani Bhawan,  
Parliament Street,  
New Delhi.

Sub:- Forwarding of the details of the case filed by  
Shri Deepak Kumar, in CAT.

Sir,

Kindly refer Dte. U.G. No.64/CAT/92-SII dt. 25.2.92  
retarding case filed by Sh. Deepak Kumar in CAT under OA No.90  
from Lko. In this connection , It is to inform you that all  
the concerning papers regarding the case in r/e Sh. Deepak Kumar  
are being sent to you for your further necessary action .

An early reply in the matter is requested so that the  
action can be taken by this office accordingly .

YOURS FAITHFULL

*Encl:- As above*

( K.K. SHARMA )  
STATION ENGINEER

Copy to:

1. Chief Engineer, All India Radio & Doordarsan , Jannagar  
House , New Delhi for kind information.
2. P.M. to S.D. AIR, Almora.
3. P.A. to S.E. AIR, Almora.

*Ullas*  
STATION ENGINEER

*20/4/92*  
*18/1/92*

बअदालत श्रीमान

वादी (मुद्दै)

मुद्दै (मुद्दालेह)

CAT. The Bench Vis

K.K. Shetty

का

वकालतनामा

महोदय

139

Dashale Kumar

वादी/अपीलकर्ता

बनाम

B.B. Pandey & Son

Content/Care :- 47 of 1991 (C)

प्रतिवादी/रेस्पान्डेंट

न० मुकद्दमा

सन १६

Fixed for 27.4.92

ऊपर लिखे मुकद्दमें मैं अपनी ओर से श्री वी० के० चौधरी, एडवोकेट, हाईकोर्ट

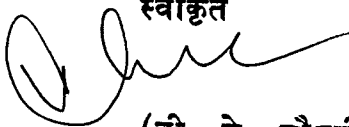
१४/६२६ बरफखाना, नई बस्ती, उदयगंज, लखनऊ

टेलीफोन नं० २३४६८६,

चै० नं० ५, हाई कोर्ट-टेलीफोन २४०६०७

को अपना वकील नियुक्त करके [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 डिक्री 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 तस्वीक 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 पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा। अगर मुकद्दमा अदम पैरवी में एकतरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

स्वीकृत



(वी० के० चौधरी)

एडवोकेट

हस्ताक्षर

Krishan Kumar

केंद्र अभियन्ता,

Station Engineer,

आकाशवाणी, अलमोरा

All India Radio, Almora - 24501

साक्षी [गवाह]

साक्षी [गवाह]

दिनांक

महीना

सन् १६ ई०

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH : LUCKNOW.

. Opp. Residency, Gandhi Bhavan, Lucknow.

No./CAT/CB/LKO/JUDL

517/8520

Date-

18/3

CONTEMPT NO.

47

OF 1991(L)

NOTICE OF CONTEMPT

To,

Ayodhya Prasad Director Engineer North Zone

Now Delhi

Whereas information is laid/a petition is filed/motion made by Deepak Kumar that you have not complied the order of this Honble Court dt. 5-7-91 Passed on 13/9/91

And whereas a petition has been registered against you for action being taken under the contempt of Courts Act, 1971.

You are hereby required to appear in person or through a duly authorised advocate on 27 day of 4/92 at CAT LKO Bench and on subsequent dates to which the proceedings may be adjourned unless otherwise ordered by the Tribunal and show cause why such action as is deemed fit under the Contempt of Courts Act, 1971 should not be taken against you.

Given under my hand and the seal of this Tribunal, this 17 day of 3/92

Deputy Registrar  
Central Administrative Tribunal.

MANISH/

Encl

A Copy of Court's order  
Passed there on

with petition

03/03/92

47

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW-BENCH, LUCKNOW.

C.P.NO. 47/91 (L)

M.R.NO. 47(C) 1991 (L)

OR 130/90

Deepak Kumar .....

Applicant.

-VS-

B.B. Pandey. ....

Respondents.

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

Hon'ble Mr. A.B.Gorthi, A.M.

Issue notice to show cause as to <sup>why</sup> the proceedings of contempt of court be not initiated for not complying the Order dated 5.7.91 passed in O.A. No. 130/90 filed by the applicant by which termination over order was <sup>granted</sup> and it was directed that the applicant be deemed in service with all consequential benefit. It will be open for the respondents to appear personally or through some advocate. The question of personal appearance will be considered on next date. <sup>27-9-91</sup>

Sd/-  
A.M.

Sd/-  
V.C.

// True copy //

12/3/92  
Deputy Registrar  
Central Administrative Tribunal  
Lucknow Bench,  
Lucknow

Central Administrative Tribunal

Lucknow Bench

Contempt Petition No. 47 Of 1991(L)

Deepak Kumar

.....

Applicant.

-Vs-

B.B. Panday Station Director, ..... Respondents.

1.5.92

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

Hon'ble Mr. A.B. Gorthi -A.M.

Counter has been filed today, in para 3 of the counter which it has been stated that as soon as the petition reports for duty, he will be given change of the post and other consequential benefits within a reasonable time. In view of the above if the applicant has not reported he will report for duty within 15 days. However, it will be open for the applicant to approach Tribunal again in case there is any violation of the statement by the respondents in para 3 of the counter in carrying out the same.

Application is dismissed.

Sd/

A.M.

Sd/

V.C.

// True Copy  
Deputy Registrar  
Central Administrative Tribunal  
Lucknow Bench,  
Lucknow

## FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ~~luck now~~ BENCH

QATTA/RA/CP/MA/PT ... 62/93 ... of 20 ... in OA 139/90

Deekak Kumar

Applicant(S)

Versus

Dr. K. K. Sharma

Respondent(S)

## INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1 -	Order sheets.	A1 to A8.
2 -	judgment order dt. 20.4.99	A9 to A10.
3 -	copy of Petition/Annexure.	A11 to A34
4 -	Counter affidavit	A35 to A43
5 -	Power, Notice, Vakalatnama	A44 to A47.
6 -	affidavit O.P. No 1, 2.	A48 to A52.
7 -	Counter affidavit	A53 to A61
8 -	Vakalatnama / Relat. O.P. No. 36A	A62 to A67.
9 -	Rejoinder affidavit	A68 to A79
10 -	Suppli. affidavit	A80 to A84
11 -	Reply to suppli. affidavit	A85 to A88
12 -	Suppli. R.A.	A89 to A126.
13 -	Supplicas to the R.A.	A127 to A164
14 -	Suppli. O.P. 223	A65 to A175

Certified that the file is complete in all respects.

File B/c Withdrawn/denied

Signature of S.O.

Signature of Deal. Hand

Can. 67/93

8/

22.7.93

Due to similar of ~~Spit~~ longons  
Carri coffee to 5.8.93

Boe

①  
4.5.93

No adjournment of D.B. adj to  
5.8.93

more

②  
5.8.93

No adjournment of D.B. adj to  
28.9.93

more

OR  
S.F. ③  
28/9/93

28/9

1701-Mr. S.N. Prasad, J-M.  
1701-Mr. V.K. Selk, D-M.

Heard learned counsel for the  
applicant. Issue ~~of~~ notice  
to the respondents to show  
cause as to why proceedings  
under contempt of Court  
be not initiated against  
them for not complying with  
the judgment and order dated  
5/7/91, passed by this Tribunal  
in O.A-No. 130/90. C.A. be  
filed within 3 weeks and R.A.  
if any, within one week thereafter.  
List this case on 10/11/93  
for further orders.

OR  
Notice issued  
on 28.10.93  
H

in x  
A.M.

✓

J-M.

OR  
Noting that  
back  
S.F.  
5/11

④  
10.11.93

No adjournment of D.B. adj to  
16.12.93

OR  
Noting that  
back  
S.F.  
5/11

⑤  
16.12.93

No adjournment of D.B. adj to 17.2.94



CEP 6/103


2/10

④ 21/10/24

Hon. Mr. D.C. Verma, J.M.  
Hon. Mr. S. Dayal, A.M.

Applicant: none  
Respondents: none

No R.A. has been filed.  
It appears that the applicant  
is not interested for filing  
of R.A. List on 26/10/24  
for hearing.

  
A.M.

  
J.M.

OB

CARR 2/10

Sybil Kumar

12) 26/10/24

Hon. Mr. V.K. Seth, A.M.  
Hon. Mr. D.C. Verma, J.M.

for applicant: Shri A. Sahai  
for respondents: Mr. A. Chowdhary.  
Shri Sahai seeks & is allowed  
3 weeks time for filing of  
Supp. R.A.

List on 13/12/24 for  
order.

  
J.M.

  
A.M.

OR

Supp. R.A. not filed  
Submitted for order

12/12

OR

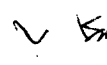
Supp. R.A. not filed  
Submitted for order

13) 13/11/24

Hon. Mr. V.K. Seth, A.M.  
Hon. Mr. D.C. Verma, J.M.

The application has been  
received for adjournment  
from Shri A. Sahai  
List on 3/1/25

  
J.M.

  
A.M.

7.2.94

HON. MR. S.N. PRASAD, JUDICIAL MEMBER

HON. MR. V.K. SETH, ADMN. MEMBER.

Shri Akhilesh Sahai, learned counsel for the applicant is present. None responds on behalf of the respondents. This is noteworthy that from the perusal of acknowledgement received on record, it is obvious that the respondent No. 1 Shri K.K. Sharma, Station Engineer, All India Radio, Almora, was served with the notice on 5.11.93; but despite service of notice on him, neither he has turned up himself, nor his counsel and no C.A. has been filed. We have heard the learned counsel for the applicant and have perused the papers, and we find that this is the second Contempt Application for non compliance of the directions contained in the judgment and order dated 5.7.91 in O.A. No. 130/90 and the first Contempt petition No. 47/91 was disposed of with the observations <sup>keeping in view para 3 of</sup> ~~that~~ the counter affidavit filed by this very respondent No.1, Shri K.K. Sharma, to the effect that as soon as the applicant reports for duty, he will be given charge of the post and other consequential benefits within a reasonable time. This is noteworthy that the aforesaid affidavit of the aforesaid <sup>Shri</sup> K.K.Sharma appears to be of April, 1992 and since then a considerable period of more than 21 months <sup>has elapsed</sup> but compliance of the directions contained in the order dated 5.7.91 passed in the aforesaid O.A. no. 130/90 has still not been made for the reasons best known to the respondents. Thus, in this view of the <sup>matter and in these</sup> state of affairs, we, after considering all the view points and all aspects of the matter, have come to conclusion that the aforesaid Shri K.K. Sharma be called upon to appear in person and to explain.

17-2-94  
17-2-94  
17-2-94

C.C. No. 67/93

in

O.A. No. 130/90

(2)

18/3/94

Hon. Mr. Justice R.K. Varma, v.e.  
Hon. Mr. V.K. Seth, A.M.

Sheri A. Sethi, learned Counsel for the petitioner is present. Kun. D. Chandhary, learned Counsel for respondents ~~No. 1 & 1-A~~ No. 1 & 1-A and Sheri Umesh Sharma, brief-holder of Dr. Ashok Nigam learned Counsel for the respondents No. 2 & 3 are also present. It is stated by the learned Counsel for the respondents that all payments due, under the order to be complied with, have been made and as such this petition has been rendered infructuous. Learned Counsel for the petitioner prays for time to check up the factual position. List this case on 7-4-94.

OR  
CA File No. 223  
Submitted for  
6/4

Sheri K.K. Sharma, respondent No. 1 is present in the Court. He is exempted from ~~the~~ personal appearance on the next date.

✓  
A.M.

RKM  
v.e.

Cont. - 65/93  
2  
CAN. 130/90

86

No sitting of D. B. coll. to 31.8.95

Doc

31/8/95

Hon. Mr. V.K. Seth, A.M.  
Hon. Mr. J.C. Verma, J.M.

None for the applicant. Kms. A. Chowdhary learned counsel for respondent seeks time to obtain instructions from the respondent

No 2.

List for hearing on 17/11/95

J.M.

L.K. A.M.

17-11-95

Hon'ble Mr. V.K. Seth - A.M.

Hon'ble Mr. R.K. Saxena - J.M.

A request received on behalf of the applicant's learned counsel for adjournment on a/c of his being out of station.

List for orders on 29-01-96.

KN

J.M.

L.K. A.M.

29-1-96

D.S.

List on 02-4-96 for orders. Counsel for the parties are also present.

Az

Ar  
D.R.

OK

Submitted for ex

27/3

C.C. 867/92

25 20-9-96

Hon Mr. V. K. Seth A.M.  
Hon. Mr. D. C. Verma J.M.

OK

OK

Submitted for order  
29/11

None for applicant.  
Hon Ashok Chandra for respondents  
is present.

Wait for orders on 5-12-96.

J.M.

V.K.  
A.M.

OK

26 05-12-96

Hon. Mr. V. K. Seth A.M.  
Hon. Mr. D. C. Verma, J.M.

L. A. Sahai, for applicant.  
R. Singh. for Dr. A. Nigam for  
respondents.

is prayed for by both  
the counsel, again.

Wait on 08-1-97 for orders.

J.M.

V.K.  
A.M.

OK

27 8.1.97

No. 227/96 D. B. Singh  
03.3.97

OK

OK

Submitted for order.  
24/12

28 3-3-97

Hon. Mr. V. K. Seth A.M.  
Hon. Mr. D. C. Verma J.M.

Shri A. Sahai for applicant  
Dr. Ashok Nigam & Hon Ashok  
Chandra for respondents. As  
prayed for Dr. Ashok Nigam, is allowed  
4 weeks to enable him to obtain instructions  
Wait on 28.4.97.

J.M.

V.K.  
A.M.

OK

OK

Submitted for order

21/1

24-11-97

(34)

Hon. Mr. V. Q. Seth, A.M.

Hon. Mr. D. C. Verma J.M.

None for petitioner.

Sr Umesh Kumar, brief holder for SSA.  
Nigam for respondents no 2 & 3.

None for other respondents.

List on 5-2-98 for orders.

J.M.

A.M.

5-2-98

(35)

Hon. Mr. V. Q. Seth, A.M.

Hon. Mr. D. C. Verma J.M.

~~Dr. A. Nigam~~ Dr. A. Nigam has not been  
indicated as counsel for  
respondents. His name should  
be indicated henceforth.

List on 6-4-98 for  
orders.

J.M.

A.M.

(35)

06.4.98

Case not reached  
adj. to 23.7.98.

Bor

Submitted for  
orders.

21/7/98

23.7.98

NO settling of QB adj.  
to 21.7.98

Jae

A/9

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH  
LUCKNOW

Lucknow this the 20th day of April, 99

C.C.P. No. 67/93

HON. MR. D.C. VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

Deepak Kumar, aged about 30 years, son of  
Sri B.B. Saxena, resident of 18, Deen Dayal Road,  
Asharfabad, Lucknow.

Applicant.

By Advocate Shri A. Sahai.

versus

1. Sri K.K. Sharma, Station Engineer, All India Radio, Almora.
2. Mr. Balram Rai, Station Director, All India Radio, Almora.
3. Sri V.K. Singh, Chief Engineer, North Zone Akashwani and Doordarshan, Shahjahan Road, New Delhi.
4. Sri Ayodhya Prasad, Director Engineer, North Zone, Shahjahan Road, New Delhi.

Opp. parties.

None for respondents.

O R D E R (ORAL)

HON. MR. D.C. VERMA, MEMBER(J)

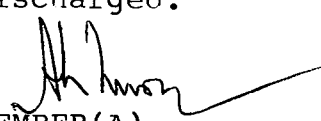
The applicant's case is that he was working on the post of Engineering Assistant and his services were terminated. Against the termination order the applicant filed O.A. No. 130/90 Deepak Kumar vs. Union of India and others. The said O.A. was decided by a Division Bench of this Tribunal vide its order dated 5.7.91. The order of termination was quashed. It was further directed that the applicant will be deemed in service from the date of termination with all consequential benefits.

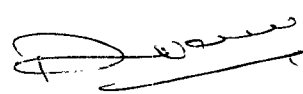
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2. Due to non compliance of the order of the Tribunal the petitioner filed contempt petition 47/91. The said Contempt petition was dismissed on 1.5.92. In the light of the statement given in the counter affidavit that as soon as the petitioner reports for duty, he will be given charge of the post and any other consequential benefits within reasonable time. It was observed that the applicant will report for duty within 15 days. The applicant joined the duties but was not paid the arrears of salary from August 98 till the date of joining. As the consequential benefits were not given to the applicant he has filed the present contempt petition.

3. During the course of arguments the learned counsel for the applicant drew attention of the Bench towards the order dated 7.2.94 and submitted that after the Tribunal called the respondents to appear in person, the payments were made to the applicant. The order dated 18.3.94 shows that all payments due under the order were made to the applicant. However, the case was adjourned as the applicant wanted time to check up the details of the payment. During the course of arguments the learned counsel submitted that all payments have been received by the applicant. Delay has been explained by the respondents and it has also been stated that delay was <sup>5</sup>not bonafide and was unintentional.

4. In the Supplementary Counter affidavit filed on 9.9.97 unconditional apology for the delay in making the payment has been made. In view thereof, we accept the unconditional apology and dismiss the Contempt Petition. Notices are discharged.

  
MEMBER(A)

  
MEMBER(J)

Lucknow; Dated: 20.4.99



BEFORE THE CENTRAL ADMINISTRATION TRIBUNAL,  
LUCKNOW BENCH, LUCKNOW.

CONTEMPT CASE NO. (CP) of 1993

IN RE:

O.A.NO.130/90 (L)

DEEPAK KUMAR. .... PETITIONER.

VERSUS

SRI K.K.SHARMA & OTHERS ... OPP.PARTIES.

I N D E X

Particulars.	Page No.
1. Contempt petition U/S 17 of the Act.	... 1 - 13
2. Affidavit.	... 14 - 15
3. Copy of Judgement in OANO 130/90 dated 5.7.91 Annexure A/1.	... 16 - 21
4. Copy of order dated 1.5.92 passed by Hon'ble Justice Mr.U.C.Srivastava, JC and Hon'ble Mr.A.B.Gorthi, A.M. Annexure A/2.	... - 22
5. Copy of intimation and request for payment of salary dated 18.8.92.	... - 23
6. Vakalatnama.	... - 24

LUCKNOW:-

Dated:- 27.4.93.

*A. A. A.*  
( AKHILESH SAHAI ),  
Advocate.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD,

(CIRCUIT BENCH)

LUCKNOW.

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 27/4/93

Date of Receipt by Post...

Deputy Registrar(J)

CONTENT CASE NO.

(CP) OF 1993.

IN RE:

O. A. NO. 130/90 (L)

Deepak Kumar, aged about 30 years, son of Sri B.B. Saxena, R/o 18, Dasa Dayal Road, Ansharabad, Lucknow. ....Petitioner.

Versus.

1. Sri R.M. Sharma, Station Engineer, ~~Radio Almorah~~  
Director, All India Radio, Almorah.  
1A Mr. Bahram Rai, Station Director All India Radio Almorah.  
2. Sri V.K. Singh, Chief Engineer, North, Government of India  
Zone. Almorah  
A Deep  
3. Sri Ayodhya Prasad, Director Engineer, Bareilly,  
North Zone. Jannagar,  
House,  
Shahjahan Road,  
New Delhi  
110 011.

....Opp. Parties.

DETAILS OF APPLICATION:

1. Particulars of the order against which the Content application U/S 17 is filed.

(Contd...2)

The Tribunal's order<sup>✓</sup> dated 5.7.1991 and 1.5.1992 received by the petitioner on 9.7.1991 and on 5.7.1992, passed by Hon<sup>8</sup>ble Mr. Justice U.C. Srivastava V.C. and Hon'ble Mr. Gorthi A.M. in O.A. No. 130/90 (L) C.P. No. 47/91 (L).

2. Jurisdiction of Tribunal:

The Petitioner declares that the subject matter and the orders passed by the Tribunal <sup>10/12/92</sup> within the jurisdiction of the Tribunal as all orders have been passed by the Tribunal at Lucknow and communicated to opposite parties from Lucknow.

3. Limitation:

That the present petition is within limitation as the Tribunal's order passed on 5.7.1991 and on 1st May 1992 were communicated by the petitioner on 16.7.1991 and 11.5.1992 to the opposite parties and a period of one year from the last order will expire on 10.5.1993.

The petitioner begs to state as under:-

4. Facts of the Case:

- 4.(1) That the petitioner was appointed vide appointment order No. A-13/11/1/86- EPC dated nil on the Post of Engineering Assistant in the Scale of Rs. 1400-40-1600-50-2500-EB-60-2800 on a

regular and permanent Post and after his posting under the Director Door Darshan Kendra Punjab, he was transferred from there to All India Radio, Almorah vide No. A-13/II-(I)/88 EPC dated 27.7.88 and at Almorah he joined his duty on 10.8.1988.

4.(ii) That while the petitioner was at Almorah, then he applied for study leave, and while he was at Lucknow during the granted leave in connection with the studies then he became ill and was admitted in Balrampur Hospital, Lucknow twice and while he was undergoing treatment, then without cancelation of granted leave his services were terminated.

4.(iii) That from being aggrieved by the illegal order or termination, the petitioner filed O.A. No. 130 of 1990 (L) Deepak Kumar Versus Union of India and others, challenging the illegal termination order. In the case after filing of Counter Affidavit and Rejoinder Affidavit, the case heard U.C. Srivastava and Hon'ble Mr. A.B. Gorthi A.M. on 2nd July 1991 . The judgment in the case was delivered on 5.7.1991 by the Hon'ble Tribunal, by which the ~~Union~~ quashed the termination order as according to the Tribunal it was arbitrarily passed, and it was also held that the termination order is violative of Article 311 of the Constitution of India. It was also held that the

termination order being penal in nature and has been passed without giving any opportunity of hearing and is violative of Article 311 of the Constitution of India. It was also ordered that the petitioner will be deemed to be in service from the date of termination and will also be entitled to all consequential benefits from the date of his termination. The photo copy of the order is filed to this petition as Annexure No. A-1.

5.(1) That the petitioner after receiving the judgment from the Tribunal on 9.7.1991 sent the copy of the judgment Annexure No. A-1 to all the opposite parties through registered letter on 15.7.1991 vide registered letter No. C-8317 to C-8320 to opposite parties, and thereafter after waiting for some time the petitioner went to Almorah and wanted to know that what has been done by the opposite parties who were at Almorah as such, he met the opposite parties there. The petitioner submitted his joining Report to them on 24.7.1991.

5.(11) That at Almorah when the petitioner met opposite parties <sup>and others</sup> then the petitioner was advised by them also to see opposite parties No. and and to know from them what has been done by them as such he was asked to meet opposite parties,

No.      and      at Delhi, then the petitioner met the opposite parties No.      and      on 12.8.1991 at Delhi, and also again submitted there an other application alongwith a certified copy of the judgment which has already been sent earlier for apprising them again and for doing the needful at the earliest.

- 5.(iii) That after returning from the office of the opposite parties No.      and      the petitioner received a letter No. 817/13/DK/90-RBC dated 14/16th August 1991, from the Office of opposite party No. 3, and in it the petitioner was again required to contact opposite parties, the Station Director Almorah for getting the required compliance.
- 5.(iv) That on receiving the letter referred to above, the petitioner on 20.8.1991 again submitted a letter drawing the attention of opposite party No. 1 ~~and~~ <sup>to</sup> for complying Tribunal's order in compliance to the letter received by him from the Office of opposite party No.      and      .
- 5.(v) That thereafter, the petitioner continuously wrote letters to opposite parties i.e., on 12.9.1991, and 19.10.1991, but the order passed by the Tribunal was not complied with and then

the petitioner, who had not been paid any salary from August 1988 and was also out of service from December 1988, after Tribunal's judgment and was running from pillar to post for the compliance of Tribunal's order in respect of appointment and nonpayment of salary.

5.(vi) That when the Tribunal's order dated 5.7.1991 was not complied with inspite of the serving of Tribunal's order then the petitioner filed a Contempt petition No. 47/91 (L) Deepak Kumar Versus B.B. Pandey and others and after the Hon'ble Tribunal issued notices to opposite parties in the above contempt petition to show cause as to why proceeding of contempt of Court be not initiated as the order has not been complied with and the opposite parties were required to show cause on 24.7.1992 and to appear personally or through some Advocate. It was further ordered that the question of personal appearance will be considered on the next date fixed by the Tribunal.

6.(vii) That on 24.7.1992 the case was not taken up and on that date the respondents advocate informed that the opposite parties are ready to appoint the petitioner and the Counter Affidavit is under preparation hence the case was fixed on 1.5.1992.

(Contd...7)

5.(viii)

That on 1.5.1992 the opposite parties Advocate served a copy of the Counter Affidavit where in it was indicated in para 2 that the opposite parties are ready to reinstate the petitioner in compliance of this Tribunal orders and also situated that an express telegram has already been sent to the petitioner on 16.4.1992 asking him to join his duty immediately. In para 3 of the aforesaid Counter Affidavit it was also stated by the opposite parties that they under take that as soon as the petitioner report for duty he will be given charge of the post and other consequential benefits will be given thereafter within reasonable time in accordance to the rules. *The true photo copy of the order is Annexure A/2*

5.(ix)

That on 1.5.1992 on the basis of the averments of the Counter Affidavit this Hon'ble Tribunal decided the contempt petition by observing that in view of the statement in para 2 and 3 of the Counter Affidavit it has been stated that as soon as the petitioner reports for duty he will be given charge of the post and other consequential benefits will be paid within reasonable time. However it will remain open to the petitioner to approach Tribunal again in case there is any violation of the



x statement by the respondent as contained in para 3 of the counter affidavit in carrying out the same.

- 5.(x) That this order was passed not only in the presence of the Counsel for the parties but it was also passed in the presence of one Sri S.P. Agarwal Accountant posted at A.I.R. Almorah who was doing pairvi on behalf of the opposite parties in the Tribunal.
- 5.(xi) That when nothing was done after joining the duties then the petitioner on 19.8.1992 requested the opposite parties in writing to make the payment of the arrears of the salary of the petitioner from August 1988 till the date of joining. A true photo copy of the application served through Regd. letter on the opposite parties is filed herewith this petition as Annexure No. A-3.
- 5.(xii) That the opposite parties were intentionally not complying the order passed by the Tribunal in respect of the payment of salary after their statement in courts Affidavit and the payment of arrears of salary which was to be complied with as early as possible as was required by the Tribunal's order dated 5.7.1991, and thereafter order dated 1.5.1992 which has not been complied with so

far, The petitioner had also not been allowed the conswquential benefits from the date of the Termination of service and for the unpaid salary prior to termination till the joining of the petitioner <sup>and this salary has not been</sup> paid so far, inspite of under taking given by the opposite parties in the earlier contempt petition No. 47/91 (L).

5.(xiii) That inspite of the petitioner's meeting with the opposite parties on 24.7.1991 and 12.8.1991, and thereafter on other dates and in April 1992 after ~~he was~~ allowed to join <sup>his duty</sup> and even after sending several letters requiring them to comply with the Tribunal's order and obeying the undertaking given by them but inspite of the same even after the under taking has not yielded any result so far, as such it appears that the opposite parties are giving deaf ear to the order passed by the Tribunal, on the basis of their undertaking ~~given~~ on their behalf in the Counter Affidavit, before the Tribunal. The photo copy of the order dated 1.5.1992 is filed as Annexure No. A-3 to this petition.

6. That the reasonable period required for ~~the~~ <sup>the</sup> Tribunal's order dated 1.7.1991 was allowed

to pass and thereafter, after issue of notices to the opposite parties the compliance of the order within reasonable period after the undertaking given by the opposite parties on 1.5.1992 was also allowed to expire without any payment and in the circumstances of the case if was not bonafide undertaking and the order of allowing consequential benefits for i.e. payment of the arrears of salary which full due from August 1988 to April 1992 and the consequential arrears thereafter has not been paid so far and the reasonable period for complying the order has already expired and now the petitioner is still without any

consequential benefits even after the Tribunal's order dated 1.5.1992 and the opposite parties even after joining of the petitioner have not even allowed the petitioner to draw his salary from correct stage in the scale and the compliance of the order of the Tribunal relating to the consequential benefits has not been done so far hence, the petitioner is again ~~compelled~~ compelled to move the present petition for contempt of Tribunal's order on the following grounds.

G R O U N D S

A.

Because, the opposite parties conduct in non-complying the orders after the passing of Tribunal order on 5.7.1991 and passed thereafter, after filing of Counter Affidavit in contempt petition No. 47/91 on 1.5.1992 was neither bonafide nor after joining when the Tribunal once again on ~~thru~~ their under-taking in

the counter affidavit passed the order on 1.5.1992 which was passed in the presence of their Advocate and pairokar and after its due communication by the petitioner on 19th August 1992 and inspite of personal meetings with the opposite parties thereafter and sending several reminders does not inspire them to comply the under taking and the order dated 1.5.1992 <sup>not complied</sup> as such, it appears that they don't want to comply their undertaking and the order of the Tribunal as the same has not been complied with so far, even after serving the copy of the order and even after his request in writing for the payment and after bringing the facts to their notice that the order has not been complied with which amounts to wilful disobedience of the order of Tribunal dated 1.5.1992 as well as the direction passed in the judgment dated 5.7.1991 and they are also not complying the undertaking given by them in the counter affidavit in para 3 as such, they have committed wilful disobedience of the order dated 1.5.1992 which has been passed on the basis of their undertaking in the counter affidavit hence the opposite parties are guilty of wilful contempt.

B. Because, the opposite parties are not only very well aware of the Tribunal's order dated 5.7.1991 but they also know that they have <sup>again</sup> been required by the order dated 1.5.1992 passed by the

Tribunal i.e. to reinstate the petitioner when he reports for joining and to pay all the consequential benefits within a reasonable time and it is also established that the opposite parties for the reasons best known to them had not complied with the Court's order and the undertaking so far, as such, they have committed the gross contempt in utter disobedience of their undertaking.

C.2 Because, the action and conduct of the opposite parties from the date of the serving of the order dated 1.5.1992 and requesting for payment on 19.8.1992, which is based on the basis of undertaking given by them in the Counter Affidavit which resulted in their discharge from and earlier contempt proceedings and its non compliance so far, will tantamount to diminish the prestige and status of the Tribunal's order, in the eyes of law, and otherwise and in case, the opposite parties are not punished for not complying the undertaking and the order then the passing of the order on the basis of undertaking by the Tribunal will become a mockery in the eye of law.

Wherefore, it is most respectfully prayed that this Hon'ble Tribunal be pleased to issue a notice to opposite parties to appear in person and to show cause for not obeying the order within reasonable

before punishing them for committing the contempt of Court's order which is based on an undertaking given before the Tribunal by opposite parties which they have failed to obey in violation of their assurances given by them when the order dated 1.5.1992 was passed and now even after the passing and serving of the Tribunal's order dated 1.5.1992 the petitioner have not been paid the consequential benefits so far, for which also the order has been passed by the Tribunal on 5.7.1991 and as such, the opposite parties are liable to be punished for committing of gross contempt of Court's order dated 5.7.1991 and 1.5.1992 which they have intentionally flouted, to pass such other order which this ~~Trt~~ Hon'ble Court may deem fit and proper under the circumstances of the case.

Lucknow:

Dated: ,1993.

  
(PETITIONER)

14

A/S

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD  
(CIRCUIT BENCH)

LUCKNOW.

CONTEMPT CASE NO. (CP) OF 1993.

IN RE:

C. A. NO. 130/90 (L)

Deepak Kumar... ..Petitioner.

Versus.

Sri and others. ...Opp. Parties.

A F F I D A V I T

I, Deepak Kumar, aged about 30 years, son of Sri B.B. Saxena, R/o 18, Deen Dayal Road, Asharfabad, Lucknow, the deponent do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner himself in the above noted writ petition and as such he is fully conversant with the facts of the case deposed hereunder;

2. That the contents of paras 1 to of the accompanying writ petition are true to my own personal knowledge and paras to of the same are based on record and while those of paras to of the same are believed to be true on the basis of legal advice.

(Co

3. That the contents of Annexures No. 1 to (Contd...2)

of the writ petition are photo stat copies of their originals respectively.

Lucknow:

Deponent.

Dated: ,1993.

VERIFICATION.

I, the above named deponent do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my own personal knowledge. No part of it is false and nothing material has been concealed. So help me God.

Lucknow:

Deponent.

Dated: ,1993.

I, identify the deponent who has signed before me.

Advocate.

Solemnly affirmed before me on  
at a.m./p.m. by the deponent  
who is identified by Sri  
Advocate High Court Bench, Lucknow.

I have satisfied myself by examining the deponent that he understands fully with the contents of this affidavit which have been read over and explained by me to him.

OATH COMMISSIONER.



16  
CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH  
LUCKNOW

Contempt Petition No 4/1995(L)

Deepak Kumar

Pehluna

vs

K.K. Sharma & Co

Appellate

Annexure A/

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

CIRCUIT BENCH

LUCKNOW

O.A. 130/98(L)

Deepak Kumar

Applicant

versus

Union of India & others

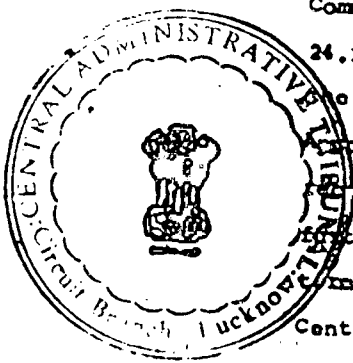
Respondents.

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

Hon. Mr. A.B. Gorthi, A.M.

(Hon. Mr. Justice U.C.S., V.C.)

The applicant who was appointed on the permanent post of Engineering Assistant on the basis of a selection held on 5th May, 1987 by a Selection Committee, has challenged termination order dated 24.12.1988 terminating his services in pursuance of the proviso at serial Nos. 3 and 4 of the Offer of Appointment. Offer of appointment, which is on record, indicates that the post was temporary till further orders, and that his services can be terminated without assigning any reasons under Central Civil Services (Temporary Services) Rules, 1965 and on being appointed he will be on probation of two years which period can be reduced or extended and during the probationary period his services can be terminated without assigning any reasons. The applicant was first posted on the North Zone under Director, Doordarshan Kendra Punjab, on his request



True photocopy

12

he was transferred from Jalandhar vide order dated 27.7.1988 and was posted at Almora. As per allegation, at Almora, the applicant became ill and it also became ~~difficult~~ difficult for him to continue Postgraduate diploma in Computer Education. He applied for study leave for 90 days and was allowed vide order dated 27.8.88 w.e.f. 6.9.88 to 3.12.88 with a specific order to suffix 4.12.88 and 5.12.88 being weekly rest and ~~was~~ <sup>permitted</sup> required to join on 6.12.88. He was granted to join ~~him~~ station and after availing the holiday on 2.9.88 and 3rd and 4th weekly off and 5th compensatory off he came to Lucknow. But in view of his ailment he had to go to the hospital and he was advised to get himself admitted. As per allegation he gave information to the Station Director All India Radio Almora on 6.9.88. It has been admitted in the counter affidavit in which it has been stated that vide telegram dt. 6.9.88 it was intimated that he has been hospitalised w.e.f. 6.9.88, (wrongly mentioned as 90 in the counter, Respondent No. 1). The applicant was discharged but advised 42 days bed rest. The applicant pursued his study and after his discharge he informed through registered post on 10.9.88 alongwith a medical certificate from the doctor who treated him in the hospital as outdoor patient. The applicant was required to obtain a certificate from C.M.O. from the District hospital in proper form, otherwise disciplinary action was to be taken under C.C.S(C.C.A) Rules and submit the same within 15 days. The applicant received the letter on 29.8.88 and submitted a reply stating thereto that in case such a certificate is required the proforma may be sent to enable him to comply with the said

JK

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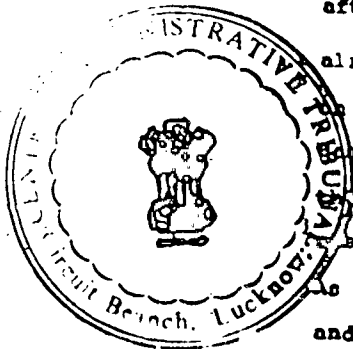
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requirement. The respondent No. 1 has stated that a specimen copy of the proforma medical certificate was sent on 12.10.88 and the applicant was advised to obtain medical certificate from C.M.O. from Lucknow and he was also advised to obtain a certificate regarding information completion of computer course. He was also advised to give a declaration that he was not doing any course and without written permission he cannot pursue any type of studies.

It appears that even though such letters were sent a memo was sent on 6.10.88 stating that as required the medical certificate in proforma has not been received and office will proceed with the disciplinary action. On 25.10.88 the applicant submitted the information which he says was required from him after checking the record the copy of the certificate already submitted. The applicant was again hospitalised on that very date and was discharged on 7.11.88 and was advised to take rest for 6 weeks. After obtaining required certificate from C.M.O. Lucknow, he submitted on 15.11.88, he submitted the same on 16.11.88. As per allegation the applicant was discharged on 7.11.88 and was given the outdoor for checkup and he accordingly visited the hospital on 17.11.88, 29.11.88 and again on 8.12.88 and thereafter again on 17.12.1988. During this period he was served with the termination notice dated 24.12.88 mentioning therein that he was not entitled for any pay and allowances for the period of notice. The applicant submitted an appeal / a review application against the termination order to the Chief Engineer, North Zone, New Delhi who is the Head of Department and appointing authority but he was advised that he should



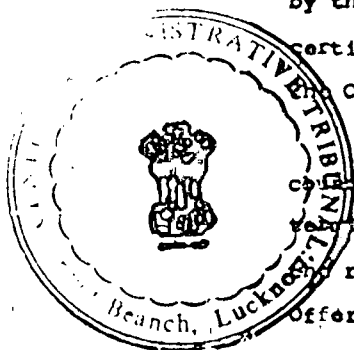
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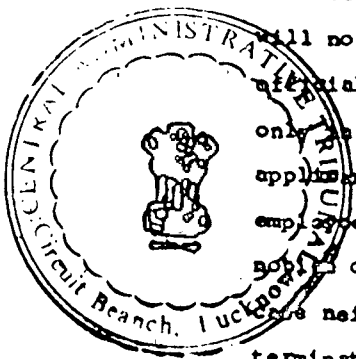
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take up the matter with the respondent No. 1 vide letter dated 29.7.89 received on 8.8.89. The applicant requested respondent No. 1 to intimate order received by respondent No. 3 and 4 and on 21.10.89 the respondent No. 1 communicated the gist of the order said to have been passed and as per allegation his representation dated 9.1.91 was not considered but the one which was sent on 18.9.89 was considered. In the counter affidavit by respondent 1 it has been stated that no study leave was granted to the applicant and only condition on EOL sanctioned which was sanctioned on 31.8.88, the intimation of which was given to the applicant verbally. In response to this cancellation he applied for leave with the condition that he will resume duty on 6.9.88 and it was Station Director appointing authority and Chief Engineer was the recruiting authority. It has also been stated by the affidavit that the applicant had obtained the certificate from a Consultant physician and not from C.M.O. who is the competent authority.



The question that has been conveyed by the learned counsel for the applicant that his service could have been terminated only by the appointing authority and not by respondent No. 1 who was not his appointing authority. Offer of appointment to the applicant was given by the Chief Engineer Northern Zone, All India Radio and in pursuance of the same the applicant was posted at Doodhdershan Kondra Jallandhar where he joined. The applicant was transferred under the orders of Chief Engineer, Northern Zone, Almora on representation which was one of the Station in the northern zone like Jallandhar. The applicant has also filed document indicating that for

such post advertisement was subsequently issued by the Chief Engineer, Northern Zone. These facts indicate that it was the Chief Engineer who was the appointing authority. The Station Director All India Radio who transferred the applicant, could not be the appointing authority and consequently the termination order has been passed by the authority who is lower than the appointing authority and the termination order is liable to be quashed on this ground alone. Even the version of the respondent No. 1 that the leave was cancelled orally which was granted in writing obviously, is not correct, although the respondent No. 1 has vaguely asserted this fact but it is regrettable that an officer



will not come to the extent of saying such thing. An official order which is passed in writing can be cancelled only in writing and not orally. It is true that the applicant was on probation and he was a temporary employee, he was governed under C.C.S. rules under which notice or salary in lieu thereof is given. In the instant case neither notice, nor salary was given and thus the termination order is violative of the C.C.S. rules. A

/ which case the termination order was held invalid as no notice or salary in lieu thereof was given.

reference may be made to the case of Kuzum Gupta vs. Maryana State Small Industries (1986) 3 SCC 506) in / The facts stated above will indicate that the order

of termination was passed as a result of annoyance or by way of punishment. Medical certificate was demanded by the respondent No. 1 in the prescribed proforma and the prescribed proforma was despatched from the office on 12.10.88 which was received by the applicant on 21.10.88 and even prior to the sending of the proforma and even before that the respondent No. 1 vide his

sd/-

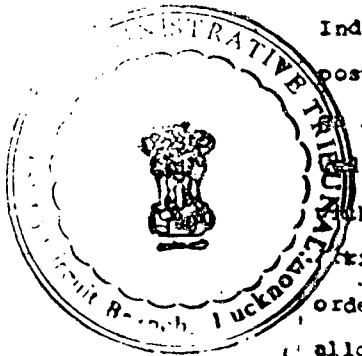
1/10

21

-6-

8/12/88

letter dated 6.10.88 threatened that in case a medical certificate in prescribed form will not be received on due date the disciplinary proceedings against the applicant will be taken. The facts indicated above show that instead of taking disciplinary action it was the penal action taken against the applicant. Undoubtedly probationer's services can be terminated without assigning any reason, no such order can be arbitrarily passed as an arbitrary order is violative of Article 311 of the Constitution of India. In the instant case it has not been stated that post has been abolished but the applicant has proceeded on leave and without enquiry his services were terminated. The termination order being penal in nature and without giving an opportunity of hearing is violative of Article 311 of the Constitution of India. The termination order dated 24.12.88 is quashed and the application is allowed. The applicant will be deemed in service from the date of termination with all consequential benefits. No order as to costs.



A.M.

Shakeel/

Lucknow Dt. 5.7.91.

V.C.

Attested

True copy

Section Officer

Contro: Administrative Tribunal  
Circuit Bench  
LUCKNOW

true photocopy

9/7/91

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH  
LUCKNOW

Contempt Petition No 47 of 1991(L)

Deepak Kumar

Pehlana 8/12/91

K.K. Sharma & Co

ap. Pandey & Co.

Annexure A/

Central Administrative Tribunal

Lucknow Bench

Contempt Petition No. 47 Of 1991(L)

Deepak Kumar

.....

Applicant.

-Vs-

B.B. Pandey Station Director, ..... Respondents.

1.5.92

Hon'ble Mr. Justice U.C. Grivastava -V.C.

Hon'ble Mr. A.B. Gorthi -A.M.

Counter has been filed today, in para 3 of  
the which it has been stated that as soon as the  
petition reports for duty, he will be given change of the  
post and other consequential benefits within a reasonable  
time. In view of the above if the applicant  
has not reported he will report for duty within  
15 days. However, it will be open for the applicant  
to approach Tribunal again in case there is any  
violation of the statement by the respondents in  
para 3 of the counter in carrying out the same.

Application is dismissed.

Sd/

Sd/

A.M.

V.C.

// True Copy //

Deputy Registrar

Central Administrative Tribunal  
Lucknow Bench,  
Lucknow

T.C

# CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH  
LUCKNOW

Contempt Petition No 4-1993(L)

Deepak Kumar

Pehlana P/M

KK Sharma

opposite party

Annexure A/

To,

The Station Engineer,  
All India Radio,  
Almora (U.P.)

**SUBJECT:** Non payment of consequential benefits allowed by the Tribunal in OA case No. 130(L)90 decided on 03.07.91.

Respected Sir,

40 more than three and a half months has passed after my joining on 27.04.92 and in view of your statement on 08.05.92 before the Tribunal through an affidavit you assured the Tribunal that other consequential benefits that is arrears of pay & Allowances will be given within a reasonable time and on this basis the Tribunal vide order dated 01.05.92 that it will be open for the applicant approach Tribunal again in case there is any violation of the statement by the respondents which also included you besides the Station Director, Almora, Director Engineering (R2), New Delhi, and Chief Engineer (R2), New Delhi. It is rather strange that in spite of undertaking an assurance on behalf of the respondents, my arrears from Sep. 88 upto 30 April 1992 has not been paid. Kindly see that they are paid at an very early date as much time has already passed off that assurance. In case the consequential benefits are not paid at an early date, I will again be obliged to approach the Tribunal for violation of the undertaking before the Tribunal.

Yours faithfully,

Dated: 18.03.92.

( DEEPAK KUMAR )  
ENGINEERING ASSISTANT  
ALL INDIA RADIO, ALMORA.

Through The Station Engineer, AIR Almora.

Copy to:- 1) The Chief Engineer (R2), Akashvani & Co-ordinators  
Jaganpur House, Shahjahan Road, New Delhi-11  
for taking necessary action for implementing  
the Tribunal orders regarding the consequential  
benefits.

2- The Director Engineering (R2), Akashvani & Co-ordinators,  
New Delhi. for taking necessary action for implementing  
the Tribunal orders regarding the consequential benefits.

3- The Station Director, All India Radio, Almora. for taking  
necessary action for implementing the Tribunal orders  
regarding the consequential benefits.

DEEPAK KUMAR

EP

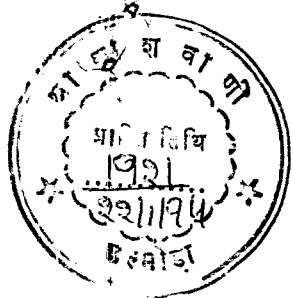


BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

CONTEMPT PETITION NO. 67 of 93

in re: OA No.130 of 1990.



Deepak Kumar

.. Petitioner

-versus-

Shri KK Sharma and 3 others .. Opposite parties.

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE  
PARTY NO. 1A

I, Balram Rai, aged about 53 years,

son of Late Manbir Rai at present

posted as Station Director, All India Radio,

Almora do hereby solemnly affirm and state as

under:-

1. That the deponent is opposite party no.2  
in the above contempt petition.

2. That the deponent has read and understood  
the contents of the petition and he is fully  
conversant with the facts deposed to herein under:

3. That the contents of para 1 of the petition



*[Signature]*

need no comments.

4. That the contents of para 2 of the petition are not disputed.

3. That the contents of para 3 of the petition need no comments.

4. That the contents of para 4(i) of the application are admitted but the pay scale of the petitioner was Rs. 1400-40-1600-50-2300-EB-60-2600.

5. That in reply to the contents of para 4(ii) of the petition it is submitted that the post was temporary and likely to be permanent, the petitioner was posted for the first time at All India Radio, Almora.

6. That in reply to the contents of para 4(iii) of the petition it is submitted that the appointment of the petitioner was a fresh appointment. However, he was earlier offered posting at Doordarshan Kendra, Punjab but he did not join there. Later on he joined at All India Radio, Almora for the first time as a fresh appointee in the post of Engineering Assistant, and not on transfer as mentioned in this paragraph. The rest of the contents are denied.



A handwritten signature in cursive script, likely belonging to the petitioner or a representative, written at the bottom right of the page.

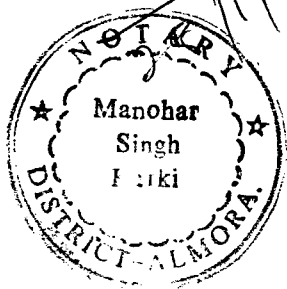
9. That the contents of para 5(i) of the petition are admitted to the extent that the petitioner came to All India Radio, Almora for joining his duties as fresh appointee and not on transfer.

10. That the contents of para 5(ii) of the petition are not in the knowledge of the answering opposite party no.2, hence denied.

11. That the contents of para 5(iii) of the petition are not in the knowledge of the answering opposite party no.2 hence denied.

12. That the contents of para 5(iv) of the petition are not disputed.

13. That in reply to the contents of para 5(v) of the petition it is submitted that there was a period of 90 days in file the SLP in the Hon'ble Supreme Court of India after the judgement and order passed by this Hon'ble Tribunal for which correspondence with higher authorities were made for their approval before filing the Special Leave Petition. Hence payment during the above period could not be made till the decision to file SLP in

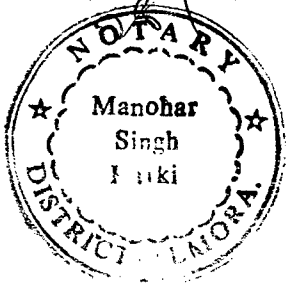


*[Signature]*

in the Hon'ble Supreme Court is decided by the higher authorities, hence there was no mala fide intention of the answering opposite party no.2 for delay in payment of arrears to the petitioner.

14. That the contents of para 5(vi) and 5(vii) of the petition need no comments.

15. That in reply to the contents of para 5(viii) of the petition it is submitted that as already stated in the order passed by this Hon'ble Tribunal that All India Radio, Almora is not an appointing authority for the petitioner and that All India Radio, Almora ~~xxxxxxx~~ was unable to take any such type of decisions like joining, consequential benefits without the proper approval of ~~xxx~~ his higher authorities. In this connection AIR Almora was regularly approaching Director General AIR/CE(North Zone) New Delhi regarding joining of the petitioner and to file SLP etc. All India Radio, Almora received the clearance only on 16.4.1992 through letter dated 10.4.1992 issued by the Chief Engineer (North Zone) New Delhi along with a copy of Directorate AIR New Delhi letter dated 8.4.1992 and then AIR Almora



*[Signature]*

issued on Express telegram dated 16.4.92  
to the petitioner on the very same day  
wording as 'join duties immediately'.

16. That the contents of para 5(ix) and  
5(x) of the petition need no comments.

17. That in reply to the contents of para  
5(xi) of the petition it is submitted that the  
payment could not be made for want of proper  
sanction from higher authorities.

18. That the contents of para 5 (xii) of  
the petition are incorrect as stated hence denied  
and in reply it is submitted that the details of  
arrears with effect from 10.8.1988 were made by  
the AIR, Almora and were sent to higher authorities  
for sanction but the approval of the same is still  
awaited. The Dte. AIR, New Delhi has already sent  
the details of arrears to the Ministry of Infor-  
mation and Broadcasting for approval. Ministry  
has made some queries in this regard. As per  
telephonic discussion it has come to the notice  
of AIR, Almora only on 4.11.93 and the reply of  
queries has already been sent vide their letter



*[Signature]*

dated 5.11.93 and with a request to sanction immediately so that the payment of arrears of to the petitioner may be made without further delay. Ministry of Information and Broadcasting and DG AIR New Delhi are however taking every effort to scrutinise the arrears and to make payment earliest possible to the petitioner.

19. That in view of the details explained in para 18 of this affidavit, no further comments are offered in reply to the contents of para 5(xii) and para 6 of the petition.

20. That in reply to the grounds (A), (B) & (C) of the petition it is submitted that as already stated above paragraphs, the All India Radio, Almora is not Appointing authority of the petitioner as stated in the Hon'ble CAT's order. Therefore, each and every decision is to be taken by Chief Engineer(North Zone) New Delhi or Dte. AIR, New Delhi and AIR, Almora has to work only as a co-ordinator and the case of consequential benefits is pending with the Dte. AIR, New Delhi/Ministry of Information and Broadcasting New Delhi and they have already been



*[Signature]*

approached to give the sanction so that the payment of arrears be given to the petitioner urgently, It has already stated in the preceeding paragraphs the Ministry is taking every effort to issue sanction for payment of arrears to the petitioner. As such there is no such intention of respondents by which it is proved that they are not willfully making payment to the petitioner against the orders of this Hon'ble Tribunal.

21. That the respondents have never been negligence nor there is any deliberate delay on the part of the Respondents in making the arrears of payment to the petitioner in pursuance of the judgement given by this Hon'ble Tribunal because there are so many formalities to be observed and several officers have to be consulted before making payment of arrears of dues to the petitioner.

22. That the answering opposite party has not committed any contempt and he has taken prompt action on his part and he is not an final authority to make arrears of payment to the petitioner.



*Manohar Singh*

23. That there is no deliberate intention or willful disobedience on the part of the answering opposite party or other opposite parties and as such the contempt petition filed against the answering opposite party may very kindly be dropped in the ends of justice.

24. That in view of the facts and circumstances stated in the foregoing paragraphs the contempt petition filed against the answering opposite party may very kindly be dropped from further proceedings, and the contempt petition filed by the petitioner is liable to be dismissed.

*W. S. Sharma, Amara.*

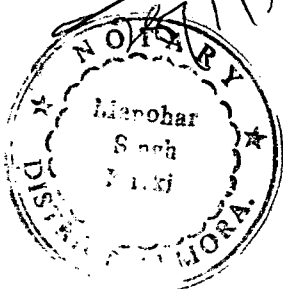
Deponent:  
*[Signature]*

Dated: 28<sup>th</sup> Jan. 1994.

Verification.

I, the above named deponent do hereby verify the contents of para 1 & 2 of this affidavit are true to my personal knowledge and those of para 3 to 24 of this affidavit are believed to be true on the basis of records and based on legal advice.

*[Signature]*





A/3

No part of this affidavit are false and  
no material fact has been concealed.

- Deponent.

*Manohar Singh*  
Almora

*[Signature]*

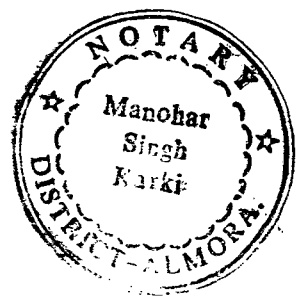
Dated; 28<sup>th</sup> Jan. 1994.

I do hereby identify the  
deponent who has signed before  
me is personally known to me.

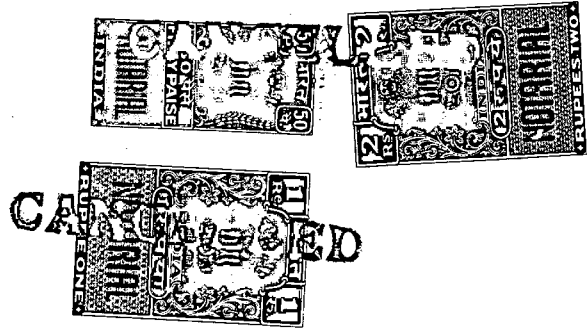
*[Signature]* 28-1-94  
Advocate

(Counsel for the opposite party  
No.2)

Sworn/Solemnly Affirmed before me by the  
Deponent Shri *Balaram Rai S/o Lali*  
*Director, Almora R.O. at present station*  
*Almora*  
that the contents of this affidavit are true which  
have been read over & explained to the deponent  
who is identified by Shri *Manohar Singh*  
verified on *28-1-94* at Almora.



*[Signature]*  
M. S. KARKI  
Notary District, ALMORA  
28/1/94



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

Contempt Petition No. 67/93  
in Re: O & No. 130/90

Deepak Kumar — Petitioner <sup>82</sup>/<sub>94</sub>  
vs.

K. K. Sharma & Sons,  
Opp: Baites.

# VERSUS

No.

of 19

I/we the undersigned do hereby nominate and appoint **Km. Asha Chaudhary** Addl Central Govt. Standing Counsel High Court, Lucknow Bench,

and Shri.....  
High Court ; Lucknow Bench.

be counsel in the above matter and for me/us and on my/our behalf to appear, plead, act and answer in the above Court or any appellate Court or any Court to which the business is transfer in the above matter, and to sign and file petitions, statements accounts, exhibits compromises or other documents whatsoever, in connection with the said matter arising there from and also to apply for and receive all documents or copies of documents, depositions, etc, etc and to apply for and get issued and arrest, attachment or other execution warrant or order and to conduct any proceeding that may arise thereout and to apply for and receive payment of any or all sums or submit the above matter to arbitration :

Provided, however, that, if any part of the Advocate's fee remains unpaid before the first hearing of the case or if any hearing of the case be fixed beyond the limits of the town; then, and in such an event my our said Advocate shall not be bound to appear before the court and if may/-our said advocate deth appear in the said case he shall be entitled to an out station fee and other expenses of travelling loding etc. Provided ALSO that if the case be dismissed by default, or if it be proceedee exparte, the said advocate (s) shall not be held responsible for the same. And all whatever my/our said advocate (s) shall lawfully do, I do here by agree to and shall in future ratify and confirm.

ACCEPTED.

1. .... Advocate

2. .... Advocate

Signature of Client. ☒

~~BALA RAM RAI~~

STATION DIRECTOR

ALL INDIA RADIO

• • A L M O R A • •

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH MOTI MAHAL LUCKNOW

NO./CAT/LKO/JUDL/ 3783 TO 3786

DATED: 3/3/94

Contempt petition No. 07/93  
in

O.A./T.A.No. 130/90  
xii

NOTICE OF CONTEMPT

To,

- 1-Shri K.K.Sharma, Station Engineer, All India Radio, Almora.
- 2(1-A) Mr. Dalren Rai, Station Director, All India Radio, Almora.
- 3- Sri V.K. Singh, Chief Engineer, North Zone, Govt. of India, Akashvani & Doordarshan, Jan Nagar, House, Shahjahan Road, New Delhi. 11.
- 4-Shri Ayojhya Prasad, Director Engineer, North Zone, Govt. of India Akashvani & Doordarshan Jan Nagar, House, Shahjahan Road, New Delhi. 11.

Where as information is laid/a petition if filed/ motion made by Deepak Kumar that you have not complied the order dated 5-7-91 in O.A.No.130/90 passed by this Tribunal.

And whereas a petition has been registered against you for action being taken under the contempt of Court Act, 1991

You are here by required to appear in person or through a duly authorised advocate on 18th day of March-94 at 10.30 A.M. and on subsequent dates to which the proceedings may be adjourned unless otherwise ordered by the Tribunal and showcause why such action as is deemed fit under the contempt of Court Act, 1991 should not be taken against you.

Given under my hand and the seal of this Tribunal this \_\_\_\_\_ day of \_\_\_\_\_

21st

Feb-94.

DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW.

ENCL :

Copy of order dated 7-2-94 passed by this Tribunal.

# Vakalatnama

In the Hon'ble High Court of Judicature

at Allahabad, Lucknow Bench

Contempt Petition No. 67/93  
in re. dt. 130/90

Deepak Kumar  
- vs -

K. K. Sharma & 3 others.

VERSUS

No.

of 19

I/we the undersigned do hereby nominate and appoint **Km. Asha Chaudhary** Addl  
Central Govt. Standing Counsel High Court, Lucknow Bench,

and Shri.....  
Addl. Central Govt. Standing Counsel.....  
High Court : Lucknow Bench.

be counsel in the above matter and for me/us and on my/our behalf to appear, plead, act  
and answer in the above Court or any appellate Court or any Court to which the business is  
transfer in the above matter, and to sign and file petitions, statements accounts, exhibits compro-  
mises of other documents whatsoever, in connection with the said matter arising there from and  
also to apply for and receive all documents or copies of documents, depositions, etc, etc and to  
apply for and get issued and arrest, attachment or other execution warrant or order and to conduct  
any proceeding that may arise thereout and to apply for and receive payment of any or all sums  
or submit the above matter to arbitration :

Provided, however, that, if any part of the Advocate's fee remains unpaid before the first  
hearing of the case or if any hearing of the case be fixed beyond the limits of the town; then, and  
in such an event my our said Advocate shall not be bound to appear before the court and if may/-  
our said advocate deth appear in the said case he shall be entitled to an out station fee and other  
expenses of travelling loding etc. Provided ALSO that if the case be dismissed by default, or if it  
be proceedee exparte, the said advocate (s) shall not be held responsible for the same. And all  
whatever my/our said advocate (s) shall lawfully do, I do here by agree to and shall in future  
ratify and confirm.

ACCEPTED :-

1. .... Advocate

2. .... Advocate

Signature of Client... **Krishna Kumar**  
**KRISHNA KUMAR**  
DY. DIRECTOR (E)  
O/o THE CHIEF ENGINEER (NZ)  
AKASHVANI & DOORDARSHAN  
NEW DELHI

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW.

CONTEMPT PETITION NO. 67 OF 93

IN RE: O.A. NO. 130 OF 90.

Deepak Kumar

.....

Petitioner

-Versus-

K.K.Sharma, Station Engineer,  
All India Radio, Almorah  
and 3 others

.....

Opposite parties.

\*\*\*\*\*

AFFIDAVIT ON BEHALF OF SHRI K.K.SHARMA  
OPPOSITE PARTY NO. 1.

.....

I, K. K. Sharma, aged about 55 years,

son of Shri Sant Ram, at present posted as Deputy

Director in the office of the Chief Engineer, All

India Radio and Doordarshan, Jamnagar House Hutments,

Shahjahan Road, New Delhi, do hereby solemnly affirm

and state as under :-

1. That the deponent is opposite party No.1

in the above contempt petition.

2. That the deponent has read and understood

the contents and he is fully conversant with the facts

deposed to herein under :

Musham. Kumar

1/10

3. That the contents of para 1 of the petition need no comments.

4. That the contents of para 2 of the petition are not disputed.

5. That the contents of para 3 of the petition need no comments.

6. That the contents of para 4(i) of the application are admitted but the scale was Rs.1400-40-1600-50-2300-EB-60-2600.

7. That in reply to the contents of para 4(ii) of the petition it is submitted that the post was temporary and likely to be permanent.

The petitioner was posted for the first time at All India Radio, Almora.

8. That in reply to the contents of para 4(iii) of the petition it is submitted that the appointment of the petitioner was a fresh appointment. However, he was earlier offered posting at Doordarshan Kendra, Punjab but he did not join. Later on he joined at All India Radio, Almora for the first time as a fresh appointee in the post of Engineering Assistant



*Amish Kumar*

and not on transfer as mentioned in this paragraph.

The rest of the contents are denied.

9. That the contents of para 5(i) of the petition are admitted to the extent that the petitioner came to All India Radio, Almora for joining his duties as fresh appointee and not on transfer.

10. That the contents of para 5(ii) of the petition are not in the knowledge of the answering opposite party no.1, hence denied.

11. That the contents of para 5(iii) of the petition are not in the knowledge of the answering opposite party no.1, hence denied.

12. That the contents of para 5(iv) of the petition are not disputed.

13. That in reply to the contents of para 5(v) of the petition it is submitted that there was a period of 90 days to file the SLP in the Hon'ble Supreme Court of India after the judgement and order passed by the Learned Central Administrative Tribunal for which correspondence with higher authorities were made for their approval before filing the Special Leave petition. Hence payment during the above period



*Kishan Kumar*

could not be made till the decision to file SLP in the Hon'ble Supreme Court is decided by the higher authorities, hence there was no mala fide intention of the answering opposite party for delayed payment to the petitioner.

14. That the contents of para 5(vi) and 5(vii) of the petition need no comments.

15. That in reply to the contents of para 5(viii) of the petition it is submitted that as already stated in the order passed by this Hon'ble Tribunal that All India Radio, Almora is not an appointing authority of the petition and that All India Radio, Almora was unable to take any such type of decisions like joining, consequential benefits without the proper approval of the his higher authorities. In this connection AIR Almora was regularly approaching DG, AIR/CE(North Zone) New Delhi regarding joining of the petitioner and to file the SLP etc. All India Radio, Almora received the clearcut instructions from them only on 16.4.1992 through letter dated 10.4.1992 issued by

*Nishan Kumar* the Chief Engineer (North Zone) New Delhi along with



✓

a copy of Directorate, AIR letter dated 8.4.1992 and then AIR Almora issued an Express telegram dated 16.4.92 to the petitioner on the very same day wording as 'Join duties immediately.'

16. That the contents of para 5(ix) and 5(x) of the petition need no comments.

17. That in reply to the contents of para 5(xi) of the petition it is submitted that the payment could not be made for want of proper sanction from higher authorities.

18. That the contents of para 5(xii) of the petition are incorrect as stated hence denied and in reply it is submitted that the details of arrears with effect from 10.8.1988 were made by the AIR, Almora and were sent to higher authorities for sanction but the approval of the same is still awaited. The Dte. AIR New Delhi has already sent the details of arrears to the Ministry of Information and Broadcasting for approval. Ministry has made some queries in this regard. As per telephonic discussion it has come to the notice of AIR, Almora only on 4.11.93 and the reply of queries has already been sent vide their letter dated 5.11.93 and with a request to sanction



*Musham Musham*

immediately so that the payment of arrears to the petitioner may be made without further delay. Ministry of Information and Broadcasting and DG, AIR, New Delhi are however taking every effort to scrutinise the arrears and make payments earliest possible to the petitioner.

19. That in view of the details explained in para 18 of this affidavit, no further comments are offered in reply to the contents of para 5(xiii) para 6 and ~~5(xiv)~~ of the petition,

20. That in reply to the grounds (A), (B) & (C) of the petition it is submitted that as already stated above paragraphs, the All India Radio, Almora is not appointing authority of the petitioner as stated in the Hon'ble CAT's order. Therefore each and every decision is to be taken by Chief Engineer (North Zone) New Delhi or Dte. AIR, New Delhi and AIR, Almora has to work only as a co-ordinator and the case of consequential benefits is pending with the Dte. AIR, New Delhi/Ministry of Information and Broadcasting New Delhi and they have already been approached to

Rushan Kumar

to give the sanction so that the payments of arrears be given to the petitioner urgently.

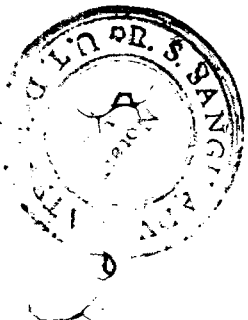
It has already stated in the preceeding paragraphs the Ministry is taking every effort to issue sanction for payment of arrears to the petitioner.

As such there is no such intention of respondents by which it is proved that they are not willfully making payment to the petitioner against the orders of this Hon'ble Tribunal.

21. That the respondents have never been negligent nor there is any deliberate delay on the part of the Respondents in making the arrears of payment to the petitioner in pursuance of the judgement given by this Hon'ble Tribunal because there are so many formalities to be observed and several officers have to be consulted before making payment of arrears of dues to the petitioner.

22. That the answering opposite party has not committed any any contempt and he has taken prompt action on his party and he is not an final authority to make arrears of payment to the

*Mushan Kumar* petitioner.



23. That there is no deliberate intention or willful disobedience on the part of the answering opposite party or other opposite parties and as such the contempt petition filed against the answering opposite party may very kindly be dropped in the ends of justice.

24. That in view of the facts and circumstances stated in the foregoing paragraphs the contempt petition filed against the answering opposite party may very kindly be dropped from further proceedings, and the contempt petition filed by the petitioner is liable to be dismissed.

*Krishan Kumar*  
Deponent.

Lucknow,

Dated: 2<sup>nd</sup> Feb. 1994.

Verification.

*Krishan Kumar*  
I, the above deponent do hereby verify the contents of para 1 & 2 of this affidavit are true to my personal knowledge and those of para 3 to 24 of this affidavit are believed to be true on the basis of records and based on legal advice. No part of this affidavit are false and no material fact has been concealed.

*Krishan Kumar*  
Deponent.

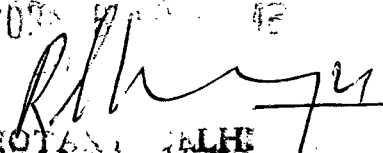
Lucknow,

Dated: 2<sup>nd</sup> Feb. 1994.

I do hereby identify the deponent  
who has signed before me is personally  
known to me.



~~Advocate~~  
(Counsel for the opposite party No. 1)

8703  
  
NOTARY PUBLIC  
2-2-94

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW

--- --

Contempt Petition No. 67 of 1993

In res

Original Application No. 130/90 (L)

Deepak Kumar

... Petitioner

Versus

Shri K.K. Sharma & others

... Opp.Farties.

--- --

APPLICATION FOR RECALL OF THE CONTEMPT  
NOTICE ON BEHALF OF OPP. PARTY NO. 2

--- --

The applicant/Opp. Party no. 2 abovenamed,  
most respectfully submits as under:-

That for the facts, reasons and circumstances  
stated in the accompanying counter affidavit, it  
is most respectfully prayed that the Hon'ble  
Tribunal may be pleased to recall the notice  
issued against the applicant and to discharge him  
of the contempt notice, in the interest of justice.

(Dr. Ashok Nigam)

Lucknow : Dated

Advocate

March, ,1994.

Counsel for the Applicant/  
Opp. Party no. 2

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW

---.---.---

Contempt Petition No. 67 of 1993

In re:

Original Application No. 130/90 (L)

Deepak Kumar

... Petitioner

Versus

Shri K.K. Sharma & others

... Opp. Parties.

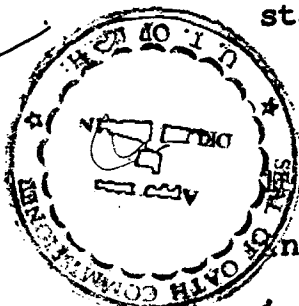
---.---.---

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE

PARTY NO. 2

---.---.---

I, V.K. Singh, aged about 48 years,  
son of Sh (Late) K.N. Singh resident of  
C-104, Pragati Vihar Lodi Road, New Delhi  
the deponent, do hereby solemnly affirm and  
state as under:-



That the deponent is opposite party no. 2  
in the above noted contempt petition as such he  
is fully conversant with the facts of the case  
deposed to hereunder.

2. That the deponent is presently posted as Chief Engineer, North Zone, All India Radio New Delhi.

3. That it is clear from the perusal of the contempt petition that Shri Deepak Kumar, the Applicant, is working in the All India Radio as Engineering Assistant (E.A.). His claim relates to his posting at Almora about payment of salary etc. as directed by the Hon'ble Tribunal in its earlier judgement in O.A. No. 130/90.

4. That the appointing authority for the post of Engineering Assistant in Station Director/ Station Engineer and not the Director Engineer or Zonal Chief Engineer. Any action for complying with the order of the Hon'ble Tribunal was to be taken by the said officer, if required, in consultation with the Director General All India Radio which is the Administrative Head in case of Radio Stations. The responsibility for making payment of salary etc. to Engineering Assistant is also that of the Local Station and not of the Zonal Chief Engineer or the Director Engineer.

5. That furthermore, there is no specific allegation made in the contempt petition against the deponent.



6. That in the circumstances, the deponent could not be held responsible for payment of salary etc. to the applicant which was the



sole responsibility of the Respondent No. 1. The inclusion of the name of the deponent in the array of opposite parties is totally uncalled for and malafide with a view to harass and injure the deponent.

7. That the deponent most respectfully submits that he is a responsible officer of the Government of India who has got utmost regards for the directions of the Hon'ble Tribunal and has never flouted them. In the instant case also he has not wilfully disobeyed any direction of the Hon'ble Tribunal. In fact the directions were to be implemented not by the deponent ~~my~~ but by the Respondent No. 1. The deponent has committed no contempt of the Hon'ble Tribunal's said judgement and order and is, therefore, liable to be discharged and the contempt notice issued to him is liable to be recalled.

8. That, however, in case the Hon'ble Tribunal reaches to the conclusion, for any reason, that the deponent is responsible for any inadvertent act of omission or commission in this regard, the deponent tenders his unqualified apology for the same.



New Delhi : Dated  
March, 16, 1994

*Ud Singh*  
DEPONENT

VERIFICATION

I, the deponent abovenamed, do hereby verify that the contents of paras

of this affidavit are true to my personal knowledge, those of paragraphs 3 & 5 are believed to be true on the basis of information, those of paragraphs 4 & 6 are believed to be true on the basis of records, while those of paragraphs 7 & 8 are also believed to be true on the basis of legal advice and that I have not suppressed any material fact.

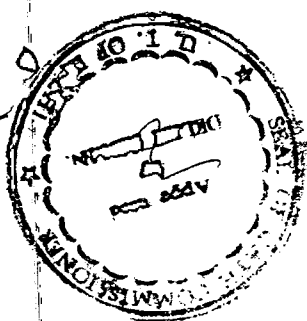
New Delhi : Dated  
March, 16, 1994.

*U. Singh*  
DEPONENT

I identify the deponent who has signed before me and personally known to me.

Advocate.

Solemnly affirmed before me on  
at am/pm by the deponent, Shri V.K. Singh,  
who is identified by Shri  
Advocate.



I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read

Certified that the deponent

Shri V.K. Singh over and explained to him by me.

Shri V.K. Singh

Shri V.K. Singh

Shri V.K. Singh

Shri V.K. Singh

Shri V.K. Singh

Shri V.K. Singh

Shri V.K. Singh

माननीय उच्च न्यायालय इलाहाबाद  
लखनऊ पीठ

याची/अपीलार्थी  
प्रतिपक्षी

का वकालत नामा

कानून टैम्पट पेट्रीशन  
नं० 67/93

अपीली/अपीलार्थी

बनाम

डा० वी० के० सिंह प्रतिपक्षी  
(मुख्या उपाध्याय (अधीक्षक))

रिट पेट्रीशन/अपील नं०

आफ १६

पेशी की तिथि

मैं ऊपर लिखे मुकदमा में अपनी ओर से डा० अशोक निगम,

एडवोकेट, ३, सप्रू मार्ग, लखनऊ, महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पंरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल या लौटावें या हमारी ओर से डिक्री जारी करावें और रुपिया वसूल करें या सुलहनामा इकवाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें तथा तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या हमारी या विपक्षी [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर युक्त [दस्तखाती] रसीद से लेवें या पंच नियुक्त करें, वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी इस लिए यह वकालतनामा लिखा दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

14.2.94

साक्षी (A. K. Nigam)

साक्षी (A. K. Nigam)

दिनांक १६/२/९४

DR. V. R. SINGH  
Chief Engineer (NZ)  
AIR & Doordarshan  
Jam Nagar House  
New Delhi-110011

सन् १९९४

Accepted for Petitioner/Respondant No.

Ashok Nigam

(Dr. ASHOK NIGAM)  
Advocate

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

-----

Contempt Petition No. 67 of 1993

In re;

Original Application No. 130/90 (L)

Deepak Kumar

... Petitioner

Versus

Shri K.K. Sharma & others

.. Opp. Parties.

-----

APPLICATION FOR RECALL OF THE CONTEMPT

NOTICE ON BEHALF OF OPP. PARTY NO. 3

-----

The applicant/opp. party no. 3 abovenamed,  
most respectfully submits as under:-

That for the facts, reasons and circumstances  
stated in the accompanying counter affidavit, it is  
most respectfully prayed that the Hon'ble Tribunal  
may be pleased to recall the notice issued against  
the applicant and to discharge him of the contempt  
notice, in the interest of justice.

(Dr. Ashok Nigam)

Advocate

Lucknow : Dated

March, 1994.

Counsel for the Applicant/  
Opp. Party no. 3

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW

-----

8/64

Contempt Petition No. 67 of 1993

In re:

Original Application No. 130/90 (L)

Deepak Kumar

... Petitioner

Versus

Shri K.K. Sharma & others

... Opp. Parties.

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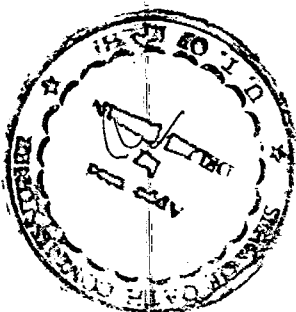
COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE

PARTY NO. 3

-----

I, Ayodhya Prasad, aged about 53 years,  
son of Shri Kanhaiya Lal resident of  
C-147, Nanak Pura, N.D-21  
the deponent do hereby solemnly affirm and  
state as under:-

*Ayodhya Prasad*



1. That the deponent is opposite party no. 3  
in the above noted contempt petition as such he  
is fully conversant with the facts of the case  
deposed to hereunder.

2. That the deponent is posted as Director

Engineer, North Zone at Delhi. A/5

3. That it is clear from the perusal of the petition contempt/that Shri Deepak Kumar, the Applicant, is working in the All India Radio as Engineering Assistant (E.A.). His claim relates to his posting at Almora about payment of salary etc as directed by the Hon'ble Tribunal in its earlier judgement in O.A. No. 130/90.

4. That the appointing authority for the post of Engineering Assistant is Station Director/ Station Engineer and not the Director Engineer or Zonal Chief Engineer. Any action for complying with the order of the Hon'ble Tribunal was to be taken by the said officers, if required, in consultation with the Director General All India Radio which is the Administrative Head in case of Radio Stations. The responsibility for making payment of salary etc. to Engineering Assistant is also that of the Local Station and not of the Director Engineer or the Zonal Chief Engineer.

5. That furthermore, there is no specific allegation made in the contempt petition against the deponent.

6. That in the circumstances, the deponent could not be held responsible for payment of salary etc. to the applicant which was the sole responsibility of the Respondent No. 1. The inclusion of the name of the deponent in the



array of opposite parties is totally uncalled for and malafide with a view to harass and injure him.

7. That the deponent most respectfully submits that he is a responsible officer of the Government of India who has got utmost regards for the directions of the Hon'ble Tribunal and has never flouted them. In the instant case also he has not wilfully disobeyed any direction of the Hon'ble Tribunal. In fact the directions were to be implemented not by the deponent but by the Respondent No. 1. The deponent has committed no contempt of the Hon'ble Tribunal's said judgement and order and is, therefore, liable to be discharged and the contempt notice issued to him is liable to be recalled.

8. That, however, in case the Hon'ble Tribunal reaches to the conclusion, for any reason, that the deponent is responsible for any inadvertent act of omission or commission in this regard, the deponent tenders his unqualified apology for the same.

New Delhi : Dated  
March, 16, 1994.

*Ayodhya*  
DEPONENT

VERIFICATION

I, the deponent abovenamed, do hereby verify that the contents of paras

~~A~~  
~~67~~

**DEPONENT**



I have satisfied myself by examining the  
deponent that he understands the contents

Certified that the person  
 of Ayodhya, Ban  
 of Sh. E. Lambhan  
C-147 over a  
as a  
16-3-94  
 which has been read over and  
 which is true and correct to  
 knowledge.

North Commissioner New Delhi

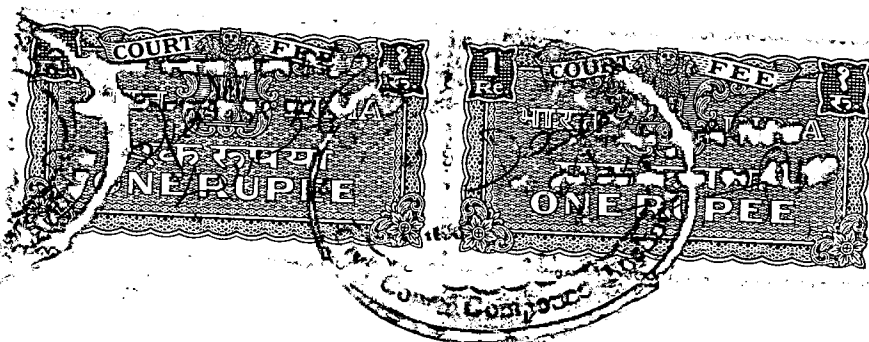
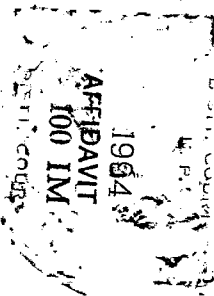


Before the Central Administrative Tribunal,  
Lucknow Bench, Lucknow

Contempt Petition No. 67 of 1993

In re:

O.A. No. 130 of 1990



Deepak Kumar ... Petitioner  
Versus

Shri K.K.Sharma, and three others ... Opp. Parties

REJOINDER AFFIDAVIT TO THE COUNTER AFFIDAVIT  
FILED BY OPP. PARTY NO.1-A.

I, Deepak Kumar, aged about 31 years,  
son of Sri B.B.Saxena, r/o 18, Deen Dayal Road  
Asharfabad, Lucknow, the deponent in the above  
noted case, do hereby solemnly affirm and state  
on oath as under:-

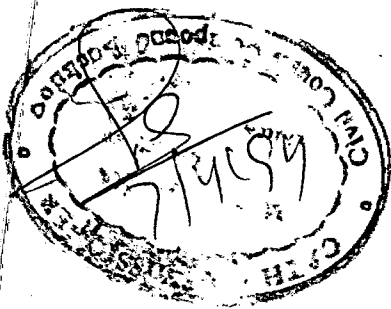
1. That the deponent has read and understood  
the contents of the counter affidavit under reply  
and is fully conversant with the facts deposed  
hereinafter.
2. That the contents of paras 1 to 4, 12, 16  
and 19 need no reply.
3. That in reply to paras 5 and 6 it is  
stated that the deponent after issue of appointment  
order by Chief Engineer was posted on 7.12.87  
by Deputy Director (E) for Chief Engineer at door  
Darshan Kendra, Jalandhar and from there on the  
deponent's request for transfer he was transferred

to A 11 India Radio, Almora by Deputy Director Engineering (P) for Chief Engineer and the facts which are contrary to this are incorrect and denied. The appointment at Almora was not a fresh appointment and on his request for transfer from Jalandhar, he was transferred to Almora from Jalandhar by the then Chief Engineer vide letter No.A-13/II(1)/88-EPC dated 27.7.1988. The facts as stated in para 4(111) of the contempt petition are the matter of record of the court and are re-iterated to be correct.

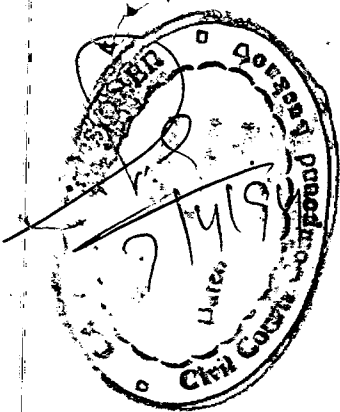
4. That in reply to para 9 of the counter affidavit replying para 5(i) of the petition, it is stated that on being transferred from ~~the~~ Jalandhar he came to Almora after his 1st posting at Jalandhar.

5. That in reply to paras 10 and 11 of the counter affidavit replying para 5(ii) to 5(iv) of the petition, it is stated that if the opposite parties after joining at Almora would have cared to see the deponent's record at Almora then the Opposite party would have knowledge of all the facts mentioned in para 5(ii) to 5(iv) of the petition, and the Opposite party having admitted that he has no knowledge, then what he did on knowing that the Tribunal order has not been obeyed as is evident from the record.

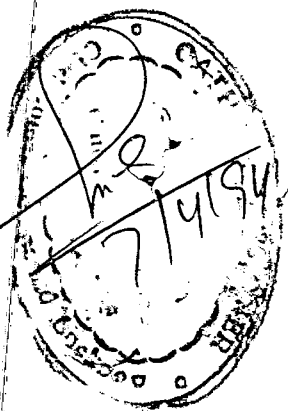
6. That in reply to para 13 of the counter affidavit replying para 5(v) of the petition, it is stated that instead of complying the order, which was served in July, 1991, and the deponent in compliance to Tribunal's order submitted his



joining on 24.7.1991, but the order was not <sup>1/2</sup> complied with either by his predecessor who is Opposite party No.1 and the alleged correspondance if any, has neither seen the light of the day so far ~~after~~ <sup>in</sup> the Ist Contempt petition nor in this second Contempt Petition. The wild and unfounded allegations has been made to establish the bonafides for the delay in not complying the order of the Tribunal, which amounts to wilful and intentional disobedience of the order only on assumption of hypothetical facts as the deponent was allowed to join only after the notice for appearance on the Ist Contempt petition after about 10 months of the order which was to be obeyed immediately. It is not said in the reply why the deponent was not allowed to join duties immediately and why the payment till the expiry of the appeal period <sup>was</sup> ~~withheld~~ and not made, when the fact is that no Special leave petition was preferred to the knowledge of the deponent, and on such defence and plea only, it can not be said that there was no malafide intention in not allowing him to join, <sup>that</sup> ~~and~~ can not be a good ground for the delay in compliance of Tribunal's order which was to allow to join and to make the payment and when in utter disobedience of the order Joining and payment of consequential benefit was delayed without any good ground then why interest and compensation for delayed obedience of the Tribunal's order has not been allowed for intentional delayed payment, as is the law of the Land <sup>2</sup> ~~and~~ <sup>2</sup>



7. That in reply to Para 15 to 17 of the counter affidavit replying para 7(viii) of the petition, it is stated that even after the Judicial pronouncement by the Tribunal, the drawing and disbursing officer of All India Radio Almora was competent to take immediate decision in the matter of fiscal nature for which he was competent under the manual of powers in financial matters. It has also not been stated in the Reply by the Opposite party that after 16.4.1992 till the filing of present counter affidavit why payment as directed by the Tribunal has not been made, and why the payment was delayed hence as required by law that the deponent is to be compensated by compensation in the form of interest when it is admitted that there is inordinate delay in payment which is wholly malafide having no bonafide. It has also not been stated that why after 16.4.1992 the payment was not made within reasonable time as was assured to the Tribunal on behalf of the Opposite parties in reply to the averments made in Ist Contempt Petition and if consequential benefits were not paid then why the deponent is to suffer for non payment which is if <sup>2</sup> ~~is~~ not malafide then what it is, and also establishes beyond doubt that there was deliberate delay on the part of the Opposite party who joined in June, 1993 and payments were made only when the Court directed again for their appearance.

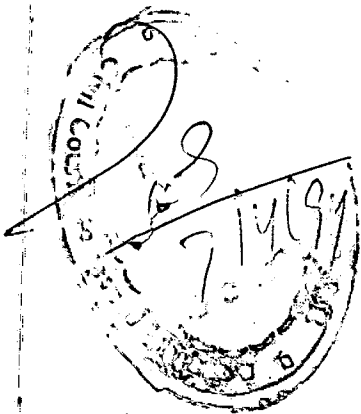


8. That in reply to Para 18 of the counter affidavit replying para 5 (xii) of the petition, it is submitted that, it has not been stated that firstly why no steps were taken in between 16.7.91 to 16.4.92 for allowing the deponent to join his duties when he himself reported to join duties in July, 1991 and why payment was not made within reasonable time after joining and for what reasons before and after 16.4.1992 payment was delay. It has not been stated that when and on what dates the details of arrears were sent by one Opposite party to other Opposite party till the date the counter affidavit has been filed; and on what dates the alleged queries were made, and nothing has been specifically stated with documents showing and establishing any bonafide either before the deponent was allowed to join and even after the submission of 1st affidavit in April, 1992, that the consequential benefits will be paid within reasonable time but after joining 23 months were allowed to pass without payment which can not be termed reasonable in any manner in the absence of any cogent and satisfactory explanation from the Opposite party and the humiliation, harassment and expenses which the deponent suffered because of non compliance is to be compensated by Opposite party in the form of damages and interest on the delayed payment which have been made in the month of March, 1994.

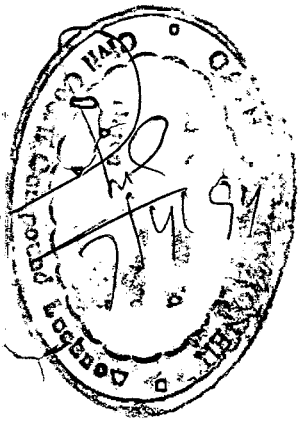
9. That in reply to Para 20 of the counter affidavit replying grounds A, B and C, it is stated that there are no bonafide causes for delayed

obedience and there can not be any compliance of ~~1/3~~ order as is required by the order and it amounts to not obeying the orders of the Tribunal immediately or within reasonable time which amounts to wilful disobedience of order and till it is established and proved by documents that non compliance from 16.7.91 to March 1994 was bonafide, when there is nothing either in the Counter affidavit filed by Opposite parties establishing any bonafide in not allowing him to join immediately or any document showing that the making the paymet at the earliest possible time was not possible hence the Opposite party has committed contempt of Court's order.

10. That in reply to para 21 of the counter affidavit, it is stated that even after receiving the order of the Tribunal in July, 1991, if there would have been any bonafide or any respect for Tribunal's order then why the same has not been complied with till 16.4.1992, and why on 16.4.92 it was obeyed in part hence it is not the true compliance of the order in any manner. Such compliance is nothing else but the intentional and motivated disobedience by the respondent till he can defy the obedience of the order and only after the passing of order of appearance of respondents and the Damocleas sword began to hang upon their head then the deponent was allowed to join his duties and there after again when after about 20 months of the service of the order when no consequential benefits were paid to the deponent and again the damocleas sword began to hang on their head then the deponents was paid consequential benefits which can not be in any manner termed as compliance



of the order within reasonable time, The deponent filed the present 2nd Contempt petition and even after the issue of order for the appearance of ~~the~~ Opposite party No.1 no counter affidavit has been filed by him as the same has not been received so far while payment has been made in March, 1994 relating to the period of his posting at Almora and the balance of arrears have been paid only one day before the date of appearance when the same ~~should~~ should have been paid in 1991 within in 2 or 3 months of the service of the order so how, it can not be taken to be a deliberate and intentional flouting of Tribunal's order and because of inordinate delay on the part of the respondents in not complying the order and in not paying all the consequential benefits within reasonable time a case of disobedience of order has been committed. It has not been stated that what are so many formalities which had to be observed in a period of about 33 months for making such a payment, if the compliance of Tribunal's order has been insured in a casual and cursory manner by the Opposite party and no respect has been shown to Tribunal's order as is needed for taking expeditious action by complying the order, then it is not only violation of the order, but a wilful and malafide - disobedience which is nothing but amounts to gross contempt.



11. That in reply to Para 22 to 23 of the counter affidavit, it is stated that it has not been stated that what prompt action has been taken by Opposite party on coming to know that the

Tribunal's order which should have been complied with has not been complied with after service of the order and meeting with the officers in July and August, 1991. It has also not been stated that from July, 1993 what actions and steps were taken by him when the present Opposite party joined which may show that there was no deliberate flouting of Court's order by him and no fact have been averred only to avoid the appreciation of the degree of contempt committed before holding that there was deliberate and intentional delay which amounts to wilful disobedience and flouting of Tribunal's order and the Opposite party have no regard or respect to Tribunal's order because of the fact that they did not show any respect to the Tribunal's order by complying it immediately even after coming to know of it.

12. That in reply to Para 24 of the counter affidavit, it is stated that the Opposite party is guilty of contempt as the order was not obeyed either promptly or within reasonable time after the passing of the order for compliance in July, 1991 hence the punishment is to be awarded.

Lucknow: Dated  
April 7, 1994

Deponent

Verification

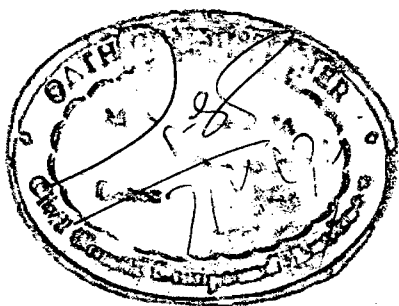
I, the above named deponent do hereby verify that the contents of Paras 1 to 39 of this affidavit are true to my personal knowledge, and Paras 10 to 12 are based on legal advice. No part of it is false and nothing material has been concealed. So help me God.

Lucknow: Dated  
April 7, 1994

Deponent

I, identify the deponent, who has signed before me.

Advocate



100/107

AKHILESH  
SARAI

7/4/94



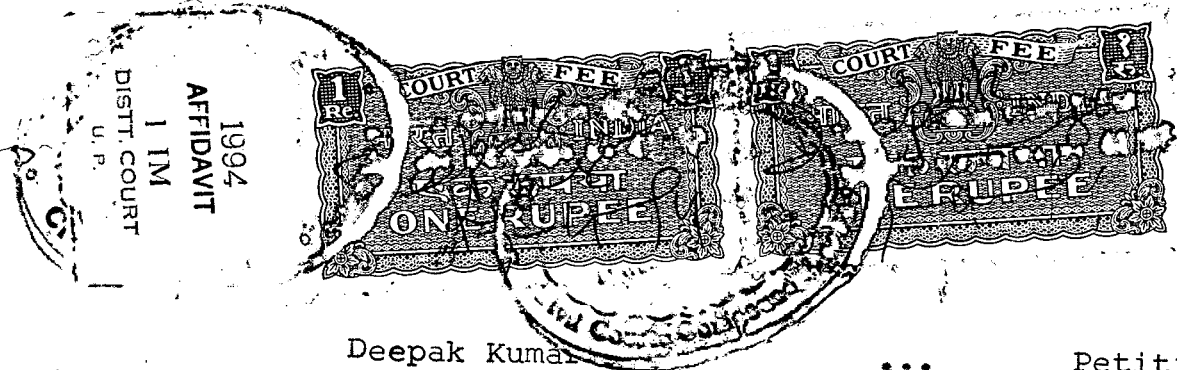
Before the Central Administrative Tribunal  
Lucknow Bench, Lucknow

Contempt petition No. 67 of 1993

in re

O.A. No. 130/1990

1/10



Deepak Kumar ... Petitioner

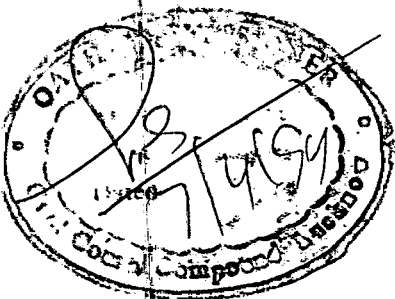
Versus

Shri K.K.Sharma, and three others ... Opp. Parties

Rejoinder Affidavit to the Counter Affidavits  
filed by Opposite parties No. 2 and 3.

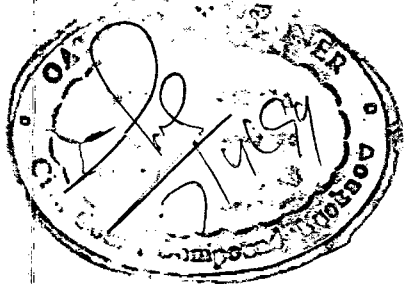
I, Deepak Kumar, aged about 31 years, son of Sri B.B.Saxena, r/o 18, Deen Dayal Road Asharfabad, Lucknow, the deponent in the above noted case, do hereby solemnly affirm and state on oath as under:-

1. That the deponent has read and understood the contents of the counter affidavits under reply and is fully conversant with the facts deposed hereinafter.
2. That the contents of paras 1, 2 and 3 of the counter affidavits need no reply.
3. That in reply to Para 4 of the Counter Affidavits it is stated that the appointment order of the deponent was issued after being selected by the Selection Committee on 5.5.1987 for the post of Engineering Assistant vide letter No. A43 /II(1)/86-EAC dated nil and was signed by Deputy Director. (Karmik) for and on behalf of



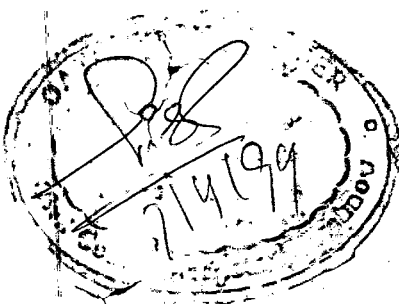
Opposite party No.2 and this fact is already admitted by Opposite parties in their Counter affidavit filed on behalf of all the Opposite parties in O.A.No.130/90 Deepak Kumar Vs Union of India and others as such the statement of fact in respect of the appointing authority are contrary to the facts stated in the O.A.No.130/90 as well as in the present case hence the same is denied. It is further evident from the transfer order issued on behalf of the Opposite party No.2 by Dy.Director (Engineering) for Chief Engineer (N.Z) vide No. A-13/II(i)/88-EPC dated 27.7.88 and <sup>the effect is the same</sup> the same order dated 24.12.88 communicated by Opposite party No.1 that the appointing authority is Opposite party No.2.

4. That in reply to paras 5, 6 and 7 of the counter affidavits it is stated that, if the Tribunal's order has not been complied with by subordinate officers then what the Opposite party No.3 did when he was apprised of disobedience who is occupying the highest post in the hierarchy of posts in the department, <sup>Especially 2</sup> and when they have also been served not only <sup>with</sup> the copy of the Tribunal's order for being implemented and the contempt notice was also served upon them then they are also duty bound being a responsible officer of the Government of India to see that the Tribunal's order has been complied without any delay, and to ensure that the order is complied with in all respect at the earliest, and if it is not complied with then whether the required steps have been taken



by the officers to ensure its due compliance without delay which is not evident from the counter affidavits filed in the case and it has also not been averred in the counter affidavits that what action has been taken by the Opposite parties after receiving the Tribunal order when they were apprised and had the knowledge that the Tribunal order has not been complied with so far and on this admitted position it can not be said that the Opposite parties who have been impleaded had at any time utmost regard for the Court's orders, and directions hence it will be presumed that they had no intention to get the Tribunal's order obeyed till the order dated 7.2.94 was passed by the Tribunal.

5. That in reply to Para 8 of the counter affidavits, it is stated that as order dated 5.7.91 was not only violated and flouted by the officers who were responsible to comply with the Tribunal's orders within reasonable time and were duty bound being a responsible officer to implement it without any delay after coming to know of the order and all the facts were brought to the notice of all the Concerning officers but they did not take any steps immediately to see the implimentation of the Tribunal's orders for a period of more than 10 months and after issue of notife for appearance only part of the order was complied with and whether the omission or commission on the part of the officers not to comply the other part of the order which is admitted can be then whether contempt has been committed or not only judged by the Tribunal



when the delay in the implimentation was neither bonafide nor because of any reasonable due to which the compliance was not possible and without all the facts explaining the causes supported by documents is properly placed before the Tribunal, which has not been explained in the present case till then the Opposite parties can not be absolved of the contempt already committed by them, and as such it is for the tribunal to hold that whether such an in ordinate delay will not amounts to committing of contempt of Tribunal's order as the order has been complied with only after taking cognizance on the contempt petitions.

Lucknow: Dated  
April 7, 1994

Deponent

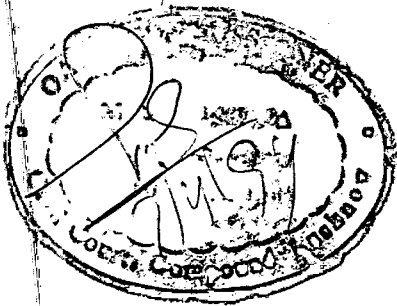
Verification

I, the above named deponent do hereby verify that the contents of Paras 1 to 4 of this affidavit are true to my personal knowledge, and Paras 5 are based on legal advice. No part of it is false and nothing material has been concealed. So help me God.

Lucknow: Dated  
April 7, 1994

Deponent

I identify the deponent who has signed before me  
A. J. J.



10-10-1107 DAPAK Kumar

Akhilesh  
Sahai  
7/4/94

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH, LUCKNOW

CONTEMPT PETITION No.67 of 93

in re:

O.A. No.130 of 90

FF: 10-8-1994

SUPPLEMENTARY AFFIDAVIT ON BEHALF OF  
THE OPP. PARTY No.1/A- SHRI BALU RAM RAI,  
STATION DIRECTOR, A.I.R., ALMORA TO THE  
REJOINDER AFFIDAVIT FILED BY THE APPLICANT

I, Balu Ram Rai, aged about 53  
years, son of late Shri Mahabir Rai, at present  
posted as Station Director, A.I.R., Almora  
(hereinafter referred to as the deponent), do  
hereby solemnly affirm and state on oath as  
under:-

1. That the deponent is Opp.  
party No.1/A in the above Contempt petition  
filed by the applicant; and as such, is fully  
conversant with the facts deposed to hereinafter.

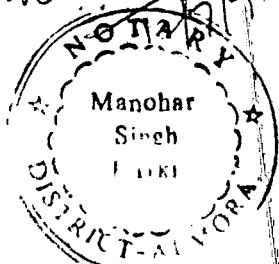


2. That the contents of the affidavit filed by the deponent as Counter Affidavit, are reiterated as they are correct and no material facts have been concealed.

3. That the applicant- Deepak Kumar, A.E. was nominated for the first time by the Chief Engineer, North No Zone, New Delhi for the Doordarshan Kendra, Jalandhar; and after that, on his own request, his posting was changed from Door Darshan Kendra, Jalandhar to A.I.R., Almora. He has joined first time at A.I.R., Almora as his first posting. The allegations, contrary to ~~these~~ this fact, are denied, as alleged in para-3 of the Rejoinder Affidavit. (Relevant papers to be filed). Annexure I & II

4. That the applicant re-joined on 24-7-1991 in compliance of order of this Hon'ble Tribunal dated 5-7-1991.

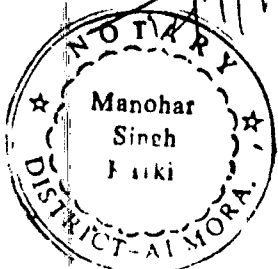
5. That in the said order of this Hon'ble Tribunal dated 5-7-1991, it was held that the Station Director, Almora is not the



*[Handwritten signature]*

appointing authority; and hence, the termination order passed by the Joint Director, Almora was cancelled, and the petitioner was given relief with all consequential benefits only.

6. That it is correct that no S.L.P. has been filed by the higher authorities, and the deponent has no authority to withdraw any amount or to pay other consequential benefits to the applicant. The Station Director is only the Recommending authority; and after getting sanction from the Ministry, he has complied with the order. The deponent, to the best of his efforts, recommended the case of the applicant to his authorities for compliance of the orders, and only on 9-2-94 sanction was received from Director General, A.I.R., New Delhi for payment of dues to the applicant. The Sanction order No.8/10/92-S(iv) (A)B(D) dated 9-2-94 was received, and immediately after that, the deponent paid all the dues upto date to the applicant on 3-3-1994. It is further submitted that there are no lapses or delay on the part of the deponent. He made every effort to comply with the order of



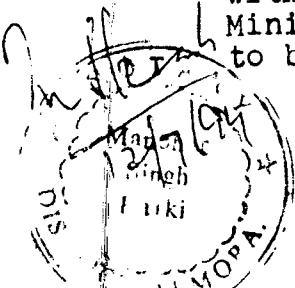
12/13/94

this Hon'ble Tribunal, but due to non-sanctioning authority, he was unable to comply with the order on his own. Every sanction or necessary order has to be taken from the higher authority. The sanction was given by the Ministry of Information, and the deponent had no control to get it earlier.

7. That the deponent has no intention to disobey the orders of this Hon'ble Tribunal; and to the best of his effort, he has made every effort to make compliance faithfully, and there is no fault on the part of the deponent in making payment to the applicant.

It is further stated that the complainant has now got all benefits of his services, and no grievance is pending against the Department, and the applicant is not entitled to any claim as no interest as no interest was awarded in the original order.

Papers re: correspondence with the Ministry are to be filed.



ALMAQAT  
LICENCE

DATED: 12-7-1994

3/12/94  
DEPONENT



VERIFICATION

I, the above named deponent, do hereby verify  
that the contents of paras 1  
of this affidavit are true to my own knowledge;  
those of paras 2 to 7<sup>th</sup>  
are true to my knowledge on the basis of records;  
and those of paras  
are believed by me to be true based on legal advice  
received.

Signed and verified this 12<sup>th</sup> day of JULY  
1994 at ~~Lucknow~~ <sup>Almora</sup>

ALMORA  
~~Lucknow~~

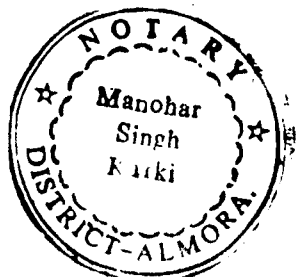
DEPONENT

DATED: 12-7-1994

I identify the deponent who has

signed before me.

ADVOCATE



Sworn/Solemnly Affirmed before me by the  
Deponent Shri Bala Ram Singh  
that the contents of the affidavit are true which  
have been read over & explained to the deponent  
Who is identified by Shri M. S. Karki  
Verified on 12-7-1994 at Almora

M. S. KARKI  
Notary District, ALMORA

12/7/94

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH, LUCKNOW

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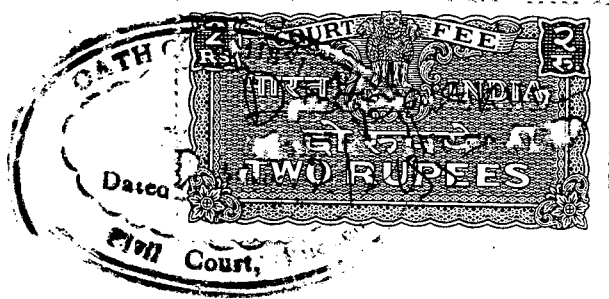
Contempt Petition No. 47 of 1993

In re.

C.A. No. 130 of 1990

Fixed for 3-2-1995

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Deepak Kumar

...

Petitioner

Versus

Sri K.K. Sharma and three others

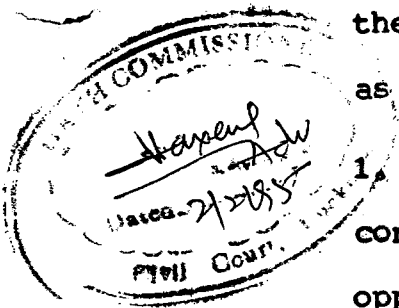
Opp. Parties.

REPLY TO SUPPLEMENTARY AFFIDAVIT DATED 12-7-1994  
FILED ON BEHALF OF OPP. PARTY NO.1/A, STATION DIRECTOR  
A.I.R. ALMORA WHICH HAS BEEN FILED IN REPLY TO REJOINDER  
AFFIDAVIT FILED BY THE APPLICANT TO THE COUNTER AFFIDAVIT  
OPP. PARTY NO. 1/A.

I, Deepak Kumar, aged about 31 years, S/O Sri B.B. Saxena, r/o 18, Deen Dayal Road, Asharfabad, Lucknow, the deponent do hereby solemnly affirm and state on Oath as under:-

1. That the deponent has read and understood the contents of Supplementary Affidavit filed on behalf of opp. party No. 1/A, which are being replied and deponent is well conversant with facts deposed herein under:

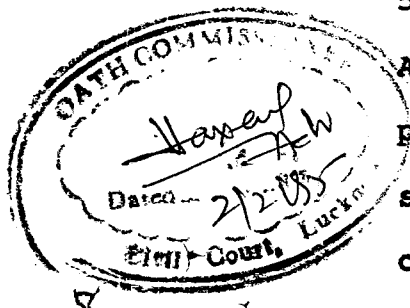
2. That the contents of paragraphs 1, 2, 4 and 5 need no reply.



3. That in reply to paragraph 3 of the Supplementary Affidavit, it is stated that there was no question of appointment by nomination by the Chief Engineer, North Zone, New Delhi, but the correct fact is that after the deponent applied for his appointment on the post of Engineering Assistant and was selected by the Selection Committee, then the petitioner was appointed by Chief Engineer and was posted at Doordarshan Kendra, Jalandhar from where, he was transferred to All India Radio, Almora.

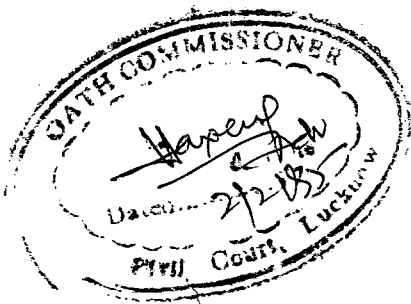
4. That the facts contrary to above are denied and the facts as stated in paragraph 3 of the rejoinder affidavit as well as in the contempt Petition are reiterated to be correct.

5. That in reply to paragraph 6 of the Supplementary Affidavit, it is stated that the facts stated in the para under reply are contrary to what has already been stated by opp. party No. 2 & 3. In this regard in their counter affidavits it has not been stated that after receiving Tribunal's order on 16th July, 1991, what the opp. parties did, i. e. on what date the opposite parties forwarded and recommended the case of the applicant to the competent authorities for the compliance of the Tribunal's orders and what has been done by them in between 16-7-1991 upto 9-2-1994 for more than 2 years 8 months. It is further stated that after the filing of the <sup>first</sup> contempt petition <sup>in 1992</sup> after giving assurance by the <sup>and in view of the order the contempt petition was disposed off</sup> then opposite party No. 1 <sup>thereafter</sup> when the order was not complied with <sup>for</sup> for a long period then in 1993, on the present petition direction to appear in court was issued but <sup>by any of the opposite parties</sup> it has not been indicated in any manner that what efforts to comply the Tribunal's order were made till 9-2-1994.



It has also not been stated that for how many months <sup>✓ April 1992</sup> and years after the first appearance in the 1st contempt case, the opp. parties No. 1 and 1/A did not receive sanction and what is the reasonable time required for receiving sanction and passing of necessary order in compliance to Tribunal's order in such <sup>✓ a</sup> case has also not been stated.

6. That in reply to paragraph 7 of the Supplementary Affidavit, it is stated that unless and until, it is brought to the knowledge and notice of the Tribunal that after receiving, the Tribunal order on 16-7-1991 on what date and month the matter was referred to higher authority to find out the bonafides of the opposite parties for ascertaining their intention and conduct of the opp. parties and the concerning facts are not forthcoming to conclude that they had never any intention to disobey the order of the Tribunal which has not been stated in any manner. The papers relating to record <sup>✓</sup> and correspondence with the ministry have neither been filed by any of the opp. parties alongwith their Counter Affidavit nor the same has been placed for deciding that which of the opp. party has actually <sup>✓ delayed and</sup> disobeyed the Tribunal's order and is responsible for not obeying the orders <sup>✓ within reasonable time</sup> after undertaking <sup>✓ was</sup> given before the court on 1st May, 1992 for such a long period without giving due respect and obedience to the Tribunal's order and delayed the matter for satisfying their <sup>✓ ego and</sup> whims and complied the order only when they were compelled by the Tribunal's order that if it is not obeyed they



will be subjected to punishment.

Lucknow:

Dt. 2-2-1995.

Deponent

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 5 of this Affidavit are true to my personal knowledge, and paras 6 & 7 <sup>the contents of</sup> ~~are~~ based on legal advice. No part of it is false and nothing material has been concealed. So help me God.

Lucknow:

Dt. 2-2-1995.

Deponent

I, identify the deponent, who has signed before me.

Advocate

Solemnly affirmed before me on \_\_\_\_\_ at \_\_\_\_\_ a.m./  
p.m. by the deponent who is identified by Shri Akhilesh  
Sahai, Advocate, High Court, Lucknow Bench, Lucknow.

I have satisfied myself by examining the deponent that he understood with the contents of this affidavit which have been explained by me to him.

EMA  
Solemnly affirmed  
at 10.55 A.M.  
who is identified  
by me to him.  
Date 2-2-1995  
Deputy Commissioner  
Deepak Kumar  
A. Sahai  
Advocate  
Date 2-2-1995

2061  
JAN 2001 ADMINISTRATIVE DIVISION  
Deputy Clerk  
Date of Filing..... 09.09.97  
Date of Receipt by Court.....

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW.

Contempt Petition No. 67 of 1993

In re:

Original Application No.130 of 1990 (L).

Deepak Kumar

.....Petitioner

versus

Shri K.K.Sharma and others

.....Opposite-Parties.

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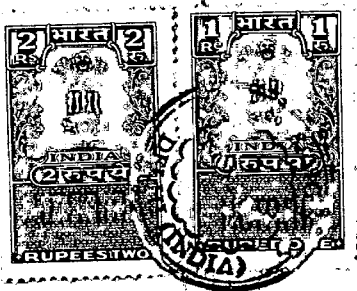
SUPPLEMENTARY COUNTER-AFFIDAVIT TO THE  
REJOINDER-AFFIDAVIT.

\*\*\*\*\*

I, Vinod Kumar Singh, aged about  
51 years, son of Sh. (Late). K.N. Singh, resident of  
D-I/18, Rabindra Nagar, N.Del., do hereby affirm and  
solemnly state on oath as under:-

1. That the deponent is Respondent  
No.2 in the above-noted Contempt Petition, and as such,  
he is fully conversant with the facts of the case  
deposed to hereunder.

(contd.2/-.....)



*Udigh*

Dr. Bogdanov ( )

2. That the Hon'ble Tribunal, at the time of hearing of the contempt petition, has been pleased to direct the answering opposite parties to submit reply to the averments/allegations made in the rejoinder affidavit, particularly with regard to paragraphs 3 and 4 relating to the termination of appointing authority for the post of the petitioner. He is, therefore, submitting his reply to the said allegations made in the rejoinder affidavit in compliance of the directions of the Hon'ble Tribunal as under:

3. That the contents of paras 1 and 2 of the rejoinder affidavit need no reply.

4. That the contents of para 3, 4 and 5 of the rejoinder affidavit are not admitted as stated. (i) The deponent most respectfully submits that the petitioner has deliberately tried to confuse the Office of the Appointing Authority Controlling with that of Cadre Authority. In fact, the 2 posts are quite different with different rights, duties and functions. The post of Engineering Assistant in the All India Radio belongs to the NonGazetted Engineering Cadre. The para 14.3.11 under the title of 'Engineering Personnel Cell' is being reproduced hereunder to clarify the correct position:



Ueligh

(contd.3/-.....)

"The Zonal Chief Engineer is responsible for cadre control of all the nongazetted engineering employees in the Zone including recruitment to the cadre of Engineering Assistants. This work is looked after by this section. Its various functions are as follows:

1. To compile seniority list of all cadres.
2. To hold DPC's for confirmations, and issue orders.
3. To hold DPC's for termination of probationary periods of SEA's and issue orders.
4. To hold DPC's for crossing of EB of SEA's and issue orders.
5. To hold DPC's for promotions of various non gazetted engineering staff and issue orders.
6. To process all cases for dereservation.
7. To issue all promotions/transfer orders upto SEA.
8. To maintain full biodata of each and every employee, innongazetted engineering cadre.



*U. Singh*



CJ. Docket No. 000

14/9/2

9. To arrange recruitment to the cadre of Engineering Assistants.

10. Any other matters concerning staff.

A true extract of the said portion of the A.I.R. Manual is being filed herewith as Annexure No. SA1.

(ii) It would, thus, be clear that the Zonal Chief Engineer is the Cadre Controlling Authority for the entire nongazetted engineering employees of the Zone, which means that it will be responsible for seniority list of all the cadre, their transfer, posting etc. Subpara 9 makes it ample clear that it will arrange recruitment to the cadre of Engineering Assistants, which in turn means that selection and posting of the Engineering Assistant only would be done by the Zonal Chief Engineer, but he is not the appointing authority for the post. The Appointing Authority for each post in the Cadre is given in the Schedule to the C.C.S. (CC & A) Rules, 1965. The deponent is filing herewith a true copy of the said Schedule circulated by the Government of India vide its letter/order dated 16/1/71 as Annexure No. SA-2. At Serial No. (ii), it has been laid-down that the Head of the Office would be the Appointing Authority for all posts in Subordinate Offices. Every Station of the All India Radio is



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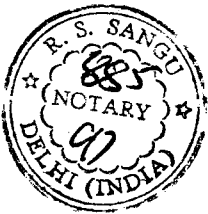
(contd., 5/-.....)

Ex. No. 100

a Subordinate Office, including All India Radio Station, Almora, and Station Director, Almora, is the Appointing Authority for all posts in Class III Services in his Office/Station, including the post of the petitioner.

(iii) In the instant case also, the selection for the post of Engineering Assistant, including the petitioner was undertaken by the Chief Engineer (North Zone) and the result of selection, including instruction to submit his acceptance to the Appointing Authority (Karmik Adhyaksh) was sent by the Deputy Director (Karmik) on behalf of the Chief Engineer (North Zone) vide letter dated 15.10.1988, a true copy of which is being filed herewith as Annexure No.SA3. The petitioner was informed through the said letter - para 1 that he is being nominated for appointment (Niyuktikeliye Namit karta hai) by the Selection Committee under the authority of the Director (North Zone). It was specifically stated in para 10 of the said letter that the candidate will have to submit his certificates etc. before the Head of the Office so that the Head of the Office (Karmik Adhyaksh) may issue him the appointment letter. A list of the selected candidates was enclosed with the said letter. The petitioner's name stood at Serial No.100 of the said list, and he was instructed to submit his certificates etc.

(contd.6/-....)



Ushish

and obtain appointment order from the Director, Doordarshan Kendra, Jalandhar (Punjab).

(iv) However, subsequently, the places of some candidates were changed, including the petitioner. The petitioner's place of posting was changed from Doordarshan Kendra, Jalandhar (Punjab) to All India Radio, Almora (U.P). This was communicated to the petitioner vide letter dated 27/7/1988, a true copy of which is being filed herewith as Annexure No.SA4. The deponent craves leave of the Hon'ble Tribunal to reproduce the note mentioned in the letter dated 27.7.1988 as under:

"(1).The Superintending Engineer,Doordarshan Kendra, Jalandhar (Pb.). It is requested that the copy of the offer of appointment together with the Character Verification Report and a photocopy of the biodata of the candidate may please be sent to the Station Engineer,All India Radio, Almora by registered post under intimation to this office.

(2) The Station Engineer,All India Radio,Almora. It is requested that the intimation regarding his joining or

(contd.7/-.)



*U. Singh*

-7-

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otherwise may please be sent  
to this office telegraphically."

(v) It will be pertinent to point out here that the Doordarshan Kendra, Jalandhar (Punjab) had not issued any appointment letter to the petitioner. Similarly, the Chief Engineer (North Zone) or any other authority, <sup>except</sup> the then Station Director, Almora, did not issue any appointment letter to the petitioner at any point of time. This fact alone militates against the claim of the petitioner that his appointing authority was Chief Engineer (North Zone). In fact, the petitioner has not been able to produce before the Hon'ble Tribunal the copy of the alleged appointment letter. It appears that he has deliberately suppressed the actual appointment letter dated 20/8/1988 issued by the Station Director, All India Radio, Almora, to create a totally incorrect ground for his Original Application. The deponent, therefore, craves leave of the Hon'ble Tribunal to file a true copy of the said actual appointment letter dated 20/8/1988 as Annexure No.SA5 to this Supplementary CounterAffidavit.



(vi) The deponent, further, submits that the above referred procedure is the normal procedure, which has been uniformly followed in the All India Radio throughout the country for decades. The petitioner was fully aware of this procedure and of the fact that the Office of the Chief Engineer (North Zone) acts only as a Recruiting Agency just like the

Ud Singh

1/25

Public Service Commission, and thereafter it directs the selected candidates to different Stations of All India Radio and Doordarshan for appointment through the Appointing Authority, that is, the respective Head of the Office. The petitioner, however, suppressed most of the relevant documents and informations from the Hon'ble Tribunal during the earlier proceedings in the Original Application, because of which, the Hon'ble Tribunal appears to have made the observations that the Appointing Authority for the post of Engineering Assistant appears to be the Chief Engineer (North Zone).

(vii) The deponent deeply regrets and tenders his unconditional apology on behalf of the Department and the officers concerned for not pointing out these facts to the Hon'ble Tribunal at the relevant stage, and for not filing a Review/Recall Application for expunging the said observations within time. The deponent has been informed that Late Shri V.K.Choudhary, the then Additional Standing Counsel, Central Government, was conducting this case on behalf of the Department, who expired soon after the delivery of the judgement. It appears that, because of this, the said observations of the Hon'ble Tribunal was not noticed by the authority concerned at that time.



Udigh

(viii) It would, further, be relevant to point out that when the copy of the Original Application was received at the Office of the Chief

(contd.9/- .-----)

~~CONFIDENTIAL~~  
~~SECRET~~  
~~CONFIDENTIAL~~  
~~CONFIDENTIAL~~  
~~CONFIDENTIAL~~

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000

Engineer (North Zone), as per normal practice, since the order of termination was passed by the Station Director, All India Radio, Almora, and since he was the Appointing Authority for the post of the petitioner, he was directed to file necessary reply on behalf of all the opposite parties since the matter related mainly to him and the other parties were more or less a 'proforma party'. The deponent is filing herewith true copies of the letters dated 09/8/1990 and 25/9/1990 issued on behalf of the Chief Engineer (North Zone) to the Station Director, All India Radio, Almora, as Annexures No.SA6 and SA7 respectively in this regard, informing the latter that, since, he is the main respondent, he should file a joint reply on behalf of all the opposite parties himself and do the necessary pairvi of the case. It appears that in the circumstances, the Station Director, Almora, was not able to place relevant Rules, Regulations and documents before the Hon'ble Tribunal during the proceedings on the Original Application, which led to the observations of the Hon'ble Tribunal regarding Appointing Authority, which is against the statutory provision. Even the observations appeared to have escaped the notice of the then Station Director, All India Radio, Almora. Such a default is highly regretted.



Ud Singh

(ix) The deponent, however, is advised to submit that the statutory provision remains unchanged, and

(contd. 10/-...)

Control Accountant's Office  
Jodhpur Branch  
Date of Filing .....  
Date of Receipt by Post.....

-10-

Dr. [Signature] 000

1/8

therefore, the deponent was right in submitting before the Hon'ble Tribunal in his counteraffidavit to the contempt petition that the Appointing Authority for the post of the petitioner, that is, Engineering Assistant is the Station Director, All India Radio, Almora, and not the Chief Engineer (North Zone), and that it was for him to comply with the directions of the Hon'ble Tribunal, for which necessary instructions/reminders were issued by the deponent and the Chief Engineer (North Zone), from time to time.

(x) However, out of ample regard for the directions of the Hon'ble Tribunal, the deponent and other officers at New Delhi, have issued several directions to the Station Director, All India Radio, Almora, to comply with the judgement of the Hon'ble Tribunal, that is, to reinstate him, and also to pay him arrears of salary. These include letters dated 14.8.1991, 26.8.1991 and 17.11.1992, true copies of which are being filed herewith as Annexures No.SA8, 9 and 10 respectively.



(xi) The judgement and order of the Hon'ble Tribunal itself is dated 5.7.1991, and the first direction has been issued by the deponent as soon as it has been received in the Office of the Chief Engineer (North Zone) after its processing and there has been no delay or default on the part of the deponent or at the Office of the Chief Engineer (North Zone) in complying

(contd.11/-....)

Ud Singh

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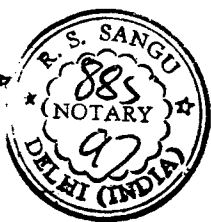
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the judgement. The 'reinstatement order', in compliance of the order of the Hon'ble Tribunal, itself, was issued by the Station Engineer (the then Head of the Office at that time) on 5.9.1991, which itself shows that there has been no disobedience of the judgement and order of the Hon'ble Tribunal by the answering opposite parties, much less deliberate disobedience.

(xii) However, as the amount of arrears, to be paid, was large and its calculation and obtaining of necessary financial sanction and provision for funds etc. consumed sometime, the same could not be done immediately, but it was paid to the petitioner on or before 16/4/1994, as is evident from the letter sent by the then Station Engineer, All India Radio, Almora, a true copy of which is being filed herewith as Annexure No.SA11.



*Ud Singh*

(xiii) The deponent, further, craves leave of the Hon'ble Tribunal to submit that so far as the judgement and order of the Hon'ble Tribunal is concerned, it has not prescribed any particular date by which the arrears of salary were to be paid to the petitioner. In the circumstances, the time consumed in the process cannot be termed as deliberate disobedience of the order of the Hon'ble Tribunal, as it was bona fide and unintentional. Anything to the contrary is denied as incorrect.

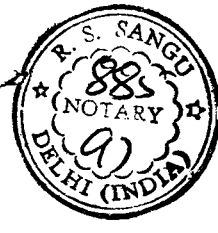
(contd.12/-...)



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(xiv) It would, further, be relevant to point out that the petitioner himself has accepted the reinstatement vide the order of the Head of the Office dated 5.9.1991 without any protest, a true copy of which is being filed herewith as Annexure No.SA12. He has, further, demanded and accepted payment of arrears of salary from the Head of the Office, that is, the then Station Engineer (the then Head of the Office). He is, therefore, stopped from claiming that the opposite party no.1. is not his appointing authority or that the answering opposite parties are responsible in any way for not complying with the judgement and order of the Hon'ble Tribunal, being his appointing authority.

5. That it is, further, submitted that there has been no intention of the answering opposite party at any point of time, not to implement the judgement and order of the Hon'ble Tribunal, on the other hand, the answering opposite party took all the steps without any delay on his part in this direction for implementation of the Hon'ble Tribunal's directions. The deponent, further, tenders his unintentional apology for any delay, which may have occurred in making actual payment due to the official ; procedure at various levels, which was quite unintentional and uninadvertant, and is liable to be condoned by the Hon'ble Tribunal.



*Uday*

Lucknow, dated:  
, 1997.

*Uday*  
.....DEPONENT.

Dr. Bachchan 000

VERIFICATION.

I, the deponent, abovenamed, do hereby verify that the contents of paras 1 - 3 are believed to be true to my personal knowledge, contents of paras 4 - i - viii, x - xii are believed to be true based on records, while the contents of paras 4 ix, xiii, 5 are believed to be true on the basis of the legal advice received by me. No part of this affidavit is false and nothing material has been concealed. So help me God. The Annexures No. SA1 to SA12, annexed with this affidavit are true copies of their relevant originals, which are believed to be the true copies.

New Delhi: Dated:

11.8.1997.

*Udhyot*

.....DEPONENT.

I, identify the deponent, abovenamed, who has signed this affidavit before me.



.....Advocate

Solemnly affirmed before me by the deponent at.....a.m./p.m. on , 1997, who is identified by Advocate,

(contd.14/-.....)

Central Administrative Tribunal

Notion of Branch

Date of Filing

Date of Receipt by Tribunal

-14-

Dy. Registrar 000

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I have satisfied myself by examining the deponent that he has understood the contents of this affidavit, which have been read over and explained to him by me.



ATTESTED

NOTARY DELHI

11-8-97

## CHIEF ENGINEER'S ZONAL OFFICES

12  
 ANNEXURE - SA 1  
 1/03

## Introductory

14.1.1. Prior to 1948, the working relating to the installation of transmitters, studios, etc. was being done by the Installation Engineers attached to the Maintenance Department. With the drawing up of the Basic Plan for development of broadcasting in India in 1944, the need arose for a regular and separate organisation for its implementation. The Planning and Development Unit of the Directorate General and the Project Circles were, therefore, sanctioned in March 1948 to implement the above plan as modified in 1947.

14.1.2. The Planning and Development Unit was formed in May 1948 and the two Project Circles viz., Eastern Project Circle with headquarters at Calcutta and Western Project Circle with headquarters at Bombay, each under charge of a Project Officer, were formed in March 1949. The Central Project Circle with headquarters at Delhi was Engineer in the Directorate General till its abolition on 1.11.1951. It was revised on 16th February 1953 and placed in charge of a Project Officer like the other two Circles. The three Circles were recognised into four regions each region under a Regional Engineer, w.e.f. 17th August, 1968, viz., West, East, North & South, with headquarters at Bombay, Calcutta, Delhi and Madras, respectively. The Regional Engineers were made responsible for supervision of both Installation and Maintenance works, which earlier were being looked after by the Project Officers and Maintenance Engineer respectively.

14.1.3. From 1.4.1976, Television was separated from All India Radio and a separate Directorate of Television was created but the working of Regional Offices remained undisturbed. Regional Offices continued to look after Installation and Maintenance for both Radio and TV as hitherto. The budgets were separated but Regional Offices operated the budget of both the media units for capital works.

14.1.4. On 5.11.81, another major event was the creation of Indian Broadcasting (Engineers) Service for Group A posts as an organised service under Govt. of India. All the Regional Engineers became CE (Zonal).

## 14.2.1 Organisation

The jurisdiction of each Zonal Chief Engineer is indicated in Annexure 1.

14.3.1. A Chief Engineers (Level 1) is incharge of each Zone. He has two Chief Engineer (Level 2) under him to look after the maintenance for AIR & Doordarshan separately. For project works, he has two Directors (Projects) to look after separately the project works of AIR and Doordarshan. One of the Officers, who is declared as 'Head of Office' looks after administration accounts and establishment.

## Duties and Responsibilities of Staff

The Duties of the various posts mentioned below should not be deemed to be exhaustive. The Chief Engineer is authorised to order deviations, wherever necessary, in the interest of Public Service.

## Chief Engineer (Level 1)

- i) The Chief Engineer (Level 1) is directly responsible for the execution of all the AIR & Doordarshan projects in the Zone.
- ii) He exercises all the powers of 'Head of Department', and can declare one of the officers under him as 'Head of Office', for looking after the work of accounts & administration.
- iii) He can create a Division under CPWD Code.

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 12/10/81

- iv) He is responsible for cadre control of all the Non-Gazetted Engineering Employees in the Zone including recruitment of Engineering Assistants.
- v) He is responsible for maintenance and safe custody of confidential Dossiers of all non-gazetted Engineering Employees in the Zone.

#### 14.3.2. Chief Engineer (Level 2)

There are two posts of Chief Engineer (Level 2) in each Zone. One Chief Engineer looks after the maintenance of AIR Stations and other those of Doordarshan Stations. In this work, each Chief Engineer is assisted by Directors, Deputy Directors and a few Assistant Directors/Assistant Engineers and other ministerial staff. The main functions of maintenance are as follows:

1. To study the technical problems of the Stations and assist the Stations in solving them where required.
2. To scrutinise the various technical returns received from Stations, giving comments thereon and to advise them where necessary, for effecting improvement.
3. To watch day by day use of technical stores particularly transmitting valves, receiving valves and imported and other spares and supervise their supply either from the Central Stores or other sources.
4. To watch utilisation and consumption of magnetic recording tapes, maintenance of all tape recorders and play back equipment and make suitable recommendation to the Directorate for their supply and replenishment.
5. To arrange for the repairs of the technical equipment received from Stations.
6. To assess requirements of renovation, replenishment and replacement at various Centres in his Zone and also consider provision of additional facilities where found necessary. On this basis formulate proposals for necessary funds under various schemes, like Modernisation & Replacement, Additional facilities, etc.
7. To undertake periodical inspection of various AIR/Doordarshan Centres in his Zone by Officers of various levels to ensure adequate technical standards of operation and also strict adherence to rules and regulations stipulated in AIR Manuals and instructions issued from time to time.

#### 14.3.3. Director Engineering (Projects)

1. He is responsible and accountable for timely execution of all projects of AIR or Doordarshan.
2. He monitors each and every activity of the project, starting from selection of sites to commissioning of projects.
3. He looks after the administration, budget & accounts of the project wing.
4. He is responsible for preparation and submission of all returns, pertaining to projects to the Directorate.
5. He is responsible to ensure that equipment is installed and performs to approved standards. He scrutinizes all the measurement and performance reports sent from site, including report on field strength survey.
6. He is responsible for proper handing over of installation to maintenance staff, after arranging joint inspection, and issue of necessary certificate.

In these works, he is assisted by various sections, each one of which works under a Deputy Director. The other staff in the sections consist of one or two Assistant Directors/Assistant Engineers, SEA's and other ministerial staff.

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*W. Singh*

## 14.3.4. Functions of Various Sections in Project Wing

The main functions of various sections in the project wing are as follows:—

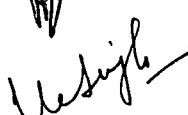
## (a) Co-Ordination Section

(There are two separate Sections, one for AIR works and other for Doordarshan works)

1. To survey suitable sites for establishment of Radio and TV Stations and to take further follow up action till the sites are finally paid for and taken over.
2. To place firm demands with Post & Telegraph Department for Telephone Lines and to take follow up action till lines are finally provided. To finalise rent and guarantee terms for the provision of Telephone Lines.
3. To place firm demands with Electricity Boards for the provision of Power supply and to take all follow up actions till the power is finally supplied. To finalise tariff and other agreements with the Power Supply Authority.
4. To Co-ordinate building activities with CCW.
5. To maintain all the drawings and other details pertaining to installation.
6. To guide Installation Officers on all matters pertaining to installation.
7. To maintain liaison with local authorities, Electricity Boards, P&T Department, Railways, Water Supply Authorities and all other Departments whose help may be necessary for the timely execution of projects.
8. To prepare proposals for the sanction of Installation Staff every half yearly for submission to the Directorate.
9. To arrange deployment of Installation Staff for optimum productivity. To take remedial action, where progress is not satisfactory.
10. To monitor progress of Installation and submit periodical reports to the Directorate.
11. To scrutinize all the measurements and performance reports, including reports on field strength survey, received from site and advise the installation team about the remedial action to be taken by them, wherever performances are not satisfactory.
12. To act as a bridge between Installation team at site and P&D Unit/Directorate.
13. To arrange Joint Inspection of completed projects before commissioning the Installation for regular service.
14. To arrange proper handing over of the installation to the station staff.
15. To arrange compilation of completion report and distribute the same to all concerned.
16. To take follow up action for all pending items after the handing over of Installation.

## 14.3.5. Budget Section

1. To study the technical drawings and project notes received from Directorate and frame detailed technical estimates for the projects, and process their sanction.
2. To prepare deviation statements as and when necessary, and process their sanction.
3. To maintain copies of all project notes and master copies of all detailed Technical Estimates and Deviation Statements.
4. To make available copies of Detailed Technical Estimates and deviation statements to all concerned.
5. To keep records of all the Administrative Approvals and financial sanctions in respect of projects.
6. To monitor the pace of expenditure on projects.

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7. To prepare budget estimates, revised estimates and final estimates.
8. To ensure correct and timely booking of expenditure.
9. To compile material for budget meetings and prepare minutes of the same.

By, Engineer

#### 14.3.6. Purchase Section

1. To identify and consolidate various items of purchases required for installation after scrutiny of DTE's.
2. To get the specifications of the equipment from the P&D unit, ISI and other sources or to draw them.
3. To compile an upto date list of suppliers for various items of stores.
4. To compile an upto date data about various equipments available in the market.
5. To Survey the market to get the knowledge about new developments in the field of fabrication of equipment.
6. To process all the purchase of stores required to be purchased by Zonal Offices and finally place order after observation of all purchase rules.
7. To monitor the receipt of stores against the order placed by the section and to take remedial action in case of delay/default.

#### 14.3.7. Stores section

1. To monitor the receipt of equipment against Directorate order as per delivery schedule specified in the order, and to take remedial action in cases of delay/defaults.
2. To take follow up actions in cases of damaged/short supply of equipment.
3. To process and pass bills of the suppliers, and ensure their correct booking.
4. To keep a watch on various advance payments made to the suppliers and adjust the same at the time of final passing of the bill.
5. To arrange transfer of equipment from one project to another, after taking Directorate's approval.
6. To handle all correspondence with Directorate & the suppliers regarding receipt of equipment against Directorate's Order.
7. To scrutinise all Omnibus Transfer Entry Orders and other transfer entries and ensure correct and timely booking of expenditure.

#### 14.3.8. Godown

1. To receive all the stores ordered by the Directorate or the purchase section of the Zonal Office for which Zonal Chief Engineer is the consignee.
2. To pass all bills, in respect of stores received at godown, after making proper entries in the record books.
3. To prepare OTEO in respect of those stores received where bills have either not been received or cannot be processed in that month, and submit those to stores section for arranging booking of expenditure.
4. To arrange safe custody of all the stores received, till such time as they are finally transported to site.
5. To keep proper record of all the stores received and issued in proper registers and ledgers.
6. To report on damaged/short/incorrect supplies of equipments to the stores section and also to the suppliers under intimation to the Directorate.
7. To arrange clearance of stores from Railway Stations or Air Port.

K.C. [Signature]  
 [Signature]

8. To arrange despatch of stores to installation sites as and when required.

#### 14.3.9. Machinery and equipment (Tools and Plants) and Zonal workshop

1. To estimate the requirement of measuring Equipments, tools, etc. under "Machinery and Equipment." These equipments & tools are needed during installations works for carrying out measurements and other works at installation sites.
2. To prepare D.T.E. for purchase of stores and other activities under AIR and Doordarshan.
3. To maintain all equipments, purchased under Machinery and Equipment in good condition and arrange their repairs as and when necessary.
4. To take action for disposal of unserviceable items.
5. To celebrate various measuring instruments.
6. To undertake specialised repairs of equipment for projects as well as for stations.
7. To render help to stations in arranging repairs from market.

#### 14.3.10. Administration Branch

One of the Officers of the Zonal Office is declared as 'Head of Office' by the Chief Engineer. He is also a Divisional Officer under CPWD Code.

This Officer is responsible for the entire administration of the Zonal Office and also for keeping proper accounts of all the expenses, on the projects as well as other expenses incurred by office of Chief Engineer. In this work, he is assisted by a Deputy Director (Admn.) an Accounts Officer, divisional accountants, Head Clerks and other ministerial staff.

#### 14.3.11. Engineering Personnel Cell

The Zonal Chief Engineer is responsible for cadre control of all the non-gazetted engineering employees in the Zone including recruitment to the cadre of Engineering Assistants. This work is looked after by this section. Its various functions are as follows:

1. To compile seniority list of all cadres.
2. To hold DPC's for confirmations, and issue orders.
3. To hold DPC's for termination of probationary periods of SEA's and issue orders.
4. To hold DPC's for crossing of EB of SEA's and issue orders.
5. To hold DPC's for promotions of various non-gazetted engineering staff and issue orders.
6. To process all cases for de-reservation.
7. To issue all promotions/transfer orders up to SEA.
8. To maintain full bio-data of each and every employee, in non-gazetted engineering cadre.
9. To arrange recruitment to the cadre of Engineering Assistants.
10. Any other matters concerning staff.

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## 14.3.12. Installations

Control Administration Division  
 Dated: 17/11/2017  
 Date of Filing: 17/11/2017

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Project wing of Zonal Chief Engineer looks after all types of installations. Staff for project wing is sanctioned on quarterly basis for T.V. projects and on six-monthly basis for AIR projects. Zonal Chief Engineer prepares a consolidated proposal for various AIR projects which contains the detailed requirements of various categories of staff in each project. The proposal is sent to AIR Directorate for scrutiny at their end and subsequent sanction of installation staff. Similar proposals are sent to T.V. Directorate for their scrutiny and sanction.

The various categories of staff sanctioned are as follows:

Director Engineering  
 Deputy Director Engineering  
 Assistant Director Engineering  
 Assistant Engineer  
 Sr. Technician  
 Technician  
 Cclotexcutter & Decorator  
 Carpenter  
 Stenographer  
 Storekeeper  
 Head Clerk  
 C G I  
 C G II  
 Motor Driver,  
 Khalasi

Each category of staff is provided on man-month basis as per norms fixed for various types of projects.

## 14.3.13. Installation Officer

The project wing of Zonal Office is responsible to carry out installation works for various projects. After the receipt of the Government sanction, project note and relevant drawings, a "Detailed Technical Estimate" is framed by Zonal Office which in turn is sanctioned by the competent authority. One of the officers of Zonal Office (or some officer at a station) is declared as Installation Officer for a particular project and an imprest amount is also sanctioned. This officer is authorised to draw that imprest amount from the Cashier of Zonal Office and incur expenditure on the items provided in the sanctioned D.T.E. He performs the following functions:—

## A. Administrative

1. To complete the project within the time frame allotted for the project.
2. To exercise control on the regular, workcharged and casual staff employed in his office.

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AIR MANUAL

Control Accounts

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3. To arrange payment of wages and other dues of the staff.
4. To employ workcharged staff, as provided in the detailed technical estimates (D.T.E.) with the approval of Zonal Office.
5. To employ casual labour as per provisions in the D.T.E. and as per requirements of the work.
6. To correspond and keep liaison with various agencies, like local administration, Electricity Board, Water Supply Authority, P&T Department, PWD, CPWD, CCW and suppliers of equipments.
7. To keep Zonal Office informed about the latest status of the project, and areas where advise/help is required.
8. To ensure optimum utilisation of motor-vehicles provided for installation purpose and also to arrange their proper maintenance.

B. Financial

1. To prepare and pass muster rolls, bills and other vouchers within his powers.
2. To make local purchases within his powers.
3. To receive payments from Zonal Office against imprest, passed muster rolls and bills etc. and render account of the same to Zonal office.
4. To keep account of all stores received from Zonal Office or directly against purchase orders of Directorate, Zonal Office or his own, in proper registers, and arrange their safe custody.
5. To take follow up action in case of non supply, short supply or damaged supply of stores.
6. To watch the pace of expenditure on the project.
7. To ensure that D.T.E. provisions are not exceeded.
8. To take action for the preparation and sanction of Deviation Statements (DS) by the Zonal Office, as and when necessary before incurring any additional expenditure.
9. To arrange disposal of surplus stores at the installation as per rules.

C. Technical

1. To prepare weekly progress report of the installation and submit the same to Zonal Office regularly.
2. To collect all relevant drawings, project note and previous correspondence from Zonal Office and study them thoroughly to acquaint himself with all the details of the project.
3. To compare the store provision in the D.T.E. with actual requirement and take action in case of discrepancies in the earlier stage of project itself.
4. To satisfy himself that the labour provision in D.T.E. is adequate.
5. To ensure that the power supply connection of adequate capacity and telephone lines will be provided by the concerned authorities before completion of installation.
6. To plan installation work of the project to suit delivery schedule of the major equipments.
7. To arrange testing of equipments on receipt at site.
8. To ensure that the installation is carried out strictly as per drawings issued by P&D unit and the Zonal Office. Any deviation from drawings, which may become necessary must be got approved.
9. To ensure that the performance and getup of the entire installation is as per standard test data of the manufacturers and as per specification of the P&D unit.

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10. To ensure that adequate safety devices have been provided in the installation and that they are working satisfactorily.
11. To ensure safety of all the persons engaged by him against fire, electrical and other hazards, specially when working on high voltages and on masts and other areas of high risks.
12. To take measurements on all the equipments and ensure their optimum performance and send the results to Zonal Office. The Zonal Office will fix a date for joint inspection of the installation, if satisfied with the results.
13. To arrange handing over of the installation to the Station Staff, after making 10 copies of handing over/taking over lists of all the tangible items, which are susceptible of verification and which should find a mention in the register of fixed assets, used in the installation, either installed or loose.
14. To prepare 6 copies of completion report of the project and submit the same to Zonal Office.
15. To give a list of all pending items to the station along with relevant correspondence, to enable them to pursue these cases.

D. Senior Most Engineering Officer at site

The Installation Officer works under overall supervision and guidance of the senior most Engineering Officer, if posted at site, who is administrative and technical head of the team. His main functions are as follows:

1. To ensure that proper administrative, financial and technical procedures are being complied with.
2. To carry out installation at site as per approved design and specifications.
3. To undertake all activities for speedy execution of project.
4. To maintain liaison with local authorities for expeditious completion of projects.
5. To ensure that proper measurements are taken and results sent to Zonal Office to arrange joint inspection.
6. To ensure that handing over documents are completed before installation is handed over for operation, after joint inspection.

T. C. Singh

Control Authority of India  
Director General, ALL INDIA RADIO.  
Date of Receipt by Secy  
Dated New Delhi

Annexure G

ANNEXURE-SAF-2

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t:- Enforcement of revised schedules to the CCS(CC&A) Rules, 1965 - Appointing, disciplinary and appellate authority in respect of the posts in the Central Service, Class III and General Central Service, Class IV in AIR.

A copy of Ministry of Information and Broadcasting's Order No. 7/2/68-V dated 25th June, 1971 together with a copy of revised Schedules to the CCS(CC&A) Rules, 1965, each in English and Hindi, is sent herewith for information and guidance.

2. Kindly acknowledge receipt.

( I.S. Pandhi )  
Section Officer,  
for Director General.

To  
The Heads of all Stations/offices of AIR ( by name )

Copy to:- DEG(A), DDA(H), DDA(S), DDA(H), DDA(E) and DDO(A).

2. SI/SII/SIII/SIV/SV/SVI/D(S) Section.

3. Guard file.

50 spare copies.

(To be published in the Gazette of India, Part II, Section 3(ii)).

Ministry of Information and Broadcasting  
Government of India

New Delhi-1, the 25th June, 1971.

OFFICE

S.O. .... In exercise of the powers conferred by sub-rule (2) of Rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 of the Central Civil Services (Classification Control and Appeal) Rules, 1965, the President hereby directs that in respect of the posts in the General Central Service, Class III and General Central Service, Class IV specified in column 1 of parts I and II of the Schedule to this order, the authority specified in column 2 shall be the Appointing Authority and the authorities specified in columns 3 and 5 shall be the Disciplinary Authority and Appellate Authority respectively in regard to the penalties specified in column 4.

To  
The General Manager,  
Govt. of India Press, New Delhi.

Sd/- (J.C. Kambui )  
Deputy Secretary to the Govt. of Ind.

Part I - General Central Services - ITT

MINISTERIO DE INFORMACION Y BROADCASTING

Description of post Appointing Authority

Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)

Appellate Authority

Authority Penalties

1 2 3 4 5

(1) All India Radio  
(1) Office of the Director General (Administration)  
All posts.

Deputy Director (Administration) All

Director General.

(ii) Subordinate Offices  
All posts.

Head of Office All

Deputy Director General (Admin.)

(2) Press Information Bureau  
(i) Head Quarters  
All posts.  
(ii) Regional/Branch Offices -  
All posts.

Assistant Principal Information Officer All

Principal Information Officer

Head of Regional Office. All

--do--

(3) Films Division  
All posts.

Administrative Officer.

Administrative Officer All

Controller of Films Division.

*Verily*

*File*

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आफीशवाणी/दुरदर्शन/उत्तरी क्षेत्र में  
 13/11/86-50-22-65-15-16-87  
 53294-99  
 53307-19  
 53334-58  
 53320-33 53609-62

As per list attached

विषय:- उत्तरी क्षेत्र में ईवी बिजली तडावकों की नियुक्ति।

आफीशवाणी/दुरदर्शन/उत्तरी क्षेत्र में ईवी बिजली तडावकों की नियुक्ति के संबंध में इतर दलों के सहयोग से गुप्तता अधिनियम, 1947 के अंतर्गत उत्तरांचल प्रदेश सरकार पर आपकी निम्नलिखित शर्तों पर उपरोक्त नियुक्ति की जा सकती है:-

1. 1400-40-1600-50 के रेट पर 2300 केन्द्रीय सिविल सेवा वर्ग-3, अराज्यपिछा आदि निरक्षरों के अस्तित्व को ध्यान में रखते हुए 1400/- के प्रतिशत, आरक्षणित वर्गों में समाविष्ट पर दिशानिर्देशों के नियमानुसार कार्य करने वाले अधिकारियों के अधीन आपकी एकीकृत तरीके पर नियुक्ति करने की व्यवस्था की जाएगी।

आपकी नियुक्ति आयोगों आदि के पूर्णतः अध्यक्षीय है। केन्द्रीय सिविल सेवा आयोग के अध्यक्ष, अध्यक्ष है। बिना कोई कारण बताए किसी भी वर्ग की ओर से या किसी भी पर समाप्त की जा सकती है। नियुक्ति, नियुक्ति या नियुक्ति को एक माह के नोटिस-अवधि में उत्तरी आधिकारिक अधिकारियों के बराबर की राशि का अनुदान करके उत्तरी क्षेत्र में नियुक्ति पहले ही समाप्त करने का अधिकार है।

नियुक्ति हो जाने की स्थिति में नियुक्ति के अंतर्गत नियुक्ति के अंतर्गत प्रारंभिक शर्तों के अंतर्गत पर ध्यान देने के बिना कोई माहिक नियुक्ति समाप्त हो सकती है।

T. C. Vashishth

हस्ताक्षर, पता, मरणा और अन्य मामलों में आप पर भी वही नियम और  
लागू होंगे जो समय-समय पर आपके संबंधित सार्वजनिक सेवा की मदद  
पर लागू होते हैं।

आपकी केन्द्रीय स्थिति सेवा, आपकी नियम, 1985 का कड़ाई से पालन  
होगा। इनमें से किसी भी नियम के या इन नियमों के किसी भी प्रावधान  
अनुसार पर आपके विरुद्ध अनुशासनात्मक कार्यवाही की जा सकती है।

आपकी उत्तरी क्षेत्र में कहीं भी तैनात और स्थानान्तरित किया जा  
सकता है यदि पारिवारिक परिस्थितियों आप किसी भी स्थान पर तैनात  
धारे में कोई कठिनाई अनुभव करते हैं तो आप वह नियुक्ति प्रस्ताव  
करें और इसकी सुचना इस कार्यालय को अवगत करें।

भारत सरकार की सेवा में भर्ती संबंधी नियमों के अनुसार सेवा कोई भी  
केन्द्रीय सरकार में भर्ती नहीं किया जाएगा जिसकी एक से अधिक जोड़ों  
हो या अपने पति/पत्नी के जीवित रहने के कारण जिसका पूर्वविवाह अनु  
काल में हुआ है। Void है अर्थात् दे दिया गया हो, या तो केन्द्रीय सरकार  
किन्हीं विशेष आधार पर उसे इस नियम के पालन में मूक दे दी हो। नियम  
आपकी नियुक्ति प्रस्ताव प्राप्त करने के अधीन सेवा जा रहा है कि आप अपनी  
अवस्था पूरी करते हो और स्वीकृत उत्तर के साथ आप अनुसूचक -- 1 में  
संबंधी घोषणा पत्र भी भर कर भेजते हैं। किन्तु, यदि आपकी एक से अधिक  
पत्नी है या अपने पति या पत्नी के जीवित रहते आपने किसी पारिवारिक  
पुनर्विवाह किया है कि उस के जीवन काल में यह पदवी पुनः करार है  
और आप किन्हीं विशेष कारणों पर नियम के प्रावधान के पूरा पालन  
आपको इस संदर्भ में तत्काल अपना अभिवेदन प्रस्तुत कर देना चाहिए।  
परिस्थिति में आपका नियुक्ति प्रस्ताव रद्द होगा और आप  
विचार करने के बाद यदि आपकी आवश्यकताओं/दुर्घटना में सेवा नियम  
अनुसूचक के प्रदत्त नियुक्ति करने पर निर्णय लिया गया हो।  
सुचित कर दिया जाएगा।

पद ग्रहण करने के समय आपकी भारतीय संविधान के प्रति प्रतिज्ञा की रूप  
लेनी होगी या तत्समर्थी तद्विनिर्दिष्ट प्रतिज्ञा है।

पदग्रहण करने के लिए आपकी किसी प्रकार का व्याप्त-मरणा नया दिया जाएगा  
यद्यपि आप केन्द्रीय या राज्य सरकार के अधीन किसी भी पद पर स्थानों की  
की हैसियत से काम कर रहे हों या केन्द्रीय स्थिति सेवा। नियम  
1985 के अधीन स्थायीता है 0.5. है घोषित कर दिया गया।

T.C.R.

Ud Singh

A/S

इस पक्ष में आत्मनिर्दिष्टिमात्र हीरे जहाँ है उसका कोई भयानक न हो सके है । इस बात विचार में हम अत्यन्त हैरान हैं कि राजस्थान में प्रचलित है प्रचलित करके समस्त मह सोम नन्दर अत्यन्त विदेशी ।

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Central Administrative Department  
Bucknow Bench  
Date of Billing  
Date of Receipt by Post

32.13553.54  
Shiva Om Dikshit,  
C/O Begum Hazrat,  
Begar,  
Lucknow-226001

*Shiva Om Dikshit*  
*14/11/77*  
*U.P. Government*

Dr. Dattatraya

The Director,  
Bhadrachal K...  
Srinagar  
J&K

32.13553.54  
Sh. Brij Kishore,  
Jagat Kishan,  
Near Gargia Store,  
Chiv Road,  
Stanada, Jodhpur,

*U.P.*  
*14/11/77*  
*U.P. Government*

The Director,  
Bhadrachal K...  
Srinagar  
J&K

32.13553.54  
Sh. Pankaj Kumar,  
16 Din Dayal Road,  
Ashrafabad Lucknow-226003.

*U.P.*  
*14/11/77*  
*U.P. Government*

The Director,  
Bhadrachal K...  
Srinagar  
J&K

32.12631.54  
Sh. Rajeev Mishra,  
636, Khatra Kewl,  
Chandni Chowk,  
Delhi-110006.

*U.P.*  
*14/11/77*  
*U.P. Government*

The Director,  
Bhadrachal K...  
Srinagar  
J&K

32.26401.54  
Sh. Ashok Kumar,  
Motel-C, R.No.322,  
R.T.T. Jharkhandpur-8.

*U.P.*  
*14/11/77*  
*U.P. Government*

The Director,  
Bhadrachal K...  
Srinagar  
J&K

32.14005.54  
Sh. Ashok Kumar,  
C/O ...  
New Pura Begar,  
Lucknow-226001.

*U.P.*  
*14/11/77*  
*U.P. Government*

The Director,  
Bhadrachal K...  
Srinagar  
J&K

*T.C.*  
*U.P.*

GOVERNMENT OF INDIA  
OFFICE OF THE CHIEF ENGINEER (NORTH ZONE)  
AKASHVANI & DOORDARSHAN

JADNAGAR HOUSE, BHAILAJHAN ROAD

CHENNAI - 600 011

Dated the, 27.7.1988

No. A-13/11(1)/88/CEC/

Shri Deepak Kumar,  
18, Dth Dayal Road,  
Aaher Road,  
MUMBAI-400 002.

SUBJECT: Appointment of Engineering Assistant in  
Northern Zone of Akashvani & Doordarshan.

A Dear Sir,

This has reference to this office letter of  
even number dated 15.10.1987 vide which offer of appointment  
for the post of Engineering Assistant at Doordarshan Kendra  
Malandhar was sent to you.

Your place of posting has since been changed to  
Doordarshan Kendra, Malandhar to All India Radio, Almera.  
Other terms and conditions of the offer of appointment will  
remain unchanged. You are requested to report for duty to  
the Station Engineer, All India Radio, Almera within 15 days  
of the issue of this letter, failing which it will be  
presumed that you are not interested in the offer and your  
name will be dropped from the panel without making any  
further reference to you.

Yours faithfully,

sd/-

(C.P. BHATTI)  
DEPUTY DIRECTOR ENGINEERING  
FOR CHIEF ENGINEER (N.Z.)

Copy to:-

- 1) The Superintending Engineer, Doordarshan Kendra,  
Malandhar (Pb). It is requested that the copy of the offer  
of appointment together with the Character Vardhika  
Report and a photo copy of the bio-data of the candidate  
may please be sent to the Station Engineer, All India Radio  
Almera by registered post under intimation to this office.
- 2) The Station Engineer, All India Radio, Almera, to  
be requested that the intimation regarding his joining  
or otherwise may please be sent to this office by a/c  
telegraphically.

T. C. Bhatti  
W. Singh

GOVERNMENT OF INDIA  
ALL INDIA RADIO, ALMORA

For AIR-1(2)/88-S/ 23226 to 23283

Dated: 20.8.80

Issued/Dictated

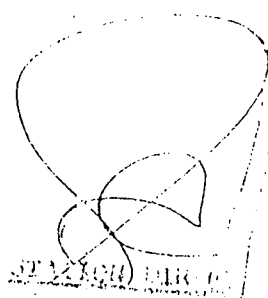
MEMORANDUM

With reference to his application dated 10.8.80, Shri Deepak Kumar is hereby appointed as Engineering Assistant in temporary capacity at All India Radio, Almora S.O.I. 10,200 (P.H.) in the scale of 1400-40-1600-50-2300-60-2500 plus other allowances as admissible under the rules. The other terms and conditions are the same as laid down in the C.S.(1), AIR, New Delhi office memo.No. A-13/11(1)/86-EPC dated 27.7.80. Shri Deepak Kumar will be on probation for a period of two years from the date of appointment.

Shri Deepak Kumar,  
Engineering Assistant,  
All India Radio,  
Almora.

(Sd/-)  
(SHRI CH. DESAI)  
STATION DIRECTOR

- Copy to: 1. The Chief Engineer (H2) (by name Shri C.P. Chatterji, (P.H.))  
All India Radio, Doordarshan, Jangpura House (Delhi),  
Shah Jahan Road, New Delhi-110011 with reference to  
letter No. A-13/11(1)/86-EPC dated 27.7.80.  
2. Bill Clerk, 2 copies.  
3. Personal File of Shri Deepak Kumar.  
4. Service Book of Shri Deepak Kumar.  
5. PA to ED, AIR, Almora.  
6. PA to SE, AIR, Almora.  
7. PA-O, Min. of S&B, D.H., New Delhi.  
for kind information.



Received  
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Udhya

192 25/8  
Received  
25/8

REGISTERED POST  
Government of India  
Office of the Chief Engineer (North Zone)  
Akashvani & Doordarshan  
\*\*\*\*\*

Jamnagar House, Shahjahan Road  
New Delhi-110011.

No.B-17/13/DK/90-EPC

Dated: 9.8.90

The Station Director,  
(By name:- Shri B.P.Tiwary, ASD),  
All India Radio,  
ALMORA.

Sub:- Court Case No.130 filed by Shri Deepak  
Kumar, EX-EA, AIR, Almora against Govt.  
of India.

Ref:- Your letter no.Alm-2(5)A-90/S/2815  
dated 28.7.90.

Sir,

With reference to your above letter it is  
advised that the "Vakalatnama" duly filled may be  
signed by the "Head of Office" at AIR, Almora.

The reply may be filed on behalf of all the  
respondents jointly, after getting the same vetted  
by the Ministry of Law through D.G., AIR, New Delhi.

Yours faithfully,

*V. S. Saxena*  
(V.S.Saxena)  
Director Engineering  
for Chief Engineer(NZ)

S/c

*T.C.D.*  
*U.S. Singh*

Government of India  
Office of the Chief Engineer (North Zone)  
Akashvani & Doordarshan  
\*\*\*\*\*  
Ministry of Information & Public Relations

Jamnagar House, Shahjahan Road,  
New Delhi-110011. G.O. No. 110011/11.

No. B-17/13/DK/90/EPC

Dated: 25.9.90

The Station Director,  
All India Radio,  
ALMORA.

Sub:- Court case no. 130 filed by Sri Deepak  
Kumar, Ex-Engineering Assistant, AIR,  
Almora against Government of India.

Ref:- BD, AIR, Almora letter no. ALM-2(5)A/90-  
S/3377 dated 4.9.90.

Sir,

With reference to your above communication it is stated that in such cases 'Vakalatnama' is signed by the concerned Head of Office viz. Station Director, All India Radio, Almora in the instant case. Station Director, All India Radio, Almora is the main respondent in this case and the others have been made respondents as additional parties. As such, a joint reply is to be filed by Station Director, All India Radio, Almora on behalf of all the parties. Vakalatnama signed by him (SD, AIR, Almora) should hold good.

This may be clarified to the Government Counsel and further action taken as already communicated vide this office letter of even number dated 13.8.90.

Yours faithfully,

(V.S. Saxena)  
Director Engineering  
for Chief Engineer (NZ)

*Handwritten signature*  
*Ud Singh*

10(1)  
भारत सरकार  
कार्यालय: मुख्य अभियन्ता उ. ध.  
आकाशवाणी एवं दूरदर्शन

वामनगर हाउस, शाहजहाँ रोड,  
नई दिल्ली - 110011

दिनांक: 14.8.1991

क्रमांक: पी-17/13/डीके/90-ईपीसी/4948-50

श्री दिने  
श्री दीपक कुमार, अमि. त.  
18, दीनदयाल रोड,  
अगरकाबाद,  
मुकदमा-226003

Control Administration Unit  
Registration No.  
Date of  
Case No.

विषय:- केन्द्रीय प्रशासनिक अधिकरण का निर्णय  
तन्दी:- आपका पत्र दिनांक: 12.8.1991

उपरोक्त पत्र के विषय में मुझे आपसे यह कहना है कि आप केन्द्र निदेशक,  
आकाशवाणी, अल्मोड़ा से अगली कार्यवाही हेतु सम्पर्क करें।

अथर्व प्रसाद  
निदेशक-अमि.  
दूरदर्शन अभियन्ता उ. ध.

प्रतिलिपि प्रेषित :-  
=====

1. केन्द्र निदेशक, आकाशवाणी, अल्मोड़ा। श्री दीपक कुमार अमि. त. का  
अपील पर केन्द्रीय प्रशासनिक अधिकरण ने निर्णय दे दिया है उतका  
करते हुए आप अगली कार्यवाही तुरन्त करने का प्रयत्न करें तथा इसकी  
इस कार्यालय एवं महानिदेशालय को भी अवगत भिजवाने की कृपा।
2. महानिदेशक, नामतः श्री लक्ष्मी नारायण, उप निदेशक-प्रशा.। आप  
महानिदेशालय, तंतद मार्ग, नई दिल्ली को सूचना दें।

o/c  
37/8/91  
कृते: मुख्य अमि

आभा गर्मा/14.8.91

T.C.  
V. Singh

9(1)

Annexure C  
ANNEXURE - SA-9

GOVERNMENT OF INDIA  
OFFICE OF THE CHIEF ENGINEER (NZ)  
akashvani & Doordarshan, Administrative Building,  
Lucknow, U.P.

Jannagar House, Shahjahan Road  
New Delhi: 110011

No.B-17/13/DK/90/EPC/

Dated. 26/8/91

Sub: O.A. Case No.130(L) 90 Deepak Kumar Vs Station Director,  
All India Radio, Almora and others decided on 5.7.91 by  
C.A.T Allahabad circuit bench Lucknow.

Please find enclosed herewith an application of Sh. Deepak  
Kumar, Engineering Assistant alongwith the Court decision  
received from the Administrative Tribunal for necessary action  
at your end.

(AYODHYA PERSHAD)  
DIRECTOR (ENGG.)  
FOR CHIEF ENGINEER (NZ)

Station Director  
All India Radio,  
Almora.

Copy to: Director General, All India Radio, Parliament Street,  
New Delhi alongwith the enclosure for necessary action  
please.

25.8  
for CHIEF ENGINEER (NZ)

8/6  
8/1978

T.E.  
V. Singh



MOST IMMEDIATE

ANNEXURE - SA - 10

Government of India  
Directorate General: All India Radio  
\*\*\*\*\*

Control Administrative Division

No. 8/10/92-SIV(A) / 983

Dated: 17th Nov. 1992

Subject: Payment of consequential benefits to Shri  
Deepak Kumar, SA.

Reference letter No. AIM-9(10)-59(92)-8/2030,  
dated 22.8.92, addressed to Chief Engineer(NZ) on the  
above subject.

2. The CAT has quashed the termination order and  
held that "the applicant will be deemed in service from  
the date of termination with all consequential benefits".

3. Station Engineer, All India Radio, Almora, is,  
therefore, advised to take necessary action accordingly  
and immediately make the payment of arrears to Shri  
Deepak Kumar, under intimation to this Directorate and  
the CAT.

( I.L.BHATIA )  
Dy. Director of Admn. (B)  
for Director General

Station Engineer,  
(Sh. K.K.Sharma)  
All India Radio,  
ALMORA-263601

✓ Copy to Chief Engineer(NZ), AIR & TV, New Delhi, with  
reference to their letter No. B-17/13/DK/92-EPC, dated  
8/10.9.92.

( I.L.BHATIA )  
Dy. Director of Admn. (B)  
for Director General

GOVERNMENT OF INDIA  
ALL INDIA RADIO:ALMORA

ANNEXURE - SA-11

NO. ALM-1(6)/91-S /7016

DATED: 16/5/94

~~Credit Administration Division~~  
~~Deputy Director~~  
~~Chief of Filing~~  
~~Chief Accountant~~

The Director General  
( Smt. Gayatri Sharma, DDA, By Name)  
Directorate General  
All India Radio  
Akashvani Bhawan  
Parliament Street  
New Delhi

Subject:- Payments of Dues and drawl of Annual Increment  
in r/o CAT case No. 67(CP) of 1993 in RE: O.A.  
No. 130/90(IL) of Shri Deepak Kumar, EA Vs Union  
of India.

Reference:- D.O. letter No C-17/13(2)/MISC/93-EPC, dated  
11.3.94 of Shri Ayodhya Pershad, Director  
Engineering, O/o Chief Engineer(NZ), AIR & DD,  
New Delhi addressed to Shri R.D. Ram, Station  
Director, AIR, Lucknow & copy to this office.

Madam, With reference to above, it is intimated that the  
amount Rs. 99,251-00 ( Rs. Ninety Nine Thousand Two Hundred  
Fifty One) as sanctioned vide Min of I&B letter No. 8/10/92-  
S.IV(A)/B(D), dated 9.2.94 has been disbursed to Shri Deepak  
Kumar through Admn. Officer, AIR, Lucknow. The Annual Increment  
as per CAT judgement were also drawn & paid as per the  
statement of arrears submitted to DG, AIR, New Delhi for  
sanctioning of arrears till his tenure at AIR, Almora.

Yours faithfully,

( A.K. DANG)  
STATION ENGINEER

Encl: Copy of D.O. letter  
under reference.

Copy to:-

The Chief Engineer(NZ) ( Shri Ayodhya Pershad,  
Director Engineering, By Name), Akashvani &  
Doordarshan, JamNagar House, Shahjahan Road,  
New Delhi in reference to their above reference  
D.O. letter. It is also intimated that payment  
of litigation period was beyond the power of  
Head of station & delay was because of late  
receipt of sanction from Ministry.

STATION ENGINEER

No. ALM-1(6)/91-S/2829  
Dated: 5.9.91

ORDER

WHEREAS Shri Deepak Kumar, Engineering Assistant (here enter the name and designation of the government servant) was dismissed/removed/compulsorily retired from service with effect from 24.12.88 (here enter the date of dismissal/removal/compulsory retirement) on the ground of conduct which led to his connection on a criminal charge.

O R

WHEREAS the penalty of Dismissal/termination (here enter the name of penalty) was imposed on Shri Deepak Kumar, Engineering Assistant (here enter the name and designation of the government servant) on the ground of conduct which led to his conviction on a criminal charges;

AND WHEREAS the said conviction has been set aside by a competent court of law and the said Shri Deepak Kumar, Engineering Assistant (here enter the name designation of the government servant) has been acquitted of the said charge.

NOW THEREFORE the president/undersigned hereby sets aside the order of dismissal/removal/compulsory retirement from service/imposing the penalty of dismissal/termination of name of the penalty imposed).

(K.K. SHARMA)  
STATION ENGINEER  
Disciplinary authority

STATION:- AIR, ALMORA  
Date: 5.9.91.

Shri Deepak Kumar,  
Engineering Assistant  
18- Deen Dayal Road,  
Asharfabad, Lucknow.

Copy to:-

1. The Chief Engineer (North Zone), (by name Shri Ayodhy Prasad, DE), All India Radio & Doordarshan, Jam Nagar House, Shah Jhan Road, New Delhi- 11, with reference to his letter No. B-17/13/DK/90-EPC/dt.14.8.91.
2. Director General (by name Sh. Laxmi Narayan, DDA), Akashvani Bhawan, Parliament Street, New Delhi for kind information.

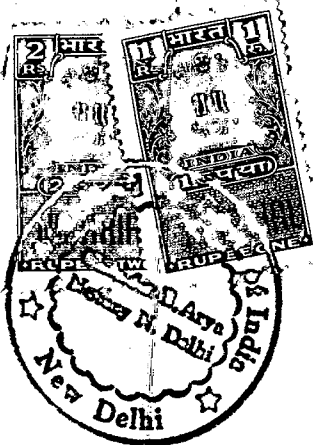
STATION ENGINEER

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW.

Contempt Petition No. 67 of 1993

In re:

Original Application No.130 of 1990 (L).



Deepak Kumar

.....Petitioner

versus

Shri K.K.Sharma and others

.....Opposite-Parties.

\*\*\*\*\*

SUPPLEMENTARY COUNTER-AFFIDAVIT TO THE  
REJOINDER-AFFIDAVIT.

\*\*\*\*\*

I, Ayodhya Pershad, aged about 56½ years,  
son of Shri Kanhaiya Lal, Director (Purchase),  
Office of the Directorate General, All India Radio,  
Akashvani Bhawan, New Delhi, do hereby affirm and  
solemnly state on oath as under:-

1. That the deponent is Respondent  
No. 3 in the above-noted Contempt Petition, and as  
such, he is fully conversant with the facts of the case  
deposed to hereunder.

(contd.2/-.....)



2. That the Hon'ble Tribunal, at the time of hearing of the contempt petition, has been pleased to direct the answering opposite-parties to submit reply to the averments/allegations made in the rejoinder-affidavit, particularly with regard to paragraphs-3 and 4 relating to the termination of appointing authority for the post of the petitioner. He is, therefore, submitting his reply to the said allegations made in the rejoinder-affidavit in compliance of the directions of the Hon'ble Tribunal as under:-

3. That the contents of paras-1 and 2 of the rejoinder-affidavit need no reply.

4. That the contents of para~~s~~ 3, 4 and 5 of the rejoinder-affidavit are not admitted as stated. (i) The deponent most respectfully submits that the petitioner has deliberately tried to confuse the Office of the Appointing Authority with that of Cadre/<sup>Controlling</sup> Authority. In fact, the 2 posts are quite different with different rights, duties and functions. The post of Engineering Assistant in the All India Radio belongs to the Non-Gazetted Engineering Cadre. The para 14.3.11 under the title of 'Engineering Personnel Cell' is being reproduced hereunder to clarify the correct position:-

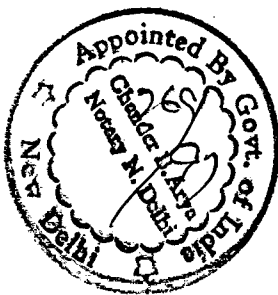


"The Zonal Chief Engineer is responsible for cadre control of all the non-gazetted engineering employees in the Zone including recruitment to the cadre of Engineering Assistants.

This work is looked after by this section. Its various functions are as follows:-

1. To compile seniority list of all cadres.
2. To hold DPC's for confirmations, and issue orders.
3. To hold DPC's for termination of probationary periods of SEA's and issue orders.
4. To hold DPC's for crossing of EB of SEA's and issue orders.
5. To hold DPC's for promotions of various non-gazetted engineering staff and issue orders.
6. To process all cases for de-reservation.
7. To issue all promotions/transfer orders upto SEA.
8. To maintain full bio-data of each and every employee, in-non-gazetted engineering cadre.

*Agarwal*



9. To arrange recruitment to the cadre of Engineering Assistants.

10. Any other matters concerning staff.

A true extract of the said portion of the A.I.R. Manual is being filed herewith as Annexure No.SA-1.

(ii) It would, thus, be clear that the Zonal Chief Engineer is the Cadre Controlling Authority for the entire non-gazetted engineering employees of the Zone, which means that it will be responsible for Seniority List of all the cadre, their transfer, posting etc. Sub-para 9 makes it amply clear that it will arrange recruitment to the cadre of Engineering Assistants, which in turn means that selection and posting of the Engineering Assistant only would be done by the Zonal Chief Engineer, but he is not the appointing authority for the post. The Appointing Authority for each post in the Cadre is given in the Schedule to the C.C.S. (CC & A) Rules, 1965. The deponent is filing herewith a true copy of the said Schedule circulated by the Government of India vide its letter/order dated 16/17-7-1971 as Annexure No.SA-2. At Serial No.(ii), it has been laid-down that the Head of the Office would be the Appointing Authority for all posts in Subordinate Offices. Every Station of the All India Radio is

(contd.5/-.....)



a Subordinate Office, including All India Radio Station, Almora, and Station Director, Almora, is the Appointing Authority for all posts in Class-III Services in his Office/Station, including the post of the petitioner.

(iii) In the instant case also, the selection for the post of Engineering Assistant, including the petitioner was undertaken by the Chief Engineer (North Zone) and the result of selection, including instruction to submit his acceptance to the Appointing Authority (Karmik Adhyaksh) was sent by the Deputy Director (Karmik) on behalf of the Chief Engineer (North Zone) vide letter dated 15.10.1988, a true copy of which is being filed herewith as Annexure No.SA-3. The petitioner was informed through the said letter Para 1 that he is being nominated for appointment (Niyuktikeliye Namit karta hai) by the Selection Committee under the authority of the Director (North Zone). It was specifically stated in para-10 of the said letter that the candidate will have to submit his certificates etc. before the Head of the Office so that the Head of the Office (Karmik Adhyaksh) may issue him the appointment letter. A list of the selected candidates was enclosed with the said letter. The petitioner's name stood at Serial No.100 of the said list, and he was instructed to submit his certificates etc.

(contd.6/-....)





and obtain appointment order from the Director, Doordarshan Kendra, Jalandhar (Punjab).

(iv) However, subsequently, the places of some candidates were changed, including the petitioner. The petitioner's place of posting was changed from Doordarshan Kendra, Jalandhar (Punjab) to All India Radio, Almora (U.P). This was communicated to the petitioner vide letter dated 27/7/1988, a true copy of which is being filed herewith as Annexure No.SA-4. The deponent craves leave of the Hon'ble Tribunal to reproduce the note mentioned in the letter dated 27.7.1988 as under:-

"(1).The Superintending Engineer,Doordarshan Kendra, Jalandhar (Pb.). It is requested that the copy of the offer of appointment together with the Character Verification Report and a photocopy of the bio-data of the candidate may please be sent to the Station Engineer,All India Radio, Almora by registered post under intimation to this office.

(2) The Station Engineer,All India Radio,Almora. It is requested that the intimation regarding his joining or

(contd.7/-.)



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otherwise may please be sent  
to this office telegraphically."

(v) It will be pertinent to point-out here that the Doordarshan Kendra, Jalandhar (Punjab) had not issued any appointment letter to the petitioner. Similarly, the Chief Engineer (North Zone) or any other authority, <sup>except</sup> the then Station Director, Almora, did not issue any appointment letter to the petitioner at any point of time. This fact alone militates against the claim of the petitioner that his appointing authority was Chief Engineer (North Zone). In fact, the petitioner has not been able to produce before the Hon'ble Tribunal the copy of the alleged appointment letter. It appears that he has deliberately suppressed the actual appointment letter dated 20/8/1988 issued by the Station Director, All India Radio, Almora, to create a totally incorrect ground for his Original Application. The deponent, therefore, craves leave of the Hon'ble Tribunal to file a true copy of the said actual appointment letter dated 20/8/1988 as Annexure No.SA-5 to this Supplementary Counter-Affidavit.



*Handwritten signature*

(vi) The deponent, further, submits that the above referred procedure is the normal procedure, which has been uniformly followed in the All India Radio throughout the country for decades. The petitioner was fully aware of this procedure and of the fact that the ~~office~~ of the Chief Engineer (North Zone) acts only as a Recruiting Agency just like the

Public Service Commission, and thereafter it directs the selected candidates to different Stations of All India Radio and Doordarshan for appointment through the Appointing Authority, that is, the respective Head of the Office. The petitioner, however, suppressed most of the relevant documents and information from the Hon'ble Tribunal during the earlier proceedings in the Original Application, because of which, the Hon'ble Tribunal appears to have made the observations that the Appointing Authority for the post of Engineering Assistant appears to be the Chief Engineer (North Zone).

(vii) The deponent deeply regrets and tenders his unconditional apology on behalf of the Department and the officers concerned for not pointing-out these facts to the Hon'ble Tribunal at the relevant stage, and for not filing a Review/Recall Application for expunging the said observations within time. The deponent has been informed that Late Shri V.K.Choudhary, the then Additional Standing Counsel, Central Government, was conducting this case on behalf of the Department, who expired soon after the delivery of the judgement. It appears that, because of this, the said observations of the Hon'ble Tribunal was not noticed by the authority concerned at that time.



*Ayo Mughal*

(viii) It would, further, be relevant to point-out that when the copy of the Original Application was received at the Office of the Chief

Engineer (North Zone), as per normal practice, since the order of termination was passed by the Station Director, All India Radio, Almora, and since he was the Appointing Authority for the post of the petitioner, he was directed to file necessary reply on behalf of all the opposite-parties since the matter related mainly to him and the other parties were more or less a 'proforma party'. The deponent is filing herewith true copies of the letters dated 09/8/1990 and 25/9/1990 issued on behalf of the Chief Engineer (North Zone) to the Station Director, All India Radio, Almora, as Annexures No.SA-6 and SA-7 respectively in this regard, informing the latter that, since, he is the main respondent, he should file a joint reply on behalf of all the opposite-parties himself and do the necessary pairvi of the case. It appears that in the circumstances, the Station Director, Almora, was not able to place relevant Rules, Regulations and documents before the Hon'ble Tribunal during the proceedings on the Original Application, which led to the observations of the Hon'ble Tribunal regarding Appointing Authority, which is against the statutory provision. Even the observations appeared to have escaped the notice of the then Station Director, All India Radio, Almora. Such a default is highly regretted.



*Ayodhya*

(ix) The deponent, however, is advised to submit that the statutory provision remains unchanged, and

(contd.10/-....)

therefore, the deponent was right in submitting before the Hon'ble Tribunal in his counter-affidavit to the contempt petition that the Appointing Authority for the post of the petitioner, that is, Engineering Assistant is the Station Director, All India Radio, Almora, and not the Chief Engineer (North Zone), and that it was for him to comply with the directions of the Hon'ble Tribunal, for which necessary instructions/reminders were issued by the deponent and the Chief Engineer (North Zone), from time to time.

(x) However, out of ample regard for the directions of the Hon'ble Tribunal, the deponent and other officers at New Delhi, have issued several directions to the Station Director, All India Radio, Almora, to comply with the judgement of the Hon'ble Tribunal, that is, to reinstate him, and also to pay him arrears of salary. These include letters dated 14.8.1991, 26.8.1991 and 17.11.1992, true copies of which are being filed herewith as Annexures No.SA-8, 9 and 10 respectively.



(xi) The judgement and order of the Hon'ble Tribunal itself is dated 5.7.1991... and the first direction has been issued by the deponent as soon as it has been received in the Office of the Chief Engineer (North Zone) after its processing and there has been no delay or default on the part of the deponent or at the Office of the Chief Engineer (North Zone) in complying

(contd.11/-....)

the judgement. The 'reinstatement order', in compliance of the order of the Hon'ble Tribunal, itself, was issued by the Station Engineer (the then Head of the Office at that time) on 5.9.1991, which itself shows that there has been no dis-obedience of the judgement and order of the Hon'ble Tribunal by the answering opposite-parties, much less deliberate dis-obedience.

(xii) However, as the amount of arrears, to be paid, was large and its calculation and obtaining of necessary financial sanction and provision for funds etc. consumed sometime, the same could not be done immediately, but it was paid to the petitioner on or before 16/4/1994, as is evident from the letter sent by the then Station Engineer, All India Radio, Almora, a true copy of which is being filed herewith as Annexure No.SA-11.

(xiii) The deponent, further, craves leave of the Hon'ble Tribunal to submit that so far as the judgement and order of the Hon'ble Tribunal is concerned, it has not prescribed any particular date by which the arrears of salary were to be paid to the petitioner. In the circumstances, the time consumed in the process cannot be termed as deliberate dis-obedience of the order of the Hon'ble Tribunal, as it was bona fide and unintentional. Anything to the contrary is denied as incorrect.



*G. S. R. Arora*

(xiv) It would, further, be relevant to point-out that the petitioner himself has accepted the reinstatement vide the order of the Head of the Office dated 5.9.1991 without any protest, a true copy of which is being filed herewith as Annexure No.SA-12. He has, further, demanded and accepted payment of arrears of salary from the Head of the Office, that is, the then Station Engineer (the then Head of the Office). He is, therefore, stopped from claiming that the opposite-party no.1. is not his appointing authority or that the answering opposite-parties are responsible in any way for not complying with the judgement and order of the Hon'ble Tribunal, being his appointing authority.

5. That it is, further, submitted that there has been no intention of the answering opposite-party at any point of time, not to implement the judgement and order of the Hon'ble Tribunal, on the other hand, the answering opposite-party took all the steps without any delay on his part in this direction for implementation of the Hon'ble Tribunal's directions. The deponent, further, tenders his unintentional apology for any delay, which may have occurred in making actual payment due to the official ; procedure at various levels, which was quite unintentional and uninadvertant, and is liable to be condoned by the Hon'ble Tribunal.

Lucknow, dated:

, 1997.

  
  
.....DEPONENT.

VERIFICATION.

I, the deponent, above-named, do hereby verify that the contents of paras 1 - 3 are believed to be true to my personal knowledge, contents of paras 4 i - viii, x - xii are believed to be true based on records, while the contents of paras 4 ix, xiii, 5 are believed to be true on the basis of the legal advice received by me. No part of this affidavit is false and nothing material has been concealed. So help me God. The Annexures No.SA-1 to SA-12, annexed with this affidavit are true copies of their relevant originals, which are believed to be the true copies.

SOLEMNLY AFFIRMED  
SWORN BEFORE ME at

New Delhi. Dated:

11. 8. 1997.

Registrar Di No. 269/92

*Ayodhya*  
.....DEPONENT.

I, identify the deponent, above-named, who has signed this affidavit before me.

.....Advocate

Solemnly affirmed before me by the deponent at.....a.m./p.m. on , 1997, who is identified by , Advocate,

(contd.14/-.....)

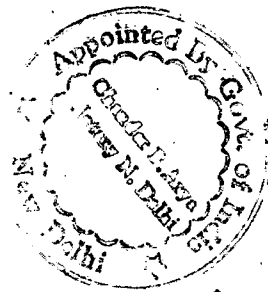
NOTARY PUBLIC  
N.C.T. OF N. DELHI

11 AUG 1997





I have satisfied myself by examining the deponent that he has understood the contents of this affidavit, which have been read over and explained to him by me.



## CHIEF ENGINEER'S ZONAL OFFICES

## Introductory

**14.1.1.** Prior to 1948, the working relating to the installation of transmitters, studios, etc. was being done by the Installation Engineers attached to the Maintenance Department. With the drawing up of the Basic Plan for development of broadcasting in India in 1944, the need arose for a regular and separate organisation for its implementation. The Planning and Development Unit of the Directorate General and the Project Circles were, therefore, sanctioned in March 1948 to implement the above plan as modified in 1947.

**14.1.2.** The Planning and Development Unit was formed in May 1948 and the two Project Circles viz., Eastern Project Circle with headquarters at Calcutta and Western Project Circle with headquarters at Bombay, each under charge of a Project Officer, were formed in March 1949. The Central Project Circle with headquarters at Delhi was Engineer in the Directorate General till its abolition on 1.11.1951. It was revised on 16th February 1953 and placed in charge of a Project Officer like the other two Circles. The three Circles were recognised into four regions each region under a Regional Engineer, w.e.f. 17th August, 1968, viz., West, East, North & South, with headquarters at Bombay, Calcutta, Delhi and Madras, respectively. The Regional Engineers were made responsible for supervision of both Installation and Maintenance works, which earlier were being looked after by the Project Officers and Maintenance Engineer respectively.

**14.1.3.** From 1.4.1976, Television was separated from All India Radio and a separate Directorate of Television was created but the working of Regional Offices remained undisturbed. Regional Offices continued to look after Installation and Maintenance for both Radio and TV as hitherto. The budgets were separated but Regional Offices operated the budget of both the media units for capital works.

**14.1.4.** On 5.11.81, another major event was the creation of Indian Broadcasting (Engineers) Service for Group A posts as an organised service under Govt. of India. All the Regional Engineers became CE (Zonal).

## 14.2.1 Organisation

The jurisdiction of each Zonal Chief Engineer is indicated in Annexure-1.

**14.3.1.** A Chief Engineers (Level 1) is incharge of each Zone. He has two Chief Engineer (Level 2) under him to look after the maintenance for AIR & Doordarshan separately. For project works, he has two Directors (Projects) to look after separately the project works of AIR and Doordarshan. One of the Officers, who is declared as 'Head of Office' looks after administration accounts and establishment.

## Duties and Responsibilities of Staff

The Duties of the various posts mentioned below should not be deemed to be exhaustive. The Chief Engineer is authorised to order deviations, wherever necessary, in the interest of Public Service.

## Chief Engineer (Level 1)

- i) The Chief Engineer (Level 1) is directly responsible for the execution of all the AIR & Doordarshan projects in the Zone.
- ii) He exercises all the powers of 'Head of Department', and can declare one of the officers under him as 'Head of Office', for looking after the work of accounts & administration.
- iii) He can create a Division under CPWD Code.

*Ayo dnyal*



- iv) He is responsible for cadre control of all the Non-Gazetted Engineering Employees in the Zone including recruitment of Engineering Assistants.
- v) He is responsible for maintenance and safe custody of confidential Dossiers of all non-gazetted Engineering Employees in the Zone.

#### 14.3.2. Chief Engineer (Level 2)

There are two posts of Chief Engineer (Level 2) in each Zone. One Chief Engineer looks after the maintenance of AIR Stations and other those of Doordarshan Stations. In this work, each Chief Engineer is assisted by Directors, Deputy Directors and a few Assistant Directors/Assistant Engineers and other ministerial staff. The main functions of maintenance are as follows:

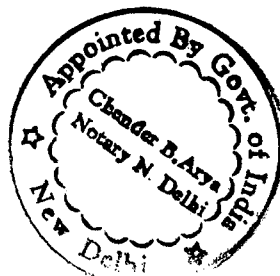
1. To study the technical problems of the Stations and assist the Stations in solving them where required.
2. To scrutinise the various technical returns received from Stations, giving comments thereon and to advise them where necessary, for effecting improvement.
3. To watch day by day use of technical stores particularly transmitting valves, receiving valves and imported and other spares and supervise their supply either from the Central Stores or other sources.
4. To watch utilisation and consumption of magnetic recording types, maintenance of all tape recorders and play back equipment and make suitable recommendation to the Directorate for their supply and replenishment.
5. To arrange for the repairs of the technical equipment received from Stations.
6. To assess requirements of renovation, replenishment and replacement at various Centres in his Zone and also consider provision of additional facilities where found necessary. On this basis formulate proposals for necessary funds under various schemes, like Modernisation & Replacement, Additional facilities, etc.
7. To undertake periodical inspection of various AIR/Doordarshan Centres in his Zone by Officers of various levels to ensure adequate technical standards of operation and also strict adherence to rules and regulations stipulated in AIR Manuals and instructions issued from time to time.

#### 14.3.3. Director Engineering (Projects)

1. He is responsible and accountable for timely execution of all projects of AIR or Doordarshan.
2. He monitors each and every activity of the project, starting from selection of sites to commissioning of projects.
3. He looks after the administration, budget & accounts of the project wing.
4. He is responsible for preparation and submission of all returns, pertaining to projects to the Directorate.
5. He is responsible to ensure that equipment is installed and performs to approved standards. He scrutinizes all the measurement and performance reports sent from site, including report on field strength survey.
6. He is responsible for proper handing over of installation to maintenance staff, after arranging joint inspection, and issue of necessary certificate.

In these works, he is assisted by various sections, each one of which works under a Deputy Director. The other staff in the sections consist of one or two Assistant Directors/Assistant Engineers, SEA's and other ministerial staff.

*[Handwritten signature]*



#### 14.3.4. Functions of Various Sections in Project Wing

The main functions of various sections in the project wing are as follows:—

##### (a) Co-Ordination Section

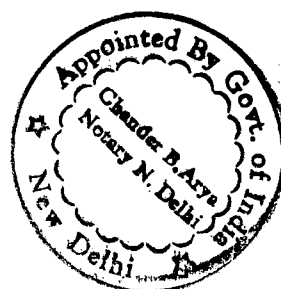
(There are two separate Sections, one for AIR works and other for Doordarshan works)

1. To survey suitable sites for establishment of Radio and TV Stations and to take further follow up action till the sites are finally paid for and taken over.
2. To place firm demands with Post & Telegraph Department for Telephone Lines and to take follow up action till lines are finally provided. To finalise rent and guarantee terms for the provision of Telephone Lines.
3. To place firm demands with Electricity Boards for the provision of Power supply and to take all follow up actions till the power is finally supplied. To finalise tariff and other agreements with the Power Supply Authority.
4. To Co-ordinate building activities with CCW.
5. To maintain all the drawings and other details pertaining to installation.
6. To guide Installation Officers on all matters pertaining to installation.
7. To maintain liaison with local authorities, Electricity Boards, P&T Department, Railways, Water Supply Authorities and all other Departments whose help may be necessary for the timely execution of projects.
8. To prepare proposals for the sanction of Installation Staff every half yearly for submission to the Directorate.
9. To arrange deployment of Installation Staff for optimum productivity. To take remedial action, where progress is not satisfactory.
10. To monitor progress of Installation and submit periodical reports to the Directorate.
11. To scrutinize all the measurements and performance reports, including reports on field strength survey, received from site and advise the installation team about the remedial action to be taken by them, wherever performances are not satisfactory.
12. To act as a bridge between Installation team at site and P&D Unit/Directorate.
13. To arrange Joint Inspection of completed projects before commissioning the Installation for regular service.
14. To arrange proper handing over of the installation to the station staff.
15. To arrange compilation of completion report and distribute the same to all concerned.
16. To take follow up action for all pending items after the handing over of Installation.

##### 14.3.5. Budget Section

1. To study the technical drawings and project notes received from Directorate and frame detailed technical estimates for the projects, and process their sanction.
2. To prepare deviation statements as and when necessary, and process their sanction.
3. To maintain copies of all project notes and master copies of all detailed Technical Estimates and Deviation Statements.
4. To make available copies of Detailed Technical Estimates and deviation statements to all concerned.
5. To keep records of all the Administrative Approvals and financial sanctions in respect of projects.
6. To monitor the pace of expenditure on projects.

*Agarwal*



7. To prepare budget estimates, revised estimates and final estimates.
8. To ensure correct and timely booking of expenditure.
9. To compile material for budget meetings and prepare minutes of the same.

#### 14.3.6. Purchase Section

1. To identify and consolidate various items of purchases required for installation after scrutiny of DTE's.
2. To get the specifications of the equipment from the P&D unit, ISI and other sources or to draw them:
3. To compile an upto date list of suppliers for various items of stores.
4. To compile an upto date data about various equipments available in the market.
5. To Survey the market to get the knowledge about new developments in the field of fabrication of equipment.
6. To process all the purchase of stores required to be purchased by Zonal Offices and finally place order after observation of all purchase rules.
7. To monitor the receipt of stores against the order placed by the section and to take remedial action in case of delay/default.

#### 14.3.7. Stores section

1. To monitor the receipt of equipment against Directorate order as per delivery schedule specified in the order, and to take remedial action in cases of delay/defaults.
2. To take follow up actions in cases of damaged/short supply of equipment.
3. To process and pass bills of the suppliers, and ensure their correct booking.
4. To keep a watch on various advance payments made to the suppliers and adjust the same at the time of final passing of the bill.
5. To arrange transfer of equipment from one project to another, after taking Directorate's approval.
6. To handle all correspondence with Directorate & the suppliers regarding receipt of equipment against Directorate's Order.
7. To scrutinise all Omnibus Transfer Entry Orders and other transfer entries and ensure correct and timely booking of expenditure.

#### 14.3.8. Godown

1. To receive all the stores ordered by the Directorate or the purchase section of the Zonal Office for which Zonal Chief Engineer is the consignee.
2. To pass all bills, in respect of stores received at godown, after making proper entries in the record books.
3. To prepare OTEO in respect of those stores received where bills have either not been received or cannot be processed in that month, and submit those to stores section for arranging booking of expenditure.
4. To arrange safe custody of all the stores received, till such time as they are finally transported to site.
5. To keep proper record of all the stores received and issued in proper registers and ledgers.
6. To report on damaged/short/incorrect supplies of equipments to the stores section and also to the suppliers under intimation to the Directorate.
7. To arrange clearance of stores from Railway Stations or Air Port.

*Ayaz Ali*



8. To arrange despatch of stores to installation sites as and when required.

#### 14.3.9. Machinery and equipment (Tools and Plants) and Zonal workshop

1. To estimate the requirement of measuring Equipments, tools, etc. under "Machinery and Equipment." These equipments & tools are needed during installations works for carrying out measurements and other works at installation sites.
2. To prepare D.T.E. for purchase of stores and other activities under AIR and Doordarshan.
3. To maintain all equipments, purchased under Machinery and Equipment in good condition and arrange their repairs as and when necessary.
4. To take action for disposal of unserviceable items.
5. To celebrate various measuring instruments.
6. To undertake specialised repairs of equipment for projects as well as for stations.
7. To render help to stations in arranging repairs from market.

#### 14.3.10. Administration Branch

One of the Officers of the Zonal Office is declared as 'Head of Office' by the Chief Engineer. He is also a Divisional Officer under CPWD Code.

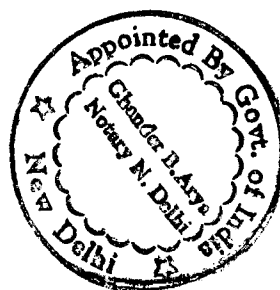
This Officer is responsible for the entire administration of the Zonal Office and also for keeping proper accounts of all the expenses, on the projects as well as other expenses incurred by office of Chief Engineer. In this work, he is assisted by a Deputy Director (Admn.) an Accounts Officer, divisional accountants, Head Clerks and other ministerial staff.

#### 14.3.11. Engineering Personnel Cell

The Zonal Chief Engineer is responsible for cadre control of all the non-gazetted engineering employees in the Zone including recruitment to the cadre of Engineering Assistants. This work is looked after by this section. Its various functions are as follows:

1. To compile seniority list of all cadres.
2. To hold DPC's for confirmations, and issue orders.
3. To hold DPC's for termination of probationary periods of SEA's and issue orders.
4. To hold DPC's for crossing of EB of SEA's and issue orders.
5. To hold DPC's for promotions of various non-gazetted engineering staff and issue orders.
6. To process all cases for de-reservation.
7. To issue all promotions/transfer orders up to SEA.
8. To maintain full bio-data of each and every employee, in non-gazetted engineering cadre.
9. To arrange recruitment to the cadre of Engineering Assistants.
10. Any other matters concerning staff.

*Agg. Manager*



## 14.3.12. Installations

17

Project wing of Zonal Chief Engineer looks after all types of installations. Staff for project wing is sanctioned on quarterly basis for T.V. projects and on six-monthly basis for AIR projects. Zonal Chief Engineer prepares a consolidated proposal for various AIR projects which contains the detailed requirements of various categories of staff in each project. The proposal is sent to AIR Directorate for scrutiny at their end and subsequent sanction of installation staff. Similar proposals are sent to T.V. Directorate for their scrutiny and sanction.

The various categories of staff sanctioned are as follows:

Director Engineering  
Deputy Director Engineering  
Assistant Director Engineering  
Assistant Engineer  
Sr. Technician  
Technician  
Celotexcutter & Decorator  
Carpenter  
Stenographer  
Storekeeper  
Head Clerk  
CG I  
CG II  
Motor Driver,  
Khalasi

Each category of staff is provided on man-month basis as per norms fixed for various types of projects.

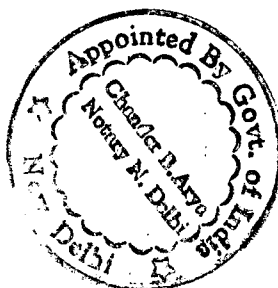
## 14.3.13. Installation Officer

The project wing of Zonal Office is responsible to carry out installation works for various projects. After the receipt of the Government sanction, project note and relevant drawings, a "Detailed Technical Estimate" is framed by Zonal Office which in turn is sanctioned by the competent authority. One of the officers of Zonal Office (or some officer at a station) is declared as Installation Officer for a particular project and an imprest amount is also sanctioned. This officer is authorised to draw that imprest amount from the Cashier of Zonal Office and incur expenditure on the items provided in the sanctioned D.T.E. He performs the following functions:—

## A. Administrative

1. To complete the project within the time frame allotted for the project.
2. To exercise control on the regular, workcharged and casual staff employed in his office.

*Approved*



3. To arrange payment of wages and other dues of the staff.
4. To employ workcharged staff, as provided in the detailed technical estimate (D.T.E.) with the approval of Zonal Office.
5. To employ casual labour as per provisions in the D.T.E. and as per requirements of the work.
6. To correspond and keep liaison with various agencies, like local administration, Electricity Board, Water Supply Authority, P&T Department, PWD, CPWD, CCW and suppliers of equipments.
7. To keep Zonal Office informed about the latest status of the project, and areas where advise/help is required.
8. To ensure optimum utilisation of motor-vehicles provided for installation purpose and also to arrange their proper maintenance.

**B. Financial**

1. To prepare and pass muster rolls, bills and other vouchers within his powers.
2. To make local purchases within his powers.
3. To receive payments from Zonal Office against imprest, passed muster rolls and bills etc. and render account of the same to Zonal office.
4. To keep account of all stores received from Zonal Office or directly against purchase orders of Directorate, Zonal Office or his own, in proper registers, and arrange their safe custody.
5. To take follow up action in case of non supply, short supply or damaged supply of stores.
6. To watch the pace of expenditure on the project.
7. To ensure that D.T.E. provisions are not exceeded.
8. To take action for the preparation and sanction of Deviation Statements (DS) by the Zonal Office, as and when necessary before incurring any additional expenditure.
9. To arrange disposal of surplus stores at the installation as per rules.

**C. Technical**

1. To prepare weekly progress report of the installation and submit the same to Zonal Office regularly.
2. To collect all relevant drawings, project note and previous correspondence from Zonal Office and study them thoroughly to acquaint himself with all the details of the project.
3. To compare the store provision in the D.T.E. with actual requirement and take action in case of discrepancies in the earlier stage of project itself.
4. To satisfy himself that the labour provision in D.T.E. is adequate.
5. To ensure that the power supply connection of adequate capacity and telephone lines will be provided by the concerned authorities before completion of installation.
6. To plan installation work of the project to suit delivery schedule of the major equipments.
7. To arrange testing of equipments on receipt at site.
8. To ensure that the installation is carried out strictly as per drawings issued by P&D unit and the Zonal Office. Any deviation from drawings, which may become necessary must be got approved.
9. To ensure that the performance and getup of the entire installation is as per standard test data of the manufacturers and as per specification of the P&D unit.

*[Handwritten signature]*





10. To ensure that adequate safety devices have been provided in the installation and that they are working satisfactorily.
11. To ensure safety of all the persons engaged by him against fire, electrical and other hazards, specially when working on high voltages and on masts and other areas of high risks.
12. To take measurements on all the equipments and ensure their optimum performance and send the results to Zonal Office. The Zonal Office will fix a date for joint inspection of the installation, if satisfied with the results.
13. To arrange handing over of the installation to the Station Staff, after making 10 copies of handing over/taking over lists of all the tangible items, which are susceptible of verification and which should find a mention in the register of fixed assets, used in the installation, either installed or loose.
14. To prepare 6 copies of completion report of the project and submit the same to Zonal Office.
15. To give a list of all pending items to the station along with relevant correspondence, to enable them to pursue these cases.

D. Senior Most Engineering Officer at site

The Installation Officer works under overall supervision and guidance of the senior most Engineering Officer, if posted at site, who is administrative and technical head of the team. His main functions are as follows:

1. To ensure that proper administrative, financial and technical procedures are being complied with.
2. To carry out installation at site as per approved design and specifications.
3. To undertake all activities for speedy execution of project.
4. To maintain liaison with local authorities for expeditious completion of projects.
5. To ensure that proper measurements are taken and results sent to Zonal Office to arrange joint inspection.
6. To ensure that handing over documents are completed before installation is handed over for operation, after joint inspection.

*Handwritten signature*



1967-Vig.

Dated New Delhi, the 16.7.71  
17th

1:- Enforcement of revised schedules to the CCS(CC&A) Rules, 1965 - Appointing, disciplinary and appellate authority in respect of the posts in the Central Service, Class III and General Central Service, Class IV in AIR.

A copy of Ministry of Information and Broadcasting's order No. 7/2/68-V dated 25th June, 1971 together with a copy of revised Schedules to the CCS(CC&A) Rules, 1965, each in English and Hindi, is sent herewith for information and guidance.

2. Kindly acknowledge receipt.

(I.S. Pandhi)  
Section Officer,  
for Director General.

To  
The Heads of all Stations/offices of AIR (by name)

Copy to:- DEG(A), DDA(H), DDA(S), DDA(H), DDA(E) and DDO(A).

2. SI/SII/SIII/SIV/SV/SVI/D(S) Section.

3. Guard file.

50 spare copies.

(To be published in the Gazette of India, Part II, Section 3(ii).

Ministry of Information and Broadcasting  
Government of India

New Delhi-1, the 25th June, 1971.

ORDER

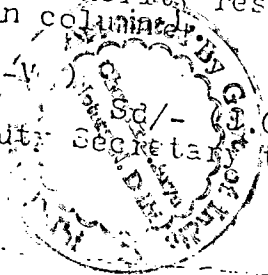
S.O..... In exercise of the powers conferred by sub-rule (2) of Rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 of the Central Civil Services (Classification Control and Appeal) Rules, 1965, the President hereby directs that in respect of the posts in the General Central Service, Class III and General Central Service, Class IV specified in column 1 of parts I and II of the Schedule to this order, the authority specified in column 2 shall be the Appointing Authority and the authorities specified in columns 3 and 5 shall be the Disciplinary Authority and Appellate Authority respectively in regard to the penalties specified in column 4.

To  
The General Manager,  
Govt. of India Press, New Delhi.

No. 17/2/68-V

Deputy Secretary to the Govt. of India

*[Signature]*



MINISTRY OF INFORMATION & BROADCASTING  
Part I - General Central Service Class III

Description of post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)	Appellate Authority
(1) All India Radio (1) Office of the Director General (Administration) All posts.	Deputy Director (Administration)	All	Director General.
(ii) Subordinate Offices All posts.	Head of Office	All	Deputy Director General (Admin.)
(2) Press Information Bureau (i) Head Quarters All posts.	Assistant Principal Information Officer.	All	Principal Information Officer
(ii) Regional/Branch Offices - All posts	Head of Regional Office.	All	-do-
(3) Films Division All posts.	Administrative Officer.	All	Controller of Films Division.

*[Handwritten signature]*





केंद्रीय या राज्य सरकारों और अन्य मानकों में आप पर भी कहीं नियम और  
कायू होंगे जो समय-समय पर आपसे संबंधित सार्वजनिक सेवा की मांगों  
पर लागू होंगे हैं।

आपको केंद्रीय सिविल सेवा अधिनियम, 1955 का कड़ाई से पालन  
होगा। इनमें से किसी भी नियम के जो नियम नियमों के किसी भी प्रकार  
व्यतिरेक पर आपके विरुद्ध अनुशासनात्मक कार्यवाही की जा सकती है।

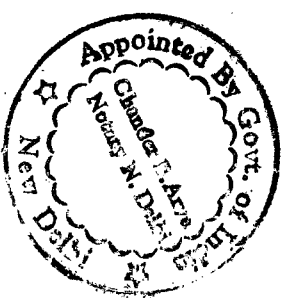
आपको उत्तरी क्षेत्र में कहीं भी तैनात और स्थानान्तरित किया जा  
सकता है। यदि पारिवारिक परिस्थितियों आप किसी भी स्थान पर तैनात  
धारे में कोई कठिनाई अनुभव करते हैं तो आप एक निवेदन प्रस्तुत कर  
करें और इसकी सूचना इस कार्यालय को अवगत करें।

भारत सरकार की सेवा में भर्ती संबंधी नियमों के अनुसार सेवा फीस भी  
केंद्रीय सरकार में भर्ती नहीं किया जाएगा जिसकी एक से अधिक जोड़ों  
हों या अपने पति/पत्नी के जीवित रहने के कारण जिसका पुनर्विवाह  
काल में हुआ है। यदि आप दे सिधा गया हो, या तो केंद्रीय सरकार  
किन्हीं विशेष आधार पर उसे इस नियम के पालन में छूट दे दी हो।  
आपको निम्नलिखित प्रस्ताव प्राप्त करने के अंशित देना जा रहा है कि आप उपरोक्त  
अवेक्षा पूरी करते हो और स्वीकृत उत्तर के साथ आप अनुसूचक - 1 में  
संबंधी घोषणा पत्र भी भर कर भेजते हैं। किन्तु, यदि आप एक से अधिक  
पत्नी है या अपने पति या पत्नी के जीवित रहते आपने पति पारंपरिक  
पुनर्विवाह किया है कि उस के जीवन काल में यह पक्ष पर पुनः करार दे  
और आप किन्हीं विशेष कारणों, अनुसूचक नियम के प्रवर्तन में  
आपको इस संबंध में तत्काल अपना अपेक्षित प्रस्ताव रख सकते हैं।  
परिस्थिति में आपका नियुक्ति प्रस्ताव रद्द होगा और आप  
विचार करने के बाद यदि आपको आकांक्षायुक्त/दूरदर्शन में अनुसूचक  
सूचक के पत्र पर निम्नलिखित करने पर निर्णय-विषय-विषयों को प्रभावित आप  
सूचित कर दिया जाएगा।

पद ग्रहण करने के समय आपको भारतीय संविधान के प्रति शपथ लेनी  
होगी या तत्संबंधी तद्विनिर्दिष्ट प्रमाण।

पदग्रहण करने के लिए आपको किसी प्रकार का व्याप्त-महंगा का दिया जा  
सकता है। आप केंद्रीय या राज्य सरकार के अधीन किसी भी पद पर तैनात  
की है नियत से काम कर रहे हों या केंद्रीय सिविल सेवा अधिनियम  
1955 के अधीन स्थापित है।

*Pyndhugabz*



*AS*

1

1. निर्माण एवं प्रत्येक कार्यकारी पदस्थापनों के प्रमाण-पत्र
2. आयु संबंधी प्रमाण-पत्र
3. अनुसूचित जाति / अनुसूचित जनजाति, निर्माण प्रमाण-पत्र के लिए  
सर्वर के तालिका में निर्धारित कार्य में प्रमाण-पत्र
4. अनुसूचित पैरा '8' के संबंधित प्रमाण-पत्र
5. निर्माण कार्य/ प्रमाण निर्माण प्रमाण-पत्र के प्रमाण-पत्र के लिए प्रमाण-पत्र

यदि अविद्यम में आकाशवाणी एवं सुरास्त्र के द्वारा विना किसी भी प्रकार के साधन के जाता है तो आपकी शक्ति भी बहुत ही कम होगी है और यह बहली का कारण बन सकता है।

...the more we understand the world, the more we understand ourselves.

- [illegible]

16. —कौन सा में अतिरिक्त भाग और जो है उसमें कि भाग का न बना है । इस भाग का मैं भी जानूँ है। यही है अतिरिक्त भाग का न बना है ।

Bydmysh 2



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प्रमाणित एवं प्रमाणित प्रमाणित है

उपरोक्त उम्मीदवार के प्रमाणित & intermediate से भी पूर्ण प्रमाणित है  
ली गई है, उसकी पूरा प्रमाणित प्रमाणित रिपोर्ट एवं प्रमाणित प्रमाणित & intermediate  
इस प्रमाणित के साथ प्रमाणित है। इस उम्मीदवार प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित  
ही उसकी प्रमाणित प्रमाणित प्रमाणित, प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित  
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दी जाए। यदि आपको इस उम्मीदवार से 15 दिनों के अन्दर कोई प्रमाणित प्रमाणित  
प्रमाणित है तो प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित  
अन्य उम्मीदवार की प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित प्रमाणित

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9.10.87

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Prat

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Prat

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Prat

6.14  
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Prat

8.14  
Sh.  
Prat

9.14  
Sh.  
C/O  
H.M  
Kot

10.14  
Sh.  
Prat  
Net

11.14  
Sh.  
C/O  
1.14

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153

37.25555.54  
Shive Om Dikshit,  
CIC, Begum Hazrat,  
Begar,  
Lucknow-226001

Sanjay Chandra  
R.D.R.  
14/11/77  
offreconciled

The Old stor  
Boordarshan  
Sinsgar  
JLR

38.25555.54  
Sh. Brij Kishore,  
Jyoti Niwas,  
Near Gargia Store,  
Shiv Road,  
Itanada, Joshpur,

U.R.  
R.D.R.  
14/11/77  
offreconciled

The old stor  
L.P.T.  
Kara  
The old stor  
L.P.T.  
Kara

39.25555.54  
Sh. Hemant Kumar,  
18 Din Dayal Road,  
Ashrafabad Lucknow-226003.

Sanjay Chandra  
R.D.R.  
14/11/77  
offreconciled

The old stor  
Boordarshan  
Jallandhar  
Punjab

32.12621.54  
Sh. Rajeev Mishra,  
630, Katra Neel,  
Chandni Chowk,  
Delhi-110006.

U.R.  
R.D.R.  
14/11/77  
offreconciled

The old stor  
L.P.T.  
Mandi (H.2.1)  
The old stor  
L.P.T.  
Mandi (H.2.1)

30.28501.54  
Sh. Ashok Kumar,  
Borrel-C, R.No.322,  
R.D.T. Jansheepur-8.

U.R.  
R.D.R.  
14/11/77  
offreconciled

The old stor  
L.P.T.  
Mandi (H.2.1)  
The old stor  
L.P.T.  
Mandi (H.2.1)

38.14055.54  
Sh. Arun Kumar,  
C/O Sh. Asha Datta,  
782 New Prem Nagar,  
Gurgaon-22601.

The old stor  
L.P.T.  
Mandi (H.2.1)  
The old stor  
L.P.T.  
Mandi (H.2.1)

Ayudhya





GOVERNMENT OF INDIA  
OFFICE OF THE CHIEF ENGINEER (NORTH ZONE)  
AKASHVANI & DOORDARSHAN

JANAKAR HOUSE, BHAILAJAN ROAD  
NEW DELHI-110011

No. A-13/11(1)/88/EPC/

Dated the, 27.7.1988

Shri Deepak Kumar,  
18, Nih Dayal Road,  
Anandnagar,  
DELHI-110002.

SUBJECT: Appointment of Engineering Assistant in  
Northern Zone of Akashvani & Doordarshan.

Dear Sir,

This has reference to this office letter of  
even number dated 13.10.1987 vide which offer of appoint-  
ment for the post of Engineering Assistant at Doordarshan Kendra  
Anandnagar was sent to you.

Your place of posting has since been changed from  
Doordarshan Kendra, Anandnagar to All India Radio, Almere.  
Other terms and conditions of the offer of appointment will  
remain unchanged. You are requested to report for duty at  
the station Engineer, All India Radio, Almere within 16 days  
of the issue of this letter, failing which it will be  
presumed that you are not interested in the offer and your  
name will be dropped from the panel without making any  
further reference to you.

Yours faithfully,

*Sd/-*

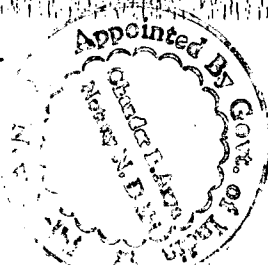
(C.P. BHATTI)

DEPUTY DIRECTOR ENGINEERING  
FOR CHIEF ENGINEER (NORTH ZONE)

Copy to:-

- 1) The Superintending Engineer, Doordarshan Kendra,  
Anandnagar (Pb.) is requested that the copy of the offer  
of appointment together with the character verification  
report and a photo copy of the bio-data of the candidate  
may please be sent to the Station Engineer, All India Radio  
Almere by registered post under intimation to this office.
- 2) The Station Engineer, All India Radio, Almere, is  
requested that the intimation regarding his joining  
or otherwise may please be sent to this office telegraphically.

*Hydmyal*



Agdunghz

REGISTERED POST

Government of India  
Office of the Chief Engineer(North Zone)  
Akashvani & Doordarshan  
\*\*\*\*\*

Jamnagar House, Shahjahan Road  
New Delhi-110011.

No.B-17/13/DK/90-EPC

Dated: 9.8.90

The Station Director,  
(By name:- Shri B.P.Tiwary, ASD),  
All India Radio,  
ALMORA.

Sub:- Court Case No.130 filed by Shri Deepak  
Kumar, EX-EA, AIR, Almora against Govt.  
of India.

Ref:- Your letter no.Alm-2(5)A-90/S/2815  
dated 28.7.90.

Sir,

With reference to your above letter it is  
advised that the "Vakalatnama" duly filled may be  
signed by the "Head of Office" at AIR, Almora.

The reply may be filed on behalf of all the  
respondents jointly, after getting the same vetted  
by the Ministry of Law through D.G., AIR, New Delhi.

Yours faithfully,

*V.S. Saxena*  
(V.S. Saxena)  
Director Engineering  
for Chief Engineer(NZ)

S/c

*Ayodhya*

ANNEXURE - 5A-7  
51

Government of India  
Office of the Chief Engineer(North Zone)  
Akashvani & Doordarshan  
\*\*\*\*\*

Jamnagar House, Shahjahan Road,  
New Delhi-110011.

No.B-17/13/DK/90/EPC

Dated: 25.9.90

The Station Director,  
All India Radio,  
ALMORA.

Sub:- Court case no.130 filed by Shri Deepak  
Kumar, Ex-Engineering Assistant, AIR,  
Almora against Government of India.

Ref:- SD,AIR,Almora letter no. ALM-2(5)A/90-  
S/3577 dated 4.9.90.

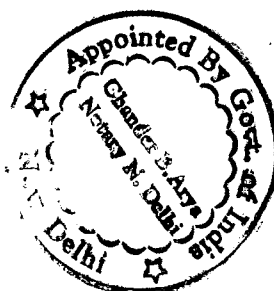
Sir,

With reference to your above communication  
it is stated that in such cases 'Vakalatnama' is signed  
by the concerned Head of Office viz. Station Director,  
All India Radio, Almora in the instant case. Station  
Director, All India Radio, Almora is the main respondent  
in this case and the others have been made respondents  
as additional parties. As such, a joint reply is to be  
filed by Station Director, All India Radio, Almora on  
behalf of all the parties. Vakalatnama signed by him  
(SD,AIR,Almora) should hold good.

This may be clarified to the Government  
Counsel and further action taken as already communicated  
vide this office letter of even number dated 13.8.90.

Yours faithfully,

(V.S.Saxena)  
Director Engineering  
for Chief Engineer(NZ)



10(1)  
भारत सरकार  
कार्यालय: मुख्य अभियन्ता उ. ध.  
आकाशवाणी एवं दूरदर्शन

जामनगर हाउस, शास्त्रवादी रोड,  
नई दिल्ली - 110011

दिनांक: 14.8.1991

क्रमांक: बी-17/13/डीके/90-ईवीसी/4948-50

श्री दीपक  
श्री दीपक कुमार, अभि. त.  
18, दीनदयाल रोड,  
अशोकबाद,  
मुंबई-226003

विषय:- केन्द्रीय प्रशासनिक अधिकरण का निर्णय  
तन्दर्शी:- आपका पत्र दिनांक: 12.8.1991

उपरोक्त पत्र के विषय में मुझे आपसे यह कहना है कि आप केन्द्र निदेशक,  
आकाशवाणी, अल्मोड़ा से अगली कार्यवाही हेतु सम्पर्क करें।

अयोध्या प्रसाद  
निदेशक-अभि.  
दूरदर्शन अभियन्ता उ. ध.

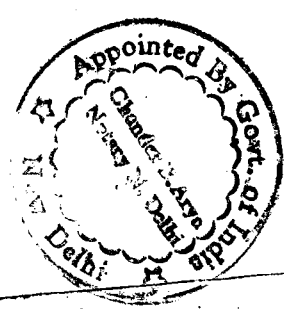
प्रतिलिपि प्रेषिता :-  
=====

1. केन्द्र निदेशक, आकाशवाणी, अल्मोड़ा। श्री दीपक कुमार अभि. त. का  
अपील पर केन्द्रीय प्रशासनिक अधिकरण ने निर्णय दे दिया है उसका  
करते हुए आप अगली कार्यवाही तुरन्त करने का प्रयत्न करें तथा इसकी  
इस कार्यालय एवं महानिदेशालय को भी अवगत भिजवाने की कृपा।
2. महानिदेशक, नामतः श्री लक्ष्मी नारायण, उप निदेशक-प्रशा.।, एवं  
महानिदेशालय, तत्तद मार्ग, नई दिल्ली को सूचनायें।

o/c 37/11  
कृते: मुख्य अभि

आभा गर्मा/14.8.91

Ayodhya



9(I)

Annexure C  
Annexure - SA - 9  
67

16

GOVERNMENT OF INDIA  
OFFICE OF THE CHIEF ENGINEER (NZ)  
akashvani & Doordarshan

Jamnagar House; Shahjahan Road  
New Delhi: 110011

No.B-17/13/DK/90/EPC/

12347-48 Dated. 26/8/91

Sub: O.A. Case No.130(L) 90 Deepak Kumar Vs Station Director,  
All India Radio, Almora and others decided on 5.7.91 by  
C.A.T Allahabad circuit bench Lucknow.

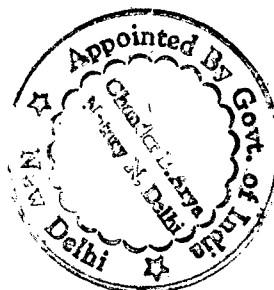
Please find enclosed herewith an application of Sh. Deepak  
Kumar, Engineering Assistant alongwith the Court decision  
received from the Administrative Tribunal for necessary action  
at your end.

CA  
(AYODHYA PERSHAD)  
DIRECTOR (ENGG.)  
FOR CHIEF ENGINEER (NZ)

Station Director  
All India Radio,  
Almora.

Copy to: Director General, All India Radio, Parliament Street,  
New Delhi alongwith the enclosure for necessary action  
please.

25.8  
for CHIEF ENGINEER (NZ)



MOST IMMEDIATE

Government of India  
Directorate General: All India Radio  
\*\*\*\*\*

Annexure - SA 10

No. 8/10/92-SIV(A) / 983

Dated, the 17th Nov. 1992

Subject: Payment of consequential benefits to Shri  
Deepak Kumar, EA.

Reference letter No. AIM-9(10)-59(92)-8/2030,  
dated 22.8.92, addressed to Chief Engineer(NZ) on the  
above subject.

2. The CAT has quashed the termination order and  
held that "the applicant will be deemed in service from  
the date of termination with all consequential benefits".

3. Station Engineer, All India Radio, Almora, is,  
therefore, advised to take necessary action accordingly  
and immediately make the payment of arrears to Shri  
Deepak Kumar, under intimation to this Directorate and  
and the CAT.

sd/-

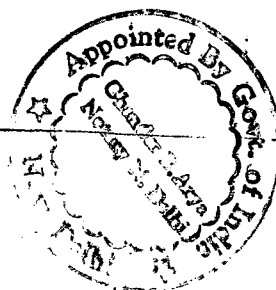
( I.L.BHATIA )  
Dy. Director of Admn.(E)  
for Director General

DECEM

Station Engineer,  
(Sh. K.K.Sharma)  
All India Radio,  
ALMORA-263601

✓ Copy to Chief Engineer(NZ), AIR & TV, New Delhi, with  
reference to their letter No. B-17/13/DK/92-EPC, dated  
8/10.9.92.

( I.L.BHATIA )  
Dy. Director of Admn.(E)  
for Director General



GOVERNMENT OF INDIA  
ALL INDIA RADIO; ALMORA

ANNEXURE - SA-11  
DATED: 16.4.94

NO. ALM-1(6)/91-S / 7016

The Director General  
(Smt. Gayatri Sharma, DDA, By Name)  
Directorate General  
All India Radio  
Ashvani Bhawan  
Liament Street  
New Delhi

Subject:- Payments of Dues and drawl of Annual Increment  
in r/o CAT case No. 67(CP) of 1993 in RE: O.A.  
No. 130/90(IL) of Shri Deepak Kumar. KA Vs Union  
of India.

Reference:- D.O. letter No C-17/13(2)/MISC/93-EPC, dated  
11.3.94 of Shri Ayodhya Pershad, Director  
Engineering, O/o Chief Engineer(NZ), AIR & DD,  
New Delhi addressed to Shri R.D. Ram, Station  
Director, AIR, Lucknow & copy to this office.

Madam, With reference to above, it is intimated that the  
amount Rs. 99,251-00 (Rs. Ninety Nine Thousand Two Hundred  
Fifty One) as sanctioned vide Min of I&B letter No. 8/10/92-  
S.IV(A)/B(D), dated 9.2.94 has been disbursed to Shri Deepak  
Kumar through Admn. Officer, AIR, Lucknow. The Annual Increment  
as per CAT judgement were also drawn & paid as per the  
statement of arrears submitted to DG, AIR, New Delhi for  
sanctioning of arrears till his tenure at AIR, Almora.

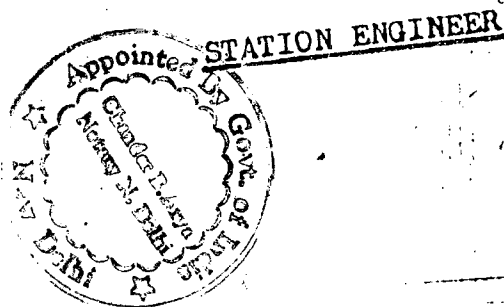
Yours faithfully,

sc/-  
(A.K. DANG)  
STATION ENGINEER

Encl: Copy of D.O. letter  
under reference.

Copy to:-

The Chief Engineer(NZ) (Shri Ayodhya Pershad,  
Director Engineering, By Name), Akashvani &  
Doordarshan, JamNagar House, Shahjahan Road,  
New Delhi in reference to their above reference  
D.O. letter. It is also intimated that payment  
of litigation period was beyond the power of  
Head of station & delay was because of late  
receipt of sanction from Ministry.





79  
13(P)  
GOVERNMENT OF INDIA  
ALL INDIA RADIO : ALMORA

ANNEXURE - SA - 12

Dated: 5.9.91

No. ALM-1(6)/91-S/2825

ORDER

WHEREAS Shri Deepak Kumar, Engineering Assistant (here enter the name and designation of the government servant) was dismissed/removed/compulsorily retired from service with effect from 24.12.88 (here enter the date of dismissal/removal/compulsory retirement) on the ground of conduct which led to his connection on a criminal charge.

O R

WHEREAS the penalty of Dismissal/termination (here enter the name of penalty) was imposed on Shri Deepak Kumar, Engineering Assistant (here enter the name and designation of the government servant) on the ground of conduct which led to his conviction on a criminal charges;

AND WHEREAS the said conviction has been set aside by a competent court of law and the said Shri Deepak Kumar, Engineering Assistant (here enter the name designation of the government servant) has been acquitted of the said charge.

NOW THEREFORE the president/undersigned hereby sets aside the order of dismissal/removal/compulsory retirement from service/imposing the penalty of dismissal/termination (name of the penalty imposed).

(K.K. SHARMA)  
STATION ENGINEER  
Disciplinary authority

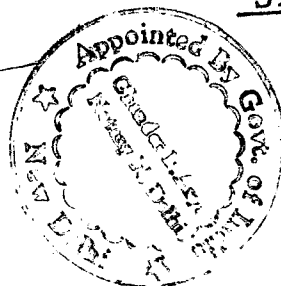
STATION:- AIR, ALMORA  
Date: 5.9.91.

Shri Deepak Kumar,  
Engineering Assistant  
18- Deen Dayal Road,  
Asharfabad, Lucknow.

Copy to:-

1. The Chief Engineer (North Zone), (by name Shri Ayedhy Prasad, DE), All India Radio & Doordarshan, Jam Nagar House, Shah Jhan Road, New Delhi- 11, with reference to his letter No. B-17/13/DK/90-EPC/dt.14.8.91.
2. Director General (by name Sh. Laxmi Narayan, DDA), Akashvani Bhawan, Parliament Street, New Delhi for kind information.

STATION ENGINEER



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW.

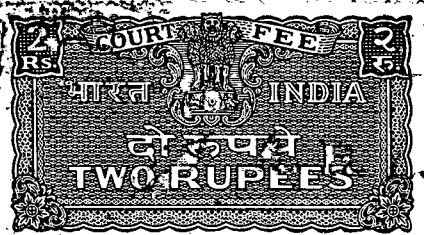
Contempt Petition No. 67 of 1993.

In re

O.A. No. 130 of 1990

ADONAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH  
Date of Filing 24.11.2003  
Date of Receipt by Post...

1997  
AFFIDAVIT  
53-M  
DIST. COURT  
U. P.



for V. Sharma 000

Sri Deepak Kumar.

... Petitioner.

Versus

Sri K.K. Sharma & three Others.

... Opp. Parties.

SUPPLEMENTARY REJOINDER AFFIDAVIT TO THE SUPPLEMENTARY  
COUNTER AFFIDAVIT FILED BY OPPOSITE PARTIES NOS. 2 & 3  
RECEIVED ON 5-9-1997 BY THE DEPONENT'S ADVOCATE.

I, Deepak Kumar, aged about 34 years, Son of  
Sri Basant Behari Saxena, Resident of 18, Deen Dayal  
Road, Asherfabad, Lucknow, at present posted as  
'Engineering Assistant' in All India Radio, Lucknow do  
hereby solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner in the  
aforesaid contempt case and is doing pairvi in the case  
from the very beginning, as such he is fully conversant  
with the facts of the case deposed to hereunder.

2. That the Supplementary Counter Affidavits filed  
by the Opp. Parties 2 & 3 are not admissible documents

Control Affidavit  
Back to back

as no Advocate has identified the Opp. Parties 2 and 3 in their Affidavits before the Notary but the Notary too has not stated that any oath has been taken before him. The time and place of the Affidavit have also not been indicated only in the Supplementary Counter Affidavit of Opp. Party No. 2. The Affidavit filed by the Opp. Party No. 3 does not bear any signature either of the Notary or his Advocate on page 14 which requires that the contents have been explained and have been noted by the deponent. None of the Supplementary Counter Affidavit has been attested by any one as required by the Notary Act.

3. That the contents of paragraphs 1 and 3 of the Supplementary Counter Affidavits need no reply.

4. That in reply to para 2 of the Supplementary Counter Affidavits, it is stated that after filing of the Supplementary Affidavit by the Opposite Party No. 1-A on behalf of the Opposite Parties which was required by the Tribunal in January 1994 and the Supplementary Affidavit was already filed in September or October 1994. Now it is not correct to say that thereafter the Tribunal has again directed any of the Answering Opp. Parties to submit another fresh reply to the averments already made in the Petition and the Rejoinder Affidavit. The matter in O.A. No. 130/1990 relates only to the question of illegal termination not by the appointing authority but by a subordinate of the appointing authority and that

question has been finally decided on the basis of pleadings and documents filed by the Tribunal vide its order dated 5-7-1991 against which neither any appeal nor any review was ever preferred by any of the Opp. Parties. The relevant finding's extract of the Tribunal's order which is the basis of the pleadings contained in paras 4(i) and 5(D) as contained on pages 4 and 5 of the original petition and the Appointment Order which has been filed with the Compilation No. 2 as Document No. 1 and the findings contained in the Judgement are on pages 4 and 5 which are as follows:-

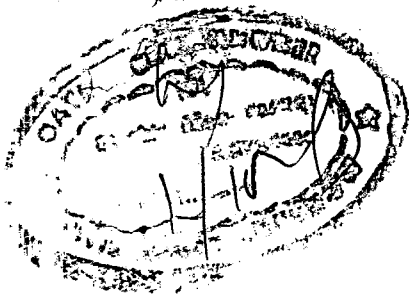
"The question that has been conveyed by the learned counsel for the applicant that his service could have been terminated only by the appointing authority and not by the respondent No. 1, who was not his appointing authority. Offer of appointment to the applicant was given by the Chief Engineer, Northern Zone, All India Radio and in pursuance of the same the applicant was posted at Door-Darshan Kendra, Jalandur where he joined. The applicant was transferred under the orders of Chief Engineer, Northern Zone, Almora on his representation which was one of the Station in the Northern Zone like Jallundhar. The applicant has also filed document indicating that for such post advertisement was subsequently issued by the Chief Engineer, Northern Zone. These facts indicate that it was the Chief Engineer, who was the appointing authority. The Station Director, All India Radio, who transferred the applicant, could not be the appointing authority and subsequently the termination order has been passed by the authority, who is lower than the appointing authority and the termination order is liable to be quashed on this ground alone."

After the aforesaid judgement became final between the parties, no comment or criticism against the

findings or judgement will be relevant indicating the present matter which relates to non-compliance of Tribunal's order and it will also amount to committing a contempt of Tribunal's order because of interpreting the finding recorded by a Competent Tribunal in a case between the parties decided in 1991. So no reply or document can be relevant at present as no interpretation other than the interpretation or finding already recorded by the Tribunal is possible. No new facts were stated in the Rejoinder Affidavit. The facts stated were only for the purpose of drawing the attention of the Tribunal about those findings on the basis of which the direction and the relief had already been granted.

5. That in reply to paragraph 4, replying paragraphs 3, 4 and 5 of the Rejoinder Affidavit by which paragraphs 4 to 8 of the Counter Affidavits of the Opposite Parties Nos. 2 and 3 were replied and nothing new has been said in reply. In paragraphs 3, 4 and 5 only reiteration of the facts which were already in the original Claim Petition which relates to the appointment as 'Engineering Assistant' on 5-5-1987 i.e. to whom the application for appointment was sent and how the application for appointment was considered and on whose approval and order the Dy. Director (Engineering) has issued the appointment order for and on behalf of the Chief Engineer (Northern Zone). In the Rejoinder Affidavit it was only stated that none of the Opp. Parties have ever explained in their relevant paragraphs of Counter Affidavits that what they did for complying the Tribunal's orders after receiving the same in the month

of July 1991 till the order has been complied with by them. It has also not been stated that what were the circumstances relating to delay in complying the Tribunal's orders which have not been stated or explained by the Opp. Parties 2 and 3, even after three years, in their Supplementary Counter Affidavits which were filed in April 1994. Whatever has now been stated in Supplementary Counter Affidavits is only repetition and relates to the facts which cannot be relevant in any manner in these proceedings and the same have been now pleaded with malafide intention to malign the authority who passed the order by raising arguments against the findings. In reply to the facts stated in paragraphs 4(i) to 4 (vi), 4(viii), 4(ix), 4(xi), 4(xii) and 4 (xiii) except sub-paragraphs 4(vii), 4(x) and 4 (xii) <sup>of Original Application</sup> which relates to the question of Appointing Authority of the deponent now there is no necessity of submitting any further reply as the facts now pleaded are not within the knowledge of the deponent as no Rules of Govt. of India orders relating to appointment in the Department has been filed or produced and what has been produced as Annexures SA (1), SA(2), SA(3), SA(4), SA(6), SA(7), SA(9), SA(10) and SA(11) are the documents which relates to certain correspondence between the Opposite Parties of which Photostat copies have been filed from which it cannot be understood who issued it and what is the basis and circumstances under which the same has been filed and now it is apparent that inspite of the fact that the judgement of the



Tribunal's order <sup>was</sup> made known to the Opp. Parties in July 1991 and thereafter what was required by the order was to comply the same as early as possible specially more after furnishing and undertaking to the effect that the order will be complied with within a reasonable time. What steps were taken and when they were taken by the Opp. Parties have not been stated either when the earlier contempt petition was filed or there-after after giving of undertaking in earlier contempt case. But the order was not complied with by the Opp. Parties till 28-4-1994 in any manner when the deponent was allowed to join after the filing of the first contempt petition. In the earlier contempt petition in which the Counter Affidavit which was also filed on behalf of the Opp. Parties but that was submitted ~~jointly~~ only to save the Opposite parties from the punishment which was to be imposed <sup>by then no part of</sup> as the order was ~~not~~ complied with and then then Opp. Party No. 2 in paragraphs 2 and 3 of the Counter Affidavit has not only made admission that the Opp. Parties are ready to reinstate the deponent in compliance of this Tribunal's order and also made admission that an Express Telegram has already been sent by the Opp. Parties to the deponent asking him to join duties immediately and about the payment of arrears of salary in paragraph 3 ~~it has been stated~~ that as soon as the deponent reports for duty, he will be given charge of the post and other consequential benefits will be given thereafter within REASONABLE TIME in accordance with the Rules. in accordance with the Rules. Now after this admission it is for the Opposite Parties to state

that what was the reasonable time for compliance. The deponent joined the duties in the last week of April 1992. In the contempt case because of the unconditional apology the Tribunal has further provided in the order that it will remain open to the deponent to approach the Tribunal again in case of any violation of the admission and statement on oath on behalf of the Opp. Parties as contained in paragraph 3 of the Counter affidavit arises, Hence the Opposite Parties were required to state that what should be the reasonable time in the case of the deponent according to them for compliance of the Tribunal's order dated 5-7-1991 when they were directed <sup>by the department</sup> to comply the order in August 1991 as well as from the date the undertaking was given before the Tribunal in earlier contempt case specially when the Deputy Director (Administration) has required the Opp. Parties vide its order dated 17-11-1992 to make necessary step and action and to make the payment of arrears of salary immediately but when inspite of the clearance given by the Deputy Director (Administration) the aforesaid Tribunal's Order as well as the order passed by the Departmental Officer for arrears of payment of salary was not complied with for more than one year then again the present contempt petition was filed before this Hon'ble Tribunal. Now there are contradictory stands on oath as contained in the Counter Affidavits already filed by the Opp. Parties, who have again filed the present Supplementary Counter Affidavits. In the earlier Counter



~~Copy of Documents~~  
~~Document 13~~  
~~Copy of Petition~~  
~~Copy of Order~~  
A  
172

Affidavits which were filed by the Opposite Parties, if taken alongwith the present Supplementary Counter Affidavits, the statement of facts contained therein amounts to challenge the judgement and the finding recorded by the Tribunal for which they are to be required to submit an explanation why they are interpreting the findings and the judgement of the Tribunal after the order has become final. On the plea that they are not responsible for payment of salary etc. but they have also not stated who is responsible when the documents <sup>are</sup> already on record. The averments in the Counter Affidavits of the Opp. Parties Nos. 1 and 1-A have not indicated that who were to permit and allow the Opp. Parties 1 and 1-A to reinstate the deponent and who were to order for the payment of the arrears of salary to the deponent, and that too within how much time. In the present case the Tribunal's order was totally ignored up to the filing of the First Contempt Petition in 1991 and thereafter only the deponent was allowed to join on 28-4-1992 i.e. after about ten months of the order. The documents filed with the Supplementary Counter Affidavit show that the orders for taking necessary action for joining and payment of arrears were issued by the Office of the Opposite Party No. 2 as far back as on 26-8-1991 but the deponent was not allowed to join his duties till 28-4-1992. Thereafter in any case again orders for payment of arrears were issued on 17-11-1992 but no payment of the arrears were made till March 1994. So the Opposite Parties be required to say what will

be the reasonable time in the present case for  
complying the order of the Tribunal.

Copy of the order of the Tribunal is attached.

6. That in reply to paragraphs 4 (vii), (x) and (xii) which relates to showing regard or tendering of unconditional apology is neither bonafide nor can be said to be proper in the circumstances of the case in view of the fact that after passing of the order the compliance has not been done as was required by the Order as well as by the undertaking as mentioned in paragraphs of the petition and Rejoinder Affidavit and in this Supplementary Rejoinder Affidavit till today there is no explanation explaining the cause or reason of so much delay in not obeying the order as such the tendering of apology is wholly malafide as the facts which have been cooked up either before the first contempt case or in the Affidavits by the Opposite Parties in the present case have been cooked up every time even after six years of the judgement which is only to mislead the Court again and again and the order was not obeyed by the Opposite Parties for an unreasonable long period, hence the Opposite Parties are liable to compensate the deponent, who has not only suffered pecuniary loss because of non-payment of the salary within reasonable time of the Tribunal's order and thereafter after giving of final order and if there would have been any bonafide then after issuing of Orders filed as Annexure SA/8 SA/9 SA/10 8, 9 and 10 why the Officers and their subordinates did not consider it necessary to see whether the order of the Tribunal had been complied with or

not, so mere tendering of apology in the case at this stage will not relieve them of the duties which should have been discharges when no steps after receiving the intimation of judgement were taken within reasonable time and have failed to see the implementation of the judgement and order of the Hon'ble Tribunal till First Contempt Petition was filed and decided as the Opposite Parties were allowed to go scot free only on the basis of tendering an unconditional apology and submitting an undertaking to comply within a reasonable time thereafter again under what circumstances the order was not complied with within reasonable time, has not been explained even in the Supplementary Counter Affidavit so mere stating about unconditional apology again and again in the paragraphs under reply will not amount to either due obedience of the Tribunal's orders as required by the order passed or to comply the order within reasonable time and the petitioner was dragged for no fault of him from July 1990 till this date.

Lucknow.

DEPONENT.

Dated: September /, 1997.

VERIFICATION.

I, the above named deponent do hereby verify that the contents of paragraphs 1 and 4 of this Affidavit are true to my personal knowledge and paras 2, 5 and 6 are believed by me to be true on the advice as the facts above are based on legal advice. No part of it is false and nothing material has been concealed.

So help me God.

Central Administrative Tribunal  
Lucknow Bench  
Date of Filing  
Copy of Report by P.A.

A  
175

Lucknow.

DEPONENT, *Deponant 002*

Dated: September ,1997.

I identify the deponent, who has signed before me.

*[Signature]*  
ADVOCATE

Solemnly affirmed before me on *10/12/97*  
at *10/12* A.M./P.M. by the Deponent, who is  
identified by Sri *A. B. Das* Advocate, High Court,  
Lucknow Bench, Lucknow.

I have satisfied myself by examining the  
deponent that he understands the contents of this  
Affidavit, which have been read over and explained  
by me to him.

*[Signature]*  
JULIO ABRAO DA SILVA  
Bath Commissioner  
Bath Commissioner

*10/12/97*