

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/RA/RA/CP/MA/PT 178 of 90.....

.....Lat. Mani Singh.....Applicant(S).....Union of India & others,.....Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

B.C. Waded out & destroy

Signature of S.O.

J

13/6/92

Signature of Deal. Hand

10/5/4
C
A
CIRCUIT ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 170 of 1980

APPLICANT(S)

L. M. Singh

RESPONDENT(S)

U.O.L.

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent? *Y*
2. a) Is the application in the prescribed form? *Y*
b) Is the application in paper book form? *Y*
c) Have six complete sets of the application been filed? *Y*
3. a) Is the appeal in time? *Y*
b) If not, by how many days it is beyond time? *Y*
c) Has sufficient cause for not making the application in time, been filed? *Y*
4. Has the document of authorisation/ Vakalatnama been filed? *Y*
5. Is the application accompanied by B.D./Postal Order for Rs.50/- *Y*
6. Has the certified copy/copies of the order(s) against which the application is made been filed? *Y*
a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed? *Y*
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly? *Y*
c) Are the documents referred to in (a) above neatly typed in double space? *Y*
8. Has the index of documents been filed and paging done properly? *Y*
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application? *Y*
10. Is the matter raised in the application pending before any court of law or any other Bench of Tribunal? *No*

Particulars to be ExaminedEndorsement as to result of examination A1

11. Are the application/duplicate copy/spare copies signed ? *Y*

12. Are extra copies of the application with Annexures filed ? *Y*

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 ? *Y*

15. Do the names of the parties stated in the copies tally with those indicated in the application ? *Y*

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *NA*

17. Are the facts of the case mentioned in item no. 6 of the application ? *Y*

a) Concise ?

b) Under distinct heads ?

c) Numbered consecutively ?

d) Typed in double space on one side of the paper ? *Y*

18. Have the particulars for interim order prayed for indicated with reasons ? *Y*

19. Whether all the remedies have been exhausted. *Y*

dinesh/

128/80 (1) ①

1. Hon. Mr. P. C. Jain - A.M. A 2

2. Hon. Mr. J. P. Sharma - J.M.

31.8.90.

Shri P.N. Bagai is present for the application.
Shri Bagai Prays for one week's time
to amend the application. Time Prays for
is allowed. After the ~~amendment~~ application is filed
it may be listed on 5/9/90.

↓

② J.M.

✓
A.M.

5-7-90

No sitting adj. to 6/9/90

✓

③

6/9/90. No sitting Adj. to 10/9/90.

✓

④

10.9.90

Hon'ble Justice K. Nath V.C.

Hon'ble Mr. P. M. Singh, A.M.

OR
As per court's order
at 21.8.90, no amendment
application has
been filed.

✓ F.O

L

L 11/11/90 5/9/90

On account of Counsel's wife's
hospitalisation adjournment is
allowed, the case is fixed ~~on~~ to

12.11.90 for further order

M. M. L.
A.M.

✓
V.C.

170-902

A3

22.7.91
D.R.

Applicant did not file Rejoinder till today. List the case for filing Rejoinder on or before 31/7/91.

3.8.91
D.R.

Both the parties are present. Applicant file Rejoinder Affidavit today. Now this case is listed on 18/10/91 for final hearing before the H.Dr. Bards.

21.10.91
D.R.

This case has been taken up today because 18.10.91 was holiday. case is listed on 16/12/91 for final hearing.

16.12.91

NU Sikkim grad p 14.2.92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

C.A. No. 178/90 199 (L)

C.A. No. 199 (TL)

Date of Decession

- Admin. Ministry - - - Petitioner

- Dr. Farzad - - - Advocate for the
Petitioner(s)

V E R S U S

- Govt of India - - - Respondent

- Dr. D. S. Dutt - - - Advocate for the
Respondents

C O R A B

Hon'ble Mr. Justice CCS, Vice-Chairman

Hon'ble Mr. K. V. Singh, Member

1. Whether Reporter of local papers may be allowed to see the Judgment.
2. To be referred to the reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether to be circulated to other benches ?

[Signature]
Vice-Chairman / Member

AS

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

Original Application No. 178 of 1990

Lal Mani Singh

Applicant

versus

Union of India & Others

Respondents.

Shri P.N. Bajpai

Counsel for Applicant.

Dr. D. Chandra

Counsel for Respondents.

Coram:

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

Hon. Mr. K. Obayya, Adm.Member.

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

The applicant started as daily wages Mazdoor, in canteen Stores Depot and he continued to work upto the year 1986. As per allegations the panel for job on regular basis was prepared and the applicant also appeared in the selection and was found fit for job, and his name was kept at serial No. 4. The panel was forwarded to the Head office giving names of the persons concerned and the name of the applicant was also sent but his name was not approved. No such appointment letter was issued to the applicant, while others were issued. The applicant made representation against the same and reply was given to him that he was not working on the post when the panel was prepared and his name was not received through the employment exchange. The applicant gave names of four persons whose names were sent through Employment Exchange and who were not working when the panel was prepared. The applicant has challenged the selection and prayed that the

✓

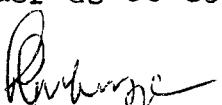
AB

panel be quashed and the applicant be given appointment with full salary.

2. The respondents have pointed out that it was correct that 4 persons were not sponsored by the Employment Exchange but all the above four persons joined as casual Mazdoor~~s~~ later but according to them the applicant worked upto 23.11.85 while the other worked upto the year 1986~~and~~ 1988. No cause has been shown as to how Ram Sewak who has worked only upto 1986 was included in the panel of 1988. The applicant's case has been rejected on the ground that his name was not sponsored through the Employment Exchange or he was not working when the panel was prepared. The record shows that the same has not been correctly prepared and every now and then fictitious entries are made. The name of Shri Ram Sewak who did not work two years prior to the preparation of panel, was included in the panel, there was no reason for not including the name of the applicant.

3. The respondents are directed to include the name of the applicant in the said panel by giving the benefit of seniority and other benefits etc. with effect from the date the name of the 4 persons was included in the panel.

4. Application stands disposed of as above with no order as to costs.


Adm. Member.


Vice Chairman.

Shakeel/-

Lucknow: Dated 24.2.93.

19/5/90
Date _____
Lal _____
Deputy _____

In the Central Administrative Tribunal A 7
Additional Bench, Allahabad
Circuit Bench, Lucknow.

O. A. No. 198 of 1990 (L,

Lal Muni Singh Applicant.
Versus
the Union of India & others ... Opp. Parties.

COMPIILATION - A

COMPIILATION - B

P. T. K
Signature
18/5/90

Dated :- 16.5.90

J. B. _____
Applicant.

Noted for
31-5-90
R.K. Adel

105/90
V ~ Ad

In the Central Administrative Tribunal
Additional Bench, Allahabad
Circuit Bench, Allahabad.

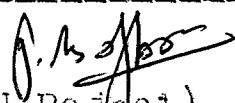
O. A. No. 178 of 1990 (L,

Compilation -A

S. No. Particulars of documents relied upon with a annexure Nos. Page No.

1.	Petition/ Application U/s 19 Central Administrative Tribunal Act.	1-7
2.	Annexure No. 1. Letter of Opp. Parties refusing to give appointment.	8

Dated :- 17.5.90


(P.N. Bajaj)
Advocate
Counsel for the
applicant.

In the Central Administrative Tribunal ^{Regd. No. 5140} ^{A9}
Additional Bench Allahabad
Circuit Bench . Lucknow.

O.A. No. 178 of 1990 (L)

Lal Muni Singh ... Applicant
Vs.

The Union of India & Others ... Opp. parties.

NAME OF PARTIES

Lalmuni Singh aged about 27 years son of Sri
Ram Gati Singh R/o C/O Hanuman General Stores,
Teli Bagh, Lucknow.

... Applicant.

Vs.

1. The Union of India, Ministry of defence
through the Secretary, New Delhi.

2. The General Manager, Canteen Stores,
Dept, 119, Mahrishi Karve road, Bombay

3. The Manager, Canteen Stores, Deopot,
Lucknow. ... Respondent

Lalmuni Singh

Dated: 16.05.90

Applicant.

Re for Reg 123

D. Chaudhary
Date 2/10/90

A/10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ADDL
BENCH ALLAHABAD (CIRCUIT BENCH)
LUCKNOW.

O.A.No. of 1990.

Lalmuni Singh aged about 27 years son of Sri
Ram Gati Singh r/o c/o ^{Hanuman} Bhagwan General Store,
Teli Bagh, Lucknow.

Applicant.

Versus.

1. The Union of India, Ministry of Defence, through the Secretary, New Delhi.
2. The General Manager, Canteen Stores Deptt, 119, Mahrishi Karve Road Bombay.
3. The Manager, Canteen Stores Depot, Lucknow.

Respondents.

APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACTS.

Details of Applications:

1. Particulars of the applicant:

(i). Name of the applicant: Lalmuni Singh.
(ii) Name of the Father: Sri Ram Gati Singh
(iii) Designation and office in which employed: Daily rated Majdoor, C.S.D. Depot Lucknow.
(iv). Office address: - Do-
(v). Address of service of all notices: c/o ^{Hanuman} Bhagwan General stores Teli Bagh, Lucknow.

2. Jurisdiction of the Tribunal:

The applicant declares the the subject matter of the order against which he wants

redressal is within the jurisdiction of the Tribunal.

3. Limitations:

The applicant further declares that the application is within the limitation and as prescribed in section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case:

The facts of the case are given below:-

(i). That the petitioner was allowed to work on daily wages under the O.P.no. 3 in the month of May, 1983. The applicant continued to work as daily rated majdoor till the year 1986 when the vacancies occurred.

(ii). That the O.P.no. 3 had prepared a panel for getting the job on regular basis. The applicant appeared in the selection and was found fixed for job. Eleven persons were selected and the name of the applicant was kept at sl. no. 4 in the panel list.

(iii). That the aforesaid panel was forwarded to the head office for giving the appointment to the person concerned. The name of the applicant was also sent but the name of the petitioner was not approved by the O.P.no. 2.

Lalmuni Singh
(iv). That the O.P.no. 3 had issued the appointment orders to the persons selected with the petitioner. The appointment order was not issued to the applicant. The copy of appointment order issued to the selected candidates is filed herewith as annexure 1 to this application.

3.

(v). That the applicant on getting the knowledge of issuing the appointment order represented to the C.P.no. 2 stating that the juniors have been issued the appointment orders but applicant have been ignored. The C.P.no/ 2 informed to the applicant vide letter no. 2740 dated 23.4.1990 . In this letter it is mentioned that the applicant was not working on the post when the penal was prepared and the name was not received through the employment exchange. The copy of the letter is filed herewith as annexure 2 to this application.

(vi). That it appears that the C.P.no. 3 had not given the correct information to the C.P.no. 2.

(vii). That the name of any candidate who were included in the penal were not received through the employment exchange. Further several persons were not working on the date of preparation of the penal.

(viii). That the applicant is giving the names of Sri Ram Sweak, Sri Shiv Nath, Sri Sukh Lal and Raja Ram who have been included in the penal but these persons were not working on the date of preparation of the penal. The copy of the select penal is filed herewith as annexure 3 to (ix) in application. That the discrimination have been done with the petitioner and the provisions of Part.14 and 16 of the constitution of India have been violated.

(x). That there is no ground before the opposite parties of not issuing the appointment

order to the applicant.

(xi). That the order annexure 2 amounts to an order of deleting the name from the penal. The show cause notice was necessary before issuing the orders.

(xii). That the applicant wants to point out that there was no condition for including the name in the penal without receiving the name through the employment exchange.

(xiii). That the applicant was selected on the basis of the test and interview, hence his name could not be deleted from the penal list.

(xiv). That the applicant is entitled to get the appointment on the post of majdoor on the basis of the penal list.

(xv). That the principles of natural justice have been violated in issuing the orders annexure 2.

(xvi). That the applicant is entitled to get the appointment prior to his juniors.

5. Grounds for relief with legal provisions:

(a). That the applicant is a duly selected candidate of the penal prepared for the appointment in future vacancies as regular Majdoor.

(b). That the name of the applicant was in the penal list no. 4. He was entitled to get the appointment on his term.

Lalmuni Singh

(c). That the name of the applicant is at sl no. 4 in the panel prepared by the O.P.no 3.

(d). That the nine candidates have been appointed out of eleven selected in the panel.

(e). That the show cause notice was necessary before deleting the name of the applicant from the panel.

(d).. That the discrimination have been done and the provisions/ of Art 14 and 16 of the constitution of India have been violated.

(e). That the principle of natural justice have been violated in issuing the order annexure 2.

(f). That the step motherly treatment have been given to the applicant.

(g). That the persons selected on the same footings with the petitioner have been given appointment.

(h). That the applicant is entitled to get the appointment w.e.f. date of appointment of juniors.

6: Details of the remedies exhausted:-

That no departmental remedies are available to the applicant in the present case. Moreover the representation was made to the O.P.no. 2 which have been rejected through the order annexure 2.

7. Whether the matter is pending or the same was filed previously:

Neither the matter is pending in any

Loi muni sivay

court of law in India nor it has filed earlier before this Tribunal or any other court of law.

8. Reliefs sought:

The applicant prays for the following reliefs:-

(i). That the orders contained in annexure 2 may be quashed and the directions may be issued to the opp. parties to appoint the petitioner on the post of Mazdoor as per seniority given in the panel prepared by the Opp. Parties Nos 2 and 3 and to pay him the salary from the date of appointment of his next junior.

(ii) That the costs of the application may be awarded to the petitioner.

(iii) That any other relief which this Hon'ble Tribunal deems fit and proper may be allowed to the applicant.

9. Interim Relief if any.

The directions may be issued to the opp. parties to give the appointment to the applicant on the post of Mazdoor at once without any further delay.

10. Particulars of the Postal Order.

Lal Singh

- No. of the Indian Postal order 02 425963
- Name of issuing P.O. *Dilkhush Ladh*
- Date of issue of P.O. 15-5-90
- Post Office at which payable. G.P.O / Ladh (All)

A 16

7.

In Verification

I, Lalmuni Singh ~~employed as~~ the above named applicant do hereby verify that the contents from para 1 to 10 are true to my personal knowledge and belief and that I have not suppressed any material fact. *Lalmuni Singh*

Dated :- 18.5.90

Applicant.

J. B. Joshi
Counsel for the
applicant.

In the Central Administrative Tribunal,
Additional Bench Allahabad
Circuit Bench, Lucknow.
Lal Muni Singh ... applicant.
The Union of India & Others ... Respondent.
Annexure no. 2 A 17

भारत सरकार
GOVERNMENT OF INDIA
केन्द्रीय स्टोर्स विभाग

CANTEEN STORES DEPARTMENT

Telegrams : CANSIND

"ADELPHI"

Telex : 11 2761 CASD IN

119, MAHARSHI KARVE ROAD,

Telephones :

BOMBAY-400 020.

297120-40-80 297142

रक्षा मंत्रालय

MINISTRY OF DEFENCE

Ref. No. : 3/A-1/1107 (Lucknow) /2740

Date : 28 April '90.

Shri. Lal Muni Singh,
C/O Hanuman Gen. Stores,
Tezi Bagh,
LUCKNOW.

PANEL FOR MAZDOOR.

Reference your representation dated 23.3.90 forwarded by Regional Manager (Central) vide their letter No. RMC/041/2277 dated 23.3.90.

2. Your case has been examined very carefully and this is to inform you that your name has not been considered for including in the panel of Mazdoor by the competent authority as you were neither working at our Lucknow Depot as daily rated employee at the time of drawing the panel on 29/30th Nov '88 nor your name has been sponsored by the Employment Exchange.

3. Since your name is not in the panel of Mazdoor, it is regretted that we cannot offer you appointment for the job in this department.


(A.N. ANAND)
Manager (P)
For General Manager

cc : RM(Central), Lucknow.

cc : The Manager, CSD Depot, Lucknow.

प्रिया रक्षा व्यवस्थार विभाग के नामसे करें, न किसी व्यक्तिके नामसे

Please address communication to the department and not individuals by name.

True copy
Attested
F. B. 2/105
18/5/90

In the Central Administrative Tribunal
Additional Bench, Allahabad

A/Q

Circuit Bench, Lucknow.

O. A, No. of 19990

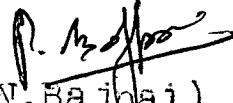
Lal Muni Singh applicant.
Versus
The Union of India & others ... Opp. Parties.

Compilation - B

3. No. Particulars of documents relied upon alongwith Annexure No. Page No

1.	<u>Re</u> Annexure Annexure No. 1.	1-3
	Draft of appointment order	
2.	Vakalatnama	4

Dated :- 17.5.90


(P.N. Bajpai)
Advocate.
Counsel for the
petitioner.

9

In the Central Administrative Tribunal
Additional Bench Allahabad
Circuit Bench, Lucknow.

O.A No. of 1990 (L)

Lal Muni Singh ... Applicant

vs.

The Union of India & others ... Opp. parties.

Annexure No. '1'

Government of India,
Ministry of Defence
Canteen Stores Department,
"Adelphi" 1/9, M.K. Road,
Bombay - 400020

Ref 3/A-1

Dated:-

Sub:- APPOINTMENT :-

This is hereby informed that he is appointed as temporary Mazdoor in this Department with effect from 15.03.90 and is posted at Lucknow under the following terms and conditions:-

(i) Medical Fitness

This appointment is subject to his being declared medically fit by the MO Incharge MI room MH Lucknow. It will be open to the Department to get him medically examined at any time during the tenure of his service to ascertain his medically fitness.

True copy

Attested

A. M. Kapoor
18/5/1990

(ii) SCALE OF PAY :-

This appointment carries the pay scale

(ii) SCALE OF PAY

This appointment carries the pay scale of Rs. 750-12-870- EB 14-940 and he/will be entitled for an initial pay of Rs. 750/- per month plus allowances as applicable.

(iii) PROBATION

He will be on probation for a period of two years during which his/ services are liable to be terminated without assigning any reason or notice.

(iv) TA/ DA

No TA/DA is admissible for his / joining duty.

V) SERVICE LIABILITY

He / shall be prepared to serve in any establishment of this Department in any part of India, including operational areas and to abide by all rules adverning the conditions of service in this Department which he shall confirm in writing before 15.03.90 in the proforma attached.

(vi) COUNTING OF PRE-RETIRE CIVIL / MILITARY SERVICE

The option for counting the pre-retirement civil service or military service for qualifying for pension in accordance with the provisions or rule 18 or 19 of the CCS(Pension) rules as the case be must be exercised within 3 months from the date of his / confirmation. (APPLICABLE FOR RE-EMPLOYED GVT. SERVANT REQUESTS/ claims

Lal Singh

True copy
settled

J. B. J. 18/5/90

3.

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A1

received after 3 months after the date of confirmation will NOT be entertained.

(vii) This appointment carries the clear stipulation that any post service rendered in the department as a daily rated casual of pay, seniority, promotion pension etc.

(viii) In case he / belongs to one of the recognised scheduled caste categories, he / will inform the Appointing / Administrations authority immediately he / changes his / religion as no person professing religion can be deemed to be a member of scheduled caste.

If the above terms and conditions are acceptable to him / her in toto, he / may report to this office / the Manager, CBD Depot Lucknow at the following address, with original testimonial in support of Date of Birth, Educational qualification, Costs Certificate etc.

15.3.90

Canteen Stores Department,
39, Havelock Lines,
Kitchner Road, P.O. Box no. 1002
Lucknow - 227002.

(A. THYAGANAJAN)
Brigadier
Joint General
Manager-II
For General Manager
Canteen Stores
Department.

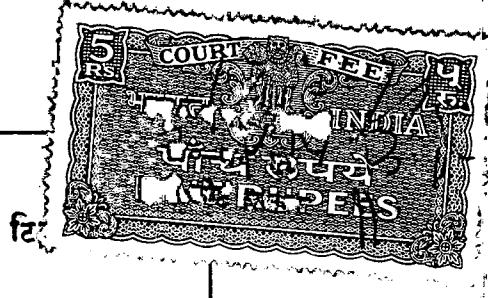
TRUE COPY

True copy
A. Thyaganajan
Secty
(7-5-90)

Lalmuni Singh

ब अदालत श्रीमान Additional Bench Alld. (Circuit Bench)
 वादी अपीलान्ट श्री प्रतिवादी रेस्पाडेन्ट
 Lucknow का प्रणालितनामा

Lal Muni Singh



The Union of India.

बनाम

प्रतिवादी (रेस्पाडेन्ट)

नं० मुकद्दमा

सन्

पेशी की ताता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री प्रयाग नारायण बाजपेई ऐडबोकेट एवं श्री कार्तिकेय बाजपेई ऐडबोकेट श्रौरो जी रौड, लखनऊ महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिये यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आये।

लाल मुनी सिंह
हस्ताक्षर

साक्षी (गवाह) शिवराम प्रियाकारी (गवाह)

दिनांक १७.६. महीना ५ सन् १६ ई० ९०

Accepted

(P. N. Bajpai)
Advocate.
17.5.90

In the Central Administrative Tribunal at Allahabad,
Circuit Bench, Lucknow.

Misc. Application No. M. P. No. 151/91 C,
of 1990

on behalf Respondents.

In

Case No. 178 of 1990

Lal Man Singh

versus.

..... Applicant.

Union of India & Others..... Respondents.

APPLICATION FOR CONDONATION OF DELAY

The respondents respectfully beg to submit as under :-

1. That the written reply on behalf of the respondents could not be filed within the time allotted by the Hon'ble Tribunal on account of the fact that after receipt of the parawise comments from the respondents, the draft-reply was sent to the department for vetting.
2. That the approved written reply has been received and is being filed without any further loss of time.
3. That the delay in filing the written reply is bonafide and not deliberate and is liable to be condoned.

*Filed today
S. S.
2/4/91*

WHEREFORE, it is prayed that the delay in filing the written reply may be condoned and the same may be brought on record on which the respondents shall ever remain grateful as in duty bound.

D. S. S.

Lucknow :

Dated : 2-4-91

(Dr. Dinesh Chandra)
Counsel for the Respondents.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH LUCKNOW

R29

Counter-affidavit on behalf of Respondents

In re

D.A. No 178 of 1990

IX Lal Mani Singh.....Applicant

Versus

Union of India & Ors.....Respondents

.....

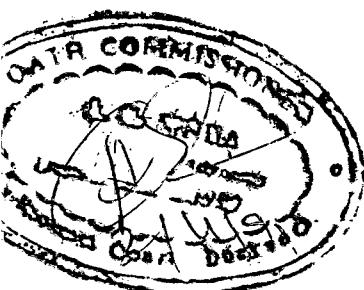
I, D L Handa aged about 54 yrs S/o Late Shri

...Bhagwan Das Handa...., manager, Canteen

Stores Depot, Cantonment Lucknow do hereby solemnly affirm

and state as under :-

1. That the deponent has read the application filed by Shri Lal Mani Singh and has understood the contents thereof. He is well conversant with the facts of the case deposed hereinafter and is filing this counter-affidavit on behalf of all the Respondents.



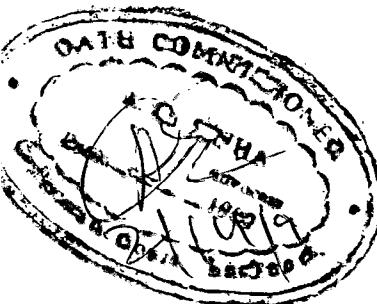
My / Test /

A 25

2. That the contents of paras 1 to 3 need no comments.

3. That in reply to para 4(i) it is stated that the applicant was engaged as a daily rated Mazdoor on 9.5.1983 to do ~~all~~ odd jobs and worked as such till 23.11.85. It is denied that he worked upto the year 1986. After 23.11.85 he did not seek engagement as a Mazdoor in Canteen Stores Depot Lucknow.

4. That in reply to paras 4 (II) and 4(III) it is stated that the applicant appeared before the local Selection Board and was selected and empanelled on 29/30.11.88 for Group D Post. The Panel drawn on 29/30.11.88 was sent to Head Office ~~xxxxxx~~ Office Bombay on 12.12.88 (Annexure 3 of the application). According to policy decision with regard to regularisation of all daily rated workers in Canteen Stores Depots, it was to be made after drawal of All India Seniority List at Head Office Bombay of all the daily rated mazdoors. This seniority list was to be prepared from the panel drawn by the various Depots in respect of those mazdoors who had been working there. Depot Panel was to be treated as recommendations of Local Board. A copy of the said policy decision is being filed as Annexure R-1. It is pertinent to submit that the applicant was not working at the Depot at the time when the selection was made and the panel was drawn. The panel was drawn on 29/30.11.88 and the applicant had ceased to work after 23.11.85. Thus the name of the applicant was erroneously included in the panel and on instructions from the Head Office his



A/26

name was deleted from the panel/approved list of candidates vide letter No 3/A-I/1107(Lucknow)/7434 dated 18.9.89. (copy being filed as Annexure R-2).

5. That the contents of paras 4(IV) and 4(V) are admitted.

6. That in reply to paras 4(VI) to 4(VIII) it is stated that the names of the candidates namely S/Shri Ram Sewak, Shiv Nath, Sukh Lal and Raja Ram were not sponsored by the Employment Exchange. However their last date of working is indicated below :-

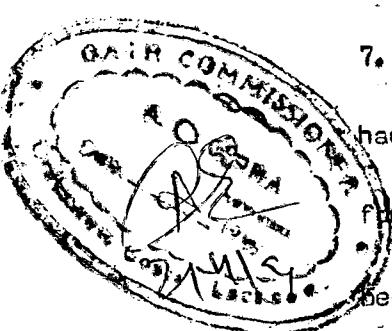
	<u>Last date of Working</u>	<u>Date of Engagement</u>
S/Shri Ram Sewak	9.12.86	30.3.83
" Shiv Nath	12.12.88	1.10.83
" Sukh Lal	29.11.88	14.9.83 ✓
" Raja Ram	27.10.88	6.2.84 ✓
" Lal Mani Singh	23.11.85	9.5.83

The panel was drawn on 29.11.88.

7. That the reply to para 4(IX) it is stated that the applicant had worked for the minimum number of days as compared to other four candidates who were included in the panel. Thus there has been no discrimination with the applicant.

8. That in reply to paras 4(X) to 4(XII) it is stated that the applicant was not working in the Lucknow Depot at the time when the panel of Mazdoors for regularisation was drawn. His name was also not sponsored by the Employment Exchange as a fresh candidate. The applicant had left the job in Nov 1985, three years

W.M. [Signature]



A 27

before the panel was drawn in Nov 88.

9. That the contents of para 4(XIII) are admitted.

10. That the contents of para 4(XIV) are denied. The applicant is not entitled for appointment/regularisation as his name was neither sponsored by the Employment Exchange as a fresh candidate nor his name could be considered as a departmental candidate as he was not in employment in Nov 88 when the panel was drawn. As a matter of fact the applicant had left the job in Nov 1985.

11. That the contents of 4(XV) need no comments. There has, however, been no denial of natural justice, in the present case.

12. That in reply to 4(XVI) it is stated that the applicant has left the job in Nov 85. The question of seniority does not arise in his case for considering his name for inclusion in the panel as when the panel was drawn he was no more in the employment.

13. That comments on "Grounds for relief" contained in various sub paragraphs of paragraph 5 are furnished below in seriatum:-

5(a) - That the applicant's name was wrongly included in the panel, as his name was neither sponsored by the Employment Exchange as a fresh candidate nor he was working at the Depot at the time of preparation of the panel in Nov 1988.



Contd....5

5(b) & (c) - The applicant's name was wrongly entered in the panel

5 (d) - Need no comments.

5(e) - No show cause notice was necessary before deleting his name from the panel as he was not in the employment when the panel was drawn. Nor was he in employment when this name was deleted from the panel. The mistake committed by including his name in the panel was later on rectified by deleting his name from the panel.

5 (f), 5(g) & 5 (h) - Contents denied the selection of candidates for inclusion in the panel was correctly made without any prejudice. As applicant did not qualify for inclusion in the panel his name was later on deleted from the panel. The applicant was not eligible for appointment/regularisation.

14. That the contents of paras 6 & 7 need no comments.

15. That in view of the submission made in the above paragraphs the reliefs sought for in para 8 and interim relief prayed for in para 9 are not admissible.

Wherefore it is respectfully prayed that the application may kindly be dismissed with costs at the same is without merit.

Lucknow

Dated: 21/1/92

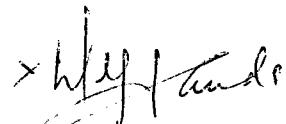


Deponent

A 29

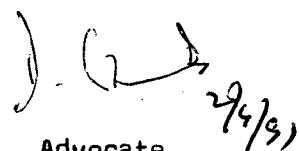
Verification:

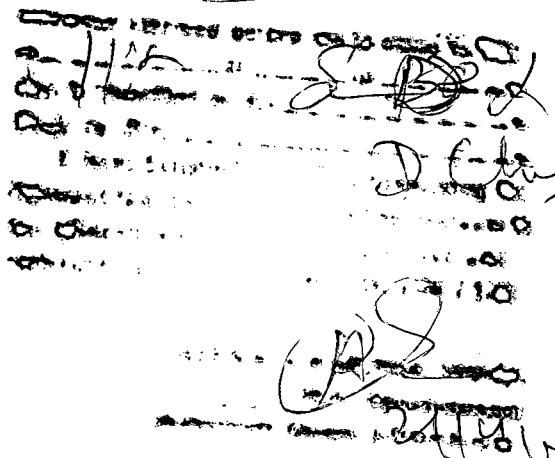
I, the deponent named above do hereby verify that the contents of paras 1 & 2 are true to my personal knowledge and those of paras 3 & 4 are believed to be true by me based on record and legal advice. No part of it is false and nothing has been concealed. So help me God.

X
Lucknow

Deponent

Dated : 2-4-91

I identify the deponent who has signed before me.


Advocate


Dr. Mohan

Annex- B-1
(2 pages)

A 30

~~SECRET~~
GOVERNMENT OF INDIA
MIN. OF DEF.
CANTEEN STORES DEPARTMENT
"ADELPHI"
BOMBAY - 400 020.

Ref : 3/A-1/1001/1013

Date: 3 Jan '89.

To,
All Depot Managers.

ENGAGEMENT OF DAILY RATED GP 'C' & 'D'

The policy regarding engagement of casual/daily rated staff has been reviewed by the Govt and OM No. 49014/2/66-Est(C) dt. 7th June '88 issued. As far as engagement of casual/daily rated employees is concerned this OM is to be strictly complied with. Any violations of this letter is likely to result in such employees seeking redress against retrenchment.

2. From the guidelines enumerated in the OM it is clear that we cannot engage any staff on casual/daily wages basis for work of a regular nature or to fill up gaps in establishment strength.

3. Casual/daily rated staff may be engaged through Employment Exchange or through DSS&A Board only for specific jobs of casual nature for which specific sanctioning of Head Office is required. This may involve seasonal work like grass cutting at a depot, or additional work in connection with salvage or retrieval of Govt. property in flood/fire losses or other natural calamities.

4. As regards regularisation of Group 'C' daily rated LDCs, appointment letters in respect of successful candidates in the departmental examination held on 11th Oct '88, are under issue, and their services will be regularised shortly. The services of daily rated LDCs who have failed and not covered by Court Stay Order stand terminated. The remaining daily rated LDCs who have failed but whose names are covered by the Court Stay Order will continue to work till such time their cases are finally decided by Courts. Their services will also be terminated or regularised immediately, depending upon the verdict of the court. Till then the regular vacancies will be filled by daily rated employees who have already passed the departmental test on regular basis from HO or by the regular incumbents sponsored by the Staff Selection Commission.

5. For regular day to day work, casual/daily rated staff cannot be engaged. Vacancies available in the regular establishment is to be made good only through SSC for which requisition to Regional Staff Selection Commission will be made by HO from time to time.

6. As on 14 Jan '89 we have total 371 vacancies including that of Jammu depot. It is proposed to fill 295 vacancies from the candidates who have passed the examination and further 83 vacancies are proposed to be kept reserved for candidates who are covered by Court Stay Orders and also the candidates who have failed in the examination. If the Govt does not agree for retesting of the failed candidates, then we will have to fill in the vacancies with candidates sponsored by Staff Selection Commission.

: 2 :

7. The regularisation of all Group 'D' daily rated employees will be made after drawal of All India Seniority List at HO. This seniority list will be prepared out of panels drawal by the Depots in respect of those who have already been working at those Depots. Depot panels will be treated as recommendations of Local Board. Action is in hand and vacancies will be filled up immediately after drawal of All India Seniority List.

8. In view of the above policy, the engagement of daily rated mazdoors will cease w.e.f. 1 Mar '89 by which date we would have issued letters for regular appointments.

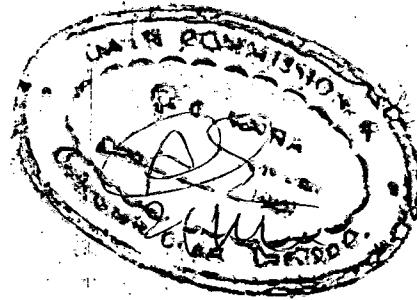
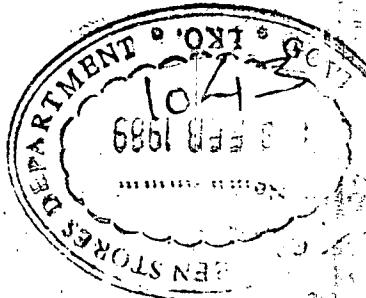
9. Since SIU strength is inclusive of leave reserve, no relief will be asked for or provided against staff proceeding on leave.

10. Copy of Govt OM on the subject is enclosed for perusal and guidance.

Encl : a/a.

My
(A. THYAGARAJAN)
Brigadier
Joint Gen. Manager-II
for Gen. Manager.

cc : All DGMs at HO.
cc : All RMs/DGM (Base).
cc : All AGMs at HO.
cc : All Managers at HC.



Annex-2

कॉन्ट्रीन स्टोर्स विभाग
CANTEEN STORES DEPARTMENT

From

Head Office
Admn Branch
Bombay-20.

To,

The Manager,
CSD Depot,
Lucknow.

Ref. No. 3/A-1/1107(Lucknow)/7A-3A

Date 18 Sept '89

REGD.A.D.

Sub: Panels-Driver-cum-Mechanic,
Watchman and Mazdoor

Reference your letter No. LUD/EST/34/480 dated 2 June 89 and telegram and its confirmatory copy No. LUD/EST/34/839 dated 8 Jul 89.

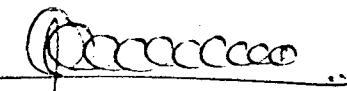
2. Duplicate copies of the panels for Driver-Cum-Mechanic, Watchman and Mazdoor duly approved are sent herewith alongwith Board proceedings etc. for your record.

3. The panel for Driver-Cum-Mechanic will be valid for a period of one year from the date of its approval i.e. 12-7-89. ~~Expiry 12-7-90~~

4. Please note that the names of S/Shri. Lal Kuni Singh and Rajesh Kumar have been cancelled from the panel of Mazdoor as they were not in service on daily wages at the time of drawal of the panel for the post of Mazdoor.

Encl: a/a

L (S/No. 3 & 11
respectively)


M.K. GUPTA
Manager(P)
For General Manager

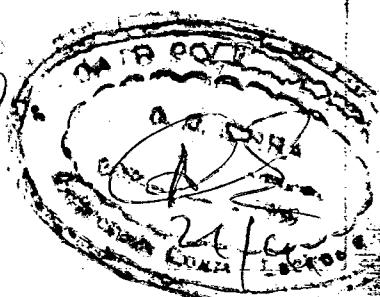
cc: RM(CENTRAL) period

1. Extension of validity period
by letter No. 3/A-1/1107(Lko)
M/138/11-6 July 90

extended upto 12-7-90

Wifam

27/9/89



In the Central Administrative Tribunal
Additional Bench Allahabad

Circuit Bench Lucknow. AB3

O.A. No. 178 of 1990(L)



Lal Muni Singh

.. Applicant

VS.

The Union of India & Others... Respondent.

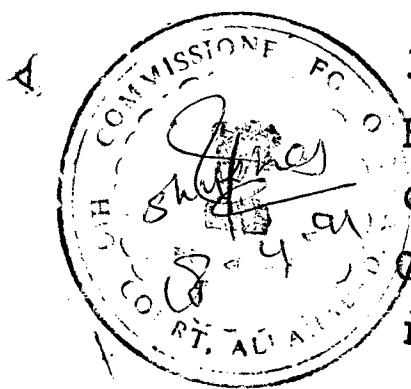
Rejoinder Affidavit

I, Lal Muni Singh, aged about 33 years
S/O Sri Bansraj, R/O 49, Laxman Prasad Road,
through Sri Naumi Lal, Golaganj, Lucknow, do
hereby solemnly affirm as under-

1. That the deponent is the petitioner
He is fully conversant with the facts of the
case. He has understood the contents of the
counter Affidavit filed on behalf of the
respondent.

2. That the contents of para 1 & 2 of
the C.A. needs no reply.

3. That the contents of paras 3 of the C.A.
are admitted to the extent of the date of
appointment on 9.5.83 but rest of the contents
are denied. The deponent worked till Feb. 1986
He had received the wages till then, which
will be evident from the Register of the pay-
ment of wages. Thereafter no work was given



Filed today
3/9/91

Lal Muni Singh

2.

to the Petitioner.

A 34

4. That the contents of para 4 of the C.A. are admitted to the extent of selection made at the Lucknow office, but rest of the contents are denied. The name of the deponent was included in the penal prepared at Lucknow but at the Head Quarter at Bombay the name of the deponent was ignored without any just cause. The policy is arbitrary and discriminatory. The persons similarly situated have been included in the select list but the deponent has been ignored arbitrarily. Most of the persons in the penal of Lucknow were not in job on the date of preparation of the penal but the name of the deponent alone was not included and the name of all other person was included. The case of Sri Ram Sewak is similar to the case of the deponent. Sri Ram Sewak has been included in the select list but the Petitioner has been ignored. It is wrong to say that the name of the deponent was wrongly included in the penal. The Opp. parties are stopped to say that the name of the deponent was included illegally in the penal prepared at Lucknow.



5. That the contents of para 5 of the C.A. needs no reply.

6. That the contents of para 6 of the C.A. are denied as stated. The deponent worked till Feb. 1986 and not till 23.11.85. In fact on the date of preparation of the Penal no one was in service, whose names

Lalmani Singh

3.

are given in para under reply. *ABG*

7. That the contents of para 7 of the C.A. are denied. There is no limitation of working days to include the name in the panel. The discrimination has been done with the deponent certainly. The complete select list has not been filed which was prepared at Bombay, hence proper reply is not possible. It appears that the correct facts have been concealed.

8. That the contents of para 8 of the C.A. are denied. Non of the candidate included in the panel was working on the date of preparation of the panel. The name of the not only the deponent was sponsored by the Employment Exchange, none of the candidate was sponsored from the Employment Exchange. It is wrong to say that the deponent left the job in Nov.85. In fact he has worked till Feb.1986, and thereafter the work was not taken from the Deponent. He was not engaged by the Deptt. due to the shortage of the work.

9. That the contents of para 9 of the C.A. needs no reply.

10. That the contents of para 10 of the C.A. are denied. The contents of para 4 ~~§(14)~~ of the application are reiterated. The name of the deponent could not be left to be included in the ~~xxx~~ select list on the grounds mentioned in para under reply. None of the candidate was sponsored from the Employment Exchange and no one was in job on the date of preparation

Lalman Singh



ASB

of the penal at Lucknow. The discrimination could not be done with the deponent.

11. That the contents of para 11 of the C.A. are denied. The principles of natural justice have been violated.

12. That the contents of para 12 of the C.A. are denied. It is wrong to say that the deponent left the job himself. In fact he was not engaged due to shortage of work. The question of seniority is relevant as the junior could not get any benefit in comparison to senior.

13. That the contents of para 13 of the C.A. are denied. The contents of para 5 of the application are reiterated.

5(a) Denied. The opposite parties are stopped to say that the name of the deponent was wrongly included in the penal. They are bound by their own acts. Further there is no provision of not including the name of the person who had not worked for any specific period. The name of the deponent was rightly included in the penal. ~~Exxxxxxx~~

5(b) & (c) denied. The name of the deponent was rightly included in the penal at Sl. No. 4.

5(d). Needs no reply.

5(e)- Denied. The notice to show cause was necessary as the deponent was included in the penal prepared at Lucknow. The name of the none of the candidates sponsored by the

Lalman Singh



AB7

Employment Exchange. The name of the deponent could not be struck off from the panel without serving the show cause notice.

5(f) (g) & (H) - Denied. The deponent was qualified. Hence his name was included in the list. The discrimination has been done with the deponent. The deponent is entitled to get the appointment like other candidates of panel prepared at Lucknow.

14. That the contents of para 14 of the C.A. needs no reply.

15. That the contents of para 15 of the C.A. are denied. The deponent is entitled to get the reliefsclaimed. He is also entitled to get the interim relief prayed for

16. That the application is liable to be allowed, with costs. *Lalmuni Singh*

Dated: 18-4-1991

Deponent.

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 6, 8, 9, 10, & 12 of the R.A. are true to my knowledge and the contents of paras 7, 11, and 13 to 16 are true to the belief of the deponent. Nothing material has been concealed and no part of it is false, so help me God.

Signed and verified today this the day of April, 1991, in the ~~High~~ Court Compound at Lucknow. *Lalmuni Singh*

Deponent.

6.

ASQ

I identify the defendant who has signed
before me.

(P.N. Bajpai)
Advocate.

Solemnly affirmed before me on 18-4-91
of April, 1991, at 10.20 A.M./P.M. by
Sri P.N. Bajpai, Advocate, High Court of
Judicature at Allahabad (Lucknow Bench)
Lucknow.

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

Ealmuni Singh

Shrivastava
S H H. SRIVASTAVA
118/10, *Indiranagar*
10th Cross, 2nd Main
Kukatpally, Hyderabad
asknow.

In the Central Administrative Tribunal
Additional Bench Allahabad

Circuit Bench Lucknow.

O.A. No. 178 of 1990(L)

Lal Muni Singh .. Applicant

vs.

The Union of India & Others... Respondent.

Rejoinder Affidavit

I, Lal Muni Singh, aged about 33 years
S/O Sri Bansraj, R/O 49, Laxman Prasad Road,
through Sri Naumi Lal, Golaganj, Lucknow, do
hereby solemnly affirm as under:-

1. That the deponent is the petitioner
He is fully conversant with the facts of the
case. He has understood the contents of C.A.
Counter Affidavit filed on behalf of the
respondent.
2. That the contents of para 1 & 2 of
the C.A. needs no reply.
3. That the contents of paras 3 of the C.A.
are admitted to the extent of the date of
appointment on 9.5.83 but rest of the contents
are denied. The deponent worked till Feb. 1986
He had received the wages till then, which
will be evident from the Register of the pay-
ment of wages. Thereafter no work was given

Lal Muni Singh

2.

To the Petitioner.

AO/10

4. That the contents of para 4 of the C.A. are admitted to the extent of selection made at the Lucknow office, but rest of the contents are denied. The name of the deponent was included in the penal prepared at Lucknow but at the Head Quarter at Bombay the name of the deponent was ignored without any just cause. The policy is arbitrary and discriminatory. The persons similarly situated have been included in the select list but the deponent has been ignored arbitrarily. Most of the persons in the penal of Lucknow were not in job on the date of preparation of the penal but the name of the deponent alone was not included and the name of all other person was included. The case of Sri Ram Sewak is similar to the case of the deponent. Sri Ram Sewak has been included in the select list but the Petitioner has been ignored. It is wrong to say that the name of the deponent was wrongly included in the penal. The Opp. parties are stopped to say that the name of the deponent was included illegally in the penal prepared at Lucknow.

5. That the contents of para 5 of the C.A. needs no reply.

6. That the contents of para 6 of the C.A. are denied as stated. The deponent worked till Feb. 1986 and not till 23.11.85. In fact on the date of preparation of the Penal no one was in service, whose names

Lalman Singh

A 41

are given in para under reply.

7. That the contents of para 7 of the C.A. are denied. There is no limitation of working days to include the name in the panel. The discrimination has been done with the deponent certainly. The complete select list has not been filed which was prepared at Bombay, hence proper reply is not possible. It appears that the correct facts have been concealed.

8. That the contents of para 8 of the C.A. are denied. Non of the candidate included in the panel was working on the date of preparation of the panel. The name of the not only the deponent was sponsored by the Employment Exchange, none of the candidate was sponsored from the Employment Exchange. It is wrong to say that the deponent left the job in Nov. 85. In fact he has worked till Feb. 1986, and thereafter the work was not taken from the Deponent. He was not engaged by the Depts. due to the shortage of the work.

9. That the contents of para 9 of the C.A. needs no reply.

10. That the contents of para 10 of the C.A. are denied. The contents of para 4 &(14) of the application are reiterated. The name of the deponent could not be left to be included in the ~~xx~~ select list on the grounds mentioned in para under reply. None of the candidate was sponsored from the Employment Exchange and no one was in job on the date of preparation

Lalmuan Singh

of the penal at Lucknow. The discrimination could not be done with the deponent.

11. That the contents of para 11 of the C.A. are denied. The principles of natural justice have been violated.

12. That the contents of para 12 of the C.A. are denied. It is wrong to say that the deponent left the job himself. In fact he was not engaged due to shortage of work. The question of seniority is relevant as the junior could not get any benefit in comparison to senior.

13. That the contents of para 13 of the C.A. are denied. The contents of para 5 of the application are reiterated.

5(a) Denied. The opposite parties are stopped to say that the name of the deponent was wrongly included in the penal. They are bound by their own acts. Furthermore there is no provision of not including the name of the person who had not worked for any specific period. The name of the deponent was rightly included in the penal. ~~Exxxxxxx~~

5(b) & (c) denied. The name of the deponent was rightly included in the penal at Sl. No. 4.

5(d). Needs no reply.

5(e)- Denied. The notice to show cause was necessary as the deponent was included in the penal prepared at Lucknow. The name of the none of the candidates sponsored by the

Lal Singh

Employment Exchange. The name of the deponent could not be struck off from the panel without serving the show cause notice.

5(f) (g) & (H) - Denied. The deponent was qualified. Hence his name was included in the list. The discrimination has been done with the deponent. The deponent is entitled to get the appointment like other candidates of panel prepared at Lucknow.

14. That the contents of para 14 of the C.A. needs no reply.

15. That the contents of para 15 of the C.A. are denied. The deponent is entitled to get the reliefsclaimed. He is also entitled to get the interim relief prayed for.

16. That the application is liable to be allowed, with costs.

Lal mani Singh

Dated: 4.1991

Deponent,

Verification.

I, the above named deponent do hereby verify that the contents of paras 1 to 6, 8, 9, 10, & 12 of the R.A. are true to my knowledge and the contents of paras 7, 11, and 13 to 16 are true to the belief of the deponent. Nothing material has been concealed and no part of it is false, so help me God.

Signed and verified today this the day of April, 1991, in the High Court Compound at Lucknow.

Lal mani Singh

Deponent.

6.

9/4/

I identify the deponent who has signed
before me.

(P.N. Bajpai)
Advocate.

Solemnly affirmed before me on
of April, 1991, at A.M./P.M. by
Sri P.N. Bajpai, Advocate, High Court of
Judicature at Allahabad (Lucknow Bench)
Lucknow.

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